

Approved: MARCH 22, 1994  
Date

# MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Chairman Lana Oleen at 11:05 a.m. on February 22, 1994 in Room 254-E of the Capitol.

All members were present except:  
Sen. Hensley was excused

Committee staff present: Mary Galligan, Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes  
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:  
See attached agenda

Others attending: See attached list

Sen. Oleen announced the hearing on HCR 5031, and the following appeared as proponents:

Attorney General Robert Stephan, (Attachment 1);  
Carol Hrdlicka, (Attachment 2);  
Charles Yunker, (Attachment 3);  
Ray Calore, (Attachment 4);  
Arthur Solis, (Attachment 5)

Richard Charlton, representing Paralyzed Veterans - no written submitted. Mr. Charlton asked committee members to support the Resolution.

Sen. Oleen asked if the Attorney General is aware of other states considering Resolutions, such as this one, and Mr. Stephan replied he is not aware of other states, but Mrs. Hrdlicka may have more information on that issue. He added that he was disappointed the State of Michigan has decided against bringing action. He added that Kansas would have to take the lead, if the committee saw fit to pass this Resolution. Sen. Parkinson asked if he is aware if Michigan has prepared a brief or memos, and Mr. Stephan replied he does not know. This request represents a huge task and intensive study with many agencies to deal with. He added that, even though the Supreme Court would entertain the action, it could cost millions of dollars. Of course, if other states were to join and become involved, the costs would be much less. Sen. Ramirez remarked it would be a high financial expenditure for the state and recalled that the States of Kansas and Colorado were involved in an action for a number of years concerning water, and we spent millions of dollars thus far. Sen. Walker asked if the Attorney General knew why Michigan decided to drop the action and if the Attorney General is aware of other information. The Attorney General answered he does not know why Michigan made the decision to drop the action. He stated the concept is noble, but he does not want to send false hope.

Mrs. Hrdlicka emphasized the illegal, unconstitutional war in Viet Nam and stated she only wants to know if her husband is dead or alive, that it has nothing to do with hope. She stated they have a case and are not asking Kansas to take the lead, but to join other states who are asking for information. She stated that 27 states have approved pursuit of gathering information on POW/MIAs and they are simply asking Kansas to approve the Resolution to put pressure on the government to investigate and report the information. Sen. Praeger stated the federal government has not taken the responsibility of investigating and reporting to the country and families what happened to these men. She asked Mrs. Hrdlicka if the committee passed the Resolution with no funds appropriated, is that what she is asking us to do. Mrs. Hrdlicka answered they are simply asking Kansas to join other states to put pressure on the government. She stated the federal government could solve the problem in two weeks, if it wanted to. Sen. Oleen referred to the fiscal note (Attachment 6) and stated the concern of the committee is expenditure of huge amounts of money, as stated in the fiscal note. Mr. Yunker also stated the war in Viet Nam was not declared and was unconstitutional;

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS, Room 254-E  
Statehouse, at 11:05 a.m. on February 22, 1994.

consequently, our government did not recognize the prisoners. He stated the biggest enemy right now is our own government. Mr. Calore responded to the Attorney General's concerns and encouraged the committee to show Kansas support for missing Kansans and repeated remarks of Mrs. Hrdlicka that other states have joined and other states are expected to join the request for more information on POW/MIAs. Sen. Oleen closed the hearing.

Sen. Walker introduced pages who have assisted the committee today.

Sen. Oleen announced written testimony opposing SB 721 from Chris McKenzie of the League of Kansas Municipalities (Attachment 7) and Larry Jecha, Health Officer for Wichita-Sedgwick County Department of Community Health (Attachment 8) has been distributed.

Sen. Oleen announced the following bills will be considered Thursday:

SB 468 and 723  
HB 2560 AND SCR 1620

She stated she would like to take action on them by Friday.

Meeting adjourned at 12:05.

## GUEST LIST

COMMITTEE: Senate Federal & State Affairs

DATE: Feb. 22, 1994

[illegible]



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OFFICE OF THE ATTORNEY GENERAL

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TESTIMONY IN SUPPORT OF  
HOUSE RESOLUTION 5031

BY

ATTORNEY GENERAL ROBERT T. STEPHAN

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

FEBRUARY 22, 1994

Madam Chairperson, members of the committee. I am here today to testify in support of House Resolution 5031. By this resolution the State of Kansas would join with other states in the prosecution of an original action in the United States Supreme Court. The defendants in the case would be the United States government, as well as officials from five other nations. The purpose of the suit is to secure the release of any and all documents which can shed light on the fate of American Prisoners of War or Missing in Action in Southeast Asia.

I am supporting this resolution because it is the right thing to do. I am supporting this resolution, because we owe it to those who have served our country to make as certain as possible that no American is ever left in the hands of the enemy or forgotten.

In supporting this resolution, it is my duty to inform both the committee and the people of Kansas that the tasks envisioned by HR 5031 will not be simple, quick, or inexpensive. An original action in the Supreme Court against six nations is a tremendous undertaking.

*Senate Fed + State*  
*Feb. 22, 1994*  
*Attachment # 1*



It was envisioned in the resolution that the State of Michigan would take the lead in any litigation. However, just this morning the head of my litigation division spoke with the Michigan Assistant Attorney General who is working on this issue. He has reported to me that the State of Michigan will NOT be bringing the litigation called for by HR 5031. It is the opinion of that office that the likelihood of success is so low that an action should not be brought.

If Kansas wishes to proceed in this matter it will need to take the lead in the case. Kansas will need to invest the funds necessary to make an independent determination of the possibility of successful litigation. If after that examination it is determined that a successful suit could be brought, Kansas would need to invest the funds necessary to prosecute the action, either with or without the support of other states.

The funds needed to prosecute an original action include the costs of special outside counsel, experts, travel, communication and discovery. In addition, Kansas will be liable for any cost that may be assessed by the Supreme Court for the fees and expenses of a special master appointed to hear the case. Finally, it could be necessary for Kansas to hire at least one additional assistant attorney general to assist in the litigation.

If the litigation requested by HR 5031 is to have even the hope of success, Kansas and the other states must be prepared to share in millions of dollars in costs over the next several fiscal years, perhaps even over the next decade. In the original action of Kansas v. Colorado, over nine million dollars has been spent over the last fourteen years. There is no such thing as a cheap and quick original action in the United States Supreme Court.

The approval of this resolution must be accompanied by adequate financing. Anything less would be unfair to the POWs, MIAs and their families. Anything less would only provide false hope.

ATTACH. 2

STATEMENT OF CAROL HRDLICKA

Chairman and Committee Members, I am here to ask for your support in getting HCR 5031 passed. This would not be necessary if the federal government had the integrity and honor to resolve this national disgrace. The President has lied to the people as well as the families of the POW/MIAs. His public statement was "the families come before business interests". As we have seen making money has proven to be the most important. He has shown that by the lifting of the trade embargo.

I have been to the White House on two separate occasions asking that a commission be put in place to investigate the documents that were in the process of being de-classified as well as satellite imagery containing authenticator codes of pilots. There have been over 40 codes of pilots found - some as late as 1992. All that was requested of the President was "do the investigation before you lift the embargo". Was that too much to ask?

Our federal government no longer takes into consideration the "will" of the people...instead it has sold out to the "highest bidder". So now the responsibility must fall on the individual states to protect their citizens. I have made my home in Kansas for thirty-one years. My children have been raised and finished their schooling in this great state so, as a taxpayer and mother, I ask for your help to find the answers to what happened to my husband.

My husband, Col. David L. Hrdlicka, left McConnell AFB in Wichita in April of 1965. David was sent in harms way believing in service to his country. Instead he was used in an illegal and unconstitutional war in Laos. This is wrong!! Military men, like David, should not be used in this governments' illegal activities!! There are agencies in this government that do those sort of activities such as Special Ops, Seals, Air America and others. We must stop our government from doing this to future generations. Don't let this happen to your family.

I recently testified, before the Subcommittee on Asia and the Pacific Affairs, to the problems of the families trying to get the answers and being lied to by government officials. We have been lied to from the White House down through the government agencies in charge of the POW/MIA issue. I should not have to fight my own government to get the answers to what happened to David. I have limited resources while theirs is unlimited.

Winston Lord also testified, at which time I had the opportunity to have a conversation with him on the "charade" of getting answers by excavating crash sites. I

*Senate Fed + State*  
*Feb. 22, 1994*  
*Attachment # 2*

must tell you that is a total waste of taxpayers money. There is a list of men that were known to be in the hands of the Vietnamese but never returned. That list is known as "Last Known Alive"...so why doesn't our government get the answers to what happened to these men first? There are prisons where we know men are buried...why don't they excavate here? Why does our own government perpetrate this "charade" on it's own people - not to mention the waste of our money!! Why won't this government give the families "honest" answers??? The only thing they seem to be interested in is "remains" not answers to what happened to the men they abandoned because they had entered into an illegal and unconstitutional war in Laos. Our government must sit down with the Vietnamese government and ask to have every man on the "last known alive" list accounted for, then - and only then - move to excavating. Step two should then be prison excavation!! The very last step should be excavating remote areas. It is a known fact by our government that the crash sites were scavenged by the peasants.

Some Veterans say..."we've left men behind in wars before Vietnam - why is there such a fuss over a mere 2,000?" My answer to those people is...if they had taken up the fight after WWII we wouldn't be here today. Those of you sitting here today with children or grandchildren must realize if it doesn't end here you may be in my position next. When this government sends our men in harms way it is their responsibility to bring them home.

Thank you for the opportunity of allowing me to express my opinions in front of this committee and my hope is you will join me in an honorable conclusion.

# WHERE IS BRUCE JOHNSON?



Bruce Johnson has been missing in South Vietnam since June 10, 1965. His family does not know if he is alive or dead.

Throughout the long years since Bruce Johnson first became missing, the Viet Cong have refused to grant any information about him - just as they have not granted information on many other missing American men.

Where are these men today? Where is Bruce Johnson?

He and 1325 other missing American servicemen have not been acknowledged by Hanoi or her Communist allies. The people of Kansas must be alert to the fact that some of their sons - like Bruce Johnson - are still missing in the aftermath of the war. As concerned Americans we must insist that all missing men be accounted for.

The families of these men have a national organization that is striving to achieve this goal. If you want to help write to:



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## VA Administrator Speaks

# Legion Hears Plea for Price

With the end of the Vietnam War, the American Legion faces the grave challenge of helping rebuild public

confidence and pride in the armed services, Donald E. Johnson, administrator of Veterans Affairs, Washington, D.C., said here Sunday.

An all-volunteer army will be possible only if "the American people again give the men and women in our armed forces the respect and support which they need and deserve," Johnson added.

unquestioned. Our unselfishness is recognized. Our personal integrity is acknowledged and our dignity is affirmed by our fellow Americans.

"Unless and until they can say this, and unless and until their fellow-citizens share their proud conviction that the military uniform of the United States of America is a badge of honor, this nation will have entered not just a zero-draft era, but an era of tragically inadequate national security."

Clearly, the Legion dares not fail, warned Johnson, who serves on the Legion's National Advisory Committee on Education and Scholarships.

JOHNSON SPOKE Sunday during final activities of the three-day state Legion convention here, attended by about 2,500 legionnaires and families.

Johnson stressed that benefits for veterans and their families must not and will not be allowed to decline.

During the past fiscal year, he said, the VA has spent \$138 million serving Kansas' 308,000 veterans, their dependents and survivors of deceased veterans. More

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## 200 Missing Reclassified By Pentagon

SAN FRANCISCO (UPI) — The Pentagon, working with what it says is new intelligence, is reclassifying as killed up to 200 American servicemen listed as missing in Vietnam.

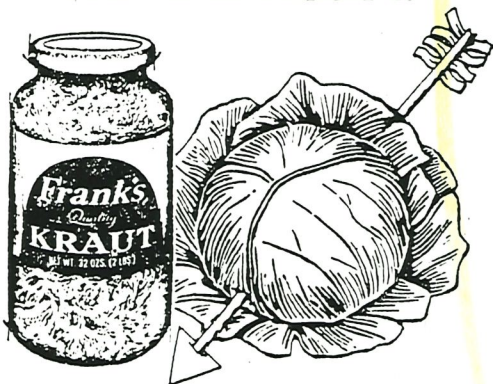
A top Department of Defense official disclosed the major review of the MIA rolls at a private meeting with representatives of the families of missing men at Oakland, Calif., last week, according to women at the meeting.

Brig. Gen. Russell G. Ogan, director of prisoner of war and missing in action affairs at the Pentagon, is quoted as saying that about 50 men previously listed as missing have been reclassified as killed since April 10.

Another 150 cases are "pending" and the files of other men will be reviewed, the general is reported to have told the meeting with members of the National League of Families.

When the Vietnam ceasefire was signed in Paris Jan. 27, 1,363 Americans were listed as missing in action in the two Vietnams, and neighboring Cambodia and Laos.

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WASHERS AND GAS DRYERS

1/21/73: In a national TV press conference, Nixon again lies and says there are not any combat forces in Laos. The secret war in Laos at that time, has over 500 Americans missing from it. Our "highest probability" intelligence says 350 of them are alive and held prisoner there. (In 1974, one considered Article of Impeachment against Nixon is his conduct of the Secret War in Laos.)

1/27/73: "Peace With Honor" Accords signed in Paris

2/1/73: Nixon sends Top Secret promissory letter in Paris to Vietnamese, guaranteeing 3.25 Billion in "reparations" in direct exchange for the Laos POW list. We expect hundreds; only nine names are on it. Until 1986, this critical letter remains a dark secret.

3/21/73: Admiral Moorer, Chairman JCS, orders "Halt!" to Vietnam withdrawal, citing Top Secret order over men still held in Laos.

3/22/73: Nixon, in Top Secret order, countermands Moorer order. (I personally have testified that the atmosphere in the JCS was "near mutinous" over these events.)

3/28/73: Later SECSTATE (1992) Eagleburger writes memo for White House, urging re-starting of the war, citing "350" Americans believed being held back in Laos. He recommends massive B-52 bombing immediately, and an aircraft carrier task group be sent in to bomb Laos.

3/28/73: "Watergate" tapes show Nixon tells Haldeman, Ehrlichman and Ziegler "...I don't believe that I should go out on national television like tonight or tomorrow and go out on the Watergate Commission and then come on the next day on national television on Vietnam...My view would be to, get the Vietnam out of the way." Nixon then goes on national TV and lies to the public "All our American POWs are on their way home tonight".

4/1/73: Acting SECDEF Clements calls Roger Shields into his office to discuss POW/MIA press conference Clements says "...the rest are dead". Shields says "you cannot say that!", Clements says "You didn't hear me!...the rest are dead!".

4/11/73: Shields meets with Clements, Scowcroft and Nixon in Oval Office. The transcript of this tape, and notes in the NSC, were refused to the SSC's investigation. The next day, Shields at the press conference says "we got them all....the rest are dead".

5/26/73: In continuing secret talks with the Vietnamese, Kissinger begs Vietnam "not contradict" any U.S. public statements that article 8(b) (POWs/MIAs) of the Paris accords applies to all of Indochina. He then states..."Now we should still like a sentence from you which I don't understand why you can't give us...(a letter) -- that all the prisoners held in Laos have been released. It would be very important for us."

The Congress refused to give the 3.25 billion.

There it is, for even an Ostrich to see...a national disgrace long hidden.



U.S. says American servicemen may still be held in ...

UPn 1/11/94 11:12 AM

U.S. says American servicemen may still be held in Laos

WASHINGTON (UPI) -- The State Department said on Tuesday that it can "not rule out the possibility" that Americans missing since the Vietnam war are alive and being held against their will in Laos. The department said that a Senate Committee investigating missing Vietnam-era servicemen last year uncovered no evidence revealing "any specific prisoner or prisoners were left behind." The State Department said it does not necessarily agree with the Senate findings since most U.S. prisoners captured in Laos were taken by North Vietnamese troops. The Clinton administration cannot say with confidence that no Americans are still held in Laos until Vietnam shares all information it possesses on the matter. "We cannot rule out the possibility that live Americans may be held in Laos," the State Department said in a prepared statement.

# POW Pilots Left in Laos, Files Suggest

Evidence Emerging  
That Officials Knew  
Locations of Prisons

By Thomas W. Lippman  
Washington Post Staff Writer

From a huge archive of documents about the Vietnam War declassified in recent months, new evidence is emerging that some American pilots held prisoner in Laos were not released at the end of the war, and that U.S. intelligence officials might have known where some of them were.

The Defense Department lists 330 Americans, almost all pilots and crew, as missing in action in Laos. Most were certainly killed when their planes crashed in the remote jungles of the mountainous, sparsely populated country.

Officially, only two American fliers, Col. Charles Shelton and Lt. Col. David Hrdlicka, are known for certain to have been alive in custody of pro-communist Pathet Lao rebels. Shelton and Hrdlicka died in captivity in the 1960s, Pentagon officials believe. No other reports, whether from human sources or aerial photographs, of Americans held prisoner by the Pathet Lao have ever been verified, according to the Defense Department.

But declassified documents from the State Department, the Central Intelligence Agency and the Defense Intelligence Agency provide some support for those who argue that the number of prisoners was considerably higher, perhaps as high as 41 Americans.

Some military intelligence specialists and prisoner of war activists have believed for years that U.S. prisoners may have been left behind in Laos. Senior officials of the Nixon administration, in anguished testimony before a Senate committee in September 1992, acknowledged that they feared it was true at the time but said they decided then there was little they could do.

The truth about Laos has eluded military specialists and diplomats for two decades, and Laos remains the black hole of the long, bitter story of the more than 2,200 American ser-

See LA08, A30, Col. 1

# The Washington Post

SUNDAY, JANUARY 2, 1994

THE WASHINGTON POST

A30 SUNDAY, JANUARY 2, 1994

## U.S. May Have Known Locations of Some POWs in Laos After War

LA08, From A1

vice personnel still unaccounted for. Of the 591 Americans released by North Vietnam in "Operation Homecoming" in 1973, only nine had been captured in Laos, and they were in custody of North Vietnam, not the Laotians. None had been held by the Pathet Lao in areas of northeast Laos where, according to some intelligence documents, groups of downed U.S. fliers were kept prisoner. Aside from Shelton and Hrdlicka, the identities of such fliers taken prisoner, if in fact that occurred, and their fates remain unknown.

In the negotiations with North Vietnam that produced the Paris Peace Agreement and ended U.S. involvement in the war in January 1973, President Richard M. Nixon's national security adviser, Henry A. Kissinger, repeatedly sought assurances from the North Vietnamese that they would deliver all U.S. prisoners "throughout Indochina" in the postwar prisoner exchanges.

The United States never acknowledged officially participating in a war in Laos, and Laos was not a party to the Paris accord. U.S. negotiators believed, however, that the Pathet Lao communists were, in Kissinger's term, "stooges" of the North Vietnamese, and would deliver their prisoners if ordered to by Hanoi.

U.S. officials were shocked when only nine were delivered from Laos, according to declassified documents and testimony at the 1992 hearings.

Lawrence S. Eagleburger, then a senior Pentagon official and later secretary of state in the final months of the Bush administration, wrote in a memo to his then-boss, Defense Secretary Elliot L. Richardson, that after the last of the acknowledged prisoners had been released the United States should stage a "démarche," or diplomatic initiative, on the Laotians about the rest.

"This initiative should plainly and forcefully assert that the U.S. will no longer play games with the POW issue in Laos," said the memo, written a week before the final prisoner release. The Laotian communists "should be told that we have reason to believe they hold additional U.S. prisoners, and we demand their immediate release, as well as an accounting and information on all those who may have died."

But the United States had little leverage over Laos or North Vietnam. Kissinger, furious at being accused, in effect, at the 1992 hearings of having knowingly abandoned U.S. prisoners, argued that Congress would not have permitted a resumption of the air war in a campaign to force the release of prisoners whose location and identities were unknown, if such prisoners existed.

Nixon, in an address at the end of Operation Homecoming, said, "All of our American POWs are on their way home." Later in the same speech, he said provisions of the Paris agreement regarding Laos "have not been complied with," but he did not indicate there might still be U.S. prisoners there. Several times in the next few months of 1973, he repeated that all prisoners had come home.

But the declassified documents show there was intelligence information that the Pathet Lao held some U.S. fliers in caves near Pathet Lao headquarters in Sam Neua, in northeastern Laos, near the border with Vietnam.

Asked by a House panel in 1976 how it could be that none of more than 300 Americans lost in Laos could be a prisoner, Vernon E. Walters Jr., then CIA deputy director, wrote, "this question has been very disconcerting to the intelligence community also. We have information that some of these 300 individuals survived their shootout downed. Admittedly, the number is small."

If any of the intelligence information was correct, the apparently inescapable conclusion is that some men were abandoned to their fates when the last U.S. troops left Indochina, unless the Pathet Lao killed them, as some U.S. officials believe.

Among the documents supporting this view:

■ A January 1973 CIA listing of "confirmed enemy prisons" in Laos, with locations. Several of these carry descriptions of the likely inmates: "American prisoners," "American pilots (possibly 20)," "approximately 15 American prisoners" and "American pilots (possibly in a cave)."

■ Minutes of a Washington inter-agency meeting, about the same time, in which the Defense Department representative is recorded as saying, "We don't know what we will get from Laos [in postwar prisoner exchanges]. We have only six known prisoners in Laos, although we hope there may be 40 or 41. We have known very little about the caves where they keep the prisoners in Laos. We just got the first photos of those caves recently and our impression is they are pretty big. We think they are holding a lot more than six prisoners there."

■ A Defense Intelligence Agency account of a Laotian communist soldier, described as "cooperative . . . intelligent . . . sincere . . . has a good memory," who entered a cave in northeastern Laos in March 1972 to replace the batteries in a field telephone. There, he said, he encountered three American, four Thai and four royalist Laotian prisoners, all said to be healthy and adequately fed. They had books and a guitar for entertainment.

■ A 1970 CIA report saying that "until recently, the Ban Nakay Neua VH 1965 [a location] prison complex was the only prison facility in Laos known to contain American POWs."

Ban Nakay Neua was the region of northern Laos where prisoners were believed to have been held in caves. None of the Americans released from Laos in Operation Homecoming had been held there, so what happened to the prisoners "known" to have been in the caves?

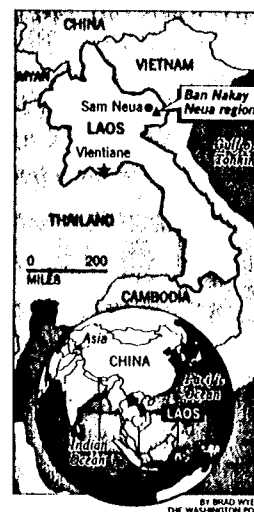
■ A 1992 deposition given to Senate investigators by Bobby R. Inman, now President Clinton's nominee to be secretary of defense and a senior naval intelligence officer at the time of the 1973 prisoner releases, in which he testified that "in '73 a large number of us thought there were [prisoners in Laos], simply because we had known people had gotten to the ground, that there were substantial prisoners in Laos that were unaccounted for. . . ."

Inman added, however, that he later changed his opinion. When none of those men ever surfaced or was found, he said, he decided that either the original assumption of their safe landing was incorrect or the Pathet Lao shot the prisoners rather than keep them.

Also in the files is a 1992 CIA memo saying that "photographs taken by a reconnaissance aircraft in October 1969 show what may be as many as 20 non-Asians accompanied by Pathet Lao guards near caves" at Ban Nakay Neua.

This was a reference to the "volleyball photos," a subject of furious disagreement in the intelligence and MIA activist community since their existence became known almost a decade ago.

To the untrained eye, these aerial photographs of a jungle clearing appear to show 20 non-Asian men in identical clothing, surrounded by armed men in the black uniforms often worn by the Pathet Lao. In some of the prints, the non-Asian men appear to be playing volleyball. Defense Department officials



long have insisted that expert analysis of these photos shows they are not what they appear to be. But activists who believe the Pentagon has a "mindset to debunk" such information, including Sen. Robert C. Smith (R-N.H.), are citing the CIA memo as validation of their belief that the photos show American prisoners who never came home.

None of the evidence is conclusive. The DIA repeatedly has argued that no information has ever been verified that would show specific American individuals at specific locations, aside from Shelton and Hrdlicka. But if that is true, the MIA activists and family groups ask, why did the CIA organize a clandestine rescue mission into Laos in 1981?

As with Vietnam, the nearly 500 reels of microfilmed documents

made available at the Library of Congress in recent months contain many reports that American prisoners were seen in Laos after the end of the war. According to the Pentagon, none of these "live sighting" reports has ever been verified except for those dealing with Marine Pfc. Robert Garwood, who stayed in Vietnam after 1973 and returned in 1979.

But in preparation for a 1981 meeting with the Laotian ambassador to the United Nations, the State Department prepared "talking points" that said:

"In 1973, the Pathet Lao representative in Vientiane conveyed to U.S. a message from Sam Neua in reply to our request for information on the U.S. POWs captured in Laos. The message stated, 'The POWs will be released by [the Lao communists] in Laos, and not by the North Vietnamese in Hanoi.' The release of 9 from Hanoi can hardly be considered an accounting by the Lao government. Request you query your government as to the number and identity of Americans that were held and how many are still held."

Even today, revelation of a State Department request for information about "how many are still held" in 1981 is like waving a red flag before the activists who believe prisoners still may be alive.

One of them is David Hrdlicka's wife, Carol, who never accepted the Pentagon's assertion that her husband died in captivity in the 1960s. "They want to know, where's the proof he's alive," she said. "I see you look at this stuff that's c out, and I want to know, is the proof he's dead?"

For symbolic reasons, Shelton, the only American still officially listed as a prisoner of war in Indochina, although the Pentagon believes he too died 25 years ago.

Shouldn't Last known alive be # ONE?

Progress to Date in Meeting the Four Areas in POW/MIA Accounting

On July 2, 1993, the President announced four key areas in which he sought further progress by the Vietnamese in POW/MIA accounting:

Remains:

Concrete results from efforts by Vietnam to recover remains and repatriate American remains.

Discrepancy cases:

Continued resolution of 92 discrepancy cases, live sightings and field activities.

Laos:

Further assistance in implementing trilateral investigation with the Lao.

Archives:

Accelerated efforts to provide all POW/MIA related documents that will help lead to genuine answers.

To help achieve progress in these areas, the President sent a high level delegation to Vietnam in July to press for further progress and achievements in these key areas; a delegation met in August with the Vietnamese and the Lao to work toward more results. Since the President's announcement last July, the government of Vietnam has increased its efforts in each of the four areas. Below is a summary of the progress since July 2.

**1. More Concrete Results to Recover and Repatriate American Remains**

-- Since July, remains of 22 individuals were turned over; added to 28 remains returned earlier in the year, 1993 has already produced the third highest number of remains returned since 1973.

-- On September 6, Hanoi turned over further reports on investigations with respect to specific cases.

-- In August, Hanoi boosted publicity of its amnesty program over radio and in the print media to encourage citizens to locate and turn over remains, with a pledge to reimburse expenses incurred in recovering any remains which proved to be American.

-- At the request of the July delegation, Hanoi set up a permanent office in Ho Chi Minh City dedicated to POW/MIA work; its current priority is to recover the remains of some POW's known to have died in captivity.

NO MENTION  
LAST KNOWN ALIVE

STATEMENT BY THE HONORABLE  
BENJAMIN A. GILMAN  
POW/MIA HEARING  
SUBCOMMITTEE ASIA & PACIFIC  
FEBRUARY 10, 1994

MR. GILMAN: I WANT TO THANK THE CHAIRMAN FOR BRINGING TOGETHER SO MANY MEMBERS OF THE POW/MIA COMMUNITY SO THAT THEY HAVE AN OPPORTUNITY TO SHARE THEIR THOUGHTS WITH THE CONGRESS WITH REGARD TO THE RECENT DECISION MADE BY THE PRESIDENT TO LIFT THE TRADE EMBARGO WITH VIETNAM.

MR. CHAIRMAN, U.S. INTELLIGENCE ASSESSMENTS, ACCEPTED FOR MANY YEARS AND REINFORCED BY MORE RECENTLY ACQUIRED INFORMATION, POINT OUT THAT OFFICIALS OF THE SOCIALIST REPUBLIC OF VIETNAM AND THE LAO PEOPLE'S DEMOCRATIC REPUBLIC HAVE BEEN FAR LESS THAN FORTHCOMING IN PROVIDING OUR GOVERNMENT ALL INFORMATION ABOUT U.S. PERSONNEL STILL MISSING FROM THE VIETNAM WAR. ACCORDINGLY, IN A LETTER TO PRESIDENT CLINTON LAST WEEK MANY MEMBERS OF THE CONGRESS JOINED WITH ME TO REQUEST THAT BEFORE LIFTING THE TRADE EMBARGO HE SHOULD REASSURE THE AMERICAN PEOPLE, AND IN PARTICULAR THE POW/MIA FAMILIES THAT OUR OWN INTELLIGENCE WAS NOT CORRECT. THE PRESIDENT HAS NOT DONE SO.

WE ALSO RECOMMENDED TO THE PRESIDENT THAT HE RELEASE A LIST OF NAMES OF THE MISSING AND UNACCOUNTED FOR U.S. PERSONNEL FOR WHOM, ACCORDING TO OUR INTELLIGENCE, VIETNAMESE AND LAOTIAN OFFICIALS MAY HAVE ADDITIONAL INFORMATION. IN RELEASING SUCH A LIST, WE

RECOMMENDED TO THE PRESIDENT THAT HE EXPLAIN WHY HE DEEMS IT APPROPRIATE TO LIFT THE TRADE EMBARGO NOTWITHSTANDING THE POSSIBILITY THAT REMAINS AND INFORMATION ABOUT THE PERSONNEL IDENTIFIED ON THE LIST ARE BEING WITHHELD. WE REGRET THAT THE PRESIDENT DID NOT HEED OUR RECOMMENDATION.

DURING THE PRESIDENT'S CAMPAIGN, HE PLEDGED TO THE FAMILIES AND THE NATION'S VETERANS THAT THERE WOULD BE "NO NORMALIZING OF RELATIONS WITH ANY NATION THAT IS AT ALL SUSPECTED OF WITHHOLDING ANY INFORMATION ON THE POW/MIA ISSUE." FOR THE PAST SEVERAL MONTHS, THE PRESS HAS BEEN REPORTING ON THE GRATIFICATION THAT THE ADMINISTRATION HAS BEEN EXPERIENCING REGARDING VIETNAM'S SUPPOSED COOPERATION. FOR THIS REASON, INCLUDING LAST WEEK'S SENATE PASSAGE OF A NON-BINDING RESOLUTION URGING THE PRESIDENT TO LIFT THE EMBARGO AND REASSURANCES FROM VARIOUS DISTINGUISHED VIETNAM VETERANS, THE PRESIDENT LIFTED THE EMBARGO.

PERMIT ME TO POINT OUT, AS I AM CERTAIN THAT OUR FAMILY AND VETERAN GROUPS POINTED OUT TO THE PRESIDENT BEFORE HE LIFTED THE EMBARGO, WHILE THERE HAS BEEN SOME "ACTIVITY" IN VIETNAM ON THIS ISSUE OVER THE LAST 12 MONTHS, ONLY THE REMAINS OF 3 AMERICANS PREVIOUSLY UNACCOUNTED FOR HAVE, IN FACT, BEEN RETURNED AND IDENTIFIED SINCE PRESIDENT CLINTON TOOK OFFICE. IN ADDITION, IF THE ADMINISTRATION NEEDS TO CONSULT WITH DISTINGUISHED VIETNAM VETERANS ABOUT THE QUESTION OF REMAINS AND VIETNAM'S COOPERATION IN FINDING THEM, THEN PERMIT ME TO CALL TO THE ATTENTION OF OUR ADMINISTRATION WITNESSES

HERE TODAY A FEBRUARY 3RD, LETTER TO THE PRESIDENT, SIGNED BY 70  
FORMER POWS, INCLUDING OUR COLLEAGUE SAM JOHNSON, ON THIS VERY  
ISSUE.

(READ ENCLOSED LETTER DATED 2/3/94)





February 3, 1994

EUGENE B. MCDANIEL  
PRESIDENT

MICHAEL H. MCDANIEL  
EXECUTIVE DIRECTOR

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HON. EDWARD HIDALGO

GEN WM. C. WESTMORELAND

ADM THOMAS MOORER

LTGEN JOHN PETER FLYNN

RADM ROBERT M. GARRICK

RADM EDWARD OUTLAW

MCPON BOB WALKER

MRS. HOLLY COORS

MR. WILLIAM MURCHISON

**AN OPEN LETTER TO PRESIDENT CLINTON FROM FORMER POWS**

The Honorable William J. Clinton  
President of the United States  
The White House  
Washington, DC 20500

Dear Mr. President:

We are deeply troubled by news reports that you may have an announcement to make on the trade embargo against Hanoi in a matter of days. You have also been quoted as saying that there are many distinguished veterans who think the embargo should be lifted.

As former American POWs of the Vietnam War, we urge you, in the strongest possible terms, not to take further steps to restore economic or diplomatic relations with Hanoi until you can certify that the Communist government there is being fully forthcoming in telling us what they know about our fellow POWs and MIAs who did not make it home with us in 1973.

Mr. President, all of us who were held as POWs in North Vietnam know first-hand that there are no limits to what the Vietnamese will do to show they are "cooperating" with the United States to account for our missing comrades. We consider ourselves experts at distinguishing between propaganda and results. As Dr. Kissinger once stated, Hanoi's leaders are duplicitous and they will stop at nothing to achieve their goals.

Some of our fellow POWs died in captivity in Vietnamese prisons. Yet they have not been accounted for. Some of our crewmates became missing during the same incidents which we survived. They too have not been accounted for. Some were captured and never heard from again. They have not been accounted for. Finally, a great many of our comrades never returned from Laos, even though we know they survived their incidents. North Vietnam controlled Laos during the war, and yet they still

The Honorable William J. Clinton  
February 3, 1994  
Page 2

have not accounted for a single POW captured and held in Laos during the war.

There are those in Congress who are urging you to lift the embargo as a means to get more information. Mr. President, such a recommendation is nothing but a submission to blackmail by Hanoi. Do not let yourself be manipulated on this issue. The only way to get Hanoi to unilaterally provide what they are withholding is to be firm. Do you really think that those of us who made it home would have been released if the U. S. hadn't flexed its muscle during the December, 1972 bombing campaign? Of course not. And while we certainly do not recommend military action, we do recommend that the sanctions continue until the Communists in Hanoi decide to be fully forthcoming in accounting for our fellow POWs and MIAs.

Mr. President, we sacrificed precious years of our lives while in captivity. We survived because we believed our country would hold true to principle despite the disruptions at home. Please do not let us down by abandoning any hope we have of firmly convincing Hanoi to account for the remaining POWs and MIAs who came into their possession or control during the war. And please do not tell us that crash site excavations and fragmentary archival documents should be the measure of success in judging Vietnam's cooperation to date. We know better.

Sincerely,

U.S. Congressman Sam Johnson, USAF  
ADM. James B. Stockdale  
Col. Orson Swindle, USMC(Ret)  
BG. Robinson Risner, USAF(Ret)  
Capt. Eugene "Red" McDaniel, USN(Ret)  
Col. Larry Barbay, USAF(Ret)  
Col. Jerry Marvel, USMC(Ret)  
LCol. Myron Young, USAF(Ret)  
CDR. Dale Osborne, USAF(Ret)  
Col. Rudolf Zuberbuhler, USAF(Ret)  
LCol. Keith Lewis, USAF(Ret)  
LCol. James Padgett, USAF(Ret)  
Col. Bob White, USAF(Ret)  
LCol. John Alpers, USSF(Ret)  
Capt. Cole Black, USN(Ret)  
Capt. Moon Mullen, USN(Ret)  
Capt. James L. Hutton, USN(Ret)  
Capt. Bill Stark, USN.(Ret)  
Capt Harry Jenkins, USN(Ret)  
Col. James Young, USAF(Ret)  
LCol. Konrad Trautman, USAF(Ret)  
Col. Laird Gutterson, USAF(Ret)

POW 16 April 66 - 73  
POW 9 Sept 65 - 73  
POW 11 NOV 66 - 73  
POW 16 Sept 65 - 73  
POW 19 May 67 - 73  
POW 20 July 66 - 73  
POW 24 Feb 68 - 73  
POW 6 July 66 - 73  
POW 23 Sept 68 - 73  
POW 12 Sept 72 - 73  
POW 5 Oct 72 - 73  
POW 11 May 92 - 73  
POW 24 Nov 69 - 73  
POW 3 Oct 72 - 73  
POW 21 June 66 - 73  
POW 6 Jan 67 - 73  
POW 16 Oct 65 - 73  
POW 19 May 67 - 73  
POW 13 NOV 65 - 73  
POW 6 July 66 - 73  
POW 5 Oct 67 - 73  
POW 23 Feb 68 - 73

The Honorable William J. Clinton  
February 3, 1994  
Page 3

Col. Ted Guy, USAF(Ret)  
Mr. Mike Benga, Civ  
Col. Lee Ellis, USAF(Ret)  
Col. Jay Jensen, USAF(Ret)  
Maj. Jose Anzaldua, USMC(Ret)  
Mr. Larry Stark, Civ  
Col. Bert Campbell, USAF(Ret)  
Capt. Irv Williams, USN(Ret)  
Maj. John Parsala, USA(Ret)  
Col. A.J. Myers, USAF(Ret)  
Col. Steve Long, USAF(Ret)  
Col. Jack Van Loan, USAF(Ret)  
Col. Bill Baugh, USAF(Ret)  
Col. Don Burns, USAF(Ret)  
Col. Art Rurer, USAF(Ret)  
Col. Thomas Klomann, USAF(Ret)  
Col. Ken Cordier, USAF(Ret)  
Capt. Jim Bell, USN(Ret)  
Maj. Mark Smith, USA(Ret)  
Maj. Dennis L. Thompson, USA(Ret)  
Col. Bob Jeffrey, USAF(Ret)  
Col. Julian Jayroe, USAF(Ret)  
Capt. Ross Terry, USN(Ret)  
LCol. Hank Barrows, USAF(Ret)  
Col. Wes Schierman, USAF(Ret)  
Col. Fred Flom, USAF(Ret)  
Capt. Gordon Nagagawa, USN(Ret)  
Col. Terry Uyeyama, USAF(Ret)  
Col. Frank D. Lewis, USAF(Ret)  
Col. Gobel Janas, USAF(Ret)  
Lt. Bill Robinson, USAF(Ret)  
Col. Ralph W. Galati, USAF(Ret)  
Capt. Ev Southwick, USN(Ret)  
Col. Ken Wallingford, USA(Ret)  
Mr. Harry Ettmueller, USA  
Mr. John A. Dearing, USMC  
MSG. Donat J. Gouin, USA(Ret)  
Col. James O. Hivner, USAF(Ret)  
Col. James L. Lamar, USAF(Ret)  
Col. Thomas M. Madison, USAF(Ret)  
Capt. Render Crayton, USN(Ret)  
Capt. Brian Woods, USN(Ret)  
Col. Jim Bedinger, USAF(Ret)  
Capt. Jim Hickerson, USN(Ret)  
Capt. Dave Carey, USN(Ret)  
Capt. Rob Doremus, USN(Ret)  
Capt. Reid McCleary, USN(Ret)  
S/SGT. John Sexton, USA

POW 22 Mar 68 - 73  
POW 28 Jan 68 - 73  
POW 7 Nov 67 - 73  
POW 18 Feb 67 - 73  
POW 23 Jan 70 - 73  
POW 1 Feb 68 - 73  
POW 1 July 66 - 73  
POW 24 Apr 67 - 73  
POW 5 Feb 70 - 73  
POW 1 Jun 66 - 73  
POW 28 Feb 69 - 73  
POW 20 May 67 - 73  
POW 21 Jan 67 - 73  
POW 2 Dec 66 - 73  
POW 21 Mar 66 - 73  
POW 20 Dec 72 - 73  
POW 2 Dec 66 - 73  
POW 16 Oct 65 - 73  
POW 7 Apr 72 - 73  
POW 7 Feb 68 - 73  
POW 20 Dec 65 - 73  
POW 19 Jan 67 - 73  
POW 9 Oct 66 - 73  
POW 19 Dec 72 - 73  
POW 28 Aug 65 - 73  
POW 8 Aug 66 - 73  
POW 21 Dec 72 - 73  
POW 18 May 69 - 73  
POW 28 Dec 72 - 73  
POW 15 July 68 - 73  
POW 20 Dec 65 - 73  
POW 16 Feb 72 - 73  
POW 14 May 67 - 73  
POW 7 Apr 72 - 73  
POW 3 Feb 68 - 73  
POW 3 Feb 68 - 73  
POW 3 Feb 68 - 73  
POW 5 Oct 65 - 73  
POW 6 May 66 - 73  
POW 15 May 66 - 73  
POW 7 Feb 66 - 73  
POW 18 Sept 68 - 73  
POW 22 Nov 69 - 73  
POW 22 Dec 67 - 73  
POW 31 Aug 67 - 73  
POW 24 Aug 65 - 73  
POW May 67 - 73  
POW 12 Aug 69 - 73

MR. CHAIRMAN, AS YOU CAN SEE, THIS ISSUE IS NOT ABOUT REMAINS. IT IS ABOUT THE FAMILIES' TRUST IN THEIR GOVERNMENT AND SEEKING AND DISCOVERING THE TRUTH. FOR EXAMPLE:

IS IT TRUE THAT WHEN A LIVE SIGHTING INVESTIGATION IS CONDUCTED, OUR PEOPLE GIVE THE VIETNAMESE ABOUT 48 HOURS BEFORE VISITING THE AREAS IN QUESTION?

IS IT TRUE THAT WHEN WE KNOW THAT WE ARE GOING TO DO A LIVE SIGHTING INSPECTION WE DO NOT TAKE MEASURES TO MONITOR ACTIVITY AT THOSE LOCATIONS, PRIOR TO AND AFTER THE VISIT? (WHEN WE CONDUCT NO-NOTICE OR SHORT-NOTICE VISITS OF IRAQI NUCLEAR WEAPONS SITES WE TASK OUR SATELLITES TO LOOK BEFORE AND AFTER. HOW CAN THE SEARCH FOR POW/MIAS BE A "HIGHEST NATIONAL PRIORITY" IF WE DO NOT TAKE THESE SIMPLE PRECAUTIONARY MEASURES.

IS IT TRUE THAT WHEN WE LEARN OF A VIETNAMESE SOURCE WHO HAS INFORMATION REGARDING LIVE SIGHTINGS, OUR INVESTIGATORS ASK VIETNAMESE AUTHORITIES FOR HELP IN FINDING THE PERSON AND HELP IN ARRANGING THE MEETING?

IS IT TRUE THAT THE QUALIFICATION STANDARDS FOR KEY PERSONNEL DIRECTLY INVOLVED IN THE INVESTIGATION/REPORTING CHAIN -- THE TASK FORCE COMMANDER, DETACHMENT COMMANDERS IN HANOI, VIENTIANE. PHNOM PENH, TEAM CHIEFS OF FIELD TEAMS, PRIORITY CASE INVESTIGATION TEAMS, AND ORAL HISTORY INTERVIEW TEAMS -- DO NOT INCLUDE LANGUAGE

FLUENCY RELEVANT TO THE COUNTRY ASSIGNMENT, EXPERIENCE IN INTELLIGENCE INTERROGATION OR CRIMINAL INVESTIGATION, AREA STUDIES/ATTACHE EXPERIENCE RELEVANT TO THE COUNTRY OF ASSIGNMENT OR PREVIOUS POW/MIA EXPERIENCE?

MR. CHAIRMAN, REGRETFULLY THE ANSWERS TO ALL OF THESE QUESTIONS IS "YES". ACCORDINGLY, WE MUST CONCLUDE THAT WE HAVE NOT BEEN SEEKING THE TRUTH. AT WHICH POINT, THE OVERRIDING QUESTION BECOMES, "WHY"?

PERHAPS THE ANSWER TO THAT QUESTION CAN BE ATTRIBUTED TO THE POW AND MIA ELEMENTS IN THE PENTAGON HAVING BEEN RECENTLY REORGANIZED UNDER THE POLITICAL OFFICE OF POW/MIA AFFAIRS. SUCH A REORGANIZATION VIOLATES THE PRINCIPLE OF MAINTAINING THE INDEPENDENCE OF INTELLIGENCE ENTITIES FROM POLITICAL INFLUENCE. OUR GOVERNMENT IS BASED UPON A SYSTEM OF CHECKS AND BALANCES. THOSE WHO HANDLE THE CASH DO NOT KEEP THE BOOKS AND VICE VERSA. SO MR. CHAIRMAN, IF WE FIND OUT WHO WANTS TO CONTROL BOTH THE FUNDS AND THE BOOKS WE MIGHT DISCOVER OUR ASSETS IN THE FIELD ARE NOT DELIVERING ANY SIGNIFICANT DIVIDENDS.

MR. CHAIRMAN, MY COLLEAGUES, FOR FAR TOO LONG OUR NATION'S VETERAN'S ORGANIZATIONS, THE FAMILIES OF OUR POW/MIAS, AND EX-POWS THEMSELVES HAVE BEEN DESCRIBED BY SOME AS BEING UNABLE TO PUT THE WAR BEHIND THEM. THEIR FEARS, WE ARE TOLD, ARE GHOULISH AND DRIVEN BY SORROW. NOW, DUE TO THE OVERWHELMING EVIDENCE AVAILABLE TO PUBLIC, I BELIEVE THAT WILL CHANGE. AND IT IS OUR RESPONSIBILITY

TO ACCELERATE THE PROCESS BY HELPING THOSE WHO KNOW THE TRUTH TO STEP FORWARD WITHOUT FEAR OF RECRIMINATION. THE PRESIDENT HAS REACHED OUT HIS HAND TO THE VIETNAMESE. LET US REACH OUT OURS TO THOSE AMERICANS WITH HEAVY HEARTS WHO HAVE MORE INFORMATION AND WISH TO HELP OUR NATION TO TRULY PUT THE WAR BEHIND US.

IN CONCLUSION, WHILE I HAVE THE GREATEST RESPECT FOR MY 62 COLLEAGUES IN THE SENATE, ESPECIALLY THE SEVEN WHO ARE VIETNAM VETERANS AND THE ONE FORMER POW WHO URGED THE PRESIDENT TO LIFT THE EMBARGO, I WOULD MUCH PREFER TO RELY ON THE ADVICE OF THE 70 FORMER POWS WHO ARE ALL VIETNAM VETERANS AND WHO TRULY HAVE EXPERTISE IN THIS ISSUE. WHEN THEY COME FORWARD TO INFORM THAT THE ADMINISTRATION AND THE VIETNAMESE ARE GETTING SERIOUS ABOUT SEARCHING FOR THE TRUTH, THEN I FEEL CERTAIN THAT OUR MIA/POW FAMILIES AND OUR VETERAN ORGANIZATIONS WILL REACH OUT TO THEM AND SAY "YES" THE WAR IS OVER.



# Did Clinton trigger a Vietnam booby trap?

By ROBERT J. CALDWELL

**W**hen President Clinton announced Thursday he was lifting the U.S. trade embargo against Vietnam, he may have set in motion a chilling political scenario.

As expected, Clinton offered assurances that the communist governments of Vietnam and Laos were increasingly cooperative in helping to account for 2,238 American servicemen still missing in Indochina. But suppose new evidence now begins to emerge indicating that American prisoners of war were held in Laos and Vietnam for many years after the war and perhaps as recently as 1992, notwithstanding Hanoi's adamant denials. And suppose that new evidence is culled mostly from long-suppressed intelligence in the U.S. government's own archives.

In that event, Clinton's assurances and his decision to reward Hanoi will be seen as evidence of incompetence or duplicity, or both.

Presumably, it was this politically nightmarish possibility that drove one unidentified White House aide to tell the Associated Press last week that, "this issue is going to eat us alive."

It just might.

Clinton's top national security aide, Anthony Lake, and Kent Wiedemann of the White House's National Security Council staff were told late last year of classified intelligence that contradicts the Vietnamese government's assertions that it held no American POWs after 1973 and is cooperating fully in accounting for those still missing.

**P**otentially, the most explosive evidence was said to be contained in top secret photographs taken by spy satellites and aerial reconnaissance. The photos were taken over Laos and northern Vietnam and extend over a span of years from 1973 to 1992.

Lake was told the photographs clearly show ground markings of names, distress symbols, and authenticator codes correlating to more than two dozen American servicemen missing in Indochina. Nearly all were pilots or aircrew members downed over Laos or Vietnam. With one or two exceptions, the men are still unaccounted for.

In two cases, ground signals correlating to the same MIA appeared up to six times over a period of years. In one case the latest sign was photographed in 1988. In a second case, the most recent photograph of a clear signal is said to have been taken in 1992. Some distress signs, codes, and names were reportedly photographed first in northern Vietnam and later in Laos, suggesting that some POWs were moved from Vietnam to Laos during the mid-1980s.

Lake was told of the photographs at a White House meeting last Nov. 4 with a delegation representing the families of POW/MIAs. Those who met with Lake that day were Barry Toll, George Carver, and Carol Hrdlicka.

**T**oll is a Vietnam veteran and former Army intelligence specialist with extensive knowledge of the POW/MIA issue. Carver was among the U.S. government's top intelligence experts on Vietnam from 1966 to 1973. He served as special assistant for Vietnamese affairs to the director of the Central Intelligence Agency. Carver also chaired the Indochina intelligence subcommittee for the White House's Washington Special Action Group during the Nixon administration.

Hrdlicka is a POW activist. Her husband, Air Force Capt. David L. Hrdlicka, was shot down over Laos in 1965. His capture was confirmed by the Pentagon but he never returned.

A fourth delegation member, retired Air Force Lt. Gen. Eugene F. Tighe, Jr., was too ill to attend the meeting. But Tighe, who died at his home in La Jolla last Sunday, relayed his conclusions on the POW issue by telephone to the White House. Tighe's credentials were impressive: director of the Pentagon's Defense Intelligence Agency (DIA) from 1977 to 1981, and author of a highly critical 1986 in-house review on the DIA's handling of POW/MIA intelligence.

It was Toll who briefed Lake on the spy photos, known in intelligence jargon as imagery. Toll said he was shown copies of the photographs last year by sources in the intelligence community. He declined to identify the sources, who reportedly feared political retaliation if their identi-

See POWs on Page G-5

CALDWELL is editor of the insight section.

Continued from G-1

ties were disclosed.

Toll said during an interview last week that his informants told him they had discovered the photographs only after a special Senate committee investigating the POW/MIA issue disbanded at the end of 1992.

The committee's report was inconclusive on the question of whether American POWs were abandoned when the United States withdrew from Indochina in 1973. But the committee's recommendations cited the need for further study of thousands of highly classified satellite reconnaissance photographs never made available to committee members or staff investigators.

"They (the sources) were disenchanted and disillusioned. They thought the Senate Select Committee had been stonewalled on this imagery. They didn't trust the bureaucracy and wanted the material brought directly to the president," Toll said. Toll added that his informants told him the photographs were culled from a review of only about 15 percent of the satellite and aerial imagery taken over Indochina during the 1973-92 period.

**T**oll's account of still-secret photographic imagery containing evidence of American POWs in Laos and Vietnam during the 1980s was at least partially confirmed last week by a second informed source.

"Yes, there is (more) photography. I've seen one or two of them. There are also some old (electronic) intercepts coming out. The point is the evidence for there having been a significant number of U.S. POWs alive in either Vietnam and/or Laos from 1973 until at least the late 1980s or early 1990s is pretty strong," said the source, who asked not to be identified.

Several satellite photos that appear to depict ground markings of number codes, letters, and even names of known MIAs have surfaced publicly. Pentagon analysts have generally dismissed them as photographic "anomalies" caused by vegetation, shadows, or other naturally occurring phenomenon.

Toll says he wasn't given custody of the photographs and didn't have them when he met with Lake Nov. 4. However, he said he faxed a copy of one such photograph to the White House before the meeting.

**T**oll said he described the photos in some detail to Lake, and later discussed them with Wiedemann. Both Lake and Wiedemann were told what agencies had the photographs and the specific locations of the relevant imagery in intelligence archives. Toll said Wiedemann promised a prompt investigation of any new evidence, including the photographic imagery. Toll also said he gave Lake and Wiedemann summaries and copies of numerous classified intelligence documents never seen by the Senate Select Committee during its 1991-92 investigation.

Carver has described the evidentiary case for about 300 unreturned POWs as "almost presentable to a jury."

Reportedly, this conclusion was firmly supported by Gen. Tighe.

Toll said last week that Tighe's briefing of delegation members included four major points:

- That about 305 U.S. POWs were probably left behind in Laos in 1973.
  - That U.S. military estimates, based on "highest probability" intelligence, forecast the return of up to 1,050 POWs in 1973 rather than the 591 actually released by Hanoi.
  - That the central conclusion contained in his own 1986 report on POWs to then-President Reagan was watered down for political reasons. Toll quoted Tighe as saying he concluded that the "strongest probability" was that American POWs were still alive in Indochina during the 1980s. But in the final report, "strongest probability" had been changed to merely a "possibility."
  - That intelligence reports and other evidence of American POWs in Indochina after 1973 were too numerous and came from too many sources to be dismissed as fabrications or the product of conspiracy.
- Tighe's 1986 report to Reagan also concluded that the Pentagon had developed a "mindset to debunk" any evidence that POWs might have remained in captivity after 1973.

These explanations, however, are ridiculed by qualified analysts outside the Pentagon.

"If the anomalies spell out someone's authenticator code, that's a very unusual anomaly," one analyst noted drily last week. Individual authenticator codes, typically consisting of random numbers in a group, were assigned to pilots flying combat missions during the Vietnam War. Pilots were instructed and trained to use the number codes and various letters to signal their identity and location if they were shot down or captured.

Toll said he examined all the photographs he was shown and studied about 10 repeatedly and at length.

"I saw names marked on the ground and authenticator codes, sometimes in conjunction with names. Some single photos had up to three separate symbols and/or names and initials, presumably signals from a group of POWs, if that is who made these markings.

"There is absolutely no doubt that someone made these symbols very deliberately," Toll said. "This was information of a bombshell nature. What I saw was absolutely stunning. If the president were to see these, any notion of lifting the trade embargo would have been stopped dead in its tracks."

In the Nov. 4 meeting with Lake, Carver and Toll argued strongly but unsuccessfully for appointment of an independent presidential commission to review and reassess all available intelligence on POWs. Toll says Wiedemann then promised an internal investigation, directed from the White House with President Clinton's full backing. Wiedemann later reaffirmed that promise, Toll said, and even discussed the hiring of special investigators.

Hrdlicka confirms Toll's account that Wiedemann promised an investigation.

Toll, Carver, and Hrdlicka all say they have heard nothing since November to indicate the White House ever conducted an investigation of new POW evidence. Toll said that dawning realization prompted him to speak publicly last week for the first time about the satellite and aerial imagery he saw.

Requests for interviews last week with Lake and Wiedemann went unanswered by the White House.

Clinton no doubt hopes his decision to lift the trade embargo against Vietnam will begin closing one of the most painful chapters in modern American history. Don't count on it.

*Attach. 3*

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
TESTIMONY BY CHARLES M. YUNKER, ADJUTANT  
KANSAS AMERICAN LEGION  
ON HOUSE CONCURRENT RESOLUTION 5031

On behalf of the more than 90,000 members of The Kansas American Legion, American Legion Auxiliary and Sons of The American Legion, I deeply appreciate the opportunity to testify today in favor of House Concurrent Resolution 5031.

Given the recent vote by the United States Senate which urged the Administration to lift the U.S. Economic Embargo against Vietnam and the administration's lifting of the embargo; Vietnam has no more excuses to withhold information on American POW/MIA's held in Southeast Asia. Vietnam has consistently withheld the truth from the United States and in turn there are those in our own government who have withheld the truth from the families of POW/MIA's and the public. The American Legion urges expedient passage of HCR 5031 as a meaningful step in obtaining a full accounting of not only those Kansas citizens listed as POW/MIA, but all Americans who served this nation in uniform.

Whether you served in the military during the Vietnam War or protested against it; whether you were in favor or against United States policy at that time or now, we should not, can not, turn our backs on those who served in the military. If we do, what kind of message are we sending the POW/MIA's, their families, and our nation's past, present and future adversaries? Will the United States forget its military personnel for the sake of economic gain by a few? Economic growth is important to the future of our nation but at what cost? What kind of nation turns its back on those who serve it by carrying out its policies?

*Senate Fed + State*  
*Feb. 22, 1994*  
*Attachment #3*

If there are live American POW's in Southeast Asia imagine their thoughts when they were told America has truly and totally forgotten them. Please remember in the late 1960's and early 1970's Vietnam released French POW's they denied holding since the early 1950's. Documents obtained from Russia substantiate that Vietnam held hundreds more American POW's than Hanoi ever publicly acknowledged.

Despite what some would have you believe, Vietnam is not doing all it can to provide a full accounting of American POW/MIA's. I make that statement based on several conversations I have had with Mr. John Sommer of The American Legion's National Office in Washington, D.C. Mr. Sommer has followed the POW/MIA issue very closely for several years and has made three fact finding trips to Vietnam in the last three years on behalf of The American Legion. Mr. Sommer also conferred privately before and after two Topeka Vietnam veterans traveled with Governor Finney's representatives to Vietnam last year. I know both of these Vietnam Veterans and one, Mr. Ward Downey, has told me Mr. Sommer was both helpful and knew what he was talking about. My point is I choose to believe John Sommer.

In closing I want to thank each sponsor of HCR 5031, urge immediate passage by this Committee and ask that it be placed before the full Senate as soon as possible. We must keep faith with American POW/MIA's and their families until Hanoi provides the fullest possible accounting which has been defined as turning over live prisoners, repatriating the remains of those who were killed in action or died in captivity, or by providing a valid conclusive report why neither is possible.

STATEMENT

by

RAY CALORE  
POW/MIA CHAIRMAN  
DEPARTMENT OF KANSAS  
VETERANS OF FOREIGN WARS

February 22, 1994

Hearings by the Kansas Senate  
Committee on Federal and State Affairs  
on  
House Concurrent Resolution 5031

Sen. Lana O'Leen  
Chairman

*Senate Fed + State  
Feb. 22, 1994  
Attachment # 4*



Good Morning.....Madame Chairman and members of the committee.....

Thank you for the opportunity to address you in discussing the merits and importance of House Concurrent Resolution (H.C.R.) 5031. I know that you've had a chance to review this proposed resolution, and I for one deeply appreciate your concern.

You should know that in order to stay within the time constraints this morning, I'm choosing my words very carefully. There are supporting documents in the packets before you to expand on and support my comments. Please also keep in mind that while the POW/MIA issue also pertains to WWII, Korea, and the Cold War, H.C.R. 5031 deals specifically with Southeast Asia -- the Vietnam War.

It's amazing how, whenever we allow ourselves to contemplate the fate of American prisoners of war and those who remain missing in action, we evoke a complex series of emotions, from sadness to rage, from quiet hopefulness to a rigid determination to finally secure the truth from those who withhold it from us -- whether those adversaries of the truth be in Southeast Asia, North Korea, China, Russia, or indeed in the stone-cold halls of Washington, D.C. While the personal and political impact of this issue is certainly not without controversy, the solution is as simple as can be. The truth. Why, in this many years, have we not yet reached the truth. It's NOT because the truth is unattainable. The truth has always been available, but not to us. Not to you in the Kansas Senate, not to the veterans whose buddies were left behind, and certainly not to the families on whose behalf we continue this struggle. This is an American crisis that transcends policies and personalities, but which will continue to erode the fabric of our national credibility and national honor until it is resolved.

The primary purpose of H.C.R. 5031 is to act on behalf of the citizens of Kansas, in conjunction with at least 5 other states (MI, AL, CN, FL, VA) to request that our Attorney General join in filing suit with the U.S. Supreme Court, in order to wrench the truth about our POW/MIAs from the classified files of the Defense Intelligence Agency, the Central Intelligence Agency, the National Security Council, and others, along with the foreign governments who collaborate in keeping this information from those who require and deserve access to it.

The declassification of information has always been a blockade, one for which we do not hold a magic technique to circumvent. It's the single major factor that keeps us from

resolving the POW/MIA crisis. The secrecy is rationalized in the guise of "national security" and, ironically, "to protect the privacy of the families" -- the same families who have been crying out for this information for years. It's a tricky business that is controlled by those who hold the key and safeguard the secrets -- whether they be in Hanoi, Moscow, or Washington. Agencies of our own government continue to tell us only what they want us to know, and have manipulated the pieces to fit their own agenda.

A FEW EXAMPLES: This declassified CIA document, dated March 9, 1976 -- three years after the official end of the Vietnam War, and one year after the fall of Saigon. Stating in no uncertain terms that -- QUOTE: "As of December 1975 some Americans were being held as prisoners of war in North Vietnam -- these Americans are to be used for bargaining purposes by the Democratic Republic of Vietnam in any future negotiations with the U.S." To support that statement, a report recently discovered by a Harvard researcher in Moscow indicates that in September 1972, only 4 months before the end of the war, Hanoi held 1205 live American POWs in North Vietnam. Yet, at Operation Homecoming, they gave us back only 591. Where are the other 600? And why was that Vietnamese report found in Moscow? To complicate matters, this New York Times article of February 18th -- only 4 days ago -- indicates that U.S. State Department officials actually discouraged Soviet researchers from releasing documents about American Prisoners of War. Why? Because the release of the documents would hurt American-Russian relations, and would have delayed lifting the Vietnam trade embargo.

And as always, we come back to the question of Laos, the secret illegal war in Laos run by the CIA. Where are the men who ran black-ops, or the pilots who ejected from disabled aircraft over the Ho Chi Minh Trail? This CIA document, again dated years after the war, indicates the precise locations of POW camps in Laos and the number of American POWs held in them. On this page, 68 Americans. Here, in Ban Nakay Neua, 28. 40 Americans held in a cave complex, northern Laos. AMERICANS, alive. And the kicker in this document is that, QUOTE "Items of information are limited to those reported by two or more independent sources." The Department of Defense states that 505 of our men are POW or MIA in Laos -- yet, at Operation Homecoming, only 9 returned, and they were returned through Hanoi, because we never negotiated with Laos for the return of the rest.

On January 10, 1994, six weeks ago, the U.S. State Department said, QUOTE: "More than 80 percent of the persons unaccounted for in Laos were actually lost in areas

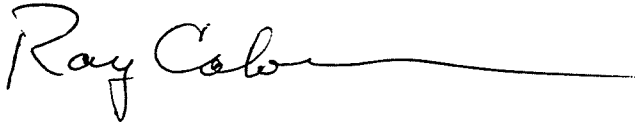
On January 10, 1994, six weeks ago, the U.S. State Department said, QUOTE:  
"More than 80 percent of the persons unaccounted for in Laos were actually lost in areas under the control of the North Vietnamese." Since the war, our government admitted to only 2 men having been alive in Laos.....Charles Shelton and David Hrdlicka (whose wife Carol is a resident of Kansas and is here with us this afternoon). Now, according to this Washington Post article of January 2, 1994, "new" evidence brings that number up from 2 to 41. How long do they expect us to play the numbers game? What's the real number -- and indeed, why should it make a difference if the number is 505, or 350, or ONE? Hanoi is certainly responsible for the return of those men as well as those in Vietnam, and Moscow has played a major role in their interrogation, transport, and imprisonment. The evidence indicates that intelligence agencies of our own government have collaborated with the enemy for economic and political purposes, and we -- here today -- need to put a stop to it. We need to take the fate of our own missing Kansans into our own hands and finally get to the truth.

In the past two years we've witnessed the divisiveness of the U.S. Senate in this issue, and the media circus that tries to tell us that everything is all right ----- that Vietnam and the governments of Southeast Asia are "cooperating" in the POW/MIA issue, while in the hearts of every one of us, we know that's not true. This is our opportunity to change it.

Lastly, enclosed in your information packet is a letter from Karen Standerwick, whose father Robert Standerwick, from Mankato, Kansas was shot down in Laos, and he and his back-seater, although separated, were both in radio contact on the ground with search & rescue aircraft. His back-seater was captured and returned at Operation Homecoming. And somebody knows the whereabouts of Col. Standerwick as well as the other Kansans who were abandoned into the hands of our enemies. The Standerwick family were a once-proud Air Force family, as Karen indicates in her letter. And now they trust virtually no one in a position of government authority. This is the price that has been extracted from them, and thousands of other families, through deceit and manipulation. You here today have the power to restore the honor and dignity that has been so long lost.

This afternoon, I have referred to a mere handful of information concerning our missing men. Information that presents us with question after question after question. But with the passage of H.C.R. 5031, we will have a prime opportunity to finally uncover the answers. No matter what our individual role within the State of Kansas, THIS is our highest priority.

On behalf of the membership of the Kansas Veterans of Foreign Wars, and our families,  
and our friends, thank you for your concern and for your aggressive support.

A handwritten signature in cursive script that reads "Ray Calore". The signature is followed by a long, horizontal, slightly wavy line that extends to the right.

RAY CALORE  
POW/MIA Chairman  
Department of Kansas  
Veterans of Foreign Wars

(913) 492-6131

--- supporting documents attached ---

February 20, 1994

My name is Karen Standerwick. I am a 38-year-old Physical Therapist and a resident of Shawnee Mission, Kansas. I am a graduate of Nebraska Wesleyan University in Lincoln, Nebraska and a graduate of the Physical Therapy program at Washington University in St. Louis, Missouri.

I served three years as a Peace Corps volunteer in the Republic of Korea and following my Peace Corps tour I remained in Korea for two additional years teaching English.

My father, Colonel Robert L. Standerwick of Mankato, Kansas, was the pilot of an F-4 aircraft which was shot down in Laos in February of 1971. Both he and his backseater parachuted successfully and, although separated, were in radio communication on the ground. Those communications were monitored by U.S. search and rescue aircraft. His backseater was captured by the North Vietnamese Army and later taken to Hanoi, from which he was released in Operation Homecoming in March of 1973.

What happened to my father is unknown to me or my family, but over the course of the past 23 years I have learned that this does not necessarily mean that the Air Force and/or the U.S. government do not know what happened to him, whether he is dead or may be alive, and where he may be today.

My mother, my two sisters, my brother and I have made a 23-year journey from being a proud, loyal Air Force family with full faith in our government to our present position of nearly total distrust of our elected leaders. We were not an easy group to drag down that long path and only the lies, stonewalling, and broken promises to which we have been subjected could have had the power to do so.

It is long past time that ALL information in the hands of the U.S. government which is relevant to the fate of its missing from World War II, Korea, Vietnam and the Cold War, be made available to the American people. I and many thousands of Americans in a position similar to mine are convinced that the vast majority of that information has been denied to the public solely for domestic political considerations rather than for "National Security" concerns as claimed by our government and intelligence agencies.

My family and I applaud your effort to lift the veil of secrecy which has plagued this issue for so long.

Sincerely,

Karen Standerwick  
2211 W. 51st St.  
Mission Woods, Kansas 66205

# Secret files yield new evidence on POWs

By AL SANTOLI

In the last battle of the Vietnam War, surviving American families and veterans are fighting to learn the fate of missing servicemen. Similar to victims of secret nuclear tests, they are trying to pry the truth from an entrenched bureaucracy that lacks adequate congressional or administrative oversight.

Many veterans now look to the new chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili, to resolve the missing in action tragedy with integrity and honor.

But in an orchestrated campaign, U.S. civilian and military officials — supported by business consultants and publicists — praise Hanoi for “excellent cooperation” and “not holding anything back.” Hundreds of live sightings of American prisoners by Vietnamese, Laotians, and even a Japanese monk released from a north Vietnamese prison have been trivialized.

Pentagon analysts have debunked Soviet documents independently supported by testimony from unrelated sources. A tepid State Department statement admits that prisoners could have been held back in Laos under control of Hanoi. More poignantly, documents from still-secret Defense Department and Central Intelligence Agency archives point to a

multi-agency cover-up.

Example: “Cold Spot” was a joint CIA-Air Force program to intercept North Vietnamese and Laotian Communist radio communications from 1971 to 1975. Americans flew electronic spy planes, and indigenous soldiers with CIA advisers conducted land-based operations. Some intercepts describe the movement and detention of U.S. prisoners — long after the supposed release of all American POWs in the spring of 1973.

An Oct. 8, 1973, communique from the governor of Nghia Lo Province to the minister of defense in Hanoi confirmed the transfer of “112 USA pilots” from Lai Chau (near the Laotian border). The “USA prisoners” were taken to a prison that previously held “Thai (captured in Laos) and Vietnamese” prisoners. And, “their snapshots were finished and I will send them to Hanoi to register with the Ministry of Defense . . . and names and ages of all will be attached.”

On Nov. 11, 1973, the governor of North Vietnam’s Son Tay Province reported to the minister of defense in Hanoi: “112 USA prisoners in prison in Son Tay Province.” He named a doctor who treated 10 prisoners with “pain in their hearts . . . They are not in a good way. Therefore, I quickly send this cable for you to decide what to do.”

There is no record of U.S. officials cross-referencing these and other “Cold Spot” records with in-person interviews of Vietnamese officials, prison commanders

and doctors named in the communiqués.

The recent revelations about Cold Spot are only part of the new information now coming to light. The Center for Security Policy, a Washington-based public policy group, has learned of at least two similar intelligence collection programs. Code named “Olympic Torch” and “Comfy Gator,” these were collaborative efforts by the Air Force and the National Security Agency to monitor enemy communications during the Vietnam War. The still-classified files on these operations could be additional documentation on American POWs who were not returned in 1973.

Media junkets are taken to observe groups of American soldiers digging for aircraft crash sites. On the other hand, dissenting intelligence officers state that during the war it was communist policy to scavenge crash sites and warehouse hundreds of U.S. remains that are continuously doled out as political chips.

Tragically, in 1992, Maj. Gen. Thomas Needham, shredded 20 years worth of original U.S. investigative files in Bangkok. And in a slick political maneuver, Sen. John Kerry, D-Mass., had numerous boxes of potentially explosive National Security Agency files reclassified before Senate investigators could study them.

Clinton State Department point-men Winston Lord and Ken Quinn are classic conflict-of-interest cases. In 1970, Lord helped create the cover-up of U.S. casualties in Laos. Henry Kissinger claims in

“White House Years” (page 455) that Lord coordinated a National Security Council study that purposely misled President Nixon on U.S. forces lost in Laos.

The Vietnamese commander of the Ho Chi Minh Trail area of Laos who oversaw the movement and detention of U.S. prisoners there between 1964-72 was Gen. Tran Van Quang (quoted in the infamous Soviet document). Yet, neither Gen. John Vessey Jr. nor Winston Lord raised the issue of prisoners in Laos when they met with Gen. Quang.

On Jan. 18, 1993, a delegation from the American Legion met with Pentagon and administration officials and mentioned the “Cold Spot” archives. The officials gave no response. The Legion has filed a Freedom of Information Act request to gain access to the records.

Before the administration rewards Hanoi’s duplicity with any more political or economic concessions, Gen. Shalikashvili should make sure that all POW/MIA files — such as “Cold Spot” — are made public. He should meet with Sen. Robert Smith, R-N.H., and representatives of the major veterans and family organizations to review charges of malfeasance and cover-up.

To conclude the Vietnam War with honor, a new team of experienced investigators of unimpeachable integrity must be appointed.

**SANTOLI**, a former congressional investigator, is author of “Leading the Way: How Vietnam Veterans Rebuilt the U.S. Military.”

## U.S. DISCOURAGED RUSSIA ON POW DATA - REPORT

RTna 2/18/94 12:01 AM

NEW YORK (Reuter) - Russian officials complained in a classified cable last November that State Department officials were discouraging them from releasing documents about American prisoners of war in Vietnam, The New York Times reported Friday.

The cable, dated November 12, was made available to the Times by Clinton administration officials who the newspaper said were angry over the president's decision earlier this month to lift the trade embargo against Vietnam.

According to the cable, the Russians complained that some U.S. officials were pressing them to turn over documents about U.S. soldiers missing in Vietnam, while others told them that the release of the documents would hurt American-Russian relations.

The newspaper said senior State Department officials reached Thursday vigorously denied they had told the Russians not to disclose documents. They said they repeatedly pressed Moscow to produce whatever documents it had.

The cable was sent by the American head of the Moscow office of Task Force Russia, an official Russian-American group whose role was to seek information from Moscow about Americans missing from the Vietnam and Korean wars. It was sent under the name of Thomas Pickering, the U.S. ambassador to Russia.

Pickering said he did not understand how the Russians got a mixed message, asserting that Washington had repeatedly asked for all relevant information.

Last year President Clinton said he wanted the fullest possible accounting of the fate of more than 2,200 American soldiers missing in Indochina.

The newspaper said the administration officials who provided the cable were concerned that it indicated that some State Department officials were flouting Clinton's policy in order to avoid embarrassing disclosures from Soviet archives which could have delayed the lifting of the embargo.

According to the cable, Russian Lieutenant Colonel Sergei Osipov, a liaison with American Missing in Action investigators in Moscow, said the Russian Foreign Ministry heard that State Department officials "were discouraging further releases of such documents."

REUTER

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# Evidence indicates Laos kept U.S. POWs at war's end

## POWs abandoned in Laos?

**Declassified documents indicate some were left there.**

By THOMAS W. LIPPMAN  
The Washington Post

WASHINGTON — From a huge archive of recently declassified documents about the Vietnam War, new evidence is emerging that some American pilots held prisoner in Laos were not released at the end of the war and that U.S. intelligence officials might have known where some of them were.

The Defense Department lists 330 Americans, almost all pilots and crew, as missing in action in Laos. Most were certainly killed when their planes crashed in the remote jungles of the mountainous, sparsely populated country.

Officially, only two American fliers, Col. Charles Shelton and Lt. Col. David Hrdlicka, are known for certain to have been alive in custody of pro-communist Pathet Lao rebels. Shelton and Hrdlicka died in captivity in the 1960s, Pentagon

See **EVIDENCE, A-8, Col. 1**

Continued from A-1

officials think.

No other reports of Americans held prisoner by the Pathet Lao have ever been verified, according to the Defense Department.

But declassified documents from the State Department, the Central Intelligence Agency and the Defense Intelligence Agency provide some support for those who argue that the number of prisoners was considerably higher, perhaps as high as 41 Americans.

Some military intelligence specialists and prisoner-of-war activists have believed for years that U.S. prisoners may have been left behind in Laos.

Senior officials of the Nixon administration, in anguished testimony before a Senate committee in September 1992, acknowledged that they feared it was true at the time but said they decided then that there was little they could do.

The truth about Laos has eluded military specialists and diplomats for two decades, and Laos remains the black hole of the long, bitter story of the more than 2,200 American troops still unaccounted for from the nation's longest war.

Of the 591 Americans released by North Vietnam in Operation Homecoming in 1973, only nine

son, that after the last of the acknowledged prisoners had been released the United States should stage a diplomatic initiative on the Laotians about the rest.

"This initiative should plainly and forcefully assert that the U.S. will no longer play games with the POW issue in Laos," said the memo, written a week before the final prisoner release. The Laotian communists "should be told that we have reason to believe they hold additional U.S. prisoners, and we demand their immediate release, as well as an accounting and information on all those who may have died."

But the United States had little leverage over Laos or North Vietnam. Kissinger, furious at being accused, in effect, at the 1992 hearings of having knowingly abandoned U.S. prisoners, argued that Congress would not have permitted a resumption of the air war in a campaign to force the release of prisoners whose location and identities were unknown, if indeed there were such prisoners.

Nixon, in an address to the nation at the conclusion of Operation Homecoming, said: "All of our American POWs are on their way home."

Later in the same speech, he said provisions of the Paris agreement regarding Laos "have not been complied with" but he did

interagency meeting, about the same time, in which the Defense Department representative is recorded as saying: "We don't know what we will get from Laos (in postwar prisoner exchanges). We have only six known prisoners in Laos, although we hope there may be 40 or 41. We have known very little about the caves where they keep the prisoners in Laos. We just got the first photos of those caves recently and our impression is they are pretty big. We think they are holding a lot more than six prisoners there."

■ A Defense Intelligence Agency account of a Laotian communist soldier, described as "co-operative ... intelligent ... sincere ... has a good memory," who entered a cave in northeastern Laos in March 1972 to replace the batteries in a field telephone. There, he said, he encountered three American, four Thai and four royalist Laotian prisoners, all said to be healthy and adequately fed. They had books and a guitar for entertainment.

■ A 1970 CIA report saying that "until recently, the Ban Nakay Neua VH 1965 (a location designation) prison complex the only prison facility in known to contain American POWs." Ban Nakay Neua was the region of northern Laos where prisoners were thought to have

4-9



## Poll: Americans want MIA cases resolved first

Associated Press

NEW YORK — A majority of Americans would put off normal trade with Vietnam to spur cooperation in resolving the cases of missing servicemen, according to an Associated Press poll.

The idea of establishing normal diplomatic relations with Vietnam appeals to many Americans: The poll found 58 percent in favor, 32 percent opposed and 10 percent not sure.

But an overwhelming 85 percent said they were not satisfied that Vietnam has done enough to help account for the more than 2,000 American servicemen still listed as missing in action in Southeast Asia.

A majority, 55 percent, said the United States should wait for more cooperation before establishing normal trade with Vietnam, and 40 percent agreed with establishing normal trade now in hopes of encouraging cooperation.

The poll involved telephone interviews with a random sample of 1,005 adults on Dec. 8-12. Results have a margin of sampling error of plus or minus 3 percentage points.

those nine were in custody of the North Vietnamese, not the Laotians. None had been held by the Pathet Lao in areas of northeast Laos where, according to some intelligence documents, groups of downed U.S. fliers were held.

Aside from Shelton and Hrdlicka, the identities and ultimate fates of such fliers, if in fact they were taken prisoner, remain unknown.

In the negotiations with North Vietnam that produced the Paris peace agreement and ended U.S. involvement in the war in January 1973, President Nixon's national security adviser, Henry Kissinger, repeatedly sought assurances from the North Vietnamese that they would deliver all U.S. prisoners "throughout Indochina" in the postwar prisoner exchanges.

The United States never acknowledged officially participating in a war in Laos, and Laos was not a party to the Paris accord.

U.S. negotiators believed, however, that the Pathet Lao communists were, in Kissinger's term, "stooges" of the North Vietnamese and would deliver their prisoners if ordered to by Hanoi.

U.S. officials were shocked when only nine were delivered from Laos, according to declassified documents and testimony at the 1992 hearings.

Lawrence S. Eagleburger, who was a senior Pentagon official in the Nixon administration and secretary of state in the final months of the Bush administration, wrote in a memo to his then-boss, Defense Secretary Elliot L. Richard-

not indicate there might still be U.S. prisoners there. Several times in the next few months of 1973, he repeated that all prisoners had come home.

But the declassified documents show there was intelligence information that the Pathet Lao held some U.S. fliers in caves near Pathet Lao headquarters in Sam Neua, in northeastern Laos, near the border with Vietnam.

Asked by a House committee in 1976 how it could be that none of more than 300 Americans lost in Laos could be a prisoner, Vernon E. Walters Jr., then deputy director of the CIA, replied in writing that "this question has been very disconcerting to the intelligence community also. We have information that some of these 300 individuals survived their shoot-down incident. Admittedly, the number is small."

If any of the intelligence information was correct, the apparently inescapable conclusion is that some men were abandoned to their fates when the last U.S. troops left Indochina, unless the Pathet Lao killed them, as some U.S. officials think.

Among the documents supporting this view:

■ A January 1973 CIA listing of "confirmed enemy prisons" in Laos, with locations. Several of these carry descriptions of the likely inmates: "American prisoners," "American pilots (possibly 20)," "approximately 15 American prisoners" and "American pilots (possibly in a cave)."

■ Minutes of a Washington

been held in caves. None of the Americans released from Laos in Operation Homecoming had been held there, so what happened to the prisoners "known" to have been in caves?

■ A 1992 deposition given to Senate investigators by Bobby R. Inman, President Clinton's current nominee to be secretary of defense and a senior naval intelligence officer at the time of the 1973 prisoner releases, in which he testified that "in '73 a large number of us thought there were (prisoners in Laos), simply because we had known people had gotten to the ground, that there were substantial prisoners in Laos that were unaccounted for. . . ."

Inman added, however, that he later changed his opinion. When none of those men ever surfaced or was found, he said, he decided that either the original assumption of their safe landing was incorrect or the Pathet Lao shot the prisoners rather than keep them.

None of the evidence is conclusive. The Defense Intelligence Agency repeatedly has argued that no information has ever been verified that would show specific American individuals at specific locations, aside from Shelton and Hrdlicka. But if that is true, the MIA activists and family groups ask, why did the CIA organize a clandestine rescue mission into Laos in 1981?

As with Vietnam, the nearly 500 reels of microfilmed documents made available at the Library of Congress in recent months contain many reports that American prisoners were seen in Laos after the end of the war. According to the Pentagon, none of the "live sighting" reports has ever been verified except for dealing with Marine Pfc. R. Garwood, who stayed in Vietnam after 1973 and returned to the United States in 1979.

CONTACT:

U.S. NEWS POW/MIA



## ADVOCACY and INTELLIGENCE INDEX For PRISONERS OF WAR/MISSING IN ACTION

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"THE POW/MIA FAX NETWORK"

THE NEW YORK TIMES, FRIDAY, FEBRUARY 18, 1994

# NEW DOUBTS CAST ON P.O.W. EFFORT

Cable Says Russians Asserted  
U.S. Officials Discouraged  
Full Release of Data

By STEVEN GREENHOUSE

Special to The New York Times

WASHINGTON, Feb. 17 — Russian officials complained last November that State Department officials were discouraging them from releasing documents about prisoners of war in Vietnam, according to a classified cable made available by Administration officials angry over President Clinton's recent decision to lift the trade embargo against Vietnam.

According to the cable, the Russians said they were receiving a mixed message from Washington: while many American officials were pressing them to turn over as many documents as possible about soldiers missing in Vietnam, other officials were telling them that releasing such documents would hurt American-Russian relations.

Senior State Department officials vigorously denied today that they had told the Russians not to disclose documents and said they had repeatedly pressed Moscow to produce whatever documents it had.

### Statement by Clinton

President Clinton said last year that he wanted the fullest possible accounting of the fate of more than 2,300 Americans missing in Indochina.

The officials who provided the document were concerned that it indicated that some State Department officials were flouting the President's policy in order to avoid embarrassing disclosures from Soviet archives, which could delay lifting the embargo.

Last spring, the discovery of a 1972 document from Soviet archives that seemed to indicate that Vietnam had held more prisoners than it had admitted stalled the Administration's movement toward lifting the embargo.

The cable points to the divisions in the Government on lifting the Vietnam embargo and on whether Hanoi was fully cooperating in accounting for missing Americans. Some lower-level officials have been frustrated that other officials have not pressed Moscow and Hanoi as hard as they would like to turn over information.

President Clinton lifted the trade embargo on Feb. 3, saying that Hanoi had cooperated in providing a full accounting of the missing Americans.

The cable, dated Nov. 12, said a prominent Russian official had said Russian Foreign Ministry officials had heard from unnamed State Department officials that they "were not pleased with" the release of the 1972 document.

### Russian Official's Comment

According to the cable, the Russian official, Lieut. Col. Sergei N. Osipov, a liaison with American M.I.A. investigators in Moscow, said the Russian Foreign Ministry heard that State Department officials "were discouraging further releases of such documents."

The cable was sent by the American head of the Moscow office of Task Force Russia, an official Russian-American group whose role was to seek information from Moscow about Americans missing from the Vietnam and Korean wars. The cable was sent under the name of Thomas Pickering, the American Ambassador to Russia.

Mr. Pickering said that he could not understand how the Russians had gotten a mixed message, asserting that Washington had repeatedly asked for all relevant information.

Task Force Russia sent the cable shortly after Winston Lord, Assistant Secretary of State for East Asia, met with Russian officials in Moscow.

Several Americans who used to work on Task Force Russia said that the cable showed that some State Department officials were so eager to have the embargo lifted that they would even urge Moscow not to release documents that put Vietnam in a bad light.

Col. William LaCro, a retired former special assistant to the director of Task Force Russia, said, "Some officials were trying to convince the President that the Vietnamese had cooperated 100 percent in resolving the M.I.A. issue and that the embargo should be lifted. Therefore they said, 'We don't want any more of this incriminating evidence to become public.'"

Mr. Lord angrily denied today that any State Department officials discouraged the Russians from releasing additional documents.

### Contrary to U.S. Policy

"No one in the State Department would say, 'We don't want documents,'" said Mr. Lord. "The reported position by the Russians of what some State Department people said is directly contrary to official United States policy. Anyone who would have said that would be fired."

A person who attended a meeting in Moscow in October between Mr. Lord and then-Deputy Foreign Minister Georgi P. Kunadze said verbatim notes showed that Mr. Lord thanked the Russians for providing documents and urged them to cooperate further.

State Department officials said they sent a cable on Nov. 13, underscoring that Washington wanted all relevant documents and protesting reports that Russia had agreed not to release such files without first consulting Hanoi.

One American official familiar with the contents of the cable said Colonel Osipov was known to be reluctant to release Vietnam-related documents and may have concocted the story that State Department officials had urged Moscow not to release documents. Under this interpretation, Colonel Osipov was trying to ward off pressure to release documents, knowing that they could embarrass Moscow. Some American intelligence officials say Colonel Osipov is a former K.G.B. agent.

Colonel Osipov did not return two calls to his office in Moscow.

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U.S. DEPARTMENT OF STATE  
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For Immediate Release  
TAKEN QUESTION 1/10/94

January 10, 1994

LAOS -- POW/MIA'S

Q. Were U.S. POWS left behind in Laos? Is Laos doing enough on the POW/MIA issue?

A. -- THIS ISSUE <sup>US POW/MIA'S in Laos</sup> HAS RECEIVED EXTENSIVE REVIEW IN BOTH THE LEGISLATIVE AND EXECUTIVE BRANCHES.

-- FOLLOWING ITS YEAR-LONG INVESTIGATION INTO THE POW/MIA ISSUE, THE SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS NOTED IN ITS FINAL REPORT "AMERICAN OFFICIALS DID NOT HAVE CERTAIN KNOWLEDGE THAT ANY SPECIFIC PRISONER OR PRISONERS WERE BEING LEFT BEHIND."

-- HOWEVER, WE CANNOT RULE OUT THE POSSIBILITY THAT LIVE AMERICANS MAY BE HELD IN LAOS. BOTH EXECUTIVE BRANCH REPRESENTATIVES AND MEMBERS OF THE SENATE SELECT COMMITTEE FOLLOWED UP EXPEDITIOUSLY IN LAOS ON REPORTS AND PHOTOS SUGGESTING THAT AMERICAN SERVICEMEN MIGHT BE ALIVE. WE CONTINUE TO INVESTIGATE ANY REPORT OF AMERICANS IN CAPTIVITY.

-- COOPERATION ON THE POW/MIA ISSUE IS A PRIORITY IN OUR RELATIONS WITH LAOS. WE WILL CONTINUE TO PRESS FOR ADDITIONAL COOPERATION AND PROGRESS ON THIS ISSUE.

-- 505 AMERICANS REMAIN UNACCOUNTED FOR IN LAOS. LAST YEAR, THE U.S. AND LAOS CONDUCTED SIX JOINT FIELD ACTIVITIES.

§ HOWEVER, MORE THAN 80 PERCENT OF THE PERSONS UNACCOUNTED FOR IN LAOS WERE ACTUALLY LOST IN AREAS UNDER THE CONTROL OF THE NORTH VIETNAMESE. THIS DEMONSTRATES THE IMPORTANCE OF THE FIRST-EVER TRILATERAL OPERATION WITH VIETNAM, WHICH WAS COMPLETED ON DECEMBER 20.

-- THE FIRST FIELD ACTIVITY FOR 1994 IS SCHEDULED TO BEGIN LATER THIS MONTH.



## WRITTEN TESTIMONY

Of

**Antonio Falcon, State Commander  
AMERICAN GI FORUM OF KANSAS**

And

**Arthur W. Solis, Commander  
AMERICAN GI FORUM OF KANSAS CITY**

Submitted To

**SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS**

February 22, 1994

## INTRODUCTION

The *American GI Forum Of Kansas* and the *American GI Forum Of Kansas City* are duly chartered state and local chapters of the *American GI Forum of the United States*, a national veterans family organization. Though predominately Hispanic, membership in the American GI Forum includes persons of all ethnic and racial groups.

Hispanic Americans who are veterans have played an important role in every one of our Nations's conflicts. Indeed, Hispanic veterans have been awarded more **Medals of Honor** per capita than any other ethnic group represented in the veteran population. Furthermore, Hispanic veterans have also been consistently overrepresented as a percentage of wartime casualties.

With respect to the Vietnam War, Hispanic veterans served with honor and distinction — such service is exemplified by Sergeant First Class Issac Camacho, Special Forces and a prisoner of the Viet Cong from November 1963 until July 1965, when he was able to escape from his captors; Lieutenant Commander Everett Alvarez, the first prisoner of war in North Vietnam and a POW of 8½ years; Master Sergeant Roy Benavidez, Special Forces and the Last Medal of Honor recipient; and Master Sergeant Juan Valdez, the Noncommissioned Officer in charge of the Marine Security Guard at the U.S. Embassy in Saigon and who was on the last helicopter to leave South Vietnam on April 30, 1975.

## HOUSE CONCURRENT RESOLUTION NO. 5031

The *American GI Forum of the United States* has unfailing stated that all Americans in Southeast Asia must be accounted for. Thus, consistent with our national organization's position regarding POWS/MIAS, the *American GI Forum Of Kansas* and the *American GI Forum Of Kansas City* endorse and support HCR No. 5031, a concurrent resolution

"EDUCATION IS OUR FREEDOM AND FREEDOM SHOULD BE EVERYBODY'S BUSINESS"

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requesting the Kansas Attorney General to commence action in the United States Supreme Court to obtain information about Kansas POWS/MIAS in Southeast Asia.

We, as Americans, are deeply indebted to all our veterans who have sacrificed. While there may be differing opinions regarding the decision to lift the Vietnam trade embargo the *American GI Forum Of Kansas* and the *American GI Forum Of Kansas City* believe that HCR No. 5031 may provide a meaningful and appropriate effort to resolve the Kansas POW/MIA issue.

The *American GI Forum Of Kansas* and the *American GI Forum Of Kansas City* respectfully request the Senate Committee on Federal and State Affairs act favorably and promptly on HCR No. 5031. Thank you for the opportunity to present our views on this important concurrent resolution.

# Hispanics in America's Defense



## Vietnam Era (1960-1973)

### Introduction

In February 1950, the United States granted political recognition to Vietnam as a quasi-independent state within the French Union. Prior to World War II, the entire Indochina area had been under French colonial administration. During the war, Japanese troops had occupied the area and from 1945-1950, France pursued a course of reestablishing its authority.

By May of 1950, the United States had begun to provide military and economic aid to the French. The French Army was engaged in a military conflict against nationalist and communist forces who had provided armed resistance to the Japanese occupation, but were now combating the French return. After 4 years of fighting, the French Army was defeated by the Viet Minh (a Communist-supported organization) at the battle of Dien Bien Phu in May 1954.

During the French struggle against the Viet Minh, the United States created the first Special Forces unit on June 20, 1952. Special Forces were an outgrowth from the World War II commando and Special Service Force units. The mission of these elite units was to plan, conduct, and support unconventional warfare operation. As such, its members were capable of training, advising, and supporting guerrilla or antiguerrilla units in other countries.

In mid-1957, a U.S. Special Forces unit arrived in the Republic of Vietnam (the Southern half of Vietnam which had been partitioned by the 1954 peace agreement with France). In May of 1960, another Special Forces unit arrived in South Vietnam to train the Vietnamese Army, which was engaged in fighting a guerrilla war.

In November 1961, Special Forces medical units were sent to South Vietnam to provide assistance to Montagnard tribes. (Montagnards were an ethnic group living in the mountains of central South Vietnam.)

From 1961 to 1965, over 80 Special Forces camps were established as part of the U.S. supported Civilian Irregular Defense Group (CIDG) program. The CIDG program was intended to assist South Vietnamese minority groups in raising paramilitary forces to resist Communist guerrilla activity and to defend minority group villages. Each CIDG camp had a South Vietnamese Special Forces team, a U.S. Special Forces team, and from 2 to 7 companies of indigenous self-defense troops. Some camps also had a unit of Nung's (tribesmen from the mountains of North Vietnam who had been hired by the United States).

Each CIDG camp was intended to be a self-contained, fully independent organization capable of resisting Communist forces operating in the area. The U.S. Special Forces team was to advise the South Vietnamese, assist in camp administration, and prepare all persons for eventual turnover of the camp to South Vietnamese authorities.

### Early Fighting

It did not take the Viet Cong (Vietnamese Communists) long to realize the purpose of the CIDG camps. Fighting picked up in volume as the Viet Cong probed for weaknesses and attacked several camps. Camp defense became a primary Special Forces concern as many early CIDG camps were not fortified.

In November 1963, a reinforced battalion of Viet Cong attacked the CIDG camp at Hiep Hoa, Long, a Province which had been opened in February 1963. It was night and the defenders in the camp were taken completely by surprise as heavy machine gun and

mortar fire raked the camp. Among the U.S. Special Forces personnel at Hiep Hoa was Sergeant First Class (SFC) Issac Camacho.

All the camp defenders were pinned down by the withering Viet Cong fire. SFC Camacho ran from his sleeping area to a mortar position and began to return fire. Pressure from the attacking force soon breached the camp's defensive wall and the commanding officer ordered a withdrawal. In the confusion of the battle and the darkness of the night, SFC Camacho became separated from his Special Forces compatriots and was captured by the Viet Cong.

SFC Camacho remained a prisoner for almost 20 months. On July 9, 1965, he was able to escape from his captors and make his way to freedom after crossing miles of Communist-infested territory. For his personal daring in the defense of Hiep Hoa and his successful escape, SFC Camacho was awarded the Silver Star and the Bronze Star Medal in September 1965. He was also promoted to Master Sergeant (MSG). Later, MSG Camacho was given a battlefield commission as a Captain. He has since retired from the Army and lives in El Paso, Texas.



Sergeant First Class Issac Camacho

## Intermediate Fighting

In late 1963, Ngo Dinh Diem, President of South Vietnam, was killed in a military coup. A few weeks later, John F. Kennedy, President of the United States, was assassinated. Lyndon B. Johnson became President of the United States.

During this period, U.S. Special Forces in South Vietnam were increased and the CIDG program was expanded under the U.S. Military Assistance Command. Ships of the U.S. Navy also were put on patrol in the Gulf of Tonkin off the North Vietnamese Coast.

Late in the afternoon of August 2, 1964, the *USS Maddox*, a 3,300 ton destroyer, was attacked by three torpedo boats approaching from the north as it patrolled in the Gulf of Tonkin. The *Maddox* avoided three torpedoes which were fired at it as well as 37-millimeter gunfire from the torpedo boats. It returned fire and badly damaged one boat.

On August 3, 1964, the *Maddox* was joined by the *USS Turner Joy* and the two vessels resumed patrol. On August 4, the two vessels were attacked soon after sunset. Three to six North Vietnamese gunboats fired torpedoes and automatic cannons at the two U.S. destroyers. Two gunboats were sunk by the U.S. return fire.

In retaliation, two U.S. carriers in the area were authorized to launch 64 planes to attack North Vietnamese gunboat and oil storage facilities. Twenty-five torpedo boats were reported to have been sunk and most of 14 oil storage tanks destroyed by the raiders with a loss of two airplanes.

The pilot of one of the planes was killed; the other pilot, Lieutenant (jg) Everett Alvarez, Jr., jumped from his damaged plane but his parachute failed to open. He was picked up by a fishing boat and imprisoned by the North Vietnamese.



Ensign Everett Alvarez, Jr.

Ensign Alvarez receives his pilot wings from Capt. Ritt Mathew, USN, at the U.S. Naval Auxiliary Air Station, Kinsville, Texas on August 13, 1964.

*U.S. Navy Photograph 1105043*

Lt (jg) Alvarez was the first American and first Hispanic pilot to become a prisoner of war. He was born in Salina, California, and attended the University of Santa Clara, where he received a degree in electrical engineering. In 1960 he was commissioned in the Navy as an Ensign and had taken flight training at the Naval Air Station in Pensacola, Florida. He was 26 years old and newly married when his plane was shot down and he was captured.

Lt (jg) Alvarez remained a prisoner of war for almost 8 and one-half years, the longest confirmed POW in the Nation's history. In February 1973, he was repatriated by the North Vietnamese in the first group of prisoners as a result of the peace agreement negotiated in Paris. He was awarded the Distinguished Flying Cross and promoted to Lieutenant Commander. In March 1973, a city park in Santa Clara, California, was dedicated in his honor. He left the Navy soon thereafter, served as the Deputy Director for the Veterans Administration, and is now a private consultant.

## The Final Years

In the mid-1960's, U.S. conventional troops entered South Vietnam. North Vietnamese regular forces became increasingly evident, and the war shifted into a conventional mode. The U.S. Air Force bombed North Vietnam as did the Navy flying from carriers off the North Vietnamese Coast. Peace negotiations were initiated in Paris and the war began to de-escalate by the early 1970's.

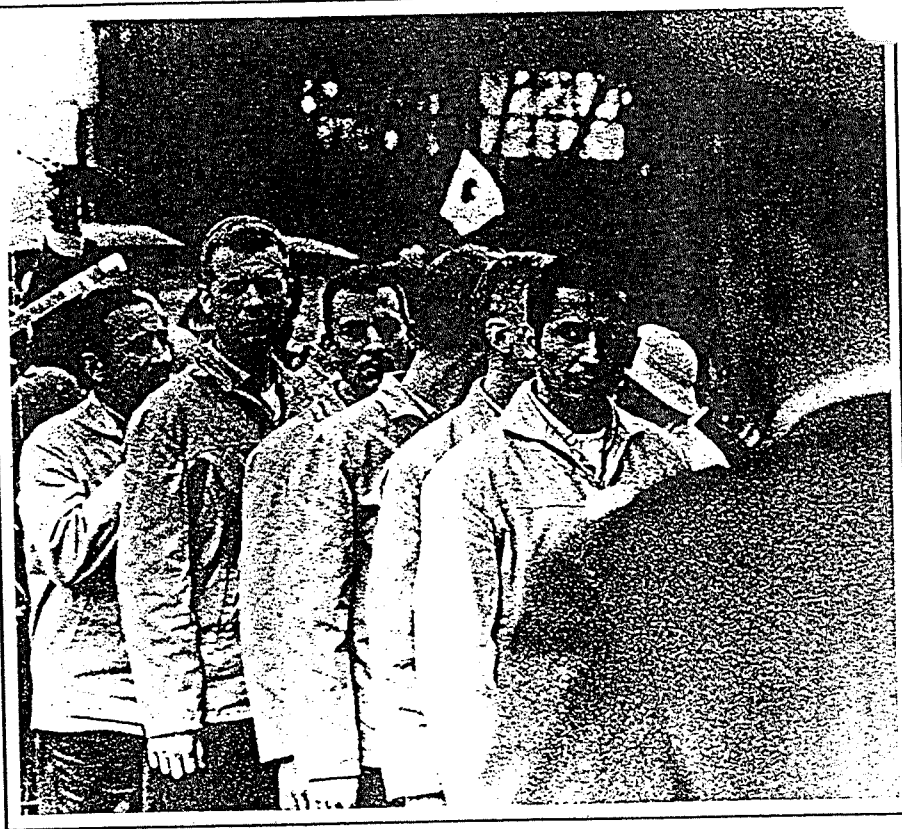
Hispanics served in all military units on the ground, in the air, and at sea. There were no all-Hispanic units and the military did not record separate data on Hispanic participation. Any analysis, therefore, is dependent upon an analysis of unit rosters to identify Hispanic surnames. Any results from such studies are incomplete due to improper identification.

In 1969, a study was released which examined Hispanic participation in the war by analyzing casualty figures for two periods: one from January 1961 to



February 1967, and the other from December 1967 to March 1969. The study revealed that for the two periods, 8,016 men from the States of Arizona, California, Colorado, New Mexico, and Texas had been killed. Of the number, over 19 percent had Hispanic surnames. The 1960 census indicated that Hispanics were only 11.8 percent of the total population in the 5 states and 13.8 percent of all military age males in those states.

Two areas of significant Hispanic population were omitted from this study: Florida and New York. But even those preliminary figures indicated the heavy investment Hispanic Americans made in the war effort and its inevitable cost to the Hispanic community. Casualties do not reflect the entire story, for many more people returned from Vietnam than died there. We should not forget the contributions made by the survivors either.



A P.O.W. Returns

In Hanoi, North Vietnam, Air Force Lieutenant Colonel Richard F. Abel (foreground), Public Relations Officer from Cleveland, Ohio, greets the first group of prisoners of war as the men wait for their name to be announced prior to their boarding a C141 Starlifter cargo transport at Gia Lap airport. Navy Lieutenant Commander Everett Alvarez, Jr., from Santa Clara, California, heads the line.



Lieutenant Commander Alvarez

On March 1, 1973, Alvarez spent 30 minutes answering questions for television and newspaper reporters at the Oakland, California Naval Hospital. He was the first man shot down over North Vietnam and was undergoing medical checks at the hospital after spending 8 and one-half years as a prisoner of war.

U.S. Navy Photograph K-98458



Santa Clara City Park

On March 25, 1973, Lieutenant Commander Everett Alvarez, Jr., spoke with people from his hometown of Santa Clara, California, as they dedicated a city park in his honor.

U.S. Navy Photograph K98928

## The End

In September 1974, Master Sergeant (MSgt) Juan J. Valdez was transferred to the U.S. embassy in Saigon as the Noncommissioned Officer in charge (NCOIC) of the embassy's Marine Security Guard. He was 37 years old at the time and had been in the Marine Corps since May 1955.

MSgt Valdez had been in South Vietnam before from September 1967 to March 1970, when he had served as a platoon sergeant with the 3rd Amtracs.

At the embassy, he was responsible for the 45 Marines who guarded the embassy. During the final weeks of the war they helped to process persons leaving South Vietnam and to control crowds outside the embassy compound who also sought to leave.

On April 23, 1975, communist forces shelled the Bien Hoa Air Base near Saigon. By April 29, the air base was attacked by ground troops; Saigon was isolated.

A helicopter evacuation from the embassy itself was begun. The Marine Guards provided security for the helicopters while they were on the embassy roof. MSgt Valdez was on the last helicopter to leave on April 30, 1975, thus ending a 15-year saga in which Hispanics were among the first Americans to enter South Vietnam and among the last to leave—a truly notable and honorable record. Hispanic Americans have shown that if there is a theme to Hispanic participation in America's wars, it is: "First in...last to leave."



Lance Corporal Ernest Delgado, USMC

Corporal Delgado takes a break in the last month of his tour in Vietnam.

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### Post-Vietnam Era (1974-1989)

With the cessation of fighting in Vietnam, the inevitable post conflict draw downs occurred. Units were disbanded and reorganized. The All Volunteer Force was introduced and the Selective Service System reduced.

Peacetime equal opportunity programs were reinstituted and preconflict issues were addressed. A summary of major developments follows.

**Equal Opportunity Training:** An important element of the DoD Equal Opportunity Program is the Human/Race Relations Education Program. This program was formally established with the publication of the DoD Directive 1322.11, "Department of Defense Education in Race Relations for Armed Forces Personnel," dated June 23, 1971. It requires a matter of policy that an education program in race relations be conducted on a

continuing basis for all military personnel in an effort to improve and achieve equal opportunity within DoD and to eliminate and prevent racial tensions, unrest, and violence. The program was placed under the supervision of the Assistant Secretary of Defense for Manpower and Reserve Affairs (now Force Management and Personnel).

The directive also established a Race Relations Education Board (RREB) with the mission of developing overall policy guidance for the DoD program of education in race relations. The original membership of the RREB included the Assistant Secretary for Manpower from each Military Department, a representative of each Military Service, and two Deputy Assistant Secretaries of Defense—Equal Opportunity and Reserve Affairs. The Board was, and still is, chaired by the Assistant Secretary of Defense for Force Management and Personnel.

The directive established the Defense Race Relations Institute (DRRI) to train

Armed Forces personnel assigned as instructors in race relations. The DRRI was organized as a DoD field activity, attached to the Air Force (Patrick Air Force Base, Florida) for administrative and logistical support, and under the operational supervision of the Assistant Secretary of Defense (Manpower and Reserve Affairs). As with the overall DoD Race Relations Education Program, the DRRI was subject to the policy guidance of the RREB.

The primary focus of the program initially was to reduce racial tensions and violence, and achieve racial harmony. Throughout the Armed Forces, emphasis was placed on interpersonal relations at the small unit level. The program accommodated only active duty personnel. DRRI was charged with the development of a standard program of instruction for all Services, except the Marine Corps, which was excluded from the provisions of the directive. The Marine Corps had previously established a Human Relations Institute which was considered to be a parallel course toward achievement of the



Attachment 6

DIVISION OF THE BUDGET

Room 152-E

State Capitol Building

Topeka, Kansas 66612-1504

(913) 296-2436

FAX (913) 296-0231

Joan Finney  
Governor

Gloria M. Timmer  
Director

February 7, 1994

The Honorable Clyde Graeber, Chairperson  
House Committee on Federal and State Affairs  
Statehouse, Room 115-S  
Topeka, Kansas 66612

Dear Representative Graeber:

SUBJECT: Fiscal Note for HCR 5031 by Representatives  
Graeber, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HCR 5031 is respectfully submitted to your committee.

House Concurrent Resolution No. 5031 requests the Kansas Attorney General to file an action in the United States Supreme Court against the United States Government and the ambassadors or public ministers and consuls of Vietnam, Laos, Kampuchea, Russia, and China to obtain information about Kansas residents who are prisoners of war or missing in action in Southeast Asia. The resolution indicates that there are 34 missing and unaccounted for servicemen in Southeast Asia from Kansas. The names of those individuals are noted in the resolution.

The Office of the Attorney General notes that there is no way to determine with any accuracy the total dollars the state would incur in the involvement of this proposed action. The Office does note that an original action in the United States Supreme Court against six nations would be a tremendous undertaking requiring millions of dollars in expenditures over several fiscal years, perhaps even over the next decade.

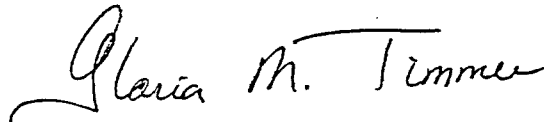
It is anticipated that expenditures incurred would cover shared costs of outside counsel (given the involvement of other states, including Michigan), experts, travel, communication, discovery, and the fees and expenses of a special master appointed to hear the case. The Office of the Attorney General notes that it

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would need to hire 1.0 FTE position of Assistant Attorney General to assist with the litigation at a cost to the State General Fund of approximately \$46,000 for FY 1995.

The Office of the Attorney General suggests that the state set-aside a fund with appropriation authority for \$2.0 million to fund properly expenses associated with the proposed legal action. It is noted that the \$2.0 million is seen as start-up costs only for litigation of the proposed matter. All expenditures associated with HCR 5031 would be in addition to amounts contained in the FY 1995 Governor's Budget Report.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer". The signature is written in dark ink and is positioned above the printed name and title.

Gloria M. Timmer  
Director of the Budget

5031.fn

Attach. 7



**League  
of Kansas  
Municipalities**

PUBLISHERS OF KANSAS GOVERNMENT JOURNAL 112 S.W. 7TH TOPEKA, KS 66603-3896 (913) 354-9565 FAX (913) 354-4186

TO: The Honorable Senator Lana Oleen, Chair  
Senate Federal and State Affairs Committee

FROM: Chris McKenzie, Executive Director

DATE: February 21, 1994

RE: Opposition to SB 721

Due to scheduling conflicts no one from the League staff was able to be present last Thursday during the hearing by the Committee of SB 721. If possible, we would appreciate the following comments being included in the Committee's record of proceedings on this bill.

Since the passage of K.S.A. 21-4009 et seq. in 1987, cities have had certain responsibilities with regard to the regulation of smoking in city owned and operated buildings. Further, due to public health concerns, recently confirmed by the U.S. Environmental Protection Agency's study about the negative effects of second hand smoke, a small number of cities have considered and adopted regulations dealing with smoking in public accommodations--e.g., restaurants, offices, etc. These efforts in a handful of cities have received considerable public and media attention.

SB 721 would preempt local regulations in place concerning smoking and create a state statutory scheme which sets all rules on the subject. Section 9 of the bill does allow cities to adopt ordinances which mirror the provisions of SB 721, but, unlike most other provisions of state criminal law, it would prevent local regulations that are more stringent than those contained in the bill.

**RECOMMENDATION:** The League respectfully submits the state of Kansas should not preempt the ability of the cities of Kansas to act to protect the public health of their residents in a manner which is more stringent than the requirements of SB 721. We recommend the bill be reported adversely.

Thank you for consideration of our views.

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Attach. 8

FEB 21 1994



## Testimony

Senate Federal and State Affairs Committee

Senate Bill #721

February 17, 1994

Ladies and Gentlemen of the Senate Federal and State Affairs Committee, I am Dr. Larry Jecha, Director and Health Officer of the Health Department in Wichita-Sedgwick County.

We feel that Senate Bill #721 is a step backward for Kansans. Tobacco smoke is a known carcinogen and a known carcinogen has no place in a workplace including restaurant and bars where people must work.

Studies have shown an increased risk for lung cancer among waiters and waitresses in California who work in smoky areas, yet here you are proposing a Bill which would allow an unsafe workplace. This is comparable to allowing asbestos, benzene and other carcinogens in our workplaces in Kansas.

At the federal level, the administration understands the gravity of the situation and is proposing even more stringent regulation of tobacco smoke. We in Kansas should do no less. As a public health officer, I am mandated to protect the public health.

Legislation that hampers our ability to address the most preventable cause of death and disability is a true disservice to Kansans.

We urge you to vote NO on this proposal, so that it will not leave this room. The **existing** State Law in Kansas is better for Kansans than this proposed law. Don't take us backward to the post World War II days. Please kill this Bill today.

Thank you.

*Larry D. Jecha, MD, MPH*  
Larry D. Jecha, MD, MPH  
Director/Health Officer

*Senate Fed + State*  
*Feb. 22, 1994*  
*Attachment B*