HEARINGS AND Markup
 BEFORE THE
 SUBCOMMITTEE ON
 ASIAN AND PACIFIC AFFAIRS
 OF THE
 COMMITTEE ON FOREIGN AFFAIRS
 HOUSE OF REPRESENTATIVES
 NINETY-SIXTH CONGRESS
 FIRST SESSION
 ON
 H. CON. RES. 10
 APRIL 10, MAY 7, AND JUNE 5, 1979

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PREFACE


Since January 1977 the Subcommittee on Asian and Pacific Affairs has had responsibility for oversight of the issue of American prisoners and missing in Southeast Asia. "Americans Missing in Action in Southeast Asia," parts 1 and 2, contained the proceedings of the subcommittee during the 95th Congress.

"POW/MIA's: United States Policies and Procedures" is the first series of hearings conducted during the 96th Congress by the subcommittee, and its adjunct, the Foreign Affairs Task Force on American Prisoners and Missing in Southeast Asia. These hearings constitute a systematic look at the way the Government handles the POW/MIA issue at this time.

Witnesses from the private sector opened the series by describing their concerns about shortcomings of attitude or procedure on the part of the Government. The executive branch then responded by delineating the efforts that have occurred to improve the handling of the issue.

It is clear from this series of hearings that at present there is a changed outlook within the U.S. Government on this subject. Probably no other factor has so changed the Government's attitude as the emergence and return of Marine Pfc. Robert Garwood after 14 years in Vietnam. The executive branch has reorganized its POW/MIA efforts to be more responsive to the Congress and to the families of the prisoners and missing. It is now viewed as a possibility that one or more American prisoners may be alive in Indochina, although caution and responsibility must be exercised so that false hopes will not be aroused among the families who have suffered so much.

The Subcommittee on Asian and Pacific Affairs will conduct additional hearings as appropriate to pursue its oversight function to achieve the fullest possible accounting.


LESTER L. WOLFF,
Chairman, Subcommittee on Asian and Pacific Affairs.
POW/MIA'S: U.S. POLICIES AND PROCEDURES

TUESDAY, APRIL 10, 1979

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS;
Washington, D.C.

The subcommittee met in room 2255, Rayburn House Office Building, Hon. Lester L. Wolff (chairman of the subcommittee) presiding.

Mr. WOLFF. The subcommittee will come to order.

I must say that as a majority member on this subcommittee I feel very much in the minority this morning.

I am pleased to welcome you here today to our hearing on the way in which this Government is pursuing an accounting for the fate of our prisoners and missing in Southeast Asia.

We are happy to have with us as witnesses Ms. Ann Mills Griffiths, executive director of the National League of Families of American Prisoners and Missing in Southeast Asia, and Dr. Roger Shields, former Assistant Secretary of Defense and now in private life.

They will describe for us how our Government's approach and procedures in handling the issue of prisoners and missing is perceived by responsible and interested persons in this area, and how, in their view, the way in which this matter is handled could be improved.

This hearing is another in a continuing series conducted by the Subcommittee on Asian and Pacific Affairs in pursuit of its responsibility for oversight of this issue.

Since the conclusion of the activities of the Select Committee on Missing in Action at the end of 1976, congressional responsibility for this subject has been with this subcommittee.

We have had a series of hearings and favorably reported a resolution last year which called on the U.N. Secretary General to use his good offices in obtaining a full accounting from the Governments of Indochina.

I must say—interpolating in this report—we have gotten as much action out of the U.N. on this count as we have on a lot of other things that we have brought to their attention.

MARKUP OF HOUSE CONCURRENT RESOLUTION 10

Today we are marking up as a first matter of business, House Concurrent Resolution 10, which was introduced by Tennyson Guyer, our colleague who was on the select committee, as was Congressman Ben Gilman.

Mr. Guyer, I might add, is chairman of the task force on prisoners and missing which we have formed to assure that adequate attention
is paid to this issue. Other members include myself, Messrs. Fountain, Mica, Goodling, Gilman, Lagomarsino, and Wolpe of the Foreign Affairs Committee.

We will continue to devote attention and energy to the task of obtaining a full accounting of MIA’s. We have some 2,400 yet unaccounted for in Indochina, even in hundreds of cases where the Vietnamese had custody of living American prisoners or where precise information as to grave sites has been provided; thus, that many families and loved ones still live with uncertainty and frustration. An entire nation—the Socialist Republic of Vietnam—apparently still seeks to use and to trade on this sensitive and humanitarian issue for its own advantage and at the expense of the United States. As long as I am chairman of this subcommittee, this will not happen. And I am sure that each of my colleagues here feels the same way.

There have been allegations that the United States in seeking to normalize relations with Vietnam has preferred to ignore or pay only scant attention to the POW/MIA question—that the feelings of American families, and indeed the possible safety of some Americans still caught in Indochina—have been disregarded for reasons of policy. Some people have accused the Government of failing to respond to convincing accounts of live sightings in Indochina, and actually of not wanting to hear such reports. This subcommittee, and the task force, are completely open to any reasonable and serious report which can shed any light on the fate or whereabouts of any American missing in Southeast Asia.

While we do not believe that there has been a policy of systematic suppression of possible live sightings, nor of deliberate disregard for feelings of American families, we have noted that in some areas Government procedures and policies could be improved. We are pleased to note that some steps have occurred which have helped matters—release of the 15 volumes of uncorrelated data, for instance, and the elevation of responsibility for the issue within the Defense Department to the Secretary’s Office. But we believe that more can be done. And it is that concern which brings us here today.

I want you to know during the hearings we held on refugees, we took the Department of State to task for not following through on securing information regarding the possible fate of our MIA’s.

In addition to that I have been in contact, as late as the day before yesterday, with the Assistant Secretary of State for East Asian and Pacific Affairs to indicate to him any contacts with the Vietnamese must as well take up the question of the MIA’s and that they are to report to this subcommittee any actions that they take in this connection, so we are kept fully informed.

I think there has been a lack of—I would not say attention—but there seems to be a lack of purpose and direction in the State Department regarding the follow-up on some of these situations that have been brought to our attention.

I know when we do point a finger in a particular area there is follow-up but I would like to see that initiative is taken on the part of those people within the State Department who have responsibility for this problem. That is what I find is lacking.

We are glad to have the testimony of Ms. Griffiths and Dr. Shields
today. Our purpose here is not to second guess those who have gone
before us, but to improve our ability to handle this issue in the days
ahead. We welcome the discussion today and look forward to doing as
much as we can to assure all parties involved that a full accounting
will be obtained as soon as possible.

With that in mind I would like to yield to the author of this resolu-
tion, House Concurrent Resolution 10, Mr. Guyer.

HOUSE CONCURRENT RESOLUTION 10

Mr. GUYER. Thank you Mr. Chairman. First I want to say at the
outset that Congressman Wolff has put himself really second and others
have been given priority, one of the most unselfish moves I can imagine.
Imagine him appointing a minority member to head up a special
committee, and he made the pledge and has kept his word, that he
would perpetually and consistently and persistently pursue this
matter of accounting and recovery. I think it was Mr. Gladstone who
said:

You tell me how a country treats its people living there and I will tell you what
kind of people they are.

I want to say here, there was a mistake made in the resolution
because it should have had everybody’s name on it and it will have
everybody’s. It is not my resolution. I want to make that clear. But
as long as we have heartbreak and heartache in this country and as
long as there is one American that can be found—we are going to go to
every corner of the earth, every race, every faith we can meet, to
accomplish that objective. So may I just make this statement.

U.N. ASSISTANCE

Mr. Chairman, when we introduced early in the session House
Concurrent Resolution 10, which will have all the names on it, this
would call on the Secretary General of the United Nations to use his
good offices in seeking as much information as possible from the
Government of Vietnam about the fate of our remaining prisoners
and missing there.

It is similar to our measure last year, House Concurrent Resolution
331, which was introduced by our good colleague Ben Gilman.

Last year in an amended version, House Concurrent Resolution 583,
that measure passed the House on May 8. However, and not to our
credit, it failed to pass the Senate, and for that reason the specific
action called for by the resolution was not undertaken by the
administration.

I should point out that the State Department did pursue interna-
tional organizational channels to press this concern forward to some
extent.

At this point, Mr. Chairman, there is a letter which you received
on this subject which I would like to have included in the record. It is
from the Department of State and explains some of the efforts taken
by that agency in this connection.

Mr. Wolff. Without exception.

[The letter referred to follows:]
DEPARTMENT OF STATE,

Hon. Lester L. Wolff,
Chairman, Subcommittee on Asian and Pacific Affairs,
Committee on Foreign Affairs, House of Representatives.

Dear Mr. Chairman:

Secretary Vance has asked me to respond to your March 5 letter concerning Congressional resolutions calling on the President to seek the assistance of the United Nations in obtaining an accounting for American prisoners of war and missing in action personnel in Southeast Asia. We understand and appreciate your continuing interest in this serious subject, and are glad to know that a resolution on this subject has been introduced in this Congress by Representative Tennyson Guyer.

In the time since the resolutions were adopted last year we have continued to work closely with the United Nations in our efforts to obtain information on our POW/MIA’s. The office of the United Nations High Commissioner for Refugees (UNHCR) has assisted our efforts to obtain information from Indochinese refugees after their arrival in first asylum countries, such as Thailand and Malaysia. The UNHCR also maintains an office in Hanoi which has been alerted to report any information coming to its attention on this subject. Although not a U.N. agency the International Committee of the Red Cross (ICRC) has also cooperated with our efforts to seek a fuller accounting. In a recent action, the ICRC played a key role in our efforts to arrange for the departure from Vietnam of the American, Robert Gaxwood, who was listed as a Prisoner of War by the Marine Corps in 1965.

As you know, our main efforts in the past year to press for a POW/MIA accounting have been directly with the Indochinese countries. This subject was a major aspect of all our contacts with the Vietnamese government officials, and was the sole purpose of two important meetings with the Vietnamese, one in Hanoi and the other with Vietnamese representatives visiting our MIA facilities in Hawaii. A significant number of our meetings with the Vietnamese, Lao, and Cambodians have taken place within the framework of the United Nations, with the representatives of these countries in New York and Geneva. Ambassador Young has given this subject his personal attention, and has met with representatives of POW/MIA families to make clear the importance we attach to using all available channels to press for an accounting.

While we will continue to solicit the assistance of the U.N. and other international agencies, our recent experience suggests that the more effective approach to this subject lies in our continued bilateral contacts and in our independent efforts to obtain information from refugees and other sources.

Our efforts will continue until we have obtained the fullest possible accounting for all our men.

Sincerely,

Douglas J. BenNET Jr.,
Assistant Secretary for Congressional Relations.

ACTION NECESSARY

Mr. Guyer. During this 96th Congress we have hopes that both the House and Senate will pass these measures and that the administration will undertake the action called for. House Concurrent Resolution 10 takes the issue of the remaining American prisoners and missing to the main international body, the United Nations. It asks the Secretary General to pursue through an international commission the further resolution of this issue. It is appropriate to do this, because the U.N. is on record through U.N. Resolution 3220 of favoring assistance and cooperation in accounting for persons missing or dead in armed conflicts.

Although Vietnam is now a member of the U.N., it has not lived up either to Resolution 3220 or its repeated statements to the United States that it would for humanitarian and compassionate reasons provide all available information as to the fate of Americans in the late conflict.
Mr. Chairman, I am pleased to be able to bring this measure to this subcommittee, and with the help of you and the rest of our colleagues, we can take this to the floor of the House and ultimately to the appropriate people of the U.N. Thereby we will assure that we have sought the involvement of the last available avenue of assistance in this matter.

I do not believe we can do otherwise than to report this measure favorably. It is the least we can do on behalf of the families and loved ones of the over 2,000 Americans whose fate is still uncertain, and whose remains still lie somewhere in Vietnam or Laos. I move the favorable consideration of House Concurrent Resolution 10, and say in closing, America is one of the few countries that has no national flower. Most countries do. Until we get one we are going to make the forget-me-not our flower in this regard. Thank you, sir.

Mr. Wolff. Thank you, Mr. Guyer.

In your statement you move the resolution. I should like the staff to read the resolution so we can take some action upon it.

HOUSE CONCURRENT RESOLUTION 10

Mr. Palmer [reading]:

House Concurrent Resolution 10 is to express the sense of Congress that a United Nations Special Investigatory Commission should be established to secure a full accounting of Americans listed as missing in Southeast Asia. Whereas approximately 2,300 Americans remain unaccounted for in Southeast Asia since cessation of Vietnam conflict and whereas learning the fate of these American servicemen and civilians—

Mr. Guyer. I move the resolution be considered as read for purposes of economy of time.

Mr. Wolff. Are there any objections? Hearing no objection the resolution is considered read and open for amendment at any point.

Mr. Fountain. Mr. Chairman, just a question. I am wondering, inasmuch as we had military personnel and civilian personnel from some of the other countries who are involved in this conflict—we are asking primarily for American citizens. Would it be appropriate to broaden this to ask that it include missing people from any of the participating countries?

U.N. Support

Mr. Guyer. I think that would be an extension of a job that would be unprocurable because of the vast number of people from many countries in many conflicts. If you recall, Mr. Fountain, when we first brought this measure to the floor of the Congress we did extend it so it included civilian people, journalists, missionaries, church people, lay people. That is why the term “missing persons in Southeast Asia” was first defined. I think we should stay with that because there are thousands of people—many who do not care about their own people—I can tell you now Mr. Gilman was with me in the Resolution Center, Identification Center in Honolulu where Vietnamese remains are still laying there, not even picked up. They happened to be Vietnamese, Am I correct in that, Ben?

Mr. Gilman. Yes, there are some.

Mr. Fountain. It just popped in my mind. I was thinking about support within the United Nations if it did not deal simply with Americans missing in action.
Mr. Gilman. Would the gentleman yield. Certainly we in this committee want to focus our attention primarily on obtaining as much information as possible with regard to our own missing. I think the gentlemen’s proposal has some merit. Whatever information might be available from other nations while we are continuing the search certainly could not do any harm and I think broadening it out a bit might be helpful.

Mr. Guyer. It might be phrased this way. Let us have staff prepare in addition that any recoveries or identifications that we can accomplish will be passed along to the appropriate countries.

Mr. Wolff. I might say that I think we dilute the effect we are trying to have by including the identification of other MIA’s. I imagine that there are thousands upon thousands of MIA’s of Vietnamese origin that are not identifiable today and the U.N. might take the easiest route and identify those and forget about ours.

Mr. Fountain. Maybe as a practical matter it would not be possible.

Mr. Guyer. I would have no objection. With the chairman’s and the committee’s consent we would not be afield to add that any information we find in the process could be passed on to the appropriate countries.

Mr. Wolff. May I recommend we do that in the report?

Is there any further discussion?

Mr. Gilman.

Mr. Gilman. I wish to comment that I think the gentleman’s proposal is deserving of some consideration. Especially when we approach the United Nations, if we are successful in getting the measure out we might get the support of some of the other nations who have been involved.

Mr. Wolff. Mr. Lagomarsino.

Mr. Lagomarsino. Mr. Chairman, I am certainly strongly in support of the resolution and hope there will be a chance for us to become cosponsors before it actually goes to the floor.

Mr. Guyer. May I be the one to ask forgiveness because our staff did not prepare it properly. It was intended to be for the entire committee. We will do so.

Mr. Wolff. I take it the gentleman is asking unanimous consent to get a clean bill out.

Mr. Guyer. With everyone’s name as sponsor.

Mr. Wolff. Without objection that will be done. Is there any more discussion on this particular resolution? If not, if someone would move the previous question.

Mr. Fountain. I move the previous question.

Mr. Wolff. The previous question has been moved. All those in favor of reporting their resolution out to the full committee say “aye.”

[A chorus of “ayes.”]

Mr. Wolff. Opposed, “no.”

[No response.]

Mr. Lagomarsino. Which committee is voting on this?

Mr. Wolff. The task force on the MIA’s and this will be turned over now to our subcommittee on Asian and Pacific affairs for moving to the full committee.

Mr. Guyer. Could we keep that rollcall open so every member would have the opportunity of voting on record?
Mr. Wolff. With unanimous consent you can do almost anything in Congress, Mr. Guyer.

Mr. Guyer. We do have conflicts in committees this morning. I know the rest would like to be here and I would like to have it show it is unanimous.

Mr. Wolff. If there is no objection we will keep this matter open for the other members of the task force to participate.

On that basis the resolution will be passed onto the Asian and Pacific Affairs Subcommittee for consideration.

I should—just before we get to the statements of Miss Griffiths and Mr. Shields—indicate to the task force that Mr. Gilman and I met with Marine Robert Garwood this past week. The meeting was held in Great Lakes, at the Great Lakes Naval Hospital. We spent about 2½ hours with him. He provided the members with a dissertation on the question of missing in action generally.

We did specifically limit our questioning of Mr. Garwood to whatever information he had relative to the missing in action generally, rather than his particular case. This committee has no desire to influence any action that is pending against him one way or the other by interfering in the judicial process that is taking place.

Therefore we specifically limited our questioning to the overall situation of the missing in action.

We, on advice of Mr. Garwood's counsel, have not given details of the conversations that we held with Mr. Garwood. I see, however, Mr. Garwood has already gone to the press and given some information.

I do believe however that the Subcommittee on Asian and Pacific Affairs will be availed of the information that was secured by Mr. Gilman and myself at another meeting.

This is a sensitive matter and because of its sensitivity, because of the charges that have been made against Mr. Garwood, we have to treat this with great care so that there is no attempt made to influence the decision of the charges that have been made.

I can say that Mr. Garwood gave us some interesting information which we are going to pursue, and check on its validity, so that we can further inform the families of the MIA's as to its content.

With this in mind, although we have ERA and everything else that says everybody is equal in our society, this committee still believes in gallantry. Therefore, we would ask Miss Griffiths to proceed.

STATEMENT OF ANN MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Ms. Griffiths. Thank you, Mr. Chairman, and distinguished members of the committee.

Thank you for the opportunity to provide testimony as a representative of the National League of Families of American Prisoners and Missing in Southeast Asia.

It is extremely important to have a congressional forum available to express our views.

Several major points will be mentioned in my remarks, all of which are intertwined to some degree. Distinctly separate areas upon which to concentrate do not occur. If there is overlap, it will be due to the fact that the rationale is applicable to other than a unique problem area.
Very early in the Carter administration, the United States/Vietnam policy was clearly stated by the President to representatives of the National League of Families board of directors.

**CONTRADICTIONS IN U.S. POLICY**

At that time, there was to be no normalization of relations nor lifting of the trade embargo and no admission into the United Nations until the fullest possible accounting was received.

Additionally, there were to be no presumptive changes in status, unless requested by the next-of-kin, until the President was personally convinced that every man had been accounted for as accurately as possible.

Since those assurances were received and in spite of the fact that only 75 remains have been returned in over 6 years, the policy has been totally reversed.

**OFFER OF NORMALIZATION**

The United States has offered to normalize relations with the Socialist Republic of Vietnam without preconditions, to lift the trade embargo if agreement is reached on an exchange of embassies, Vietnam is now a member of the United Nations, and the presumptive changes in status have been resumed and continued to the point where only 126 men remain POW or MIA out of approximately 1,350 so listed in 1973.

The National League of Families has never been provided the rationale for this change in U.S. policy.

Moreover, there has been no indication as to why the presumptive changes in status were resumed—certainly not because anyone could have been convinced that the fullest possible accounting had been received.

We would like to know! What is the rationale for such drastic changes in policy? Why were the presumptive status changes resumed?

The U.S. Government position on the possibility of Americans continuing to be held captive has been and is that “the Department of Defense has no credible evidence to indicate that any U.S. service-men are alive and being held against their will in Southeast Asia.”

This position has become increasingly challengeable in view of the “uncorrelated information” recently released by the Defense Department. This material contains several thousand reports of live-sightings throughout the war and into 1978.

The Defense Intelligence Agency has not indicated that the released information is untrue, merely that it is uncorrelated as to specific identities and that the information is unconfirmable at this time.

The identification question is irrelevant if any nonindigenous personnel are currently in captivity. The overwhelming probability is that they would be American personnel.

Regardless of who the captives might be, it is incumbent upon the U.S. Government to take steps to obtain their release, if in fact such prisoners exist. Action should be taken to determine whether the reports are valid, not merely leave the matter open to conjecture and speculation.
REPORTS OF PRISONERS ALIVE

It has been reported by refugee sources and recently by Pfc. Robert Garwood that it is common knowledge in Vietnam that American prisoners are still being held for negotiating purposes.

Mr. Wolff. May I interrupt you. Where did the information come from on Garwood?

Ms. Griffiths. From Mr. Garwood to different people he has spoken with. Not firsthand eyewitness statement or any specifics or any locations, just it is commonly accepted. This is something not new to us. We have heard it from many, many Vietnamese refugees from North and South.

Mr. Wolff. I understand Mr. Garwood has not spoken to anyone.

Ms. Griffiths. He is speaking more, apparently. He has spoken to the press and he talked to a friend of mine in Indiana yesterday, while on convalescent leave.

Mr. Wolff. Thank you.

VIETNAM'S ASSURANCES

Ms. Griffiths. Other than to opinionize, can anyone in the U.S. Government provide assurance that Americans are not being held prisoner?

Thus far, the only statements to that effect have come from Socialist Republic of Vietnam officials who have a long history of dishonesty on this issue as well as their involvement in and invasion of Cambodia and other policy matters.

The State Department has strongly stated that there is no possibility of forward movement on the normalization question at this time. How long is that stance going to hold true? Is the only basis the Vietnamese invasion of Cambodia? Are there other reasons for the present position?

The accounting for missing U.S. personnel is a humanitarian problem. Humanitarian considerations are legislatively mandated in foreign policy decisions and should be appropriately interjected into the normalization question.

The League has been told that the accounting is not a precondition to normalizing relations with the SRV but is a hoped for byproduct of that process. In short, the administration has assured the League that the accounting is a matter of high priority, intrinsically involved with the normalization process.

In what way does our Government anticipate improved cooperation? Has there been any assurance from the SRV that cooperation will improve if normal relations occur? What specific consideration is being given as to how the accounting might be achieved?

PRESUMPTIONS AND SPECULATIONS

Presumptions and speculations have figured prominently in the POW/MTA situation. The U.S. Government presumes that there are no American still held captive.
The Honorable G. V. Montgomery speculates that there are no Americans in captivity because the notoriously dishonest Vietnamese officials have so stated and lists the speculation as a conclusion.

The military services presume that all POW's and MIA's are dead, without the necessity of attempting to determine the facts as in civilian law.

Defense Intelligence Agency presumes and opinionizes that refugee reports are untrue, without making a sufficient effort to obtain clarification from available sources.

Congress as a whole assumes that because the Departments of State and Defense and certain misinformed, gullible Congressmen opine that all American POW's and MIA's are dead, it must be true.

The facts are that many reports exist to indicate that Americans may yet be held captive; that accountability is available, according to Defense Department statistical information; and that if the administration were willing, progress could be made in resolving this long-standing problem.

**U.S.S.R. AND PRC ASSISTANCE**

The league has been informed that the U.S. Government has no means of enforcing Vietnamese cooperation with the accounting. At a time when SALT II is in the final stages of agreement, it is certainly conceivable to request that the U.S.S.R. encourage Vietnamese cooperation on this issue. Has this been done?

The recent decision to normalize relations with the People's Republic of China leaves another avenue open for pursuing cooperation.

Granting that the relationship between the SRV and PRC is hostile at present, there is still the possibility of seeking PRC assistance to urge the SRV to move forward on this issue.

The Vietnamese are inclined to respect the wishes of the Chinese at this point due to the "lesson" so graphically taught in language easily understood. Additionally, the PRC Embassy in Hanoi is operational.

Pressure points are available if the U.S. Government is willing to take the initiative to actively settle this problem. The fact is that the necessary priority has never been established.

**LEAGUE GOALS**

The goal of the National League of Families is threefold: (1) the release and return of all prisoners; (2) the fullest possible accounting for those whose fate remains in question; and (3) the repatriation of remains of those who died serving our country.

This objective is realistically within the grasp of the U.S. Government. There is no question that accountability is available.

The controversial question of live prisoners continues in the forefront due to the documented history of the Vietnamese having held prisoners long after the end of the French/Indochina War, the recently released uncorrelated information, and the numerous, current live-sighting reports being provided by refugee sources. Examples of uncorrelated and refugee reports are attached to this testimony.
The league is working diligently, albeit with severely limited resources, on obtaining information to irrefutably prove that live Americans are in captivity. If prisoners are still being held, and we are more convinced each day that they are, then no stone will be left unturned to bring positive proof to the attention of the subcommittee and the Departments of State and Defense.

When this occurs, what will be the policy for obtaining their release? Are there any plans being made to handle such a situation?

This question has been frequently asked of the State Department. The response is always the same—no credible evidence to indicate any Americans are being held against their will in Southeast Asia. Is anyone, other than the league, looking for evidence?

Accountability, our second objective, is clearly available on many of the undetermined cases. The Department of Defense lists 2,490 Americans as unaccounted for in Southeast Asia. The total number is categorized by accountability expectations.

There are some 165 individuals listed in category I—expected accountability. Approximately 1,100 men are listed in category II—suspected accountability.

These two categories alone total nearly 1,300 Americans on whom the Department of Defense feels information and/or remains should be available.

The remaining number of approximately 1,200 are listed in categories III, IV, and V—unknown, doubtful and unrecoverable accountability. It is interesting to note that the remains of an individual listed as unrecoverable were returned to the United States.

The fact is that the league is realistic in expectations on accountability. You cannot give us false hopes. There is no such thing as false hope on this issue. We are too pragmatic and too realistic. We have been at it too long.

The families do not expect miracles. We expect objectivity, effort and sufficient priority to be placed on this issue to insure that a valid attempt is made to obtain the available accounting.

It is the responsibility of the President, as Commander in Chief, and the service secretaries, by statute, to see to the welfare of the men under their command.

Obtaining information to factually determine their fate must be included within the realm of that statutorial responsibility, particularly when substantiating information is suspected of being available.

**STATUS REVIEWS**

On a related subject, there is a grave question concerning the validity of the basis for conducting status review hearings. Sections 555 and 556 of title 37, chapter 10, United States Code pertain to nursing military personnel.

In the text of the section regarding conduct of hearings, it is stated that the service secretary or his designee may conduct a hearing if there is new information to so warrant.

In the present situation, "lapse of time without information to prove the missing serviceman is still living" is considered "new information" upon which basis a hearing is conducted.
The facts that no current effort is being made to obtain new intelligence and that the "uncorrelated information" is now known to exist indicating that people are yet held captive, together with an increasing number of live-sighting reports from refugees, make the basis for conducting status review hearings even more questionable.

Evidence that a missing serviceman was last known to be in captivity has little bearing on the outcome of a hearing. Thus far, no individual has been continued as either POW or MIA—each case, over 1,200 at this point, has resulted in a presumptive finding of death with the exception of approximately six which resulted in reports of death.

Even with the "new information" as interpreted by the Department of Defense, there is still no legal requirement to proceed with hearings. The statute requires only one review, that held approximately 1 year after an incident.

Subsequent hearings may be held, at the discretion of the service secretary or his designee. The fact is that the hearings currently being conducted are discretionary, not mandatory.

According to what has been told the league, the Defense Department General Counsel's Office has interpreted the "new information" procedure.

What is the basis for their interpretation? Why is data not being considered because there are no specific identities? What is accomplished by changing status on a presumptive basis? Who benefits?

**PRESUMPTIVE FINDINGS**

Statements have been made that presumptive findings of death are made for humanitarian purposes, to alleviate the uncertainty of the POW/MIA families involved.

Although in some instances this may be true, at least from a legal standpoint, let me assure you that in the majority of cases, a change in status on a presumptive basis does little to ease the problem of living with uncertainty.

Legal aspects are settled, but the uncertainty continues unabated. The subcommittee, in its oversight capacity, can ensure that responsibility for the POW/MIA accounting is seriously accepted by the President and the service secretaries.

The subcommittee can also investigate the procedures being utilized to declare men presumptively dead without any new information to so indicate.

The Chairman's letter to Secretary Vance leaves little doubt in the minds of those at the State Department that your interest is sincere, dedicated and determined. However, constant prodding of the administration is necessary if success is ever to be achieved.

Oversight of the Defense Intelligence Agency's progress and responsiveness in evaluating refugee reports is an area of major concern to the league and an area which requires continual subcommittee surveillance.

**ABSENCE OF COORDINATION**

A lack of coordination between various U.S. Government agencies recently came to light. A live-sighting report from a reliable source—several prisoners whom he identified did return in 1973—was originated.
by the Central Intelligence Agency in 1969 but never reached the Defense Intelligence Agency nor the service casualty offices until provided by the league in 1979.\(^1\)

This happened in spite of the fact that during the war there was a specific organization entitled IPWIC, Interagency Prisoner of War Intelligence Ad-Hoc Committee, a working level group responsible for dissemination and coordination of information between the military services and intelligence agencies.

Testimony provided in U.S. district court and before congressional committees attests to the fact that all information relative to individual POW/MIA cases has been provided to the next-of-kin and will be considered in the status review hearing.

In this instance, probably others, neither the services nor the DIA had access to a substantive intelligence report.

Due to a Freedom of Information Act request, one family received the report in December 1978 just prior to my receiving it in January 1979 at which time it was forwarded to the Air Force and DIA. The families of other POW/MIA's mentioned in the report probably do not yet know of its existence.

The CIA has had many problems, not the least of which is lack of resources allocated to downgrading and coordination of information to be released through FOIA requests.

The absence of coordination between the CIA and other intelligence agencies is specifically addressed in Benjamin Schemmer's article, entitled "Stansfield Turner and the CIA," published in the Washington Post, April 8, 1979.

**LACK OF INFORMATION**

Possibly the confused state of the CIA is similarly responsible for the lack of available information concerning POW/MIA's in Laos, an area over which the CIA exercised virtually singular operational control during U.S. involvement in that country.

It is obvious that information held by one agency may be withheld from another, either intentionally or inadvertently. Regardless of the reason, an investigation into this problem should be made. The subcommittee is the logical body to oversee such a project.

**CONGRESSIONAL ROLE**

The congressional role in the POW/MIA issue is significant and of long duration, to include numerous hearings, a select committee and many trips to Vietnam.

The value of congressional visits, from a POW/MIA standpoint, has been questionable in view of final reports issued upon return which invariably concentrate on presumptions, speculations and opinions rather than facts.

Another trip to Vietnam is scheduled in conjunction with the Armed Services Committee's trip to Peking. Will their efforts in Hanoi concentrate on specific inquiries about accountability?

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\(^1\) Copy of report is on file at National League of Families of American Prisoners and Missing in Southeast Asia headquarters.
Will those who talk with the Vietnamese have sufficient objective knowledge to enable serious discussion on this issue? Or will this upcoming trip be just another opportunity to alleviate Vietnamese responsibility by offering excuses for their lack of cooperation as has been the case in the past?

Congressional awareness has continued to be very evident, largely as a result of the hearing process. However, past hearings have frequently provided a forum for the Department of State and Defense to reiterate a lengthy chronology of unsuccessful efforts.

The purpose of the hearings today and the hearings subsequently scheduled is not to concentrate on past failures, but on possible actions which might be taken to achieve success.

SUBCOMMITTEE LEADERSHIP

The leadership being demonstrated by the subcommittee on Asian and Pacific Affairs, Mr. Chairman, has been both positive and productive.

An attitude of purposeful objectivity, aimed at a solution to this issue, is clearly evident. This is good to see and has been helpful in bringing about a more cooperative and responsive attitude on the part of various U.S. Government agencies.

There has been a marked improvement in the responsiveness of the Defense Intelligence Agency since several Congressmen expressed their hope that such would be the case.

The Department of Defense has recently restructured responsibility for the POW/MIA problem. Still within the International Security Affairs directorate, Brig. Gen. T. C. Pinckney, USAF, Director for Asian and Pacific Region, has been named as the point of policy contact on matters pertaining to POW/MIA's in Southeast Asia.

This action has facilitated cooperation and provided a channel for communication at a higher, more coordinated level.

Subcommittee oversight has been similarly responsible for an improved attitude at the State Department toward assisting the League in efforts to reach in-country Indochinese refugees, via the Health, Education and Welfare Department, and in facilitating contact with refugees in third countries who have indicated possession of POW/MIA related information. This, too, is encouraging.

Hopefully, the cooperation and responsiveness of these departments will continue after the appropriations and authorizations bills have been acted upon.

Now is the time for hard questions and logical, substantive answers. The establishment of the task force on American prisoners and missing in Southeast Asia is another indication of strong commitment and leadership by the chairman and members of the subcommittee, as well as members of the full committee.

IMPROVEMENT IN ATTITUDE

Perhaps this overall improvement in attitude, cooperation and willingness to seek a solution will culminate in a stronger U.S. Government commitment to obtaining the accounting for missing Americans for which their families have waited so long.
Thank you for listening to these remarks and for the opportunity to present them. I will be happy to answer any questions you may have.

Mr. Wolff. Thank you, Miss Griffiths. I might say before we question you we are going to move on to Dr. Shields. I might just comment on one or two things you said.

First, I feel your statement is very cogent and we are very appreciative of hearing it, especially those compliments you paid us.

Ms. Griffiths. They were true.

Mr. Wolff. Although there were hawks and doves in the Vietnam war, this committee is not going to be a parrot for anyone.

Ms. Griffiths. I appreciate that.

Mr. Wolff. Dr. Shields, will you please proceed.

STATEMENT OF HON. ROGER E. SHIELDS, CHEMICAL BANK, FORMER ASSISTANT SECRETARY OF DEFENSE

Mr. Shields. Thank you Mr. Chairman and members of the committee. I appreciate the opportunity of coming before you today to testify on a subject with which I had close association for many years.

Although my official responsibilities involving the issue of Americans missing or unaccounted for in Southeast Asia ended in 1977 with the termination of the work of the Presidential Commission on missing Americans, I have maintained an active interest in the subject. I still have frequent contact with the families of these men and am keenly aware of the anguish which continues to be a daily feature of their lives.

HUMANITARIAN CONCERNS

I appear here today with mixed emotions. I am pleased that this committee has concerned itself with the plight of those unaccounted for, and of their loved ones, at a time when this issue no longer attracts headlines in newspapers and the other public attention it once did.

Your concern is a truly humanitarian one, and one which demonstrates this country's commitment to, and concern with, human rights in its most fundamental sense. Surely, the right to know, where that is possible, the fate of a loved one missing as a result of heeding his country's call must be a basic human right.

But I also appear here today with a profound sense of sadness, a sadness which stems from the realization that after more than 15 years in some cases, the issue of an accounting for Americans missing in Southeast Asia is not resolved. That sense of sadness is heightened by the realization that the issue as it stands today pits our Nation's Government and military services against the families of those for whom there has been no accounting.

ACCOUNTING NEEDED NOW

I hear very little comment any more on the role of the Government of Vietnam in the accounting process, and where an accounting is physically possible, and I believe that it is in the cases of many men, it is within the power of that Government to provide it.
As I contemplated my testimony, I decided that after all that I have said on the subject, I had little to add. As I reviewed my testimony before the Montgomery subcommittee, I examined closely what I said when asked about the possibility of any Americans remaining alive in captivity in Southeast Asia.

My answer was to the effect that I did not know; that I was aware that some Americans, for whom no accounting has ever been received, were alive and in captivity at one time. I further stated that there were no current indications that Americans were still being held.

If asked that question today, my answer would be approximately the same, qualified by the fact that over the past 2 years I have had no access to current intelligence on this subject.

CIVILIAN PRISONERS

But I would further have to qualify my answer today. Even while the Montgomery Subcommittee was receiving assurances from Vietnamese authorities that no Americans, including, I assume, civilians, were being held captive, at least two Americans, Arlo Gay and Tucker Gouglemann, were in Vietnamese prisons and even, in the case of Gay, only a few kilometers from where the Congressional Subcommittee was making its inquiries in Vietnam.

Arlo Gay was later released, but Tucker Gouglemann died in a Vietnamese prison some time after the initial official inquiries were made in his behalf. The Vietnamese acknowledged that he died in prison only some months after the fact. If there had been an honest response, or a forthright effort made by the Vietnamese to ascertain his whereabouts in Vietnam, if that were necessary, he, instead of his remains, would have been repatriated to the United States.

The Presidential Commission in 1977 made careful and extensive inquiries as to whether other Americans, civilian or military, held involuntarily or residing voluntarily, were still in Vietnam.

While the Vietnamese answer was evasive, it certainly was not in the affirmative, and was of a negative enough character to cause official U.S. spokesmen to indicate that they had no evidence of Americans still living in Vietnam, and that official Vietnamese replies to U.S. inquiries confirmed this.

Now, just days ago, Private Garwood returned to the United States from Vietnam, where he had been, so far as I am aware, since his absence from U.S. control many years ago.

FAMILY CONCERNS

These events have caused families renewed anxiety over the fate of their loved ones, and understandably so. I am waiting myself to hear the Vietnamese reply to our questions prompted by the Garwood case.

The families of those for whom no accounting has been received understand these facts. It raises new questions in their minds about whether other Americans may still be alive in Southeast Asia. It is an indisputable fact that at one time some were, about whom nothing has since been heard. Families may well be concerned about all those for whom no accounting has been received, but they are most particularly concerned with an individual.
EXAMINE EACH CASE

When we stop talking about these men as a group and examine the case of each one individually, the circumstances of loss take on a new meaning. I have examined cases individually, and I find it impossible to believe that minimal efforts on the part of the Vietnamese would not result in information in many cases of missing Americans.

Just after the peace agreement was signed in Vietnam, our Government made a limited effort in the field to ascertain what happened to missing Americans lost in areas which were under firm control of friendly forces in 1973 and, therefore, accessible for search operations and campaigns for information among the residents of those areas.

There were only a small number of missing in those areas. Most Americans had been lost in areas not accessible for these efforts. Still, information about many Americans was recovered, along with a number of remains.

Those efforts, I believe, demonstrate what even minimal good faith efforts might achieve in other areas of Southeast Asia. Even in Laos, where many experts thought little information would ever be forthcoming, data received several years ago demonstrated that, at least at one time, the Pathet Lao possessed information about missing Americans.

FALSE HOPES

I would not want to raise false hopes on the part of the families of the men now missing or unaccounted for about the possibility that their loved ones might still be alive in Southeast Asia. But I don't believe that my own opinions on that subject have much relevance any more for these families.

The long, established, and continuing record of Vietnamese duplicity on this subject, culminated by the return of Robert Garwood, has already created doubts on that score which I am convinced cannot be dispelled on this side of the Pacific.

Only those who have created those doubts hold the power of providing even partial answers to these questions.

Indeed, I am doubly concerned that the past Vietnamese record has already prejudiced even the best efforts at obtaining an accounting. Nothing more will ever be known. I am sure, about many of those for whom we seek an accounting. Even in these cases, doubts will inevitably persist no matter what measures are undertaken now to achieve an accounting.

Under these circumstances, I am distressed to see the military services and the U.S. Government as targets of the hostility and suspicion of the families of men who served their country so faithfully.

If these men gave their lives for their country, there can be no doubt that their country owes these men and their families its best possible efforts in obtaining the best accounting possible.

These families today doubt in many cases that the military services are providing them with complete and accurate information about their loved ones. I know no remedy for these questions.

INFORMATION TO FAMILIES

It has been the policy of the Government and the military to provide the families with all of the information which pertains, or may pertain,
to their loved one. Special points of contact were provided within the services to insure that this was done.

It may be appropriate, though, for the Department of Defense to investigate alleged violations of this policy and, if they were found to be serious and consistent, take whatever steps were necessary to remedy the situation.

Beyond that, I know of nothing short of complete document declassification which would make more complete and accurate information available to the families.

I am not convinced, though, that serious deficiencies are present in existing organizations and procedures. It is, I believe, the vital element of trust which is missing in the relations between the families of those unaccounted for, and the U.S. Government and military services. The families understand that more information could be obtained, but I do not believe that they understand that it is not in the power of their own Government to obtain it.

The families have been told that little more can be done to obtain an accounting, and the military services have acted upon this presumption by the changes in status which have been made for some time now.

When families are told that no more information is likely to be forthcoming about their loved one, they should be told clearly and unambiguously why. I believe that has not yet been done as clearly as necessary.

VIETNAMESE COOPERATION

As I review the question of an accounting today, I have only two modest suggestions to make. The Montgomery subcommittee hearings established the fact that information on a large number of men could be obtained through the cooperation of the Vietnamese.

What has been received thus far represents only a token of what could reasonably be expected through a good-faith Vietnamese accounting effort.

I believe that it is, therefore, imperative that the U.S. Government make this fact unambiguously clear for the record. The Nation at large, and especially the families of the missing and unaccounted for should know clearly that the fault does not lie at home with their own leaders.

MEMORIAL VOLUME

Finally, I would suggest that a memorial volume be prepared which would contain the photos of all those for whom no accounting has been received, accompanied by biographical sketches containing the circumstances of loss and a synopsis of all the information which might pertain to the statuses of those men.

This would require, of course, the permission of the next-of-kin. This would make the information which pertained to a man a matter of public record. It would be a fitting tribute to these brave men and an open statement from the Government that it was concealing no pertinent information relating to an individual's status.

There are those who would say this creates a bad precedent which could not be followed if future wars occurred which resulted in large numbers of missing men. The situation in which we find ourselves
today, though, is unprecedented, and common measures will not resolve it. There are family members, too, who would say that this would effectively write an end to efforts to obtain an accounting.

But most of our men who were missing in action or prisoners of war in April 1973, at the termination of Operation Homecoming have now been declared presumptively dead. A memorial volume would at least leave an open record which could become an active file in the future if conditions permitted.

Mr. Chairman, this concludes my remarks. I thank you once again for the opportunity of testifying today.

Mr. Wolff. Thank you Mr. Shields. I want to take the opportunity of asking the first question. Mr. Shields, what were the dates of your service?

Mr. Shields. Within the Defense Department, Congressman Wolff, from 1971, the beginning of the year, through, I believe, November or October of 1976. The end of October, I believe, 1976.

I then served as a consultant to the Department of Defense while I was in the Treasury Department, and, therefore, still in the Government. In that capacity I represented the Defense Department with the Commission, the Presidential Commission, and went to Hanoi with that Commission. My active duty in this area terminated with the return of the Presidential Commission.

INFORMATION WITHHELD

Mr. Wolff. During the time you held the positions that you did, do you know of any information that was withheld?

Mr. Shields. Congressman Wolff the official policy at that time—and it was followed as best I know to the extent of the best efforts that the Defense Department was capable of making—was to inform families of all the information relating to their loved ones regardless of its classified nature.

I recall, for example, the information which we received sometime in 1974 or 1975, indicated a man who had been officially reported by the Vietnamese Communists as having died in captivity in South Vietnam or in the Cambodian South Vietnamese border region, was still alive. We investigated that report within the Defense Department to ascertain all the facts available, and then reported that information to that family; that their man was alive, even though it was clearly contradicted by the best information we had available otherwise.

To the best of my knowledge that policy was rigorously pursued. It certainly was the general policy. There have been instances which I have been told about, informed of by family members since I left the Government, which have concerned me in that I believe that although they may not have been technical violations of that policy, they certainly violated the spirit of that policy.

Mr. Wolff. That leads me to the question, if you say there was no information withheld and the families got additional information later on, wouldn't there be a disparity?

Mr. Shields. I believe that was generally true. I think that certainly may not have been true in isolated instances—and I do recall a situation in which I believe certain information was withheld. One-
particular case at this moment comes to my memory. However, at
the time I was in the Pentagon, I was not aware of any instances
in which that was the case, and when families pointed out their
concerns, or where they thought discrepancies existed, every effort
was made to go back to the files and to obtain that information.
I remember that in the case of Sergeant Sexton, who was released
from captivity in South Vietnam in 1972, that there was an apparent
discrepancy concerning some information which had been available
concerning him which had not been passed on to the family members.
We were able to set that record straight. The essence of the infor-
mation, it turned out, had been passed on. Certain details though,
had not been passed on to the sergeant’s family.
In another case of which I am aware information had been obtained
in the field in South Vietnam which through a mistake, through error
in our own procedures, had been held in South Vietnam, and of which
the family, in this case the parents, and also in this case the Air
Force as well was unaware.

PUTTING THE LID ON

Mr. Wolff. I would like to go a little beyond that. My time is
almost up. I have two further questions to ask you.
The Department of Defense I take it, is attempting to provide as
much information as they possibly
have. Are there any other depart-
ments of Government, or bureaus of Government, who are putting a
lid on the information that can be passed on to the families and acting
as somewhat of an inhibitor of the information being passed on?
I particularly refer to situations that I become aware of, not in
relationship to the MIA’s or POW’s, but of our presence in certain
areas of the world. Because we did not want to reveal our presence
there, information was withheld from families as to where the individ-
uals were, and what their fate was.
Mr. Shields. Congressman Wolff, prior to my tenure in the Penta-
gon it is my understanding that information about men, for example,
those who may have been downed in Laos, was not passed on in terms
of the precise location, and perhaps not even the country of loss.
That policy was revised and amended during my time of office in the
Pentagon, and the families were given locations where the men were
lost in as precise terms as the services could provide.

FIRING SQUADS

Mr. Wolff. I would like to ask you one last question. Some time
during 1976, was there an American, not a military man, an American
that you know of that was executed by a firing squad by the
Vietnamese?
Mr. Shields. I am not aware of any Americans who were executed
by the Vietnamese in 1976.
Mr. Wolff. In 1975?
Mr. Shields. No, sir. The only instances that I know of in which we
could identify Americans executed by firing squads would have been
the cases of some men executed in South Vietnam whose executions
were announced by the Vietcong; specifically, Sergeant Rokrabaek,
Sergeant Bennett, Captain Versace.
Congressman Wolff, there were indications, there were for example, communication intercepts, which at one point in time indicated that several executions recurred, but these would have been, I think, probably in the early 1970’s.

Mr. Wolff. Any after 1973?

Mr. Shields. None of which I am aware.

Mr. Wolff. Thank you.

Mr. Fountain.

Mr. Fountain. Mr. Chairman, I think the statements are self-explanatory other than our responsibility of trying to fill in between the lines.

PUBLIC DOCUMENT

I note that you recommend a novel approach or as one approach in our efforts to get more information; you recommend a memorial volume containing the photos of all those for whom no accounting has been received, accompanied by a biographical sketch containing circumstances of loss, synopsis of all the information that might pertain to the status of the men. How would you suggest that that be used?

Mr. Shields. I would simply, Congressman, let that be a memorial volume which would be published by the Government Printing Office or whatever other arrangements were deemed appropriate.

It would simply be an indication that information had been gathered that would be open for anyone who cared to examine it. Families could examine it.

Certainly I think at this point in time there is little point in withholding any information. Things could be examined in a suitable way so that references to intelligence sources could be deleted, but it would contain what would represent the best efforts by the services, in conjunction with the families, to put down a complete statement of everything known to the U.S. Government and to the families about that man.

FITTING TRIBUTE

It would be an open record. It would be a fitting tribute to men about whom we are still concerned after more than 15 years.

Mr. Fountain. In other words, all the information that we have.

Mr. Shields. It could be condensed, but it would be condensed with families and the service in cooperation to indicate that it contained all the pertinent information about an individual.

Mr. Fountain. Would you suggest that this be circulated in Vietnam among those people that we have confidence in, that they might take a look at it and see whether or not they have seen any of these people?

Mr. Shields. It could be used in any way that was deemed appropriate. In my view, it would be a public record which public libraries or anyone who wished could have access to, in order to examine the records of efforts made to account for men, or to ascertain what the Vietnamese might be expected to know about them. It would be there for everyone. It would be an open book statement upon which the families and the Government could agree.

Ms. Griffiths. I would like to comment on that. Knowing the families as well as I do, the subject of memorializing anything until, for instance, the effort has been made to obtain the fullest responsible
accounting is something totally abhorrent. They don't want to think of any kind of memorial which is a wrap-up, final phase situation.

Something of what Roger is referring to here might conceivably be a possibility some time after every effort has been made to obtain the accounting after the investigations are completed by this subcommittee or whatever other eventual steps are necessary to get the accounting.

Of course, we have no objection to anyone having information about the men that are prisoners and missing. We give information out of our office, but in connection with the memorial I think I can say the families at this point in time would be totally opposed.

Mr. Shields. I would be willing to delete the word "memorial."

Mr. Fountain. You might call it something else. This could be segregated showing what information we do have. I have in mind its use in Vietnam, but not a memorial roll. I can well appreciate the observations made by Ms. Griffiths.

Mr. Shields. My point was to make this a matter of open record. I said "memorial" because most of these men have been declared dead. In the newspapers today they speak now of only 100-some-odd men for whom we still seek information. Memorial—or whatever otherwise it would be—it would be an open record containing information about which the families and the Government would be able to concur.

POW'S AFTER HOSTILITIES

Mr. Fountain. You made reference to one case in which information was withheld. Are you in a position to tell us the circumstances in connection with that case?

Mr. Shields. The one case of which I am aware in which there was not what we might describe as simply an oversight was a case in which three men may have been captured. This would have been after the termination of hostilities in South Vietnam. I believe that record has been made public now, has it not?

This was a communications intercept which indicated three men out of a reconnaissance aircraft may have been captured. In fact the communication intercept stated they were captured. The men though were declared presumptively dead.

The circumstances of the loss were examined on the scene, and as I recall there was concern among officials within the Pentagon that the remains of those three men may not have been in the wreckage of the aircraft, so it raised strong presumptions in my mind that something may have happened to those men. They may have been captured. Nevertheless, they were declared presumptively dead.

I am not sure what the families were told. Families were not informed there had been a communication intercept which indicated they had been captured. This was in 1973.

Mr. Guyer. Mr. Chairman I am going to give my time to Mr. Gilman because he has so much to ask and I had a chance to make a statement.

HANDLING OF INFORMATION

Mr. Gilman. I thank the gentleman for yielding.

Doctor Shields, when was it that you terminated your official capacity as a consultant with the Department?
Mr. SHIELDS. My consultant capacity would have been terminated, I think, in June of 1977, a few months after the Presidential Commis-

sion returned from Vietnam.

Mr. GILMAN. You have been following quite closely the develop-

ments that have occurred since you have left the office have you not?

Mr. SHIELDS. I have followed them as best I could in the open press and through communications with family members and occasional contacts with officials within the Government.

Mr. GILMAN. What is your perception of our capability to handle any information that is coming in at the present time? I guess most of it today comes from unofficial sources.

We have heard statements that in the offices assigned the responsibility for the various branches have reduced their manpower. What is your perception of our capability to properly analyze and utilize the information that we are receiving?

Mr. SHIELDS. Congressman Gilman, I am not really in a position to make a very accurate assessment there. I do know that Commander Trowbridge, who was a very, very valuable source of information and analytical capability for me, and his staff, still work within the Pentagon.

I know the Prisoners of War and Missing in Action Task Force which did exist is no longer there in the form it was when I was there. I know things have changed, but I am not capable of assessing their capabilities now.

SHIFT IN RESPONSIBILITY

Mr. GILMAN. We have been informed that the responsibility has shifted away from the lower bureaucracy back to the Secretary's area of responsibility. Do you see this as an improvement or would this further hinder the resolution of this problem?

Mr. SHIELDS. Congressman Gilman, I believe it depends on the sincere interests of those in charge. If those who are in charge are interested and concerned, then I believe they can do a capable job.

It is my understanding there were always officials in relatively high positions in the Pentagon who concerned themselves with this subject. If this reflects more concern and an intention to follow a more active policy, then of course it should increase the capabilities in the Defense Department to do this.

Mr. GILMAN. While you were still active on the issue and part of the Defense Department, was the responsibility at Secretary level or was it then in the lower bureaucracy?

Mr. SHIELDS. I always had access personally, Congressman Gilman, to the Secretary of Defense on any subject that arose in this area, and while I was there the Secretaries of Defense were concerned, the Deputy Secretaries of Defense were concerned, and so we did have very high level interest.

Mr. GILMAN. As far as you know is there a Deputy Secretary now assigned to this responsibility?

Mr. SHIELDS. I would not know.

VISIT TO VIETNAM

Mr. GILMAN. You went with the Woodcock commission when they went to Vietnam, did you not?
Mr. Shields. Yes, I did.
Mr. Gilman. You presented to them some case histories, isn’t that correct?
Mr. Shields. That is correct.
Mr. Gilman. What do you think we could expect by way of accounting if there was an honest and forthright response from the Vietnamese?
Mr. Shields. Congressman Gilman, we know for a fact that there was a list of men who had been declared dead in South Vietnam, having died in captivity. I assumed at the time those names were given to us, the reason the list had been given to us, was because their burial locations were known. In a number of cases they are known to our men who were with these men and when they died, and those graves could be found.

A museum in Hanoi contained the personal gear of a lot of Americans lost in Vietnam. We were not allowed to see that museum. That certainly should have been readily available. It was not made available to us.

I think the circumstances of loss of our men contained in the document to which Ms. Griffiths referred concerning the information which the Vietnamese might have would speak to that matter fully.

Certainly I have questions in my own mind about the accuracy of the information which we received. We were told, for example, that the 12 remains which the Presidential Commission received represented the best efforts of the Vietnamese up to that time. Absent from those remains were remains of a man later returned who had been the subject of a North Vietnamese broadcast at the time he was lost. He was a B-52 crew member from whose remains a letter was taken and read publicly. I would have expected, had they made the effort they indicated they made, that his remains would have been readily available.

There are many other cases, I think, where a little effort would have proved very fruitful.

ROBERT GARWOOD

Mr. Gilman. In other words, it is your impression that there is information available to the Vietnamese today that they are not making available to our Government. Is that a correct analysis?

Mr. Shields. Congressman Gilman, I think if the Vietnamese had been forthright at the time the commission was there, we would have known about Robert Garwood. That is a very obvious case.

Mr. Wolff. Would the gentleman yield at that point? Are you saying we did not know about Robert Garwood at that time?

Mr. Shields. We knew Robert Garwood had been absent from our forces, and the last we knew of him he was alive, but that was many, many, years ago. We were not aware at that time, and I think our public statement so indicated, that he was alive and residing in Vietnam.

Mr. Gilman. Since it is a fact, Dr. Shields, at some time years ago—approximately I guess it was around 1969 or 1970 period—that the Defense Department did analyze the Garwood case and make a determination with regard to whether some charges were going to be brought against him?
Mr. SHIELDS. Congressman Gilman, his case was similar to a number of cases in which the circumstances of absence from U.S. control were questionable. The decision was made at the time that in the absence of any further information, these cases should be held in abeyance until such time as the men either returned or more information was obtained, at which time a full investigation would be made of the facts, and then proceedings would then go forward depending on what the facts revealed.

QUESTIONING THE VIETNAMESE

Mr. GILMAN. When you were in Hanoi with the Woodcock Commission, did the Commission ask questions that should have uncovered Garwood presence in Vietnam?

Mr. SHIELDS. Congressman Gilman, the Commission covered very closely and very intensively the issue of alive Americans, and under whatever circumstances there might still be some alive in Vietnam. Questions were asked as I remember in the record—the record may prove my memory deficient—but the questions were, are there any Americans still alive in Vietnam and the answer was, “All Americans who registered and wished to leave have been allowed to go” and “Were there Americans who registered and did not wish to go or who were staying voluntarily?”

“All Americans who registered,” the answer came, “wanted to go.”

“Well are there Americans who did not register?”

“Well, that is the way we would know about them, only if they registered, and if they did not register they may be hiding."

So the question then was, “Do you know of any American no matter what the circumstances who may still be in Vietnam?” The answer, as I recall, was “There are no Americans left in Vietnam.” To my own mind had the Vietnamese known about Robert Garwood—there is a possibility they might not have—but certainly a caucasian in Vietnam living among the Vietnamese would be something that that society would have knowledge of—it should have been revealed to us.

OTHER GARWOOD CASES

Mr. WOLFF. You indicated that there were a number of other cases similar to the Garwood case.

Mr. SHIELDS. Yes, sir. There were. There were a number of cases in which the circumstances of loss from American control were questionable.

Mr. WOLFF. Are they still pending, do you know?

DIED IN CAPTIVITY

Mr. SHIELDS. In several cases I know these men were reported as having died in captivity. For example there is an individual of whose whereabouts I am aware who was residing in the Cambodian-South Vietnamese border area—the Parrot’s Beak area. He apparently was living as a farmer. He had a Vietnamese wife of Cambodian descent, had two children, and was living in the area. He had at one time been
a member of the U.S. Armed Forces. Unless he has subsequently met with misfortune I would presume he may still be alive there.

Mr. Wolff. Is that information known to the family of the individual?

Mr. Shields. In every case I am aware of, that information is known to the families.

GAY AND GOUGLEMANN

Mr. Gilman. May I reclaim my time? Dr. Shields, wasn't it a fact that even while the Montgomery Commission was there and made the same kind of queries and questions that you had just reviewed that Arlo Gay and Tucker Gouglemann were still alive and being held by the Vietnamese?

Mr. Shields. That is correct.

Mr. Gilman. There had been denials about their being held, wasn't that correct.

Mr. Shields. You were a member of the subcommittee that was in Hanoi when those enquiries were made, and you would be aware of those enquiries. Congressman Guyer also.

Mr. Guyer. I was going to say it seemed strange about the time we discovered somebody was alive, shortly thereafter they weren't. That is a matter of record.

Mr. Wolff. If the gentleman would yield, that is of great concern to me right now. I think that the more we probe into certain areas the greater the danger exists for those who may or may not—I am not going to venture an opinion as to whether or not any one still exists in Vietnam—but by some of the probing we may involve ourselves in a situation, it seems to me—I don't know about the Vietnamese but from what I can see they won't admit very readily, except in a situation such as Garwood which I can't understand either, that they would let somebody go or admit to the fact they have been holding them for any period of time. We are in very dangerous areas. Therefore I would say one thing that I think—off the record.

[Discussion off record.]

RESOLVING THE ISSUE

Mr. Wolff. I have the gentleman to make a note of caution in all of this. That is that we do not want this committee to permit the families to be exploited in any way. We don't want to raise false hopes in the minds of any of the families and our pursuit of this is not to raise false hopes but to see to it that they have the full capacity of government at their disposal in order to resolve the issue.

I think that more clearly than anything else that is the purpose of this committee's activities.

Unfortunately in the past I do feel families have in a sense been exploited. I think the issue has been exploited and I do think that there has been dereliction on the part of some of the authorities in not pursuing to the full extent possible the resources that were available to government in providing for the information to the next of kin.

We are going to recess for a vote and then we will return.
Mr. Gilman. If I might just comment on your last statement. While I applaud you for attempting to make certain that the families are not exploited I think that the families have over the years become quite insensitive to many of the rumors and much of the information that is not credible.

What the families are sensitive to is the lack of adequate and responsible action by the various administrations that have dealt with the problem. They are particularly sensitive to the laxity that they have been confronted with by bureaucrat after bureaucrat who has had the responsibility for resolving this issue.

GREATER EFFORT

I hope with your leadership we will be able to stimulate a greater effort. I see too much of an erosion of our administrative attention to this problem. There is a dismantling of the agencies that have been assigned this responsibility and who presumptively declared most of the men dead. It now looks like we are about to close the book unless the committee can keep a door open and keep some information flowing.

Mr. Guyer. I think it should be said, there were two areas of information that were withheld for two good reasons. One was what they call profile characters, particular things nobody else would know about an individual except those who really knew him. Those were classified because extortionists then could not say, "I know something about you son" without knowing these facts. They were withheld.

The other withheld was a particular circumstance under which some may have died because they want to spare the family. This is a matter of record, but they discovered nothing was too grizzly they could not take. We underestimated the families because they are insensitive to shock at this time. It should be said this is no time for diplomatic development.

Mr. Shields. Certain other kinds of information such as sources of information were also not revealed. My comment was to the effect that information pertinent to the status of the man, his condition, was passed on, yes, sir.

Mr. Wolff. We will recess while the committee takes a vote and we will return.

[Whereupon, the committee took a recess.]

Mr. Wolff. We only have 10 minutes. We have the foreign assistance legislation on the floor and I am trying to safeguard your position to see to it we don't give aid to Vietnam until such time as they give up some of the information they have. So excuse me for trying to be in both places at the same time. Mr. Gilman was continuing his questioning. I hope he is coming back.

LIVE SIGHTINGS

Mr. Guyer. There was one question that came up. How should we handle the reporting of live sightings? Is there an approved or a better way to do that for the most maximum results and minimum loss?

Ms. Griffiths. I could comment on that. That is the way that we are doing now. There are two different types of reporting. These are
all sources of information that have come to the League, this stack here. There are 47 or 48 at this point.

When we get information to whatever degree, whether it is live sighting, firsthand sighting information, or information on graves or incidents, I copy that and send that to the subcommittee via Jon Holstine and simultaneously to DIA, to the section charged with analysis.

We have been told we will be getting a progress report from DIA, substantive progress report addressing what actions they may have taken to followup on those reports. Hopefully, subcommittee oversight will see to prompt response. We have had certainly an increased responsiveness and cooperation from DIA, as I mentioned in my comments.

Other than that the State Department's activities could be improved upon. You said you stressed that with Mr. Holbrooke the necessity for interviewing refugees when they are processed as to whether they have information.

Recently the State Department followed through with a copy to the subcommittee to try to contact a man in Indonesia who says he has a great deal of sighting information and they are trying to get him out of that country and into this country at the present time, so there has been increased cooperation in that regard.

Other than that I am sure if we have 40 some odd reports coming directly to the League, which has had an active program just over a year, certainly DIA and the various intelligence communities must have a great number of more sighting reports and incident information.

CROSSFILEING

Mr. GUYER. What kind of batting average do we have with cross-filing so that if we get enough movement—and I understand that was one of the secrets of the Vietnamese, they are moving people all the time, just like we do with highway patrol. They moved them around for security or other reasons. But if we do get a cross-check like we do in our filing systems where an event and people lineup, where more than one group has been seen then it begins to give credibility.

Ms. GRIFFITHS. DIA, in their analysis of these reports, is putting information in some sort of data base for cross-checking purposes and corroborative purposes. There is some concern also—for instance the Ngo Phi Hung testimony that was given to this subcommittee and was later evaluated by DIA in that evaluation. In the impression of the League, there are some discrepancies pointed out and when questioned they said they had not gone back to Mr. Hung to try to get clarification about these discrepancies which, with the length of interview and the length of testimony here in this room, there were bound to be discrepancies that could have been later clarified by an additional interview. Those clarification meetings were never held.

Mr. WOLFF. On that score as I understand it they asked for a lie detector test and he refused to submit to a lie detector test.

Ms. GRIFFITHS. It may be he has reconsidered that at this point, after we made sure he did receive a copy of the evaluation and that it was translated for him. I am sure he will be having input back to DIA as will the League, requesting clarification on some of these discrepancies.
FUTURE GARWOODS

Mr. Wolff. One factor that troubles me, Dr. Shields, is you mentioned there have been other circumstances like the Garwood situation that have not been resolved. The reason I say it troubles me is, do you think in the future we are going to be faced with additional situations like Garwood? It is possible, but do you think it is probable?

Mr. Shields. As I indicated in my statement, I would have to say the same thing now that I said several years ago. It certainly is possible. We spoke of this one individual, McKinley Nolan. His case is a matter of public record. He was alive in Vietnam. Charles Dean was a civilian American in Laos who was alive at one time and held captive in Laos. We know nothing more of those individuals.

There were reports, I think, to which we gave some credibility when I was in the Defense Department which indicated individuals who perhaps had defected from U.S. forces who were in Vietnam. We know nothing more of them. So I would have to say again it remains an open question.

CUBAN INVOLVEMENT

Mr. Wolff. From different sources we have been given to understand that the Cubans have been involved in Vietnam and in some of the questioning of individuals. Do you know, in your time, if we approached the Cubans at all for any information?

Mr. Shields. Congressman Wolff, we knew there had been some interrogators and other individuals who engaged in torture who appeared to some of our returned prisoners as Cubans, or individuals who perhaps spoke with a Spanish or Latin accent. There was no demonstrable proof they were in fact Cubans. We had nothing certain to go on.

We made an analysis, as best we could, to ascertain the individuals that they might have been. Nothing ever came of it to my knowledge. We were not able to ascertain who they were.

Mr. Wolff. Do you have any knowledge of any members of any of the Arab terrorist organizations being involved in any interrogations or in the activity in Vietnam dealing with prisoners?

Mr. Shields. Not to my knowledge. The only groups we know about were these individuals known to our returned prisoners as the Cubans. They may have been Eastern Europeans. They may have been Western Europeans. We really do not know.

The accent appeared to be Spanish, Latin, but it was very, very difficult to say. They may have been Arabic, but we don’t know.

I recall one man telling me that when he woke up in a hospital bed one time he saw a caucasian standing in the door looking at him. He did not know who the individual was; he only knew he was Caucasian. The individual did not speak. He simply looked at him and walked away.

RELEASE OF CAPTIVES

Mr. Wolff. Do you know of any of those that have been held that were confronted with threats to their safety in the event they were released or they had further opportunity of freedom in any way?

Mr. Shields. I believe our returnees in general were asked what message they were going to give, what impression they were going to
give, about their captives when they were returned? They told their captives what they were going to say and what general impression they were going to give. They were not told not to change their story. They were simply asked in an objective way what they were going to say.

I don't know of anyone I can recall who was threatened. The early releases felt if they were to comment on their treatment and the conditions of captivity during various times of their captivity, that it might prejudice the release of others.

We know in the case of the French, after the French-Indochina war, when France made an issue of the condition of some of their men, the releases were halted and were not started again until such time as the French agreed to maintain a low profile. But that is the only information in this area that I have.

Mr. WOLFF. Do you know whether any families at any time were threatened with retribution as a result of any action of the returnees?

Mr. SHIELDS. None that I know of. None to which I would be able to give credibility. There were some strange circumstances, some involving events which took place in Mexico, and in another instance I recall a family member who visited Phnom Penh before Saigon fell professed to have and had some contact with enemy captors and so forth, but it did not seem to me that much credibility should be attached to that story, so I would have to say no, not to my knowledge.

Mr. WOLFF. I have no further questions.

KNOWN WHEREABOUTS

Mr. GUYER. I just wondered do we have much of a record of any of those who are still declared either missing or prisoner of war or whereabouts unknown? Do we have any record? Are any of them married to any of the local girls, which might be a fact.

Mr. SHIELDS. In the case of one individual whose case I think is a matter of public record McKinley Nolan, at one time a member of the U.S. Army. Very clearly he did have a wife and had children and was living with them.

It is unclear what happened to him after the fall of South Vietnam. My personal knowledge of his whereabouts ended about that time. He had been on the Vietnamese side and apparently went over to the Cambodian side of the border. This would have been early 1975 or late 1974, and after that there was confusion, the cutoff of intelligence information. More may have been received about him since, but I am not aware of it.

DEFENSE DEPARTMENT PROCEDURES

Mr. GUYER. My last question would be, how do you account for the distrust of members of the League of Families with Government generally. I think there is a lot of distrust.

Ms. GRIFFITHS. Distrust is a strong word. I think in many instances the primary problem that the families have with the Department of Defense is in two categories. One is that unlike Roger I know of many cases where families have received information that they had never known before. In many instances like sighting of the man himself received many years afterward.
I know people are prone to say we are susceptible to false hopes. As an example of that, I recently got a letter in which I represented a family at an Army hearing. They had, just late last year, received information that their son was probably actually captured and in a Laotian hospital. They had never received this information in 9 years. It was very upsetting to them to think there was now a possibility after this long time of thinking he was probably dead to find he was probably alive and the comment in the letter was, “I hope and pray he is dead so he won’t have to continue to suffer if he was in fact in that hospital.”

So that kind of goes against this business of wanting to believe in false hopes.

**MILITARY PROCEDURES**

The other problem with the military is procedures utilized to declare people presumptively dead.

Mr. Shields mentioned about when you read in the paper 120 or so men to be accounted for that is untrue. It is 2,490 men to be accounted for. The rest of those are reclassified. That has been a problem, the way they are able to declare men presumptively dead without any effort to find out what happened to them.

At a certain point in time there would need to be a provision for declaring people presumptively dead, but certainly not until at least what the Department of Defense themselves consider to be available information is obtained.

**FAILURE TO COOPERATE**

There is one other sticky point that causes distrust as you call it. That is with the State Department. The State Department has an extensive history of trying to make excuses for the Government’s, in Southeast Asia, failure to cooperate in the accounting.

We heard statements the Vietnamese have been forthcoming and cooperative. If they are being so cooperative, and forthcoming, why do we only have 75 remains? Why did Garwood suddenly turn up? Why did Tucker Googlemann die after inquiries were made whether there were more Americans.

We are distrustful of people who try to eliminate Vietnamese response by discrediting the amount of information available. People that have that information are the people with statistical data.

The Department of Defense itself notes the State Department’s business is to try to eliminate that responsibility on the part of the governments concerned by opinionizing or speculating about what the Vietnamese might be able to provide. Those are three major areas that have caused us great problem.

Mr. Guier. What I am trying to say is—I am sure Congressman Wolff has the same feeling—when people write and say “You guys, you are doing this and I think it is very unfair”—I don’t mean to condemn the families—“unfair to personalize our feeling of disapproval.” I have a very good voting record on economy, for example. I have a strong record on defense and nothing makes me wilt more than to pick up the paper and it says, “You have been doing this,” when 433 other guys might have been, but I was not one of them.
Ms. GRIFFITHS. There is another aspect. That is the congressional angle. We have a great deal of support in Congress.

Mr. GUYER. We have good people in this room working with us and it is unfair for them to be given that same egg in the face.

Ms. GRIFFITHS. In other words we also have such things as I pointed out in this testimony, as Congressional or the Presidential Commission where representatives of the U.S. Government go over there, and because the Vietnamese say they are not holding anybody alive when in fact they were holding people alive—because they say so the final report reflects the committee opinion that no Americans are being held alive. Since when do you believe a government that has consistently lied.

Mr. GUYER. I think too we have to classify who is in government. There were times when three Presidents I know of have said, "We are going to pursue this to the end of time," and they didn't. I want to make it clear to the League of Families, there are some fine dedicated people who have been on their side all the time and oftentimes get blackballed because they belong to a certain department. I think we should separate those.

Mr. SHIELDS. That is why I suggested a clearer statement be made of where the answers lie. I have been contacted recently by the family of a colonel who was downed in Laos. For many years, we knew nothing about that man. In his case I thought we never would. He was flying a F-105, and the men who were flying with him said they saw one airplane pull off the target going north, when the rest were going south, back to their base. They don't know if it was his aircraft or that of someone else.

For years we thought nothing was available. Then just a couple of years ago some information came out of Laos. It was a record of a demonstration, an exhibition of artifacts of personal equipment belonging to Americans. His ID card was in that exhibition.

Now, I also talked to the family of a man whose photograph was released by the Vietnamese, lying on his aircraft dead. You could see there were contusions on the body.

This family says, "Why can't they, in the government, obtain an accounting for that man if he was photographed, if the Vietnamese were interested enough to take an official photograph of that airplane to demonstrate their prowess in shooting down high performance aircraft? Why don't they know where he is buried?"

I think the Government probably could make a clearer statement to the families that those answers are in Vietnam, that the answers are not to be found here, so the families would understand that.

Ms. GRIFFITHS. Agreeing the answers lie in those governments, until the priority and the initiative that Chairman Wolff spoke about is established within the U.S. Government we are never going to get those answers.

Yes, they have them, a lot of them, but until the priority is established here we are not going to get them, so that is why we work with our Government.
Mr. Wolff. Mr. Gilman, I know, has returned. I must leave and therefore I am going to make this committee the task force, so Mr. Gilman’s questions can be put into the record and we will let Mr. Guyer who is chairman of the task force take over.

We said we were going to end at 1 o’clock but because of votes we had in committee it took us time so we will revert to a task force. The subcommittee stands adjourned and the task force will take over.

GUT FEELINGS

Mr. Gilman. Dr. Shields, we received testimony before our Select Committee on Missing in Action by General Walters, the officer in charge of the Central Intelligence Agency’s efforts on trying to obtain information on the MIA’s, and Admiral McKane, the Chief of Naval Operations in the Pacific whose responsibility it was to try and obtain whatever naval information might be available on the missing in action. Both of these gentlemen made statements that they had a gut feeling there was still some Americans alive and being held in Southeast Asia.

I know on several occasions you have expressed a similar statement and I am wondering if you could tell us how you feel today as you look back on the whole situation.

What is your gut feeling about that, having reviewed extensive information and seen many photographs and looked at all of these case files. How do you feel today about whether or not there may or may not be any men still being held?

Mr. Shields. Congressman Gilman, I said essentially the same thing as General Walters. We frankly did not know. That was an objective question. It was a question whose answer was in doubt. It was one to be analyzed, and that has always been a matter of concern for me that we have debated within these halls and in Washington and other parts of the United States among ourselves for so many years, these issues, when in fact the answers are only going to be obtained on the other side of the Pacific, such answers as there are.

CONFUSION AND SURPRISE

But I must confess today that I am more confused, if that is possible, than in the past, because I frankly was surprised to hear of Private Garwood and his return to the United States. I had been out of the country and knew nothing about it.

I was in China and as soon as I came home, one of the family members called me. He had been trying to reach me and he and my wife told me that Private Garwood was coming to the United States.

My comment to my wife was, “I have heard things like this before. These are more rumors in the rumor mill.” So I was surprised. I would not have given a very good chance for his return, even to his being alive on this globe anywhere. I must say that the same questions exist today about whether others remain alive. I really do not know.

I think it would be foolish for me to say that there are none. There certainly were people who were alive in captivity at one time who may still be alive—whether they have been held voluntarily or involuntarily we do not know—but I certainly would not close the book on that possibility.