(4) take such other steps as may be necessary to determine the fate of personnel still considered to be missing in action; and

Whereas the Government of the Democratic Republic of Vietnam and the Provisional Revolutionary Government of Vietnam have failed to comply with the obligations and objectives of the agreement and joint communiqué; and

Whereas the Lao Patriotic Front has failed to supply information regarding captured and missing personnel or the burial sites of personnel killed in action, as provided in the Laos agreement of February 21, 1973, and the protocol of September 14, 1973; and

Whereas it has not been possible to obtain information from the various Cambodian authorities opposed to the Government of the Khmer Republic concerning Americans and international journalists missing in that country; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that new efforts should be made by the Government of the United States through appropriate diplomatic and international channels to persuade the Government of the Democratic Republic of Vietnam, the Provisional Revolutionary Government of Vietnam, and the Lao Patriotic Front to comply with their obligations with respect to personnel captured or killed during the Vietnam conflict and with respect to personnel still in a missing status; that every effort should be made to obtain the cooperation of the various Cambodian
1 authorities in providing information with respect to personnel
2 missing in Cambodia; and that further efforts should be made
3 to obtain necessary cooperation for search teams to inspect
4 crash sites and other locations where personnel may have
5 been lost.
6
7 SEC. 2. Upon agreement to this resolution by both
8 Houses of the Congress, the Secretary of the Senate shall
9 transmit a copy of such resolution to the President of the
10 United States.

Senator Percy. I have just one or two technical questions to ask of
Mr. Albright, and a comment for you, Mr. Mills.

EXPECTATIONS AT TIME OF CEASE-FIRE AGREEMENT

At the time of the cease-fire agreement, what were your expecta-
tions regarding the steps that would be taken to secure an accounting
for those men who would not be returned?

Mr. Albright. I think that most of us felt that by now we would
have had access to many of the areas, our teams would have been in,
that the bodies would have been returned, the remains, that many of
us would have known. You see, at the time of the last prisoner ex-
change, we were being told, and maybe properly—I don’t know, it is
hard to judge this—we were being told by the State Department and
DOD that the record of performance of the North Vietnamese was
quite good up to that point; all the exchanges had in fact taken place
almost on schedule, and it would be wise for us to let the procedures
go and see if they continued to perform and, as Mr. Mills said, it is
perhaps because we let those procedures go that we dropped the public
awareness of this issue at that moment.

You can also go back and second-guess that. I would expect that most
of us felt, I know I did, that a year later most of the accounting would
have in fact been done, and that is about all I can say.

Senator Percy. You had expectations from Government officials that
procedures satisfactory to you would be followed?

Mr. Albright. Yes, we were told again and again that delicate nego-
tiations were under way, that we really should be patient, it was being
done, and I think as months passed all of us became quite disillusioned
with that sort of remedy.

Senator Percy. Did these officials convey the impression to you that
the North Vietnamese had agreed to procedures which we had in mind
such as the sending of Joint Casualty Resolution Center search teams into North Vietnam?

Mr. ALBRIGHT. No, I do not think we were ever, Senator Percy, assured that that permission had been granted. What we were assured of all along was that the negotiations were in process. It looked like it might happen. I do not think they were holding out, say in midyear, a great deal of hope because I think by then the reality was fairly clear that the other side was in fact refusing to discuss this in any meaningful way. However, our feeling all along, to answer your first question, was that by now we would have been well down the road to a full accounting.

Senator PERCY. Was it your impression from your meetings with executive branch officials that article 8(b) of the Accords would be implemented without reference to the implementation of other articles?

Mr. ALBRIGHT. That was our understanding, that it was not at all tied up to release of political prisoners or any other considerations, that our MIA accounting was a separate thing in itself.

Senator PERCY. Finally, just to draw on your advice, and I would like to have you comment, do you believe the United States should agree to discuss the implementation of all aspects of the accounts as a trade-off for North Vietnamese willingness to provide any and all additional information they have regarding the missing in action?

Mr. ALBRIGHT. No, sir, I do not. I think it should be kept separate.

Mrs. DUNN. Just one thing I would like to add is that when you said were we led to believe within a year would there be an accounting, I heard three servicemen who were prisoner-of-war casualty officers saying, "We can get rid of the Navy MIA’s in 3 months, we hope to wipe out the Air Force in 9 months." A general told me that; so they had no idea of accounting for all of our guys if they can wipe out the Navy in 3 months and Air Force in 9 months.

Senator PERCY. Yes, Mr. Mills.

Mr. MILLS. We were aware of the delicate negotiations that were being carried out to obtain the release of the listed POW’s who were named by North Vietnam. However, since that time, we have had encouragement, especially from the Defense Department: "Now that we have government-to-government contact, it would be perhaps best to let us handle these delicate negotiations."

Well, they may be delicate, but they certainly have not proven fruitful in obtaining an accounting of our men.

COMMENDATION OF WITNESSES AND OTHERS

Senator PERCY. Mr. Mills, I would simply like to say personally to you that your daughters, Ann Griffiths and Judie Taber, came to my office Friday and made an eloquent presentation. I wish we had time today to hear from them; they are wonderful. And we very much appreciate, all of us, the information, the help, the advice and counsel that we have had from you. All of you are extremely knowledgeable on this issue, and your testimony has been very helpful to us.

My friend, Mrs. Gordon Perisho of Quincy, Ill., is here, and George Shine of Pleasantville, N.Y., is here. Mr. Shine not only lost one son
in Indochina, but has another son in MIA status. I join my colleagues in expressing our appreciation to all of you who have come here today.

As you may know, I have had meetings in my office and over at the State Department to keep up to date on this problem, and I will also be interested in the testimony of the Government witnesses today. But I would also like to advise you that I shall have a private meeting within an hour with Ambassador Dobrynin of the Soviet Union and, though I do not intend to say, "Anatoly, old boy," [laughter] exactly that way, I will take with me your testimony and I intend to read him verbatim exactly what you have said. I could not find words to express our concern any better than that.

[Applause.]

Mr. MILLS. One final comment and I will—Senator Percy, I appreciate very much your kind words regarding my daughters. They have a fine brother that we are working for, all of us.

Thank you.

The CHAIRMAN. Senator Griffin.

Senator GRIFFIN. Mr. Chairman, time is precious this morning and it would be hard to top Senator Percy's performance. I do want to say that I am very proud of the activity and work of the Michigan group, which also has a statement that will be put in the record. [See appendix.]

WORTH OF HEARINGS

As we contemplate the shortcomings, and they have been very eloquently pointed out here, of what has been done in this area, I think that we can at least say that these hearings this morning are a step in the right direction. If they are the beginning of providing a foundation for further efforts, they certainly will be well worth while.

Thank you.

The CHAIRMAN. Thank you very much. I am quite sure these hearings will inspire a renewed effort on the part of our Government to do something about the situation. I would like to allow more time for continued discussion, but I think you probably also are interested in hearing what the representatives of the State Department and Defense Department have to say about it.

I think your statements have been most eloquent and very inspiring of the renewed interest in this question.

Senator SYMINGTON. Mr. Chairman, I would ask one question of Mrs. Dunn, if I may.

GENERAL'S STATEMENT CONCERNING "WIFE OUT"

What did the general mean by "wipe out"?

Mrs. Dunn. Meaning we could have mass status changes.

Senator SYMINGTON. Have what?

Mrs. Dunn. Meaning that most of them they felt they could wipe out, and that is the quote.

Senator SYMINGTON. By status change.

Was he discussing this with you officially? Was he the representa—
Mrs. Dunn. He was at a board meeting and the question was put to him and that is how it came out.

Senator Symington. You would not care to give his name to the Armed Services Committee?

Mrs. Dunn. I will give it to you in private.

Senator Symington. Mr. Chairman, thank you.

STATEMENT OF GEORGE D. GRAZIOSI, ROCHESTER, N.Y.

Mr. Graziosi. My name is George Graziosi, Rochester, N.Y.

I may be out of order, as I am not a scheduled speaker, but I would like to say a few words. I am here for the same purpose as Mr. Mills, Scott Albright, and all the members of MIA's families assembled here.

I am the father of an only child who is listed as an MIA. As I am getting along in years, I am concerned as to how long I must wait to know the fate of my son.

Gentlemen, this is the question I and other families assembled here ask of you.

Senator Javits. Well, Mr. Chairman, I think we understand it perfectly. We have expressed what was in our hearts, too. We do not want you to wait an hour, and that is the way we must be thinking and that is the way we will be thinking.

Mr. Albright. Mr. Chairman, on behalf of Mrs. Dunn, Mr. Mills, myself, and all of these family members and friends, we do want to thank you for allowing us to testify here.

Thank you, sir.

The Chairman. Mr. Frank Sieverts and Mr. Roger Shields.

Mr. Frank Sieverts. Special Assistant to the Deputy Secretary of State for Prisoners of War and Missing in Action Matters, Department of State.

Mr. Sieverts.

STATEMENT OF FRANK A. SIEVERTS, SPECIAL ASSISTANT TO THE DEPUTY SECRETARY OF STATE FOR PRISONER OF WAR/MISSING IN ACTION MATTERS, DEPARTMENT OF STATE.

Mr. Sieverts. Thank you, Mr. Chairman, and thanks to the entire committee for this hearing. I am personally glad to see all of those people here. I consider them friends.

I wish to say at the start that we are really on the same side. The question is, how can we work together to get the information, to get the accounting that we are all looking for.

I appreciate this opportunity to discuss our Government's continuing efforts to account for our missing personnel in Indochina and to recover the remains of those who are dead.

I am sorry Secretary Kissinger could not be here this morning. He will be before this committee tomorrow in executive session and has indicated that he will be prepared to answer questions on this subject at that time if the committee wishes.

Let me say at the outset, that the State Department shares the concern expressed by the many Senators who have spoken and submitted
resolutions about this subject. In particular, Mr. Chairman, I would suggest that the statement you made last Thursday might be entered into the record of this hearing at an appropriate place because that was an important statement on this subject. [See appendix.]

U.S. EFFORTS TO OBTAIN INFORMATION AND RECOVER REMAINS IN VIETNAM

A year has gone by since the Vietnam agreement and nearly 10 months since our last POW's were released. The Communist authorities have failed to account for any of our missing men in that period, nor have any remains been returned.

This cannot be for lack of awareness of the problem. Well before the date of the cease-fire we had made clear the importance we attached to obtaining the fullest possible accounting of our missing personnel. The Vietnam agreement contains a specific section to which several of the witnesses have referred, article 8(b), dealing with this subject, which states:

The parties shall help each other get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

In his visit to Hanoi in February 1973—before our first POW’s returned—Secretary Kissinger personally raised the subject of our MIA’s, providing documentation on specific cases of men on whom the North Vietnamese should have information. As our POW’s returned, their first thoughts were for their fellow prisoners yet to be released, and for the missing and dead. I was in Hanoi, as was my colleague, Dr. Shields, for the first release February 12, and recall how the returning men urgently sought to provide information about others. The careful debriefing of all returnees formed a major part of our repatriation procedures and yielded information which helped resolve a number of specific cases.

Pursuant to the Vietnam agreement, a Four Party Joint Military Team (FPJMT) was established for the sole purpose of carrying out the missing in action and return of remains provisions of article 8(b). The team came into being in April 1973 and has met regularly since in Saigon. The U.S. delegation to the team has worked unceasingly to obtain information on our missing men and to recover the remains of those who died.

In the hearings before this committee last September, to which Senator Church referred, the Secretary provided detailed information on our continuing efforts on this subject, making clear that there could be no progress on economic assistance or other forms of accommodation with North Vietnam until there is satisfactory compliance with the MIA and return of remains requirements of the Vietnamese agreement.

The Secretary’s testimony states:

We are seriously dissatisfied with the other side’s performance on this subject—

it has been one of the most unsatisfactory aspects of the implementation of the agreement. * * * We will, of course, use diplomatic pressure to the extent that it is available to us, and we will continue to make it clear to the North Vietnamese that normalization of relations with them, which we would otherwise seek
and welcome, is severely inhibited by their slow compliance with the missing-in-action provisions of the agreement.

In our direct contracts with North Vietnamese officials, we have missed no opportunity to make them aware of our continuing concern about this subject. Our diplomatic note of July 29, 1973, and the Secretary's meetings with Le Ðuc Tho are two examples of our diplomatic actions.

In addition to these efforts, search teams from our Joint Casualty Resolution Center (JCR) have conducted on-the-spot inspections of crash sites and other places where our men might be lost. North Vietnam and the other Communist authorities have, however, refused to allow the teams to carry out their mission in areas under Communist control. My colleague from the Defense Department is prepared to cover this subject in greater detail, including discussion of the December 15, 1973 attack on one of our unarmed teams, in which an American and a Vietnamese were killed and several wounded. Despite this incident, JCRC is continuing its efforts to obtain and record information on our missing men.

CONTINUING EFFORTS IN LAOS FOR INFORMATION

These actions in Vietnam are paralleled by continuing efforts in Laos to press the Communist side for information on our missing men. Under the Vietnam agreement, we have held North Vietnam responsible for all our POW/MIA's in all Indochina. Pursuant to that agreement, North Vietnam on February 1, 1973, furnished the names of nine U.S. prisoners whom they described as prisoners of the Lao Patriotic Front (the Pathet Lao). That list was smaller than we had been led to expect by previous statements by Communist officials, and we told North Vietnam that we could not accept it as a complete list of Americans captured in Laos. Those nine men, and one Canadian held with them, were released in Hanoi on March 28. Most of them had been held in North Vietnam during the major part of their captivity.

More specific provisions relating to the return of prisoners and accounting for the dead and missing in Laos are contained in the Laos Agreement of February 21, 1973, and its protocol of September 14, 1973, Article 5 of the Laos agreement states:

Both Lao sides will return to each other all persons, regardless of nationality, that were captured during the war, including those imprisoned for cooperating with the other side. Their return will be carried out according to the procedures set up by the two sides, and, at the latest, must be completed within 60 days following the establishment of the Provisional Government of National Union and the Joint National Political Council.

After all those who were captured have been returned, each side has the duty to gather information on those missing during the war and report the information to the other side.

The subject is covered in more detail in article 18 of the protocol, which reads as follows:

The return of all persons regardless of nationality who were captured and imprisoned for cooperating with the other side during the war will be accomplished in three stages and completed at the same time as the withdrawal of foreign troops and military personnel.
B. The return of prisoners at each stage from each side will be reported by number of persons, location, and time of the Joint Central Commission to Implement the Agreement [JCCIA] 48 hours in advance.

C. Within 15 to 30 days, counting from the date of signing of this protocol, each side will report the number of those captured and imprisoned to the JCCIA, indicating nationality and whether military or civilian, together with a list of names of those who died in captivity.

D. After the return of the prisoners is completed, each side must report as quickly as possible to the JCCIA information it is able to obtain about persons missing during the war, regardless of nationality.

E. The return of those captured and imprisoned during the war and the gathering of information that each side will submit about the persons missing during the war is the responsibility of the JCCIA. When both sides in the JCCIA believe it necessary, they may request assistance from the International Control Commission.

These requirements apply to captives of all nationalities—Lao, other Indochinese, and any Americans. Although the provisions are clear, most of them do not come into effect until the formation of a Lao coalition government, the terms for which are also specified in the protocol. The terms are in that protocol, but it has not yet come into being.

The one exception is contained in section C, which called on the two sides to report the number of those still held and the names of any who died in captivity within 15 to 30 days from the date of the protocol, that is by October 14. This was the shortest implementation period specified in any part of the protocol, and the only one starting with the date of signing, that is not contingent on the formation of a coalition.

However, the Pathet Lao simply disregarded this provision.

CONTINUING EFFORTS IN LAOS

It should be noted that the U.S. Government is not a party to the Laos agreement and protocol, which were concluded between the two sides in Laos. Senior officials from our embassy, however, have stayed in close touch with the parties to remind them of the importance we attach to the earliest and fullest possible compliance with the POW/MIA provisions. The two sides have formed the Joint Central Commission to Implement the Agreement (JCCIA), which has met regularly since the end of November, but has not yet dealt with this subject on the grounds it must wait for the coalition.

One consequence of these delays is that an American civilian, Emmet Kay, a pilot of Continental Air Services, Inc., whose plane went down in Northwest Laos on May 7, 1973, continues to be detained. We have pressed repeatedly for his release, on the ground that, although the protocol provides a minimum schedule for prisoner releases, it should not block the release of someone like Emmet Kay and the Lao personnel captured with him. Mr. Kay's wife resides in Vientiane. She has had letters from him, and I believe some Members of the Senate have had letters from him, but there is yet no sign of his release.

We have given complete lists of our men lost in Laos, including those classified as dead, whose bodies were not recovered. We have called particular attention to those men who were at one time acknowled-
edged as captured or for whom there are indications that they survived their shootdowns.

Two such cases are those of Air Force Lt. Col. David L. Hrdlicka, whose capture May 18, 1965, was several times acknowledged by the Pathet Lao, and a civilian, Eugene Debruin, of Air America, also confirmed as a prisoner for several years after his capture September 5, 1963. There has been no accounting whatsoever for these two men. We continue to hope that the lists and information we have provided will help convince the LPF, that is the Pathet Lao, to help account for our missing men.

American officials in Laos have repeatedly pressed the Communist side on this subject. We made known our concern about the Pathet Lao's disregard of the requirement that numbers of prisoners and the names of those who died in captivity be provided by October 14, 1973. We have sought repeatedly to persuade the Pathet Lao to allow the JCRC to carry out its search activities in Communist-held areas in Laos. Since the majority of crash sites in Laos are in areas under the effective control of North Vietnamese forces, we have sought to raise this subject with them in the FPJMT. North Vietnam has, however, maintained the position that the subject of POW/MIA's in Laos could only be discussed with the LPF, that is the Pathet Lao, to help account for our missing men.

**SITUATION IN CAMBODIA**

The situation in Cambodia is even less satisfactory. There continues to be over 20 journalists of various nationalities listed as missing in that area, among them 4 Americans. Other Americans are also missing in Cambodia. We have stayed in close touch with organizations of journalists working on this subject and have supported their efforts to seek information on their missing colleagues.

**TWENTY-FIVE AMERICAN CIVILIANS LISTED AS MISSING**

In addition to journalists, some 25 American civilians continue to be listed as missing in South Vietnam, Laos, and Cambodia. We have received no information on any of these people. Our efforts through diplomatic channels, the FPJMT, and the JCRC, of course, apply fully to civilians as well.

**EFFORTS OF MISSING MEN'S FAMILIES**

In closing, let me speak briefly about the efforts of the families of our missing men, and of the International Committee of the Red Cross (ICRC). In my years of work on the subject of our POW/MIA's, I have been strengthened time and again by my contact with the parents, wives, and other relatives of our missing and captured men. Although the plight of the families of our MIA's has been often described, insufficient attention has been paid, in my judgment, to their strength, their faith, and their intelligence. In many ways theirs has been the hardest task of all. Sad as it may be, the certain knowledge of death
is surely better than the endless anguish of uncertainty about the fate of a loved one.

Family members have traveled on their own to far places. One group of 54 went to Laos this past October with the hope of convincing the Pathet Lao to provide information on their men. Several members of the group met personally with an L.P.F. representative in Vientiane. We share the hope of the families that these and other efforts, and I would include this hearing among these efforts, will yet help persuade the Communist side to live up to its humanitarian obligations.

REPORTS OF UNCERTAIN RELIABILITY

We received the report last week that Gen. Vang Pao, who heads Lao Government forces in military region 2 of Laos, told a Member of Congress that he had received a report that 8 to 10 American pilots may still be held by the North Vietnamese. I must comment that Vang Pao has made similar statements in the past, including a comment to the League of Families group that met with him in October.

U.S. officials have sought to verify all such reports, and we regret to state they are unsubstantiated. Our interest in obtaining information about our missing personnel is widely known throughout Indochina, with the result that reports of uncertain reliability are sometimes received. All such information is carefully investigated, with the constant purpose of attempting to establish its validity. We regret that such reports have sometimes given rise to false hopes among the next of kin of our missing men. Any valid information obtained from any source is passed to the families concerned.

EFFORTS OF INTERNATIONAL COMMITTEE OF RED CROSS

Finally, on the International Committee of the Red Cross, for over 100 years this organization has carried out its humanitarian responsibilities on behalf of prisoners of war and other war victims. Headquartered in Geneva, the ICRC has been honored four times with the Nobel Prize.

Because of its reputation for impartiality and neutrality, the committee has frequently performed major responsibilities under the Geneva Conventions of 1929 and 1949. One recent example is the Middle East, where they helped arrange the exchange of POW's between Egypt and Israel. The committee is continuing its efforts at present to bring about the return of POW's still held in the aftermath of the recent conflict.

Since the start of the Indochina conflict, the ICRC has worked quietly with both sides to ease the plight of the POW's and to account for the missing. In the period 1966 to 1972, over 60 different ICRC delegates carried out 475 inspections of POW facilities in South Vietnam. To their eternal discredit, the North Vietnamese authorities refused ever to allow the ICRC to visit POW's under their control.

The ICRC's mission in Indochina continues in the present period. ICRC delegates and doctors have visited prisoners of war captured in South Vietnam since the cease-fire. The Indochina Operational Group, comprised of representatives of the ICRC and the League of Red Cross Societies, is conducting relief programs in all parts of Indochina.
ICRC delegates in South Vietnam, Laos, and Cambodia are continuing their efforts to account for the missing in action.

The 22d International Conference of the Red Cross meeting in Tehran, November 14, 1973, unanimously adopted a resolution reaffirming international concern about the accounting for the missing and dead in armed conflicts, and I have the text of that resolution and ask that it, too, appear in the record at this point.

The CHAIRMAN. Yes, it will appear.

Mr. Sieverts. The text of the resolution is as follows:

“The XXIInd International Conference of the Red Cross,
“Recognizing that one of the tragic consequences of armed conflict is a lack of information on persons who are missing or who have died, including those who died in captivity, and
“In conformity with the humanitarian traditions of the Red Cross and with the spirit of the Geneva Conventions of 1949;
“Calls on parties to armed conflicts, during hostilities and after cessation of hostilities, to help locate and care for the graves of the dead, to facilitate the disinterment and return of remains, and to provide information about those who are missing in action, and
“Further calls on parties to armed conflicts to cooperate with protecting powers, with the ICRC and its Central Tracing Agency, and with such other appropriate bodies as may be established for this purpose, including National Red Cross societies, to accomplish the humanitarian mission of accounting for the dead and missing, including those belonging to third countries not parties to the armed conflict.”

We plan to work with other governments at the forthcoming diplomatic conference on international humanitarian law applicable in armed conflicts, that is on the Geneva Conventions, to seek new and stronger provisions of accounting for the dead and missing in armed conflicts.

EFFORTS WILL CONTINUE UNABATED

From my own contacts with ICRC leaders and with their delegates in the field, I know that their efforts on this humanitarian subject will continue unabated.

And I can assure this committee that the same is true of the State Department and this administration. We are deeply conscious of the plight of our missing men, of North Vietnam’s refusal to provide information, and of our present inability satisfactorily to resolve the cases of those still missing in Indochina. We will continue to do all in our power on this serious subject.

Thank you, Mr. Chairman. That concludes my statement.

The CHAIRMAN. Thank you, Mr. Sieverts.

Our next witness is Dr. Roger E. Shields, the Deputy Assistant Secretary of Defense for International Economic Affairs, Department of Defense.

Dr. Shields.

STATEMENT OF DR. ROGER E. SHIELDS, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL ECONOMIC AFFAIRS, DEPARTMENT OF DEFENSE

Dr. Shields. Thank you, Mr. Chairman and members of the committee.
It is a privilege for me to represent the Department of Defense here today, and I particularly welcome this session with you as it represents our first opportunity to report to this committee our efforts made and the sadly limited progress achieved on behalf of our prisoners of war and missing and dead in the Vietnam conflict.

I am particularly pleased that you have heard this morning from members of the families of these men, Mr. Albright, Mr. Mills, and Mrs. Dunn. We have spent many long hours together discussing these issues, and I hold them as very close personal friends.

One year has passed since the signing of the agreement on ending the war and restoring peace in Vietnam. Many events have transpired since the signing and I would like to report on some of these as they relate to the prisoners, the missing, and those listed as deceased. I would also like to review some of the efforts which we made during the conflict and have made since the cease-fire to obtain an accounting for our men.

RETURN OF PRISONERS

The most significant event concerning our prisoners and missing, of course, was the return of 566 American military personnel, 25 U.S. civilians, and 9 foreign nationals.

As you know, these individuals were taken prisoner while serving in Southeast Asia; they were primarily military personnel of the parties to the conflict and civilians serving in and out of the Government in various capacities.

Their periods of captivity ranged from only a few months to almost 9 years. During this time, they faced deprivations and made sacrifices that few Americans will ever encounter. Here at home, the families of our captured and missing endured the frustration and uncertainty of waiting for some word about the condition or status of their loved ones. These families and the Government were joined by countless Americans in a concerted effort to obtain a full and accurate accounting of all the men, together with humane treatment and release of those held captive.

These efforts took many forms. Private citizens and organizations transmitted innumerable letters and petitions to Communist leaders, and traveled to foreign capitals around the world to stimulate concern and interest in this humanitarian issue. The U.S. Government urged all nations to assist in these efforts. These appeals were made through the United Nations, other governments, the International Committee of the Red Cross, and many national Red Cross societies.

The United States appealed again and again to the North Vietnamese to abide by the Geneva Convention relative to the treatment of prisoners of war. The Congress held hearings and passed many resolutions condemning the enemy for their failure to abide by this convention.

This genuine congressional concern has been further manifested in the enactment of significant legislation aimed specifically at the solution of some of the problems and difficulties faced by the families of our missing and captured men.

These efforts created widespread public interest and aroused world opinion over the plight of our men held captive or missing. This pub-
Throughout the conflict in Southeast Asia, the U.S. Government attempted through a number of avenues to obtain information about all Americans believed captured or listed as missing.

For example, in August 1965, the International Committee of the Red Cross, ICRC, addressed an appeal to the principal parties to the Vietnam conflict, calling on them to abide by “the humanitarian provisions of the Geneva Convention.” It reminded North Vietnam, the Government of South Vietnam [GVN] and the United States that all were parties to the conventions and sent a copy of the appeal to the National Liberation Front, NLF, on the ground that it, too, was bound by “the undertakings signed by Vietnam.” The ICRC appeal specified five points:

1. The ICRC should be permitted to serve as a neutral intermediary;
2. Prisoners of war, PW, should be treated humanely;
3. PW lists should be exchanged;
4. ICRC delegates should be authorized to visit PW camps; and
5. Civilians should be spared the ordeal of captivity.

In separate letters to the ICRC, North Vietnam and the NLF declared that the Geneva Convention did not apply to the conflict, and in particular refused to accept the ICRC as a neutral intermediary. Although acknowledging that it had acceded to the convention in 1957, the Hanoi Government said it did not apply to those captured because there had been no declaration of war. This reasoning completely ignored article 2 of the convention, which states that the convention applies in all cases of armed conflict between two or more parties to the convention.

In marked contrast, the United States and the Government of Vietnam placed great emphasis on compliance with the Geneva Convention with respect to the treatment of prisoners of war. They arranged for regular ICRC visits to all PW camps in South Vietnam for the inspection of facilities and private discussions with enemy prisoners of war provided lists of NVN and NLF prisoners of war to the ICRC, and permitted a regular flow of mail to and from the enemy prisoners of war as well as visits with families.

NORTH VIETNAMESE INFORMATION RELEASES DURING ACTIVE U.S. INVOLVEMENT

On a few occasions during the period of active U.S. military involvement in the conflict, the North Vietnamese released a limited amount of information about captured or missing Americans.

You may recall, Mr. Chairman, that one such release was made to your representative on December 23, 1970. This North Vietnamese document contained the names of 368 American servicemen. Nine of these
were listed as having been previously released, 20 were listed as having died, and the remaining 339 were listed as captives. While we welcomed Hanoi's implicit acceptance of responsibility for the health and welfare of the 339 men, the status of these men was previously known. Moreover, the information in this North Vietnamese document was considered incomplete because there was no mention of the physical condition of the men indicated as captives, and there was no description of the cause of death or disposition of remains of those listed as deceased.

Further, the list did not include the names of all Americans we believed had been captured and about whom they clearly should have had knowledge. At no time during the conflict was this kind of information made available by North Vietnam or its allies. Although the names of a few men captured in South Vietnam were released late in the conflict, no such information with regard to men captured in Laos was forthcoming until the signing of the cease-fire agreement.

LISTS AND RETURNS AT TIME OF AGREEMENT

At the time of the signing of the agreement, the United States listed over 1,900 Americans as captured or missing. The lists provided by the other side reflected 594 U.S. and third-country nationals as prisoners. In the ensuing 60 days, three more individuals were reported and returned. In addition, 3 U.S. personnel, 2 military and 1 civilian, were released by the People's Republic of China, for a total of 600 American and foreign national prisoners released.

The lists also included the names of 70 persons said to have died in captivity.

DOD WILL CONTINUE TO SEEK ACCOUNTING AND ASSIST FAMILIES

While we are profoundly grateful for the return of these men, our joy and sense of accomplishment are tempered by the fact that over 1,300 others listed by our Government as missing and captured, did not return. Some feared that with the return of the prisoners, we would forget those unaccounted for and ignore the plight of their families. I can assure you this has not happened, nor will it happen.

The Department of Defense will continue to seek the fullest possible accounting for these men and provide all possible assistance to their families, just as we have in the past. We shall also seek to search for, and recover the remains of, those listed as deceased but whose remains have not been recovered.

EFFORTS DURING PAST YEAR

Mr. Chairman and members of the committee, having provided a background of our efforts to achieve these goals, I would now like to say something about our efforts during this past year to account for the missing.

Since last January, we have undertaken a number of initiatives and made a number of overtures aimed at resolving the fate of the missing and at returning the remains of those men listed as deceased. Before proceeding further, I would like to enter into the record a
chronological summary of these formal efforts of the United States since the signing of the agreement.

U.S. EFFORTS IN FOUR-PARTY JOINT MILITARY COMMISSION

Our first efforts were made in the Four-Party Joint Military Commission, which was established in accordance with article 16 of the agreement. This Commission was charged with implementing certain specific articles of the agreement, including those concerned with the return of military and foreign civilian prisoners of war and accounting for the missing in action. The Commission began its work on January 31, 1973, and was limited to 60 days of operation.

The U.S. delegation made every effort to implement and enforce the provisions of the agreement. It planned and executed the withdrawal of U.S. and allied forces and negotiated the release and return of the U.S. and foreign prisoners of war. It also played a major role in negotiating the repatriation of the military prisoners of the two South Vietnamese parties. During this period, 26,508 Provisional Revolutionary Government, PRG, and 4,956 Republic of Vietnam, RVN, prisoners of war were repatriated, most of whom were transported on U.S. aircraft.

In addition to these duties, the U.S. delegation began efforts February 1, 1973, to obtain an accounting of the missing and the repatriation of remains of those listed as deceased. The Communist delegations acknowledged their responsibility for this action, but were not receptive to our overtures for early resolution of the problem.

Our initiatives in this vein continued throughout the ensuing 60 days without substantive results.

FOUR-PARTY JOINT MILITARY TEAM

When the Joint Military Commission ended its activities, the Four-Party Joint Military Team, FPJMT, was formed. This Team, as prescribed by the agreement, has the single responsibility of implementing article 8(b) of the agreement. This article deals strictly with accounting for the missing and the return of the remains of those who have died. The text of article 8(b) was included in testimony just given by Mr. Sieverts.


The Four-Party Joint Military Team has been meeting approximately twice a week since April 4, 1973. The U.S. and RVN delegations have made numerous initiatives and attempts since that time to achieve compliance by the other side with the provisions of article 8(b). Despite these efforts, the Democratic Republic of Vietnam, DRV, and the Provisional Revolutionary Government have not been
forthcoming with any significant information on the missing and
dead.

Beginning with the first meeting, we proposed immediate discussion
of plans for the return of the remains of those listed as having died
in captivity and for the exchange of information on the missing. We
pursued first the issue of return of remains of those listed as deceased,
believing this represented an action that could be completed without
delay and one which would provide the basis for future progress. In­
stead of responding to our purely humanitarian requests, the DRV
and PRG have insisted on discussing issues that are not within the
purview of the Four-Party Joint Military Team, and have even at­
ttempted to renegotiate points that had been previously agreed upon
in the Four-Party Joint Military Commission.

Additionally, from the beginning of negotiations in that forum, they
have insisted on discussion and linkage of other unrelated parts of the
basic agreement.

For example: They have repeatedly attempted to link article 8(a),
which governs the return of military prisoners and foreign civilian
personnel, and article 8(b), which is the sole responsibility of the
FPJMT to article 8(c), which relates to Vietnamese civilian detainees.
Article 8(c) itself clearly specifies that the civilian detainee issue is
the responsibility of the two South Vietnamese parties.

During this same timeframe, the United States provided the other
delегations with detailed listings of all known U.S. and third country
nationals missing in Indochina. The Democratic Republic of Vietnam
and the Provisional Revolutionary Government accepted these lists
and assured us they would provide whatever information they
possessed.

To further assist with the accounting for the missing, the United
States, at the request of the Democratic Republic of Vietnam, agreed
to provide a weekly liaison flight between Saigon and Hanoi. This
mission, using U.S. Air Force C-130 aircraft, began operating on
April 7, 1973.

EXHUMATION AND REPATRIATION OF REMAINS

In mid-April, after discussing plans to exhume and repatriate the
remains of those listed as having died in captivity, the DRV and PRG
assured us of their cooperation on this issue, but emphasized the need
for agreement on general modalities before proceeding to specific
operations.

While we recognized the need for agreement on broad principles
governing activities to account for the missing, we also insisted that
immediate progress could be made on the simple and clear-cut issue
of the return of the remains of the dead.

The DRV then proposed that the FPJMT visit the cemeteries of the
dead before repatriation could begin. They stated that visits to cem­
teries in North Vietnam could be made in May and that DRV officials
would be prepared at that time to discuss the U.S. plans for the
repatriation of the remains.

The first visit was made on May 11, to the Van Dien cemetery, ap­
proximately 15 miles southwest of Hanoi. The team was shown three
graves allegedly containing the remains of U.S. servicemen. Two were identified as having died in captivity while the identity of the other was unknown. (Despite persistent questioning, the DRV refused to identify this last individual. They would only state that he was a crew-member and was not carrying any identification when he was found.)

The team posed a number of questions relating to the recovery of the remains. The DRV officials would not respond directly to the questions, but instead cited the need for discussions and complete agreement on procedures and modalities by the Four-Party Joint Military Team in Saigon. The Team then returned to Saigon.

One week later, on May 18, the DRV again hosted a visit to the cemeteries in North Vietnam. This visit was to the Ba Huyen cemetery, some 30 miles northeast of Hanoi. This time the team was shown 22 graves. Twenty-one allegedly contained the remains of U.S. servicemen listed as having died in captivity, while the other was reported to be that of a Thai national. The DRV delegation had again indicated that local DRV officials would be prepared to discuss the return of the remains. Again this proved not to be the case. Instead, they followed the same line as experienced on May 11. They did not respond to direct questions and the U.S. proposal for the return of remains. Instead, they referred all discussion to the Four-Party Joint Military Team in Saigon.

This visit represents our last substantive progress on the recovery of remains from North Vietnam. Since that time the U.S. delegation has made repeated requests to recover these remains and has offered again and again to discuss any aspect of their repatriation. The DRV reply has always been the same: There must be complete agreement on all aspects of article 8(b) before proceeding with any specific operations.

LACK OF COOPERATION BY OTHER SIDE

As I previously stated, we have provided lists of all known U.S. and third country nationals unaccounted for in Indochina. Concurrently with the pursuit of the issue of return of remains, we have repeatedly asked for information on the missing. These efforts have been frustrated by that now familiar theme: The necessity for prior agreement on all plans and activities to account for the missing. To cite a specific example, we have made several specific inquiries concerning Chai Charn Harnnavee and Napadom Wang Chom, two Thai nationals whom our returnees reported were captives in Hanoi as late as March 28, 1973. The DRV response has been that all U.S. prisoners captured in the Democratic Republic of Vietnam have been released.

In evading their legal and humanitarian obligations, the DRV and PRG have used a multitude of schemes and tactics. They introduced to the Four-Party Joint Military Team a proposed agreement on modalities for the implementation of article 8(b). The proposed agreement contains many contentious and extraneous points well beyond the scope, spirit and intent of article 8(b). One of the most objectionable of these is the construction of cemeteries, monuments and war memorials for the dead in the territory of the other parties. The DRV and PRG have insisted it is necessary to build these cemeteries, monuments and memorials because they might not repatriate all of their dead from the territory of other parties.
These measures are far beyond the scope of article 8(b) and represent cynical attempts by the DRV and PRG to exploit further the genuine and humanitarian concern of the United States of accounting for the missing to further their own military and political goals.

On its part, the Government of South Vietnam has stated that it will assist with the repatriation of all DRV and PRG dead to the territory controlled by the latter. It has also stated it would maintain the graves of those not repatriated at their present location or in a national cemetery.

Our side is fully aware of the DRV-PRG motives on this issue. They employed similar tactics following the 1954 Geneva agreements, using them for political and military purposes in South Vietnam.

Still another issue irrelevant to the work of accounting for the missing is the DRV and PRG insistence that the Vietnamese next of kin be allowed to visit graves prior to or in lieu of repatriation. This is also beyond the spirit and intent of article 8(b). This is a matter to be settled by the two South Vietnamese parties in the discussions of the Two-Party Joint Military Commission.

I repeat again that proposals such as these are beyond the spirit and intent of article 8(b) and are motivated by political purposes. They serve not to relieve the suffering and uncertainty of the families of the missing, but only to further the political goals of the DRV and PRG. Despite their much acclaimed humanitarian policies, it is clear that they are continuing to use the suffering of the families of the missing to achieve political gains. For our part, we have expressed the view that we should exchange information on the missing to relieve the suffering and anxiety of these families.

Instead of facilitating an accounting for the missing, the plenary sessions of the FPJMT have become a forum for propaganda speeches, boycotts, walkouts, and general stalling tactics by the other side. The DRV and PRG have devoted many hours to the detailing of alleged violations of the agreement and cease-fire by the United States and South Vietnamese. Our efforts to redirect the discussions to substantive issues have met with frustration and failure. Since early in November, there has not even been agreement on the meeting agenda. Nearly all sessions in the past 6 months have been characterized by stale polemics and theatrics on the part of the other side.

On October 2, for example, in their response to the proposed agenda, the PRG read a prepared statement alleging cease-fire violations by the United States and RVN and walked out of the meeting. This act was repeated on October 9, and again on November 15. On November 8 and 27, they boycotted the entire session in protest of alleged cease-fire violations.

On October 18, to cite another example, the United States proposed discussion of the exchange of information on the missing and deceased and the FPJMT responsibilities for third-country nationals. The PRG response was the reading of a 25-minute statement on alleged cease-fire violations. The U.S. delegate ignored these charges by restating the proposed agenda. This was followed by a 30-minute harangue by the PRG reiterating their earlier statement.
OTHER SIDE'S LACK OF COOPERATION

In sum, the United States and South Vietnamese delegations have made many substantive proposals during the FPJMT meetings of the past 10 months that would advance the work of resolving the status of the missing. In every case, these efforts have been rebuffed by the DRV and PRG. They prefer instead to tie up the sessions with discussions of the nongermane and political issues.

This lack of progress has not gone unchallenged. The U.S. delegation has made repeated protests to the DRV and PRG, all to no avail. In a detailed statement during the FPJMT meeting on September 27, the U.S. delegation in Saigon systematically reviewed the U.S. efforts to obtain implementation of article 8 (b) by the DRV and PRG, and cited the lack of cooperation and humanitarian spirit demonstrated by the other side. This statement, as with our previous efforts, was rejected.

SEARCH OPERATIONS BY JCRC TEAMS

Despite this complete lack of cooperation from the DRV and PRG, we have made some progress in the resolution of missing cases as a result of search operations by teams of the Joint Casualty Resolution Center (JCRC). This organization is a joint task force located at Nakhon Phanom Royal Thai Air Force Base in Northeast Thailand. Within the limits imposed upon it, the JCRC supervises and conducts search operations designed to assist in resolving the fate of the missing and to recover and identify remains where possible. The entire operation is peaceful, open, and humanitarian in nature.

Our teams have been operating thus far in South Vietnam with the approval of that government. Requests for our teams to conduct searches are formally circulated through the FPJMT to obtain the approval of the party controlling the territory. All delegations are fully informed of our intended searches and are provided detailed schedules of these programmed operations. Further, all delegations are invited to accompany the American teams to observe each operation. Up to now only the South Vietnamese have accepted our invitations to observe these operations.

The JCRC has conducted a total of 15 of these operations since May of last year. All have been conducted in RVN-controlled territory. We have made requests to enter Communist territory to conduct searches, but so far permission to do so has been denied.

The last operation was conducted on December 15. In keeping with established procedures, the U.S. delegation requested permission from the RVN to conduct a search of a known crash site near Saigon. All delegations were informed of this request and the RVN granted permission for the team to enter the area. On December 13 the teams, wearing the traditional orange FPJMT insignia, conducted an initial survey of the site. On December 14, in keeping with normal policy, members of the news media visited the site and observed operations. On December 15 the search team returned to the site to continue their work.

Immediately upon landing, they were attacked by a hostile force of undetermined numbers. In keeping with established policy, the American team leader raised his hands in the international sign of surrender.
and shouted in Vietnamese that they were unarmed. He was killed almost immediately by the attacking force. One of the RVN accompanying him was also killed. In addition, four Americans and three Vietnamese were wounded and one helicopter was destroyed.

This was nothing more than a coldblooded, calculated attack on an unarmed group which was engaged in a humanitarian mission. The DVN and PRG were aware of the purpose of this mission. They were informed of all of the details and had been extended the traditional invitation to accompany the team.

The United States has vigorously protested this coldblooded murder, both here at home and abroad. Both the U.S. Chief of Delegation and the South Vietnamese Chief of Delegation strongly condemned this attack in the plenary session of December 18. Following the delivery of their protest, both delegations walked out of the meeting, for the first time in these negotiations.

It is interesting to note the PRG refused to attend the next scheduled session. They stated they were displeased with the attitude and actions of the U.S. delegation. They have denied responsibility for the incident and have attempted to divert attention by stating that the search was illegal and was nothing more than a reconnaissance mission for military purposes.

Mr. Chairman, nothing could be further from the truth. As I previously stated, the mission of searching for the missing and dead by the JCRC is open, peaceful and strictly humanitarian.

REPORTS THAT JCRC WOULD CEASE OPERATIONS

Prior to and following the attack on the team there were a number of media reports that the JCRC would soon cease operations and give up the search for the missing. I want to assure you we have no intentions of reducing our efforts in this work.

We have no plans to dilute the mission of the JCRC, or to reduce its capability to perform this task. We are, though, currently limited in the number of sites we can inspect. As I stated earlier, the DRV and PRG have not allowed our teams to enter areas they control. It is in these areas that some 95 percent of our known crash or gravesites are located, and we hope the DRV and PRG will see fit to allow searches in these areas in the future.

While the number of known sites in South Vietnamese territory are limited, we are receiving new information on possible crash and gravesites on a regular basis as a result of a publicity campaign aimed at enlisting the aid of the local inhabitants of areas in which our men became missing. All of this information is being carefully analyzed for its validity and usefulness in planning future searches.

FRUSTRATION OF U.S. EFFORTS BY COMMUNIST DELEGATIONS

I realize this statement has not reported the successes for which we all had hoped, and has not presented a particularly bright picture for the future. We have explored many avenues and initiatives on behalf of our men who did not return from Southeast Asia and we have met
with frustration and indifference on the part of the communist delegations.

The other side has yet to provide, through the FPJMT, information about a single American who remained unaccounted for following the repatriation of our men last year. Even though the North Vietnamese have refused to implement their previously agreed upon arrangements for the return of the remains of our men whom they have listed as deceased, we are determined to continue our efforts on behalf of these men and their families.

**UNIFIED EFFORTS IN BEHALF OF PRISONERS AND MIA**

I mentioned in the beginning of my testimony the great efforts which were made in behalf of our prisoners and missing by the American public, private organizations, and the American Government, including the Congress. These unified efforts were helpful then and we welcome the continuing interest in this humanitarian cause evidenced by this hearing today. Those with whom we negotiate in Indo-China have shown that they are particularly sensitive to the efforts and statements of the Members of Congress, and I am sure that they will be attentive to the interests in the plight of our missing and their families shown by this committee.

Mr. Chairman, members of the committee, may I again express the appreciation of the Department of Defense for the opportunity of appearing before you here today and for your efforts on behalf of our men and their families.

[Chronologies of U.S. efforts follow:]

**CHRONOLOGY OF U.S. EFFORTS THROUGH THE SAIGON NEGOTIATIONS TOWARD OBTAINING INFORMATION ABOUT AMERICANS AND THIRD COUNTRY NATIONALS UNACCOUNTED FOR IN SOUTHEAST ASIA**

[Supplied by Department of Defense]

1978

February 1—The US Delegation (USDEL) requested information on those US personnel not listed on the Paris lists. DRV and PRG did not respond.

February 9—USDEL again requested information on US missing in action (MIA).

February 28—USDEL distributed to all delegations a proposal outlining general procedures to account for the missing and recover the dead.

March 5—USDEL readdressed the 28 February proposal. DRV–PRG stated they were studying the proposal.

March 9—USDEL requested all available information on all US personnel missing in action to include those lost immediately prior to the ceasefire and not included on the Paris lists. USDEL also requested all parties to comment on 28 February proposal.

March 18—USDEL requested all parties designate representatives to form the FPJMT. DRV–PRG did not respond.

March 25—USDEL proposed discussion of the formation and activities of the FPJMT. The PRG refused to discuss the issue.

March 26—First discussions on formation of the FPJMT.

March 27—All delegations generally agreed on FPJMT organization and operations.

March 28—DRV requested US provide a weekly liaison flight between Saigon and Hanoi pending RVN–DRV agreement on reciprocal flight arrangements. The US agreed on 30 March.
April 4—First formal meeting of the FPJMT. The USDEL proposed early discussion of procedures to exchange information about the missing. A general agreement was reached that the concerned parties could deal directly with one another in exchanging information about missing personnel.

April 17—The USDEL furnished other delegations with a list of US and Third Country Nationals (TCN's) missing.

April 24—The USDEL sent the DRV DEL a letter containing specific information concerning two Thai Nationals about whom the DRV should have knowledge.

May 16—The USDEL furnished other delegations a list of 14 missing Korean Nationals.

May 21—The USDEL noted that four months had elapsed since the ceasefire without any progress having been made toward resolution of missing cases.

May 22—The USDEL requested DRV and PRG provide US with all information about US missing.

May 29—The USDEL reiterated the request that all available information about US missing be provided.

May 31—The USDEL furnished other delegations with a list of 8 Australian Nationals missing.

June 7—The DRV DEL indicated the PRG had information about crash and burial sites along the DMZ and in Southern North Vietnam. The DRV supported the PRG position that the PRG representatives needed to travel to Hanoi to coordinate the release of this information. The USDEL sent letters to DRV and PRG citing delay in receiving information about missing US persons on lists already provided, and offered US support and additional data to expedite the search for this information.

July 10—The USDEL distributed copies of the pamphlet "Missing" published by the American Committee to Free Journalists Held in Southeast Asia, and discussed the responsibility of the parties to provide information concerning the missing journalists.

July 24—The USDEL proposed that "concrete action" of exchange of information about missing persons be a part of the FPJMT operating schedule.

July 26—The USDEL proposed immediate exchange of information about missing persons.

August 21—The Chief USDEL delivered a prepared statement during the meeting noting the refusal of the DRV and PRG to provide information on US and TCN missing personnel.

September 26—The USDEL delivered three memoranda to the Chief, PRG delegation requesting information about missing Australian and Korean TCN's and the status of prior US request to conduct crash site inspections in PRG controlled territory.

September 27—The Chief, USDEL delivered a statement during the meeting cataloging US efforts on behalf of other countries in seeking information about their missing and deceased personnel and repatriation of remains, and requesting DRV and PRG assistance.

October 5—The USDEL delivered a memorandum to the Chief, PRG DEL requesting information about 3 missing Philippine Nationals.

October 10—The USDEL delivered a memorandum to the Chief, PRG DEL requesting information about 4 missing Federal Republic of Germany Nationals, and a memorandum to the Chief, DRV requesting information about 2 missing Thai Nationals.

October 27—The USDEL delivered a memorandum to the Chief, PRG DEL requesting information about 8 missing Japanese Nationals.

October 30—USDEL reiterated earlier statements and position regarding exchange of information on TCN's. DRV-PRG insist the FPJMT is only responsible for those citizens of the countries allied with US-RVN in the conflict. US-RVN maintain FPJMT has moral responsibility for all TCN's.

November 15—USDEL proposed discussions of FPJMT responsibilities for all military personnel and scope of mutual assistance to implement Article 8(b).

December 11—USDEL reviewed US-RVN initiatives during recent months emphasizing RVN cooperation in accounting of PRG missing and dead.

January 15—US and RVN DELs reviewed efforts to implement Article 8(b) and requested the cooperation of all delegations.
February 1—US Delegation (USDel) requested information on all US personnel known by the DRV-PRG to have died in captivity or otherwise to include circumstances, death certificates, etc.

February 9—USDel again requested information on US dead in DRV-PRG territory and the return of remains. DRV-PRG stated remains would be returned separately from PW.

March 9—USDel requested the return of remains of those listed as dead on Paris lists.

March 10—USDel restated March 9 request. DRV stated no remains would be returned until all PW's were released.

April 4—During the first formal meeting of the FPJMT, the USDel proposed early discussion of repatriation of remains of deceased persons.

April 7—The USDel stated its readiness to make arrangements for the return of persons who had died in the captivity of the other side.

April 10—The USDel outlined the US concept of general procedures to repatriate the remains of Americans who were listed as having died in captivity. The DRV mentioned for the first time the need for procedures to visit cemeteries.

April 11—The USDel sent two letters each to the DRV and PRG Delegations. The first letter enclosed the lists of persons the other side had listed as deceased and requested grave location and date for the repatriation of the remains. The second letter outlined the US concept of procedures for the repatriation of the remains and requested comments by April 17, 1973.

April 13—The DRV and PRG both stated they were studying the US April 11 letters. Both the DRV and PRG emphasized the need for agreement on general modalities before proceeding to specific operations.

April 24—the DRVDel suggested the FPJMT visit grave locations in NVN sometime after 1 May. US Delegation requested discussion of US 11 April letter proposing procedures for the repatriation of remains.

April 28—The USDel presented US concept of the FPJMT visit to grave locations in NVN.

April 30—The PRG and DRV again stated the need for general agreement on modalities before proceeding for repatriation of remains.

May 3—The USDel outlined US concept for FPJMT visit to grave locations in NVN and listed composition of US team.

May 8—Agreement reached and final arrangements made for FPJMT visit to grave locations in NVN, to be accomplished 11 May 1973. The US team composition for the visit totaled 8 delegates and specialists.

May 11—First FPJMT visit to grave locations in NVN was conducted. US representatives attempted to obtain answers from Hanoi officials to pertinent questions. The DRV referred to the need for a formal FPJMT meeting in Saigon to reach agreement on details of procedures for the repatriation of remains from NVN. US representatives outlined US concept for these procedures. A total of 22 graves, located at Ba Huyen Cemetery, were shown to the FPJMT representatives.

May 29—The USDel proposed that the FPJMT operating schedule for June include FPJMT visits to grave locations in SVN.

June 6—The USDel sent a letter to the DRV Delegation proposing a specific operating schedule for the repatriation on 22 June from Ba Huyen Cemetery of the remains of the 22 persons that DRV had indicated are interred at that location.

June 16—The USDel sent a letter to the PRG Delegation citing the long delay in obtaining information from the PRG on deceased persons, offering US support to transport PRG Delegates to visit local officials to gather information, and requesting locations of graves in PRG controlled territory.

June 20—The PRG announced their intention to invite the FPJMT, in the near future, to visit graves of persons who died in their captivity.

July 9—The USDel asked the DRV to explain the delay in the repatriation of remains from NVN.
July 5—The USDel requested the DRV to establish a date for the repatriation of remains from NVN.

July 12—During meeting, the USDel proposed that the repatriation of remains from NVN be an agenda item. The proposal was rejected by the DRV Del.

July 16—The USDel sent a memorandum to the DRV Del proposing an operating schedule for the repatriation of remains interred in Van Dien Cemetery (NVN).

July 19—During meeting, the USDel proposed that the repatriation of remains be an agenda item. The DRV reemphasized the need for complete agreement on modalities.

July 24—During meeting, the USDel proposed that the FPJMT schedule the repatriation of remains as a part of the FPJMT "concrete actions."

July 26—During meeting, the USDel proposed development of an operating schedule including the repatriation of remains from DRV and PRG territory.

July 31—During meeting, the USDel proposed operating schedule for August including repatriation of the remains of deceased US persons from NVN on 10 and 24 August, and from PRG territory on 27 August.

August 2—During meeting, the USDel proposed immediate discussion of schedule of FPJMT activities including repatriation of US remains from NVN.

August 7—During meeting, the USDel, noting the extended stay in Hanoi of the Deputy Chief, DRV Del, requested establishment of operating schedule for the repatriation of US remains from NVN.

August 14—During meeting, the USDel questioned the PRG concerning the PRG 20 June statement that the PRG had information about US servicemen buried in PRG territory.

August 15—The DRV Del sent non-substantive memorandum to the US Delegation, which was purported to be a response to the US letter of 6 June and the US memorandum of 10 July.

August 21—During meeting, the Chief, USDel delivered a prepared statement which noted the refusal of the DRV and PRG to cooperate in the repatriation of the remains of US deceased personnel.

September 26—The USDel delivered two memoranda to the Chief, PRG Del. One requested information about missing Korean Nationals and repatriation of the remains of deceased Korean Nationals; the other a similar request concerning Australian Nationals.

September 27—During meeting, the Chief, USDel delivered a statement cataloging US efforts on behalf of other countries in seeking information about missing TCNs and repatriation of remains of deceased TCNs, and requesting DRV and PRG assistance.

October 5—The USDel delivered two memoranda to the Chief, PRG. One memorandum requested the location of the graves of deceased US persons and in general provided a followup of prior US requests for visits to grave sites and repatriation of remains. The other memorandum concerned Philippine Nationals; requesting information about two who are missing and requesting repatriation of the remains of another who was listed as deceased.

October 10—The USDel delivered a memorandum to the Chief, PRG Del concerning four Federal Republic of Germany Nationals, requesting repatriation of the remains of three others who were listed as deceased.

December 10—USDel proposed DIC remains in DRV be returned 0–12 Jan. 74.

December 11—USDel renewed requests for return of DIC remains and proposed discussion of a schedule for repatriation. DRV–PRG refused to discuss issue.

The CHAIRMAN. Thank you very much, Dr. Shields. That is a very interesting account. It is very frustrating. I have, of course, not engaged in that type of research. I have written letters as best I could to government officials in North Vietnam, but I also have not received any useful replies.

SUGGESTIONS MADE BY MR. MILLS

Mr. Sieverts, would you comment on the three suggestions made by Mr. Mills, that is, the worldwide awareness campaign, no aid to North
Vietnam until there is an accounting, and no trade or MTN status for the Russians or Chinese until there is an accounting?

Mr. Sieverts. On the idea of a worldwide awareness campaign, by all means, that is the kind of thing that we have tried to do. The resolution I referred to at the International Red Cross Conference was an example of an American initiative which, unfortunately, did not receive the kind of public attention we would have liked for it to receive.

I believe and hope that the various other agencies of our Government concerned with this, such as the Voice of America, are covering this hearing this morning. These kinds of activities are things we have attempted, which we have favored, and we would like to see more of.

The efforts of the families in past years on behalf of the men who were captured were a significant factor and I would hope that this kind of activity could be a factor in this instance also.

On the question of economic assistance for North Vietnam, it is already our policy, as Secretary Kissinger stated in his meeting with this committee in September, and as we have advised the North Vietnamese, that there can be no progress on economic assistance or other forms of accommodation until we receive a satisfactory accounting for the missing in action. They are well aware of this, and I am glad to reiterate that policy.

On the third question, I think one gets into a subject of greater complexity because we are not dealing directly with North Vietnam, but with other third governments, most importantly, the Soviet Union, and obviously there are aspects of our relations with the Soviet Union which are linked with trade and other forms of cooperation.

I am just not sure that one can deal with a question like the accounting for the missing in action, for which we must hold North Vietnam responsible, in the same way as on other issues which are more directly related to the policy of the Soviet Union itself.

The CHAIRMAN. Do you have reason to believe, one way or the other, that Hanoi would be responsive to a suggestion from the Soviet Union on a matter of this kind?

Mr. Sieverts. They might be responsive to the Soviet Union. The question, though, is whether this is the way to get the Soviet Union to make this suggestion. I am rather more impressed with the indication from Senator Percy that he may raise this directly with Ambassador Dobrynin. I think that approach may be more effective.

QUESTIONS FOR THE RECORD

The CHAIRMAN. I submit to you, Mr. Sieverts, a list of questions given to me by Senator Percy to which you could supply the answers for the record. [See appendix.]

Mr. Sieverts. We will be glad to do that.

PRESIDENT'S EXPRESSION OF VIEWS ON SUBJECT

The CHAIRMAN. Has the President made a statement condemning the North Vietnamese for their failure to cooperate in the accounting?

Mr. Sieverts. We have an immediate example in the proclamation to which you referred at the opening of the hearing, proclaiming MIA
Awareness Day yesterday. The President clearly did indicate his views on this subject.

The CHAIRMAN. Senator Church.

Mr. Albright. Mr. Chairman, could I say one thing on that?

The proclamation on that Awareness Day, if it got any publicity, it was hard to find it in Washington. It was on page D-2 of The Post, was about that size [indicating 1 inch]. It is very difficult to know whether it made any impact.

The CHAIRMAN. Thank you.

Senator Church.

REQUEST FOR RUSSIAN AND CHINESE HELP

Senator Church. Following up on the question of what the Russians and Chinese might do to help, to your knowledge, Mr. Sieverts, has the administration, through the Department of State, requested the help of the Russians and the Chinese in this matter?

Mr. Sieverts. The answer to that is, "Yes."

Senator Church. What response has been received so far?

Mr. Sieverts. The specifics of the response may be better covered in executive session, but in general, the answer has been along the lines of, "You yourself"—that is, the United States—"have direct bilateral contact with the Government of North Vietnam, which is responsible for the subject to which you refer, so therefore, it is up to you to deal with this subject directly."

Senator Church. Then, to your knowledge, neither China nor Russia has as yet made any representations to North Vietnam on behalf of the MIA's?

Mr. Sieverts. I could answer yes to that, but I would have to qualify it by saying that during my experience, during the time that our men were held in North Vietnam, we did have rather similar answers from the Soviet Government for the record, as it were, and yet we believe with considerable certainty that the Soviet Union did intervene in various ways with the North Vietnamese and that this may have had an effect, for example, in forestalling trials of our POW's for alleged war crimes and that kind of thing, and possibly easing their treatment.

So, the fact that one gets an answer of, "It is your problem," does not necessarily mean that is all that is going to happen.

The CHAIRMAN. Are you telling me as of now you cannot say positively or negatively whether the Russians or the Chinese have intervened on this question with North Vietnam?

Mr. Sieverts. That is correct.

OPPORTUNITY TO SEARCH IN LAOS

Senator Church. During his confirmation hearings, Secretary Kissinger said, and I quote from his testimony: "We have been promised that upon the conclusion of the Laos agreement we would be given the opportunity to search in Laos."

This had reference, of course, to the MIA's.

Does this mean that we have been told that our JCRC teams will be allowed to operate in Laos? I note from your testimony with refer-
ence to this point: "We have sought repeatedly to persuade the Pathet Lao to allow the JCRC to carry out its search activities in Laos."

The two statements do not jibe. What is fact?

Mr. Sievert. We had the hope and the expectation, I would say, that when the Vietnam agreement was concluded and when our interest in the problem of the missing and the recovery of remains was made so very clear to the Communist authorities, that they would facilitate the return of remains and would provide information on the missing. We hoped that this would include efforts by our Joint Casualty Resolution Center, or if that were not going to be acceptable, that some other forms of search organization, the International Red Cross is the most obvious example, or it could have been an especially constructed body composed of members from the Red Cross, from the International Commission for Control of Supervision (the ICCS), or from neutral governments. We had that hope and we have been disappointed. Obviously, despite that disappointment, we have continued to press the authorities who are in a position of immediate responsibility in Laos, that is the Pathet Lao, for this permission, but they have denied it. That does not mean we have abandoned our efforts with North Vietnam.

WILL THERE BE NEW INITIATIVES IN SEEKING ACCOUNTING?

Senator Church. Mr. Chairman, I have two questions of Mr. Shields.

In connection with your statement, Mr. Shields, you have given us a chronology of the number of times that the Department of Defense has taken action in an effort to secure a full accounting on the MIA's, and you have said in your statement with reference to the coming year that the Department of Defense will continue to seek the fullest possible accounting for these men.

"We shall also seek," you said, "to search for and recover the remains of those listed as deceased but whose remains have not been recovered." I want to know what you plan to do this year that you did not do last year.

[Applause.]

Dr. Shields. Senator Church, in quoting my statement, you said we would continue to seek to account for the missing. We have sought to account for the missing very rigorously this past year. So if we did no more than continue those efforts, we would continue the search for those now unaccounted for.

We have had teams in the field, and they have been successful in recovering remains of some men and in finding additional information concerning our missing. I might add that we did this at the cost of one of our own soldier's death and the wounding of others among our searchers.

We are going to continue these field operations where they are feasible and where we can carry them out. We are going to continue to press, as we have in the past.

The problem, Senator Church, lies, I think, with the authorities who control access to those areas where 95 percent of our men were lost. That territory is not controlled by governments friendly to us, who
have allowed us access to their territories, and we are not sure how we are going to obtain access to them.

Senator Church. If I understand your answer correctly, you are telling me that you have done everything that you think possible during the past year, that you will continue to make the same kinds of efforts again in the coming year, but that you have no new initiatives in mind. Is that a fair synopsis of your answer?

Dr. Shields. Senator Church, we do have some things which we might try. It will depend upon the development of the future negotiations.

For example, we might seek the aid of neutral bodies such as the International Committee of the Red Cross. They may be allowed to get into areas where our people cannot. This does not meet with a great deal of approval from the families, and it should not, because no neutral group of people will be as concerned about our men as we are. Neither will they possess the expertise which we have, but there are some other things which we will continue to do and we will press forward and we are seeking new initiatives.

**STATUS CHANGES MADE BY DEPARTMENT OF DEFENSE**

Senator Church. Here are some questions that the families themselves would like to have asked, and I would like to put them to you:

How many status changes have been made in the original January 1973 MIA list by the Department of Defense?

Dr. Shields. Since the list was handed to us on January 27 of last year, 242 status changes have been made.

Senator Church. Does that mean that 242 names have been stricken from the missing-in-action lists and placed in other categories?

Dr. Shields. From both the missing-in-action list and the prisoner-of-war lists, and have been declared dead; that is correct.

Senator Church. They have been declared dead?

Dr. Shields. That is correct.

**BASIS FOR STATUS CHANGES**

Senator Church. On what basis were these status changes made? Was there new evidence in each case?

Dr. Shields. Let me categorize some of these cases.

A great deal of information which we received which was new came from our men who were repatriated. Our returning prisoners were very concerned, as Mr. Sieverts indicated, with accounting for the men also.

In Hanoi for the first release, a Navy commander was one of the men in the first group to be released. This Navy commander approached me as soon as he had come over to our side of the line and handed me a document in which he had very carefully noted all the names of all the individuals who had been mentioned or who were known to have been prisoner in the prison camps. They were very anxious that this document be turned over to American officials very quickly, very early.
Some of our more recent shootdowns had indicated our lack of information and so these men, through the senior officer in the camp, had designated a particular group as a group that would occupy themselves with this question of accounting, and through their own means of information and intelligence they were able to provide us this document.

This did contain information concerning a number of our men. Many status changes were made based upon that testimony.

Senator Church. All right. You have answered the question by saying many of the status changes were made based upon the new testimony, but my question was, was there new evidence in each case?

Dr. Shields. With regard to the other cases, for example, we have men who were downed over water, international waters controlled by no one. We have had search teams, which had to stop because of the monsoon season, but which were engaged in overwater crash site investigation.

We have had divers, used side scanning sonar, all of the latest devices we could use. We searched the wreckage for these men and in some cases we recovered particles of wrecked aircraft, and in a number of cases, I think we were able to identify the type. In one case, I believe, we identified the aircraft. In those cases, after having searched this area offshore, we concluded that we had done everything we could to find out what happened to those men. And a number of other status changes were made based upon our inability to find new evidence, and I would like to find—

Senator Church. In that last statement that you made, you indicate a number of other status changes were made based upon your inability to find new evidence. What does that mean?

Dr. Shields. After having searched, Senator, and I was going to mention this in passing, we have never promised families a complete accounting in the sense that we would know what happened to every single individual. This is impossible. Two Members of Congress were involved in an aircraft accident a year or so ago. Despite the fact that this was not in enemy-held territory, that no one was impeding our search and that we had the use of all the latest techniques and the best facilities, that we had no indication of what happened to these men, these Members of Congress. We believe in a number of cases no information concerning our men will ever be forthcoming, despite access to any of these areas; so we have never promised a full accounting.

We believe that the fact that our men did come out and where we had reasons to believe these returning men knew something and that turned out to be negative, we believe that constituted new evidence and that was further evidence upon which status changes were made.

DOES STATUS CHANGE PRESUME FINAL ACCOUNTING?

Senator Church. In the instance of a status change, does this action presume a final accounting on the part of the Government?

Dr. Shields. It is a definitive status change, Senator Church, but in the event we recover the remains, a funeral service will be held. We have done that. We have a number of men whose remains we are seeking. These men have already been declared dead or were declared
dead during the course of the conflict. We have passed to the other side the names of these men and the circumstances of their loss, also hoping we would be able to recover these remains and bring them home for burial. We have done this in a number of cases through our field searches. So it is not definitive. It does not indicate that no further effort will be made to find these men.

A number of these men who have been declared dead have been declared dead over a period of 8 or 9 years and we are still actively searching for their remains.

Senator CHURCH. The Senator from New Jersey.

Senator CASE. Thank you, Mr. Chairman.

QUESTIONS FOR THE RECORD

I have been given by the organizations several questions which I would like to have our representatives answer for the record, Mr. Chairman. I would like to include that in the record at this point. [See appendix.]

I would go over it myself right now, but in part it has been covered by questions asked by other members of the committee.

QUESTION OF MIA'S AND POW'S IN LAOS

I would like to ask specifically whether in our Government's judgment we need further agreements between the United States and the Government of Laos if we are going to get into the question of MIA's and POW's in Laos.

Mr. SIEVERTS. It is not clear that we need further agreements. What we need is, implementation of existing agreements.

Senator CASE. What do we have now?

Mr. SIEVERTS. The United States is not a party to the agreement in Laos. We are still waiting for implementation of that agreement, waiting for a timetable to be followed, which includes formation of a coalition government, that hasn't yet taken place. So until we have the implementation of the agreement that the Laos have made among themselves, I do not think we should try to secure an agreement of our own, not for the time being.

Senator CASE. What do you suggest?

Mr. SIEVERTS. What we are doing right now is working with both sides to have them carry out all the relevant provisions of the agreement and its protocol. And I might say that this is going forward. The subject is of some complexity but the commissions are meeting, and the ministries are beginning to form.

A large number of Communist Pathet Lao personnel have moved from other parts of Laos into Vientiane, so it is by no means a closed question there. There is considerable activity going on. They just haven't yet gotten to the subject which is of such very great importance to us this morning.

SITUATION IN CAMBODIA

Senator CASE. What about Cambodia?

Mr. SIEVERTS. That situation is most unsatisfactory. There is no agreement specifically covering the question of those missing or cap-