

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

MICHAEL DRIGGS, <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:23-cv-1124 (DJN)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
Defendant.	)	
_____	)	

AFFIDAVIT OF JOHN H. CLARKE

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John H. Clarke herby declares and states:

**I. BACKGROUND**

**A. 1205/735 Documents**

**1. 1205 Document**

1. In December of 1992, Harvard University's Dr. Stephen Morris discovered in the Soviet archives the transcript of the Soviet's surreptitiously taped debriefing by a top Vietnamese Army General to Vietnam's Politburo. The General reported that the total number of communist-

held American POWs in Southeast Asia was 1,205. The debriefing was just months before Operation Homecoming. In 1973 591 POWs were returned, at over six hundred less than the Vietnamese had claimed. The transcript includes the following:

The total number of American POWs captured to date on the fronts of Indochina i.e. in North Vietnam, South Vietnam, Laos, and Cambodia, comprises 1205 people... 624 aviators captures in North Vietnam, 143 aviators captured in South Vietnam, 47 diversionists and other American servicemen captured in North Vietnam, and 391 American servicemen of other categories, which includes 283 captured in South Vietnam, 65 in Cambodia, and 43 in Laos...

\* \* \*

For now, we have officially published a list of only 368 POWs. The rest are not acknowledged. The U.S. Government is aware of this, but they do not know the exact number of POWs, or they perhaps only assume an approximate number based on their losses. Therefore in accordance with the instructions from the Politburo, we are keeping the number of POWs secret...

Report of the Deputy Chief of the General Staff of the Vietnamese Peoples Army at September 1972 Politburo Meeting. Ex. A at Bates 161.

## **2. 735 Document**

2. At the end of December 1970 or in early January 1971, Hoang Anh, the Secretary of the Central Committee of the Vietnamese Workers Party, gave a wartime report on various subjects including American POWs. Anh stated in his speech before the 20th Plenary Session of the Committee that 735 American pilot POWs were being held by the North Vietnamese government—now known as the “735 document.” In 1971, Russia's intelligence directorate, the GRU, obtained Anh’s speech and translated it into Russian. In 1993 the Russians provided it to the U.S.

3. In his speech, Anh asserted that, unless U.S. troops withdrew, the Vietnamese Politburo would diplomatically admit to, and return, just 368 of the 735 American POWs that it held. That transcript includes:

When we published the names of 368 American pilots who were shot down and taken captive in the territory of the D.R.V., the opportunists began saying that this was a concession to the Americans. This is not so. This was no concession, but rather a blow to Nixon in the political sense. By this means we achieved a lot.

\* \* \*

Now I wish to devote some time to yet another issue: the captured American pilots. The overall American pilots imprisoned in the D.R.V. is 735. As I already stated, we published the names of 368 pilots. This is our diplomatic move. If the Americans agree to withdraw their troops from South Vietnam, as a start we will return these 368 men to them. And if the Americans do withdraw their troops, we will turn over the remaining ones to them. The matter of imprisoned American pilots, in view of what was said earlier, is of very great significance for us.

U.S.S.R. Central Intelligence Administration Report by Central Committee Secretary, Vietnamese Workers Party at 20th Plenary Session of the Central Committee, December 1970/January 1971. Exhibit A at Bates 193, 197-198.

**B. 1998 National Intelligence Estimate**

4. In 1998, the DoD and the CIA issued their 33-page *National Intelligence Estimate (NIE) on Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue*.

**C. Senator Bob Smith's Critical Assessment of the NIE**

5. In November of 1998 Senator Bob Smith, Chairman of the Vietnam War Working Group of the U.S.-Russia Joint Commission on POWs and MIAs and Co-Chairman of the Senate Select Committee on POW/MIA Affairs (1991-1993), issued his 160-page *Critical Assessment of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue* (hereinafter *Critical Assessment*). It supports the reliability of the 735/1205 and critiques the NIE. Ex A. Bates 1.

**D. CIA Response to Critical Assessment**

6. In February of 2000 the DoD and CIA responded with their Joint Report, *A Review of the 1998 National Intelligence Estimate on POW/MIA Issues and the charges Levied by A Critical Assessment of the Estimate* (hereinafter *Response to the Charges*).



7. In June of 2021, in the case *Moore v. CIA*, CA 20-1027 (D.D.C.), the CIA released the *Response to the Charges*, unredacted.

8. The CIA's *Vaughn* index in that case disclosed that it was withholding in full a classified version of its *Response to the Charges*.

## II. SUMMARY OF SENATOR SMITH'S CRITIQUE

9. Paragraphs 10 through 38 below summarizes much of Senator Smith's 160-page assessment. The opinions in that summary are those of the Senator, not of the undersigned. This affidavit relates only facts that are in the record. The referenced excerpts of the *Critical Assessment*, and of the NIE, appear in the lengthy endnotes.

10. The greater portion of Senator Smith's 160-page *Critical Assessment* appears under its heading, *Detailed Assessment of NIE Statements*. It quotes 40 passages from the NIE, and presents evidence in opposition to each passage.

11. The *Critical Assessment* posits that "the NIE fails to offer the reader any convincing analysis of the numbers in the 1205 report to demonstrate their accuracy or inaccuracy" (*id.* at 34), and that "it is apparent that neither the 1994 IC/DoD Assessment of the 1205/735 documents nor the current NIE demonstrates the inaccuracy of the numbers cited in these documents. Both assessments *assert* the documents' inaccuracies, but neither *demonstrates* it." *Id.* at 40 (emphasis in original).

### A. Numbers misrepresented, omitted evidence, misrepresents context

12. The NIE simply asserts, with no evidence, that the 1205/735 are "inconsistent with reliable US Government statistics and far outnumber the actual total of open cases."<sup>1</sup> This is demonstrably false. The NIE's conclusions belie both American and Vietnamese contemporary beliefs regarding POW numbers. In 1970, the DoD stated that there were 1,541

“missing and captured personnel”—a much higher number than the 735 POWs. There were over 1,950 Americans who were either possibly captured or known captured in Southeast Asia.<sup>2</sup> The NIE statement underrepresents the number of POWs believe captured, stating that the number 1205 was over 669 more than believed to be held captive.<sup>3</sup>

13. The NIE deliberately omits losses in Laos or Cambodia in concluding that “[o]nly 48 are... cases involving American personnel who were known to be alive, not gravely wounded, and in proximity to the enemy at the time of their loss.”<sup>4</sup>

14. The 735 Document relates that, in December of 1970, the overall number of American pilots imprisoned in the D.R.V. was 735, but that the Vietnamese admitted to only 368. The historical timeline confirms the claims made by the 735 Document, not those recited by the NIE.<sup>5</sup>

15. The NIE declares that “the portions of the report [1205] dealing with the POW issue are inaccurate” and that the “content of the (1205) report casts even more doubt on its accuracy.”<sup>6</sup> The *Assessment* responds 101-102:

This statement represents one of the most glaring examples of distortion by omission in the entire NIE... [It] fails to point out other relevant information concerning the accuracy of much of the content of the 1205 report, to include information previously acknowledged as accurate or plausible by elements of the Intelligence Community. Why? As such, the NIE seriously misleads its reader ...

16. The CIA admits that its judgment is not based on intelligence,<sup>7</sup> but rather on assessments officials who are not members of the intelligence community.<sup>8</sup>

17. The NIE discounted the Soviets’ information as being of “unknown reliability or has been discredited for various reasons.”<sup>9</sup>

**B. Vietnamese cooperation falsely represented**

18. The NIE concludes that Vietnamese cooperation has increased<sup>10</sup> while omitting any discussion of performance from 1987 to the early 1990s.<sup>11</sup> It opines that Hanoi cooperates on the issue to foster normalization,<sup>12</sup> but does not judge whether Vietnam believes that cooperation is actually a prerequisite to normalization,<sup>13</sup> and ignores that a previous NIE indicates that the Vietnamese withhold considerable information regarding hundreds of POWs.<sup>14</sup> The NIE's conclusion that Vietnam's cooperation significantly improved<sup>15</sup> is contradicted by evidence that the regime has not provided prison records or other pertinent POW/MIA information since the early 1990s.<sup>16</sup>

19. The NIE rates Vietnamese cooperation as "excellent,"<sup>17</sup> based only upon a non-intelligence source, and despite evidence that the regime has manipulated witnesses and evidence.<sup>18</sup> It concludes that the issue "no longer has the political sensitivity it once had" <sup>19</sup> to Vietnamese leaders, facilitating more cooperation.<sup>20</sup> The opposite is true.<sup>21</sup> The NIE fails to evaluate the credibility of Vietnamese claims that full cooperation would impinge on its sovereignty.<sup>22</sup>

20. The NIE posits that Hanoi's non-disclosure is based on its belief that disclosure would embarrass it as showing that POWs were mistreated, but does not observe that Vietnam's decision to hold back American POWs would embarrass it more.<sup>23</sup> So too regarding records of POWs being transferred to Russia.<sup>24</sup>

**C. Questioned authenticity illogical and unsupported**

21. The NIE concludes that many of the details of the documents, including dates and other facts, are implausible or inconsistent with reliable evidence,<sup>25</sup> notwithstanding the DoD's 1993 conclusion that the 1205 document is most likely authentic given that information

unrelated to POW/MIA was plausible.<sup>26</sup> DoD assessed in 1994 that the 735 document is a genuine GRU document.<sup>27</sup> In fact, “every piece of relevant data” gathered since the 1994 assessment indicates that these documents are legitimate GRU records.<sup>28</sup>

**D. Challenge to the date of the record speculative**

22. The NIE seeks to impugn the reliability of the 1205 by suggesting, incorrectly, that the date of the document is different from the Politburo meeting.<sup>29</sup>

**E. Challenge to the length of the record speculative**

23. The NIE opines that the length of the 1205 undermines its authenticity.<sup>30</sup> Such a claim is unsupportable.<sup>31</sup>

**F. Challenge to existence of a Vietnamese version unsound**

24. While Russian sources indicate that the Vietnamese language version of the 1205 document was first translated into Russian by the GRU, and then destroyed, the NIE states that “Russian recollections are hazy on whether the ‘1205’ document was allegedly written in Vietnamese.”<sup>32</sup>

25. The GRU cover-pages to each of these two documents, clearly state “translated from Vietnamese into Russian.”

**G. Attempt to impugn source omits contrary evidence**

26. In lieu of citing the multiple scholarly and Russian sources indicating that Soviet intelligence had infiltrated the highest levels of the Vietnamese government, the NIE cites a second-hand, unreliable source who related that “the GRU agent who acquired the document was not reliable.”<sup>33</sup>

**H. Omitted evidence of transfers to the USSR**

27. The NIE acknowledges the existence of reports of transfers to the USSR that are “unexplained,” admits Hanoi *“has not been completely forthcoming”* on the issue,<sup>34</sup> but then concludes that “we lack good evidence that POWs were transferred to the USSR.”<sup>35</sup>

28. The NIE reports that two Russian officials had stated “that US POWs were not transferred out of Vietnam,” omitting that one testified only that he was unaware of any such transfers, and the other had later written that he “cannot dismiss the possibility that several individual American servicemen were taken to the Soviet Union from Vietnam or Korea.”

29. The NIE asserts that the 1205/735 documents “are inconsistent with reliable US Government statistics”<sup>36</sup> ignoring that, between 1993 and 1998, credible Russian officials affirmed the accuracy of the numbers, including statements provided by Senator Smith to the NIE in early 1998.

**I. Misrepresented and omitted evidence of second prison system**

30. The NIE denies the existence of a separate, or second, prison system.<sup>37</sup>

31. *A Defense Intelligence Agency estimate, a Central Intelligence Agency study, a Central Intelligence Agency memorandum*, and various intelligence reports confirm the existence of a separate prison system.<sup>38</sup>

**J. Evidence of Russian corroboration misrepresented and omitted**

32. The NIE asserts that the 1205/735 documents “are inconsistent with reliable US Government statistics,”<sup>39</sup> ignoring that, between 1993 and 1998, credible Russian officials have affirmed the accuracy of the numbers, including statements provided by Senator Smith to the NIE in early 1998.

33. Contrary to the NIE's assertion that "none of the Russians claimed that the figure of 1,205 POWs was accurate,"<sup>40</sup> Senator Smith provided the NIE principal drafter with a number of Russian sources who had commented both on the authenticity and number of POWs referenced in the 1205 and 735 documents. As the *Critical Assessment* shows, the U.S. government has redacted the names of these sources as classified, even though they could shed further light on the accuracy of the documents and NIE's claims.

34. The NIE posits that "[n]one of the new information helps to confirm the accuracy of the 1205 report,"<sup>41</sup> ignoring that the GRU was confident enough in the facts outlined in the 1205 document that it forwarded the information to the Soviet Central Committee.<sup>42</sup>

35. While "[c]redible Russian officials have, between 1993 and 1998, made statements affirming the numbers cited in the 1205/735 documents as plausible and accurate, the NIE claims that the 1204/735 numbers are 'inconsistent with reliable US Government statistics.'"<sup>43</sup>

36. Neither General Volkogonov nor K.F. Katushev's cited testimony substantiate the NIE assertion that these individuals have provided "credible reports that US POWs were not transferred out of Vietnam."<sup>44</sup>

37. The NIE acknowledges that "[a] few reports of transfers of US POWs to Russia and other countries are unexplained, and the books remain open." *Id.* at 6.

38. The NIE ignores Soviet accounts. "[I]nformation in another Soviet-era report previously disclosed to the IC... by the Soviet Ambassador in Hanoi state[s] that 'it is not necessary to inform the Americans on the exact number of prisoners. A half of them could be handed over and the others could be released later in exchange for repair of damage inflicted by the U.S. bombardment of the DRV.'" *Critical Assessment* at 33-34.

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I hereby declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge information and belief. Executed this 21st day of May, 2025.

/ s/ John H Clarke  
John H. Clarke  
1629 K Street, NW  
Suite 300  
Washington, DC 20006  
(202) 344-0776  
john@johnhclarkelaw.com

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- <sup>1</sup> NOTE: Page numbers, or Bates numbers, denote where the NIE statement appears in the *Critical Assessment*.  
*NIE Statement* at 8: In particular, the numbers of POWs allegedly held by Hanoi at the times mentioned are inconsistent with reliable US Government statistics and far outnumber the actual total of open cases. (p.8)
- <sup>2</sup> *Critical Assessment* at 61-62: Following the return of 591 American POWs during Operation Homecoming in February and March, 1973, there remained 1,363 Americans listed as missing in action. This figure did *not* include over 1,100 additional Americans who had been declared killed in action/body not recovered by their wartime commanders as of 1973. In May, 1973, DoD decided to maintain an official position, and so testified to Congress, that "we do not know whether those 1,300 MIAs now unaccounted for are alive or dead." Moreover, in late 1972/early 1973 (prior to Operation Homecoming), there were over 1,950 Americans who were either possibly captured or known captured in Southeast Asia (1,363+591 returned). The figure 1,950 is obviously much larger than the 536 number of US POWs ever believed to have been captured during this time frame as asserted by the NIE.
- <sup>3</sup> *NIE Statement* at 61: "The 1,205 figure was 669 more than the highest number the US Government ever believed might be held captive... " (p.26)
- <sup>4</sup> *Id.* at 51: As of March, 1998, 1,565 Americans were listed as unaccounted for in Vietnam (emphasis added) ... Of the 1,565, there were 825 confirmed dead at wartime by their commanders and comrades. Subsequent, intensive research by US Government officials has established that half the remainder—about 370 people—are dead. Only 48 are considered to be priority discrepancy cases—that is, cases involving American personnel who were known to be alive, not gravely wounded, and in proximity to the enemy at the time of their loss. Source: DPMO"

*Critical Assessment* at 52: In conclusion, using the NIE's figures, this means that there are 370 Americans, including the 48, where there is not an evidentiary basis that the individuals died, and their fate is still unknown. *The NIE fails to point this fact out to the reader*, even though the statistics by which such a conclusion can be logically drawn are readily apparent. One of the reasons this distortion by omission is of critical concern is because when one adds to this 370 figure the large number of still unaccounted for Americans in North Vietnamese controlled areas of Laos, the case becomes more persuasive for the claims about the total number of POWs made in the 1205 and 735 documents from Russian archives discussed earlier in this assessment.

- <sup>5</sup> *Id.* at 29-31: The NIE statement that the number of POWs allegedly held is *inconsistent with reliable US Government statistics* is not proven or demonstrated anywhere in the NIE—it is merely asserted. Given the priority assigned by the National Security Advisor to the President for an assessment of these documents, it is simply unacceptable that a detailed analysis of the numbers is not presented in the NIE. This is especially disturbing because the NIE's claim on its face is, in fact, demonstrably false as shown below. First, with respect to the so-called "735" Document:
- According to the English translation of the 735 document, the Russian GRU reports a statement by a North Vietnamese official to a North Vietnamese leadership gathering, that "...we published the names of 368 American pilots who were shot down and taken captive in the territory of the D.R.V. (North Vietnam)...The overall number of American pilots imprisoned in the D.R.V. is 735. As I already stated, we published the names of 368 pilots. This is our diplomatic move." The time frame for the report is dated "End of December, 1970/early January, 1971," according to the GRU cover page to the translated text from Vietnamese to Russian. It is true and verifiable that during this time-frame, Hanoi did, in fact, publish a list of exactly 368 names, entitled, "U.S. Pilots Captured in the Democratic Republic of Vietnam from August 5, 1964 to November 15, 1970." Yet, nowhere in the NIE is the confirmation of this statement in the "735" document acknowledged. The IC has a responsibility to share this information with the reader of the NIE. It did not. Why? The 368 list was published by the DRV's Ministry of National Defense, and is dated November 15, 1970. The list was released to representatives of Senators Kennedy and Fulbright in Paris on December 22, 1970, and provided to certain other foreign governments as well. All of the names of the men on the list had previously been unofficially provided to American peace activist Cora Weiss between May and November, 1970. The 368 list itself consisted of 339 Air Force and Navy pilots and crewmembers currently in captivity, 9 such personnel previously released, and 20 such personnel listed as dead. The status of the 339 men listed as captives was already known to the Pentagon based on the Cora Weiss lists and U.S. intelligence and casualty information at the time, although this was the first "official" acknowledgment of their status by Hanoi. Based on Department of Defense POW/MIA lists, only 335 Air Force and Navy pilots and crewmembers captured in North Vietnam prior to November 15, 1970 were later repatriated to the United States (one in Sept. 72, and the remainder following the signing of the Peace Accords in 1973 (Jan-Apr). This fact essentially means only two things: Hanoi made the political decision to release a full and complete list of airmen captured in North Vietnam in December, 1970 (which was the only category of men in this category from this time period later released in 1973) *or* Hanoi, as



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the 735 Document alleges, viewed the December, 1970 list as a diplomatic move, whereby the decision was made not to acknowledge all airmen captured by North Vietnamese forces at this point in the war.

6 *NIE Statement* at 101: "Although the circumstantial evidence above is not definitive, the content of the (1205) report casts even more doubt on its accuracy." (p. 29)

7 *Id.* at 1: Some of the judgments it (the NIH) reaches are based upon assessments made by experienced American officials rather than upon a sizable body of intelligence reporting.

8 *Critical Assessment* at 11: I question why any National Intelligence Estimate (NIE) would make judgments in areas if there is no sizable body of intelligence reporting within the U.S. Intelligence Community (IC) upon which to base such judgments, in whole or even in part... The extent and process by which any NIE's judgments are allowed to be predominantly based upon the views of individuals outside the IC, rather than upon intelligence reporting, should be reviewed by Congress and the leaders of the IC.

9 *NIE Statement* at 1: In some cases we had to consider intelligence reporting that is as much as 25 years old that comes from foreign intelligence services of unknown reliability or has been discredited for various reasons. For these and other reasons, there are important gaps in our knowledge of these sensitive issues, and our judgments must therefore be cautious.

10 *Id.* at 5: Since the early 1990s, we have seen evidence for increased Vietnamese cooperation on the POW/MIA issue in the strengthened staffing, increased responsiveness, and growing professionalism of the Vietnamese organizations that deal with this issue." (p. 5)

11 *Critical Assessment* at 13-14: Nowhere in the NIE is there a discussion of SRV leadership intentions, performance, and capabilities on the POW/MIA issue between 1987 and the early 1990s, as required by the Key Question, developed in coordination with the SSCI.... Vietnamese leadership intentions, capabilities and performance are central to the key question of this NIE, yet, with the exception of inferred leadership directives for better support, responsiveness, and professionalism at the staff level, it is unanswered with respect to this key accounting question (ie: leadership directives concerning disclosure of relevant accounting records from official SRV holdings.)

12 *NIE Statement* at 5: In our view, Hanoi judges that...normalization requires progress on the POW/MIA issue.

13 *Critical Assessment* at 16: US policy makers deserve the benefit of an IC judgment as to whether Hanoi believes they can just maintain the status quo without any need for improvement in their POW/MIA cooperation as a condition for further expansion of economic relations, to include the establishment of normal trade relations

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- 14 *Id.* at 15: The 1987 special NIE, entitled, *Hanoi and the POW/MIA Issue*, states “...there is considerable evidence that the Vietnamese have detailed information on the fates of several hundred personnel.”
- 15 *NIE Statement* at 6: Vietnam’s performance generally has improved with respect to the US POW/MIA issue...Vietnam’s overall performance in dealing with the POW/MIA problem has been good in recent years
- 16 *Critical Assessment* at 21-22: Information and testimony clearly indicate that performance has not significantly improved since the early 1990s with respect to access to any relevant POW/MIA material contained in Communist Party Politburo or Central Committee-level holdings, in addition to better access to SRV Ministry of National Defense and General Political Directorate wartime documentation on American losses along the Ho Chi Minh trail in Laos.
- Additionally, material, such as prison records directly relevant to POW/MIA accounting, have not been provided, and the NIE itself later acknowledges this in another section of the estimate.
- 17 *NIE Statement* at 5: On the issue of recovering and repatriating American remains of U.S. personnel, we rate Vietnamese cooperation as excellent.
- 18 *Critical Assessment* at 17: For the NIE to then reflect as its own IC judgment, a position that SRV cooperation concerning joint and unilateral recovery and repatriation of US remains is *excellent*, based solely on assurances provided to the IC from one non-intelligence entity (ie: JTF-FA) belies comprehension, and is especially disturbing for three main reasons: (1) there is evidence available to the Intelligence Community concerning: (a) Vietnamese manipulation of witnesses and material evidence at [redacted].... Based on the large discrepancy in this data (300 stored vs. 170 returned), all of which was available to the IC, it is extremely inaccurate for the NIE to itself judge Vietnam’s record on *unilateral* repatriation of remains as *excellent*. In essence, the NIE chose to base an evaluation of Vietnamese cooperation in the area of remains recovery on assurances from one non-intelligence entity (JTF-FA), alone, without even factoring in the positions of the non-intelligence entity that oversees JTF-FA and evaluates Vietnamese performance and knowledge in this particular area (ie: DPMO).
- 19 *NIE Statement* at 5: We think Hanoi’s decision to be more cooperative with the United States on POW/MIA accounting has not come easily to the Vietnamese leaders...But our reporting suggests that the POW/MIA issue no longer has the political sensitivity it once had... Incidents of outright refusal to cooperate with U.S. investigators have decreased...
- 20 *Critical Assessment* at 20: Several questions come to mind with this NIE contention above because the NIE provides no clear time frame of reference for the statement and no apparent sourcing. .... Who is the source for this broad statement in the NIE – intelligence reporting, JTF-FA officials, etc...? There is little doubt that Hanoi recognized that the issue was becoming more politically sensitive for them, not less.

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- 21 *Critical Assessment* at 19: But even more disturbing is the NIO’s statement, with respect to this specific assessment, that the IC itself cannot be expected to be a source for such an evaluation in an NIE because “the intelligence community does not deal with the Vietnamese with respect to recovery.” It is because of the political sensitivity of the POW/MIA issue and its perceived public linkage to normalization of U.S.-SRV relations beginning in 1991 that Vietnam has taken the steps at the working level, referenced in this NIE, to give the appearance of overall progress.
- 22 *NIE Statement* at 5-6: There are still instances in which the Vietnamese raise objections to POW/MIA activities. In most cases, the Vietnamese cite considerations of sovereignty—for example, in refusing to make internal Politburo documents accessible to US investigators; security, such as not allowing US officials to enter classified locations and facilities; or technical problems, such as difficulty locating documents or records. Occasionally, the Vietnamese state that local villagers are concerned about the intrusive nature of investigations and recovery operations.” (p.5-6)
- Critical Assessment* at 21: The NIE fails to judge, from an intelligence point of view, the credibility of the above-referenced SRV excuses (e.g. does a Communist dictatorship really care about the views of local villagers), and the potential implications of these objections (ie: is this where the goods are if Hanoi’s leaders had, in fact, decided to withhold certain critical information that directly bears on the POW/MIA accounting question). Moreover, the reader is led to infer from the NIE statement itself that the excuses, may, in fact, be persuasive and genuine.
- 23 *Id.* at 23-24: With respect to (1), it remains unexplained given the gravity of key outstanding POW/MIA questions why torture would be cited in this Key Judgments portion of the NIE as the most important and relevant example to use, and not other more embarrassing examples such as the holding back of any unacknowledged American POWs after Operation Homecoming in 1973. The fact that the NIE does not reflect a more relevant example bearing on the POW/MIA accounting issue under the Key Judgments heading is not only disappointing, but very misleading to the NIE reader concerning the scope of knowledge the SRV may still possess concerning unaccounted for POW/MIAs.
- 24 *Critical Assessment* at 23: Because the NIE’s judgment in this area is not supported by available evidence, it is inadequate, misleading, and cannot be accepted with any confidence. Under the heading Key Judgments above, the NIE chooses to define “certain” POW/MIA matters where Hanoi is not completely forthcoming as (1) for example, records which would discredit SRV denials of POW torture, and (2) a few reports of transfer of US POWs to Russia and other countries.
- 25 *NIE Statement* at 8: We have reviewed the so-called “1205 and 735 documents,” which purport—falsely in our view—to be reports to the party leadership containing statements that Hanoi held large numbers of US POWs above those acknowledged to the United States. We believe the judgments in the 1993 IC assessment released by DoD remain valid: that the documents are probably authentic GRU (Soviet Military Intelligence)—

collected documents. But many of the details of the documents, including dates and other facts, are implausible or inconsistent with reliable evidence... We believe that neither document provides a factual foundation on which to judge Vietnamese performance on the POW/MIA issue.

<sup>26</sup> *Critical Assessment* at 26-27: The referenced *1993 IC assessment released by DoD* was actually released by DoD on January 24, 1994. It states, in part, the following in relation to the 1205 and 735 documents:

1205 Document Assessment by IC/DoD released in January, 1994:

- We believe it probably is an authentic Soviet document... (it) appears to be an authentic Russian intelligence report.
- We found portions of the "1205 Report" that were unrelated to the POW-MIA issue to be plausible...the most credible of which is in the section about political operations planned for South Vietnam.
  - For example, it identifies several South Vietnamese leaders who were known opponents of the regime of President Nguyen Van Thieu and who were reported to have had clandestine contacts with representatives from the North.
  - It accurately depicts the circumstances surrounding the surrender of a South Vietnamese unit during the 1972 Easter Offensive, admitting that the North's propaganda had misrepresented the event.
  - It predicts an upsurge in terrorist attacks beginning in October, 1972, which was indeed noted in the Mekong Delta region in November...
  - We cannot dismiss the "1205 Report" as a fabrication, but before we can accept it as what the Russian cover memo claims it is, we must have better evidence of its authorship and credibility.
  - There probably also is more information in Vietnamese party and military archives that could shed light on this document. We continue to pursue this.
  - As further information becomes available, this assessment will be updated.

<sup>27</sup> *Id.* at 27: 735 Document Assessment by IC/DoD released in January, 1994:

- We have only two complete pages, 11 and 18, of a longer report, making it difficult to analyze closely.
- Like the "1205 Report", is a GRU document, transcribing and translating the text of an oral report presented at a Vietnamese Communist Party conclave.
- We believe the report is a genuine GRU document, not a fabrication, as claimed by Hanoi.
- The "735 Document" is too fragmentary to permit detailed analysis...
- There probably also is more information in Vietnamese party and military archives that could shed light on this document. We continue to pursue this.

<sup>28</sup> *Id.* at 28: Based on the above quotations from the previous assessment, it is clear that the current NIE has not accurately represented this earlier judgment by stating "...many of the details of the documents, including dates and other facts, are implausible or inconsistent with reliable evidence" and *not* acknowledging that portions of the 1205 report, were, in fact, accurate or plausible based on evidence available to the IC, and

represented as such in January, 1994. Equally important, the earlier assessment specifically *rejected* Hanoi's contention that the 735 Document was a fabrication, and not a genuine GRU document, and specifically judged that there was probably more information in Vietnamese party and military archives that could shed light on both documents, and that this information would be pursued in Hanoi. For the current NIE to say that the *judgments* in the prior assessment *remain valid*, but then say that neither document provides a factual *foundation upon which to judge Vietnamese performance* on the POW/MIA question is simply irreconcilable, especially given the undeniable fact that, as of this writing, Hanoi has yet to disclose any relevant data from party archives that could shed light on either of these documents. Finally, every piece of relevant data on the issue of authenticity gathered and made available to the IC since the prior assessment was conducted in 1994 has reinforced the contention that the documents, are, in fact, legitimate GRU acquisitions.

- 29 *NIE Statement* at 95: "The timing of the Politburo meeting is questionable. The report supposedly was given on 15 September, 1972, but the Vietnamese claim there was no meeting on that date. [Redacted]." (p. 29)

*Id.* at 119: "The dates are wrong. The (735) report says it was given at the 20th plenary session of the Central Committee in late December, 1970 or early January, 1971. In fact, the 20th Plenum was not held until February, 1972. The plenum held in January, 1971 was the 19th (p.30)

- 30 *NIE Statement* at 93: "The length of the (1205) report would be inappropriate for a Politburo meeting...the purpose of the meetings was to make decisions, not listen to long oral reports." (p.27)

- 31 *Critical Assessment* at 93: The Intelligence Community has provided no reporting to support this bizarre claim. As proof of this fact, the NIE is only able to vaguely cite the views of one, unidentified, "academic specialist on Vietnam." In light of this, it is inappropriate for the NIE to attempt to make a judgment in this area. [Redacted] As such, there is no basis for comparing what constitutes an appropriate "length" of a report to the Politburo. If anything, the length of the 1205 report, in fact, tracks with the length of the June, 1972 report by Gen. Quang previously made available to US officials. As such, the NIE judgment does not rest on any solid foundation, and cannot be accepted with confidence.

- 32 *NIE Statement* at 63: "Russian recollections are hazy on whether the "1205" document was allegedly written in Vietnamese. General Volkogonov, advisor to President Yeltsin, thought he remembered seeing an original Vietnamese version. In any event, no Vietnamese version of the document has been located" (footnote, p.26)

*Critical Assessment* at 63: The Chief of the GRU in 1994, General Ladygin, whose agency acquired the 1205 and 735 documents in 1971 and 1972, stated in writing to me in June, 1994 that "The translation of the report was actually done by the Main Intelligence Directorate (GRU) of the General Staff and sent to the CPSU Central

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Committee in November, 1972...*The original report in the Vietnamese language* (emphasis added) was destroyed after translation in accordance with the document handling procedures established by the GRU of the General Staff.

- 33 *NIE Statement* at 68-69: "One interviewee, V.V. Dukhin, who served...in Hanoi from 1992 to 1995, said that the former DCM in Hanoi, I.A. Novikov (now deceased) told him he was aware of the 1205 document when it was acquired... he (Novikov) stated that the GRU agent who acquired the document was not reliable." (p. 27)
- 34 *Critical Assessment* at 25: With respect to (2), on unexplained reports of possible POW transfer from Vietnam to Russia and other countries, the NIE judges that because a few reports are unexplained, and the books remain open, then this means that Hanoi *has not been completely forthcoming*, even though the NIE subsequently states in a later section on p. 24, "...we lack good evidence that POWs were transferred to the USSR..." I agree that the books must definitely remain open on the transfer issue based on more pressing information previously made available to the IC but inexplicably not referenced in the NIE under the heading of unresolved transfer reports on p. 23. As such, it is bizarre that some unexplained reports of transfer would meet the threshold for inclusion in this section, yet a larger body of evidence on other unresolved subjects bearing on continued SRV stonewalling on POW/MIA issues would not be included here.
- 35 *NIE Statement* at 6: We think Hanoi has not been completely forthcoming on certain POW/MIA matters: In some instances, we believe full disclosure would prove embarrassing to the regime. For example, Hanoi continues to deny that US POWs were mistreated while in captivity in the North. We think Vietnam still has records it could make available to US investigators but which would discredit its denials of mistreatment. A few reports of transfers of US POWs to Russia and other countries are unexplained, and the books remain open." (p.6)
- 36 *Id.* at 29: (With respect to the 1205/735 documents), "In particular, the numbers of POWs allegedly held by Hanoi at the times mentioned are inconsistent with reliable US Government statistics and far outnumber the actual total of open cases."
- 37 *Id.* at 111: "If there were additional POWs, we would have known of them unless Vietnam maintained a separate prison system unknown to POWs who returned in 1973. We have uncovered no reliable evidence that a separate prison system existed for certain POWs; nor do we have such indicators as plausible site locations." (p.30)
- 38 *Critical Assessment* at 113-117: But even more egregious is the NIE statement above that there were no indicators of plausible site locations for other possible US POW prisons unknown to the POWs who returned in 1973 (ie: a separate or second prison system). While it is true that repatriated POWs, were only aware of those within their system, the NIE judgment is nonetheless *contradicted* by substantial information and evaluations originated by or made available to the U.S. Intelligence Community both during and/or after the Vietnam War. For example -



- ***Defense Intelligence Agency estimate:*** In the 1205 report, General Quang states that there are currently (as of Sept. 15, 1972) 11 prisons in North Vietnam where all the American POWs are being held. DIA knew from the debriefings of US POWs who returned in 1973, that as of September, 1972, there were 6 prisons in North Vietnam holding the US POWs who were later repatriated. Using the established fact that, in September, 1972, 6 camps held subsequently repatriated US POWs, that leaves 5 *additional prisons* in the North for General Quang's number of total camps to be accurate (ie: 11-6=5). As of September, 1972, DIA had identified, in a published study, a total of 8 confirmed US POW camps in North Vietnam, and an additional 18 possible US POW camps in North Vietnam. A "confirmed" camp was defined as "one in which there is conclusive evidence that American prisoners are, or were, detailed on a permanent basis." A "possible" camp was defined as "one in which there is some information or evidence that it might be, or could have been, used for the detention of American prisoners on a permanent basis." Accordingly, based on the fact that DIA had identified 26 (8+18) confirmed or possible US POW camps in North Vietnam, as of September 1972, it is demonstrably inaccurate for the NIE to claim that the Intelligence Community had uncovered "*no such indicators as plausible site locations*" for 5 additional prisons for US POWs (11-6), as of the date of the 1205 report (Sept. 72).
- ***Central Intelligence Agency study:*** A CIA study, conducted "in response to recent human source reporting on American POWs still in North Vietnam," and disseminated in early 1976, concluded that "the possibility of a second prison system for the detention of American POWs in North Vietnam cannot be disregarded." CIA further concluded, based on the results of this study, that it was "precluded from drawing a firm conclusion that all the camps which held American POWs have been identified." The CIA study included "a comparative analysis of six confirmed American POW camps outside of the Hanoi area with 19 other suspect camps not *known* to have contained Americans in order to determine which camps reacted to the (November 21, 1970) Son Tay raid by constructing new defensive positions such as AAA sites, AW positions, trenching, and/or foxholes." CIA determined, based on photography and debriefings of the POW returnees, that the 6 confirmed US POW camps used in the study had all reacted to the raid in the same manner. But, more importantly, CIA determined that 7 of the other 19 camps used in the study had also reacted similarly to the raid by taking the referenced precautionary defensive measures, while the remaining camps had not reacted in a discernable fashion to defend against any additional US efforts to free US POWs from camps in the North.
- ***Central Intelligence Agency memorandum:*** A CIA memorandum, entitled "Re-evaluation of PW/MIA Information," was prepared for the Director of Central Intelligence, and sent to him via the Deputy Director for Operations on August 13, 1976. In the memorandum, CIA analysts outlined "information that can be interpreted as indicating a probability that there are still American PWs alive in North Vietnam," The information, further described as "not an exhaustive list," included reference to (1) at least one suspect detention camp for American PWs which had immediately reacted to the November, 1970 Son Tay raid, yet one of the repatriated PWs had been held there; (2) several sources reported seeing American PWs working on the main bridge across the Red River at Hanoi. None of the returned PWs had ever worked on the bridge, according to the debriefings; (3) ...several reports indicating that various North Vietnamese and South Vietnamese communist officials have stated that there are still American PWs alive

in North Vietnam. Not all of these reports have been brought to the attention of the (House) Select Committee (on Missing Persons); (4) repatriated PWs identified a number of cases in which pilots had been seen on the ground in what appeared to be captivity, but were never again seen and were not accounted for by the North Vietnamese; (5) a captured North Vietnamese official, most of whose information was highly accurate, indicated that North Vietnamese officials would hold some American PWs completely out of public view and not return them; and (6) two additional reports to support the probability of unacknowledged American PWs from North Vietnam not released in 1973. Once again, this information contradicts the NIE contention that *"if there were additional POWs, we would have known of them..."*

- ***The discrepancy of US POWs related to the Son Tay POW Camp Raid:*** According to several U.S. intelligence reports, testimony of former US officials, interviews with Russian officials, and even statements by Vietnamese officials, US POWs had been moved from the Son Tay prison camp in North Vietnam *approximately 10 days to one month prior to the failed US rescue attempt on November 21, 1970, because the North Vietnamese had learned about the forthcoming raid and a foreign journalist or peace activist had visited the camp.* US intelligence and defense officials had suspected that US POWs were still present at the camp in November, 1970 prior to launching the raid. However, those US POWs repatriated in 1973 who had been held at Son Tay in 1970 had been moved out of the camp on July 14, 1970 – *four and 1/2 months prior to the raid*— in a routine move, also attributed to potential flooding at the Son Tay camp in July, 1970. This serious discrepancy suggests other US POWs, not repatriated in 1973, had been moved in and out of the Son Tay camp after July 14th and prior to November 21<sup>st</sup>.
- ***Other Central Intelligence Agency and Defense Intelligence Agency reporting:*** Although this can hardly be considered an exhaustive listing, there are other unexplained IC reports which lend credibility to the existence of other US POWs and/or US POW camps in North Vietnam during the war, such as: (1) CIA 240202Z Jul 82, Subject: Organization and Inmates of Tan Lap Prison, Vinh Phu Province (North Vietnam), "former detention site for US POWs...Long-held inmates noted that up to 1973, American prisoners had been interned at this prison." *Note:* No repatriated US POWs were held there at this facility; (2) see Defense Intelligence Agency 15-Volume Study and Report of Uncorrelated Information Relating to Missing Americans in Southeast Asia, dated December 15, 1978; (3) see Defense Intelligence Agency Task Force Examination of PW/MIA Analysis, submitted by Lt. Gen. Eugene Tighe, USAF-ret., former Director, Defense Intelligence Agency, dated May 27, 1986; and (4) see Defense Intelligence Agency (or DPMO) database index of HUMINT reporting on POW/MIA in Southeast Asia, broken down by originating agency. All of these reports are not "resolved."

<sup>39</sup> *NIE Statement* at 29: (With respect to the 1205/735 documents), "In particular, the numbers of POWs allegedly held by Hanoi at the times mentioned are inconsistent with reliable US Government statistics and far outnumber the actual total of open cases."

<sup>40</sup> *Id.* at 65: "Since the original examination of the document by the Intelligence Community in 1993, interviews with Russian officials who were knowledgeable about the (1205) document continue to validate the claim that it is an authentic GRU document and not a



Russian fabrication ...While supporting the authenticity of the document, none of the Russians claimed that the figure of 1,205 POWs was accurate." (p.26)

41 *Id.* at 74: "None of the new information helps to confirm the accuracy of the 1205 report." (p.27)

42 *Critical Assessment* at 74: This statement is factually inaccurate. As previously demonstrated, the information provided by GRU Capt. A.I. Sivets [redacted] briefly referenced in the NIE under the heading "*New Information*"—does, in fact, *help to confirm* that the 1205 document was an *accurate* representation of the political-military situation in North Vietnam in 1972. So does the information provided by former USSR Central Committee Secretary Katushev, and two Chiefs of the GRU—Generals Ladygin and Korabelnikov—in 1994 and 1997. In short, since 1994, the GRU has expressed its confidence in both the authenticity and the reliability of the information in the 1205 report. To ignore this evidence implies that the GRU being confident enough in the information it acquired in 1972 to forward it to the Soviet Central Committee (whose own official viewed it with confidence) is somehow *not* helpful information in judging whether the 1205 report could have [redacted]...

43 *NIE Statement* at 29: (With respect to the 1205/735 documents), "In particular, the numbers of POWs allegedly held by Hanoi at the times mentioned are inconsistent with reliable US Government statistics and far outnumber the actual total of open cases." (p.8)

44 *Id.* at 53: "We also have credible reports that US POWs were not transferred out of Vietnam. General Volkogonov told the U.S.-Russian Commission on POWs and MIAs that his delegation had uncovered no evidence that US prisoners had been transported from Vietnam to the USSR...K.F. Katushev, former Central Committee Secretary... , told US interviewers that he would have known if US POWs were transferred to the USSR. He believes no such transfers occurred." (p.24)

Exhibits

Bates

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## Plaintiffs' Exhibit A

Critical Assessment of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue

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# A CRITICAL ASSESSMENT

of the

1998 National Intelligence Estimate (NIE)

on Vietnamese Intentions,

Capabilities, and Performance

Concerning the POW/MIA Issue

Prepared and Submitted by the Office of U.S. Senator Bob Smith<sup>1</sup>.  
November, 1998

<sup>1</sup> Sen. Smith is the U.S. Chairman of the Vietnam War Working Group of the U.S.-Russia Joint Commission on POWs and MIAs. He is also a senior Member of the Senate Committee on Armed Services and the former Co-Chairman of the Senate Select Committee on POW / MIA Affairs (1991-1993).

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UNITED STATES SENATE  
WASHINGTON DC

## A CRITICAL ASSESSMENT

OF THE  
1998 NATIONAL INTELLIGENCE ESTIMATE (NIE)  
ON VIETNAMESE INTENTIONS, CAPABILITIES, AND PERFORMANCE  
CONCERNING THE POW/MIA ISSUE (U)

*Prepared and Submitted by the Office of U.S. Senator Bob Smith (R-NH)  
November, 1998*

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*A Critical Assessment  
of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions,  
Capabilities, and Performance Concerning the POW/MIA Issue (U)*

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English translation of the so-called 735 Document, based on translation from Vietnamese into Russian by Soviet GRU in 1971.	

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## II EXECUTIVE SUMMARY:

### Recommendation:

The National Intelligence Estimate (NIE) on the Vietnam POW/MIA disseminated earlier this year (the Key Judgments of which were released publicly in redacted form in August and September, 1998<sup>1</sup>) should be retracted based on the findings of this critical assessment. (U)

A copy of this critical assessment is being sent to the Members of the National Foreign Intelligence Board (NFIB) and the Military Intelligence Board (MIB), along with a request that those boards meet to consider and approve this request that the NIE be retracted. A copy has also been sent to relevant Congressional leaders, along with requests that oversight hearings concerning this NIE be conducted at the earliest possible date. (U)

In addition, copies of this critical assessment have been sent to officials who may rely on the NIE, such as U.S. policy-makers with responsibility for U.S. relations with the Government of the Socialist Republic of Vietnam (SRV) and U.S. military officials with responsibility for POW/MIA accounting efforts in Southeast Asia. It is recommended that these officials not rely on the judgments in the NIE for the reasons noted in this critical assessment. (U)

### Conclusions:

<sup>1</sup> Letter from Director of Central Intelligence, George Tenet, to U.S. Senator Max Cleland, dated August 3, 1998; Letter from Chairman of the National Intelligence Council, John Gannon, to National Commander of The American Legion, dated August 19, 1998; News Release by the Office of the Assistant Secretary of Defense (Public Affairs), entitled *POW/MIA Document Declassified and Released*, dated August 27, 1998; and Defense POW/MIA Weekly Update, published under the auspices of the Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs), dated September 10, 1998. (U)

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*Vietnamese Cooperation*

With respect to POW/MIA cooperation by the Government of the Socialist Republic of Vietnam (SRV), the NIE judges that "Vietnam has become more helpful in assisting US efforts to achieve the fullest possible accounting of American personnel missing in action during the Vietnam conflict," and that "... Vietnam's overall performance in dealing with the POW/MIA problem has been good in recent years..."(U)

However, my conclusion is that the NIE fails to adequately distinguish between improved Vietnamese assistance with U.S. field operations to recover potential remains of U.S. personnel killed during the war, and continued Vietnamese stonewalling in providing full disclosure of documents from relevant Communist Party holdings that would shed light on SRV policy and knowledge concerning the fate or status of unaccounted for captured and missing in action personnel. Accordingly, the NIE's judgment of overall SRV performance on the POW/MIA problem as "good" is not reliable in view of the SRV stonewalling referenced above, which is detailed in this critical assessment. Moreover, there are *numerous* instances, also detailed in this critical assessment, where the analysis in support of the NIE's judgments of SRV cooperation is factually inaccurate, misleading, incomplete, shallow, and seriously flawed. (U)

*The "1205" and "735" Documents*

With respect to the so-called "735" and "1205" documents,<sup>2</sup> the NIE judges that "many of the details of the documents are implausible or inconsistent with reliable evidence" and therefore does not assess the likely range of numbers of American POWs in the spring of 1973.<sup>3</sup> The NIE further judges that "[n]either document

<sup>2</sup> The 1205/735 documents are Soviet GRU acquisitions of alleged high-level secret wartime reports by North Vietnamese officials who state that Hanoi was holding substantially more U.S. POWs in the 1970-1972 period than those released in 1973. (U)

<sup>3</sup> The NIE terms of reference were coordinated with the Senate Select Committee on

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provides a factual foundation upon which to judge Vietnamese performance on the FOW/MIA question.” (U)

However, I conclude, for the reasons noted in this critical assessment, that the NIE’s judgment on the 1205/735 documents cannot be accepted with confidence because it is *replete* with inaccurate and misleading statements, and lacks a reasonably thorough and objective analytical foundation on which to base its judgment. I further conclude, based on a review of relevant U.S. data, that many of the statements contained in both the 1205/735 documents and the so-called 185 report discussed herein are indeed supported or plausible, and have very serious implications which should warrant an *urgent* review of U.S. policy toward the Government of the Socialist Republic of Vietnam (SRV). (U)

#### *The Politicizing of Intelligence*

Congress and the leaders of the U.S. Intelligence Community (IC) need to examine what role the White House, its National Security Council, and certain US policy-makers responsible for advancing the Administration’s normalization agenda with Vietnam may have played in influencing or otherwise affecting the judgments of the IC as reflected in the NIE. The evidence, which appears to warrant such an examination, is detailed in this critical assessment under Part IV. (U)

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Intelligence (SSCI), as noted in SSCI Chairman/Vice-Chairman letter dated October 27, 1997, and OCA/CIA letter dated November 21, 1997. (U)

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## II BACKGROUND:

In the spring of 1997, in relation to Senate confirmation of a U.S. Ambassador to Vietnam, the Assistant to the President for National Security Affairs, Samuel R. Berger, directed the U.S. Intelligence Community (IC) to undertake a special National Intelligence Estimate (NIE) on the Vietnam War POW/MIA issue and to provide the IC's updated assessment of the so-called "1205" and "735" documents from the Russian archives. Mr. Berger further directed the IC to consult with the Senate Select Committee on Intelligence (SSCI) on the terms of reference for the NIE.<sup>3</sup> Mr. Berger's directives followed personal discussions with both myself and the Senate Majority Leader, Senator Trent Lott. (U)

Subsequent to Mr. Berger's pledge to have the IC conduct a special NIE, I met personally with the Director of Central Intelligence, George Tenet, and the Director of the Defense Intelligence Agency, Lt. Gen. Patrick Hughes, to underscore the importance I attached to the need for this NIE to be thorough and objective. (U)

In the Fall of 1997, Congress passed, and the President signed into law, the National Defense Authorization Act for Fiscal Year 1998 which included a provision I authored that required the Director of Central Intelligence to "provide analytical support on POW/MIA matters."<sup>4</sup> The legislative history of this provision made clear that it was related to both the preparation of the forthcoming NIE which would be relied on by departments and agencies involved with POW/MIA matters, and the need for better intelligence support for POW/MIA investigative activity — a need highlighted by the findings of a bipartisan inquiry by the SSCI in April, 1998 — an inquiry which determined that the IC had not provided input for the President's certification on whether Vietnam was fully cooperating on the POW/MIA issue. (U)

<sup>3</sup> Letter to the Senate Majority Leader from the Assistant to the President for National Security Affairs, dated April 10, 1998. (U)

<sup>4</sup> Public Law 105-85, Section 1067, entitled *POW/MIA Intelligence Analysis*. (U)

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The National Intelligence Officer (NIO) for East Asia, Robert Suettinger, was subsequently assigned the lead role by the Director of the National Intelligence Council (NIC), John Gannon, in coordination with the Director of Central Intelligence (DCI), George Tenet. An Asian analyst from the Directorate of Intelligence, [REDACTED] was assigned the role of principal author and was instructed to draft the NIE under the guidance of Mr. Suettinger.<sup>5</sup> (S) (b)(3) CIAAct

In early November, 1997, I met with Mr. Suettinger, to again underscore my concerns that the forthcoming NIE be prepared in as thorough and comprehensive a manner as possible. The Director of the Defense Intelligence Agency, Lt. Gen. Patrick Hughes, also continued to pledge that he would become personally engaged in the NIE analytical effort, to ensure that it was thorough, objective, and subjected to rigorous review.<sup>6</sup> (U)

The SRV POW/MIA issue addressed in the NIE centered on two key questions, as stated in the NIE's Scope Note: (1) Since 1987, to what extent has the leadership of Vietnam demonstrated a commitment to cooperating with the United States to achieve the fullest possible accounting of missing in action personnel, and (2) What is the Intelligence Community's assessment of the so-called "1205" and "735" documents from the Russian archives? (U)

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<sup>5</sup> Transcript of Briefing on National Intelligence Estimate to U.S. Side of the U.S.-Russia Joint Commission on POWs and MIAs, Comments by NIC Director, page 3, dated June 17, 1998. (S)

<sup>6</sup> Letter from Director, Defense Intelligence Agency, to Sen. Smith dated December 11, 1997(U).

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As of 1998, over 2,070 U.S. personnel remain missing or otherwise unaccounted for in Southeast Asia as a result of the Vietnam War. (U)

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### **III DETAILED ASSESSMENT OF NIE STATEMENTS:**

#### **Scope Note (P.1):**

**NIE STATEMENT:** *"Some of the judgments it (the NIE) reaches are based upon assessments made by experienced American officials rather than upon a sizable body of intelligence reporting." (p.1) (S)*

#### **ASSESSMENT:**

I question why any National Intelligence Estimate (NIE) would make judgments in areas if there is no sizable body of intelligence reporting within the U.S. Intelligence Community (IC) upon which to base such judgments, in whole or even in part. Moreover, based on a listing of documents compiled by my office, scanning thirty-plus years, there does, in fact, appear to be significant intelligence reporting concerning the areas where the IC was asked to make judgments. Assessments made by U.S. officials outside the IC can certainly be reviewed by the principal drafter of a NIE, but they should not then be cited as the primary basis for some of the judgments of the NIE itself, especially when relevant intelligence information is, in fact, available. This was not done in the prior Special National Intelligence Estimate, entitled *Hanoi and the POW/MIA issue*, dated September, 1987, has not been done in NIE's on other topics which I have reviewed (for example, see NIE 95-19, entitled, "Emerging Missile Threats to North America During the Next 15 Years") and it should not have been done here. The extent and the process by which any NIE's judgments are allowed to be predominantly based upon the views of individuals outside the IC, rather than upon intelligence reporting, should be reviewed by Congress and the leaders of the IC. (S)

The National Intelligence Council (NIC) should be required to provide a listing of the judgments in this NIE which are "based upon assessments made by experienced

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American officials rather than upon a sizable body of intelligence reporting" so the reader of the NIE can more easily distinguish between NIE judgments based on intelligence reporting, and NIE judgments predominantly based on the views of individuals outside the IC. As noted above, I do not believe it was appropriate for the NIE to make judgments in areas where there is not a sizable body of intelligence, if that, in fact, is the case. Any real collection gaps should have been more fully noted in this regard, and judgments that are not predominantly based on intelligence reporting should also be clearly noted in the text of the NIE. (S)

U.S. decision-makers are quite capable of obtaining the views of other individuals outside the IC with respect to Hanoi and the POW/MIA issue. Finally, it should also be noted that this was not a requirement noted in the terms of reference coordinated with the SSCI.<sup>7</sup> (S)

NIE STATEMENT:

*"In some cases we had to consider intelligence reporting that is as much as 25 years old that comes from foreign intelligence services of unknown reliability or has been discredited for various reasons. For these and other reasons, there are important gaps in our knowledge of these sensitive issues, and our judgments must therefore be cautious." (p.1) (S)*

ASSESSMENT:

Since one of the NIC's two main taskings with regard to this NIE was to evaluate Soviet GRU reports disseminated to the Soviet leadership in 1971 and 1972, concerning the numbers of U.S. POWs during the war and North Vietnamese policy toward their release, it is bizarre that the NIE would infer so definitively up front that the GRU was a foreign intelligence service of "unknown reliability." (S)

<sup>7</sup> See letters to CIA/OCA from SSCI dated May 29, 1997 and October 27, 1997, and CIA/OCA letter to SSCI dated November 21, 1997. (U)

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Additionally, if the date of these reports was a reason for the NIE's judgments to be "cautious," it strains credulity to expect the reader of the NIE to later accept the NIE's blunt "current assessment" of these documents as "not what they purport to be."<sup>8</sup> (S)

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<sup>8</sup> See page 26 of the NIE (Part II, IC Assessment of 1205/735 Documents, Current Assessment). (S)

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### III DETAILED ASSESSMENT OF NIE STATEMENTS: (continued)

#### Key Judgments (P.5-8):

NIE STATEMENT: *"Since the early 1990s, we have seen evidence for increased Vietnamese cooperation on the POW/MIA issue in the strengthened staffing, increased responsiveness, and growing professionalism of the Vietnamese organizations that deal with this issue."* (p.5)  
(U)

#### ASSESSMENT:

The relevant Key Question identified earlier in the Scope Note was: *"Since 1987,* (emphasis added) *to what extent has the leadership* (emphasis added) *of the Government of the SRV demonstrated a commitment to cooperating with the United States to achieve the fullest possible accounting* (emphasis added) *of American personnel missing in action during the Vietnam Conflict."* (S)

The Key Judgment response begins *"since the early 1990s,* (emphasis added) *we have seen evidence for increased Vietnamese cooperation on the POW/MIA issue in the strengthened staffing, increased responsiveness, and growing professionalism of the Vietnamese organizations that deal with this issue* (emphasis added). (U)

Nowhere in the NIE is there a discussion of SRV leadership intentions, performance, and capabilities on the POW/MIA issue between 1987 and the early 1990s, as required by the Key Question, developed in coordination with the SSOCI (S).

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More importantly, although the reader, by inference, can assume in the judgment quoted above that leadership decisions in Hanoi may account for better SRV staffing, responsiveness, and professionalism at the working level, the NIE neglects to judge the extent to which this action has resulted in the fullest possible accounting of American personnel missing in action from the war, as required in the Key Question.<sup>9</sup> (S)

Most importantly, other than the subject of working level SRV staff support provided to U.S. officials, nowhere in this first paragraph of the Key Judgments of the NIE is there a discussion of whether there is evidence that Vietnamese leaders have directed, are intending to direct, have been asked to direct, or are capable of directing the disclosure of additional records or information from official SRV Government holdings that have a bearing on the POW/MIA accounting question, and the extent to which such information still exists. Vietnamese leadership intentions, capabilities and performance are central to the key question of this NIE, yet, with the exception of inferred leadership directives for better support, responsiveness, and professionalism at the staff level, it is unanswered with respect to this key accounting question (ie: leadership directives concerning disclosure of relevant accounting records from official SRV holdings.) (S)

Finally, in view of the fact that the previous special NIE on Hanoi and the POW/MIA issue, dated 1987, judged that the Hanoi leadership had previously directed the unilateral recovery and warehousing of U.S. remains, and that it still had a large number of centrally collected and stored remains not yet repatriated, it is incredulous that the current NIE would not address this up front in this first

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<sup>9</sup> As of 1991, 798 American personnel listed by their services as missing in action in 1973 were still unaccounted for in Vietnam, with an additional 333 for Laos, 85% of whom were lost in areas of Laos controlled by North Vietnamese forces during the war. As of 1997 (latest available figures), the number has dropped 57 to 739 in Vietnam and has dropped 47 to 286 for Laos. These numbers *exclude*, as of 1991, 1,053 American personnel listed by their services as killed in action/body not recovered in 1973 in the same geographic locations, down to 1,007 as of 1997. (U)

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paragraph.<sup>10</sup> This is especially disturbing in view of statements passed to the Under Secretary of Defense for Policy by the Defense POW/MIA Office earlier this year indicating that Vietnam has repatriated 134 stored remains since the cutoff date for the 1987 NIE.<sup>11</sup> (S)

NIE STATEMENT: "In our view, Hanoi judges that...normalization requires progress on the POW/MIA issue." (p.5) (U)

ASSESSMENT:

In view of the fact that the U.S. removed objections to international financial institution lending to Vietnam in 1993, lifted the U.S. trade embargo on Hanoi in 1994, established full diplomatic relations with Vietnam in 1995, confirmed a U.S. Ambassador to Hanoi in 1997, and the President certified Vietnam's full and good-faith cooperation on the POW/MIA issue in 1996, 1997, and 1998, the NIE's nebulous judgment above warrants clarification. (U)

Specifically, the NIE glaringly fails to define what constitutes *progress* on the POW/MIA issue from Hanoi's standpoint ie: *maintaining* their current level of cooperation or *improving* their current level of cooperation -- these differences in how progress is defined from Hanoi's standpoint have serious implications for U.S.

<sup>10</sup> The 1987 special NIE, entitled, *Hanoi and the POW/MIA Issue*, states "...there is considerable evidence that the Vietnamese have detailed information on the fates of several hundred US personnel. North Vietnamese and Viet Cong forces had policies governing the handling of US remains that included removing identifying data, burying the remains, and sending the identification and location of the gravesite to Hanoi. We estimate that the Vietnamese have already recovered and are warehousing between 400 and 600 remains. Thus, Hanoi could quickly account for several hundred US personnel by returning warehoused remains and by providing material evidence that could aid in determining the fate of other personnel." (U)

<sup>11</sup> See Memorandum for Under Secretary of Defense for Policy, Walter Slocombe, #L-98/69271 (S)

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policy makers and are critical to judging the timing and likelihood for resolution of key outstanding POW/MIA accounting issues. As such, the NIE's judgment here is inadequate and incomplete. (U)

US policy makers deserve the benefit of an IC judgment as to whether Hanoi believes they can just maintain the status quo without any need for improvement in their POW/MIA cooperation as a condition for further expansion of economic relations, to include the establishment of normal trade relations. (U)

NIE STATEMENT: *"On the issue of recovering and repatriating American remains of U.S. personnel, we rate Vietnamese cooperation as excellent."* (p.5) (U)

ASSESSMENT:

The question of exactly who is rating Vietnamese cooperation on recovery and repatriation of US remains, as reflected above in the NIE, is germane because the above-quoted NIE statement is repeated again in the NIE in a blue chart on page 7, entitled *Summary Evaluation: Vietnamese Cooperation with the United States on POW/MIA Accounting*. The category element is listed as *Joint Field Activities; Recovery and Repatriation of Remains*, with the level of cooperation listed as *excellent*. (U)

The source for the chart is identified in a footnote as *US officials responsible for carrying out research, investigation, and joint recovery operations of American POW/MIAs*, later identified as Joint Task Force (Full Accounting) officials. (S)

There is no distinction drawn anywhere else in either the chart or in the above-quoted NIE contention between *joint* US-SRV recovery/repatriation of remains and *unilateral* SRV recovery/repatriation of remains. Since there is no other category element in the chart to reflect unilateral SRV activity, the reader must assume that the term *recovery and repatriation of remains* refers to both unilateral and joint

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efforts. (U)

This assumption is supported by a subsequent statement on page 16 that reads, "Vietnamese responsiveness on the recovery and repatriation issue is currently described by JTF-FA officials as excellent." (S)

For the NIE to then reflect as its own IC judgment, a position that SRV cooperation concerning joint and unilateral recovery and repatriation of US remains is *excellent*, based solely on assurances provided to the IC from one non-intelligence entity (ie: JTF-FA), belies comprehension, and is especially disturbing for three main reasons: (S)

(1) there is evidence available to the Intelligence Community concerning:

(a) Vietnamese manipulation of witnesses and material evidence at

[redacted] and (b) Vietnamese recovery of US remains that have not been repatriated to the United States.<sup>12</sup> (U)

(b)(1)

(2) the Research and Analysis Directorate of the Department of Defense Prisoner of War/Missing Personnel Office (DPMO), consisting of former IC analysts, and responsible for JTF-FA policy guidance on operations and investigations in Vietnam, has consistently maintained that "our own estimates regarding the number of US remains collected and stored by Hanoi are well within the range of acceptable error" for the 400-600 rough first-hand estimate provided by a source deemed reliable by that office and subsequently reflected in the 1987 special NIE. DPMO has further stated, "our analysis indicates that in total,

<sup>12</sup> Comprehensive Report/Case Assessments prepared by Department of Defense POW/MIA Office, and sent to Congress on November 13, 1995, and December 5, 1995, pursuant to Public Law (U); and DoD Inspector General Report of Interview with Garnett "Bill" Bell, former Chief, U.S. POW/MIA Office, 1991, dated October 10, 1996, and IC reporting since 1987. (U)

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Vietnam collected and stored an estimated 300 US remains."<sup>13</sup> (S)

At the same time, information made available by the U.S. Army Central Identification Laboratory (CILHI) indicates that approximately 170 US remains repatriated by Hanoi since the end of the war show evidence of storage.<sup>14</sup> (U) Based on the large discrepancy in this data (300 stored vs. 170 returned), all of which was available to the IC, it is extremely inaccurate for the NIE to itself judge Vietnam's record on *unilateral* repatriation of remains as *excellent*. (S)

- (3) As the Deputy Assistant Secretary of Defense for POW/MIA Affairs himself recently indicated, "While, in recent years, the Vietnamese have been constructive and cooperative in facilitating the forensic review and repatriation of remains, since September 1990, these remains have all been *jointly* (emphasis added) recovered in the field or turned in by local citizens...Failure to repatriate these remains would be a very hostile act. To call their return a sign of *excellent* (emphasis added) cooperation, however, suggests that the opposite of hostile is excellent. This is a flag in the face of those skeptical of the Vietnamese record or who remember the long, slow record of Vietnamese repatriations of stored remains."<sup>15</sup> (S)

In essence, the NIE chose to base an evaluation of Vietnamese cooperation in the area of remains recovery on assurances from one non-intelligence entity (JTF-FA), alone, without even factoring in the positions of the non-intelligence entity that oversees JTF-FA and evaluates Vietnamese performance and knowledge in this

<sup>13</sup> Memorandum for Under Secretary of Defense, Walter Slocombe, #I-98/69271. (S)

<sup>14</sup> See Memorandum of CILHI statistics, distributed by Executive Director, National League of Families of Americans Missing and Prisoner in Southeast Asia, dated September 1, 1998. (U)

<sup>15</sup> Memorandum for Director, Defense Intelligence Agency from Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs), Subject: Assessment of NIE, dated June 30, 1998. (S)

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particular area (ie: DPMO). But even more disturbing is the NIO's statement, with respect to this specific assessment, that the IC itself cannot be expected to be a source for such an evaluation in an NIE because "the intelligence community does not deal with the Vietnamese with respect to recovery."<sup>16</sup> This contention has serious ramifications for the reputation of the U.S. Intelligence Community, and would be akin to a statement that the IC cannot assess North Korean performance on missile proliferation because the IC does not deal with North Korea on this subject. (S)

NIE STATEMENT: *"We think Hanoi's decision to be more cooperative with the United States on POW/MIA accounting has not come easily to the Vietnamese leaders...But our reporting suggests that the POW/MIA issue no longer has the political sensitivity it once had."*(p.5) (U)

**ASSESSMENT:**

The NIE contends that evidence for increased Vietnamese cooperation has occurred "since the early 1990s." Yet, inexplicably, the NIE simultaneously ignores the obvious by minimizing the issue's sensitivity: It is because of the political sensitivity of the POW/MIA issue and its perceived public linkage to normalization of U.S.-SRV relations beginning in 1991 that Vietnam has taken the steps at the working level, referenced in this NIE, to give the appearance of overall progress. In point of fact, at no time since the end of the war in 1973, was the need for Vietnamese action on the POW/MIA issue more politically sensitive for Hanoi than when normalization of relations with the United States period was so close at hand, and then underway the last few years, while at the same time, the issue itself was under close scrutiny in Washington.<sup>17</sup> (U)

<sup>16</sup> Transcript of Briefing on National Intelligence Estimate provided to U.S. side of U.S.-Russia Joint Commission on POW/MIAs, U.S. Capitol, S. 407, on June 17, 1998 (p.26). (S)

<sup>17</sup> At the time of publication of the 1987 special NIE on this subject, the White House:

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Indeed, the surfacing of the so-called "1205" and "735" documents from Russian archives in 1993 (discussed in Part Two of this NIE), and Hanoi's response, proves beyond any doubt that the issue itself has become *more* politically sensitive *not less* as implied in the NIE. Moreover, for the NIE to directly state that "our reporting suggests" less sensitivity mandates a full review of the IC's holdings on this judgment as it again strains credulity, in view of public events, to believe that the IC has no reporting to suggest Hanoi's continued, and even increased, sensitivity to perceptions of its cooperation on the POW/MIA issue in recent years. (U)

NIE STATEMENT: *"Incidents of outright refusal to cooperate with U.S. investigators have decreased..." (p.5) (U)*

ASSESSMENT:

Several questions come to mind with this NIE contention above because the NIE provides no clear time frame of reference for the statement and no apparent sourcing. Incidents of outright refusal have decreased compared to what previous period - since 1987, since the early 1990's? Who is the source for this broad statement in the NIE — intelligence reporting, JTF-FA officials, etc...? Is this a realistic and reliable indicator of cooperation, and is it based on a convincing analysis of documented US requests to SRV officials which have been flatly denied, and has the record of US requests been consistent enough over time to

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appointed a Special Emissary to Hanoi on the POW/MIA Issue, General John Vessey. Four years later, in August, 1991, the United States Senate voted unanimously to establish a Senate Select Committee on POW/MIA Affairs, in view of continued suspicions about Hanoi's cooperation and the U.S. Government's handling of the issue. During this same period, the Department of State presented SRV officials with a road map to normalization of U.S.-SRV relations, requiring increased POW/MIA cooperation. The Department of Defense subsequently established a Joint Task Force contingent in January, 1992, under the U.S. Pacific Command, reporting to the Chairman of the Joint Chiefs of Staff. There is little doubt that Hanoi recognized that the issue was becoming more politically sensitive for them, not less. (U)

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accurately reflect a cooperative SRV trend? These questions warrant a response and a further review of the evidence available to the IC. (U)

**NIE STATEMENT:** *"...there are still instances in which the Vietnamese raise objections to POW/MIA activities. In most cases, the Vietnamese cite considerations of sovereignty — for example, in refusing to make internal Politburo documents accessible to US investigators; security, such as not allowing US officials to enter classified locations and facilities; or technical problems, such as difficulty locating documents or records. Occasionally, the Vietnamese state that local villagers are concerned about the intrusive nature of investigations and recovery operations." (p.5-6) (U)*

**ASSESSMENT:**

The NIE fails to judge, from an intelligence point of view, the credibility of the above-referenced SRV excuses (e.g. does a Communist dictatorship really care about the views of local villagers), and the potential implications of these objections (ie: is this where the goods are if Hanoi's leaders had, in fact, decided to withhold certain critical information that directly bears on the POW/MIA accounting question). Moreover, the reader is led to infer from the NIE statement itself that the excuses, may, in fact, be persuasive and genuine. The failure to make a judgment in this critical area concerning SRV intentions, capabilities, and performance, renders its inclusion in the Key Judgments section of the NIE meaningless. (U)

**NIE STATEMENT:** *"...Vietnam's performance generally has improved with respect to the US POW/MIA issue...Vietnam's overall performance in dealing with the POW/MIA problem has been good in recent years..." (p.6) (U)*

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ASSESSMENT:

A Key Judgment that "performance generally has improved" and "overall performance has been good" requires at least some attempt under this heading to define what is meant by the term "generally" and "overall." Information and testimony clearly indicate that performance has not significantly improved since the early 1990s with respect to access to any relevant POW/MIA material contained in Communist Party Politburo or Central Committee-level holdings, in addition to better access to SRV Ministry of National Defense and General Political Directorate wartime documentation on American losses along the Ho Chi Minh trail in Laos.<sup>18</sup> (U)

Additionally, material, such as prison records directly relevant to POW/MIA accounting, have not been provided, and the NIE itself later acknowledges this in another section of the estimate (see p. 20). (S)

And according to the Commander of the Joint Task Force (Full Accounting), the U.S., in point of fact, no longer has a full-time presence with Vietnamese counterparts working in North Vietnamese museums and archives, something which was once heralded as a breakthrough in the POW/MIA accounting mission.<sup>19</sup> (U)

All of the above information was available to the principal drafter of the NIE, who concedes having relied on JTF-FA opinions in both defined and undefined sections of the NIE, as opposed to intelligence reporting which is alleged not to exist. Yet, for none of the areas outlined above to warrant inclusion and consideration relating to a judgment under the heading of *performance generally* or *overall performance*

<sup>18</sup> DoD Testimony to House National Security Subcommittee on Military Personnel, dated June 28, 1995, November 30, 1995, and June 19, 1996 (U); and Deputy Assistant Secretary of Defense (POW/MIA Affairs) letter to U.S. Senator Hank Brown, dated April 25, 1996. (U)

<sup>19</sup> Memorandum for the Record, Meeting with JTF-FA Commander, General Terry Tucker, dated June, 1998. (U)

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on the POW/MIA issue implies a clear lack of knowledge of the relevant aspects to the POW/MIA accounting effort, and is especially disturbing because the referenced information was previously made available to the IC.<sup>20</sup> (U)

The NIE notes earlier that performance has improved in some areas, such as increased staffing, responsiveness, and professionalism, but this can hardly be interpreted as the sole basis for good overall performance *with respect to the US POW/MIA issue*. Because the NIE's judgment in this area is not supported by available evidence, it is inadequate, misleading, and cannot be accepted with any confidence. (U)

NIE STATEMENT:

*"...we think Hanoi has not been completely forthcoming on certain POW/MIA matters: In some instances, we believe full disclosure would prove embarrassing to the regime. For example, Hanoi continues to deny that US POWs were mistreated while in captivity in the North. We think Vietnam still has records it could make available to US investigators but which would discredit its denials of mistreatment. A few reports of transfers of US POWs to Russia and other countries are unexplained, and the books remain open."* (p.6) (U)

ASSESSMENT:

Under the heading Key Judgments above, the NIE chooses to define "certain" POW/MIA matters where Hanoi is not completely forthcoming as (1) for example, records which would discredit SRV denials of POW torture, and (2) a few reports of transfer of US POWs to Russia and other countries. (U)

<sup>20</sup> Letter from Chairman and Vice-Chairman, SSCI, to CIA, dated December 3, 1997 and letters to DIA Director from Sen. Smith dated February 6, 1998 and April 15, 1998. (U)

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With respect to (1), it remains unexplained given the gravity of key outstanding POW/MIA questions why torture would be cited in this Key Judgments portion of the NIE as the most important and relevant example to use, and not other more embarrassing examples such as the holding back of any unacknowledged American POWs after Operation Homecoming in 1973. (U)

On June 17, 1998, I asked Robert Suettinger, the NIO for East Asia, the following question:

*Sen. Smith: Would it not also be embarrassing to release information that they held back American prisoners? Yes or no.*

*Mr. Suettinger: Yes.*

*Sen. Smith: ...So why wouldn't you say just as conjecture, that if it is embarrassing for them to provide torture information, it would be just as embarrassing for them to tell us that they held back American POWs after the war. Wouldn't it?*

*Mr. Suettinger: I suppose it would.<sup>21</sup> (S)*

The fact that the NIE does not reflect a more relevant example bearing on the POW/MIA accounting issue under the Key Judgments heading is not only disappointing, but very misleading to the NIE reader concerning the scope of knowledge the SRV may still possess concerning unaccounted for POW/MIAs. (U)

It bears noting that the Office of the Secretary of Defense has also formally expressed concern with the citing of this specific example under the Key Judgments portion of the NIE, stating, in part:

*"...We agree with the assessment that Vietnamese cooperation on documents is incomplete, but we cannot agree, as the NIE asserts, that this assessment is based principally on Vietnamese reluctance to reveal instances of mistreatment... We are*

<sup>21</sup> Transcript of Briefing on National Intelligence Estimate provided to U.S. side of U.S.-Russia Joint Commission on POW/MIAs, U.S. Capitol, S.407, June 17, 1998, p. 26-27. (S)

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*concerned that the prominence given these topics in the NIE may focus attention on an emotive topic that is irrelevant to the accounting effort...<sup>22</sup> (S)*

With respect to (2), on unexplained reports of possible POW transfer from Vietnam to Russia and other countries, the NIE judges that because a few reports are unexplained, and the books remain open, then this means that Hanoi *has not been completely forthcoming*, even though the NIE subsequently states in a later section on p. 24, "...we lack good evidence that POWs were transferred to the USSR..." Given this subsequent statement, it seems odd that the NIE can reach a Key Judgment on p. 6 that Hanoi has not been completely forthcoming on this topic. (S)

I agree that the books must definitely remain open on the transfer issue based on more pressing information previously made available to the IC but inexplicably not referenced in the NIE under the heading of unresolved transfer reports on p. 23.<sup>23</sup> (S)

However, these matters notwithstanding, the evidence before the IC has been much more continuous and voluminous that Hanoi did not acknowledge and return all US POWs under its control in 1973 than is has been on the transfer issue. As such, it is bizarre that some unexplained reports of transfer would meet the threshold for inclusion in this section, yet a larger body of evidence on other unresolved subjects bearing on continued SRV stonewalling on POW/MIA issues would not be included here. As such, the Key Judgment in this section is woefully inadequate, shallow, and misleading to the NIE reader with respect to the potential scope of SRV knowledge.

<sup>22</sup> Memorandum to Director, Defense Intelligence Agency, from Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs), dated June 30, 1998, p.2.

<sup>23</sup> See [redacted] Soviet-MIG defector, Alexander Zuyev (S), follow-up JCSD interviews with him (U), and published claims by Zuyev in Malcolm McConnell's book, *Fulcrum* (U); in addition to the report by Russian Presidential Advisor and Co-Chairman of the Joint Commission on POW/MIAs, the late Dmitri Volkogonov, discovered in early January, 1998, concerning evidence of a KGB assigned mission and plan to "transfer knowledgeable Americans to the USSR" in the late 1960s, made available to the NIC by the JCSD on January 14, 1998. (U)

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NIE STATEMENT:

*"We have reviewed the so-called "1205 and 735 documents," which purport — falsely in our view — to be reports to the party leadership containing statements that Hanoi held large numbers of US POWs above those acknowledged to the United States. We believe the judgments in the 1993 IC assessment released by DoD remain valid: that the documents are probably authentic GRU (Soviet Military Intelligence) - collected documents. But many of the details of the documents, including dates and other facts, are implausible or inconsistent with reliable evidence...We believe that neither document provides a factual foundation on which to judge Vietnamese performance on the POW/MIA issue." (p.8)*

(U)

ASSESSMENT:

The referenced 1993 IC assessment released by DoD was actually released by DoD on January 24, 1994. It states, in part, the following in relation to the 1205 and 735 documents:

1205 Document Assessment by IC/DoD released in January, 1994:

- *We believe it probably is an authentic Soviet document...(it) appears to be an authentic Russian intelligence report.*
- *We found portions of the "1205 Report" that were unrelated to the POW-MIA issue to be plausible...the most credible of which is in the section about political operations planned for South Vietnam.*
- *For example, it identifies several South Vietnamese leaders who were known opponents of the regime of President Nguyen Van Thieu and who were*

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*reported to have had clandestine contacts with representatives from the North.*

- *It accurately depicts the circumstances surrounding the surrender of a South Vietnamese unit during the 1972 Easter Offensive, admitting that the North's propaganda had misrepresented the event.*
- *It predicts an upsurge in terrorist attacks beginning in October, 1972, which was indeed noted in the Mekong Delta region in November...*
- *We cannot dismiss the "1205 Report" as a fabrication, but before we can accept it as what the Russian cover memo claims it is, we must have better evidence of its authorship and credibility.*
- *There probably also is more information in Vietnamese party and military archives that could shed light on this document. We continue to pursue this.*
- *As further information becomes available, this assessment will be updated.<sup>24</sup>*  
(U)

735 Document Assessment by IC/DoD released in January, 1994:

- *We have only two complete pages, 11 and 18, of a longer report, making it difficult to analyze closely.*
- *Like the "1205 Report", it is a GRU document, transcribing and translating the text of an oral report presented at a Vietnamese Communist Party conclave.*
- *We believe the report is a genuine GRU document, not a fabrication, as claimed by Hanoi.*
- *The "735 Document" is too fragmentary to permit detailed analysis...*
- *There probably also is more information in Vietnamese party and military archives that could shed light on this document. We continue to pursue this.<sup>25</sup>*  
(U)

<sup>24</sup> Department of Defense News Release/Memorandum for Correspondents, No. 028-94, dated January 24, 1994. (U)

<sup>25</sup> Ibid.

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Based on the above quotations from the previous assessment, it is clear that the current NIE has not accurately represented this earlier judgment by stating "...many of the details of the documents, including dates and other facts, are implausible or inconsistent with reliable evidence" and *not* acknowledging that portions of the 1205 report, were, in fact, accurate or plausible based on evidence available to the IC, and represented as such in January, 1994. (U)

Equally important, the earlier assessment specifically *rejected* Hanoi's contention that the 735 Document was a fabrication, and not a genuine GRU document, and specifically judged that there was probably more information in Vietnamese party and military archives that could shed light on both documents, and that this information would be pursued in Hanoi. (U)

For the current NIE to say that the *judgments* in the prior assessment *remain valid*, but then say that neither document provides a factual *foundation upon which to judge Vietnamese performance* on the POW/MIA question, is simply irreconcilable, especially given the undeniable fact that, as of this writing, Hanoi has yet to disclose any relevant data from party archives that could shed light on either of these documents. The prior judgments put a lie to Hanoi's performance and credibility on this aspect of the 1205/735 documents, leaving the NIE reader with a Key Judgment that is not supported by the prior judgments the NIE itself references. (U)

Finally, every piece of relevant data on the issue of authenticity gathered and made available to the IC since the prior assessment was conducted in 1994 has reinforced the contention that the documents, are, in fact, legitimate GRU acquisitions.<sup>26</sup> For the NIE to be timid and hesitant to remove the 1994 term "probably" for purposes of the current NIE Key Judgment on whether the documents are, in fact, authentic GRU collected materials, is extremely misleading to the NIE reader. In point of

<sup>26</sup> See Record of USRJC meetings and JCSD interviews and investigations conducted between 1994-1998, maintained by the Vietnam War Working Group, JCSD, Defense POW/MIA Office, Department of Defense, and the Office of Senator Bob Smith. (U)

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fact, aside from Hanoi's rhetorical claims against the documents, no credible witness or information has surfaced to suggest that these are not authentic wartime GRU acquisitions. Continuance of the term "probably" injects unwarranted speculation concerning authenticity which is unsupported by the historical record concerning the discovery and release of this information to the United States in 1993, and subsequent investigations by the Joint U.S.-Russia Commission on POWs and MIAs. (U)

NIE STATEMENT: *(With respect to the 1205/735 documents), "In particular, the numbers of POWs allegedly held by Hanoi at the times mentioned are inconsistent with reliable US Government statistics and far outnumber the actual total of open cases." (p.8) (U)*

ASSESSMENT:

The NIE statement that the number of POWs allegedly held is *inconsistent with reliable US Government statistics* is not proven or demonstrated anywhere in the NIE -- it is merely asserted. Given the priority assigned by the National Security Advisor to the President for an assessment of these documents, it is simply unacceptable that a detailed analysis of the numbers is not presented in the NIE. This is especially disturbing because the NIE's claim on its face is, in fact, demonstrably false as shown below. (U)

First, with respect to the so-called "735" Document:

According to the English translation of the 735 document, the Russian GRU reports a statement by a North Vietnamese official to a North Vietnamese leadership gathering, that "...we published the names of 368 American pilots who were shot down and taken captive in the territory of the D.R.V. (North Vietnam)...The overall number of American pilots imprisoned in the D.R.V. is 735. As I already stated, we published the names of 368 pilots. This is our diplomatic move." The time frame

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for the report is dated "End of December, 1970/early January, 1971," according to the GRU cover page to the translated text from Vietnamese to Russian. (U)

It is true and verifiable that during this time-frame, Hanoi did, in fact, publish a list of exactly 368 names, entitled, "U.S. Pilots Captured in the Democratic Republic of Vietnam from August 5, 1964 to November 15, 1970." Yet, nowhere in the NIE is the confirmation of this statement in the "735" document acknowledged. The IC has a responsibility to share this information with the reader of the NIE. It did not. Why? (S)

The 368 list was published by the DRV's Ministry of National Defense, and is dated November 15, 1970. The list was released to representatives of Senators Kennedy and Fulbright in Paris on December 22, 1970, and provided to certain other foreign governments as well.<sup>27</sup> All of the names of the men on the list had previously been unofficially provided to American peace activist Cora Weiss between May and November, 1970.<sup>28</sup> (U)

The 368 list itself consisted of 339 Air Force and Navy pilots and crewmembers currently in captivity, 9 such personnel previously released, and 20 such personnel listed as dead.<sup>29</sup> The status of the 339 men listed as captives was already known to

<sup>27</sup> Memorandum to President Nixon from National Security Advisor, Henry A. Kissinger, dated December 23, 1970; Joint Chiefs of Staff Memorandum for the Record of the December 22, 1970 meeting of the NSC Ad-Hoc Group on Vietnam, dated December 23, 1970; Memorandum of Conversation of the USSR Ambassador to Vietnam with Chief of the Department of the USSR of the Ministry of Foreign Affairs of the Democratic Republic of Vietnam, dated December 22, 1970; AP Bulletin dated December 22, 1970, UPI Bulletin dated December 22, 1970; New York Times News Service, dated December 25, 1972; and American Embassy Rome message, May 3, 1971. (U)

<sup>28</sup> See "Cora Weiss" lists of POWs obtained by Defense Intelligence Agency, released to Sen. Smith in 1993 from DIA holdings previously sent to National Archives in 1984 (U); Memorandum from Secretary of Defense to Service Secretaries, dated August, 1971. (U)

<sup>29</sup> Memorandum from Chief, Evasion and Escape Branch, Production Support and Resources Division, Defense Intelligence Agency, dated June 21, 1972. (U)

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the Pentagon based on the Cora Weiss lists and U.S. intelligence and casualty information at the time, although this was the first "official" acknowledgment of their status by Hanoi.<sup>30</sup> (U)

Based on Department of Defense POW/MIA lists<sup>31</sup>, only 335 Air Force and Navy pilots and crewmembers captured in North Vietnam prior to November 15, 1970 were later repatriated to the United States (one in Sept. 72, and the remainder following the signing of the Peace Accords in 1973 (Jan-Apr). (U)

This fact essentially means only two things: Hanoi made the political decision to release a full and complete list of airmen captured in North Vietnam in December, 1970 (which was the only category of men in this category from this time period later released in 1973) *or* Hanoi, as the 735 Document alleges, viewed the December, 1970 list as a diplomatic move, whereby the decision was made not to acknowledge all airmen captured by North Vietnamese forces at this point in the war. (U)

Incredibly, the NIE is completely silent on this vital and obvious question of Vietnamese intentions, as described above. More importantly, the evidence is powerful that Hanoi did not and would not have released, in 1970, a complete list of airmen captured by North Vietnamese forces, nor did the U.S. Government believe it to be a complete list of U.S. POWs held in North Vietnam at the time.<sup>32</sup> Yet, the

<sup>30</sup> Statement by Dr. Roger E. Shields, Deputy Assistant Secretary of Defense, before the Senate Foreign Relations Committee, dated January 28, 1974, p.4. (U)

<sup>31</sup> Chronological List of U.S. Personnel lost, captured, missing, and repatriated from Southeast Asia, Defense POW/MIA Office Official Reference Document, dated May, 1997. (U)

<sup>32</sup> U.S. Secretary of Defense Melvin Laird stated at the time, based on DoD's review of the 1970 list, "I do not accept it as a complete list of all the prisoners held in North Vietnam." (Memorandum from the Secretary of Defense to the Secretaries of the Military Departments, dated August, 1971). He reinforced that position 21 years later in testimony before the Senate Select Committee on POW/MIA Affairs on September 21, 1992, stating "I felt those lists were inadequate...it was not complete information, and we knew of the existence of other POWs when those lists were delivered to us... We felt there were more... We had solid, confirmed evidence

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NIE would have its readers believe otherwise without even attempting to demonstrate its unsupported contention. (U)

In addition, according to official U.S. Government statistics, forwarded to the Director of Central Intelligence during this period, as of December, 1970 (the same month as the alleged "735" report), the Department of Defense officially listed 462 POWs, 962 MIAs, and 117 Non-Hostile missing, for a total of 1,541 "missing and captured personnel."<sup>33</sup> This statistic alone puts a lie to the NIE's contention that "735" (less than half of 1,541) is *inconsistent* with reliable U.S. Government statistics. (U)

Based on an examination of these wartime statistics, to include factoring in all U.S. air losses over both North Vietnam and North Vietnamese controlled areas of Laos (no airmen captured in Laos were on the disclosed 368 list), it is plausible that Hanoi could have had a pool of 367 additional US personnel "imprisoned in the DRV" who were not acknowledged as captive in December, 1970 (367 + 368 list = 735). Moreover, based on the actual total of open POW or MIA cases from North Vietnam and Laos, (as of 1997 - 607, of which the majority were loss prior to January, 1971), and inherent uncertainties concerning dates of death with respect to many of the approximately 500 remains repatriated from Southeast Asia since the end of the war, the *possibility* of 367 additional personnel having been held in

that there were more POWs in the North at that time." In addition, Acting Secretary of the Army, Thaddeus Beal, wrote to the Secretary of Defense on July 10, 1970, stating, "At present, Cora Weiss maintains that about 334 Americans are detained by Hanoi. But the facts are that 780 Americans are listed as missing in North Vietnam, and 769 in South Vietnam and Laos. We know with some certainty that of this number, 376 are PW in North Vietnam and 78 are PW elsewhere in Indochina. *We expect that among those listed as missing, substantial numbers will eventually turn up as captives...* To accept Hanoi's admission of responsibility for less than 350 US PW as conduct constituting reasonable, humane, or internationally responsible conduct is to betray those other forgotten Americans." (U)

<sup>33</sup> Message for Director, Central Intelligence Agency from American Embassy Saigon, "following are official figures from missing and captured personnel lists prepared by Deputy Comptroller for Information, DoD...", dated May 10, 1971. (U)

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captivity during this period, in point of fact, does not *far outnumber the actual total of open cases*, as the NIE claims. This is a glaring and readily apparent mathematical error in the NIE. (U)

The plausibility of the scenario in the "735" document being more historically accurate than the NIE's implicit contention that Hanoi chose to list all POWs it held in the North in 1970, is further demonstrated by information in another Soviet-era report previously disclosed to the IC.<sup>34</sup> In that report, originated by the Soviet Ambassador in Hanoi during the war, I.S. Scherbakov, and entitled, "Soviet-Vietnamese Negotiations in April, 1967," the Soviet Ambassador advises his North Vietnamese counterparts, "it is not necessary to inform the Americans on the exact number of prisoners. A half of them could be handed over and the others could be released later in exchange for repair of damage inflicted by the U.S. bombardment of the DRV."<sup>35</sup> It is interesting to note that the 735 Report describes a similar scenario being followed by Hanoi's leaders. Yet, inexplicably, this evidence is not presented in the NIE. (U)

Second, with respect to the so-called "1205" Document:

According to the English translation of the 1205 document, the Russian GRU reports statements by a North Vietnamese official to a North Vietnamese leadership gathering, to include the following:

"the total number of American POWs captured to date on the fronts of Indochina, ie: in North Vietnam, South Vietnam, Laos, and Cambodia, comprises 1205 people...624 aviators captured in North Vietnam, 143 aviators captured in South Vietnam, 47 diversionists and other American servicemen captured in North

<sup>34</sup> See letter from Chairman and Vice-Chairman, SSCI, to CIA, dated December 3, 1997 and letters to DIA Director from Sen. Smith dated February 6, 1998 and April 15, 1998. (U)

<sup>35</sup> Extract from report entitled "Soviet Vietnamese Negotiations of April, 1967 and the Following WPV Policy with regard to a Vietnamese Problem Settlement," dated August, 1967, from Soviet Embassy, Hanoi. (U)

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Vietnam, and 391 American servicemen of other categories, which includes 283 captured in South Vietnam, 65 in Cambodia, and 43 in Laos..."

"We intend to resolve the American POW issue in the following manner: The U.S. Government must demonstrate compliance with a cease-fire and the removal of Nguyen Van Thieu...Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war... For now, we have officially published the list of the 368 POWs. The rest are not acknowledged. The U.S. Government is aware of this, but they do not know the exact number of POWs, or they perhaps only assume an approximate number based on their losses. That is why in accordance with instructions from the Politburo, we are keeping the number of POWs secret...when the American government resolves the political and military issues on all three fronts of Indochina, we will set free all American POWs." (U)

The time frame for the report is dated "September 15, 1972," according to the GRU cover page to the translated text (from Vietnamese to Russian). (U)

As demonstrated under the previous section with respect to the 735 document, it is true and verifiable that Hanoi did, in fact, officially release a list of exactly 368 names of captured Americans, which is again referenced above in the 1205 document. As noted earlier, this fact is not pointed out to the reader anywhere in the NIE. (U)

But more importantly, the NIE fails to offer the reader any convincing analysis of the numbers in the 1205 report to demonstrate their accuracy or inaccuracy. This is especially disturbing in view of U.S. statistics which listed approximately 1,800 U.S. personnel as captured or missing in Indochina as of September, 1972,<sup>36</sup> thereby on its face giving credence to an alleged North Vietnamese statistic that 1,205 Americans had actually been captured by communist forces as of that date. (U)

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<sup>36</sup> Chronological List of U.S. Personnel lost, captured, missing, and repatriated from Southeast Asia, Defense POW/MIA Office Official Reference Document, dated May, 1997. (U)

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With respect to one of the two largest categories of captured Americans noted in the 1205 report — 624 aviators captured in North Vietnam as of September, 1972, — U.S. statistics, based on Operation Homecoming in 1973, show that 405 aviators captured and held in North Vietnam as of September 15, 1972, returned alive, which would leave a discrepancy of 187 U.S. aviators (an adjusted high end figure which factors in early returnees and died in captivity airmen) if the 1205 report were plausible. [REDACTED]

[REDACTED] In view of the fact that, following Operation Homecoming, the U.S. Government still listed as captured or missing 430 airmen lost over North Vietnam prior to September, 1972, the question is whether 187 of 430 missing men could have been captured alive. The question is even more relevant given the fact that 1.) over 300 American airmen are still missing in action from incidents over North Vietnam alone; and 2.) none of these statistics include so-called Killed in Action/Body Not Recovered cases compromising men believed during the war by the U.S. side to have died without their bodies being recovered. (U)

With respect to the second of the two largest categories of captured Americans noted in the 1205 report — 283 captured American servicemen (not aviators) captured in South Vietnam as of September, 1972 — U.S. statistics, based on Operation Homecoming in 1973, show that 77 Army personnel and 17 Marines were returned to U.S. control, the majority of which had been captured prior to September, 1972. The 1205 report alleges, therefore, that approximately 190 additional U.S. ground personnel were captured by communist forces in South Vietnam. In view of the fact that, following Operation Homecoming, the U.S. Government still listed as captured or missing approximately 400 Army and Marine Corps personnel lost in South Vietnam, the question is whether 190 of 400 missing men could have been captured alive. And again, the question is even more relevant given the fact that 1.) over 300 men in this category are still missing in action from incidents in South Vietnam; and 2.) none of these statistics include so-called Killed in Action/Body Not Recovered cases compromising men believed during the war by the U.S. side to have died without their bodies being recovered. (U)

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The numbers of captured U.S. POWs in the 1205 report are also consistent with U.S. estimates in other smaller categories as well. For example, with respect to Laos, the 1205 report alleged "from other categories of American servicemen in Indochina, we have captured...forty-three in Laos." U.S. estimates were quite close to this figure. In January, 1973, the Military Assistant to the Secretary of Defense told White House officials "we don't know what we will get from Laos. We have only six known prisoners in Laos, although we hope there may be forty or forty-one."<sup>37</sup> (U)

Once again, the NIE fails to offer any convincing analysis of these numbers and possibilities, and instead, forces its reader to accept an inaccurate claim on its face that the numbers in the 1205 document are *inconsistent and far outnumber the actual total of open cases*. Moreover, the NIE inexplicably ignores statements by credible Russian officials since 1993, (which were provided to the NIE principal author in early 1998), indicating their judgment that the total number of referenced US POWs was true or plausible. As examples —

- In September 1996, the Russian Chairman of the U.S.-Russia POW/MIA Commission, General-Major Vladimir Zolotarev, stated "*We consider the number of American POWs given in that report quite plausible.*"
- In August, 1995, the Chief State Archivist of the Russian Federation, Dr. Rudol'f Pikhoya, stated "*I am absolutely certain that the numbers cited in the 1205 report are true. I believe that data still exists in Vietnam which deals specifically with US POWs.*"
- Also, in August, 1995, Captain 1<sup>st</sup> Rank Alexander Sivets of the Main Intelligence Directorate (GRU) of the General Staff of the Russian Federation stated "*We consider that the Vietnamese leaders, in their desire to exploit the POW problem for their own interests, would publicly cite a lower figure than*

<sup>37</sup> Excerpt from transcript of the Washington Special Actions Group (WASAG) Meeting, White House Situation Room, January 29, 1973. (U)

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*the real one. This is something that we do not doubt...we believe there were more American POWs than Vietnam was publicly admitting to" as the 1205/735 documents claim.*

- In a conversation with Gen. Vessey on June 22, 1993, Russian General Volkogonov stated *"the Vietnamese would naturally not keep those prisoners the US knew were in captivity,"* thus lending credibility to the fact that, with the exception of 16 individuals, all POWs captured during the Vietnam War prior to the date of the 1205 report, were, in fact, known to be POWs and so listed by the Pentagon prior to their release.<sup>38</sup> (U)

Finally, the NIE ignores credible testimony from former U.S. officials, (also provided to the principal NIE author in early 1998) which would tend to corroborate indications in 1973 that Hanoi had not acknowledged all US POWs in the lists turned over in Paris in January, 1973 for repatriation under the peace accords. As examples —

- On September 21, 1992, former Secretary of Defense Melvin R. Laird testified before the Senate Select Committee on POW/MIA Affairs, stating *"Now when you get into the lists that were finally given to the Administration on January 27, 1973...I did not think at that time that those were full lists, that was my gut reaction...my expectations were higher, and I was disappointed."*
- On June 24, 1992, former Chairman of the Joint Chiefs of Staff, Admiral Thomas R. Moorer, stated, in response to questioning by Senator Harry Reid on the reasons Moorer believed there were more POWs still in Southeast Asia in 1973, *"Well, because of the scope of the operations, and the number of persons that were involved and the number of aircraft that were shot down and so on, where we didn't find immediate information about what happened to the pilot and son on. I thought also, in view of the fact that the war had been going on*

<sup>38</sup> see DoD Enclosures for the Record, Hearing of the Senate Select Committee on POW/MIA Affairs, September 24, 1992, p. 838. (U)

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*for 9 years, you know, I certainly would expect it to be more than the 591 (acknowledged POWs returned by Hanoi in 1973). I think that was the number on the initial list. I didn't think you could clean it up that fast."*

- On September 21, 1992, former Special Assistant to Dr. Kissinger, Winston Lord, stated *"We were disappointed that the lists were not longer...we were naturally suspicious of Hanoi after all our experience."*
- Another assistant to Dr. Kissinger, Peter Rodman, stated in his Senate deposition in 1992 that *U.S. negotiators were "stunned" that there were not more names of POWs on the lists turned over in Paris in January, 1973, for repatriation.*
- On September 21, 1992, former Director of the Central Intelligence Agency and Secretary of Defense, Dr. James R. Schlesinger, stated, in response to questioning by Senator Charles Grassley on whether Schlesinger believed men were left behind, *"I think that, as of now, I can come to no other conclusion, Senator...Despite the Paris agreements, there was no reason, in my judgment, to assume that the North Vietnamese would release everybody."*
- On June 24, 1992, in response to questioning by Senator John Kerry on reaction to the lists turned over by North Vietnam in Paris in January, 1973, former Director of Intelligence for the Pacific Command, and Director, DIA, Lt. Gen. Eugene Tighe, stated *"My personal view was shock because I had a great deal of faith in the approximate numbers of those lists we had compiled and the dossiers, and my reaction was that there was something radically wrong with the lists versus our information. They should have contained many more names. That was my personal judgment and it was the collective judgment of all those that had worked compiling the lists. It pertained to the personnel aspects of casualty reporting and the intelligence reports."*
- On September 9, 1992, former Director of the National Security Agency and Deputy Director of Central Intelligence, Admiral Bobby Ray Inman, testified in his Senate deposition, in response to a question on his view on whether men

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were still alive left behind in 1973, *"In '73, a large number of us shared the view that there were, simply because we had known people had gotten to the ground, and that there were substantial prisoners in Laos that were unaccounted for..."*

- On June 5, 1992, former Military Assistant on the NSC in 1973, and subsequently National Security Advisor in the Reagan Administration, Robert C. "Bud" McFarlane testified in his Senate deposition *"I told President Reagan that I believe there were hundreds of Americans that were alive after they were lost in North Vietnam or Laos, and that many of them were undoubtedly murdered, many of them were undoubtedly held...if a lot of them were alive right after they went down, then it becomes a matter of did the Vietnamese have more of an interest in keeping them alive or keeping them dead, killing them. It seems to me logical that they would have kept some alive, all of them perhaps..."*
- McFarlane subsequently stated in an interview on October 26, 1994, *"I think that at the end of the war, there were live American prisoners, and I think it's one of the real scandals of our history of that war...although we might not have been able to get them back, at least we ought to have held the Vietnamese publicly to account about it...I am willing to forgive as well as the next person, but I don't like to be had, and the Vietnamese are getting all of our leverage given away to them for nothing..."*
- On June 30, 1993, Dr. George Carver, former Special Assistant for Vietnamese Affairs to three successive Directors of Central Intelligence between 1966 and 1973, testified that *"...during 1973's initial months, a number of government officials, myself included, were convinced that the Vietnamese Communists were not leveling and never had leveled with the United States on the matter of American POWs..."* (U)

The NIE also ignores supporting evidence for these views made available to the principal author of the NIE, including a report previously forwarded by CIA to the

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National Security Council in 1973, and an analysis of POW numbers done by DIA that same year.<sup>40</sup> (U)

In conclusion, it is apparent that neither the 1994 IC/DoD Assessment of the 1205/735 documents nor the current NIE demonstrates the inaccuracy of the numbers cited in these documents. Both assessments *assert* the documents' inaccuracies, but neither *demonstrates* it. If the NIE cannot demonstrate the inaccuracy of the numbers cited, then its judgment that *neither document provides a factual foundation to judge Hanoi's performance on POW/MIA issues cannot be accepted* with any degree of confidence. (U)

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<sup>40</sup> Central Intelligence Agency Memorandum for Dr. Henry A. Kissinger, Subject: *Indication that the Communists are Holding Previously Unlisted U.S. POWs as a Future Bargaining Tool*, dated March 20, 1973; Defense Intelligence Agency Memorandum, Subject: *The Status of U.S. Prisoners in Laos*, dated March 24, 1973, "...DIA has analyzed the number we thought should be prisoners in North Vietnam against the number the DRV has listed and found that 45% of our possibles turned up on the final list. A similar comparison in South Vietnam yields the figure of 21%. Since we carry 352 as possible in Laos, nine Americans on the Pathet Lao list gives a ridiculously low figure of 2.5%." (U)

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### III DETAILED ASSESSMENT OF NIE STATEMENTS: (continued)

#### Discussion. (P.9):

##### *Part One: The Question of Vietnamese Cooperation*

"...Vietnam is a hard-line Communist state, and we make a big mistake judging things like credibility by our standards. They have a different set of standards. For them, world revolution is ethical and proper... We shouldn't try to judge what they say or assess its credibility by any other standard than what is in their interest and furthers their cause."

— Rep. Henry Hyde, (R-IL) <sup>41</sup>

#### NIE STATEMENT:

*"In some instances, Vietnamese on recovery teams have willingly worked beyond the terms of their contracts to successfully complete operations. Cultural reasons contribute to this record." (p.11) (S)*

*"...for local officials, participation in joint field activities can be financially profitable. People in their villages can earn much more by working on the activity than they could in their normal work. Vietnamese officials sometimes have been known to expand investigations in*

<sup>41</sup> From transcript of Press Conference by Congressional delegation to Hanoi to discuss POW/MIA issues, dated January 15, 1980 (press conference held in Bangkok, Thailand, see State cable 151820Z Jan 80, from American Embassy, Bangkok to SecState). (U)

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*such a manner as to prolong an activity and thereby obtain more revenue." (p.12) (S)*

ASSESSMENT:

The above two conflicting statements appear to leave an NIE reader wondering "which is it?" Are the Vietnamese assisting U.S. efforts "for the money" and if so, then I question why these statements are cited in the NIE as good indicators of Vietnam's cooperative intentions. (S)

NIE STATEMENT: *"...U.S. requests to see Politburo documents pertaining to US POW/MIA issues have been turned aside...Vietnamese authorities have said they will research the records and provide relevant POW/MIA information, but we cannot always verify the accuracy of the information they have given us." (p. 15) (S)*

ASSESSMENT:

This is the first apparent indication to the Congress of which I am aware that Vietnamese officials have unilaterally researched Politburo records and passed on information on POW/MIAs obtained from those records. Based on my own review of this particular aspect of the POW/MIA issue, I seriously question the accuracy of this NIE statement, especially because the Defense POW/MIA Office (DPMO) has indicated the opposite in both open testimony and written communication to Congress. (S)

NIE STATEMENT: *"Vietnamese Initiative in Recovery Operations: (Two) Recent Examples...Case 1927, Lt. Daniel Borah...In 1995, the VNSOMP (ie: Vietnam) reported that it had located a veteran of an antiaircraft battery whose members had found a dead American pilot named Borah,*

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*and had buried the body. The VNSOMP located a witness to the burial and then provided this information (though not the witness) to U.S. investigators...team subsequently excavated the site and recovered a complete set of remains...subsequently identified as Lt. Daniel Borah." (p. 17) (S)*

ASSESSMENT:

I question why the NIC would make a decision to include, in a separate blue box on page 17, two examples of cooperation by Vietnam on MIA cases, but not also give examples of cases where Hanoi has not been very cooperative, especially when such evidence exists in the judgment of the same DoD analysts who have worked on and analyzed the two referenced cases. I further question the appropriateness of selecting these cases and pointing the reader toward Vietnamese cooperation on MIA recovery operations without also pointing out similar cases where apparent stonewalling continues. (S)

Moreover, it is very interesting to note that with respect to Case 1927 (Lt. Borah) cited above, the family of Lt. Borah continues to believe that Vietnamese officials manipulated the crash site investigation, based on the evidence uncovered by JTF-FA personnel (ie: including a flight suit in remarkable condition for having allegedly been lying in acidic soil for 25 years as claimed by the Vietnamese)<sup>42</sup>, and Vietnam's refusal to facilitate an interview with the alleged witnesses to the burial. Moreover, declassified National Security Agency intercepts from 1972 confirm North Vietnamese knowledge of this particular incident, including the status of the pilot at the time of shootdown, making it difficult to believe Vietnam could not have resolved this case fully years earlier. As a result, I question what independent analysis the IC conducted on this particular case before determining to include it as an example of positive Vietnamese initiative. The NIE's judgment with respect to including this case as a positive highlight in an NIE appears quite naive. (S)

<sup>42</sup> Photographs of the recovered flight suit and other information from DoD pertaining to this case have been provided to the Office of Senator Bob Smith.

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NIE STATEMENT: *"A 1987 Special National Intelligence Estimate (SNIE) stated that we had evidence that Vietnam was storing about 400 to 600 sets of remains. But that judgment was retracted (by an NIO/EA assessment) in 1996 because it turned out to have been based on the unsupported testimony of a single unreliable source (emphasis added)." (p.18) (S)*

ASSESSMENT:

This statement represents one of the most egregious and unsupported misrepresentations of facts in the entire NIE — a misrepresentation that was defended, incredulously, by the NIO for East Asia, Robert Suettinger, during a closed-door meeting on June 17, 1998 with myself and other members of the U.S. side of the U.S.-Russia Commission on POWs and MIAs.<sup>43</sup> (S)

The issue at hand is the phrase "unsupported testimony of a single unreliable source." The referenced source is an ethnic Chinese former mortician who was forced to leave Hanoi in 1979, and was subsequently located and interviewed by the U.S. Defense Attaché Office in Hong Kong in a refugee camp later that year. Prior to leaving Hanoi, he worked on the preservation and treatment of U.S. servicemen remains from the war which were being stored by the SRV in Hanoi, and there is convincing evidence attesting to his bonafides (e.g. he was photographed along with other SRV technicians at an official Vietnamese repatriation of U.S. remains ceremony attended by U.S. officials in 1976 at Gia Lam airport on the outskirts of Hanoi.) (S)

During the past 18 years, beginning in the Carter Administration, through the

<sup>43</sup> Transcript of referenced NIC Briefing to Joint Commission, pages 36-38: "Sen. Smith: You said he is unreliable. NIO Suettinger: That is correct, and we do consider him unreliable." (S)

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Reagan Administration to the current Administration, the Defense Intelligence Agency, the Department of State, relevant Congressional committees, the Joint Chiefs of Staff, and most recently the Defense POW/MIA Office have all reaffirmed and stood by the reliability of this source, thereby rejecting Vietnam's official rhetoric to the contrary.<sup>44</sup> Some examples of this include the following statements before Congress and elsewhere: (S)

<sup>44</sup> The official Vietnamese position with respect to the mortician was formally first put forth in a letter from SRV Vice Foreign Minister Phan Hien to The Honorable Lester Wolff, Chairman, U.S. House International Relations Subcommittee on East Asia and Pacific Affairs, dated January 18, 1980. The letter followed a visit to Hanoi on January 15, 1980 by CODEL Wolff during which Vietnamese officials "discounted" the information from the mortician (see American Embassy Bangkok cable; Subject: CODEL Wolff press conference transcript, dated January 15, 1980). The SRV letter read, in part, "...the information you received is a complete fabrication...I sincerely recommend that you not believe in fabrications of that sort because such lies disrupt your as well as our efforts to pursue humanitarianism." (See American Embassy Bangkok: cable, Subject: CODEL Wolff: Visit to Hanoi, dated January 19, 1980. Vietnamese officials repeated their denials in a subsequent meeting with a State Dept. official and the SRV UN Mission Charge on MIAs on February 8, 1980, "indicating there was no point in discussing rumors which had been concocted for malicious purposes. (SRV official) emphasized that reliance on rumors would poison the atmosphere between us and that publicizing distortions and fabrications like the story of the 400 remains would only antagonize ordinary Vietnamese who ultimately had to provide MIA information." (See SecState cable, Subject: Meeting with Vietnamese on MIAs, dated February 12, 1980). On February 20, 1980, in response to concerns raised by Secretary of State Vance, the SRV Ministry of Foreign Affairs, through its UN Ambassador, stated that the report of 400 remains "was completely untrue, spread with ill-intention, and aimed at creating further complications to the relations between our two countries and to the search itself for the American MIA...It was a tremendous fabrication, and even opinion among American political circles was also skeptical about the single source of spreading speculation. I, therefore, believe there is no sound justification for a serious concern in the United States..." The SRV Ministry of Foreign Affairs then published a so-called White Paper in April, 1980 in which they again dismissed the account as having been fabricated, stating, "In this election year of 1980, some politicians in the United States concocted the story, based on Beijing's allegations, of Vietnam holding the remains of 400 US servicemen killed in Vietnam. The story was concocted for political ends with familiar political tricks and with fictional details which can confuse public opinion." (copy on file in Sen. Smith's office).

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*"DIA obtained information that the Socialist Republic of Vietnam has in its possession in Hanoi the remains of more than 400 U.S. military personnel who were lost as a result of hostilities in Southeast Asia. This information was furnished by a technician who reported that he had personally prepared the skeletal remains of many of these U.S. personnel...The technician's personae vita has been cross-checked and independently verified. His polygraph examination conducted by DIA indicated no deception. The allegation that the Socialist Republic of Vietnam is maintaining and withholding 400 remains of U.S. personnel is judged by the Defense Intelligence Agency to be valid."*

— *Statement of Lt. Gen. Eugene T. Tighe, Jr., USAF, Director, Defense Intelligence Agency, before Congress on June 27, 1980 (U)*

*"In November, 1979, we learned that a refugee from Vietnam stated he knew that the Vietnamese were holding the remains of over 400 Americans...The refugee was exhaustively debriefed and was found to be a credible source."*

— *Statement of Michael Armacost, Deputy Assistant Secretary of State, East Asian and Pacific Affairs, Department of State, before Congress on June 27, 1980. (U)*

*"Since 1975, DIA has received over 700 reports from Indochinese refugees... From that body of reporting came the significant testimony of a former mortician, concerning his knowledge of over 400 remains of U.S. MIA's being held in Hanoi. DIA's efforts resulted in providing solid information to Congress, subsequently used in making an official approach to Hanoi in 1980."*

— *Remarks of Lt. Gen. Richard Lawson, USAF, "on behalf of the Chairman of the Joint Chiefs of Staff, Gen. David C. Jones," as delivered before the National League of Families on June 28, 1980. (U)*

*"Chairman Guyer: General, back in the June 27 hearing of this subcommittee,*

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*which was a public hearing in which the Vietnamese mortician testified, he said that he had seen and handled 400 sets of remains in Hanoi...Does the DIA still consider his testimony valid? Gen. Tighe: I stand by the testimony at that time. I stand by him as a credible witness."*

- *Transcript of Hearing of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs with Director, Defense Intelligence Agency, Lt. Gen. Eugene Tighe, on December 2, 1980. (U)*

*"Admiral Paulson: ...a Vietnamese mortician provided information, which we judged to be valid, that the Vietnamese have in their possession the remains of approximately 400 U.S. military men lost in the Vietnam War...we have spent a considerable effort to establish the mortician's authenticity; he clearly was a Government mortician...Chairman Solarz: Do we believe that his report is accurate with respect to the remains? Admiral Paulson: Yes."*

- *Transcript of Hearing of the House Foreign Affairs Subcommittee on Asian and Pacific Affairs with Admiral A. G. Paulson, Assistant Vice Director for Collection Management, Defense Intelligence Agency, on March 22, 1983. (U)*

*"We remain convinced that the Hanoi government does have the remains of U.S. servicemen lost in Vietnam. In November of 1979, information was received that the Vietnamese Government had in its possession the remains of more than 400 U.S. military personnel who were lost as a result of hostilities in Indochina. This information was furnished by a mortician who observed the stored remains and reported that he personally prepared the skeletal remains of many of these U.S. personnel. We know that he was a Government mortician, we have additional evidence that supports his contention, and he indicated no deception on a polygraph. We consider his testimony valid in spite of our inability to determine precisely where the remains may now be held."*

- *Statement of Lt. Gen. James A. Williams, Director, Defense*

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*Intelligence Agency, before Congress on July 14, 1983. (U)*

*"We put the mortician through every proof and cross-check that we could possibly run, and there's no doubt in my mind that he was not only very truthful, but also what he reported was very accurate."*

(b)(1)

(b)(3) NatSecAct

— *Remarks by former DIA Director, Lt. Gen. Tighe, as quoted in First Heroes, p.92, published 1987. (U)*

*"We have found information from this source, a Vietnamese mortuary technician, reliable and have consistently maintained so."*

*aside, our own estimates regarding the numbers of U.S. remains collected and stored by Hanoi are well within the range of acceptable error for the rough firsthand estimates provided by this source. His estimates are also consistent with information from members of the VNOSMP regarding how many remains they collected. Moreover, they are backed up by other less well placed sources, information in Vietnamese records, and U.S. forensic analysis of repatriated remains."*

— *Memorandum to Director, Defense Intelligence Agency, signed by Deputy Assistant Secretary of Defense for POW/MIA Affairs on June 30, 1998. (S)*

Additionally, Secretary of State Cyrus Vance approached Vietnamese officials in writing on February 7, 1980, and it was explained to SRV officials at the time that the mortician was "believed to have had sufficient access to information about MIAs to warrant our asking Vietnamese leaders about his allegations."<sup>45</sup> (U)

Moreover, relevant Congressional committees that looked into this matter as far back as 1980 also considered the mortician to be a "highly credible source" who

<sup>45</sup> SecState cable, Subject: Meeting with Vietnamese on MIAs, dated February 12, 1980

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"convincingly reported" information that was judged to be "significant and reliable."<sup>46</sup> (U)

The source was also deposed at length by the bipartisan Senate Select Committee on POW/MIA Affairs in December, 1991, and further determined to be reliable.<sup>47</sup>

The record with respect to the reliability of this source could not be more clear. Moreover, it stood unchallenged by the Intelligence Community until I made a request to the Director of Central Intelligence in the spring of 1996 for the 1987 Special National Intelligence Estimate (SNIE) on Hanoi and the POW/MIA issue to be processed for declassification, as it should have been under an Executive Order from President Bush in July, 1992 and NSC memoranda to the DCI (done at the urging of a Senate resolution), which encompassed such documents. That SNIE had contained judgments, based in part, on the mortician's testimony.<sup>48</sup>

<sup>46</sup> American Embassy Bangkok cable, Subject: CODEL Wolff press conference transcript, dated January 15, 1980; and transcript of House Foreign Affairs Subcommittee on Asian and Pacific Affairs hearing, dated June 27, 1980. (U)

<sup>47</sup> Final Report of the Senate Select Committee on POW/MIA Affairs (Rpt. 103-1), p.288-289, January, 1993. Note: Sen. Bob Smith was present at the deposition of the mortician, and heard his testimony first-hand. (U)

<sup>48</sup> See letter from Sen. Smith to Director of Central Intelligence, dated June 10, 1996. Copies of referenced Executive Order, Senate Resolution, and NSC instructions to DCI are attached to this letter. That request was initially denied because of CIA and National Intelligence Council concerns about the "uncertainty inherent in judgments on some of the key issues addressed in the estimate" (1987 SNIE); as well as concerns that the release of the SNIE might jeopardize U.S. efforts to normalize relations with Hanoi (see CIA letters to Senator Smith dated September 26, 1996, and October 29, 1996, and CIA briefing to Congressional staff, held at House Permanent Select Committee on Intelligence, on November 20, 1996.) The reasons for these denials of my declassification request in 1996 continue to warrant additional scrutiny in my judgment, because of the implications they have for Congressional oversight on intelligence matters. My request eventually resulted in the NIO for East Asia conducting his own study, later released in October, 1996 alongside the declassified 1987 SNIE, in which he claimed that the SNIE's judgment that Hanoi had warehoused 400 to 600 sets of American remains was "based on limited direct evidence whose reliability was open to question." That judgment, however, did not represent a

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Based on the testimony cited above, it is obvious that the NIE's claim that the mortician was an "unreliable source" who provided "unsupported testimony" is demonstrably false. This judgment in the current NIE should, therefore, be immediately retracted by the Intelligence Community (IC), because the IC has already attested to the reliability of the mortician. (§)

NIE STATEMENT: *"We have no evidence that the Vietnamese presently are storing remains of American dead...The Vietnamese Government collected and stored remains during the Vietnam War, but we do not know how many." (p.18) (§)*

ASSESSMENT:

Both of these sentences, which appear in the same paragraph in the NIE, would seem to each contradict the other. If the IC has established that Vietnam collected U.S. remains during the war, and concedes not knowing how many, then it is logical to assume that there is a possibility that Hanoi could still be holding remains, *a possibility which is enhanced* in view of the Defense POW/MIA Office assessment provided to DIA on June 30, 1998 that "it is our analysis that in total Vietnam collected and stored some 300 U.S. remains," and the Army Central Identification Lab's estimate that approximately 170 remains repatriated by Hanoi since 1973 show forensic evidence of storage. Based on this discrepancy, and an accurate review of evidence available to the IC, including the testimony of the mortician discussed previously, *it is extremely misleading for the NIE to state categorically that there is "no evidence" that Vietnam is now storing remains of American dead.*

formal retraction of the 1987 SNIE's judgment because the study itself was not approved or coordinated within the Intelligence Community under established procedures for publication of an intelligence estimate, such as the 1987 SNIE. Indeed, the cover page to this study stated "CIA defers judgment on this Assessment to those Community components with expertise and information files on the location, identification, and availability of US remains in Southeast Asia." (It remains unclear which IC components are being referred to in that statement.) (§)

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## NIE STATEMENT:

*"As of March, 1998, 1,565 Americans were listed as unaccounted for in Vietnam (emphasis added)...Of the 1,565, there were 825 confirmed dead at wartime by their commanders and comrades. Subsequent, intensive research by US Government officials has established that half the remainder — about 370 people — are dead. Only 48 are considered to be priority discrepancy cases — that is, cases involving American personnel who were known to be alive, not gravely wounded, and in proximity to the enemy at the time of their loss. Source: DPMO" (p. 19) (S)*

## ASSESSMENT:

The NIE chose to only list the number of unaccounted for Americans "in Vietnam" thereby implying to the NIE consumer that Hanoi's capabilities and performance on POW/MIA cases should be limited to those incidents of loss which took place within the commonly recognized borders of Vietnam alone. This decision ignores the undisputed fact that over 85 percent of American losses in Laos, and many in Cambodia, occurred in areas of those countries (such as the Ho Chi Minh Trail) which were controlled by communist North Vietnamese forces during the war. Once again, the NIE has inserted a misleading statistic, demonstrating its lack of understanding of Hanoi's knowledge of POW/MIA issues, even though such knowledge is demonstrated by Intelligence Community reporting dating back to the war, and has since been confirmed through countless historical documents and publications available to the public at large. (S)

When questioned on this serious omission of nearly 500 unaccounted for U.S. servicemen earlier this year, the NIO for East Asia claimed that the terms of reference for the NIE "did not include Laos, and that was agreed to by the Senate

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Select Committee on Intelligence (SSCI)."<sup>49</sup> There is no record, however, that the SSCI ever indicated that Vietnamese knowledge of American losses in Laos should not be considered under the established terms of reference for the NIE. Moreover, SSCI staff have confirmed to me that there was no such understanding. Indeed, any such understanding would have been ludicrous. (S)

This omission notwithstanding, the statistics cited in the NIE for Vietnam are presented in such a way as to leave the reader to believe that there are only 48 possible POWs still unaccounted for, which would tend to further discredit the numbers cited in the 1205 and 735 documents discussed earlier in this assessment.

(S)

However, a careful analysis of the 1,565 statistic broken down in the NIE reveals the following: If you have 1,565 still unaccounted for Americans in Vietnam, and 825 were confirmed dead during the war by their commanders (ie: KIA/BNR), that leaves 740 question marks. The NIE asserts that 370 of this remaining 740 number have been established as "dead" based on further research by US Government officials. That leaves 370 other question marks, of which 48 are cases where there is information the person was alive in proximity to the enemy. Again, these 48 are part of the remaining 370. In conclusion, using the NIE's figures, this means that there are 370 Americans, including the 48, where there is not an evidentiary basis that the individuals died, and their fate is still unknown. (S)

*The NIE fails to point this fact out to the reader, even though the statistics by which such a conclusion can be logically drawn are readily apparent. One of the reasons this distortion by omission is of critical concern is because when one adds to this 370 figure the large number of still unaccounted for Americans in North Vietnamese controlled areas of Laos, the case becomes more persuasive for the claims about the total number of POWs made in the 1205 and 735 documents from Russian archives discussed earlier in this assessment. (S)*

<sup>49</sup> Transcript of Briefing by NIC to U.S. side of Joint U.S.-Russia Commission on POWs and MIAs, p. 39-40, dated June 17, 1998. (S)

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## NIE STATEMENT:

*"We also have credible reports that US POWs were not transferred out of Vietnam. General Volkogonov told the U.S.-Russian Commission on POWs and MIAs that his delegation had uncovered no evidence that US prisoners had been transported from Vietnam to the USSR...K.F. Katushev, former Central Committee Secretary..., told US interviewers that he would have known if US POWs were transferred to the USSR. He believes no such transfers occurred." (p.24) (S)*

## ASSESSMENT:

The NIE's account of the information provided by the above Russian sources is inaccurate or lacking in important detail. This view has been expressed by the Joint Commission Support Directorate at DoD, and it is one with which I agree, by virtue of my direct involvement with these matters as US Chairman of the Vietnam War Working Group of the Joint U.S.-Russia Commission on POWs and MIAs. (S)

First, as is noted in the NIE statement above, Russian Gen. Volkogonov said that "his delegation *had uncovered no evidence*" of a transfer (emphasis added). The absence of evidence, however, is not proof that an event did not take place. The NIE, therefore, is wrong to characterize Volkogonov's statement as a "credible report that US POWs were *not* transferred out of Vietnam." This is especially true in view of Gen. Volkogonov's testimony on this specific question before the U.S. Senate Select Committee on POW/MIA Affairs on November 11, 1992 in which he stated, "Hypothetically, we cannot dismiss the possibility that several individual American servicemen were taken to the Soviet Union from Vietnam or Korea." (S)

More importantly, after Volkogonov made the above-quoted NIE statement about having uncovered no evidence, Volkogonov received a very serious indication that a transfer might have taken place during the Vietnam War era, and he writes about

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this indication in a brief autobiographical sketch dated August, 1994. This notation, which specifically mentions the existence of a KGB plan to transfer Americans in the late 1960s, was discovered by my Commission staff in February, 1998, and was immediately shared with the NIE principal author. It is the subject of high-level approaches by the US Government to the Russian Government at the present time. (Indeed I personally pursued this matter during my own visit to Moscow in early 1998) The existence of this notation by Volkogonov makes clear that by 1994, Volkogonov himself had serious misgivings about the transfer issue. He referenced it as "a secret which I was unable to penetrate." Yet, in view of this evidence shared with the NIC earlier this year, the NIE omits any reference to it, and instead, by doing so, misrepresents the views of Gen. Volkogonov. As such, the NIE statement, on its face, is both inaccurate and seriously incomplete. (S)

With respect to K.F. Katushev, identified in the above-quoted NIE statement as having provided a "credible report that US POWs were not transferred," the record of this interview, which was arranged at my request in July 1997 during a visit to Moscow, does not support the NIE statement. First, the NIE falsely cites Katushev as an example of testimony from a Russian "who served in Vietnam during the war, and would have reason to know." In point of fact, although he traveled to Hanoi just once to negotiate an agreement with the North Vietnamese, Katushev did not serve in Vietnam. He worked in Moscow as a CPSU Central Committee Secretary during the Vietnam War. (S)

Second, Katushev actually stated "he would have known if US POWs were transferred to the USSR." Our Commission, however, has frequently heard the claim "I would have known", during routine interviews with former Soviet officials displaying an inflated view of their own importance. Based on Commission investigations to date, we continue to believe that any covert, highly sensitive GRU or KGB operation to remove any American POWs from Southeast Asia to the former USSR would have been known to only a handful of Soviet officials. It is unlikely that a Central Committee Secretary would have been one of them. In any event, Katushev's claim that he would have known is assuredly *not* a "credible report that US POWs were *not* transferred out of Vietnam." (S)

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**NIE PHOTOGRAPHS:**

*The NIE contains only two photographs, both provided by the U.S. Army Central Identification Laboratory (CILHI) in Hawaii, and both found in Part One under Discussion. One, on p. 25 of the NIE, is labeled "Having made the ultimate sacrifice, a veteran returns home with full military honors." The other, on p. 18, is labeled "A recovery team excavates the site of a B-52 crash just outside Hanoi, Vietnam." (S)*

**ASSESSMENT:**

I question why an undated photograph of a casket draped with an American flag being escorted across a runway at Hickam Air Force Base in Hawaii has any direct relevance to Vietnam's intentions, performance, or capabilities on the POW/MIA issue, thereby justifying its inclusion in a National Intelligence Estimate, especially since such events have transpired for nearly 25 years with respect to Vietnam. Likewise, I question the need for a photograph of a crash site excavation. Neither of these photographs, labeled Figure 1 and Figure 2 in the NIE, but not specifically referenced anywhere in the text of the report, shed light on an intelligence estimate of Hanoi and the POW/MIA issue.

If the NIE had included photographs of the alleged 1205 author, Gen. Tran Van Quang, or the alleged 735 author, Hoang Anh, both of whom have met with US officials, then the inclusion of such photographs would have had credible relevance to the subject at hand. But instead, we are treated to pictures which hardly seem directly germane to the estimate's terms of reference. I find such action by the NIC troubling, especially when there is no precedent for such action with respect to other NIEs. (S)

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### III DETAILED ASSESSMENT OF NIE STATEMENTS: (continued)

#### Discussion. (P.26):

#### *Part Two: Intelligence Community Assessment of the "1205" and "735" Documents*

"With respect to the Russian documents, given the serious potential implications of these documents, I am sure you would agree that we must accord them the most careful analysis in the context of all other known information. In doing so, we must of course, avoid the mindset to debunk, but we also have a responsibility to provide our best analysis of the facts."

— William Jefferson Clinton  
President of the United States<sup>50</sup>

"I assure you that I remain personally and deeply committed to the most thorough and objective review possible of these important issues. I intend to monitor closely the NIE process and the Community's examination of the GRU (1205/735) documents and related issues...I will assure rigorous review of the final NIE draft by the Military Intelligence Board, which I chair, and the National Foreign Intelligence Board, on which I sit."

— Patrick M. Hughes  
Lieutenant General, US Army  
Director, Defense Intelligence  
Agency<sup>51</sup>

<sup>50</sup> Letter from President Clinton to Senator Smith, dated December 10, 1993. (U)

<sup>51</sup> Letter from Lt. Gen. Hughes to Senator Smith, dated December 11, 1997. (U)

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Tran Van Quang (above)  
Reported by GRU as 1205 Author

Hoang Anh (below)  
Reported by GRU as 735 Author



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NIE STATEMENT: *"...we believe the assessment released by DoD remains valid: that is, the documents were probably collected by the military intelligence department of the former Soviet Union (GRU), but are not what they purport to be (emphasis added)" <sup>52</sup> (p.26) (8)*

ASSESSMENT:

If the documents are "*not what they purport to be*" — ie: reports by North Vietnamese officials to North Vietnam's leadership during the Vietnam War which is what Russian officials continue to maintain, and Western scholars and other credible individuals continue to affirm — then what are they? This question becomes critical for one to even consider accepting the NIE's judgment, especially given Vietnam's assertions that the documents are Russian fabrications, and their denials that they would have themselves fabricated such a report to pass to the Russians during the war, in addition to the NIE's conclusion that the documents were probably collected by Soviet military intelligence. The lack of any serious, in-depth discussion of this question reflects one of the most serious shortcomings in the NIE itself. The NIE has failed to bridge in any meaningful way this gap in the Russian and Vietnamese statements concerning the 1205/735 documents. By failing to address this question, and especially in view of the many NIE inaccuracies and shortcomings outlined in this section, the NIE's judgment that the documents are *not*

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<sup>52</sup> The assessment referred to was released by DoD on January 24, 1994. The principal author of this earlier assessment was Robert Suettinger, who at the time worked on the National Intelligence Council as Deputy NIO for East Asia, (See Task Force Russia Memorandum for Record, Sub: Meeting on Analysis of VN-1205 Document, 24 May 93). Mr. Suettinger currently serves as NIO for East Asia, and it was under his auspices that the *current* NIE was prepared, as noted on the NIE's cover page. In a meeting with Senator Smith in November, 1997, Mr. Suettinger had pledged that his principal deputy preparing the report, [ ] would be given (b)(3) CIAAct complete discretion to draw different conclusions than Mr. Suettinger had previously drawn on the 1205/735 documents, and that Mr. Suettinger would footnote any objections he might have to any conclusions drawn by [ ] which differed from Mr. Suettinger's earlier conclusions in (b)(3) CIAAct the previous report. No such footnotes appear in the current NIE. (8)

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*what they purport to be cannot be accepted as credible or convincing. (S)*

NIE STATEMENT: *"The work of the Intelligence Community was the basis for a news release by the Assistant Secretary of Defense for Public Affairs, entitled "Recent Reports on American POWs in Indochina: An Assessment." (footnote-p.26) (S)*

ASSESSMENT:

This statement is incomplete, misleading, and factually inaccurate. The referenced assessment released by DoD in 1994 hardly constituted a formal or official Intelligence Community (IC) product by any established standard or precedent. By stating that the work of the Intelligence Community was "the basis" for the assessment, the NIE footnote cited above misleads the reader into believing that this was an officially-coordinated community-wide assessment, performed by the IC alone in 1993/94, which it most certainly was not.<sup>53</sup> Indeed, the product was tasked by an Acting Deputy Assistant Secretary of Defense as a document *to be prepared for release to the general public* in response to the controversy generated by release of the 1205 document in Russia in April, 1993.<sup>54</sup> Indeed, in directing the tasking, the Acting Deputy Assistant Secretary had also stated "there are many things wrong with the document...goal is to produce an unclassified report which could be released to the mass media." (S)

The input from portions of the IC appears to have been prepared in less than 30 days and was limited to the 1205 report alone.<sup>55</sup> The input hardly proceeded from

<sup>53</sup> The bipartisan inquiry by the Senate Select Committee on Intelligence (SSCI) in April, 1997 concluded that the 1205/735 documents had not been the subject of a formal Intelligence Community review. (U)

<sup>54</sup> Memorandum from Acting Assistant Secretary of Defense (POW/MIA Affairs), Subject: Single Assessment of Russian POW/MIA Document, dated May 21, 1993. (U)

<sup>55</sup> Task Force Russia Memorandum for Record, Subject: Meeting on Analysis of VN-1205

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an *objective* baseline. Indeed, the input was prepared following the first meeting to discuss preparation of the referenced tasking noted above. At this first meeting, the then-Deputy NIO for East Asia, Robert Suettinger (under whose auspices the current NIE was drafted) reportedly stated that the document "contained so many inaccuracies that it could not be what it purported to be, a report by a Deputy Chief of the North Vietnamese General Staff to the North Vietnamese Politburo. According to Mr. Suettinger, the tone of the document was wrong, the Politburo would not be addressed in the manner of the 1205 document, Gen. Quang was not in the position claimed for him by that document, the numbers of US POWs mentioned could not be correct...<sup>56</sup>" All of Mr. Suettinger's reported pronouncements, made prior to any serious IC analysis, amazingly became the core of the IC's final input to the 1994 DoD-released product, and even the current NIE. (S)

Additionally, the portions of the referenced 1994 DoD-released product concerning the 735 document appear to have been drafted by the Office of the Assistant Secretary of Defense for International Security Affairs' Defense POW/MIA Office in October, 1993.<sup>57</sup> In view of the above, the very limited work performed by elements of the IC was not "*the*" basis for the assessment. (S)

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Document, 24 May 93, dated May 25, 1993 (*note*: this was the first meeting to discuss preparation of the assessment requested by Dep. Asst. Secretary Ross), and National Intelligence Council Memorandum from Kent Harrington, National Intelligence Officer (NIO) for East Asia, to Ed Ross, Acting Asst. Secretary of Defense for POW/MIA Affairs, forwarding the "final product," Re: on Recent Reports on American POWs in Indochina, dated June 21, 1993. (U)

<sup>56</sup> Ibid.

<sup>57</sup> See Office of the Assistant Secretary of Defense for International Security Affairs' Defense POW/MIA Office Newsletter, Subject: Russian Provide New Document About US POWs in Vietnam, dated October, 1993, distributed to all Senators by Sen. John Kerry by letter dated October 12, 1993. (*Note*: the contents of the analysis about this new document — ie: the 735 report — are virtually identical to the product referenced in the NIE which was released by DoD on January 24, 1994.)

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Active participants in the drafting process were drawn from non-intelligence community entities, especially OSD/ISA's Defense POW/MIA Office and, to a lesser extent, Army's Task Force Russia. Only DIA, CIA, and State I&R participated from the IC.<sup>58</sup> The other elements of the IC, such as NSA, FBI, and the intelligence elements of the four military services, did not participate. Thus, the assessment included input from some *elements* of the Intelligence Community, but *not* the Community as a *whole*, and it was never coordinated as such, or even presented as such to either the Military Intelligence Board, the National Foreign Intelligence Board, or other officials within the Intelligence Community. (S)

NIE STATEMENT: *"The 1,205 figure was 669 more than the highest number the US Government ever believed might be held captive..." (p.26) (S)*

ASSESSMENT:

The NIE judges that 536 American POWs (1,205 minus 669) constitutes "*the highest number the US Government ever believed might be held captive.*" One assumes that the NIE is referring to Americans held captive as of September, 1972, the date of the 1,205 report. In any event, the NIE statement is demonstrably false and misleading as shown by previous testimony by former U.S. Government officials (see pages 36-38) and 1973 Intelligence Community reporting and assessments (see footnote #40). (S)

Following the return of 591 American POWs during Operation Homecoming in February and March, 1973, there remained 1,363 Americans listed as missing in action. This figure did *not* include over 1,100 additional Americans who had been declared killed in action/body not recovered by their wartime commanders as of

<sup>58</sup> Task Force Russia Memorandum for Record, Subject: Meeting on Analysis of VN-1205 Document, 24 May 93, dated May 25, 1993; and Office of Assistant Secretary of Defense (Public Affairs) release, p.1, dated January 24, 1994. (U)

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1973.<sup>59</sup> In May, 1973, DoD decided to maintain an official position, and so testified to Congress, that "we do not know whether those 1,300 MIAs now unaccounted for are alive or dead."<sup>60</sup> (U)

Moreover, in late 1972/early 1973 (prior to Operation Homecoming), there were over 1,950 Americans who were either possibly captured or known captured in Southeast Asia (1,363+591 returned).<sup>61</sup> The figure 1,950 is obviously much larger than the 536 number of US POWs ever believed to have been captured during this time frame as asserted by the NIE. In addition to the testimony of former US officials referenced earlier (footnote #37), the Senate Select Committee on POW/MIA Affairs received additional testimony in 1992 that the list of "potential POWs" compiled by US intelligence in 1972 consisted of up to 1,000 to 1,600 names.<sup>62</sup> Again, based on these facts, the NIE judgment — that 536 Americans was

<sup>59</sup> See letter to the Chairman of the House Armed Services Committee from Deputy Assistant Secretary of Defense for International Security Affairs, Dr. Roger E. Shields, dated March 31, 1975, p. 9 and 12. (Entire letter is contained as Enclosure for the Record of the Hearing of the Senate Select Committee on POW/MIA Affairs, September 24, 1992, p. 835-849.) (U)

<sup>60</sup> See Memorandum for Assistant Secretary of Defense for International Security Affairs, Subject: Current PW/MIA Issues, signed by Dr. Roger E. Shields, dated May 24, 1973 — "I have said that we have over 1,300 American MIAs who were unaccounted for, and that this meant that we had no information to show conclusively that a man was either alive or dead. I am scheduled to testify on the MIA issue...With your concurrence, I will maintain the position that we do not know whether those MIAs now unaccounted for are alive or dead." Dr. Shields furthered testified at the referenced hearing on May 31, 1973, "As for those who are thought to have been captured alive, but who have not been returned, let me say that this is perhaps the most agonizing and frustrating issue of all." (U)

<sup>61</sup> On January, 28, 1974, Dr. Roger E. Shields, Deputy Assistant Secretary of Defense, again testified before the Senate Foreign Relations Committee that "At the time of the signing of the (Paris) agreement, the United States listed over 1,900 Americans as captured or missing...While we are profoundly grateful for the return of the men (at Operation Homecoming), our joy and sense of accomplishment are tempered by the fact that over 1,300 others listed by our Government as missing and captured did not return." (U)

<sup>62</sup> See testimony and deposition of Col. Lawrence Robson, Gen. Eugene Tighe, and Adm.

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the highest number of POWs ever believed to have been captured — is substantially inaccurate. (§)

NIE STATEMENT: *"Russian recollections are hazy on whether the "1205" document was allegedly written in Vietnamese. General Volkogonov, advisor to President Yeltsin, thought he remembered seeing an original Vietnamese version. In any event, no Vietnamese version of the document has been located."* (footnote, p.26) (§)

ASSESSMENT:

This NIE statement is misleading, incomplete, and inaccurate. It contradicts credible information provided to the principal author of the NIE during the estimate's drafting stage. Specifically:

- The Chief of the GRU in 1994, General Ladygin, whose agency acquired the 1205 and 735 documents in 1971 and 1972, stated in writing to me in June, 1994 that "The translation of the report was actually done by the Main Intelligence Directorate (GRU) of the General Staff and sent to the CPSU Central Committee in November, 1972...*The original report in the Vietnamese language* (emphasis added) was destroyed after translation in accordance with the document handling procedures established by the GRU of the General Staff."<sup>63</sup>
- This GRU authoritative statement was confirmed by the current Chief of the GRU in a meeting with myself and the Chairman of the Senate Select

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Thomas Moorer, as referenced on page 78 of the Final Report of the Senate Select Committee on POW/MIA Affairs, dated January, 1993 (Senate Rpt. 103-1). (U)

<sup>63</sup> Letter to Senator Bob Smith from Chief, GRU of the General Staff, Russian Armed Forces, Colonel General F. Ladygin, dated June 30, 1994. (U)

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Committee on Intelligence, Senator Shelby, in Moscow on July 1, 1997. During that meeting, General Korabelnikov cited General Ladygin's letter, asking us "to pay close attention to the words in his letter." He then amplified on that letter, in response to my questioning, stating, "The translation was indeed performed in the GRU in Moscow in 1972. But, unfortunately, we no longer have the Vietnamese language version."<sup>64</sup>

- Moreover, the GRU cover pages to each of these two documents, prepared in 1971 and 1972, clearly state "translated from Vietnamese into Russian."<sup>65</sup>
- Additionally, Russian officials and the GRU cover sheet itself indicate that the translations were done in Moscow.<sup>66</sup>

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<sup>64</sup> Memorandum for the Record, Subject: Meeting Notes: CODEL Smith/USRJC - Kokoshin/Korabelnikov, July 1, 1997, 4:45 p.m. - 5:45 p.m., Russian Ministry of Defense. (U)

<sup>65</sup> See Appendix to this Assessment for copies of complete English translations of the 1205/735 GRU acquisitions from North Vietnam. (U)

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Based on the above, the NIE statement cannot be accepted. There is no doubt or haziness on the Russian side that an original Vietnamese language version of the 1205 GRU acquisition, in fact, existed at one time. Whether it was in written or recorded form prior to translation into Russian, is irrelevant in the context of a footnote about whether it *ever* existed, which appears to be the point of inserting the footnote in the first place. A side question for the U.S. Government is whether it might *still* exist. The NIE is silent on this issue. The more pressing issue, however, in view of the credible testimony of the noted Russian officials above, is why the Vietnamese position, that no original version existed, has not been aggressively challenged by the U.S. Government. (S)

## NIE STATEMENT:

*"Since the original examination of the document by the Intelligence Community in 1993, interviews with Russian officials who were knowledgeable about the (1205) document continue to validate the claim that it is an authentic GRU document and not a Russian fabrication...While supporting the authenticity of the document, none of the Russians claimed that the figure of 1,205 POWs was accurate." (p.26) (S)*

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In this section, quoted above, the NIE lists [redacted] Russians as having commented on the authenticity of the 1205 document since 1993, and there is no caveat that

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these are *only* examples, as was done elsewhere on different subjects in other portions of the NIE. Inexplicably, the NIE *neglected* to include statements by other key Russian officials since 1993 which were provided to the principal NIE drafter in early 1998. These other Russian officials commented on *both* the authenticity *and* the number of POWs referenced in the document itself (see footnote #35). Had these other officials been included, the NIE could *not* have judged that none of the Russians attested to the credibility of the number of POWs referenced in the document. (S)

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More importantly, even if the NIE judgment is limited to the [ ] individuals referenced in this section of the NIE, the judgment is *still* inaccurate, because one of those individuals, GRU Captain A.I. Sivets, in fact, *did* comment on the accuracy of the numbers in the document (see footnote #38). He further "emphatically" stated, during an interview with U.S. officials in October, 1997, that "the Vietnamese would not have deceived themselves at a closed Politburo session; they might have provided inaccurate information in press releases or in their negotiations with the Americans, but they would have no reason to do so within closed sessions of their political leadership."<sup>68</sup> (S)

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In addition, another of the [ ] was more directly associated with and knowledgeable about the GRU's acquisition of the "735" document, than the "1205" document. While [ ] did provide some pertinent information about the acquisition of the 1205 document; he was directly involved with the acquisition of the 735 document; and had *verified* that the 735 number tracked generally with GRU figures at that time on the number of American pilots held by Hanoi. Yet the NIE fails to reflect any understanding of this fact by not even mentioning [ ] in the following section on "new information" pertaining to the "735" document (see p.30). (S)

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<sup>68</sup> Memorandum for the Record, Subject: Meeting with Captain First Rank A.I. Sivets, dated October 14, 1997, p.3 (U)

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NIE STATEMENT: *"General Volkogonov, in statements to the press in 1993, expressed doubt about the reliability of the numbers."*  
(p.27) (S)

ASSESSMENT:

I knew General Volkogonov personally for several years prior to his unfortunate death in late 1995. Throughout 1993 and in the two years that followed, General Volkogonov consistently maintained, both publicly and privately, that only the Vietnamese knew about the reliability of the numbers contained in the report. He personally had no basis for doubting the figures and, at the same time, could not vouch for the figures — but at the same time, he maintained, "I personally don't doubt at all the authenticity and the genuine character of this document," as he told CNN on April 14, 1993. In that same interview<sup>69</sup>, Volkogonov speculated on whether the Vietnamese author of the 1,205 report had reported accurate figures to his own North Vietnamese leadership, but then emphasized "one has to ask that man in Hanoi, was he telling the truth when preparing this report. We in Moscow in our commission have no answer to that question." (U)

Moreover, Volkogonov told the *New York Times* in Moscow on April 21, 1993 when challenged on the numbers, "True, I cannot guarantee that this (the 1205 document) content is a true reflection of past reality. Only the Vietnamese can know this." He later stated in December, 1994, "I have studied exhaustively the mechanism used to gather this document, and I can state that I do not know of any case where such information would have been fabricated...North Vietnamese General Quang (1205 author) was fully competent to give this report." (U)

Based on these facts, previously made available to the principal author of the NIE, it is extremely misleading to then cite General Volkogonov, based on unspecified

<sup>69</sup> A transcript of Volkogonov's interview with CNN was made available to the NIC by the SSCI earlier this year. My office had prepared the transcript in 1993 after obtaining from CNN directly the tape of the full interview which, incidentally, never aired. (U)

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press reports, as somehow vindicating the NIE's judgment that the 1205 number is not accurate. (S)

NIE STATEMENT: *"A TASS correspondent who served in Vietnam during the period (1972), V. Kobchev, stated that the (1205) numbers were too high." (p. 27) (S)*

ASSESSMENT:

In addition to the staff at the Joint Commission Support Directorate, I, too, have serious reservations about the value of the testimony of journalists, considering how remote is the chance that they would have been privy to reliable information on these sensitive issues. The NIE itself, on p. 23, claims "those Russians who were in Vietnam during the war have stated that the Vietnamese, sensitive about sovereignty, did not allow the Soviets to be involved in interrogations of American POWs." If the NIE's assertion is that Soviet military officials could not get close to American POWs, then it strains credulity to accept the NIE's implied assertion that a TASS journalist could have had access to reliable information on how many POWs were, in fact, held by Hanoi. Moreover, although Soviet and other Eastern European journalists were routinely invited to staged press conferences with selected US POWs in Hanoi, these POWs had all been previously acknowledged by Hanoi as being held. Thus, while journalists were privy to information about POWs being used for propaganda purposes, they were not in a position to reliably estimate how many POWs were, in fact, captured by North Vietnamese forces during the war. Citing them in a NIE only degrades the evidentiary base the NIE is unsuccessfully trying to build. Finally, it should be noted that the Joint Commission Support Directorate at DPMO, responsible for coordinating POW/MIA-related interviews with Russian officials since the Commission's inception, has no record of the interview cited in the NIE. (S)

NIE STATEMENT: *"One interviewee, V.V. Dukhin, who served...in Hanoi*

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*from 1992 to 1995, said that the former DCM in Hanoi, I.A. Novikov (now deceased) told him he was aware of the 1205 document when it was acquired ...he (Novikov) stated that the GRU agent who acquired the document was not reliable." (p.27) (\$)*

**ASSESSMENT:**

A review of the diplomatic roster for the Soviet Embassy in 1971 shows that Novikov occupied a junior attaché, non-military, position in the embassy. As such, he would have been unlikely to know anything about GRU military intelligence operations in Hanoi, and certainly nothing about the GRU's most sensitive agents. (S)

More importantly, it is bewildering that the NIE would choose to include mention of this interview, but not include amplification of the more germane comments by GRU Capt. A.I. Sivets on this very topic, even though he is mentioned briefly on the previous page (p.26), and his full testimony was provided to the NIC in early 1998. Capt. Sivets, who researched this matter within the GRU, in his capacity as the GRU representative to the Joint U.S.-Russia POW/MIA Commission since 1992, told US officials in October, 1997, that:

- The 1205 document was received from a Vietnamese agent of the GRU who provided the GRU with a number of materials during the war, which were judged to be reliable.
- The GRU performed two assessments of the source's reliability. In 1993, GRU Chief General Ladygin ordered a review of the activity and reliability of the agent. Based primarily on an assessment of the agent that was performed at the beginning of the 1970s, the agent was judged to be "reliable," that everything with this agent "was in order" and the agent was "working for us."
- The GRU assessment had also determined that the information received from

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this agent was first-hand information and accurately reflected the internal political situation in North Vietnam.

- Sivets further told US officials that "the GRU would never have sent this information to the Communist Party of the Soviet Union (CPSU) Central Committee if there had been any doubt about the reliability of the information provided by this agent."<sup>70</sup> (S)

It is further bewildering that the NIE would not mention the relevant testimony on this specific subject by K.F. Katushev, who is also mentioned briefly on another matter elsewhere in the NIE, and whose full testimony was provided to the NIC in early 1998. Katushev, former USSR Central Committee Secretary in charge of Maintaining Ties with Other Socialist Countries in the early 1970s, told US officials during my visit to Moscow in July, 1997 that the GRU had "good channels and connections" and he had no reason to doubt that the 1205 document was not what it purports to be. He also noted that the document contained new information that was worthy of the attention of the Soviet Communist Party leadership.<sup>71</sup> (S)

Finally, the NIE makes no reference to the views of noted Russian and American scholars on Vietnam issues, with regard to this specific point, even though this information was made available to the NIC. For example, Ilya Gaiduk, interviewed by DoD officials on October 8, 1997, elaborated on the claims in his book<sup>72</sup> that

<sup>70</sup> Memorandum for the Record, Subject: Meeting with Captain First Rank A. I. Sivets, Moscow, October 14, 1997, p.4, signed by Roger Schumacher, Senior Analyst, Joint Commission Support Directorate, DoD (U)

<sup>71</sup> Joint Commission Support Directorate, USJRC/DPMO, Report of Interview with Konstantin Katushev, dated July 1, 1997. *Note: Katushev's own handwriting from 1972 appears on the 1205 document found in Soviet Central Committee archives in 1993. In his note, he requests additional information for the Soviet leadership on American POWs held by North Vietnam.* (U)

<sup>72</sup> Gaiduk is the author of *The Soviet Union and the Vietnam War*, Ivan R. Dee Publishers, Chicago, 1996. (U)

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Soviet intelligence penetrated the highest leadership organs of the North Vietnamese Government during the Vietnam War. He claims that the Soviets had reliable sources with direct access to persons who either participated in North Vietnamese Politburo sessions or were privy to the content of these sessions. In addition, Harvard researcher, Mark Kramer, has indicated that a published memoir of a former GRU official speaks of the GRU having penetrated the North Vietnamese Politburo during the war. (S)

As such, the inclusion in this NIE of Dukhin's second-hand account about what Novikov allegedly recalled, *at the exclusion of more relevant testimony from more knowledgeable Russian officials and others as noted above*, is evidence of extremely shallow analysis by the principal author of the NIE. To make Dukhin's hearsay report the only reference in the entire NIE that explicitly pertains to the "reliability of the GRU agent" is extremely misleading to the NIE reader. (S)

NIE STATEMENT: *"Vietnamese officials continue to claim the report is a fabrication." (p.27) (S)*

ASSESSMENT:

What is the point? That Vietnamese communists officials are telling the truth? Therefore it's a fabrication? As discussed previously, the NIE fails to assess this Vietnamese claim in any meaningful way. Rather, the NIE merely states Hanoi's position with respect to the Russian documents, and in doing so, states it in an inaccurate and incomplete manner, as shown below. Moreover, at no place in the estimate is there an assessment of whether Hanoi has, in the judgment of the Intelligence Community, *performed within its capabilities* in producing evidence to prove its claim. This is a critical shortcoming in the NIE itself, especially in view of the NIE's title - *Vietnamese Intentions, Capabilities, and Performance concerning the POW/MIA Issue*. (S)

Perhaps more important is the fact that while Vietnamese officials have consistently

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claimed to *American officials and the press at large* that the 1205 document is a 'complete fabrication,'<sup>73</sup> they have apparently *not* made any such claim in the course of several discussions on the matter *with Russian officials*, the contents of which have been reliably reported to US officials. [REDACTED]

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<sup>73</sup> See Interim Analysis of 1205 Document, by Sen. Smith to Amb. Toon, July 21, 1993, section entitled "Reaction by Vietnamese Officials" contains extensive quotes in media by Vietnamese officials, along with commentary by Hanoi publications. The most recent reported denial took place during a meeting between Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs) Robert Jones and Vietnam's Vice Minister of Defense, Tran Hanh, during a luncheon in the Executive Dining Room, Lounge 1, at the Pentagon, on October 5, 1998. Hanh reportedly stated that "the Russian documents are complete fabrications." (U)

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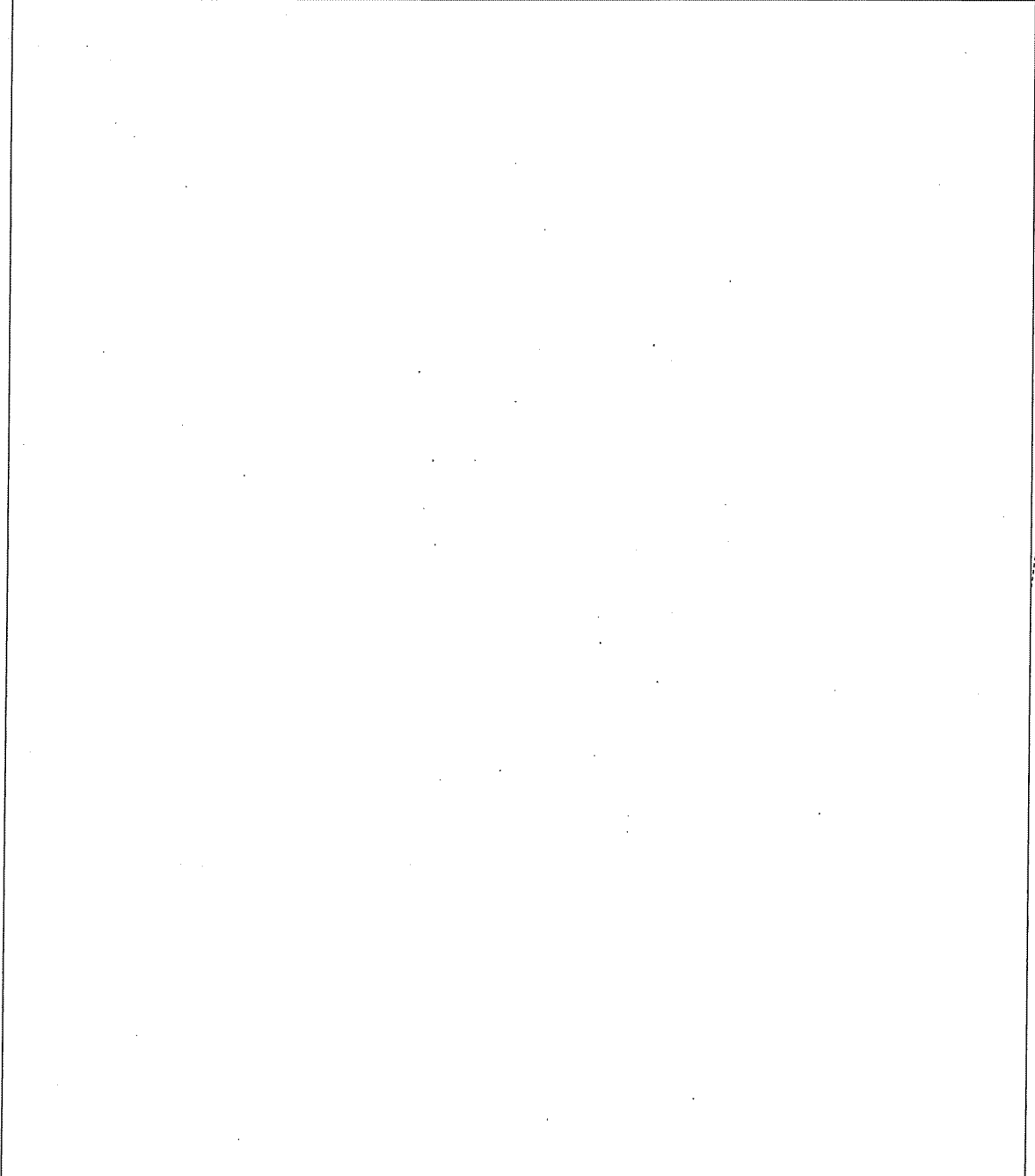
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NIE STATEMENT: *"None of the new information helps to confirm the accuracy of the 1205 report." (p.27) (S)*

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This statement is factually inaccurate. As previously demonstrated, the information provided by GRU Capt. A.I. Sivets [REDACTED] briefly referenced in the NIE under the heading "*New Information*" — does, in fact, *help to confirm* that the 1205 document was an *accurate* representation of the political-military situation in North Vietnam in 1972. So does the information provided by former USSR Central Committee Secretary Katushev, and two Chiefs of the GRU -- Generals Ladygin and Korabelnikov -- in 1994 and 1997. In short, since 1994, the GRU has expressed its confidence in both the authenticity and the reliability of the information in the 1205 report. To ignore this evidence implies that the GRU being confident enough in the information it acquired in 1972 to forward it to the Soviet Central Committee (whose own official viewed it with confidence) is somehow *not* helpful information in judging whether the 1205 report could have

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been accurate. For the NIE to assert such an argument is absurd. (S)

NIE STATEMENT: *"Quang's<sup>75</sup> responsibilities as a battlefield commander in a combat situation make it unlikely that he would be brought to Hanoi to report on issues that were not within his scope of responsibility...Quang claims he remained with his troops during the (Easter Offensive) period and could not have been in Hanoi for a 15 September Politburo meeting...He (Quang) argues plausibly that he would not have been the one to deliver such a report because the issue would not have been handled by a regional military commander." (p.27-28) (S)*

ASSESSMENT:

This NIE judgment is *contradicted* by substantial evidence originated by or made available to the Intelligence Community prior to and during the drafting of this estimate. This includes information which indicates Quang was hardly just a battlefield commander with a scope of responsibilities limited to his battlefield command position, (who would have had to have been "brought to Hanoi") but rather was a top leader in the communist North Vietnamese hierarchy during the Vietnam War. As examples —

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Quang was elected a secret alternate member of the Lao Dong (North Vietnam's Communist) Party Central Committee and of the Central

<sup>75</sup> North Vietnamese Lt. General Tran Van Quang, now Chairman of the Vietnamese War Veterans Association (elected in November, 1992), was reported by the Russian GRU in 1972 to be the North Vietnamese author of the "1205" report acquired by the GRU and dated September 15, 1972. (U)

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Military Affairs Party Committee (CMAPC), and held those positions from 1960 until 1976. Quang was noted publicly in these positions in 1974, but as a member, vice 'alternate' member. Quang's membership on the CMAPC is significant because the CMAPC ran the war under Politburo guidance, and supervised the General Political Directorate of the VPA, which had responsibility for the handling and exploitation of US POWs.<sup>76</sup> (S)

18 This information is corroborated by a U.S. Joint Public Affairs Office

<sup>76</sup> Note: The Central Committee of Vietnam's Communist Party was the elite governing body of North Vietnam consisting of the country's leadership positions. The Military Affairs Committee of the Party Central Committee (CMAPC), who Secretary was Politburo member General Vo Nguyen Giap, was charged with conducting the war itself, and has been referred to as "second only to the Politburo as the center of decision making in the DRV..., and more important than the National Defense Council in terms of DRV policy making" (See *Basics of Power in the DRV*, Vietnam Documents and Research Notes, #107, p.7-8, published October, 1972). Quang's membership in the CMAPC, which also reportedly included certain non-military Politburo members such as Le Duc Tho (Kissinger's counterpart in Paris), makes him one of the most powerful and influential figures in North Vietnam during the war. Additional background on the Central Committee role during the war, and specifically its Military Affairs section, can be found in *The Party in Command: Political Organization and the Viet Cong Armed Forces*, Vietnam Documents and Research Notes #34, published May, 1968, which includes notes from captured COSVN documents, for example, "The Central Committee establishes the Party Central Military Affairs Committee (including a number of Central Committee military and non-military members) to help it in its leadership of the People's Army. The General Political Directorate is placed under the Central Committee, which to some extent, delegates its power to the Party Central Military Affairs Committee... Thus, the Central Committee directly decides upon major affairs related to the armed forces. The Party Central Military Affairs Committee, which exercises command over the armed forces under the direct leadership of the Central Committee, is a part of the Central Committee... These facts show the supreme power of the Central Committee over the armed forces. The Central Committee exerts direct control of the armed forces in all fields, particularly in ideological matters. To help the Central Committee, there has been established a large political organ, the General Political Directorate which works under the supervision of the Central Committee and the Party Central Military Affairs Committee." Additional information on the key role played by both the Party Central Military Affairs Committee and the Party's Political Bureau (ie: Politburo) can be found in the Communist publication, *Our Great Spring Offensive*, by General Van Tien Dung, Chief of Staff, Vietnamese People's Army, 1977. (U)

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(JUSPAO), American Embassy Saigon, listing from July, 1972 listing Quang as a member of North Vietnam's Communist Party's Central Military Affairs Committee and a Deputy Chief of Staff of the Vietnamese People's Army (VPA)<sup>77</sup>. (U)

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<sup>77</sup> Note: The Russian GRU cover pages to the 1205 document, and another report by General Quang in 1972, also note Quang's title as "Deputy Chief of the General Staff of the Vietnamese People's Army." Interestingly [redacted] General Quang functioned as Deputy Chief from as early as 1954 to at least 1968, and then again from 1974 to 1982, leaving in doubt whether Quang still had that title between 1968 and 1974. (January, 1974 was the date Quang was first identified again publicly as Deputy Chief of Staff, according to FBIS reports). However, as noted, U.S. records did still carry him with that title in July, 1972, and again in a Vietnam Document and Research Note dated 1973. (S)

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• [redacted] two of Quang's aliases or pseudonyms were *Bay Tien* and *Tran Nam Trung*.<sup>78</sup> While Quang's use of the alias *Bay Tien* has been acknowledged by Hanoi in recent years<sup>79</sup>, Quang's use of *both* aliases is a dramatic disclosure, corroborated by other reporting, which lends credence to Quang having been "probably the most powerful single individual in the entire communist apparatus in South Vietnam"<sup>80</sup>, as well as a key military and political leader in North Vietnam's Communist Party. The reasons for this are multifold and noteworthy (S) —

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- Accorded to the captured notebook of senior North Vietnamese Communist Party Central Committee member and high ranking PAVN official "Muoi Khan"<sup>81</sup>), obtained by U.S. forces in 1967, Quang

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[redacted] For open source biographic material on Quang's alias names, "*Tran Nam Trung*," and "*Bay Tien*," see *Vietnam Courier*, No. 29, p.19, October, 1974; *The Communist Road to Power in Vietnam*, Duiker, 1996, p. 198, 210, and 399(n32); *International Yearbooks of Communist Affairs, 1969-1973*; *Vietnam Documents and Research Notes*, studies published by the U.S. Mission in Vietnam during the war. (S)

<sup>79</sup> Memorandum for Record, Defense POW/MIA Office Research and Analysis Directorate, dated March 11, 1997 (see translated enclosures). (U)

<sup>80</sup> *The Communist Party of South Vietnam, A Study*, published by the United States Mission in Vietnam, Saigon-Vietnam, March, 1966, p. 25. (U)

<sup>81</sup> The document was captured by the Fourth U.S. Infantry Division on March 30, 1967, during Operation Junction City II. It is described as the notebook of "Muoi Khan, appointed Chief of the Administrative Staff of the Military Affairs Committee for COSVN in 1961." *Note*: According to the communist Hanoi publication, *Tho vao Nam (Letters to the South)*, published in 1985 by Su That Publishing House in Hanoi (p. 311), "Muoi Khang" was the alias for Lt. Gen. Hoang Van Thai, a Deputy Chief of Staff of the VPA and Vice-Minister of Defense (Feb. 1961), who was a member of the Vietnam Workers (Communist) Party Central Committee in Hanoi, including the CC's Military Affairs Committee, as well as "Assistant Secretary of the Regional Party Military Affairs Committee of the Central Office for South Vietnam." The contents of the notebook are discussed in detail (including the identification of Bay Tien as Tran Van Quang and

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(referenced in the notebook under his alias Bay Tien) was one of two high-ranking communist North Vietnamese officials instrumental in the reestablishment in 1961 of the Central Office for South Vietnam (COSVN<sup>82</sup>), ie: North Vietnam's Communist Party's southern branch

his reporting to North Vietnam's Politburo) in Vietnam Documents and Research Notes #40, *The Central Office of South Vietnam*, published by the American Embassy, Saigon (JUSPAO), dated August, 1968, p. 5, 21, and 23.

<sup>82</sup> COSVN, and its relation to the PRP and NLF is discussed and identified in various wartime and postwar U.S. Government studies and records, in addition to other academic publications, as — (1) "officially set up as the top command post for all communist activities in South Vietnam. It is responsible for both control of political affairs and direction of Viet Cong military activities. Through interlocking organization and concurrent assignments, COSVN members guide the People's Revolutionary Party (PRP), the National Liberation Front (NLF) and all other elements of the infrastructure and the South Vietnam Liberation Army. COSVN itself is subordinate to Hanoi and reports directly to officials there. It is the forward headquarters of the Vietnam Workers' Party (Lao Dong) of the North. The key leaders of COSVN are members of the Central Executive Committee or Politburo of the Northern Party...COSVN appears to have fairly direct access to the Hanoi Politburo...At the time COSVN was recreated in 1961, it became the central organ for the Southern Branch of the (Communist North's) Lao Dong/Workers' Party. When the People's Revolutionary Party (PRP) was established on January 1, 1962, COSVN then became the Central Committee of the new party for the South with its highest leaders making up the Standing Committee of the PRP. Establishment of the PRP was a tactical maneuver appropriate to Hanoi's strategy of depicting the revolution in South Vietnam as a movement strictly indigenous to the South." see VDRN #40, August, 1968, p.1-2 and 5; (2) "The PRP Central Committee frequently is referred to as the Central Office, South Vietnam (COSVN). The implication of this usage sometimes is that the Central Office is organizationally and geographically separated from the Central Committee of the NLF, but the PRP at all times works through the Front and is not separate from it. The PRP is referred to by communist sources as the vanguard of the NLF, the soul of the NLF. Its pipeline into North Vietnam was by means of the Lao Dong Party (North Vietnam's Communist Party) apparatus, and the party itself appears to be its chief sponsor in Hanoi...Captured Lao Dong cadre documents state "the creation of the People's Revolutionary Party is only a matter of strategy...it is a means of...advancing the plan of invasion of the South...it has only the appearance of an independent existence, but actually, it is nothing but the Lao Dong Party (of North Vietnam), the chief of which is President Ho...take care to keep this strictly secret, especially in South Vietnam so that the enemy does not perceive our purpose...According to instructions of the Central Committee, one must not tell the people or

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(top command post or forward headquarters for the South), also known as the People's Revolutionary Party (PRP) headquarters beginning in January, 1962, and the headquarters for the National Liberation Front (NLF) established in December, 1960 (in essence, the PRP was the backbone of the NLF, the leadership of which constituted a Secretariat known as COSVN under the North's Central Committee and Politburo direction). (U)

- Quang, according to this information, had become in late 1961, the head of COSVN's (ie: NLF) Military Affairs Committee (in addition to being a COSVN member), simultaneously serving as executive officer and NLF representative of the People's Liberation Armed Forces (PLAF), (also established in 1961 with COSVN serving as its headquarters). Other intelligence reporting corroborates Quang's early involvement with COSVN's Military Affairs Committee and the PLAF.<sup>83</sup> (S)

party sympathizers that the People's Revolutionary Party and the Lao Dong (Communist Workers) Party of (North) Vietnam are one. One must not say that it is only a tactic, because it would not be good for the enemy to know." see *The Communist Party of South Vietnam, A Study*, published by the U.S. Mission in Saigon-Vietnam, March, 1966, p.3-25; and (3) "The top COSVN leaders were all Party veterans with a history of loyalty to the organization. At the end of each year, a leading COSVN member attended a Politburo meeting in Hanoi to consult with Party leaders and receive directions for future strategy in the South. In early 1962, Hanoi decided to set up a southern branch of the VWP, the People's Revolutionary Party, or PRP. The PRP was initially described as an independent party with no formal connections with the VWP in the North. This was a fiction designed to avoid identification of the southern movement with the Party leadership in the North. In reality, the PRP was directly subordinate to the parent organization in the DRV through COSVN." *The Communist Road to Power in Vietnam*, Duiker, 1996, p. 230. (U)

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A DIA biographic summary, forward to the Army's Task Force Russia in April, 1993 states, "In 1960...just as his important

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- Also, according to the information from the captured notebook, *Quang* was reported to be preparing and sending reports directly to the Central Committee of the Communist (Lao Dong/Workers') Party in North Vietnam. (U)
- Quang was subsequently reported, under the alias Tran Nam Trung, in 1963, 1964, and thereafter, to still be the NLF representative of the PLAF, and the head of the NLF's Military Affairs Committee, but also the Secretary General of the PRP, and a Vice-Chairman (or Vice-President) of the NLF's Central Committee Presidium -- all of whose entities, as previously noted above, were created and directed by North Vietnam's Communist Workers'/Lao Dong Party (VWP) in Hanoi, even though Hanoi's involvement was kept secret at the time for propaganda reasons (hence the need for Quang's alias name).<sup>84</sup> (S)
- Quang's stature as Secretary General of the North's party apparatus in the South (ie: the PRP)<sup>85</sup>, while simultaneously serving on the North's

military staff and political positions were being recognized, he received assignment to become Commander of the South Vietnam Liberation Army and concurrently a member of the Military Committee of the Central office for South Vietnam"; official communist publications in Hanoi, dated November 21, 1992, and December 12, 1992, state "When the war of liberation of the South was developing, he (Quang) was appointed Member of the Military Committee of COSVN..." (S)

<sup>84</sup> *The Communist Party of South Vietnam, A Study*, U.S. Mission in Saigon-Vietnam, March, 1966, p. 4, 17, and 25; Vietnam Documents and Research Notes #41, *The Leadership of the National Liberation Front (NLF)*, p. 1-4; August, 1968; International Yearbook of Communist Affairs, Hoover Institution Press, Stanford University, 1971, p. 689, 1972, p. 597; Vietnam Documents and Research Notes #105, *People's Revolutionary Party*, p. 24, June, 1972. (U)

<sup>85</sup> As discussed in a preceding footnote, and amplified here, the establishment of the PRP in 1962 was the outcome of Hanoi's judgment that there was a need to provide more effective leadership and organization to the National Liberation Front (NLF) of South Vietnam, founded on December 20, 1960. Captured NLF cadre documents made clear that the PRP was to be "the

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elite Central Military Affairs Party Committee, is significant because it further established Quang as Hanoi's senior military and political figure for military operations and party activities in the war effort in Central and South Vietnam. Interesting, when a biographic note on Quang was published in Hanoi in 1985<sup>86</sup>, it did reference Quang as having been the Vietnam Communist (Lao Dong/Workers') Party Secretary of the Tri-Thien-Hue Region Party Committee and Commander of that same Military Region, in essence, a significant part of the same area that was under the COSVN (PRP/NLF) apparatus, thus verifying Quang's stature both politically and militarily in the various roles cited above. (8)

- When the leaders in Hanoi, through clandestine direction, established the Provisional Revolutionary Government (PRG) for the South in 1969 under direct COSVN guidance, *Quang, again under the alias of Tran Nam Trung, became the PRG Defense Minister*, a position he concurrently held, along with his other reported ongoing positions, through 1972 during the timeframe of the 1205 report.<sup>87</sup> Interestingly,

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paramount organization" which would be "responsible for the leadership of all other organizations, the liberation associations, the mutual aid associations, as well as for the leadership of all the people who would overthrow the old regime for the sake of the new." (Quoted in *Viet Cong*, by Douglas Pike, M.I.T. Press, Cambridge, Mass, 1966, p. 40.) "The PRP is, in fact, the southern branch of the Vietnam Workers' Party (Lao Dong VWP) of North Vietnam" (International Yearbook of Communist Affairs, 1970, p. 714.) (U)

<sup>86</sup> Memorandum for Record, Defense POW/MIA Office Research and Analysis Directorate (see translated enclosures), dated March 11, 1997. (U)

<sup>87</sup> See Vietnam Documents and Research Notes published by North Vietnam Affairs section, JUSPAO, American Embassy, Saigon, #60, June, 1969, p.2; #66, September, 1969, p. 21; #101, January, 1972, p. 13 and p. 27; #105, June, 1972, p.v, 7, 8, 13, and 24; #111, April, 1973, p. 7, 10, 12, and 40-42; and International Yearbook of Communist Affairs, Hoover Institution Press, Stanford University, 1970, p. 721; 1972, p. 597; 1973, p. 573; and *Le Monde*, Paris, November 25, 1972. (U)

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in its public pronouncements, communist liberation radio referenced the PRG as having been formed from representatives of many of the same geographic areas which at the time comprised Quang's concurrent battlefield command areas in the North Vietnamese Army. Quang's alias name, Tran Nam Trung, is also referenced in a North Vietnamese postwar memoir as having been present, along with Le Duc Tho, in clandestine strategy sessions in the South for the final offensive against Saigon in 1975<sup>88</sup>, which again attests to Quang's stature in the North Vietnamese leadership structure. (S)

- According to an American Embassy, Saigon, assessment in June, 1972, "...PRG-NFL leaders probably have resided in Hanoi for a protracted period...many of the national figures may be assumed to have been in Hanoi, as of May, 1972. Some may be with NVN troops in the northern-most provinces of the Republic of Vietnam, others with COSVN."

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[redacted] lends plausibility to Quang making presentations before NVN leaders, possibly gathered in Hanoi, in December, 1970/early January, 1971 (as the 735 report alleges); in February, 1972 (as Quang himself concedes); in June, 1972 (as the Russian GRU claims), and again in September, 1972 (as the Russian GRU claims, ie: the 1205 report). (S)

- It also bears noting that NVN ralliers reported during this same time period that PRG Defense Minister "Tran Nam Trung" was "in fact, a senior officer of the North Vietnamese People's Army and an alternate member of the Central Committee of the Vietnamese Workers' Party<sup>89</sup>," — descriptions which match that of Tran Van Quang.

<sup>88</sup> See *Our Great Spring Victory*, by North Vietnamese Army Chief of Staff, General Dung, p. 150-151, published 1977. (U)

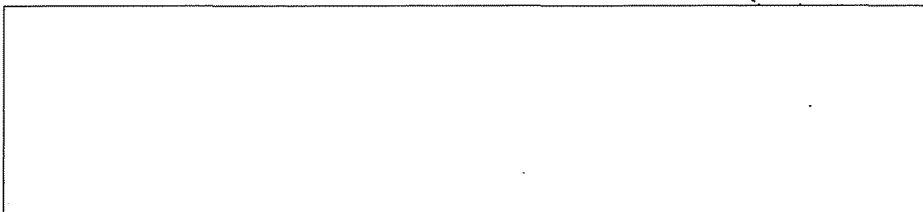
<sup>89</sup> Vietnam Documents and Research Notes, *The Provisional Revolutionary Government*

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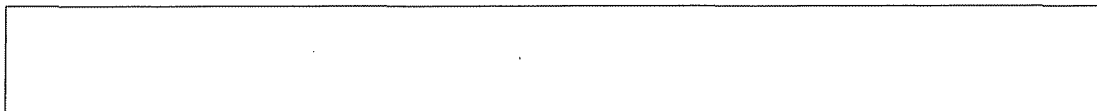
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- According to the 1970/71 so-called "735" report obtained by the Russian GRU in 1971, during the course of his remarks, Hoang Anh states, in two instances, that Comrade General Tran Van Quang would be reporting to the North's Vietnam Workers' (Communist) Party Central Committee in greater detail concerning plans in South Vietnam "on behalf of the Vietnam Workers' Party Central Committee Military Section and the VPA Command in South Vietnam." The reference to Quang in this manner lends credence to the significant responsibilities held by General Quang referenced above, to include under his reported alias. (S)
- According to an April, 1993 Defense Intelligence Agency study of General Tran Van Quang's background, it was "completely plausible that a person of his distinguished command background, and eminent political standing, would be the person who could offer a political thesis to the politburo which involved further future aggressive moves for takeover of the South and

(PRG), North Vietnam affairs section, JUSPAO, American Embassy, Saigon, January, 1972, p. 13. (U)



<sup>91</sup> *Tho vao Nam (Letters to the South)*, Edited by Duc Luong, et al., Su That Publishing House, Hanoi, p. 311-314, 415, re: reference to Gen. Tran Van Quang in August, 1972 as alternate member of the Central Committee of the Viet Nam Workers Party, published 1985, subsequently obtained by Defense Intelligence Agency, and translated by Defense POW/MIA Office Research and Analysis Directorate on March 8, 1997. (U)

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political arguments advocated for the toughest deal to be made with the American negotiators.<sup>92</sup> (U)

- According to official communist Vietnamese documentation — published in 1985 by the Vietnamese Government's Su That Publishing House in Hanoi and subsequently obtained by the Defense Intelligence Agency — "Comrade Tran Van Quang" is identified as "alternate member of the Central Committee of the Viet Nam Workers Party (Vietnamese Communist Party)" *as of August, 1972.*<sup>93</sup> (U)
- Former North Vietnamese Sr. Colonel Bui Tin, identified General Tran Van Quang as someone who would have been knowledgeable about the subject of American POWs, and possible Russian involvement, 16 months *prior* to the surfacing of the 1205 document from Russian archives.<sup>94</sup> (U)
- According to the Russian Federation —
  - General Quang, even though he served in command of the 'Fourth Military District,' "was frequently sent to South Vietnam to evaluate

<sup>92</sup> Defense Intelligence Agency Special Office for Prisoners of War and Missing in Action unclassified fax with enclosure, sent to Task Force Russia, Department of the Army/USRJC, dated April 29, 1993. (U)

<sup>93</sup> Memorandum for Record, Defense POW/MIA Office Research and Analysis Directorate, dated March 11, 1997 (see translated enclosures). (U)

<sup>94</sup> See letter from Bui Tin to Senate Select Committee on POW/MIA Affairs, dated December 16, 1991. In a subsequent interview with US officials in 1997, as noted in the NIE, Tin indicated he thought it was plausible that Quang could have reported to the Politburo, and that Quang could have gone by helicopter to Hanoi to make a report, and that this would not have been an unusual practice. The fact that this latter testimony was referenced in the NIE makes it strange that the NIE would then judge that circumstantial evidence makes it "unlikely Quang would be brought to Hanoi." (S)

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activities and returned to deliver reports to the Politburo.”<sup>95</sup> (U)

- “General Tran Van Quang, according to the position he held in the Vietnamese military political leadership in 1972, was *fully competent in the matters stated in the report and qualified to speak about them at Politburo sessions of the Vietnamese Worker's Party Central Committee*,”<sup>96</sup> (U)
- “This number (1205) was announced by Quang at a closed Politburo meeting. As an archivist and someone who has analyzed a great many documents, military and otherwise, I can tell you that this is an absolute truth,”<sup>97</sup> (U)
- According to interviews conducted by US officials, several Russian and other Eastern European representatives, stationed in Hanoi during the Vietnam War, have reported having known or met General Quang during their assignments, to include seeing him in Hanoi in 1972, and vacationing with him and his wife in 1968 at the Soviet Union's Black Sea resort of Sochi (Quang was reportedly “requested” by the Soviet Government to vacation there);<sup>98</sup> (U)

<sup>95</sup> See Memorandum for Task Force Russia, Subject: Vietnamese General Tran Van Quang, “Summary: General Volkogonov stated that...Quang had a special relationship with the Politburo and made reports to them. While Quang was not officially appointed Deputy Chief of the General Staff until sometime in 1974, Volkogonov said, he functioned earlier in his special relationship.” Volkogonov further described what he was passing to the U.S. side as “the latest information from the GRU,” dated July 2, 1993. (U)

<sup>96</sup> See letter from General F. Ladygin, Chief of the GRU of the General Staff of the Russian Armed Forces to Senator Bob Smith, dated June 30, 1994. (U)

<sup>97</sup> Statement by Dr. Rudol'f Germanovich Pikhoya, Chief State Archivist of the Russian Federation, August, 1995. (U)

<sup>98</sup> For examples, see Defense Intelligence Agency messages containing Joint Commission Support Directorate interviews dated December 6, 1996; March 7, 1997; April 24, 1997; June 12,

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- According to the GRU and other Russian officials, General Quang authored at least two additional presentations made by him to sessions of the North Vietnamese leadership, one in 1970, (the contents of which have not yet been disclosed to US officials by the Russian Government) and the other dated June 26, 1972<sup>99</sup> — in the middle of the so-called “Easter Offensive,” (the contents of which were briefly shared with US officials in July, 1993, and were subsequently judged by DoD to be “an authentic text of a PAVN report that, based on its content, could have been prepared by Gen. Tran Van Quang. DoD further judged that “most of the information in the text of that document is historically accurate.”<sup>100</sup>) (U)

1997; and January 29, 1998. The June, 1997 report, and interview with former USSR Central Committee Secretariat official Yevgeniy Glazunov, refers to the Black Sea 1968 visit — Glazunov accompanied Quang on this visit. (see DIA 120707Z Jun 97). Additional interviews have taken place since publication of the NIE in classified form in April, 1998, which further confirm this point. For example, see DIA 020147Z, Jun 98, Subj: Interview with former USSR Central Committee International Department official, Anatoliy Voronin. (Note: Voronin served as Quang’s interpreter during the Black Sea visit). Also, the communist Polish Press Agency correspondent in Hanoi in 1972, Ryszard Rymaszewski, has told US officials that he met Gen. Quang in Hanoi when he stumbled into a meeting in 1972 of “top Vietnamese military brass to include Quang, the Vietnamese being rather irritated by his presence.” It was also Mr. Rymaszewski’s opinion that “since Quang was a key member of the military, he would have had the opportunity to address Politburo sessions and meet with American POWs.” (U)

<sup>99</sup> See Interim Analysis by Senator Bob Smith to Ambassador Malcolm Toon, dated July 21, 1993; Memorandum for Task Force Russia, Subject: Vietnamese General Tran Van Quang, dated July 2, 1993; GRU translation of the so-called 1970/71 “735” report wherein author Hoang Anh references a report to the plenum by Gen. Quang; and Joint Commission Support Directorate Moscow office correspondence to Russian officials, dated February, 1997. (U)

<sup>100</sup> Memorandum for Record, Subject: Assessment of a Text Purported to be a Translation of a 26 June 1972 Speech by PAVN Lt Gen Tran Van Quang, Research and Analysis Directorate, Defense POW/Missing Personnel Office, dated March 11, 1997. (U)

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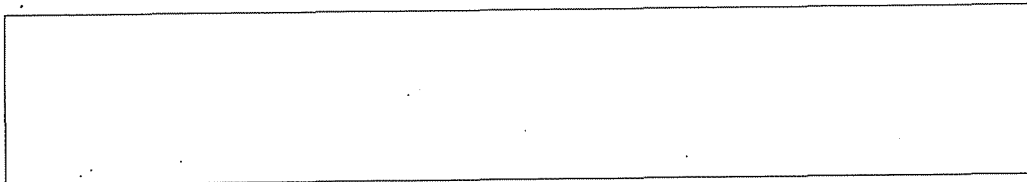
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- According to the text of the Russian GRU translation of the so-called 735 report (a speech by North Vietnamese Communist Party Central Committee Secretary Hoang Anh during the war), General Quang was one of 10 individuals selected by the Politburo to serve on an organization committee for preparation of the Communist Party's Fourth Congress — other individuals on the list of 10 included the top NVN leadership, (Le Duan, Pham Van Dong, Truong Chinh, Pham Hung, Le Duc Tho, etc...) <sup>101</sup> This reference to Quang among these comrades adds considerable merit to the argument that Quang was a top-ranking North Vietnamese political and military figure during the war. (U)

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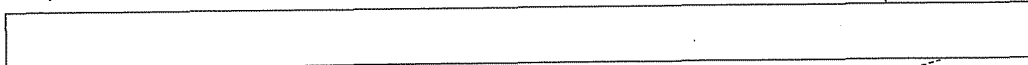


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According to the former US Government official who headed the US POW/MIA Office in Hanoi in 1991 and worked Vietnam issues for over 20 years, "LTC Quang was a former Political Commissar, a former deputy head of the General Political Directorate (GPD), a former director of the Military Security Department, a former member of the National Defense Council, a former head of the South Vietnam Liberation Armed Forces, a former Deputy Secretary of the COSVN Military Affairs Committee, a former member of the Military Affairs Committee of the Party Central Committee, and a former Chief of the Enemy Proselytizing Department. That being the case, it is highly unlikely that LTC Quang does not possess significant information relative to US POW/MIA." <sup>103</sup> Interestingly, this same official identified Gen.

<sup>101</sup> See p. 19 of English translation of the 735 report obtained by the Russian GRU. (U)



<sup>103</sup> Letter to Deputy Assistant Secretary of Defense for POW/MIA Affairs from Garnett E.

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Quang as a key Vietnamese official who should be interviewed by US officials for US POW information some 16 months *prior* to the surfacing of the 1205 document.<sup>104</sup> (U)

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- General Quang himself authored two reports in 1966, one of which was published in Hanoi on July 7, 1966 — over two weeks after his June 20, 1966 appointment (date indicated in Vietnamese publication<sup>105</sup> [redacted] as Commander of the newly formed B.4 Front (Military Region IV). The substance of both of these reports, which were obtained and translated by U.S. intelligence in 1966<sup>107</sup>, in addition to the timing of the second report, indicate that Quang was quite capable of holding multiple positions in the Vietnamese military and political hierarchy at the same time, and was competent enough to speak across the spectrum of Vietnam War issues with approval of the rest of the Vietnamese leadership. (U)
- Quang himself conceded to US officials in 1993 that, on at least one occasion “in about January-February, 1972,” he had “reported to the North Vietnamese Politburo.”<sup>108</sup> (U)

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“Bill” Bell, former Chief, US POW/MIA Office in Hanoi (1991), dated March 24, 1996. (U)

<sup>104</sup> Letter to US Senate Select Committee on POW/MIA Affairs from Mr. Bell, dated December, 1991. (U)

<sup>105</sup> Memorandum for Record, Defense POW/MIA Office Research and Analysis Directorate, dated March 11, 1997 (U)

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<sup>107</sup> See Central Intelligence Agency Office of Congressional Affairs unclassified transmittals to Senate, dated April 15, 1993, and April 29, 1993, containing the translated text of the referenced reports, prepared by US intelligence (FBIS) in 1966. (U)

<sup>108</sup> See Footnote #105 (U)

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- There is information from Russian and U.S. sources (previously made available to the NIC) that not all 1972 Politburo or Central Committee sessions involving North Vietnam's leadership were actually held in Hanoi, but may have been held in Hoa Binh, North Vietnam.<sup>109</sup> In view of the fact that there is no indication in the text of the 1205 report, that the Politburo session involving Gen. Quang actually took place in *Hanoi*, the NIE's statement that Quang would have had to have been "*brought to Hanoi*" to make his report reflects a failure to take into account other possible meeting locations, which could have been supported by the fact that the city of Hanoi was itself partially evacuated, under the command of Col. Doan Phung, Chief Political Officer for all troops stationed in the capital area, following the heavy U.S. bombing campaign which began in mid-April, 1972 and lasted for several months. (Note: Although it is important to point out these analytical failures in the NIE, in this case, subsequent information received by me in November, 1998 from a Russian intelligence official indicates that General Quang's presentation (ie: the 1205 report) was actually given at a meeting of the Politburo held at the Ministry of National Defense in the Citadel in Hanoi. The receipt of this new and significant information does not, however, negate the NIE's failure, as noted above, based on the information available to the IC at the time of publication earlier this year.) (S)
- In the text of the 1205 report, General Quang reportedly states the topics being covered in his September, 1972 presentation are: (1) the general offensive conducted from March 30<sup>th</sup> (1972) to the present; (2) our errors and deficiencies in the offensive...; (3) positive and negative aspects of the offensive; (4) immediate plans of the enemy, and our operations; (5) analysis of errors permitted in strategic and tactical leadership; (6) our contacts with

<sup>109</sup> Memorandum from Harvard researcher Stephen Morris, enclosing notes taken from USSR document referencing the "expanded meeting of the DRV politburo in Hoa Binh in early October, 1972," dated June 30, 1993; and Memorandum from former US POW/MIA official Garnett "Bill" Bell, Subject: 1972 Meetings of North Vietnamese leadership in Hoa Binh, dated July 21, 1997.(U)

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political figures of South Vietnam from the Saigon regime; and (7) the matter of American POWs captured on the three fronts of Indochina. The NIE claims that these "*issues were not within his scope of responsibility*," however, even the Vietnamese, Quang himself, US intelligence, Russian intelligence, and open source materials, confirm, that at the very least, six of the above seven issues, were, in fact, within the scope of Quang's wartime responsibilities. Quang himself only challenges his reported knowledge on the American POW situation during the war (the 7<sup>th</sup> topic covered in his alleged 1205 report), a challenge which is contradicted by Quang's reported positions noted above, which would have necessitated knowledge of US POW matters.) As such, the NIE statement is seriously inaccurate, incomplete, and misleading. (S)

In view of the preponderance of relevant evidence referenced above, and previously made available to or originated by the Intelligence Community, the NIE judgment that Quang was merely *a battlefield commander in a combat situation who claims to have been with his troops and plausibly argues that he would not have delivered a report like the 1205 document*, is not supported. The judgment is seriously inaccurate and based on shoddy and incomplete research, which, itself, reflects very poorly on the U.S. Intelligence Community. To ignore this overwhelming body of evidence, and not even reference it, is troubling and makes me wonder what the intent of the Intelligence Community is with respect to this analysis. This is especially disturbing because an assessment of this document was one of the two main taskings for this Estimate. (S)

Finally, although the NIE itself notes that Quang's recent statements to US officials, denying involvement with the 1205 report, are "marred by implausible statements", it fails to point out the most glaring, and perhaps directly relevant, example which should cause anything Quang or the SRV Government alleges about the 1205 report, and the fate of American POWs, to be viewed with great skepticism.

[REDACTED]  
[REDACTED] This fact is also confirmed by a postwar

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Communist publication.<sup>110</sup>

It is equally doubtful that General Quang — who has occupied since 1992 the prestigious Hanoi-based Party controlled post of Chairman of the Vietnam War Veterans Association (the association's "honorary" chairman is General Giap<sup>112</sup>) — would admit any such involvement with these matters. Indeed, the fact that Quang now holds this distinguished position, next to Giap himself, casts even further doubt on the NIE's minimizing of Quang's career, as of the date of the 1205 document.

(S)

<sup>110</sup> See *Our Great Spring Victory* by North Vietnamese Army Chief of Staff, General Dung, Monthly Review Press, New York, 1977, p. 104. (U)

<sup>111</sup> See *Vietnam* by Karnow, p. 276-279; *Inside Hanoi's Secret Archives* by McConnell, p. 271; *The Encyclopedia of the Vietnam War* by Kutler, (under "Hue"). For denial by General Quang, see *Vietnam, A History*, by Stanley Karnow, 2<sup>nd</sup> Edition, 1997, p.543, "Revisiting Vietnam in 1981 and again in 1990, I was able to elicit little credible evidence from the Communists to clarify the episode. General Tran Do, a senior Communist architect of the Tet offensive, flatly denied that the Hue atrocities had ever occurred, contending that films and photographs of the corpses had been "fabricated." *I heard the same line from General Tran Van Quang*, who commanded the Communist forces in the region." (U)

<sup>112</sup> FBIS translations of *Nhan Dan* and *Voice of Vietnam* reports from Hanoi, November, 1992; December, 1992; and December, 1997. The Vietnam War Veterans Association is an entity of the Vietnam Fatherland Front (VFF) which is under the control of the Vietnam Communist Party leadership, as established under Vietnam's constitution of 1960. (See FBIS Daily Report 22 Dec 1997, *International Yearbook of Communist Affairs*, 1972, p. 591, and *Vietnam Documents and Research Notes*, #103, February, 1972, p. 4, 9.) (U)

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## NIE STATEMENT:

*"The length of the (1205) report would be inappropriate for a Politburo meeting...the purpose of the meetings was to make decisions, not listen to long oral reports." (p.27)*  
(S)

## ASSESSMENT:

The Intelligence Community has provided no reporting to support this bizarre claim.

As proof of this fact, the NIE is only able to vaguely cite the views of one, unidentified, "academic specialist on Vietnam." In light of this, it is inappropriate for the NIE to attempt to make a judgment in this area. [REDACTED]

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[REDACTED] As such, there is no basis for comparing what constitutes an appropriate "length" of a report to the Politburo. If anything, the length of the 1205 report, in fact, tracks with the length of the June, 1972 report by Gen. Quang previously made available to US officials. As such, the NIE judgment does not rest on any solid foundation, and cannot be accepted with confidence. (S)

Moreover, a North Vietnamese Communist publication in 1977 attests to the fact that the Politburo (also referred to as the "Political Bureau") did in fact meet to listen to reports by the Central Military Affairs Party Committee (of which Gen. Quang is reportedly speaking on behalf of in the 1205 document), especially before reaching critical decisions. And that publication also reveals that both the Political Bureau and the Military Committee often met jointly to analyze and reach decisions concerning the war. Politburo members would also sit in on meetings of the Military Committee when reports and assessments were being presented and discussed.<sup>113</sup> (U)

<sup>113</sup> *Our Great Spring Offensive*, by North Vietnamese Army Chief of Staff, General Van Tien Dung, published in 1977. There are numerous references in this publication of the meetings of the Political Bureau and Central Military Committee, including references to instances when "the

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NIE STATEMENT: *"The tone of the report also is inappropriate. A person of Quang's subordinate status would not have lectured the Politburo on what its policies were. Such hard-core revolutionaries as Le Duan, Pham Van Dong, and Truong Chinh probably would not have been spoken to in such manner or have tolerated such language."*  
(p.27,29) (S)

ASSESSMENT:

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The NIE judgment is not supported. As already demonstrated in this assessment, Quang himself was a member of North Vietnam's elite Central Committee, comprised of the political-military leadership of the country, including the Politburo members, and he was also a member of that Committee's Military Affairs section. Quang was just as much a "hardcore revolutionary" as his colleagues referenced in the NIE statement, [REDACTED]

[REDACTED] In addition, his family had a close association with Ho Chi Minh and General Giap and he was also reportedly a close friend of General Van Tien Dung, Chief of the General Staff of the Vietnamese People's Army, and the Deputy Secretary of the Central Military Affairs Party Committee in 1972.<sup>114</sup> (S)

Moreover, Quang states in the 1205 document that he is reporting to the Politburo on the matters outlined in the presentation "on assignment of the Supreme Command, National Defense Council, and the Military Committee of the Politburo." It is certainly plausible that General Giap, who chaired or co-chaired (with Premier Pham Van Dong) these entities as a Politburo member, wanted Quang to report on

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Political Bureau met to hear the Central Military Committee report on the developing situation..."  
(U)

<sup>114</sup> Defense Intelligence Agency study, dated April 29, 1993. (U)

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the referenced matters to the rest of the Politburo membership, to include non-military members of the Politburo such as the Vice-Premier for Economic Issues, and the Vice-Chairman of the National Assembly Standing Committee. There is only one sentence in the entire 25-page translated 1205 report where Quang could possibly be interpreted as "lecturing the Politburo" wherein he states "we condemn individualistic mistaken views current among us on this (the American POW) matter." Quang's use of the word "we" in this sentence, and the fact that he states he is reporting on assignment of entities headed or co-chaired by General Giap, could plausibly have given Quang the cover to have used such language at that point in the report, given the importance of the topic to the military leadership, and the very close working relationship between the Politburo and the Central Military Committee during the war. (U)

Additionally, the NIE itself judges, in a subsequent section (p.31) that "Factionalism and disagreement over policy broke out during the period of collective leadership after the death of Ho Chi Minh (1969)." Why, then, would one sentence in a 25-page report revealing evidence of disagreement before a session of the Politburo in 1972 be implausible? In any event, there is hardly enough compelling evidence for the NIE to judge that "Quang would not have lectured the Politburo"

[REDACTED] (S) (b)(1)

NIE STATEMENT:

*"The timing of the Politburo meeting is questionable. The report supposedly was given on 15 September, 1972, but the Vietnamese claim there was no meeting on that date.*

[REDACTED] " (p. 29) (S)

ASSESSMENT:

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First, while the NIE accurately reflects Vietnam's claim, the claim itself<sup>115</sup> — from a

<sup>115</sup> *The Washington Post* reported from Hanoi on April 19, 1993 that Vietnamese Foreign

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communist regime that to date has produced no evidence to support its claim — is hardly a basis for judging, as the NIE does, that the timing of the Politburo meeting is *questionable*. Indeed, the NIE itself, earlier on p. 27, states that “the Politburo met weekly during this particular period according to an academic specialist.” Why then is a meeting on or around September 15<sup>th</sup> “*questionable*?” Moreover, the NIE statement fails to include additional, pertinent information, previously made available to the principal NIE author, which makes Vietnam’s claim more questionable than the date of the meeting itself. For example, during a subsequent meeting between Foreign Minister Cam and U.S. Senator John Kerry in Hanoi on May 31, 1993, “Senator Kerry requested a copy of the Politburo calendar for that time period, so a comparison could be made. The Vietnamese misunderstood the request, believing Senator Kerry wanted Politburo minutes. They became very upset and almost canceled the rest of the meeting. The misunderstanding was corrected and order was restored.”<sup>116</sup> To date, the Vietnamese, at a minimum, have not produced any tangible evidence to prove their contention that no session of the Politburo was held at the time alleged by the GRU. They have not produced a record of dates on which meetings were held in the Summer/Fall of 1972, nor, as the NIE itself acknowledges in an earlier section, has Hanoi produced any information from Politburo archives that bears on POW/MIA issues. (S)

Second, the fact that the Intelligence Community, according to the NIE, has not been able to “confirm” that such a meeting took place is *not* evidence that the meeting was not held, and therefore, is not a basis for “questioning” whether, in fact, there was a meeting. To accept such a claim as evidence implies that the IC

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Minister Nguyen Manh Cam had stated a day earlier, during a joint news conference with an American delegation headed by General John Vessey, that “records of North Vietnam’s policy-making Central Committee show no Politburo meeting on the date in question.” On April 22, 1993, Hanoi’s state-run Voice of Vietnam issued a broadcast, stating, in part, “There was no meeting of the Politburo on 15 September, 1972.” (U)

<sup>116</sup> Memorandum for the Record, prepared by Vietnam Veterans of America (VVA), June, 1993. (Note: VVA accompanied Sen. Kerry on this trip and attended the meeting with Minister Cam.) (U)

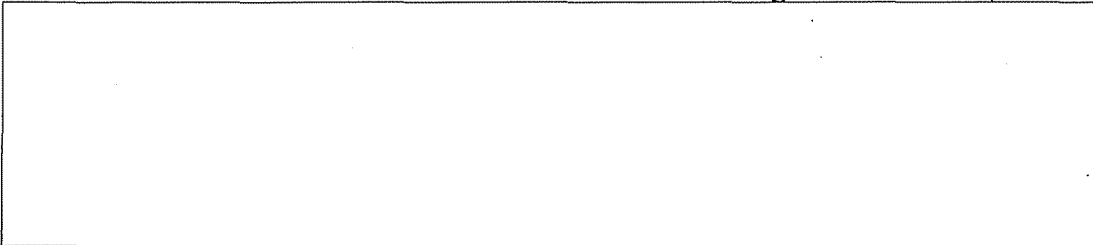
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was somehow omnipresent, having the ability to detect all other meetings of North Vietnam's Politburo during the Vietnam War. Since the NIE does not make any such suggestion, or provide evidence to support such a contention, then likewise, the inclusion of the above statement in the NIE itself is meaningless and unwarranted.



While the NIE claims there was no POW/MIA information in this data, it fails to mention whether there was any reporting on dates and locations of Politburo and Central Committee Military Affairs meetings, or references to Gen. Quang, including under his aliases, which could have a bearing on a thorough assessment of the 1205 or 735 documents.) Were there? (S)

Third, the NIE fails to explore other possible scenarios, such as the suggestion by Russian General Volkogonov, that the date assigned to the 1205 document by the GRU, which is reflected on the GRU cover page to the translated text (ie: September 15, 1972) could have been the date the report was actually *prepared* by North Vietnamese General Quang, not the actual date the report was *presented*.<sup>117</sup>  
(S)

NIE STATEMENT: *"On that day (September 15, 1972), Le Duc Tho, who ranked 5<sup>th</sup> in seniority on the Politburo, was meeting with Henry Kissinger at a key juncture in the Paris peace talks."* (p. 29)  
(S)

<sup>117</sup> Memorandum for the Record, Subject: Conversation between Gen. Volkogonov and Gen Vessey during visit at Walter Reed Medical Center on June 22, 1993, signed by Major General Bernard Loeffke, US Army, Director, Task Force Russia, DoD. (U)

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ASSESSMENT:

In point of fact, the meeting between Henry Kissinger and Le Duc Tho on September 15, 1972 did not represent a "key juncture in the Paris peace talks." The breakthrough in the Kissinger-Le Duc Tho discussions did not come until October 8, 1972.<sup>118</sup> (S)

More importantly, declassified cables and subsequent statements by Dr. Kissinger himself, made available to the principal author of the NIE in late 1997 and early 1998, contradict the NIE's judgment that September 15, 1972 represented a *key juncture* in the Paris peace talks. For example, on September 27, 1972, in a then-Top Secret message from Dr. Kissinger in Paris to Gen. Haig at the White House, Kissinger stated, "There has been no significant progress...we held firm in our basic program, including political questions...in other areas, it emerged clearly both from DRV document and discussions that we remain far apart on a number of major issues..." (S)

Finally, with this statement, the NIE seems to imply that the Politburo would not have met without Le Duc Tho, to discuss military and political strategy concerning the war. If this is not the implication, then the inclusion of this sentence serves no purpose. If this *is* the implication, then the NIE judgment is seriously undermined by the fact that Le Duc Tho was physically located in Paris in early to mid August, mid to late September (to include a few days prior to September 15<sup>th</sup><sup>119</sup>), and early to mid October. To imply that the Politburo would not have met during these periods, and that communication channels with Le Duc Tho were not firmly established between Hanoi and Paris, is simply ludicrous. Moreover, Le Duc Tho had just been present in Hanoi on September 4, 1972 during a wreath laying ceremony marking the 3<sup>rd</sup> anniversary of the death of Ho Chi Minh.<sup>120</sup> (S)

<sup>118</sup> Final Report of the Senate Select Committee on POW/MIA Affairs, p. 507, dated January, 1993 (Senate Rpt. 103-1). (U)

<sup>119</sup> See *White House Years*, by Henry Kissinger, p. 1333-1334 (U)

<sup>120</sup> Vietnam Documents and Research Notes, #107, entitled *Bases of Power in the DRV*, dated

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NIE STATEMENT: *"On that day (September 15, 1972), Quang Tri fell to South Vietnamese forces...Would the Politburo be discussing POW/MIA issues with a general whose forces were defending, and losing, a key city?" (p. 29) (S)*

ASSESSMENT:

As previously discussed, the NIE has produced no evidence, other than a claim by General Quang himself, to substantiate the inference that General Quang was physically located at the B-4 or B-5 Front in September, 1972, with forces reported to be under his command in Quang Tri province, and therefore, not available to meet with a session of the Politburo on September 15, 1972. Moreover, in view of voluminous evidence outlined earlier that Quang's wartime responsibilities transcended his reported battlefield command position, that he reported on several military developments and planned operations in the 1205 report (not just POW issues), and that he might merely have issued instructions to the Front by radio from Hanoi, the NIE has not demonstrated the implausibility of Quang speaking to a session of the Politburo during this time frame. Additionally, Hanoi has produced no contemporary wartime records from September, 1972 which convincingly demonstrate that General Quang was physically located at the Front on September 15, 1972. (S)

Furthermore, the NIE has not convincingly demonstrated that a discussion of US POW matters could *not* have been one of the *many* topics addressed by General Quang, as noted in the 1205 report. In fact, U.S. intelligence reports and studies, interviews with Vietnamese witnesses, and other information made available to the principal author of the NIE in late 1997 and early 1998 indicate that General Quang,

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October, 1972. See p. 2 (U) *Note*: Reportedly, the Party's Central Military Affairs Committee also laid a wreath. As noted earlier, Quang was a secret member of this Committee. It is unclear, at the moment, whether Quang may have been present as well in Hanoi for this ceremony. (U)

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had served as Chief of the Central Committee's Enemy Proselytizing Organization between 1951-1954, and subsequently as Deputy Director of the General Political Directorate (GPD) of the General Staff of the Vietnamese People's Army (PAVN) in charge of the Department of Enemy Proselytizing (EPD). He was also reported to have headed a conference of the EPD in 1963. The Central Committee's Enemy Proselytizing Organization and the PAVN GPD's EPD were those elements of the North Vietnamese Government responsible for the utilization, security, documentation, and exploitation of enemy prisoners. (S)

Moreover, in interviews with US officials in 1993, General Quang himself verified that he had dealt with prisoner of war matters, though he claimed it was only with French prisoners during the French Indochina War. The above information certainly does not prove that General Quang could not have included a discussion of US POW matters in his alleged report before a session of the North Vietnamese Politburo in 1972. Given his prior involvement with prisoner matters, his continuing position as a CMAPC member in 1972 which supervised GPD activities, along with his role as PRG Defense Minister, he certainly had the stature to do so, and would have been privy to, if not directly involved with, details about the status of US POWs captured on all fronts of Indochina. (S)

Finally, although ARVN forces recaptured the Quang Tri provincial capital city on September 15<sup>th</sup> or 16<sup>th</sup>, 1972 (accounts vary on the actual date), the ARVN counterattack to retake the city actually began at the end of June, and had dragged on for some time.<sup>121</sup> And there is evidence from the Russian GRU that Quang reported to the Politburo on June 26, 1972 about the difficulties being encountered, to include "the strong groupings of American and puppet forces currently located

<sup>121</sup> See *Encyclopedia of the Vietnam War, Quang Tri*, Kutler, p. 463. A Communist perspective on the ARVN counterattack battle for Quang Tri is contained in North Vietnamese Army Chief of Staff General Dung's postwar memoir, *Our Great Spring Victory*, p. 45. Dung claims "after successfully defeating enemy counterattacks throughout an eighty-six-day-and-night battle to protect the citadel and the town, in the end we were only able to hold the area north of the Thach Han River." The enemy recaptured Hai Lang district, part of Trieu Phong district, and the ruins of the citadel and town." (U)

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along the fronts, with the groupings in Quang Tri and Dong Ha being the strongest.<sup>122</sup> In view of this, and other supporting evidence previously discussed, it is not implausible that Quang was *not* physically located at the Front during every major military development in the spring-summer campaign. Conversely, it is also plausible that the final ARVN assault on Quang Tri city itself in mid-September caught PAVN forces, and Quang, by surprise, and it could have conceivably happened *after* Quang's presentation to the Politburo. (U)

NIE STATEMENT: *"Although the circumstantial evidence above is not definitive, the content of the (1205) report casts even more doubt on its accuracy." (p. 29) (S)*

ASSESSMENT:

This statement represents one of the most glaring examples of distortion by omission in the entire NIE. The NIE reader is left with the clear impression that the "content of the report" casts doubt on its accuracy. There are no qualifiers to this statement. In fact, nowhere in the NIE is evidence presented which tends to corroborate the content of the 1205 report. Instead, the NIE makes a giant leap from the above statement directly to the next sentence which reads "the portions of the report dealing with the POW issue are inaccurate..." However, the NIE fails to point out other relevant information concerning the accuracy of much of the content of the 1205 report, to include information previously acknowledged as accurate or plausible by elements of the Intelligence Community.<sup>123</sup> Why? As such, the NIE seriously misleads its reader with the above statement, which taken in its totality, is

<sup>122</sup> See Appendix to Interim Analysis by Sen. Bob Smith, dated July 21, 1993 (re: notes taken from GRU report containing translated text of report by Gen Quang to NVN Politburo on June 26, 1972.) (U)

<sup>123</sup> See *Recent Reports of American POWs in Indochina: An Assessment*, p. 2, released by the Department of Defense on January 24, 1994, with input from elements of the Intelligence Community. (U)

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not supported by evidence previously made available to, originated by, or obtained by the Intelligence Community (S). For example —

- Statements by Dr. Henry Kissinger, former National Security Advisor to President Nixon, on the accuracy of portions of the 1205 report:

*"Having read the document carefully, I can only say that the description of the North Vietnamese government policy toward the South and the North's position on negotiations with the United States conforms with what we knew to be their position at the time."*<sup>124</sup>

*"When they (General Quang) described what their negotiating tactics were, those were the tactics they were using in negotiating with us...they say in this document that their proposals were first a cease-fire and the overthrow of President Thieu, after which they would use the prisoners to negotiate whatever other concerns they had. Now, as of the date of that document, those were their proposals. A month later they changed it but I could see if you make a report to the Politburo in the middle of September and you want to summarize what the negotiating position is, this was exactly the negotiating position they had as of the date of that document. To be precise, on October 8<sup>th</sup>, about three weeks after this document, they changed their position, but up to that time, they had insisted on exactly the conditions that are in that document..."*<sup>125</sup>

- White House/National Security Council declassified records from 1972 confirm that the U.S. delegation in Paris was privately being told by the NVN delegation during this period precisely the same negotiating position General Quang was referencing before the NVN Politburo.<sup>126</sup> It is further worth noting that neither the content of Quang's report

<sup>124</sup> Letter from Dr. Henry Kissinger to Sen. Bob Smith, dated June 22, 1993. (U)

<sup>125</sup> Transcript of comments by Henry Kissinger, *The MacNeil/Lehrer Newshour*, dated April 13, 1993. (U)

<sup>126</sup> See declassified National Security Council cables, previously made available to the IC; dated August 17, 1972, August 18, 1972, September 26, 1972, and September 27, 1972. (U)

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before the NVN Politburo or the content of the secret US-NVN talks in Paris this same month had been publicly disclosed at the time, but yet they match in many important respects, thereby adding considerable merit to the argument that the 1205 report is genuine.

- The report identifies contacts being made with several South Vietnamese leaders who were known opponents of the regime of President Nguyen Van Thieu and who were reported independently to US intelligence to have had clandestine contacts with representatives from the North.<sup>127</sup>
- The report accurately depicts the circumstances surrounding the surrender of a South Vietnamese unit during the 1972 Easter Offensive, admitting that the North's propaganda had misrepresented the event.<sup>128</sup>
- It predicts an upsurge in terrorist attacks beginning in October, 1972, which was indeed noted in the Mekong Delta region in November.<sup>129</sup>  
(U)

NIE STATEMENT: *"The portions of the (1205) report dealing with the POW issue are inaccurate with respect to how the prisoners were segregated by rank, where they were located, how they were classified, and the conditions of their release." (p. 29)" (S)*

<sup>127</sup> See footnote #123.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid. In addition, the International Yearbook of Communist Affairs (IYCA) for the year 1972 notes that "During 1972, there were approximately 40,000 reported incidents of Viet Cong terrorism — an all time high for the Vietnam War — and it was estimated that over 10,000 additional incidents went unreported (*The New Yorker*, 13 January, 1973)" IYCA, p. 571. (U)

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ASSESSMENT:

Once again, the NIE *asserts* that the portions of the 1205 report dealing with the specified POW issues are inaccurate, but fails to convincingly *demonstrate* this point. This is especially disturbing because there is, in fact, evidence that the North Vietnamese classified POWs according to their level of cooperation or progressivity, that some had been segregated by rank, that there were more suspected US POWs camps during the war, and that the conditions outlined for the release of US POWs was either plausible or actually presented as such to Henry Kissinger during the peace talks.<sup>130</sup> In addition, the NIE fails to inform its reader about other portions of the 1205 report dealing with the POW issue that can be readily accepted as accurate or plausible based on information available to the US Government (~~S~~). For example —

- In the 1205 report, General Quang states, “For now, we have officially published a list of only 368 POWs.” This statement is factually accurate as discussed in great detail earlier in this assessment.<sup>131</sup>
- In the 1205 report, General Quang states, “Shortly, we will release several POWs in order to put pressure on the Nixon administration, observe his reaction, and the reaction of the American public, as well as to demonstrate our good intentions in this matter.” Again, this statement is factually accurate. On September 2, 1972, North Vietnam’s General Political Directorate of the VPA<sup>132</sup> announced that three US POWs would be freed “as

<sup>130</sup> Interim Analysis of the 1205 Report, with referenced documentation, presented to Ambassador Malcolm Toon by Senator Bob Smith, dated July 21, 1993, (see pages 44-50). (U)

<sup>131</sup> See Critical Assessment of “Key Judgments”; concerning the 735 report:



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a sign of gratitude to that part of the progressive American public which has been calling for an immediate end to US aggression in Vietnam." That same day, North Vietnam's Ministry of Foreign Affairs issued a statement saying "North Vietnam will hand over the released pilots to a U.S. social organization animated with good will..."<sup>133</sup> The three US POWs were not actually released until September 25, 1972 when they were turned over to American anti-war activist Cora Weiss and her delegation. They departed Hanoi on September 26, 1972. This was the first release of US POWs by Hanoi in over three years (1969). (U)

- In the 1205 report, General Quang states the among the captured American aviators are "three astronauts: that is, three people who have completed the necessary training for space flight." There is evidence to support this statement. For instance, on February 11, 1965, Lt. Cmdr. Robert Shumacher, USN, had been shot down and captured over North Vietnam. A communist Vietnam News Agency release at the time had stated that Commander Schumacher "had been selected to be an astronaut."<sup>134</sup> Moreover, the Romanian Defense Attaché in Hanoi reported to the Intelligence Community in February, 1972 that he had met Shumacher whom the North Vietnamese described as "having been selected to be an astronaut prior to his capture."<sup>135</sup> Two, possibly three, additional US POWs had also gone through astronaut training in the United States prior to their capture in North Vietnam.<sup>136</sup> Based on these facts, it is certainly plausible for the 1205 report to state that three

<sup>133</sup> Central Intelligence Agency Memorandum, Subject: Observations of a [redacted] on the Release of American POWs, dated September 7, 1972 [redacted] (U) (b)(3) NatSecAct

<sup>134</sup> See *P.O.W.*, by John Hubbel, Reader's Digest Press, 1976. (U) (b)(3) NatSecAct

<sup>135</sup> U.S. Defense Attaché Office Morocco message to CIA, DIA, JCS..., Subject: US POW in Hanoi, dated February 4, 1972. (Note: Romanian DATT referenced was interviewed by JCSD in May, 1998, and confirmed this account.) (U)

<sup>136</sup> Interim Analysis by Sen. Bob Smith, p. 43-44, dated July 21, 1993, and Memorandum for Record, Office of Senator Bob Smith, dated September 1, 1998. (U)

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people who had completed "the necessary training for space flight" were among those captured in North Vietnam. (U)

- In the 1205 report, General Quang states that among the captured American aviators are "15 US Air Force aces having more than 4,000 flight hours each." Again, it is factually accurate that there were several USAF pilot "aces" shot down and captured over North Vietnam — two of whom (Jim Kasler and Robbie Risner) had been on the cover of Time Magazine with profiles of their career background prior to their capture. (U)
- In the 1205 report, the names of four US POWs are specifically mentioned (Russian versions of American names as rendered from Vietnamese). According to the Defense Intelligence Agency, "two of the four named Americans are identifiable returned POWs. A third is a possible identification (also a returned POW), and the fourth name is too badly garbled to identify.<sup>137</sup>" The badly garbled name "Jim Intist Shasht," is believed to possibly correlate, at least phonetically, to "Jim Hiteshew," an Air Force colonel shot down over North Vietnam in 1967 who returned alive in 1973.<sup>138</sup> (U)
- In the 1205 report, General Quang states "We intend to resolve the American POW issue in the following manner: The US Government must demonstrate compliance, that is, a cease-fire and the removal of Nguyen Van Thieu, and then both sides can begin discussing the matter of returning POWs to the Nixon government...Nixon must (also) compensate North Vietnam for the great damage inflicted on it by this destructive war. Here then are the principles on the basis of which we may resolve the American POW issue."

<sup>137</sup> Defense Intelligence Agency memorandum, Subj: Vietnamese POW/MIA Document from Russian Archives; dated April 12, 1993, signed by Director, Defense Intelligence Agency Special Office for Prisoners of War and Missing in Action. (U)

<sup>138</sup> *An Interim Analysis of the 1205 Document - Report to Ambassador Malcolm Toon, US/Russia Joint Commission on POW/MIAs*, by Sen. Bob Smith, dated July 21, 1993, p. 44. (U)

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As already demonstrated by the comments made by Henry Kissinger, this was, indeed, the North Vietnamese negotiating position as of September, 1972. Moreover, the Central Intelligence Agency had itself verified Hanoi's intentions in its POW negotiating strategy, (as described in the 1205 report), in the summer of 1971.<sup>139</sup> Additional testimony and documentation supports the accuracy of Quang's reported statement. (U) For example —

- On August 18, 1972, Kissinger, in reporting on his August discussions with North Vietnamese officials, told South Vietnamese President Thieu, "They (the North Vietnamese) think they can use the prisoners of war to overthrow you."<sup>140</sup> (U)

- A former member of the U.S. negotiating team in Paris (1969-1971), Philip Habib, has testified "...in one of the first lists of negotiating points put forward by the North Vietnamese, the Communist side bracketed the release of prisoners with what they described as 'US responsibility for war damage in Vietnam' in a single numbered point...I know of no instance in which an adversary so openly treated this humanitarian problem in this way. We recognized from an early date what we were up against."<sup>141</sup> (U)

<sup>139</sup> A Central Intelligence Agency, Directorate of Intelligence Memorandum, entitled Hanoi and US Prisoners of War, and dated June 28, 1971, stated, in part: "To understand Hanoi's approach to the question of prisoners of war, one should keep in mind the broader military and political issues the Communists insist must be resolved to their satisfaction *before* the prisoners can be released. Hanoi still insists on termination of American involvement in Vietnam, and end to Communist government in South Vietnam, and the establishment of a new regime affording the Communists a solid position from which to work toward full control of the South and reunification of all Vietnam." (U)

<sup>140</sup> Declassified NSC Transcript of Meeting between Kissinger and Thieu, dated August 18, 1972. (U)

<sup>141</sup> Testimony of Philip Habib, Under Secretary of State, before House Select Committee on Missing Persons, dated July 21, 1976. (U)

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- On September 26, 1972, Kissinger sought assurances from Le Duc Tho that "all American prisoners held in Indochina will be returned as a result of an agreement." Le Duc Tho responded, stating "Regarding the question of prisoners of war...if you satisfactorily solve the political question and the question of reparations, then we can find an understanding."<sup>142</sup> (U)

- In a 1992 Senate deposition with Ambassador Vernon Walters, who served as defense attaché in Paris during many of the secret US-DRV negotiations, the following exchange took place:

*Q: Was there ever any effort by the North Vietnamese that you were aware of to link the subject of our payments to them with the release of our prisoners?*

*A: Reparations were sine qua non for peace, return the prisoners for everything.*

*Q: From the North Vietnamese perspective you mean?*

*A: Yes.*

*Q: So there's no question that Dr. Kissinger was aware of the North Vietnamese desire to link reparations with the release of US prisoners?*

*A: Not in my mind.*

*Q: And you say that because you saw Dr. Kissinger discussing the subject with the North Vietnamese?*

*A: I was translating what he was saying into French and they were translating back what they were saying into English.<sup>143</sup> (U)*

- As referenced earlier in this assessment, in a wartime report originated by the Soviet Ambassador in Hanoi, I.S. Scherbakov, and entitled, "Soviet-Vietnamese Negotiations in April, 1967," the Soviet Ambassador advised his North Vietnamese counterparts, "it is not necessary to inform the Americans on the exact number of prisoners. A half of them could be handed over and the others could be released

<sup>142</sup> Declassified NSC Memorandum of Conversation between Kissinger and Le Duc Tho, dated September 26, 1972. (U)

<sup>143</sup> Deposition of Vernon Walters, taken by the Senate Select Committee on POW/MIA Affairs, on September 1, 1992, p. 33-34. (U)

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later in exchange for repair of damage inflicted by the U.S. bombardment of the DRV." (U)

- Several additional Central Intelligence Agency and other reports and analyses disseminated prior to and well after (even years after) Operation Homecoming in 1973 indicated that North Vietnam was holding additional U.S. POWs or using the POW/MIA issue as a "bargaining chip" for negotiating purposes with the United States, and that it fully expected war reparations — all of which adds additional plausibility to the policy referenced by General Quang.<sup>144</sup> (S) (b)(1) (b)(3) NatSecAct

<sup>144</sup> Intelligence Community reporting and analysis in support of the contention that there was a relationship between the release of US POWs and payment of war reparations for DRV reconstruction is too voluminous to list here, but they include, as examples only, — Memorandum from Director of Central Intelligence Schlesinger to National Security Advisor Kissinger, Subject: Indication that the Communists are holding previously unlisted US POWs as a future bargaining tool to obtain additional concessions from the United States, dated March 20, 1973; [REDACTED]

[REDACTED] Memorandum for National Security Advisor Anthony Lake from National Intelligence Officer for East Asia (NIC/CIA), indicating it was "possible" Hanoi held back US POWs in 1973, and was angry reparations from the U.S. had not been forthcoming, dated December 13, 1993. Additional reporting that Hanoi was expecting war reparations from the U.S. as part of a tentative agreement reached in October, 1972 can be found in Vietnam Documents and Research Notes, #108, November, 1972, p. 26, and #109, p. 32, 34, 39, and 41. Following the signing of the final accords in January, 1973, and in the 25 years that followed, there is extensive and continuous reporting in FBIS files, other press reports, and in closed-door US-Vietnam negotiations, wherein Hanoi repeatedly has called on the U.S. to implement Article 21 of the Accords (wherein the US pledged to help rebuild North Vietnam), and President Nixon's specific pledge to DRV Premier Pham Van Dong in February, 1973 to contribute up to \$4.75 billion in economic reconstruction of the North (\$3.25 billion in reconstruction aid, plus up to \$1.5 billion in "other forms of aid") — all of which indicated Hanoi having linked that issue to

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In addition to these examples, there are other plausible statements concerning American POWs referenced by General Quang in the 1205 report, to include comments about technical and weapons information obtained through interrogations of U.S. POWs, which even Russian officials have verified receiving from their North Vietnamese counterparts during the war. (U)

Based on all of the above, it is clear that the NIE has seriously misled its readership by failing to point out information which tends to corroborate "the content of the

their cooperation on U.S. POW/MIA accounting. Again, while the reporting is too voluminous to detail here, a few examples to illustrate this widely understood point include the following — The Washington Post Editorial Page cartoon, April 7, 1973, p. A18, (shows NVN official dragging US POW in front of President Nixon, declaring, "That's the last of the prisoners...now, where's all the money to rebuild North Vietnam,"); Memorandum to Secretary of State Henry Kissinger from Under Secretary of State Philip Habib, November 13, 1976, Re: Meeting with the Vietnamese, November 12, "...The Vietnamese representative stuck to the standard Hanoi linkage of the MIA question with our obligation to provide aid..." The meeting was described in a French AFP press report as "the first face-to-face talks since the 1973 Vietnam peace negotiations" (AFP, Paris, November 12, 1976); Final Report of the House Select Committee on Missing Persons, December, 1976, p. 4, "...The Socialist Republic of Vietnam has called for selective implementation of the Paris Peace Agreement, specifically Article 21 dealing with American reconstruction aid to Vietnam, in exchange for POW/MIA information under Article 8b."; Defense Intelligence Agency Task Force (the "Tighe Report") Examination, May 27, 1986, "...Vietnam is waging a war of politics using the POW/MIA issue as the leverage for compelling the US to pay a blood debt."; Analysis Report by FBIS, *Vietnam: Toughened Stance on MIA Issue*, July 20, 1987, "...Hanoi has toughened its line on the question of American servicemen missing in action during the Vietnam war, reviving its pre-1978 hard line linking resolution of the question to a U.S. aid commitment under the Paris Peace Accords."; Kyodo News Service, Hanoi, July 26, 1997, "a former top leader of the Vietnamese Communist Party, and current advisor to the Party, Nguyen Van Linh, cited the accounting of American soldiers as missing in action as a prominent case of inequality in international relations — 'The Vietnamese government lets the US comb any place where its troops were stationed...(but) they promised to pay more than 3 billion dollars, and have for more than 20 years now not paid a single cent...' Linh said."

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1205 report" with respect to the POW issue and the other issues previously noted.

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**NIE STATEMENT:**

*"If there were additional POWs, we would have known of them unless Vietnam maintained a separate prison system unknown to POWs who returned in 1973. We have uncovered no reliable evidence that a separate prison system existed for certain POWs; nor do we have such indicators as plausible site locations." (p.30) (S)*

**ASSESSMENT:**

In addition to ignoring the views of former senior US officials referenced earlier in this assessment, this NIE statement also ignores undisputed evidence that some of the returned US POWs only became aware of each other by virtue of the North Vietnamese forces bringing them together in the weeks before Operation Homecoming began in February, 1973 — even though some had been held together in the same prison system. We would not have known about these POWs had the North Vietnamese not decided to consolidate them with the other returning POWs.<sup>145</sup> This point was further documented in a post-Homecoming Defense

<sup>145</sup> During a hearing of the Senate Select Committee on POW/MIA Affairs on December 3, 1992, the senior returned POW from the Hanoi prison system in North Vietnam, Admiral James Stockdale, testified that "we learned that in '71 they (NVN) started bringing in lots of people we didn't know about, Army and Marine people, ground soldiers, and some helicopter pilots, but there was never any mixing of the two until the whistle blew and we all came home." Stockdale further testified about the existence of 4 USAF pilots from Laos who were brought to a Hanoi-area prison camp (nicknamed "the plantation") in early 71, stating "we never had an interchange of names with them, and we never saw any of them until the whole bunch was released." Stockdale also pointed out to the Senate committee that he "does not claim iron-clad 100 percent accountability for anybody outside the 351" previously acknowledged POWs held in the Hanoi prison system and subsequently released in 1973. (U)

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Intelligence Agency study, entitled *PW Camps in North Vietnam*,<sup>146</sup> and a Defense Intelligence Agency Intelligence Appraisal, entitled *A Summary of Prisoner of War Experience in Southeast Asia, a Briefing*,<sup>147</sup> and it was again amply demonstrated in a Senate hearing exchange between U.S. Senator John Kerry and the Director of the Defense Intelligence Agency's POW/MIA Office, Robert Sheetz, on August 4, 1992:

*Sen. Kerry: There were groups of prisoners brought together for the release who only learned of each other being alive by virtue of the process of being brought together, correct?*

*Mr. Sheetz: There were prisoners that were consolidated toward the end.*

*Sen. Kerry: And some were held in different locations, perhaps 10 people in one location. Is that not accurate?*

*Mr. Sheetz: That is correct.*

*Sen. Kerry: ...Is it not possible, however, that a whole group of 10 held somewhere were never brought back to the main group and therefore held back in some other circumstances?*

*Mr. Sheetz: That is possible.*

*Sen. Kerry: So, the mere fact of debriefings not showing that somebody was not accounted for does not in and of itself dispose at all of the notion that somebody else could have been held elsewhere?*

*Mr. Sheetz: That's true...<sup>148</sup> (U)*

Thus, it is clear that the North Vietnamese had the capability to keep some

<sup>146</sup> Defense Intelligence Agency study, entitled *PW Camps in North Vietnam*, dated 1973. As further confirmation of the above-mentioned argument, the study indicates that "the period from 1968 to 1972 was marked by the movement of US POWs from South Vietnam and Laos into North Vietnam for detention. With few exceptions, the personnel moved into North Vietnam were kept separated from the men actually captured in North Vietnam." (U)

<sup>147</sup> The referenced DIA study is dated May 8, 1973, and was published by the Deputy Director for Intelligence, DIA. (U)

<sup>148</sup> Hearing of the Senate Select Committee on POW/MIA Affairs, dated August 4, 1992. Also referenced in *Interim Analysis of the 1205 Report* by Sen. Bob Smith, dated July 21, 1993. (U)

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unacknowledged US POWs *within the same prison system* as the acknowledged US POWs (approx. 350 as of Sept. 72), and we would not have known about those POWs if the North Vietnamese had not decided to repatriate them. Moreover, it is also clear that the North Vietnamese went to considerable lengths to prevent even the acknowledged US POWs from learning about each other in the course of late night sudden movements of these personnel between camps.<sup>149</sup> (U)

But even more egregious is the NIE statement above that there were no indicators of plausible site locations for other possible US POW prisons unknown to the POWs who returned in 1973 (ie: a separate or second prison system). While it is true that repatriated POWs were only aware of those within their system, the NIE judgment is nonetheless *contradicted* by substantial information and evaluations originated by or made available to the U.S. Intelligence Community both during and/or after the Vietnam War. For example —

- *Defense Intelligence Agency estimate:* In the 1205 report, General Quang states that there are currently (as of Sept. 15, 1972) 11 prisons in North Vietnam where all the American POWs are being held. DIA knew from the debriefings of US POWs who returned in 1973, that as of September, 1972, there were 6 prisons in North Vietnam holding the US POWs who were later repatriated.<sup>150</sup> Using the established fact that, in September, 1972, 6 camps

<sup>149</sup> See *The Raid*, by Benjamin F. Schemmer, 1976, p. 17, "It was a scary thing for the POWs being moved to another camp, usually at night, always on short notice...the guards blindfolded them...guards were put between groups of POWs to make sure no one lifted a blindfold or talked. The North Vietnamese didn't want them to see who the other prisoners were, or where they were headed." (U)

<sup>150</sup> The nicknames given by the returned POWs for these 6 camps were the Hanoi Hilton, the Zoo, Plantation, Dogpatch, Mountain Camp, and Rockpile. (See DIA 1973 PW Camp Study). It also should be noted that the Intelligence Community only learned the exact number after North Vietnam released the acknowledged POWs in 1973. Indeed, as of September 4, 1972 (five months prior to Homecoming), DIA estimated that only 4 of the "confirmed" US POW camps in North Vietnam were estimated to be "probably" or "possibly" holding US POWs as of September, 1972. (U)

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held subsequently repatriated US POWs, that leaves 5 *additional prisons* in the North for General Quang's number of total camps to be accurate (ie: 11-6=5). As of September, 1972, DIA had identified, in a published study, a total of 8 confirmed US POW camps in North Vietnam, and an additional 18 possible US POW camps in North Vietnam. A "confirmed" camp was defined as "one in which there is conclusive evidence that American prisoners are, or were, detailed on a permanent basis." A "possible" camp was defined as "one in which there is some information or evidence that it might be, or could have been, used for the detention of American prisoners on a permanent basis."<sup>151</sup> Accordingly, based on the fact that DIA had identified 26 (8+18) confirmed or possible US POW camps in North Vietnam, as of September 1972, it is demonstrably inaccurate for the NIE to claim that the Intelligence Community had uncovered "*no such indicators as plausible site locations*" for 5 additional prisons for US POWs (11-6), as of the date of the 1205 report (Sept. 72). (U)

*Central Intelligence Agency study:* A CIA study, conducted "in response to recent human source reporting on American POWs still in North Vietnam," and disseminated in early 1976, concluded that "the possibility of a second prison system for the detention of American POWs in North Vietnam cannot be disregarded." CIA further concluded, based on the results of this study, that it was "precluded from drawing a firm conclusion that all the camps which held American POWs have been identified." The CIA study included "a comparative analysis of six confirmed American POW camps outside of the Hanoi area with 19 other suspect camps not *known* to have contained Americans in order to determine which camps reacted to the (November 21, 1970) Son Tay raid by constructing new defensive positions such as AAA sites, AW positions, trenching and/or foxholes." CIA determined, based on photography and debriefings of the POW returnees, that the 6 confirmed US

<sup>151</sup> Defense Intelligence Agency study, entitled *Prisoner of War Camps in North Vietnam*, dated November, 1972. (Note: While the study itself is dated November, 1972, the actual date of the most current information used in this study is listed as September 4, 1972) (U)

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POW camps used in the study had all reacted to the raid in the same manner. But, more importantly, CIA determined that 7 of the other 19 camps used in the study had also reacted similarly to the raid by taking the referenced precautionary defensive measures, while the remaining camps had not reacted in a discernible fashion to defend against any additional US efforts to free US POWs from camps in the North.<sup>152</sup> (U)

- *Central Intelligence Agency memorandum:* A CIA memorandum, entitled "Re-evaluation of PW/MIA Information," was prepared for the Director of Central Intelligence, and sent to him via the Deputy Director for Operations, on August 13, 1976. In the memorandum, CIA analysts outlined "information that can be interpreted as indicating a probability that there are still American PWs alive in North Vietnam." The information, further described as "not an exhaustive list," included reference to (1) at least one suspect detention camp for American PWs which had immediately reacted to the November, 1970 Son Tay raid, yet none of the repatriated PWs had been held there; (2) several sources reported seeing American PWs working on the main bridge across the Red River at Hanoi. None of the returned PWs had ever worked on the bridge, according to the debriefings; (3) ...several reports indicating that various North Vietnamese and South Vietnamese communist officials have stated that there are still American PWs alive in North Vietnam. Not all of these reports have been brought to the attention of the (House) Select Committee (on Missing Persons); (4) repatriated PWs identified a number of cases in which pilots had been seen on the ground in what appeared to be captivity, but were never again seen and were not accounted for by the North Vietnamese; (5) a captured North Vietnamese official, most of whose information was highly accurate, indicated that North Vietnamese

<sup>152</sup> Central Intelligence Agency PW Camp Study, dated 1976, obtained from Defense Intelligence Agency PW/MIA intelligence records forwarded to the National Archives on May 4, 1984, and subsequently declassified and forwarded to Sen. Bob Smith by the Acting Deputy Director (POW/MIA Affairs), Office of the Assistant Secretary of Defense, dated November 12, 1993. (U)

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officials would hold some American PWs completely out of public view and not return them; and (6) two additional reports to support the probability of unacknowledged American PWs from North Vietnam not released in 1973.<sup>153</sup> Once again, this information contradicts the NIE contention that "*if there were additional POWs, we would have known of them...*" (S)

- *The discrepancy of US POWs related to the Son Tay POW Camp Raid:* According to several U.S. intelligence reports, testimony of former US officials, interviews with Russian officials, and even statements by Vietnamese officials, US POWs had been moved from the Son Tay prison camp in North Vietnam *approximately 10 days to one month prior to the failed US rescue attempt on November 21, 1970, because the North Vietnamese had learned about the forthcoming raid and a foreign journalist or peace activist had visited the camp.* US intelligence and defense officials had suspected that US POWs were still present at the camp in November, 1970 prior to launching the raid. However, those US POWs repatriated in 1973 who had been held at Son Tay in 1970 had been moved out of the camp on July 14, 1970 — *four and ½ months prior to the raid* — in a routine move, also attributed to potential flooding at the Son Tay camp in July, 1970. This serious discrepancy suggests other US POWs, not repatriated in 1973, had been moved in and out of the Son Tay camp after July 14<sup>th</sup> and prior to November 21<sup>st</sup> (U)
- *Other Central Intelligence Agency and Defense Intelligence Agency reporting:* Although this can hardly be considered an exhaustive listing, there are other unexplained IC reports which lend credibility to the existence of other US POWs and/or US POW camps in North Vietnam during the war, such as: (1) CIA 240202Z Jul 82, Subject: Organization and Inmates of Tan Lap Prison, Vinh Phu Province (North Vietnam), "former detention site for US POWs...Long-held inmates noted that up to 1973, American prisoners had

<sup>153</sup> Memorandum for Director of Central Intelligence, Subject: Re-evaluation of PW/MIA Information, dated August 13, 1976. (U)

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been interned at this prison." *Note: No repatriated US POWs were held there at this facility; (2) see Defense Intelligence Agency 15-Volume Study and Report of Uncorrelated Information Relating to Missing Americans in Southeast Asia, dated December 15, 1978; (3) see Defense Intelligence Agency Task Force Examination of PW/MIA Analysis, submitted by Lt. Gen. Eugene Tighe, USAF-ret., former Director, Defense Intelligence Agency, dated May 27, 1986; and (4) see Defense Intelligence Agency (or DPMO) database index of HUMINT reporting on POW/MIA in Southeast Asia, broken down by originating agency. All of these reports are not "resolved."*  
(U)

NIE STATEMENT: *"The 1,205 figure is inconsistent with our understanding of how many Americans survived the events in which they became lost to become captives...The number of Americans whose fates are uncertain (on the priority case list) has been reduced to 48." (p.30) (S)*

ASSESSMENT:

As referenced earlier in this assessment (see discussion of chart on p. 19 of NIE), the number of Americans whose fate is still uncertain in 1998, using the NIE's own figures, is at least 370, *of which* 48 are priority cases. However, the priority case list, first developed by Presidential POW/MIA Emissary to Hanoi, General John Vessey, has always been a listing of cases where survival was suspected based on information obtained by the United States and subsequently reflected in U.S. POW/MIA case files maintained by DoD. It was never intended to be the end-all list of the only cases where an American might have survived his incident to become captured, simply because it was recognized by General Vessey and U.S. intelligence officials that the Vietnamese could very likely have information on those MIA cases where the U.S. had no information to suggest death or survival. The NIE misleads its reader by not clarifying the genesis of the so-called "priority case list" in the above statement, in addition to not referencing the 370 figure and pointing out again

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that the 1,205 figure included over 500 subsequently repatriated US POWs as well.  
(S)

NIE STATEMENT: *"Circumstantial evidence suggests the information in the ("735") report<sup>154</sup> is inaccurate." (p. 30)(S)*

ASSESSMENT:

While the NIE presents evidence to "suggest the information in the 735 report is inaccurate, *no where in the NIE is there a similar presentation of evidence that suggests information in the 735 report is accurate.* This is a serious shortcoming in the NIE, and is especially disturbing in view of the NIE's acknowledgment that, while only two pages of the report (which referenced US POWs) were available to the IC in 1993, there are now over 27 pages of the remainder of the report available to the IC which had never been formally assessed by the Community. Included in these additional 27 pages of text are an extensive report outlining North Vietnamese political, military, and diplomatic developments throughout the year 1970 and related plans for 1971. Among these general topics are specific comments concerning —

- the situation within the Vietnamese Workers' (Communist) Party.
- the restoration of Party unity.
- the foreign policy and diplomatic strategy of the Party.
- an overview of military personnel losses.
- the U.S. incursion into Cambodia in April, 1970.
- a detailed discussion of the military and political situation in both Cambodia and Laos.

<sup>154</sup> As noted earlier in this assessment, the "735" report is so named by US officials because in the text of this 1971 29-page Russian translation of a North Vietnamese report, there is one sentence that refers to 735 American fliers having been captured in the DRV, while only 368 had been publicly acknowledged as a diplomatic move.

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- U.S. efforts to achieve "Vietnamization" in the South; particularly in the Mekong River Valley.
- military successes and losses, to include the disruption of the Communist transportation system on Cambodian territory which is reported to have adversely affected the supplying of communist troops in South Vietnam.
- the opening of a new supply route in the area of the Chiong Shon Mountains in central Vietnam.
- military plans in the South, including troop deployment plans.
- the continued deployment of NVN forces on land through Laos.
- the amount of weapons, ammunition, military hardware, and food deployed to the fronts in South Vietnam, Cambodia, and Laos.
- the need for literature and art to play an enormous propagandistic and educational role in support of the war effort.

Again, no where in the NIE is there an assessment of the accuracy of the matters outlined above. More importantly, there would appear to be evidence to confirm the historical accuracy, from the communist perspective, of many of the subjects above which are outlined in the text of the 735 report. As such, the NIE judgment referenced above is misleading, incomplete, and, taken as a whole, inaccurate. (S)

NIE STATEMENT:

*"The dates are wrong. The (735) report says it was given at the 20<sup>th</sup> plenary session of the Central Committee in late December, 1970 or early January, 1971. In fact, the 20<sup>th</sup> Plenum was not held until February, 1972. The plenum held in January, 1971 was the 19<sup>th</sup>." (p.30) "...the materials in the FBIS collection of published material (indicate) the 19<sup>th</sup> Plenum was held in December, 1970-January, 1971 (the communiqué was issued on 1 February) and the 20<sup>th</sup> Plenum was held in March-April, 1972 (the communiqué was released on 10 April, 1972.)...Clearly, either the date or the plenum*

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*number given in the report is wrong." (p.40) ...  
"Collection Gaps:...We think a more thorough  
assessment of the...735 document would be facilitated  
by...greater information about the Vietnamese party  
structure in the early 1970s, how it operated..." (p.42)  
(S)*

#### ASSESSMENT:

The NIE has not demonstrated, with the statements above, that the dates given for the 735 report are *"wrong."* It has only demonstrated that the date given by the Russian GRU for the 735 report is *inconsistent* with information currently available to the U.S. Intelligence Community, which appears to be based on vague communist broadcasts or publications, *not* internal Party documents. This is an important distinction given the NIE's admission of a serious intelligence collection gap concerning information about the internal workings of the Vietnamese Communist Party and its structure in the early 1970s, which precludes, again by its own admission, "a more thorough assessment." (S)

Even the NIE contradicts itself in the above statements — first saying the 20<sup>th</sup> Plenum took place in February, 1972, then saying it took place between March-April, 1972. (S)

The NIE's judgment is further undermined by the following information which should have been brought to its readers' attention (S) —

- The 18<sup>th</sup> Plenum of the Central Committee of the Vietnam Workers (Communist) Party, according to a 1980 publication by the Vietnamese Army paper, *Quan doi Nhan dan*<sup>155</sup>, took place in *January, 1970*, a full

<sup>155</sup> The title of the actual publication was *Cuoc Khang chien Chong My Cuu nuoc, 1965-1975: Nhung Su kien Quan-su* (The Anti-U.S. war of national salvation, 1965-1975; Military events), p. 203-207, as referenced in *Communist Road to Power*, Duiker, 1996, p. 306-307. (U)

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year prior to the date given for the meeting reported on in the 735 report. Yet, according to the Statute of the Vietnam's Workers Party, adopted in 1960, the Central Committee was to "usually meet *once every six months*."<sup>156</sup> This meeting schedule was confirmed in an interview by US officials with the reported 735 author, Hoang Anh, in Hanoi, earlier this year, who indicated, at two different points, that the Central Committee conducted *semi-annual meetings*, and that Anh presented *oral semi-annual and annual reports at these sessions in the early 1970's*.<sup>157</sup> Under that scheduling scenario, a 20<sup>th</sup> meeting *could* have taken place in *January, 1971*, with the 19<sup>th</sup> meeting having occurred earlier in the prior summer months, possibly to coincide with the 10<sup>th</sup> anniversary of the Third Party Congress (September, 1960).  
(U)

- It is interesting to note that the 735 report scenario — that the 20<sup>th</sup> Central Committee meeting took place at the end of December, 1970 — is *consistent* with the 1205 report scenario — that the 23<sup>rd</sup> meeting had already taken place by September 15, 1972. Indeed, based on six month time-frames, a 23<sup>rd</sup> meeting could have occurred in June/July, 1972, and there is, indeed, evidence from the Russia GRU of a report to the Politburo of the Central Committee of the Party having been presented on June 26, 1972 (U). Again, the NIE is silent on this evidence (S).
- According to the translated text of the 735 report, Anh makes clear several times in his report that he is discussing "the basic features of our activities in 1970, over the period that extends from the 18<sup>th</sup>

<sup>156</sup> Vietnam Documents and Research Notes, #103, *The Structure of Power in the DRV: Constitution and Party Statute*, p.16, February, 1972, American Embassy, Saigon (JUSPAO). (U)

<sup>157</sup> See Interview of Hoang Anh by U.S. Ambassador to Vietnam, Pete Peterson, p.3-4 (DIA 270934Z Jul 98). (U)

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Plenary Session of the Central Committee of the Vietnam Workers Party (CC VWP) until now.” (As noted above, the referenced 18<sup>th</sup> Plenum had indeed taken place in 1970 - in January of that year - which the NIE *fails* to note - a fact which contradicts its judgment that the “dates” given in the 735 report are “wrong.”) Anh further states, “at this Plenary session, an assessment will be given of our victories in 1970...At the 18<sup>th</sup>, 19<sup>th</sup>, and now at the 20<sup>th</sup> Plenary sessions of the CC VWP, repeated emphasis was placed...” Anh goes on to report in great and extensive detail a summation of activities that had taken place *in 1970* as well as a discussion of forthcoming communist and perceived enemy plans *for 1971*. He further discusses events that had already taken place at the “19<sup>th</sup>” Plenum. Thus, there is no wiggle room for the time-frame of the report, or that it might have been the 19<sup>th</sup> meeting, according to the GRU acquisition — it clearly took place at the end of 1970, beginning of 1971. (S)

- All that is currently known about the time-frame of the 19<sup>th</sup> Plenum appears to be based on the Communiqué of the 19<sup>th</sup> Plenary Session of the Central Committee of the Vietnam Workers Party which was broadcast by the Vietnam News Agency in Hanoi on February 1, 1971, and referenced in two editorials in Party papers during the next two days, all of which was thought to have been done to coincide with the 41<sup>st</sup> Anniversary of the Founding of the Indochinese Communist Party, the VWP’s predecessor organization, on February 3, 1930, by Ho Chi Minh.<sup>158</sup> The timing of the publication of the communiqué is not, in and of itself, *proof* that the 19<sup>th</sup> Plenum actually took place during the time-frame given by the GRU for the 735 report (“End of December, 1970/Early January, 1971). Indeed, there is evidence that communiqués were often not published until *months* after the conclusion of the plenary meetings. For example, scholars have

<sup>158</sup> Vietnam Documents and Research Notes, #91, the 19<sup>th</sup> Plenary Session of the Central Committee of the Viet-Nam Workers Party and its Reference Documents, p.1-27. (U)

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reported that the 15<sup>th</sup> Central Committee Party Plenum, related to the 2<sup>nd</sup> Congress, "took place in January, 1959, even though the communiqué was not broadcast by the Vietnam News Agency until May 13, 1959."<sup>159</sup> (U)

- There is no verifiable evidence that the "19<sup>th</sup> Plenum" was held at the end of "December, 1970" — the date given by the Russian GRU — as the NIE attempts to assert on p.40. However, there *is* evidence from the Central Intelligence Agency dated December, 1970 (inexplicably not referenced in this NIE), of a "possible high-level DRV meeting in Hanoi."<sup>160</sup> (S)
- Finally, there is considerable confusion, and contradictions, in the absence of official internal Party records from Hanoi, about the dates of Central Committee Party Plenums in the early 1970s which *precludes* relying on the NIE's judgment that the dates reported by Russian military intelligence (GRU), — which plausibly had better internal access to the truth —, are *wrong*. This argument is reinforced by the NIE's own admission of its serious intelligence collection gap in this area. As additional examples, the 21<sup>st</sup> Plenum, according to some reports, including publications from Hanoi, took place in October, 1973, yet other publications from Hanoi indicate the 22<sup>nd</sup> Plenum took place "in late 1973," while still other Vietnamese officials have reported that the Central Military Affairs Committee met in March,

<sup>159</sup> See *The Communist Road to Power in Vietnam*, Duiker, 2<sup>nd</sup> Edition, 1996, p.400, fn#35. (U)

<sup>160</sup> Memorandum for the Record, 22 December, 1970, Subject: Meeting of the NSC Ad Hoc Group on Vietnam, see para. 4, "Possible High-Level DRV Meeting in Hanoi: Mr. Carver from CIA noted that DRV Ambassadors to Moscow and Peiking, three NLF representatives to the Scandinavian countries and certain other senior DRV diplomats in Europe are converging on Hanoi in the next few days. Increased intelligence watches for possible results of such a meeting are being instituted. No output is expected before the first of the year." (U)

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1974 to consider the resolutions of the 21<sup>st</sup> Plenum. If the 21<sup>st</sup> Plenum was indeed in late 73/early 74, it makes the NIE's earlier claim that the 20<sup>th</sup> Plenum took place as early as February, 1972 even stranger (ie: no Central Committee plenum meetings for over 21 months?). Also, as noted earlier, even the dates for the exact month that the 20<sup>th</sup> Plenum took place, allegedly in 1972 according to US analysts, are in dispute, casting further doubt on the reliability of the NIE's judgment. Some analysts say April, others say February, and the NIE itself says February, and later, reverses itself and says March-April. (S)

NIE STATEMENT: *"Hoang Anh was indeed a Secretary of the Central Committee at that time and was responsible for agriculture... There is no reason why he would deliver a report that deals extensively with political and military developments and the situations in Laos and Cambodia. Agriculture is mentioned only briefly." (p.30) (S)*

ASSESSMENT:

According to U.S. biographic records and various communist Vietnamese documents (all previously available to the principal drafter of the NIE), Hoang Anh, as noted, did indeed have the title of Central Committee Secretary of the Vietnamese Workers' (Communist/Lao Dong) Party in December, 1970/January, 1971, as the Russian GRU correctly notes on its cover page to the 735 report. In fact, the leading Communist Party publication in Hanoi, *Nhan Dan*, in a report dated one month prior to the alleged "735" report, referred to Anh as "Secretary of the Lao Dong Party Central Committee."<sup>161</sup> (Interestingly, Anh sidestepped and then denied having this title in interviews with US officials in April and July, 1998<sup>162</sup>;

<sup>161</sup> *Nhan Dan*, Hanoi, November 17, 1970, p.1, translated by FBIS and US Embassy, Saigon. (U)

<sup>162</sup> In his first interview with US Ambassador to Vietnam, Pete Peterson, in Hanoi on April 6,

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while at the same time privately telling a Russian GRU official that he had been "reprimanded by the Vietnamese Communist Party because the Americans managed to obtain a copy of the speech delivered by Anh (ie: the 735 report)."<sup>163</sup> (U)

However, the NIE fails to note that records also indicate Anh was assessed by the U.S. Government in 1971 as *"one of the most senior members of the Vietnam Communist (Lao Dong/Workers') Party hierarchy short of Politburo membership...with broad-ranging political, military, and managerial experience."*<sup>164</sup> (S)

1998, Anh only referred to his Government ministerial position, and not his Party secretariat position, stating "that the Ambassador should understand his role during the war years. As Minister of Agriculture, he was responsible for food production and related industries..." Anh further stated, "There was no night or day. There were very few opportunities to meet at the Central Committee level. We were exhausted. I never had time to be involved with other matters. I, myself, had no knowledge of POWs." Anh stated "he left the position as Minister of Agriculture in 1970, after which he worked on the consolidated report on agriculture until 1975." In his second interview with Ambassador Peterson on July 18, 1998, Anh was specifically pressed whether he had "ever held the position of Secretary of the Central Committee of the Vietnamese Workers' Party..." Anh replied, "At the end of 1970, I continued to serve the Central Committee as the Acting Secretary for Agricultural, Marine, and Fishery matters. Mr. Anh emphasized that this was a specific, yet temporary duty assigned to him by the Central Committee, and *not a named or titled position, such as Secretary of the Central Committee.*" Anh further stated, "I was never a permanent member of the Central Committee...I personally had no time for the Central Committee." (U)

<sup>163</sup> Memorandum for the Record, Subj: Private Meeting with (Russian Executive Secretary for the Joint POW/MIA Commission) Colonel Osipov, dated August 10, 1998, Joint Commission Support Directorate, DoD/USRJC, "...Osipov claimed that Colonel Yuri A. Potapov, defense attaché at the Russian Embassy in Hanoi for the past four years, told Osipov that he (Potapov) knows Hoang Anh. Potapov was told by Anh that he was reprimanded by the Vietnamese Communist Party because the Americans managed to obtain a copy of the speech delivered by Anh (this is apparently a reference to the so-called "735 document.")" (U)

<sup>164</sup> *Members of the VWP Central Committee*, North Vietnam Affairs Division, JUSPAO, American Embassy Saigon, dated 1971. (U)

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He had been elevated to the rank of Deputy Prime Minister/Vice-Premier in 1970/71, serving as "the senior in age and political experience" among the Vice-Premiers serving on the Party Secretariat.<sup>165</sup> Moreover, as a senior member of the Secretariat and Central Committee member since the early 1950's, Anh held a very influential position in the DRV leadership structure, having been referred to as one of two individuals who "followed just behind the top leaders of the Party in status," holding the "greatest power and influence in North Vietnam" by virtue of occupying "key posts within both Party and state."<sup>166</sup> (U)

As a further example of Anh's influence as a veteran Secretariat member, a 1972 U.S. study states "the top of the power pyramid of North Vietnam is the Politburo supported by the Party Secretariat, the center of second level leadership is the Central Committee."<sup>167</sup> Additionally, the power of the Secretariat is confirmed by the "Statute of the Vietnam Workers Party adopted by the Third Party Congress of the Party in September, 1960," which provides that "the Secretariat solves daily problems and controls the carrying out of Party decisions under the leadership of the Central Executive Committee and the Politburo."<sup>168</sup> (U)

(b)(3) NatSecAct

According to [REDACTED] records, prior to 1970 (the alleged date of the 735 report), Anh had been "a close associate of General Vo Nguyen Giap" and served on the National Defense Council and as a Vice-Minister

<sup>165</sup> See Memorandum (U) from Douglas Pike, (who is acknowledged in the NIE as a noted expert and scholar on Vietnam (S)), dated December 22, 1995; and Vietnam Documents and Research Notes, *Bases of Power in the DRV*, dated October, 1972. (U)

<sup>166</sup> Vietnam Documents and Research Notes, *VWP-DRV Leadership, 1960 to 1971, Part II, the Government*, p.94, published by North Vietnam section, JUSPAO, American Embassy, Saigon, dated July, 1973. (U)

<sup>167</sup> Ibid, part II.

<sup>168</sup> See Vietnam Documents and Research Notes, *The Structure of Power in the DRV: Constitution and Party Statute*, p. 17, published by the North Vietnam Affairs Division, Joint U.S. Public Affairs Office (USPAO), American Embassy, Saigon, dated February, 1972. (U)

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of Defense for at least four years (the only person lacking formal military rank to have held this title), during which time he reportedly planned the partial demobilization of the Vietnamese People's Army (VPA). He also headed PAVN's General Directorate for Rear Services, preceded by a stint as a Deputy Chief of the General Staff of the VPA. He had reportedly written a widely acclaimed treatise on guerrilla warfare in 1951, and had been active in the early 1950's fighting in the Resistance (Viet-Minh) war against the French, and concurrently serving as Chairman of Interzone Committees IV and V in Central Vietnam.<sup>169</sup> (U)

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He is also reported in a [redacted] dated December 22, 1976 as having been a member of the Vietnamese Communist Party's (Lao Dong/VWP) Central Committee, in addition to serving on its Secretariat, from as far back as 1951, with subsequent simultaneous membership on North Vietnam's National Assembly's Standing (Leadership Ruling) Committee, which wrote the Constitution for North Vietnam during Anh's tenure on the Committee, (was subsequently adopted in 1960.) His listing as a full member of the Party's Central Committee is further confirmed by open source accounts from the early 1970's<sup>170</sup>, even though Anh told US officials earlier this year that "I was never a permanent member of the Central Committee...I personally had no time for the Central Committee."<sup>171</sup> (U)

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[redacted] on Anh also show him serving as Minister of Finance from November, 1958 until 1965 when he was appointed as Minister of Agriculture. (U)

While he did, therefore, have expertise and responsibility for agriculture (he had left

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<sup>169</sup> Memorandum dated May 3, 1997 from Douglas Pike, Vietnam scholar, enclosing several [redacted] on Hoang Anh prepared in the 1960's and 1970's. (U)

<sup>170</sup> International Yearbook of Communist Affairs, 1970, Hoover Institution Press, Stanford University; and Vietnam Documents and Research Notes, *Bases of Power in the DRV*, dated October, 1972, and published by the American Embassy, Saigon. (U)

<sup>171</sup> Interview of Hoang Anh by US Ambassador to Vietnam, Pete Peterson, dated July 18, 1998. (Cable cite: DIA 270934Z July 98). (U)

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the position of Minister of Agriculture "in 1970" according to an interview he gave to US officials on April 6, 1998), Anh also clearly had expertise, authority, and responsibility *beyond* agriculture as a senior veteran member of the Secretariat in 1970. He would have been amply qualified to address the range of agricultural, economic, political, and military matters contained in the 735 report at a session of the Central Committee by virtue of his background described above, especially his tenure on the Secretariat spanning 20 years. Indeed, in 1965 and 1968, CIA had assessed Anh as having had "experience in three different fields — defense, finance, and agriculture," making him "the type of multi-purpose specialist familiar in Communist countries." (U)

It is also conceivable that Anh may have been designated to present a report to the Central Committee plenum covering the range of specified topics, with input being received from the other Secretaries of the Central Committee. The NIE fails to consider this scenario. (S)

Moreover, contrary to the NIE's assertion above, agriculture is not "mentioned only briefly" in the text of the 735 report. In point of fact, Anh's spirited defense of the DRV's agricultural policies is one of the central topics of the 735 report, with over 13 paragraphs in the report's text devoted to a detailed discussion of agriculture policies, including an assessment of mistakes, criticisms, statistics, and goals which are outlined by Anh. Given Anh's background in agriculture, these facts lend credence to the GRU acquisition being reliable. (S)

NIE STATEMENT: *"The references to agriculture in the 735 (document) do not square with other party documents available at the time. For example, a review of party documents available in FBIS files reveal a significantly different discussion of agricultural issues. Documents on agriculture policy (probably connected to the 19<sup>th</sup> Plenum in January, 1971) that were revealed after the war discuss the need to strengthen agricultural*

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*collectives that had been weakened by the need to increase wartime production...the 735 document does not discuss the adaptation of technology for agriculture. In contrast, Vice Minister of Agriculture, Le Trung Dinh, authored an article in the party journal Hoc Tap in January, 1971 stating that the principle issue facing agriculture was the adaptation of technology." (p.30-31, and 41) (S)*

ASSESSMENT:

The NIE statement is inaccurate and misleading. The NIE does not demonstrate convincingly that the contents of the 735 report with respect to agricultural issues "do not square" with other party documents available at the time. In point of fact, Anh does discuss "the need to strengthen agricultural collectives" and "the adaptation of technology for agriculture" in the 735 report. For example, Anh states: (S) —

- *"Marxism teaches that agricultural collectivization is an extremely important condition for the development of a socialist economy...in our country, where colonialists left us a heritage of a backward economy, this matter is particularly important. With all our effort, we must develop agriculture, placing it on a collective basis. It will be necessary to develop a strong network of cooperatives in the entire territory of South Vietnam."*
- *"The cooperatives need to be provided with technology, which will ensure they will develop successfully."*
- *"Our leadership is giving a great deal of attention to issues of cooperative farming, and is continuing to seek ways to boost agriculture...The Politburo and Secretariat have given instructions to scientific organizations to actively participate in boosting agriculture."*  
(U)

Additionally, there are obvious other statements in the Anh report concerning agriculture which are confirmed by the historical record. For instance, Anh claims the DRV would have had even more difficulties in 1970 "if it were not for the help

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from brotherly socialist countries, which permits us successfully to restore agriculture." According to the International Yearbook of Communist Affairs for 1970, (published by the Hoover Institute at Stanford in 1971), "Failure to attain self-sufficiency in agriculture...has forced the DRV to depend on the U.S.S.R. and China for its vital supplies." (U)

NIE STATEMENT: *"The report speaks extensively about preparations for the 4<sup>th</sup> Party Congress, including the establishment of a preparatory committee. In fact, the Politburo did not decide when to hold the 4<sup>th</sup> Party Congress until July, 1975...The 4<sup>th</sup> Party Congress was not held until December, 1976." (p.31) (S)*

ASSESSMENT:

Once again, the NIE's judgment is not convincing and misleads the NIE reader. It is also ironic to note the NIE's use of the term "*extensively*" with respect to the 4<sup>th</sup> Party Congress remarks in the 735 report, versus the term "*mentioned only briefly*" with respect to agriculture. In point of fact, the discussion of agriculture in the 735 report is *lengthier* than the discussion of the 4<sup>th</sup> Party Congress preparations. More importantly, Anh specifically states in the text of the 735 report that the Politburo would *not* decide when the 4<sup>th</sup> Party Congress would be held until after several specific matters had been discussed at the Plenary Session and specific decisions had been made on them. Only then would the Politburo decide "when" to hold the 4<sup>th</sup> Party Congress. He goes on to say "the issue of holding the 4<sup>th</sup> Congress is extremely important, and we must prepare with the greatest care for it. Every issue must be studied and discussed thoroughly." Anh also states, correctly, that 10 years had passed since the 3<sup>rd</sup> Party Congress.<sup>172</sup> (S)

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<sup>172</sup> The Third National Party Congress was held in Hanoi from September 5 through September 12, 1960. (U)

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The fact that the Politburo, in the end, waited until after the reunification of the country under its new name, the Socialist Republic of Vietnam, to decide "when" to hold the 4<sup>th</sup> Party Congress is not incongruous with Anh's presentation. Additionally, since the 3<sup>rd</sup> Party Congress had occurred 10 years earlier, it is not unusual that the Politburo may have been considering, as of 1970, when to hold the next Party Congress, and towards that end, made a decision to create an organizational committee to prepare for the next Congress. (U)

Furthermore, the NIE fails to reveal that the make-up of the 10 individuals referenced by Anh as having been selected to serve on the organizational committee can be confirmed as actual North Vietnamese leaders who are presented in order of seniority. Perhaps even more important is Anh's reference to (alleged 1205 author) Tran Van Quang as a member of that Committee, in addition to Anh himself. (S)

NIE STATEMENT: *"Another key anomaly in the purported report is the charge against 16 opportunist members of the Central Committee, 6 of whom are named. If this were true, they should have been promptly ousted from their positions... In fact, no action appears to have been taken then... Furthermore, if opportunism and disunity were of such concern, indirect references in the party press would have followed the plenum. None are evident in FBIS files of the period." (p.31) (S)*

ASSESSMENT:

The NIE presents no evidence to support its claim that the referenced opportunist members of the Central Committee "should have been promptly ousted from their positions" if such was indeed the case. Nor does the NIE present, as plausible, a scenario where many of the referenced members could have fallen back in line by the conclusion of the plenum without retribution recognizable to the outside world. Nor does the NIE mention that one of the 6 named individuals, Nguyen Van Vinh,

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correctly noted in the GRU footnote as Chairman of the Committee for Unification, was, in fact, apparently ousted during National Assembly elections later that spring, a development noted by Western observers at the time<sup>173</sup>. And nor does the NIE concede that the other 5 named individuals were all, in fact, correctly identified in the 735 report as either alternate or current members of the Central Committee, which is verified by a review of published information from the same time period<sup>174</sup>. (S)

Additionally, Anh makes clear in the text of the 735 report that "in a few days from now, these 16 comrades must present to us written explanations of their positions and then we will decide how to deal with them. He also states that the disharmony must be worked out so it does not "emerge into the open and become accessible to widespread publicity." Therefore, the NIE's claim that there apparently were not references to the disunity evident at the start of the plenum in the days following the conclusion of the plenum is not noteworthy. (S)

More importantly, it should be noted that official communist publications in Hanoi, dated February 2, 1971 and February 3, 1971, marking the 41 anniversary of the founding of North Vietnam's communist party, *did* refer to the need for "singlemindedness and solidarity within the Party" in addition to "absolute loyalty to the Party's lines, stands, viewpoints, and principles" by all Party members<sup>175</sup> — a view that seems consistent with Hoang Anh's call for unity among Party members presented in the 735 report in late December, 1970/early January, 1971. (U)

<sup>173</sup> *Yearbook (for 1971) on International Communist Affairs*, Hoover Institution Press, Stanford University, 1972, p. 591-592. (U)

<sup>174</sup> *Yearbook (for 1969) on International Communist Affairs*, Hoover Institution Press, Stanford University, 1970, p. 687. (U)

<sup>175</sup> See FBIS translations of Nhan Dan editorials dated February 2-3, 1971 "On the Forty-First Anniversary of the Founding of the Indochinese Communist Party." (U)

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NIE STATEMENT: *"Some of the dissenting policy positions alleged in the 735 report are plausible. But others — such as a proposal to invite foreign (presumably Chinese) troops to help in Laos and South Vietnam — are not."* (p.31) (S)

ASSESSMENT:

The NIE presents absolutely no evidence to support its claim that a reference by Hoang Anh in the 735 report to a *dissenting* policy position by some opportunists in the Central Committee to invite foreign (presumably Chinese) troops onto DRV territory, and on into Laos and South Vietnam, is simply implausible. The burden is clearly on the NIE to provide evidence to support its judgment, especially given the Russian GRU footnote to the 735 report on this specific point (added during translation in Moscow in 1971) which states that "the possibility of bringing Chinese troops into the DRV has been discussed numerous times." It simply strains credulity for a NIE to claim, in this instance, that it knows better than an alleged translated report of an internal North Vietnamese meeting, supported by a 1971 GRU analysis on this very point, what *dissenting* proposals may have been surfacing internally within North Vietnam's decision-making body in 1970/71. Finally, given the level of Chinese military support to communist North Vietnamese and Laotian forces during the Vietnam War and specifically the 735 report time period, which is confirmed in open-source reports from Beijing and elsewhere<sup>176</sup>, it

<sup>176</sup> A *Reuters* article from Hong Kong, entitled *China Admits Role in Vietnam*, states "China has admitted for the first time that it sent more than 300,000 combat troops to Vietnam to fight against U.S. forces and their South Vietnamese allies. The semi-official China News Service said today in a report monitored in Hong Kong that China sent 320,000 soldiers to Vietnam during the 1960s. It also spent over \$20 billion to support Hanoi's regular North Vietnamese army and Viet Cong guerrilla units. The agency report cited the *History of the People's Republic of China*, published by the official State Archives Publishing House, as saying that more than 4,000 Chinese soldiers were killed during the war. During the war, China repeatedly denied US allegations that its soldiers were operating in Vietnam." Additionally, a *New York Times* article from the 735 report time period, dated January 18, 1971, reported that the PRC had provided some \$200 million in 1970 alone in military and economic aid. Further agreements, including military aid for 1971, had been signed in Beijing on October 6, 1970. According to the *International Yearbook*

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hardly seems implausible that a dissenting proposal similar to that referenced by Anh, could have been circulating among some Party members in 1970/71. As such, the NIE judgment cannot be accepted with confidence. (S)

NIE STATEMENT: *"The 1993 DoD report concluded that the 735 number was too high...The total prisoners Hanoi could have been holding at that time (before 1971) could not have exceeded 470 according to US Government records. No evidence has come to light since 1993 that would cause us to revise our judgment." (p.31) (S)*

ASSESSMENT:

First, the 735-related analysis of POW/MIA cases in the referenced DoD report (actually released in January, 1994) was not conducted by elements of the U.S. Intelligence Community, but by personnel working in the Office of the Assistant Secretary of Defense for International Security Affairs.<sup>177</sup> At the very least, the authors of the NIE should have conducted an independent review of POW/MIA cases bearing on the 735 time-frame, in light of Anh's report. (S)

Second, as already demonstrated earlier in this assessment (see discussion of 735 document under Key Judgments assessment), official U.S. Government statistics, forwarded to the Director of Central Intelligence for December, 1970 (the same

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*on Communist Affairs* covering the year 1970, "Chinese interest in military developments in Vietnam continued unabated. In an unusual move, on 21 and 22 December 1970, NLFSV and North Vietnamese military men reported on the current situation in Vietnam to Chinese Foreign Ministry meetings attended by Li Te-sheng, alternate member of the Politburo of the Chinese Communist Party and head of the General Political Department of the People's Liberation Army" (p.685) (U)

<sup>177</sup> See Office of the Assistant Secretary of Defense for International Security Affairs Defense POW/MIA Office Newsletter dated October, 1993.

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month as the alleged "735" report), listed 462 POWs, 962 MIAs, and 117 Non-Hostile missing, for a total of 1,541 "missing and captured personnel."<sup>178</sup> (U)

In addition, while DoD, and the current NIE, continue to claim that the 735 number was "*too high*," no where does the NIE reference the judgment of US officials in 1970/71 that the published December, 1970 list of 368 POWs (also referenced by Anh himself as their diplomatic move) was "*too low*,"<sup>179</sup> yet this is, in essence, the only group of Air Force and Navy fliers held in the North during this time frame to be repatriated in early 1973.<sup>180</sup> (U)

<sup>178</sup> Message for Director, Central Intelligence Agency from American Embassy Saigon, "following are official figures from missing and captured personnel lists prepared by Deputy Comptroller for Information, DoD...", dated May 10, 1971.

<sup>179</sup> U.S. Secretary of Defense Melvin Laird stated at the time, based on DoD's review of the 1970 list, "I do not accept it as a complete list of all the prisoners held in North Vietnam." (Memorandum from the Secretary of Defense to the Secretaries of the Military Departments, dated August, 1971). He reinforced that position 21 years later in testimony before the Senate Select Committee on POW/MIA Affairs on September 21, 1992, stating "I felt those lists were inadequate...it was not complete information, and we knew of the existence of other POWs when those lists were delivered to us... We felt there were more... We had solid, confirmed evidence that there were more POWs in the North at that time." In addition, Acting Secretary of the Army, Thaddeus Beal, wrote to the Secretary of Defense on July 10, 1970, stating, "At present, Cora Weiss maintains that about 334 Americans are detained by Hanoi. But the facts are that 780 Americans are listed as missing in North Vietnam, and 769 in South Vietnam and Laos. We know with some certainty that of this number, 376 are PW in North Vietnam and 78 are PW elsewhere in Indochina. *We expect that among those listed as missing, substantial numbers will eventually turn up as captives...* To accept Hanoi's admission of responsibility for less than 350 US PW as conduct constituting reasonable, humane, or internationally responsible conduct is to betray those other forgotten Americans." (U)

<sup>180</sup> The list of 368 names published by Hanoi was entitled, "U.S. Pilots Captured in the Democratic Republic of Vietnam from August 5, 1964 to November 15, 1970." The list was published by the DRV's Ministry of National Defense, and is dated November 15, 1970. It was released to representatives of Senators Kennedy and Fulbright in Paris on December 22, 1970, and provided to certain other foreign governments as well. All of the names of the men on the list had previously been unofficially provided to American peace activist Cora Weiss between May and November, 1970. The 368 list itself actually consisted of 339 Air Force and Navy pilots and

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NIE STATEMENT:

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This statement's choice of words is extremely incomplete and misleading to the NIE reader in several important respects —

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crewmembers currently in captivity, 9 such personnel previously released, and 20 such personnel listed as dead. Based on Department of Defense POW/MIA lists, only 335 Air Force and Navy pilots and crewmembers captured in North Vietnam prior to November 15, 1970 were later repatriated to the United States (one in Sept. 72, and the remainder following the signing of the Peace Accords in 1973 (Jan-Apr). (U)

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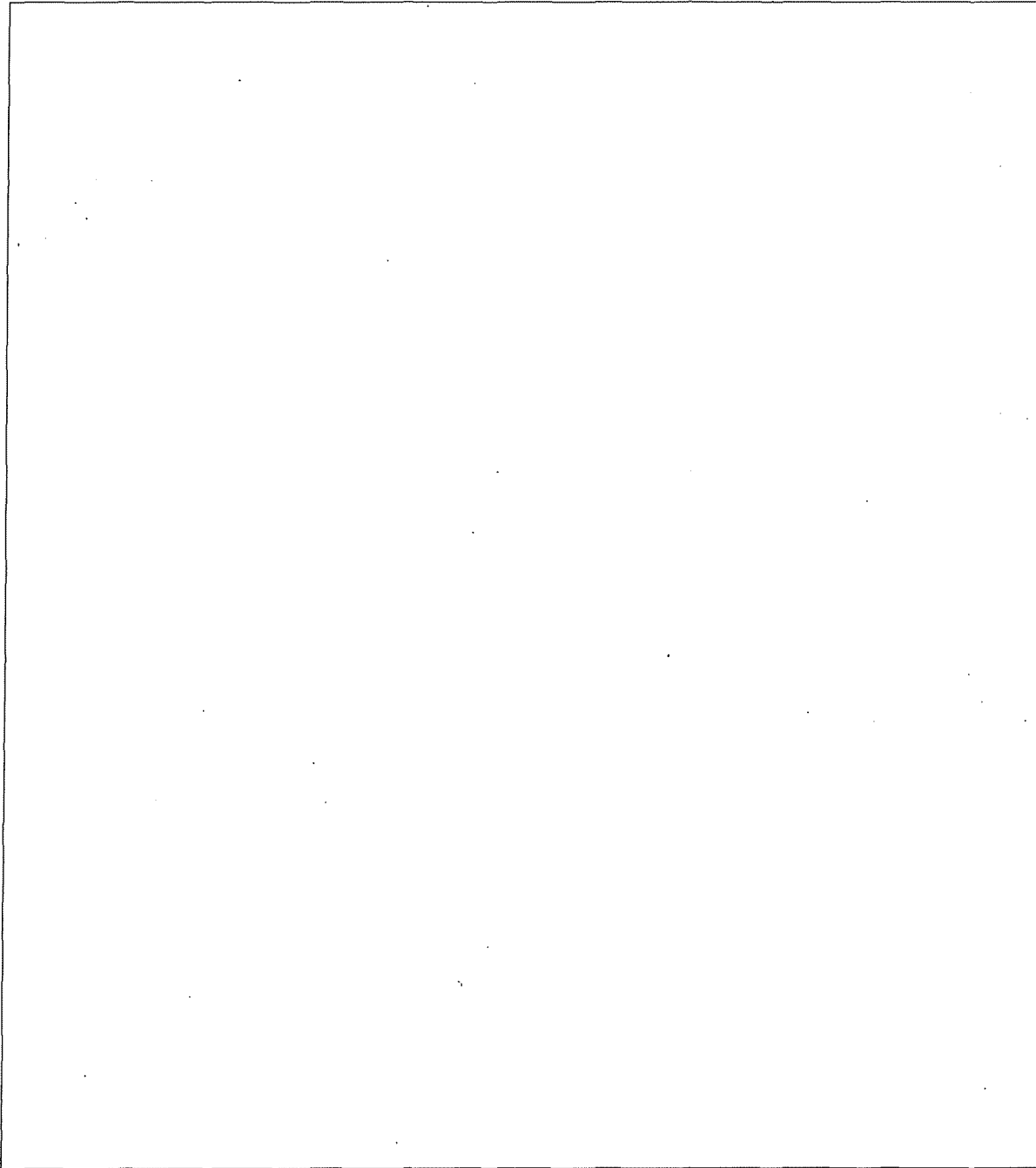
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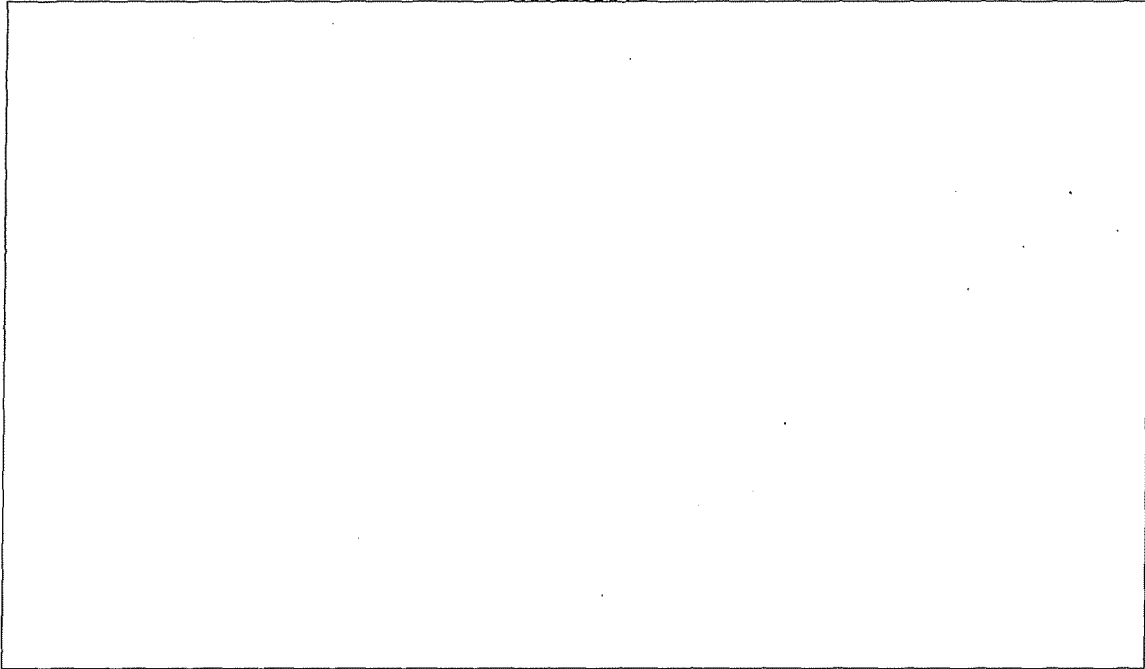


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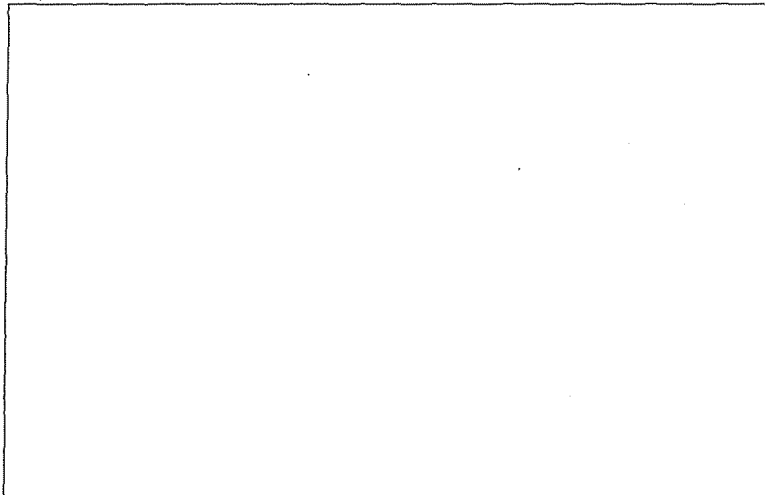
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<sup>186</sup> Ibid. (S)

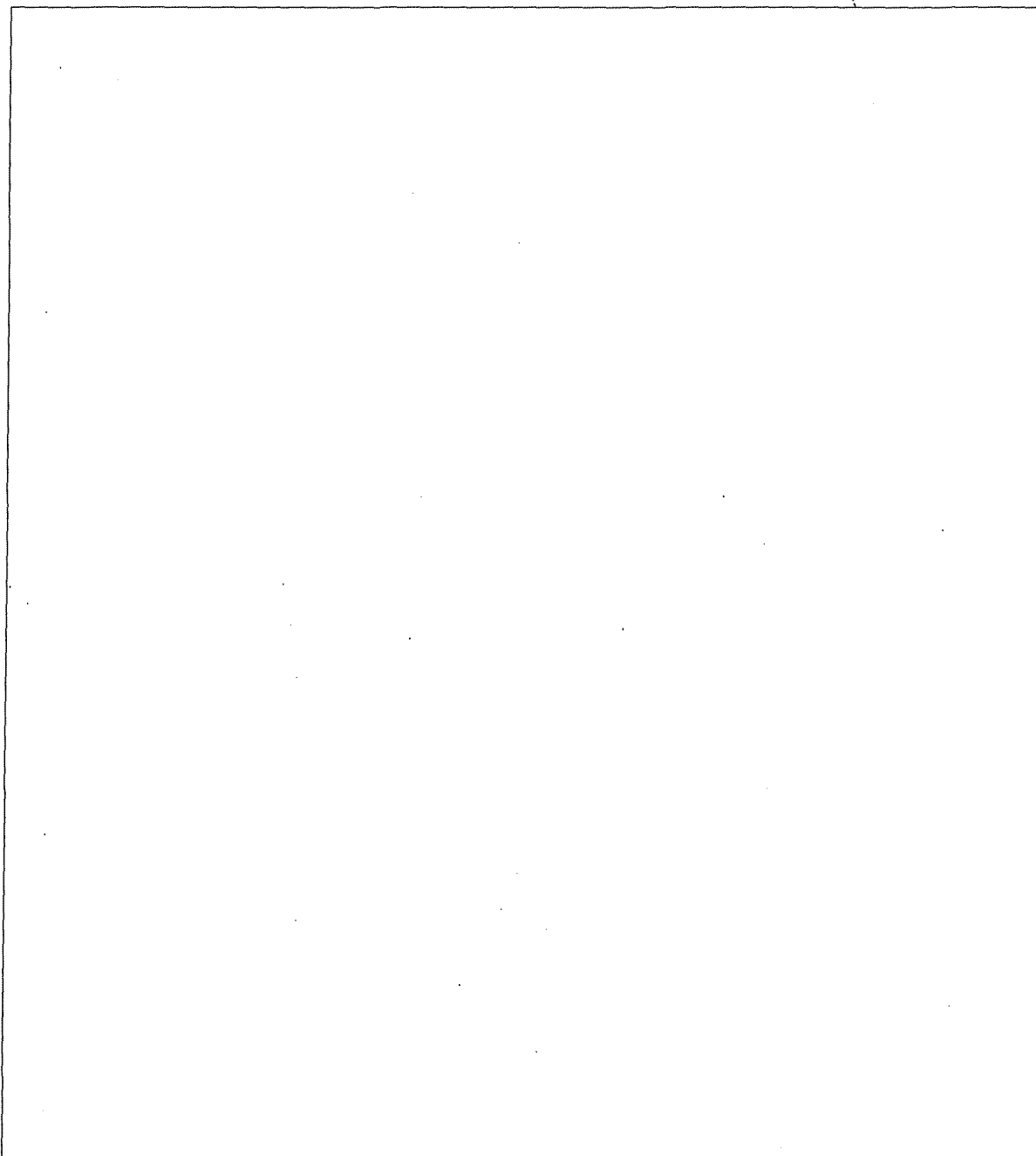
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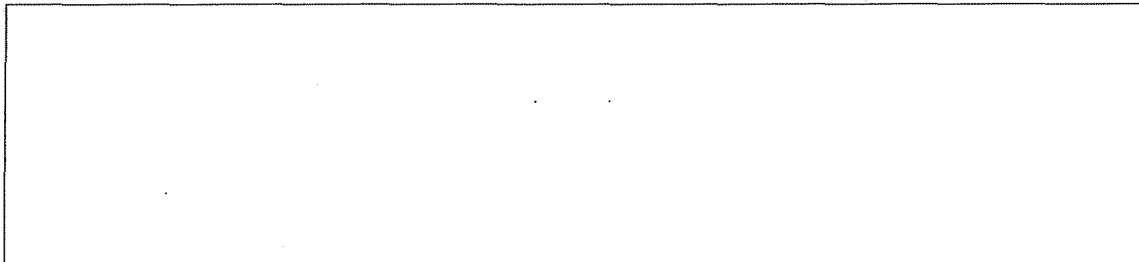
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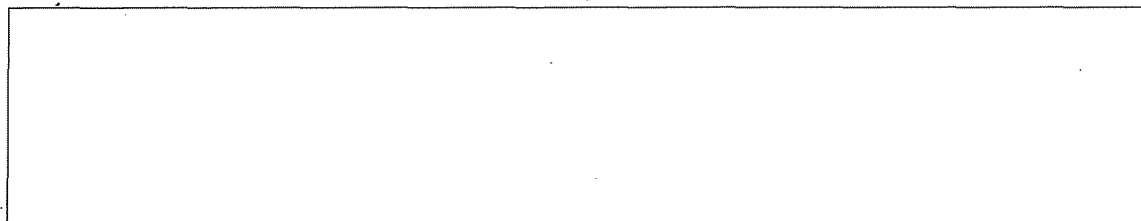
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But even more disturbing is the NIO's claim that the "allegations" in the report are "uncorroborated by any other intelligence reporting." According to a Defense Intelligence Agency Directorate for Intelligence Research published study in 1977, a report was received in the Fall of 1976 indicating that two North Vietnamese officials who had recently come to southern Vietnam had told a "high PRG official" that 235 US POWs were executed in northern Vietnam in July, 1976<sup>188</sup>



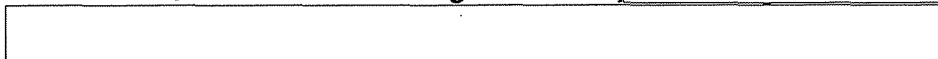
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• Former National Security Advisor to President Carter (1977-1980), Zbigniew Brzezinski, provided the following assessment:



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<sup>188</sup> Recent Reports of U.S. PWs and Collaborators in Southeast Asia, Defense Intelligence Agency, information cut-off date April 1, 1977, see pages 65, and 69-70. The person who had actually learned of the above information and then passed it to U.S. intelligence had been an American left behind in the Fall of Saigon who was released on August 1, 1976. (U)

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interviewed during the MacNeil/Lehrer Newshour in April, 1993 about the number of US POWs reported in the 1205 document —

*BRZEZINSKI: I suspect that the Vietnamese had the view that this would be a very prolonged conflict in which at best the United States might partially disengage from South Vietnam, but would continue supporting it and that further leverage on the United States would be desirable for them to have...In the meantime, they had gone on record repeatedly as having only had the number to which they admitted themselves having and as having no more than those that they released. And they were stuck with a situation in which they no longer needed leverage against the United States and yet had several hundred surviving Americans, many of whom they had classified as reactionaries, and therefore, as enemies, and I'm, therefore, knowing how the Vietnamese regime has behaved in the past, for that matter how the Soviet regime has behaved in the past, I'm led sadly to the conclusion that in all probability sometime after the conclusion of the Paris Agreements, or perhaps after the fall of South Vietnam in 1975, they executed those that were still living, perhaps with the exception of a small number whom they retained for continuing intelligence or technical purposes.*

*MACNEIL: ...In other words, it's just a straight, deliberate execution?*

*BRZEZINSKI: Yes, because they (the Vietnamese) were, in effect, in a situation of their own making. They had thought they would use these people as leverage on us and it's hinted in that (1205) report, the document which is now public. And they were then faced with a situation in which they no longer needed to exercise that leverage, and they had been publicly committed to the proposition that they had no more Americans, and, therefore, some of them might have felt, the leadership might have felt that this was the easiest way out. And that, incidentally, explains the howls of outrage that are now emanating from Hanoi.<sup>189</sup> (U)*

- Former National Security Advisor and Secretary of State Henry Kissinger (1969-1976), when asked on the same news program to comment on Mr. Brzezinski's statement above, replied —

*KISSINGER:...if they held prisoners that they didn't acknowledge, then there is considerable plausibility to Zbig's theory...one would have thought that if they held them*

<sup>189</sup> Transcript of the MacNeil/Lehrer Newshour, Show #4605, Tuesday, April 13, 1993. (U)

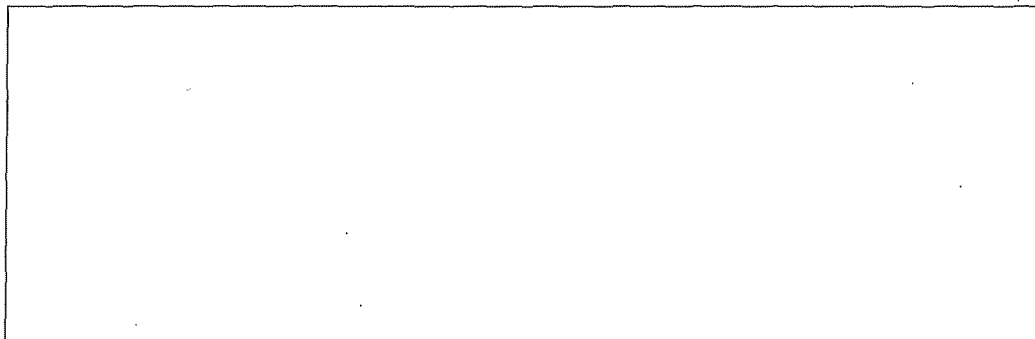
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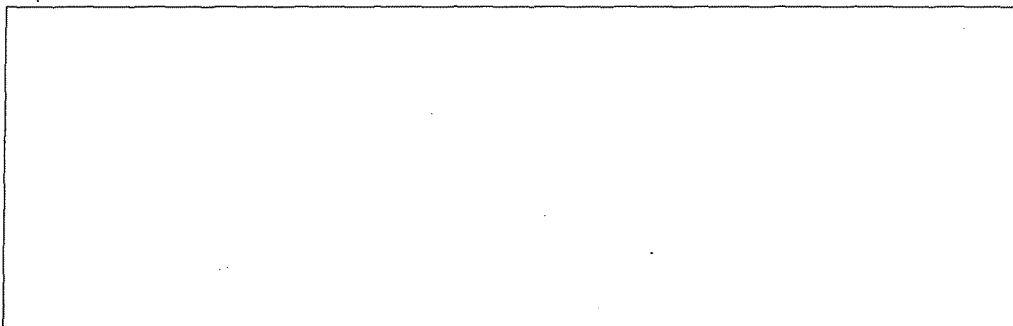
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*in order to blackmail us, they would have at some point produced them. Whether they though this was no longer necessary after Saigon collapsed...after that they might have believed that there was no longer any negotiating tool.*<sup>190</sup> (U)



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- A DIA contract agent reported being privately told in 1993 by a Vietnamese PAVN General Political Directorate (GPD) officer in Hanoi that “perhaps hundreds” of the unreturned U.S POWs had been executed by North Vietnam, and that this was “Hanoi’s darkest and worst secret.”<sup>192</sup> (U).



<sup>190</sup> Ibid.

<sup>191</sup> Department of Defense JCRC Liaison, Bangkok, TH, priority message, info to DIA Washington, USCINCPAC, SECDEF, P 080156Z March, 1985. (U).

<sup>192</sup> See *Inside Hanoi's Secret Archives* by Malcolm McConnell with Theodore “Ted” Schweitzer, 1995, p. 268-270. (U)

<sup>193</sup> Letter from Director of Central Intelligence James Woolsey to Sen. Bob Smith, dated July

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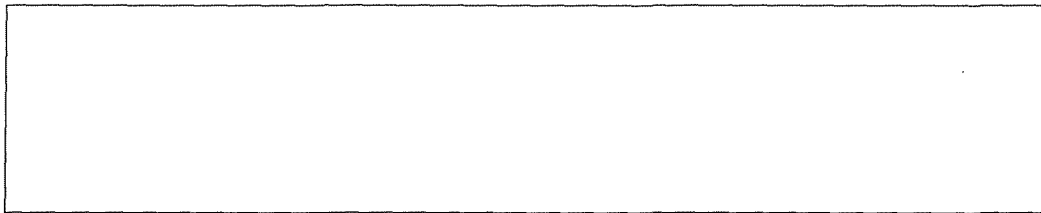
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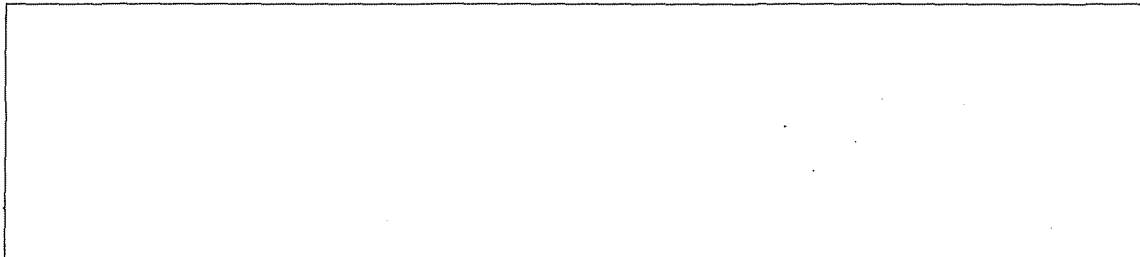
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- Russian Presidential Advisor and Co-Chairman of the Joint U.S.-Russia Commission on POW/MIAs, General Volkogonov, told President Clinton's Special POW/MIA Emissary to Hanoi, General Vessey, in 1993, that "he feared" some of the alleged 465 US POWs with reactionary views referenced in the September, 1972 1205 report "may have been later executed."<sup>194</sup> (U)

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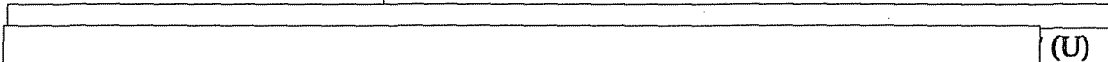


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- Earlier that same month, The Washington Post reported, in a front page article, entitled "*No Hope, MIA Families Told*," that Congressman Sonny Montgomery, Chairman of the House Select Committee on Missing Persons, had told POW/MIA family members gathered in

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26, 1993 (see enclosures). Note:



(U)

<sup>194</sup> Memorandum for the Record, Subject: Conversation between GEN Volkogonov and GEN Vessey during visit at Walter Reed Medical Center, dated June 22, 1993. (U)

<sup>195</sup> See Memorandum to Assistant to the President for National Security Affairs Anthony Lake from National Intelligence Officer for East Asia Robert Suettinger, dated December 13, 1993. (S)

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Washington that, based on the almost year long investigation by his Committee, he had been "forced to the painful conclusion that our MIAs lost their lives in the service to their country." (U)

- The Post, in the same above-referenced story, also reported that "the Vietnamese Government has indicated that the U.S. must pay a price of \$3.25 billion in reconstruction aid for any information it has on the missing men. The League (of POW/MIA Families) is opposed to paying such blackmail and acknowledges that such a gesture is out of the question politically." (U)
- In a related editorial at the time, the Post further pointed out that Congressman Montgomery and his Committee had "also made an earnest attempt to get the Vietnamese Government to understand that, no matter what they thought had been promised at a certain point by President Nixon, reparations or reconstruction aid is now politically out of the question." (U)
- Chairman Montgomery had indeed told the Vietnamese, as early as a December 21, 1975 meeting with North Vietnamese Premier Pham Van Dong in Hanoi that "they are not going to get reconstruction aid from the United States, and we weren't going to bargain or pay blackmail." (U)
- At a public Congressional hearing on April 16, 1976, then U.S. Secretary of State Henry Kissinger had testified that "we cannot accept the proposition that we have an obligation to provide aid, which we have not. We believe that the Paris accords have been breached so completely (by the North's military conquest of the South) that it would be completely absurd to let only one article survive when all the other obligations have been totally abridged by North Vietnam...We have no plans to give any aid." (U)

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- Kissinger's comments followed, by three weeks, a statement by President Gerald Ford, characterizing the North Vietnamese as "international pirates." (U)
  - [REDACTED] the Government of the Socialist Republic of Vietnam was again told, this time in a State Department diplomatic note to Hanoi's Foreign Ministry dated July 19th, that "The United States does not consider that it has an obligation to provide reconstruction assistance to Vietnam." (S) (b)(1)
  - In a potentially ominous commentary in Hanoi in October, 1976 [REDACTED] the Communist Party of Vietnam publication, *Nhan Dan*, noted "...The United States has denied its responsibility and obligation to implement Article 21 of the Paris agreement on healing the wounds of war and postwar reconstruction of Vietnam...Is it that Ford and Kissinger have really been concerned about the families of American soldiers who were killed or listed as missing while perpetrating crimes in Vietnam? Not at all. Had they been truly concerned about the lives of Americans as they have been claiming, then they would have fully implemented all the provisions of the Paris agreement, including the very important Article 21 (providing for reconstruction aid)." (S) (b)(1)
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- As noted earlier in this assessment, Quang was dual-hatted with his positions in the North during the 1960's with positions in Central and South Vietnam as a Member of COSVN and the National Liberation Front (NLF) Central Committee, heading the Military Affairs Committee there and commanding PLAF forces. According to communist Viet Cong "Liberation Radio" broadcasts on June 24, 1965 and September 26, 1965, monitored by U.S. intelligence at the time, *three US POWs<sup>197</sup> were executed* "on orders of the National Liberation Front (NLF) Central Committee" in retaliation for South Vietnamese and U.S. actions in the South. In view of his leadership roles, *Quang undoubtedly was directly involved with ordering these executions of US POWs*. These three U.S. servicemen were subsequently listed as

<sup>196</sup> See *Vietnam* by Karnow, p. 276-279; *Inside Hanoi's Secret Archives* by McConnell, p. 271; *The Encyclopedia of the Vietnam War* by Kutler, (under "Hue"). For denial by General Quang, see *Vietnam, A History*, by Stanley Karnow, 2<sup>nd</sup> Edition, 1997, p.543, "Revisiting Vietnam in 1981 and again in 1990, I was able to elicit little credible evidence from the Communists to clarify the episode. General Tran Do, a senior Communist architect of the Tet offensive, flatly denied that the Hue atrocities had ever occurred, contending that films and photographs of the corpses had been "fabricated." *I heard the same line from General Tran Van Quang, who commanded the Communist forces in the region.*" (U)

<sup>197</sup> The US POWs identified in the communist broadcasts were U.S. Army military advisor Sgt. Harold Bennett, U.S. Army Special Forces Sgt. Kenneth Roraback, and U.S. Army Special Forces [redacted] For additional references, see *Newsweek*, October 11, 1965, p.48, article entitled *The War in Vietnam*. (U)

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“died in captivity” by the Provisional Revolutionary Government (PRG) in their POW list turned over in Paris in January, 1973, and their remains, as of 1998, have still not been repatriated to the United States. (As noted earlier, Quang had also served as the PRG Defense Minister following its establishment in 1969, and would have logically prepared or approved, under that leadership capacity, the PRG US POW list presented in Paris. (U)

[REDACTED]

(b)(1)

Following the return of acknowledged US POWs in 1973, there remained over 1,300 U.S. personnel in a missing in action status, and DoD could not say whether those individuals “were alive or dead.” Moreover, U.S. officials at the time had expected a higher number of US POWs to be returned, as earlier indicated in this assessment. Finally, the figures referenced by the NIE itself (p.19) show that, as of 1998, there remain 370 unaccounted for U.S. personnel, in the judgment of DoD, whose fate has not been determined, including 48 on the “priority” last known alive list. (S)

[REDACTED]

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[REDACTED]

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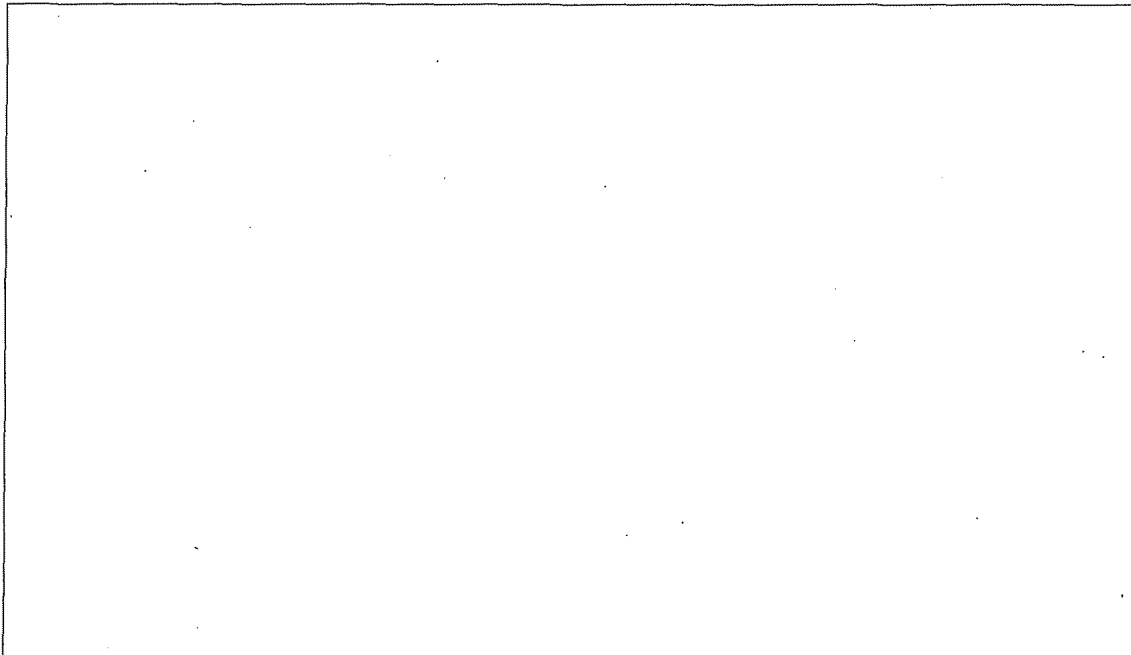
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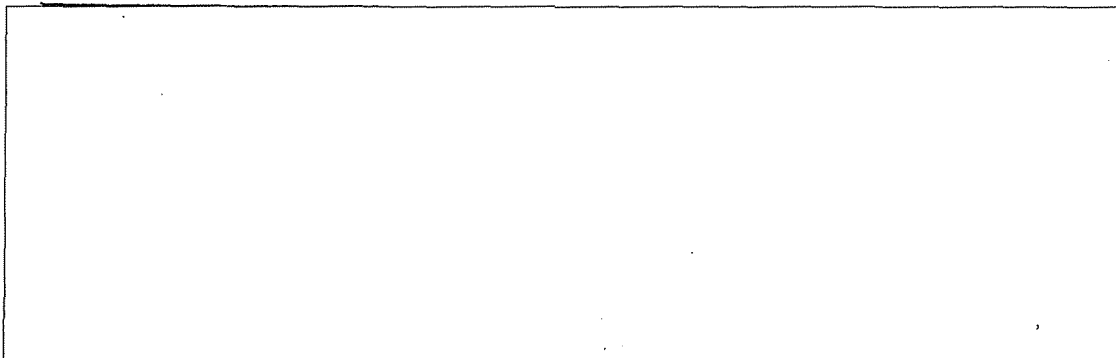
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NIE STATEMENT:



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#### IV POLITICIZING OF INTELLIGENCE:

As noted in this assessment's Executive Summary, Congress and the leaders of the U.S. Intelligence Community (IC) need to examine what role the White House, its National Security Council, and certain US policy-makers responsible for advancing the Administration's normalization agenda with Vietnam may have played in influencing or otherwise affecting the judgments of the IC as reflected in this NIE. If any improper communication or influence took place, immediate steps should be taken to determining how this could have occurred. Such a review is critical to ensuring that the IC is providing objective and independent analysis to its customers. (U)

This is especially important because the NIE was prepared and published in classified form during the same period that the President and his Administration were required by Public Law to determine whether Vietnam was "fully cooperating in good faith" with the United States on the POW/MIA issue. An affirmative certification is required for the expenditure of funds for US diplomatic operations in Vietnam. (U)

A bipartisan report from the Senate Select Committee on Intelligence (SSCI) had determined in April, 1997 that the IC had provided no input, nor was input solicited, in determinations for 1996 and 1997, even though the certification, by law, is required to be "based on information available to the US Government." This SSCI finding was one of the reasons National Security Advisor Berger had been requested by the Senate to have this NIE prepared. (U)

The President himself had recognized the potential impact of the NIE on the certification process, stating in a letter to me dated February 25, 1998 (8 days prior to his 1998 determination), that "the results of the National Intelligence Estimate regarding the extent of Vietnam's disclosure of information on our missing service personnel will be taken into account as we continue to advance our agenda with

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Vietnam...<sup>199</sup>, (U)

The President issued his 1998 determination that Vietnam was fully cooperating in good faith on March 4, 1998 -- one month *prior* to the NIE's official dissemination, and, again, only 8 days after his letter to me. (U)

Although the NIE had not yet been approved or published, there apparently was communication and coordination between the National Intelligence Council and, at the least, the Office of the Assistant Secretary of Defense for International Security Affairs (under OSD/Policy), concerning the draft contents of the NIE. Moreover, the National Intelligence Council has confirmed that it selected "four individuals outside the Intelligence Community with expertise on the Vietnam POW/MIA issue" — whom it has not yet identified to Congress — who "reviewed the draft and provided their commentary to us."<sup>200</sup> Additionally, the Director of Central Intelligence, George Tenet, has also stated the "the draft was reviewed by several experts from outside the Community."<sup>201</sup> Were any of these individuals employed in the Office of the Secretary of Defense for Policy, which includes DoD's POW/MIA Office, — an office which supports U.S. policy that Vietnam is fully cooperating in good faith on the POW/MIA issue? (S)

Questions concerning the politicizing of intelligence have naturally arisen as a result of these revelations. On its face, the prior pledge by the Director of Central Intelligence that the NIE would be done "*with the objectivity, timeliness, and independence that characterize our analytical efforts*"<sup>202</sup> needs to be further

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<sup>199</sup> Letter from President Bill Clinton to Senator Bob Smith, dated February 25, 1998. (U)

<sup>200</sup> Transcript of Briefing by National Intelligence Council to U.S. side of the US-Russia Joint Commission on POW/MIAs, p. 5-6, dated June 17, 1998 (S)

<sup>201</sup> Letter from Director of Central Intelligence George Tenet to Executive Director, National League of POW/MIA Families Ann Mills Griffiths, dated October 28, 1998. (U)

<sup>202</sup> Letter from Central Intelligence Agency, "the Director of Central Intelligence (DCI) has asked me to respond...", from John H. Moseman, Director of Congressional Affairs, CIA, dated

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examined. (U)

Questions concerning the politicizing of intelligence are further underscored by the following exchange at a Congressional hearing on June 17, 1998 between Congressman Benjamin A. Gilman, Chairman of the House Committee on International Relations, and Mr. Frederick C. Smith, Principal Deputy Assistant Secretary, International Security Affairs, Office of the Secretary of Defense (under the Under Secretary of Defense for Policy) —

*Chairman Gilman: In March of this year, President Clinton certified that the Government of Vietnam was fully cooperating in good faith on the POW/MIA issue. What role did our Department of Defense play with respect to that decision on certification?...*

*Mr. Smith: The Department of Defense did make an input...Our recommendation was that Vietnam was fully cooperating with our efforts in this area...*

*Chairman Gilman: When you made that decision in the Defense Department, did you have before you the National Intelligence Estimate on Vietnam's performance on the POW/MIA issue?*

*Mr. Smith: We were actually working on it at about the same time, because we were working with the Central Intelligence Agency on that issue, and so it was concurrent, simultaneous.*

*Chairman Gilman: Did you have that estimate before you at the time you made your decision and made your recommendation to the President?*

*Mr. Smith: The final copy of the estimate was issued in April, 1998, and the determination was made in March.*

*Chairman Gilman: So you actually didn't have the final National Intelligence Estimate?*

*Mr. Smith: We did not have the final estimate that was issued. That is correct. But we certainly knew what was in it, and we were involved in the preparation of the estimate.*

November 17, 1997. (U)

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*Chairman Gilman: You were working on the Estimate? Were you working on the Estimate?*

*Mr. Smith: Yes. The estimate had been in preparation for a number of months before hand.*

*Chairman Gilman: And you would have had the occasion to see what the report said at the time you made your decision?*

*Mr. Smith: Yes.*

*Chairman Gilman: Is it your view that the report supports the President's certification that Vietnam is fully cooperative?*

*Mr. Smith: Yes. I believe that the information about the improved cooperation we've received from the Vietnamese, and the reasons that the estimate gives for this improved cooperation are correct.<sup>203</sup> (U)*

The above testimony would further seem to cast doubt on the reliability of testimony by Under Secretary of Defense for Policy, Walter Slocombe (Mr. Smith's superior in the OSD chain of command), on the day after the President's March 4, 1998 determination.. On March 5, 1998, before a hearing of the Senate Committee on Armed Services, the following exchange took place between myself and Under Secretary Slocombe —

*Under Secretary Slocombe: Senator, I'm not familiar with the details of what input the national intelligence community had in this particular determination.*

*Sen. Smith: Well, you're aware there's an intelligence community estimate going on now, correct?*

*Under Secretary Slocombe: Yes.*

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<sup>203</sup> Transcript of Hearing before the Committee on International Relations, US House of Representatives, *A Worldwide Review of the Clinton Administration's POW/MIA Policies and Programs*, p. 10-11, dated June 17, 1998 (U)

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*Sen. Smith: ...wouldn't it seem reasonable to wait until the national intelligence estimate came back?...*

*Under Secretary Slocombe: I think it's wholly appropriate to do an intelligence estimate. What I do not know, and am not in a position to comment on is what information was obtained from the Intelligence Community in connection with this determination, because I simply do not know.*<sup>204</sup> (U)

The testimony from Deputy Assistant Secretary Smith further casts doubt on the reliability of the assurance from Director of Central Intelligence George Tenet that "at no stage was there higher level or other intervention to change or shape the body or judgments of the NIE."<sup>205</sup> (U)

Moreover, in the course of preparing this intelligence estimate, the principal author reportedly traveled to Hanoi to conduct personal interviews with US Ambassador to Vietnam, Douglas "Pete" Peterson<sup>206</sup>, in addition to conducting interviews with Dr. Lou Stern, Director for Indochina, Thailand, and Burma in the Office of the Secretary of Defense for International Security Affairs at the Pentagon<sup>207</sup> — two of

<sup>204</sup> Transcript of Hearing of the Senate Committee on Armed Services, March 5, 1998. (U)

<sup>205</sup> Letter from Director of Central Intelligence George Tenet to Executive Director, National League of POW/MIA Families, Ann Mills Griffiths, dated October 28, 1998. (U)

<sup>206</sup> Ambassador Peterson, a former POW from the Vietnam War, did not arrive in Hanoi until May, 1997, following his Senate confirmation in April of that year. Prior to confirmation, Ambassador Peterson served as a Democrat Congressman from Florida during which time he consistently advocated full U.S. normalization of relations with the Government of the Socialist Republic of Vietnam. During that same tenure, he served as US Chairman of the Vietnam War Working Group of the US/Russia Joint Commission on POWs and MIAs where he maintained his position that the so-called 1205 and 735 documents, assessed in this current NIE, were not valid. (U)

<sup>207</sup> Dr. Stern has been a consistent advocate for closer US ties with Vietnam during his tenure at the Department of Defense spanning several years. While employed by DoD, he has published a book on the development of US-Vietnam relations. He has also been directing involved with DoD hosting of several high-level Vietnamese delegations to the United States, and has

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the Administration's biggest advocates for continued expansion of US relations with Hanoi. (S)

When I questioned the National Intelligence Officer for East Asia, Robert Suettinger, under whose auspices the current NIE was prepared, on the Intelligence Community's role with respect to the 1998 certification and the NIE's bearing on it, the response was quite abrasive, defensive, and disturbingly evasive —

*Sen. Smith: Let me ask you this question, and I would like a yes or no. Did the President ask you for your input prior to the certification in March, 1998 that the Vietnamese were fully cooperating or cooperating in good faith?*

*Mr. Suettinger: Did he ask me personally?*

*Sen. Smith: Well, did he ask the agency?*

*Mr. Suettinger: I do not know.*

*Sen. Smith: You do not know the answer to that?*

*Mr. Suettinger: I do not.*

*Sen. Smith: ...Does your intelligence estimate disagree with the President's statement that the Vietnamese are being fully cooperative, yes or no?*

*Mr. Suettinger: ...I would say that the intelligence assessment, which was not intended to answer that specific question, comes down on both sides of the issue, that there has been improved cooperation, but that it is not perfect. And the reasons for its not being perfect are cited in the estimate.<sup>208</sup> (U)*

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strategized with Vietnamese officials concerning ways to achieve normalization of relations without the POW/MIA issue being an obstacle. (U)

<sup>208</sup> Transcript of Briefing by the National Intelligence Council to the U.S. side of the US-Russia Joint Commission on POW/MIAs, p. 23-24, and 29, dated June 17, 1998. (S)

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Interestingly, Mr. Suettinger's careful wording above on June 17, 1998 — using the term "*improved cooperation*" in response to a question about the validity of the President's determination that Vietnam was "fully cooperating in good faith" — is *the exact phrase* used by Deputy Asst. Secretary Smith at a House hearing *on the same day in response to the same question*. This exact phraseology is not found in the NIE itself, and raises more questions about additional collaboration between the National Intelligence Council and the Office of the Under Secretary of Defense for Policy.

Questions, in the context of the current NIE, about the politicizing of intelligence on issues bearing on U.S. policy toward Vietnam are particularly relevant in view of prior indications suggesting that such actions took place during the current Administration on the same issues being reviewed in the current NIE. (U)

For example, an "interagency intelligence assessment" on the "1205" and "735" documents was disseminated to the media, with a January 24, 1994 release date, three days prior to a U.S. Senate vote on whether to urge the lifting of the U.S. trade embargo on Hanoi, and one week prior to the President's announcement of his determination to lift the embargo. The timing of the release of this assessment became suspicious when it was learned that it had, in fact, been prepared, completed and forwarded to the Under Secretary of Defense for Policy in an unclassified format for release, through the National Intelligence Council *by June 21, 1993 — seven months earlier* (with the exception of two paragraphs later added by DoD) — even though the President had continued to maintain in communications with Congress, as recently as December, 10, 1993 that he "intended to release publicly our analysis and conclusions as soon as possible. I am sure you would agree that we must accord them the most careful analysis..." Clearly, the release of this unclassified document of information prepared with major input by elements of the Intelligence Community, had been delayed for political purposes in order to obtain maximum effect on decisions being made and/or announced within the Congress and the White House. (U)

In addition, one year earlier, on February 12, 1993, then Deputy National Security

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Advisor Sandy Berger, after having been briefed on the discovery of the so-called 1205 document in Moscow, tasked the Intelligence Community, through the Department of Defense, in an Eyes Only Memorandum, to "*analyze the implications of the following hypothetical scenario. Assume that a document from a senior North Vietnamese Army official established that on September 15, 1972 the North Vietnamese were holding 1205 American prisoners of war...; the North Vietnamese were deliberately concealing the true number of prisoners they were holding from the outside world; the fate of these prisoners was under consideration by the Hanoi Politburo...if such a document were deemed reliable...what are the implications of this information generally, what are the implications in light of Vietnam's obligations under the Paris Peace Agreement?*"<sup>209</sup> (U)

The phrasing of this White House tasking, ie: *if such a document were deemed reliable, what are the implications...*, can be interpreted as politicizing of intelligence, because it opens the door for an Administration judgment that a document is *not* reliable if it is deemed to have *negative* implications for planned U.S. policy toward Vietnam if it is judged to *be* reliable. Indeed, the Defense Intelligence Agency's (DIA's) apparent response to this memorandum, dated February 25, 1993, concluded that "hypothetically, the Vietnamese would have been holding 665 more POWs than we know them to have held; ...hypothetically, all of these extra POWs...would also have had to been placed in a completely separate prison system: ...hypothetically, some of these men would have survived to the present in Vietnam."<sup>210</sup> Furthermore, this initial eyes only tasking was posed during

<sup>209</sup> Eyes Only Memorandum from then-Deputy National Security Advisor Samuel R. Berger, dated February 12, 1993, forwarded to Director, Office of Senate Security, by National Security Council Senior Director for Records and Access Management, in unclassified, redacted form on March 12, 1997. A second copy of the same memorandum was received in the Senate directly from the Department of Defense on April 12, 1993. (U)

<sup>210</sup> DIA further stated in the same response that the "hypothesis was refuted by undisputed evidence provided by 30 years of intelligence collection." The referenced Defense Intelligence Agency memorandum was received in the Senate in April, 1993, and subsequently received again, as an unclassified document, on March 25, 1997, from the Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs). (U)

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the same period that the Administration had begun a high-level review of U.S. policy toward Vietnam with the goal of further advancing normalization of U.S. relations with Hanoi, beginning with the hoped-for removal of U.S. objections to International Financial Institution (IFI) lending to Vietnam during a planned April meeting of world financial officials — the same month the 1205 report was subsequently disclosed publicly. (U)

Whether there was any such politicizing of intelligence by the Administration, and the extent of the Intelligence Community's participation in any such effort, has not yet been firmly established, but the concerns are further underscored by the fact that subsequent to the above-referenced memorandum from Deputy National Security Advisor Berger, the Under Secretary of Defense for Policy formally requested that an assessment of the 1205 document be prepared *for release to the media*. This directive followed a White House meeting with the President, Vice-President, National Security Advisor, and two other Defense and State Department officials involved with POW/MIA accounting efforts, during which time the President reportedly stated that he "did not want the 1205 document to get in the way of normalization of relations with Vietnam." (U)

At the first meeting to discuss preparation of this assessment, the Deputy NIO for East Asia, Robert Suettinger, reportedly announced to those gathered that the 1205 report was *not reliable* with respect to US POWs, and that was the operating assumption under which the 1993/94 DoD-released product was consequently prepared. (U)

Based on this admittedly circumstantial evidence, a further review of this matter by appropriate Congressional committees and the leaders of the Intelligence Community appears warranted.

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## V CONCLUSION:

On September 3, 1998, the American Embassy in Hanoi reported that Communist publications there had carried a Vietnam News Agency (VNA) report under the title *"No evidence of American POWs in Vietnam -- Affirms U.S. Intelligence."* The reports went on to say that the "U.S. National Intelligence Council report...affirms that the Russian documents are fake...and that Vietnam has cooperated with the United States in accounting for American personnel listed as Missing in Action." (U)

As shown in this critical assessment of the above-referenced NIE, the judgments of the Intelligence Community are not supported and should be retracted. It is equally disturbing that the IC has aggressively and inexplicably gone way beyond standard and historical criteria for reaching judgments in a NIE in an effort to dismiss compelling evidence which conflicts with the NIE's judgments. (U)

It is also a sad commentary that, in the end, the NIE places more reliance on statements by communist Vietnamese officials in Hanoi than on statements from Russian officials in Moscow who are part of the emerging democratic government there. It is further unfortunate that the NIE's judgments, and their public release, will likely seriously undermine *"continued U.S. efforts to acquire additional information on the Russian documents from the Vietnamese Government... including access to other relevant Party and government archival materials"* as pledged by the President's National Security Advisor, Samuel R. "Sandy" Berger, in his letter to the Senate Majority Leader, Trent Lott, in April of last year. (U)

The NIE's judgments, and their public release, will also likely undermine any serious US effort to convince Hanoi to increase their level of cooperation with US officials, (as opposed to maintaining the status quo), especially with regard to additional unilateral disclosures of POW/MIA material from relevant archives in Hanoi, as also pledged by Mr. Berger, which would include the key, relevant records of entities such as the Central Military Affairs Party Committee. (U)

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Based on the contents of this critical assessment of the NIE, Congress and the leaders of the Intelligence Community must reexamine the judgments reached in the NIE with the goal of ensuring that U.S. policy and decision-makers are relying on judgments that are based on "the most careful analysis in the context of all other known information," a standard which was originally promised by our President himself, in a letter to me dated December 10, 1993. To do anything less is a tremendous disservice to the POW/MIA families and the memory of those still unaccounted for from the Vietnam Conflict. (U)

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## Attachment to Plaintiffs' Exhibit A

*1205 Document*—Report of the Deputy Chief of the General Staff of the VNA [Vietnamese Peoples Army] General-Lieutenant Tran Van Quang at the Politburo Meeting of the PTV September 15 1972

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GENERAL STAFF OF THE ARMED FORCES OF THE USSR  
MAIN INTELLIGENCE DIRECTORATE [GRU]

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## REPORT

OF THE DEPUTY CHIEF OF THE GENERAL STAFF OF THE  
VNA [VIETNAMESE PEOPLES ARMY] GENERAL-LIEUTENANT TRAN VAN QUANG  
AT THE POLITBURO MEETING OF THE TSK PTV  
15 SEPTEMBER 1972  
(translation from Vietnamese into Russian)

MOSCOW - 1972

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Dear comrades!

I reported to you earlier about the situation which has developed and about the fundamental characteristics of the past stage of our people's conflict against the American imperialists. I will cover the main tasks of the people and the army of North and South Vietnam which were proposed by the 23rd Plenum of the TsK PTV.

These tasks once again confirm our resolve to attain victory. This is a very correct course for our party and people at the present stage of conflict. We have already worked out measures for achieving the resolutions of the 23rd Plenum of the TsK. We will also cover a number of the Supreme Command's and the Government Defense Council's positions, in which an evaluation of our victories gained over the period from 30 Mar 72 to the present is given.

The military situation for us is developing favorably on all fronts. A number of profound changes which took place in the military situation demanded that we develop a necessary frame of reference for solving all issues which arise during the war. Several meetings between us and the US aimed at developing measures on resolving the Vietnam issue have already taken place.

We have decisively rejected a number of proposals put forth by the American side. With assistance from a number of countries, there were to be secret meetings in Paris and in other places aimed at drawing up a solution to the Vietnam issue. Such meetings took place. They once again testified to the deranged nature of the proposals put forward by the American side. As before, we have maintained our position, the essence of which includes the following: if the US truly wants to resolve the Vietnam issue, then above all else it must refuse to support the Nguyen Van Thieu regime, and only afterwards will we engage in a discussion about a cease fire. This demand is the main tenet in our conflict against the American imperialists.

If Nixon continues adhering to his policy of "Vietnamization" of the war and desires to leave the present Saigon Government of Thieu in power, then the peace negotiations between us and the US will not yield any results.

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During our general offensive on the fronts of South Vietnam, Laos and Cambodia, the progress which we have attained in implementing our strategic and tactical line [direction, orientation] was clearly evident.

Earlier, I analyzed the activity of our command, elucidated the great victories we have attained and also explained the shortcomings and mistakes that we made during the general offensive. The lessons we learned from analyzing the mistakes we made were also discussed. I stated all of this to the Politburo in order to work out a direction for solving the fundamental principal problems.

Today I will report a number of positions regarding expanding the scope of our future offensive.

We organized meetings with South Vietnamese representatives aimed at preparing a solution of the military and political issues in South Vietnam according to the Politburo's and State Defense Council's plan. These meetings have great significance for us, and we are linking several of our plans with them [South Vietnamese representatives]. A number of our comrades have met with representatives of the South Vietnamese authorities, and it can be said that we have succeeded in winning their sympathy at these meetings. We were able to exchange ideas not only orally, but also in written form during these meetings and contacts. This gave us the opportunity to draw definite conclusions. Recently, we have conducted 8 similar meetings with representatives of the Saigon authorities and South Vietnamese political figures.

First, we will cover meetings with General Ngo Dinh Dzu<sup>1)</sup>. Earlier Ngo Dinh Dzu was listed as a candidate for president of South Vietnam and fought with Nguyen Van Thieu and Nguyen Cao Ky for this post. Ngo Dinh Dzu is a prominent South Vietnamese capitalist and well-known political figure. He occupied the post of chairman of the upper chamber of the Saigon Parliament and during the Ngo Dinh Diem government, he was a senator in the upper chamber. Ngo Dinh Dzu, in his own opinion, is a nationalist. He speaks

<sup>1)</sup> Commander of the 2nd Regional Corps of South Vietnam, General-Lieutenant (GRU's note).

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against American troops on South Vietnamese territory, and also against several policy positions conducted by the Saigon authorities. At the same time, he is characterized as a reactionary, an enemy of communism. Afterwards, as Ky and Thieu attained victory in the presidential elections, the latter undertook all measures to take revenge on General Dzu. Dzu used the pre-election campaign to criticize the Saigon regime and to undermine its security. He spoke against American troops on South Vietnamese territory, for which he was subjected to bitter attacks from Nguyen Van Thieu. General Dzu was forced to leave the political arena after 9 months under pressure from Thieu. Afterwards, General Dzu became an even greater enemy of Nguyen Van Thieu and his government. This is why we tried to win this person over to our side.

Despite General Dzu remaining an enemy of communism, his relations with Nguyen Van Thieu and the present Saigon factions, as well as our meetings with him have allowed him to see the nature of the Americans and the true colors of the Saigon Government.

We sent one of our comrades from the Supreme Command to Saigon for meetings with General Dzu. At the meeting, which lasted 3 hours, General Dzu agreed to enter into a future coalition government and spoke out against the policy of "Vietnamization" of the war carried out by Nixon and also against the Nguyen Van Thieu clique. During this meeting he also stated that he will fight against Nguyen Van Thieu's clique and Nixon's present designs.

Now, we see clearly how significant changes have taken place in General Dzu's life and way of thinking. He is no longer the same ardent anticommunist. Now prevailing in his views are those features such as the conflict against Nixon's policy of "Vietnamization" of the war and against Nguyen Van Thieu's clique which he considers as fascist and as expressing the interests of the financial oligarchy which is against freedom and independence. And finally, General Dzu is for the expansion of democracy and freedom over the entire territory

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of South Vietnam. Such are General Dzu's basic national qualities which correspond to our present course. This is why we are attempting to win General Dzu over to our side and why we entered into contact with him. After the first meeting, there were three other recent meetings during which he expressed his opinions. During these meetings, we understood what kind of major changes took place in his way of thinking and in the position he has taken and in his approach to solving the problem.

Thus, we can ascertain that these meetings and contacts with General Dzu had very good results. Recently, General Dzu requested to meet with one of the prominent leaders of the NFO [National Liberation Front] of South Vietnam. We are now busy preparing for the upcoming meeting between General Dzu and Hyuyn Tan Phat. This meeting will be conducted in secret to insure the fulfillment of our main principles as we understand that this new person is contradictory - he is among those in the Saigon Government whose number is daily growing.

The second person is Nguyen Khanh. He earlier occupied the post of prime minister for three years after the overthrow of Ngo Dinh Diem. Nguyen Khanh is a representative of the army. Earlier he served in the French Army; now he is a prominent South Vietnamese capitalist whose capital is invested in various foreign enterprises, especially in France. Nguyen Khanh is a representative of the new trend. This is why we have entered into contact with him. These contacts took place in Paris, where we have conducted 5 meetings.

Nguyen Khanh maintains constant contact with military circles in the Nguyen Van Thieu government. After being removed from his post, he left the country, but periodically returns to Saigon where he engages in political activities in the capacity of an emigre representative.

In summarizing the five meetings, we noticed in Nguyen Khanh the following: first, as regards the ruling faction he believes that Nguyen Van Thieu is a dictator and fascist who is not capable of being the head of the government. Khanh considers the present government to be rotten to the core; second, he is against the bombing of North

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Vietnam; third, while criticizing the Nguyen Van Thieu faction, he speaks against the participation of Saigon troops in combat actions on Cambodian territory. He believes that the Saigon Army is in danger of disintegration and that it has poor morale and combat spirit. Nguyen Khanh speaks for the establishment of a new government which would have authority with the people and which would carry out a nationalist policy, while receiving foreign aid. These are the views of Nguyen Khanh. He says nothing about his feelings toward the policy of "Vietnamization" of the war. This is explained primarily by his connections with military circles. Therefore, we are not striving to directly attract him to our side. Presently, Nguyen Khanh is maintaining connections with the current Saigon generals.

The third person is Duong Van Minh, who also represents the military circles. Previously, he occupied the post of prime minister after Nguyen Khanh, and was then sent out of the country as an ambassador. The political views of Duong Van Min' differ from the political views of Nguyen Khanh. This is first expressed in Duong Van Min' speaking out against Nixon's policy of "Vietnamization" and for the independent solution of internal problems by the Vietnamese without US interference. He believes that the US should be responsible for prolonging the Vietnamese War and for its consequences. He subjects the Vietnamese policy of Nixon to sharp criticism, as well as the policy carried out by the current Saigon Government. These are very good political views. He speaks against Thieu's clique, considering it to be pro-fascist, anti-democratic and not capable of carrying out the leadership of the country. These are the primary political views of Duong Van Min'.

As a result of these contacts with Duong Van Minh, we have attained an important victory, which has forced him to reflect. He also met with Nguyen Thi Binh several times in Paris. At these meetings, Duong Van Minh felt that, as before, he was close to the Fatherland and that he is Vietnamese. This is why he began to conduct this great work with us and with the intelligentsia and military circles located outside of the country. He did this with the aim of entering into a coalition government and in the hope of solving the Vietnamese issue

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on the basis of conducting consultations and negotiations between the various political factions of South Vietnam. This is Duong Van Min's desire.

The fourth person is the former emperor Bao Dai. At one time the possibility existed that the former emperor would have been behind us. But, under pressure from reactionary factions after the August revolution, he was forced to emigrate to France. As before, Bao Dai holds great influence amongst the political figures in the Quang Tri and Thua Thien Provinces and also in the city of Hue, the ancient capital of Vietnam. This is why we moved to make contact with Bao Dai. We are not hoping that Bao Dai becomes a part of the coalition government, but to attract him to our side is to attract his supporters in the regions where he has influence. As a result of the meetings conducted, we clarified that Bao Dai will come out against the presence of American troops on the territory of South Vietnam, and he also criticizes Nguyen Van Thieu's existing regime. Bao Dai is also calling for all political factions to create a free, neutral, peace-loving government that would resolve the tense situation that has taken form in the country. This is why we entered into contact with Bao Dai and are trying to win him over to our side. We hope that he, in turn, will work with his people in a plan for securing peace and freedom for our country.

The fifth person is General Nguyen Van Vi who previously occupied the post of Minister of Defence of South Vietnam. Tkhieu removed him from his post for disorder and chaos in the army's financial affairs. The real reason, however, for Nguyen Van Vi's retirement was the series of serious defeats that the puppet army has suffered. From Nguyen Van Tkhieu's viewpoint, the military circles responded to this move with a specific reaction. We also had contacts with General Nguyen Van Vi which allowed us to understand his political position. He thinks that the US will certainly suffer defeat in this war and that a war in Vietnam is not the responsibility of the American Army. This is why Nguyen Van Vi is also coming out for the creation of a coalition government in order to resolve the Vietnam issue through peaceful negotiation between all of the political factions of South Vietnam.

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Nguyen Van Vi is also coming out against Nixon's "Vietnamization" of the war. Such are the basic political views of General Nguyen Van Vi. We scored a great victory at the meeting with him; we received his agreement to take part in a coalition government to resolve the Vietnam issue through peaceful negotiation between all of the political factions of South Vietnam. Nguyen Van Vi also officially recognized the victories won by the National Liberation Front of South Vietnam, i.e. our victories.

As concerns our contacts within the South Vietnamese governing apparatus, it is fitting to mention here the letter from Nguyen Cao Ky addressed to us. In the letter, he lays out his views on the course to a resolution of the Vietnam problem.

I have reported to you today on the contacts with all of these people so that you would know how the Politburo's instructions to win over these people to our side is being carried out.

The strong protest from their side is a result of a growth of contradictions within Nguyen Van Tkhiu's clique and of contradictions of Nixon's "Vietnamization" of the war. We can use these contradictions to improve the situation in South Vietnam and to resolve the issue in our favor. Their agreement to enter into a coalition government will precisely go in our favor. In addition to a resolution of the issue by military means on the battlefields of South Vietnam, we have engaged in contacts with several South Vietnamese political figures, who may be able to join the ranks of a coalition government. As a result of these contacts we have gained an understanding of the political views of these people and have expressed our point of view on ways to resolve the Vietnam problem.

These contacts with people who occupy high stations, prominent military and political figures, ministers and senators of the upper and lower chambers of the Saigon parliament provide the basis for making the following conclusions:

1. They are against the present regime of Nguyen Van Tkhiu, considering that Nguyen Van Tkhiu's clique is dictatorial, pro-fascist, rotten and not

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capable of carrying out the leadership of the country under the present situation that has developed in South Vietnam. They also think that if the US withdraws its troops from South Vietnam and stops aiding the regime, the government would instantly collapse.

2. The majority of them are against Nixon's "Vietnamization" of the war, against the escalation of the bombing of North Vietnam, and think that Nixon does not want to resolve the Vietnam issue or the Indochina issue as a whole.

3. They consider that the National Liberation Front has recently scored enormous victories on the military, political and diplomatic fronts. They recognize that on the military front we were able to win over extensive heavily populated regions. They also recognize the National Liberation Front's great success with the strengthening of the army, the increase in its combat ability and leadership level, the improvement in cooperation between the branches of service and many other areas.

We also tried to win over to our side the category of people from the provinces and many towns who occupy less important positions in the state apparatus. It is possible to say that they are also ready to aid in the creation of a coalition government. They are also against the policy of "Vietnamization", against Nguyen Van Tkhieu's clique and want to resolve the Vietnamese issue on the basis of a cessation of war.

Thus, on the orders of the Politburo we have been preparing to conduct meetings with various categories of the South Vietnamese population, aimed at resolving the South Vietnamese issue through peaceful negotiations between all of the political factions of South Vietnam. As a result of the contacts that have taken place to win these people over to our side, conditions have presented themselves so that these people will be able to aid us in the creation of a coalition government and in the overthrow of Nguyen Van Tkhieu's dictatorial regime. We see that we have chosen the correct course. This is also clearly indicated in the resolutions of the 23rd Plenum of the Central Committee.

In other words, we should win these people over to our side, and bring them into the coalition government so that we

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can use them to our favor in the diplomatic and political plan. In order to create a base for the successful resolution of the issues that stand before us, we specifically want to bring into the coalition government those people who earlier worked in the South Vietnamese state apparatus and held or are holding at the present a high post in the power structure.

If we are successful in resolving these issues, we will be concluding a mammoth case on which we will again report to the Politburo so that you are well informed on these issues and have formed a plan of action for mission completion. Thanks to these meetings, we are able to know who supports us and who is against us in South Vietnam. We have also worked out a new plan for the realization of our new intentions in South Vietnam and now know which representatives of the present South Vietnamese power apparatus are in favor of the war.

The meetings and contacts which we initiated were conducted with complete equality of rights and helped us win over representatives of all strata of South Vietnamese society to our side. This is our grandest victory, won in the course of these contacts with the aim of resolving the Vietnamese issue.

Thus, thanks to these contacts we understand which part of the population considers the course we are taking to be just, i.e. we have exposed all of those who are against Nixon's politics for the prolongation of the war, against Nguyen Van Tkhiu's clique and will join with us in the creation of a coalition government.

In addition to the military issues, this is one of the problems we are trying to resolve. We are therefore conducting these meetings and contacts directed at the resolution of political and diplomatic problems.

With the goal of realizing these aims, the Supreme Command, in conjunction with the Governmental Council of Defense, has developed directives for the army to prepare and conduct the "Ba Be" plan, which is scheduled to be executed in October. The "Ba Be" plan provides for the resolution of a number of goals. Four hundred and six individuals [406] were sent to execute the plan in South Vietnam. These individuals had gone through sufficient training and

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are well armed. Earlier, these people worked in the governing apparatus of South Vietnam. After the August revolution, during the period of the war of resistance against the French colonials, we left these people behind. They actively worked for the enemy and subsequently joined various organs of the Saigon governing apparatus. We trained and armed them well to carry out the "Ba Be" plan before they left for South Vietnam.

The basic aims of the "Ba Be" plan:

- Elimination of all people who are resistant and oppose our course and of those who occupy leadership positions at the province-district level and above; a full paralysis of the will of such people.

- Conduct of activities to carry out a disruption of the Saigon governing apparatus at the province level and below with the goal of a subsequent replacement of this apparatus with new people. We are attentively observing those people who oppose us and our decision with regards to this group must be very serious and firm. This matter has an important place in the execution of the "Ba Be" plan. We must have lists and full dossiers on these people beforehand in order to conduct the preparatory training to quickly do away with them and disrupt their routine.

- Search for and acquire materials which testify to crimes by Americans and their puppets with regard to the Vietnamese people, so that during opportune conditions, we can accuse them of committing these crimes by publishing the materials.

These are the three basic missions for the people who were dispatched for execution of the "Ba Be" plan. As for the time of completion, it is generally believed that it will be executed simultaneously with the TS-6 plan (Chyong Shon-6), i.e. in the month of October. This plan must be executed well in order to influence the course of the Paris Peace talks on Vietnam as well as the development of the situation in the near future. This is very important task. Its outcome may help us make a more successful advance on the front. We need to increase the pace of development on the front to win great victories in a short span of time. Therefore, the "Ba Be" plan is already being executed and we are continuing to train people to carry it out.

The TS-6 plan is a VNA plan of military action in South Vietnam with the main effort concentrated in the Hue region (GRU note).

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The pace of the plan must be increased. We have to quickly move these people from North to South Vietnam in order to destroy a large quantity of enemy personnel. In other words, the elimination of all traitors, reactionaries, and counter-revolutionaries who currently make up a fairly significant part in South Vietnam is an important mission of the "Ba Be" plan.

We must attract the neutral forces to our side; those who are fighting for national independence from the USA; those forces who earlier fought against the regime of Ngo Dinh Diem and now fight against the regime of Nguyen Van Thieu. We must do everything necessary in order to successfully carry out the "Ba Be" plan.

Along with that, we must work on the demoralization of the puppet army on all fronts. Under good conditions, such work will lower the fighting spirit of the puppet army soldiers in the future and increase the number of servicemen who defect to our side. This is a basic requirement which helps us create the conditions for revolts in the puppet army. We were faced with this matter after the victory in Quang Tri.

Was there actually a collective anti-military uprising in the puppet 56th Regiment? No, in actuality it was not like that at the front. After we surrounded hill 241, the Regiment command understood the futility of further resistance and surrendered along with its soldiers. However, to increase the effect, we announced that because of good use of propaganda, there was an anti-military uprising in the 56th Regiment. This is a new form of stimulating anti-military uprisings in the puppet army.

The political views of puppet army officers captain and above are very reactionary. Previously they were officers or soldiers in the French Army. Now they are remaining in the army and speak in favor of the previous Saigon government, inciting counter-revolution and anti-nationalism. They hate the revolution. Therefore, applying propaganda amongst soldiers and especially amongst the officer corps is difficult and varied, demanding study from all sides

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and a creative approach in the choice of methods and means.

The brilliant results must be given their due; results which we in the propaganda organization recently achieved among the High Command staff, right up to Saigon Army generals.

We had contacts and meetings with a number of officers. For example, with General Khoang Xuan Lam, the former 1st Regional Corps Commander. He was very reactionary and spoke against our revolution. After the defeat at Quang Tri, Thieu removed him, and he began to make contact with us. At the meetings, Khoang Xuan Lam told us--if it can be said this way--a number of his views. In his opinion, the Saigon puppet army will not be able to execute missions which the plan of "Vietnamization" of the war places on the army. He believes that the revolutionary forces will achieve victory and that the puppet army will not be able to impede this. The Thieu regime is a dictatorship, is pro-fascist, and does not have the support of the people. These are some of the basic tenets expressed by General-Lieutenant Khoang Xuan Lam.

As for the closest person to the Thieu regime--General Ngo Dinh Dzu--in meetings with us, he expressed the opinion that even the 2nd Regional Corps will be lost and that the puppet army will be unable at any cost to withstand us in this region, i.e. the Tay Nguyen region. Thus, Dzu has expressed the same ideas that Khoang Xuan Lam has. He also said that the puppet army will be unable to withstand us if the Americans leave Vietnam. Ngo Dinh Dzu sees an increase in insurgency and revolution in South Vietnam, an increase in authority for the National Front for the Liberation of South Vietnam, a rise in the level of our strategic and tactical leadership as well as in the level of combat actions. Dzu understands that Nguyen Van Thieu is a bloody dictator, a fascist and that the regime he created is wholly anti-democratic.

Thus, we see that these meetings with the generals are a great victory for us and will be beneficial to us. In order to successfully manage a resolution of the issues linked to conducting propaganda work with the South Vietnamese Army generals aimed at awakening their consciousness and winning them over to our side,

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It is necessary to understand that the outcome of the coming battle depends upon the solution of these important issues. It is necessary to attain a clear understanding among the generals that the Thieu regime will never employ popular support and cannot exist. Such are the fundamental issues which we should resolve in the near future.

From the utterances of the generals set forth above, we see that the situation is developing in a direction favorable to us. We can bring Plan "BA BE" into being, but for this we should expand the net of communications and contacts with people who will carry out Plan "BA BE," in order to obtain from them all necessary materials. We should likewise search for ways to establish connections with officers and officials of the Saigon government. This matter occupies a significant place in the implementation of Plan "BA BE." The Supreme Command and Ministry of State Security discussed all matters related to successful implementation of this plan and levied new tasks upon the commands of the combat zones responsible for implementation of this plan. We successfully inserted and deployed our forces in all regions and are now conducting the final work in order to complete preparatory measures for this Plan by September 30th of this year. In comparison to other plans, the preparation of Plan "BA BE" is developing well. This is the first time we are implementing such a plan on the territory of South Vietnam. In the course of its realization we will acquire experience which can help us counter the designs of the enemy at the front.

The more savage the bombings and barrages of the enemy may become, the more victories we should grasp at the front, because such victories will aid realization of Plan "BA BE." We are linking great hopes to the implementation of this plan, especially in accelerating the pace at which the offensive at the front develops, of which I reported to you above. The favorable development of the situation will be a huge and significant factor in the collapse of US military designs and of the puppets at the front in South Vietnam. We must thwart the reactionary and treacherous plans of the enemy; successful carrying out of Plan "BA BE" will indeed help us to grasp new victories. These victories will have great strategic significance in implementation of Plans TS-6 and

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Plan S-6, which were topics above.

The goal of Plan "BA BE" is introduction of division into the ranks of the enemy and lowering of his will to resist. Successful implementation of Plan "BA BE" will help us to attain successes at the Paris negotiations on Vietnam. The nearer the victory, the more clearly will appear the treacherous designs of the Nixon-Kissinger-Laird clique, and likewise those of the puppet government of Nguyen Van Thieu. Therefore implementation of Plan "BA BE" will be a great step in the resolution of many issues in the current situation. Because of this, its significance is so great.

For successful realization of this plan we should as soon as possible insert our forces, in order to begin implementation of this plan in the month of October in accordance with indicated deadlines.

In the Paris negotiations on Vietnam we have met with a series of difficulties in recent days. These difficulties are explained by the fact that Nixon being stubborn as before and is trying above all to achieve a solution of the military issue and only then to move to settlement of political issues, which will exercise great influence on the course of development of the contemporary situation in Vietnam. As a result of exchanging opinions in private meetings with Kissinger--Nixon's advisor--Kissinger, we understood that Nixon as before is being stubborn on settling the situation which is developing today in Vietnam. To attain settlement we should conduct careful preparation to counter Nixon's designs. Let him understand: if he does not renounce this war, then precisely the US will suffer defeat in it. However, Nixon is being stubborn in continuing the aggressive war and maintaining the status quo. That is why we think, that with the US taking such a position, peaceful solution of the Vietnam issue is not possible. We see that the US obstinately continues aggression, while Nguyen Van Thieu as before holds to his insolent position. That is why we are resolved to carry out Plan "BA BE," the realization of which will be a turning point in the settlement of the situation at the front.

This would be our first military thrust on the front aimed at resolving the complicated political issue at the present stage.

I) Plan S-6 -- Plan for military operations in the Saigon region  
(footnote of the GRU)

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Until this, the Supreme Command had never tried working out a plan similar to the plan "Ba Be".

Over the course of six months, we prepared to execute this plan. During this time, we gathered everyone who should take part in its realization, and then conducted a thorough training of them. The intelligence directorate of the Ministry of National Defense and the Ministry of State Security conducted the training of these people. We well understand that the better the training of these people is conducted, the fewer the losses we will suffer and the faster we will be able to attain execution of this plan.

Thus, once again evaluating the plan "Ba Be", the thorough training which is now going on, and which will be realized jointly with the plan TS-6 in October, it can be said that its successful realization will assist us to attain new great victories at the Paris negotiations on Vietnam. These are very serious issues which we must devote constant attention to.

Yesterday the State Defense Council directed the Supreme Command to conduct a conference for the cadres responsible for training and carrying out this plan. At this conference, the forms, means and methods were stated, which were worked out according to the organs and confirmed at a Politburo session.

We can now say that we have achieved great successes and we are convinced that this plan will be realized. Presently, this plan is being carried out. We have already succeeded in inserting a portion of our comrades into South Vietnamese territory. We succeeded with difficulty in certain areas and for this we had to procure all possible means. In other areas, this operation was carried out more successfully, and now our people are occupying stable positions in the puppet governing apparatus.

Dear Comrades! In summing up what is stated above, it can be said that we are going in the right direction in carrying out our plans, especially the plans TS-6 and "Ba Be", and also in training for the realization of our plan S-6, the realization of which is slated for the near future.

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In addition to these issues, in accordance with the instructions from the Politburo, I will also report to you today on American POWs captured on the various fronts of Indochina.

The work with American prisoners of war has always been within the field of vision of the Politburo and has been reflected in its decisions, such as decision No. 21 DST dated 23 Mar 71, and decision No. 21 E dated 4 Apr 72. Both of these decisions concern the issues of exploiting these American POWs captured during the war. This disturbs the public opinion of the whole world and of the US. There are various thoughts on the American POW issue. Some of these are correct, others are not, but even among us there are a number of comrades whose opinions differ from the opinion of the Politburo. These comrades are not taking into consideration the particulars of the developing situation nor the inherent difficulties in their judgements. These opinions harm us in our search for methods of resolving the American POW issue.

Dear comrades! The American POW issue is very complex. The peoples of the world [world opinion] and the peoples of our fraternal socialist nations [allied popular opinion] as well as our [people] want to know the exact number of POWs located in North Vietnam. Allow me to inform you specifically on this matter. We have captured a very large number of American POWs on the fronts of Indochina since the time that the US introduced their troops into Vietnam, escalated the air war against North Vietnam, and expanded the total scope of their aggression by spreading this aggression onto the territories of Laos and Cambodia. At first, the number of American POWs was not large and world public opinion paid little attention to them. The number of American POWs in North Vietnam grew day by day after 5 Aug 64 when the US imperialists started massive air bombing and off-shore bombardment by the 7th fleet of the territory of North Vietnam, and after having expanded their aggression onto the territories of Laos and Cambodia. The number of American POWs in the DRV has not been made public to this day. We have kept this figure secret. At today's Politburo session, I will report to you, Comrades, the exact number of American POWs.

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The total number of American POWs captured to date on the fronts of Indochina, i.e. in North Vietnam, South Vietnam, Laos and Cambodia, comprises 1205 people. Of them, 671 people were captured in North Vietnam and 143 aviators [were captured] in South Vietnam. This means the total number of aviators, and diversionists [special operations] (American advisors on diversionary ships and divers), captured on the territories of North and South Vietnam comprises 814 people. In addition, from other categories of American servicemen in Indochina, we have captured 391 people, including: 283 in South Vietnam, 65 in Cambodia and 43 in Laos; 814 and 391 comprise 1205 people.

Here is more data on the 1205 POWs.

We have captured 624 American aviators in North Vietnam, to include 7 colonels, 85 lieutenant colonels, 183 majors, i.e. the total number of senior US Air Force and Navy officers comprises 275 people. The 624 American aviators include 3 astronauts, i.e. three people who have completed the necessary training for space flight, for instance, Jim Katlo, who was captured in the vicinity of Hanoi. This figure also includes 15 US Air Force aces having more than 4000 flight hours each: Norman Klarvisto, Karmet, Jim Intist Shasht and others. This is the specific data on American aviators captured in North Vietnam.

Among the other 47 prisoners captured in North Vietnam, there are 36 advisors of diversionary detachments who were inserted in the border region between the DRV and Laos; lone diversionists who were conducting reconnaissance of our main transportation routes from helicopters and reconnaissance ships; and several seamen who abandoned their ships that we damaged and whom we picked up. Therefore the figures 624 and 47 add up to 671.

In South Vietnam we have captured 143 US aircrew members, mainly helicopter aviators and some jet aviators.

Among the 391 American POWs captured in South Vietnam, Laos and Cambodia, we have 9 colonels, 19 lieutenant colonels and 52 majors. The remaining officers are captain and below,

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as well as American enlisted soldiers.

Thus in summary, I want to remind you again that the 1205 American POWs presently in prisons of North Vietnam include:

- 524 aviators captured in North Vietnam;
- 143 aviators captured in South Vietnam;
- 47 diversionists and other American servicemen captured in North Vietnam;
- 391 American servicemen of other categories, which includes 283 captured in South Vietnam, 65 in Cambodia, and 43 in Laos.

All of them are presently in prisons in North Vietnam. Currently we have 11 prisons where American POWs are held. We used to have 4 large prisons, however after the American attempt to free their POWs from Ha Tay [Son Tay] we expanded this number to 11. Each prison holds approximately 100 POWs.

Seven Air Force colonels captured in North Vietnam and nine colonels of various branches of service captured in South Vietnam, Laos and Cambodia (16 officers in all) are being held together; through them, we are attempting to gain an understanding of the current situation which has developed in the American Army, extract the material and information we need, and determine our position toward them.

We are also holding 104 American lieutenant colonels in one location and are attempting to extract information - secret information about troop dispositions and information concerning the US Defense Department from them.

We have 235 majors concentrated in two locations.

Thus we have dedicated special prisons for senior officers of the American Army: one for colonels, one for lieutenant colonels and two for majors. The rest of the POWs, captains and below, were placed in other prisons.

A few words about the political views and attitudes of American POWs.

There are 368 POWs who have progressive attitudes.

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They understand very well that this war is unjust and unpopular on their part. They condemn the American administration and express a strong protest against this war. We will be able to release these 368 POWs first, if as a result of the struggle of the progressive peoples of the world, including the American people, a favorable international environment will develop, forcing Nixon to move toward a resolution of the political issue. We are carrying out work with this category of POWs to explain to them the aggressive nature of the war being conducted by the Nixon administration and the nature of the Nguyen Van Thieu regime, and also to make them understand the unjust character of this war which is inflicting great damage on the American people. One can assert that this group of POWs is progressive in their political views.

There are 372 of the POWs who hold neutral views, i.e. their political outlook is not fully progressive, yet not too reactionary. We plainly see that they still do not clearly understand the role of the American administration in unleashing the aggressive war in Indochina.

The remainder of the POWs hold reactionary views. In spite of the work carried on to explain to them the real state of things, they have not changed their reactionary views.

The following is a summation:

-- 368 POWs holding progressive views can be released first:

-- 372 POWs hold neutral positions:

-- 465 POWs hold reactionary views.

All the POWs among the senior officers hold reactionary views, i.e. they do not condemn Nixon, they do not protest his policies, and they distort our course of action. We understand that these officers come from rich families. Their reactionary views are precisely a result of this.

We well understand that the American POW issue has great significance for the resolution of the South Vietnamese problem. We must continue propagandistic and educational work with the American POWs, leading to their understanding

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of the nature of the aggressive war which the US is carrying out in Vietnam, as well as the senseless obstinateness of Nixon, which only delays the release of POWs and their return to their homeland. Soon we will free several POWs in order to put pressure on the Nixon administration, observe his reaction and the reaction of the American public, as well as to demonstrate our good intentions in this matter.

Thus, the 1205 American POWs captured on the fronts of Indochina (in North and South Vietnam, Laos and Cambodia), presently kept in prisons in North Vietnam represent a significant force in the American army, a basic part of which is made up of American aviators.

The large number of American aviators imprisoned during the time of Johnson and Nixon inflicted huge damage on the US Air Force. This should cause the US government and Nixon himself to reflect. We intend to resolve the American POW issue in the following manner:

1. The US government must demonstrate compliance, i.e. a cease fire and the removal of Nguyen Van Thieu, and then both sides can begin discussing the matter of returning POWs to the Nixon government.
2. While the American side is resolving the above-mentioned problems, we can free several more aviators from the number who are progressively inclined. Nixon should not hinder the return of these aviators to their homeland and not undertake any disciplinary measures toward them.
3. Nixon must compensate North Vietnam for the great damage inflicted on it by this destructive war.

Here then are the principles on the basis of which we may resolve the American POW issue. However, Nixon continues to resist resolving the Vietnamese question, thereby delaying the resolution of the American POW issue.

I have reported these specific figures and fundamental aspects of the American POW issue to the Politburo. But we also have these comrades who do not understand this problem correctly.

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It is necessary to resolve this issue taking into account settling the military and the political aspects of the Vietnamese problem. If we take a path of concession toward Americans and release POWs, then we would lose much. That is why our point of view on this issue remains the same: this issue must be resolved on the basis of military and political aspects of settlement.

Holding 1205 POWs creates certain difficulties for us, but more importantly, the loss of 1205 POWs, particularly aviators, is a great detriment to the American Army, particularly the US Air Force. At the same time, we were able to collect data about American weapons and also valuable scientific materials about the US Army, for instance, material on how to use different types of weaponry, tactical/technical characteristics of aircraft, Air Force directives, as well as materials about other types of armament of the US Army. We have been able to uncover US intentions in the international arena and on a number of other issues which are related to war in Indochina.

That is why we are convinced that our position concerning POWs has and continues to be correct. If we could successfully resolve the POW issue, then the other issues would not exert any influence on our policy toward the US. That is why we are now concentrating on the successful resolution of this problem on the collection and study of materials from interrogations of American aviators who were shot down over North Vietnam and American scientists captured in this war, particularly Air Force specialists, as well as scientists in other technical areas. Their loss is a major liability for the American Army, because in no other war have there been so many captured Americans as there are in this war of aggression.

The 1205 American POWs kept in the prisons of North Vietnam represent a large number. For now, we have officially published a list of only 368 POWs. The rest are not acknowledged. The US government is aware of this, but they do not know the exact number of POWs, or they perhaps only assume an approximate number based on their losses. Therefore in accordance with the instructions from the Politburo, we are keeping the number of POWs secret.

We continue to collect and study materials from interrogations

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of POWs in order to have a basis in specific circumstances to expose US designs in the Indochina war of aggression as well as in other matters. Collection and study of these materials has provided us great assistance in studying the scientific discoveries of the US, in developing methods to counter contemporary weapons, including chemical, which have inflicted great harm upon us in this war.

I reported to the Politburo several fundamental aspects related to the matter of American POWs, namely: concerning the policy we are implementing on this matter, I gave the specific number of American POWs seized in North Vietnam, South Vietnam, Cambodia and Laos.

We still have among us Comrades who think: why do we keep these POWs and not take advantage of the Nixon proposals? Do we really want to resolve this matter after all? It needs to be noted that such a point of view is profoundly mistaken. This is not political bargaining but rather a key condition and serious argument for successful resolution of the Vietnam problem. That is why the matter of the American POWs has great significance in exposing Nixon's designs in this aggressive war in Vietnam. We are completely unanimous in this matter and condemn individualistic mistaken views current among us on this matter. We firmly hold to our position -- when the American government resolves the political and military issues on all three fronts of Indochina, we will set free all American POWs. We consider this a very correct course.

Dear Comrades!

I have reported the following matters to Politburo sessions: the course of our party on the general offensive conducted in South Vietnam from March 30th to the present; our errors and deficiencies in the offensive and summing up results of the offensive in South Vietnam, Laos and Cambodia; positive and negative aspects of the offensive; immediate plans of the enemy and our operations; analysis of errors permitted in strategic and tactical leadership; our contacts with political figures of South

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Vietnam from the Saigon regime; the matter of American POWs, captured on the three fronts of Indochina.

Today on assignment of the Supreme Command, the State Defense Council and the Military Committee of the Politburo, I reported to you on these matters so that the Politburo could study these problems, could express its opinion on them, and set forth forms and methods for their resolution. Soon the State Defense Council, together with the Supreme Command will study matters related to carrying out new operations at the front. The State Defense Council assigned the Supreme Command, and the latter in turn the General Staff, to address matters related to the development of new military plans for the year 1973. At the present time these plans are being worked out with the goal of preparing the necessary forces for their implementation. We are occupied with matters of mobilization and training of reinforcements for all three Indochinese fronts. We should mobilize 250,000 men, 200,000 of which would be sent to South Vietnam and 50,000 to Laos and Cambodia.

Summing up this report it is necessary to say that I have touched on the fundamental features of the situation which has developed in South Vietnam, on our difficulties and successes, and also on the difficulties existing for the enemy. I set out our plans and our course, and also illuminated a series of matters which the Politburo assigned to the State Defense Council and Supreme Command. At the next Politburo session, I shall set forth matters touching upon the present situation in Laos and Cambodia and views on its development.

Presently, the situation is turning out quite favorably. The peoples of South Vietnam, Laos and Cambodia have decisively frustrated the plan for "Vietnamization" of the war and identical plans being implemented in Laos and Cambodia. We hold high the invincible banner of Marxism-Leninism!

We are carrying out the precepts of Ho Chi Minh. The war of resistance against American imperialists for the salvation of the Fatherland will yet be stubborn and hard, yet we will definitely grasp victory. We will decisively frustrate the plans of Nixon or anyone who takes his place and continues the aggressive war!

The course of our party is assuredly correct. Our people are heroic

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people. Our forces are heroic forces!

The three countries of Indochina, closely united one with another, will fight to the last drop of blood for the freedom and independence of their Fatherlands. The Vietnamese people will fully carry out its international duty toward the fraternal peoples of Laos and Cambodia!

To the current session of the Politburo I wish successful work. I have completed the presentation of the report.

The brochure contains 24 pages of text RKSS/I 2235-24. II.72,  
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## Attachment to Plaintiffs' Exhibit A

*735 Document*—Armed Forces General Staff of the U.S.S.R. Central Intelligence Administration of the U.S.S.R. Report by Hoang Anya, Central Committee Secretary, Vietnamese Workers Party At 20th Plenary Session of the Central Committee, VWP End of December 1970, Early January 1971

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ARMED FORCES GENERAL STAFF OF THE U.S.S.R  
CENTRAL INTELLIGENCE ADMINISTRATION [GRU]

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REPORT

by Hoang Anya, Central Committee Secretary,  
Vietnamese Workers Party  
at  
20th Plenary Session of the Central Committee, VWP  
End of December 1970, Early January 1971

(Translation from Vietnamese)

Moscow - 1971

[in rectangular stamp on this and all subsequent pages:]  
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Comrades!

Today, at the 20th Plenary Session of the Central Committee of our Party, in the name of the Politburo and Secretariat of the Central Committee, I am reporting to you regarding the basic features of our activities in 1970, over the period that extends from the 18th Plenary Session of the Central Committee of the Vietnamese Workers Party [CC VWP] until now.

At this Plenary Session an assessment will be given of our victories in 1970. The past year was of enormous historical significance for our country, both in the North and in the South.<sup>1</sup> The Politburo met several times at the end of last year in order to analyze the situation over the preceding period. At these sessions it was noted that all our successes are the result of a correct Party policy. At the 18th, 19th, and now at the 20th Plenary Sessions of the CC VWP repeated emphasis was placed on the guiding role of the Party in the life and struggle of our people. Our people developed a patriotic spirit in 1970, continuing with great enthusiasm to carry out

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the socialist revolution in South Vietnam, Laos and Cambodia. The major victories achieved in all these theaters of military action are a service of our Party, our people. Over the past year we have achieved great successes in economics and other areas.

Along with this, at the 20th Plenary Session it will be necessary for us to discuss important issues related to our long-term activities, and reach decisions on these issues. As before, the main item of our activity must be carrying out revolution in both parts of our country. At the same time, a great deal of attention must be given to the revolutions in Cambodia and Laos. In my report I will deal with problems such as

- the situation in the party
- the situation in South Vietnam, Laos and Cambodia
- preparation for the next, Fourth VWP Congress.

1. SITUATION IN THE VIETNAMESE WORKERS' PARTY

In 1970 we attained many glorious victories and achieved significant successes in issues related to administering the building of socialism in the North, and carrying out revolution in the South. The issue-related to the guiding role and activity of the Party in current conditions was one of the central ones during the past year. Much attention was given to it at the 18th and 19th Plenary Sessions of the CC VWP. It must be noted that a series of important issues in this plan was decided in previous Plenary Sessions, but some issues remained unresolved. At this Plenary Session we are continuing the discussion of all questions relating to the tasks and role of the Party in the current stage of revolutionary development in the North and South of our country. At this Plenary Session it will also be necessary for us to plan measures directed toward strengthening the guiding role of the Party, increasing its authority among the people, developing plans for long-term economic reconstruction in the D.R.V. and evolving the revolutionary struggle in South Vietnam.

In the past year of our Party it was necessary to decide complex issues of an economic, political and military nature. After Comrade Ho Chi Minh's death, many difficult problems demanding resolution presented themselves to our party's leadership. Demonstrating collective leadership, our comrades from the Politburo directed their efforts at solving these problems.

In 1970 we carried out very large-scale and important work, politically, militarily and diplomatically. In this regard the solidification of our Party's cadres was given particular attention, since this is a pledge and necessary condition for working out a correct policy and putting it into practice at the appropriate time. Overall in the past year we were successful in giving comprehensive attention to all party organizations,

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indicating deficiencies to them in a timely way. This resulted in a qualitative improvement in party ranks. There was significant strengthening in the ranks of our cadre workers who boldly carried the Party's ideas to the masses.

Along with this, it must be mentioned that of late in many Party organizations, Party cells and even in the central apparatus, we observe, as before, disorder and lack of unity, although to a certain extent these have diminished. In 1971 we will have to give considerable effort to restoring full unity in the Party. In order to achieve this, it must be our constant concern to increase the vigilance of all Party members. The unity issue in the Party, as before, will be one of the most important in the activities of all Party organizations. Without this unity, we will not have the strength to resolve any of the issues before us. If there is no unity in the central organs, then there will be no unity locally. And vice versa: the situation in lower-level Party organizations will have an influence on the central apparatus.

The contradictions that we have had from as far back as the 18th Plenary Session of the CC VWP have been manifested in a great variety of ways, and have a negative effect on our economic, political and military courses. Even at the 18th Plenary Session of the CC VWP, many comrades were not in agreement with the policy of our Party, and some of them continue to hold to their own positions. Therefore, at this Plenary Session it will be necessary for us to take active measures to eliminate all contradictions that still exist.

It is all the more necessary that we eliminate existing contradictions in that during its forty-year history our party has always been united, and this unity was what secured all our victories. If we wish to continue to be victorious and achieve still further successes, we must restore full unity in the Party.

Today, at the 20th Plenary Session of the CC VWP, the matter of Party unity is before us with particular urgency. We must resolve it in Leninist fashion. In order to eliminate conflicting opinions, it is essential to strengthen the collective leadership. Our Party is the ruling party and it possesses all the conditions to inculcate a single correct course. We are moving along the path of building socialism in the North and carrying out revolution in the South. Therefore, I must again repeat that the Party unity issue is an issue of first importance.

A number of comrades even in previous Plenary Sessions expressed disagreement with our policy on various issues: the role of the Party, forms and methods of Party work, and so on. However, under current conditions the issue of the Party's leading role cannot and ought not be discussed. From now on we should direct our efforts toward increasing the Party's

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authority among the masses. This will also serve the cause of strengthening unity within the Party.

In 1970 we had some major victories in military, political and diplomatic relations. We significantly strengthened Party ranks from the bottom upwards. Our line in the area of ideological development is the correct one, and it fully accords with the decisions made at the 3rd Congress. We may make bold to say that the 30th Plenary Session of the CC VWP is being conducted in a situation where our Party has been significantly strengthened in qualitative and organizational terms.

Along with this, there still exist forces that are bringing dissent into our ranks, attempting to deflect the Party from the true path. We must wage a decisive fight against them, increasing discipline and vigilance by every possible means in the Party, and increasing communist self-knowledge. We must root out any growths of opportunism, and destroy this harmful ideology in our Party. Restoration of Party unity will in large measure depend on eliminating all opportunistic tendencies. We have made good studies of examples of the fight against opportunism, since in every Party there is a stage at which opportunistic forces appear. These forces strive to break the unity in the Party, and force it to depart from the correct path. We have comrades who do not see opportunism as anything that threatens the Party. They consider that this is normal diversity of opinion, characteristic of any Party. This is a very superficial and dangerous point of view which can cause us to deviate seriously if it is not headed off in time. In short, we must purge the Party of everything that interferes with its carrying out its duties.

At present, the industrialization of the economy is a large and important task that is before us. If we achieve a restoration of Party unity, then we will carry out this task. We must determine in specific terms who is straying in regard to what, who is not in agreement with our general line regarding what, in order to determine the correct measures to combat all the deviations. We must know exactly who is daring to criticize our line, and decisively rebuff these individuals.

Along with this, we should check on how those who constantly subject our line to criticism are dealing with their own direct responsibilities. How are they providing leadership in the areas of economics, politics, and on the diplomatic front? Do they have sufficient grounds for the criticism directed at us? Are they acting in accord with the principles of Marxism-Leninism?

While rebuffing those that heap criticism on us, it is necessary to emphasize that our basic policy is correct. However, we, like all people, may permit mistakes. But these mistakes must be analyzed and eliminated, and we must not just occupy ourselves with criticizing them. These mistakes are not

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so major that they could have an effect on the entirety of our course. They are of a private nature, they are natural. For example, we permitted a series of errors in administering agricultural cooperatives. But overall, the cooperative movement in the country is developing normally; certain successes have been achieved in agriculture. We noted the mistakes in time and planned a specific path toward eliminating them. Thus, we make note of permissible errors and strive to prevent their repetition. Why do some comrades say that we are pursuing an incorrect policy in agriculture?

Marxism teaches that agricultural collectivization is an extremely important condition for development of a socialist economy. In any country where this issue is given little attention, there will be great difficulties in the economy. And in our country, where colonialists left us a heritage of a backward economy, this matter is particularly important. With all our effort we must develop agriculture, placing it on a collective basis. It will be necessary to develop a strong network of cooperatives in the entire territory of South Vietnam.

The cooperatives need to be provided with technology, which will ensure they will develop successfully. Our leadership is giving a great deal of attention to issues of cooperative farming, and is continuing to seek ways to boost agriculture. At the present time, cooperatives have been created in 78.8% of the farming regions of the DRV.

Agriculture has enormous significance in our country, because it supplies food to the North Vietnamese population and to the patriotic forces of South Vietnam. In addition, we must do our international duty by helping patriotic forces in Laos and Cambodia, which also implies large expenditures. Therefore, administration of agriculture on the part of the Party must be precise, logical and comprehensive.

Many comrades do not understand this, and criticize our policy in the area of agriculture. They criticize us in general terms, and do not get specific about what mistakes have been permitted and how they are to be corrected. I wish once again to repeat that no one is insured against making mistakes. In a number of instances we permitted failures, and in some areas not everything is working out favorably with cooperative farming. We know about the mistakes that have been allowed to happen, and we are taking measures to correct them in a timely way. We have been occupied with agricultural cooperatives for a long time. A lot of attention was devoted to them at the 15th, 16th and 17th Plenary Sessions of the CC VWP. The D.R.V. is a major rear-echelon area for South Vietnam; therefore, development of agriculture in the North will do much to promote our successes in the South.

We would have had even more difficulties if it were not for

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the help from brotherly socialist countries, which permits us successfully to restore agriculture.

The Politburo and Secretariat are unflagging in their efforts to monitor the work of all the organizations that relate to agriculture. They have given instructions to scientific organizations to actively participate in boosting agriculture.

Once again I wish to emphasize that the administration of the Party by the Politburo and Central Committee is correct. Our Party is a Marxist one, and therefore we are capable of noting, analyzing, admitting and correcting our mistakes. We do not fear our errors; we fear something else: division in the Party. At present there is a dispute about whether our Party's course is correct or not.

Overall we are providing correct guidance to the economy, and are correctly conducting external and internal policy. But our comrades still have deficiencies in their working methods, which creates certain difficulties for us. These difficulties, however, are not insurmountable. The mistakes, in the main, are not crucial ones. The matter of mistakes and inadequacies is very important, and we must discuss it in detail, in order to select the correct path toward eliminating all deficiencies.

For a long time many comrades have been speaking out against our basic policy in agriculture. As a result of this, a struggle is going on constantly in our Party leadership. This started as far back as the 17th Plenary Session, continued in the 18th, and reached its height in the 19th Plenary Session of the CC VWP.

Of those present here, many comrades are not in agreement with our policy. What do they want? What route do they wish to go? How to resolve the growing problems? We consider that this is factional, revisionist activity.

In the forty years of our Party's history, there have never been such strong disagreements. We are the ruling party, and in order to carry out our functions in administering the national masses, we must above all be united.

In 1970 the Politburo undertook the major task of combating opportunism and other deviations, against all the opponents of our economic and military policy. We feel that our military policy in South Vietnam is absolutely correct. Our course in Laos and Cambodia is also correct.

This conclusion is based on an analysis of conditions. If we conduct a fight only in South Vietnam, we will encounter great difficulties. The more than one-million-man-strong army of the American aggressors and their stooges is a large force, and dealing with it will not be all that easy. All the more since all of this force is concentrated in one place - South

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Vietnam. We are experiencing great difficulties at the fronts, and opportunism in the military leadership is going to compound those difficulties.

Revolution in South Vietnam is currently entering its final stage, the stage of military victory. We must not overestimate the enemy's forces, but we have no right to underestimate them. The enemy's forces are very large and in a military sense we are weaker than they. Therefore we must carry out a people's war strategy. Our military forces are not large; we have insufficient modern weapons to fight a war effectively. Meanwhile, the U.S.A. has enormous military and economic potential. Therefore, we must not fight open battles against the enemy's strong army. However, we are achieving victories, and these victories are the result of a struggle by the entire people.

Along with this, in order to achieve victory at the front, we must accompany our armed struggle with a diplomatic struggle. We must recall the words of Ho Chi Minh: "We must achieve complete victory over the American aggressors." This precept of our leader can be carried out only when there is unity in the party. Therefore, we severely judge all opportunists who interfere with our moving toward victory.

We severely judge those who intend to solve the Vietnamese problem only militarily, who wish to invade South Vietnam with an army 2,000,000 strong and fight there without interruption. Do we have enough human resources? Yes, but we do not have a necessity to create such large-scale military forces in order to solve the Vietnamese problem militarily.

We need to remember that we have already borne significant personnel losses, and that we are constantly losing people. Therefore, we ask all those who are criticizing our policy: do you want still greater personnel losses?

We are obligated to, and we must, carry out Ho Chi Minh's precept. But we will have to do this not in an unthinking manner, and not allowing huge personnel losses. We must consider three forms of struggle: military, political and diplomatic.

Of course, in South Vietnam we do have the option of concentrating a large number of divisions in more important sectors and surrounding the enemy in those areas. But does it make sense to do this, when the enemy has enormous firepower? No. The lives of our warriors are dear to us. We must analyze with the greatest care and weigh every step. Once again I emphasize that our military policy is correct.

But what do the opportunists want? They wish to introduce foreign troops onto our territory and move along with them to occupy Laos and free South Vietnam. But we cannot and we ought

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not to go this route, as this policy will result in unheard-of losses for us.

Our victories are great ones. But we must not forget that these victories cost us a great deal. The military aspect of the struggle is very important. But we will be on an incorrect course if we overestimate it, resulting in renewed personnel losses. If you recall, during the Tet offensive and the general uprising in January-February 1968, we lost about 100,000 people. And if we organize such offensives twice each year, then how many people will we lose?

Therefore, we must not try to break the enemy with a single blow. It is necessary to conduct a lengthy conflict, exhausting the enemy's forces, destroying him piece by piece. Simultaneous with this, we are required to activate a struggle on the political and diplomatic fronts.

Such is our point of view on the military issue. If we are not united on this matter, then we will not be victorious. Can it be that our military policy is not understandable to some comrades? In that case, we ask them to think over this policy once again, and they will understand that our military policy is correct. We can be proud that we are carrying out such a policy.

Despite the fact that we did not mount any major offensives in 1970, we did succeed in achieving large victories, destroying significant numbers of the enemy. Along with this, we avoided large losses on our side. This is also a great victory for our strategic policy.

Now, another matter. When we published the names of 368 American pilots who were shot down and taken captive in the territory of the D.R.V., the opportunists began saying that this was a concession to the Americans. This is not so. This was no concession, but rather a blow to Nixon in the political sense. By this means we achieved a lot. The opportunists also say that we are moving toward concessions to the Americans and toward negotiations in Paris. This is also not true. Our course in the negotiations is the right one.

Thus, overall we are pursuing the correct line, although we have permitted some mistakes to be made. But the opportunistic political faction is grasping at these small mistakes in order to show that the whole policy of our Party is erroneous. Its members say that we fear difficulties and losses. This is not so. We do not fear difficulties and losses, but one other thing must be allowed for - our people already have been conducting continuous armed conflict for 25 years. During that time, very many people have perished. If we truly feared difficulties and losses, as the opportunists maintain, we would not have started an armed conflict against the Americans. But one must see the connection between the victories and the losses, and objectively

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assess the situation.

Naturally, we have had mistakes in military policies in South Vietnam, Laos and Cambodia, in policies of economic development in the D.R.V., in policies related to boosting the well-being of the populace. We are particularly concerned about improving the people's living conditions. One must allow for the fact that our options are limited in this area, and therefore this problem has not yet been solved. But along with all other factors, it is the opportunists who interfere with our solving it.

We clearly see all the errors of the opportunistic faction, and at this Plenary Session, having analyzed their views with the greatest care, we are doing decisive battle with them. We leave them the right and option to recognize their mistakes and correct them. Then they again will be able to serve the Party and the people.

Comrades! In the past year the Politburo and Secretariat of the CC VWP have done major work in administering the Party as regards building socialism in the North and conducting a struggle for liberation in the South. By our victories we are obligated to the creative leadership on the part of the Politburo. With this leadership and our determination to chase the American aggressors out of Vietnam, we are sure to achieve still more major victories.

It will be necessary for us to direct still greater efforts at the long-term development of socialism in the D.R.V., and developing revolution in South Vietnam, Laos and Cambodia. Along with this, it is necessary to fight decisively against all manifestations of opportunism in the Party, and achieve full unity in it. This is our main task for the period directly ahead.

## 2. SITUATION IN SOUTH VIETNAM, LAOS AND CAMBODIA

In 1970 we continued the military successes achieved in 1968 and 1969 in all theaters of military action. Along with this, in 1970 an aggravation of the situation in Indochina was noted, resulting in a revolution in Cambodia and an incursion of American and Saigonese forces into its territory.

The situation was tense in South Vietnam in 1970. By their actions the Americans showed that the U.S.A. does not intend to leave South Vietnam. However, pressured by public opinion, the Nixon administration was forced to remove part of their forces from there. Several other countries who are participating in the war against us were also forced to act in this way.

During the past year, the Americans were busy with making their "Vietnamization" plan a reality. This consisted of transferring to the puppet forces the task of fighting against

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patriotic forces. Thus the Americans have put into practice the principle of "using Vietnamese to kill Vietnamese," "using Asians to kill Asians."

The U.S.A. began "Vietnamization" with the Mekong River Valley. There they intend to create a base for developing "Vietnamization" in other areas. It was not by chance that the Mekong River Valley was chosen. This area is rich in rice, feeding all of South Vietnam with this basic product. If the Americans and their puppets do not have a strong base in the Mekong River Valley, they will encounter great economic difficulties, which will be reflected in the course of military operations. Therefore, they have concentrated great forces in this region to hold it firmly.

We, for our part, have undertaken significant efforts to thwart Abrams's intentions, and overall we were successful in this. The Americans and their puppets suffered large losses in the Mekong River Valley, and were not able to put their "Vietnamization" plans into effect. In addition, in 1970 the Americans were forced to disperse their forces and move a part of their troops into Cambodia, thus creating additional difficulties for themselves.

Overall, the Americans suffered a defeat in inculcating their plans to "Vietnamize" the war.

The main efforts of our troops in 1970 were concentrated in the Mekong River Valley, in the Saigon area and in the northern part of South Vietnam. In all these areas we inflicted significant losses on the enemy.

Along with this, in 1970 we encountered significant difficulties. These difficulties mainly resulted from the incursion of American and Saigonese forces into Cambodia. The enemy succeeded in seriously disrupting our transportation system on Cambodian territory, which affected the supplying of our troops in South Vietnam.

At present, Abrams is developing new plans to conduct military operations against us during the dry season of 1971, and also for further "Vietnamization." But these plans of the enemy will also meet defeat, since we are strong. As before, we must direct our efforts at defeating the plans for "Vietnamization" of the war, and inflicting maximum losses on the enemy in live forces and military supplies.

The South Vietnamese theater of military actions continues to remain the basic one. We must give it our main attention. Therefore, in South Vietnam we intend to concentrate large-scale forces and direct powerful strikes at the enemy. Comrade Chan Van Kuang will report to you in greater detail regarding our plans in South Vietnam.

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I wish only to say a few words regarding the Americans. Abrams made a big mistake by making an incursion into Cambodia. He soon realized this, and the Americans were forced to pull their troops out of there, leaving puppet troops in Cambodia. Since the Americans and the puppets are using significant forces in Cambodia, favorable conditions have been created for us in South Vietnam. Later on even the Americans, including some prominent military figures, expressed the opinion that introducing U.S. forces into Cambodia was a mistake, and that the Americans in South Vietnam suffered a defeat. We have spoiled the Americans' plans to "Vietnamize" the war. Now it is appropriate to make efforts to consolidate and further develop the successes achieved. At the present time, the situation is moving into a favorable direction for us. The enemy is experiencing significant difficulties, militarily, politically and diplomatically.

1970 was a year in which we undertook large-scale military offensives. It was still another evidence that our Party is providing correct leadership in regard to solving the Indochina problem. It is necessary to note, however, that in South Vietnam in 1970 we had serious failures. In certain areas we suffered large losses in manpower. Over 10 years of armed conflict in South Vietnam, we have lost 410,000 people, including 230,000 killed or missing in action.<sup>3</sup> In 1970 we lost 100,000 people. The majority of personnel losses were suffered as a result of bombing and artillery fire of the enemy.

In 1970 we met with serious difficulties in supplying our troops with weapons, ammunition and food, since the enemy conducted continuous bombings of our transport lines in Laos, Cambodia and South Vietnam. Not having the option of using previously built transport routes, in 1970 we opened a new supply route in the area of the Chiong Shon Mountains.<sup>4</sup> By this means we can carry out deployments of personnel, weapons and food to all theaters of military action in Laos, Cambodia and South Vietnam.

In 1970 the enemy continuously inflicted blows on our home supply bases, fearing an offensive by us toward the sites of highest priority to us. His assumption that we have large-scale concentrations of troops in rear-echelon bases was correct. We do in fact have large potential possibilities to strike blows at enemy sites. But the enemy's attacks on our home supply bases did significant harm to personnel and equipment, and complicated our offensive efforts.

Supplying our troops in 1970 was additionally made difficult by the fact that earlier we could use the sea route, while after the uprising in Cambodia, we were deprived of this option.<sup>5</sup> In addition, we intended to carry out a part of our deployments by air, using airfields in Cambodia for this. But for now we have not decided to do this, fearing that our aircraft will be attacked and shot down by American aviation.

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Therefore, at present, as before, we continue to deploy on land through Laos. And right now we still have significant difficulties in deploying personnel, weapons, ammunition and food.

In 1970 the amount of weapons, ammunition, military hardware and food deployed to the fronts in South Vietnam, Cambodia and Laos came to 273,000 tons, while in 1971 we are continuing to deploy more than 300,000 tons of loads just to South Vietnam. This volume is very great, and in order to convert our estimates into real life, we are going to have to labor strenuously and seriously. We must mobilize significant forces to carry out this assignment.

If we succeed in 1971 in spoiling the enemy's plans for "Vietnamization" of the war and "pacification" of the South Vietnamese populace, we shall consider that we have scored a huge victory. Overall, all our successes in 1971 will depend on solving supply problems. Reports on that matter will be given by comrades from the CC Military Division and the Vietnamese People's Army [VPA] command in South Vietnam.

Along with solving the problem of home-base supplying of our troops in South Vietnam, we must discuss the issue of the quantitative makeup of VPA troops assigned for use in the South. At the present time, eight divisions of our regular troops (overall total of 110,000 men) are in South Vietnam, participating directly in military actions. In 1971 we expect to increase the number of our regular troops there to 200,000 men. Allowing for this, the overall number of People's Liberation Forces in South Vietnam is 430,000 men. In order to send 200,000 more men to South Vietnam, we are going to have to do an additional mobilization. But in that case we will have to reckon that if the U.S.A. resumes bombing of the D.R.V., we will have to have a sufficient quantity of troops in North Vietnam to deflect these blows.

Thus, we must be able to ensure the South's needs for troops, and the North's needs for defense. If we can be sure that the Americans will not resume bombing of the D.R.V., then we can direct all our efforts at carrying out revolution in South Vietnam. At the moment, however, we have no such assurances, since the enemy periodically carries out bombing raids in several areas of the D.R.V.

To conduct the fight successfully in the South, we must answer two questions: regarding the numbers of our troops used there, and supplying them. The Politburo and Central Committee of our Party is giving a very great amount of attention to these two issues, in order to decide them in the shortest time possible. However, as I have already said, we are encountering great difficulties. To overcome these difficulties we must apply a very great effort. We must recall that 1971 for us will be a year of decisive victories. It will be a difficult year.

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We know very well that the enemy has major advantages over us: aviation, modern weapons and military technology. We must counteract him with our ability to conduct a people's war. As I have already told you, Comrade Chan Van Kuang will report to you on this in detail, on behalf of the CC VWP Military Section and the VPA Command in South Vietnam.

In addition, the enemy has available large-scale diversionary forces which constantly strike blows at our home-supply bases in South Vietnam, and also are active in the D.R.V. These forces represent a great danger to us; their activities bring great harm militarily and politically. We must devote the most serious attention to rebuffing the enemy's diversionary forces.

To conduct a long-term revolutionary struggle in South Vietnam, we must enlarge our material and personnel resources. Therefore, it will be necessary to carry out an additional mobilization among the North Vietnamese population.

Thus, the basic problems in South Vietnam are deployment and the human resources issue. We must do everything to solve these two largest problems. It is from this that is derived the need to increase rear-echelon defenses and, most importantly, the major supply rear: North Vietnam. The Americans and their puppets are making greater and greater efforts to destroy our home bases, depriving us of material and human resources. Abrams understands very well that if he succeeds in inflicting a knockout blow to our home-base rear, he will achieve an enormous advantage in the theater of military operations.

Our losses from enemy aircraft are great. But nonetheless, the enemy does not have the strength using only aviation to cause us sufficient harm to have ruinous consequences for us. But if the enemy, using his diversionary forces (as well as other troops) should undertake an offensive into the North, we will suffer great loss. Therefore, we must increase our vigilance, and rebuff all the aggressor's machinations. In our opinion, the enemy could undertake such an incursion by land-based forces and marines with powerful support by aviation and the navy. We imagine that the enemy will not try to invade the entire territory of North Vietnam, but only those areas where important transport routes run that lead to Laos, Cambodia and South Vietnam. Along with achieving his military goals, the enemy reckons that the incursion will apply political pressure on us, demoralize the people, and force them to refuse to fight for the liberation of the South.

Now I wish to devote some time to yet another issue: the captured American pilots. The overall number of American pilots imprisoned in the D.R.V. is 735. As I already stated, we published the names of 368 pilots. This is our diplomatic move. If the Americans agree to withdraw their troops from South Vietnam, as a start we will return these 368 men to them. And

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if the Americans do withdraw their troops, we will turn over the remaining ones to them. The matter of imprisoned American pilots, in view of what was said earlier, is of very great significance for us.

Overall, speaking of the situation in South Vietnam, I wish to emphasize that it is very favorable for us, although we are encountering significant difficulties. We try to do everything that depends on us to achieve even greater successes in South Vietnam.

After the reactionary revolt of March 18, 1970 in Cambodia, and the incursion of American and Saigonese forces into its territory on April 30, 1970, the situation became more complicated for us. At the present time, we have more than three divisions of our troops on Cambodian soil. The enemy in Cambodia is strong and we must exert significant efforts in order to attain an advantage there. Cambodia for us is a very important region, and the development of events in South Vietnam depends in large measure on the situation in Cambodia.

The enemy has no intention of yielding the initiative to us in Cambodia. The Americans have concentrated significant contingents of puppet South Vietnamese troops there. Following its policy of "Vietnamization" of the war, the American high command wishes to ensure itself of success in this area. Therefore, it is doing all it can not to allow penetration of our troops into South Vietnam. A particularly dense covering force made up of puppet troops has been created along the entire border between South Vietnam and Cambodia, where more than 50 battalions of Saigonese troops are concentrated. That is a great force.

On the other hand, it must be noted that the Americans and their puppets, having started the aggression in Cambodia, have gotten bogged down there. The American high command, after a series of defeats, was forced to remove its troops from Cambodia, but for now they have allowed South Vietnamese troops to remain there. In our view, at the present time the Americans have no opportunity to expand aggression once more in Cambodia. If they attempt to do this, they will bog down even deeper in war.

According to the Americans' calculations, the task of puppet South Vietnamese troops in Cambodia is to ensure the success of "Vietnamization" of the war, and also to help Lon Nol to fortify the reactionary regime in the country.

At the present time Lon Nol is in control of only some of the cities. As for the farming areas and the strategically significant roads, they are under our control. We have succeeded in isolating Pnom Penh from other areas of the country, and have cut Route 4 from Pnom Penh to Sihanoukville. This road is very important to the Lon Nol government; the

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Cambodian capital is supplied via it.

As a result of our decisive actions in the Pnom Penh area, a threatening situation has been created for the enemy. The enemy tried to mount a counterattack on Routes 3, 6 and 7, but we did not allow them an opportunity to do this. The large-scale operation begun by Lon Nol's forces in the fall of 1970 came to naught, and Lon Nol was forced to withdraw his forces from Pnom Penh.

Presently Lon Nol is preparing to go on the counterattack and seize a number of important strategic areas that are under our control. However, the enemy is encountering significant difficulties in implementing his plans. These difficulties were not eliminated even after the Americans thrust in Saigonese puppet troops to aid Lon Nol. The enemy's situation in Cambodia is deteriorating with each passing day.

Our base areas in Cambodia have been considerably strengthened and enlarged of late. Here we have a strong concentration of our troops, more than three divisions, as I already said. These forces suffice to carry out successful military actions.

We must devote great attention to Cambodia, since in large measure our successes in South Vietnam will depend on how effectively we operate in Cambodia.

We feel that the main efforts should be concentrated on surrounding Pnom Penh and isolating it from other areas of the country. Capturing Pnom Penh, as was intended earlier, is not appropriate. It is sufficient to surround it and mobilize the masses of the people to revolt and overthrow Lon Nol's regime.

The matter of Cambodia is very important. To resolve it successfully, we must increase our military efforts and our material aid to local patriotic forces. Just as in South Vietnam, what will ensure successes in Cambodia is uninterrupted supplying of troops. If we have defective deployments, we will encounter very great difficulties.

We must strengthen the revolutionary base in Cambodia and lead this country along the road to socialism. That is our Party's policy.

The situation in Cambodia favors us. The Americans are experiencing defeats. We must do our duty and help the Khmer people to throw off their puppets. For this, we must increase the number of our troops on Cambodian soil to 70,000. Along with patriotic Cambodian forces, the overall number of the liberation forces will amount to 140,000 men. These forces will be fully sufficient to defeat Lon Nol's army of slightly more than 100,000. We must achieve victory over Lon Nol, because all of our failures in Cambodia will have a negative impact on

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military operations in South Vietnam.

Overall I can report to the Plenary Session that we have achieved significant successes in Cambodia. Not long ago I met with the leaders of the patriotic Cambodian forces. They highly value our assistance and welcome all measures that we undertake for the purpose of overthrowing the puppet regime of Lon Nol.

Expanding the scale of military actions in Cambodia, the Americans hoped that we would no longer be able to operate successfully in South Vietnam, deprived of base areas on Cambodian soil. But their calculations turned out to be unjustified. In addition, the Americans themselves encountered great difficulties and were forced to remove their troops from Cambodia, back to South Vietnam.

Thus I can say that militarily and politically we have a great advantage over the enemy in Cambodia.

In Laos, the situation becomes more complicated each day. Souvanna Phouma has gone over completely to the pro-American position. The Americans are concentrating efforts with the purpose of attacking liberated areas and capturing key positions. Following a series of successful operations by us in 1970, the Americans are concerned about the fate of their puppets. They were forced to yield Saravan, Attape and several other important regions to us. They strengthened Vientiane's defenses, fearing that we might capture it. The Americans increased air strikes directed at our rear-echelon bases, so as to deprive us of a chance to attack. They concentrated a large aviation force in Thailand (including B-52 bombers), using which they expect to inflict powerful blows. These are far-reaching plans, but, in our opinion, the Americans will not be able to carry them out.

One very important region, both for us and the Americans, is Sieng Kuang, and therefore the situation in that area will constantly remain tense.

At the start of 1970 we had about 50,000 men in Laos. But after the incursion of American and Saigonese forces into Cambodia, we were forced to redeploy some of our forces there. However, despite the fact that our forces in Laos were reduced, we succeeded in achieving a series of convincing victories over the enemy.

At the present time we are experiencing significant difficulties in Laos. But it is essential that we attain victory there over the enemy, which will reflect positively on the situation in Cambodia and South Vietnam. As in South Vietnam and Cambodia, in Laos we are having great difficulties in ensuring deployment of troops and supply items. If we solve this problem, we can carry out effective military actions on Laotian soil.

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Thus, the situation on all fronts is favorable for us, but along with that we are experiencing considerable difficulties everywhere. In part they are caused by objective conditions, and in part they are the fault of certain military leaders who allowed serious mistakes to be made in their operations. For example, many comrades are expressing disagreement with our policy in Laos. They feel that it is necessary to solve the Laotian problem militarily as quickly as possible. This is an incorrect point of view. The problem of Laos is very complex and the need is to approach its solution rationally, without haste.

Not long ago we had a three-sided meeting with Cambodian and Laotian leaders. At this meeting we discussed measures for long-term coordination of efforts in the battle against the American aggressors and their puppets. We came to the general conclusion that the situation in Indochina is developing to our benefit, and that we are capable of fighting successfully against the enemy.

That conclusion refutes the viewpoint of the opportunists who call for a summons for help from foreign governments. Why drag foreign troops into Indochina? Our opinion is that there is no need for it. We feel that introduction of foreign troops, and their participation in military operations in any of the countries in Indochina will only complicate the situation, bringing us no benefit. We ourselves must deal with the enemy. For that it is essential to improve the management of troops, regulate supplies, increase the responsibility of every communist for the business entrusted to him, try to eliminate the consequences of old errors, and not permit new ones to be made.

We must adjust the close interaction between theaters of military action in South Vietnam, Laos and Cambodia. This will bring us success. We must strengthen and further develop the successes achieved, and achieve new victories.

### 3. PREPARATION FOR THE 4TH VWP CONGRESS AND INTERNAL PARTY TASKS

Recently the Politburo of the CC VWP issued a directive to the Secretariat to create an organizational committee whose job is to prepare for the 4th Congress of our Party. At the recent expanded Secretariat meeting we discussed issues related to preparation for the Congress.

Today, on behalf of the Politburo and CC VWP Secretariat, I shall report to the Plenary Session on the process of preparation for the Congress.

Ten years have passed since the 3rd Congress of our Party took place. Under wartime conditions we did not have any opportunity to hold the next Party Congress. Now, in our

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opinion, the time has come to hold a Party Congress. To ensure its success, it will be necessary to complete major work in lower-level party organizations. Now I will devote some time to details of issues of preparing for the Congress.

The Politburo has made a decision to create an organizational committee for preparation for the Congress with the following makeup:

1. Le Zuan - committee chairman
2. Chiong Tin - deputy chairman
3. Pham Van Dong - deputy chairman
4. Pham Hung - deputy chairman
5. Le Duc Tho - committee member
6. To Hiu - committee member
7. Hoang An - committee member
8. Suang Thui - committee member
9. Le Van Liong - committee member
10. Chan Van Kuang - committee member

If the proposed candidates are approved at today's Plenary Session, then the organizational committee will commence its work at once.

We assume that at today's Plenary Session it will be necessary for us to examine those issues which will be included for discussion at the Congress. This issues include the following:

First, the matter of the account report at the Congress. We believe that this report will be ready by March 1971. Comrade Le Zuan will compile the report.

Second, changing several articles in the charter of the VWP. This is a very important matter, and it must be discussed very thoroughly.

Third, regarding the activity of the Communist Party in South Vietnam. We regard it as appropriate to announce openly in the press that the two Parties have merged, the VWP and the Party in South Vietnam.<sup>6</sup>

Fourth, regarding unity of action of the three Indochina Parties: the Vietnamese, Laotian and Cambodian ones.

And finally, issues regarding the foreign policy course of our Party, and elections of Party leadership.

After all these matters have been discussed at the Plenary Session and specific decisions have been made on them, the Politburo will determine when the Congress will be held.

The issue of holding the 4th Congress is extremely important, and we must prepare with the greatest care for it. Every issue must be studied and discussed thoroughly. If we do not think through each issue properly, this will have a negative impact on the efforts of the Congress.

But before the Congress it is critically essential that we settle the matter of some comrades' opportunistic activities.

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This is a very important matter. All the victories we have achieved are the result of correct policy on the part of the leadership of our Party, with the decisions of the 3rd VWP Congress having been translated into real life creatively and consistently.

Of late in our Party there have arisen opportunists who are interfering with our going along the path indicated. There are not many of them, but they are dangerous. The opportunist faction does great harm to our Party. I have already reported to the Plenary Session that there is disunity between us and the opportunists. Opportunists speak out against our agrarian policies, our military policy, and the foreign policy line of our Party.

We feel that the foreign policy of our Party is correct. Our Party is independent. It depends on no one, neither on large nor small parties of other nations. We have our own program, our own way that we are going, holding high the Marxist-Leninist banner. There is nothing unclear in our foreign policy.

Because the U.S.A. has undertaken aggression against us, we are forced to request aid from brotherly nations and parties, in order to fight still more successfully against the American invaders. We have some disagreements with other brotherly parties, mainly relating to Marxist-Leninist theory issues. In numerous meetings with representatives of those parties with whom we have disagreements, we have presented to them our point of view on many issues of Marxism-Leninism. The goal of foreign policy efforts at the present time is to promote reestablishment of unity in the international communist and workers' movement.

Many comrades do not understand our policy and criticize us for our position in relations with China and the Soviet Union and on other issues. In particular, we do not feel that the present leaders of the Soviet Union are revisionists, or that they threaten the unity of the international communist and workers' movement. As for China, we agree on the need to carry out a "great proletarian cultural revolution," but are not in agreement with the methods of carrying it out. Some comrades also criticize us for this disagreement.

One needs to consider that if, under present conditions, we do not have, and will not have, a united viewpoint, we will encounter great difficulties. Therefore, I wish to repeat what matters it is on which we have disagreements.

First of all, regarding the collectivization of agriculture. What route to take? Take the route we have already chosen, or another route? We feel that the route selected is the correct one. If we do not demonstrate flexibility in solving problems of cooperation, we will not be able to revitalize agriculture. This ought not to raise doubts.

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But if we go the route of creating large cooperative enterprises, we will not solve the problems facing us. In order to create large enterprises, technology and mechanization are needed. But at the present time we cannot provide cooperatives with large-scale agricultural technology. Big cooperatives need electrification, and right now we cannot supply electric power to all of the cooperatives.

We are following the path of peasant collectivization. But this needs to be done skillfully, having beneath one's feet a solid base and appropriate conditions.

But for now we do not have these conditions. We must still do much work in order to create a solid base for collectivization of agriculture and creating of large-scale cooperatives.

Secondly, regarding the matter of relations with Cambodia, China and other brotherly parties such as those of Rumania and Poland: Comrade Le Van Lyong will report to you in greater detail on this.

But I in my report wish once more to emphasize that the existence of opportunistic tendencies in our Party will do us much harm. The opportunists speak out against our policy. We feel that before the Congress it will be essential to work with comrades who do not understand our policy, and explain their mistakes to them, so that they will realize and correct them.

We feel that it will be necessary to decide the issue of contradictions in the Party on the basis of principle. In connection with that, at this Plenary Session we must discuss the following four questions: regarding the reasons why deviations arose; regarding ideological battle against opportunists; the results already achieved in this struggle; and regarding several organizational measures directed toward re-establishing unity in the Party.

Disharmony in our Party plays into the hands of the enemy. It is an urgent priority for us to eliminate the existing contradictions and carry out a decisive campaign against the opportunists; otherwise a threatening situation will be created in the Party.

I can cite many examples which show the harm caused to us by the opportunists. For one, many of the senior military leaders that belong to the opportunist faction do not carry out orders by their superiors, which has a negative impact on the conduct of military operations. For example, after the American and Saigonese forces invaded Cambodia, the Politburo decided to use large-scale forces to strike a blow against the enemy in the Tay Ninh area, in order to protect our troops that were operating in Cambodia. But the military leaders in that region held differing opinions, and their actions, which contradicted

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those of the Politburo, created significant difficulties for us and lowered the effectiveness of our armed forces' actions. We subjected these comrades to severe but just criticism; but a favorable moment was allowed to slip away. This is a very obvious example of what serious consequences can result from such actions.

At present 16 members of the CC VWP are numbered in the opportunist faction. They constantly criticize our Party's policy. Some of them distribute published works in which they expound their opportunistic views. This does great harm to the Party. In addition to criticizing us, they do not carry out instructions and directives of higher authority.

The Politburo and Secretariat of the CC VWP has exerted much effort to get these comrades to understand and admit their mistakes. As far back as before the 18th Plenary Session of the VWP, we held many discussions with these comrades, showing them their errors; some of them admitted they had been wrong. However, many continued to defend their erroneous views at the 18th Plenary Session. They spoke out against Plenary Session decisions, and by their actions they continued to cause harm to the Party. With each passing day they made new mistakes, moving along a path of factional activity and by doing so violating the unity of our Party.

At the 19th Plenary Session, the factional activity in the Party reached its height. The opportunists continued to speak out against our policy. In particular, Le Lien' and a number of others spoke out against the policy of the Party in the sphere of culture. We feel that the creativity of those among us who produce literature and art should reflect the heroism of present days, the self-sacrificing struggle of the Vietnamese people against the aggressors and the splendid work at the front of agricultural reconstruction. It should dramatize our successes and summon us to overcome difficulties. But not everything is done as it ought to be, and many comrades feel that in literature and art all is well.

We must subject these comrades to the severest possible criticism, because under present conditions literature and art play an enormous propagandistic and educational role. If we are not timely in showing these comrades their errors, then they will go even further in their delusions.

Thus, we are faced with some large assignments in combating all deviations, and all opportunistic tendencies. We must carry on the fight not only in the central apparatus, but locally as well. We consider it to be appropriate that all the CC secretaries be assigned to regions for which they are responsible. Then we will be able to increase control of all party organization activities.

Overall I must note that at the present time we are faced

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with great difficulties that must be overcome. There are many unresolved issues related to principle in the internal life of the Party. Therefore, we ought to strive to have every communist, every leading worker increase his responsibility for the work entrusted to him, exerting all his efforts to do his revolutionary duty.

Under present-day conditions, internal Party work has greater significance with every passing day. Each Party cell, each Party organization, Party committee, must be permeated with the high revolutionary spirit, clarifying to themselves our course and actively converting the Party's policy into real life.

Any individual who disagrees with us on something may openly express his opinion. We will hear him out, discuss his point of view and accept it if it turns out to be correct, or else show that comrade how he has erred.

We must exert every effort to obtain victory over the enemy throughout the entire Indochina peninsula. We must strike blows against the Americans until they withdraw all their troops from this region. We must destroy the puppet forces of South Vietnam, Laos and Cambodia. The peoples of Indochina must be free and in close friendship. Having closed ranks, we will commence the building of a new life. And for this, I repeat again, it is essential that there be unity in the Party. We must restore it, or otherwise we not only cannot complete our tasks; we will suffer great harm.

We must follow the precepts of Ho Chi Minh, operating in Marxist fashion. We must restore unity in the Party based on principle. It is essential that we eliminate all the consequences of errors and obviate the chance they will be repeated or that new failures will be permitted. We must conduct a battle on all fronts - military, political, diplomatic, and ideological - against the enemy and against opportunist elements within the Party. This will require very great force, but we will achieve success.

Once again we must talk with the 16 comrades who do not agree with us on any issues and show them their errors. If we do not work out this disharmony in time, it will emerge into the open and become accessible to wide-spread publicity. A few days from now these 16 comrades must present to us written explanations of their positions and then we will decide how to deal with them.

The following comrades belong to this group: Le Liem, Nguyen Khan Toan<sup>9</sup>, Ha Hui Zuap<sup>9</sup>, Bui Cong Ching<sup>10</sup>, Nguyen Van Vin<sup>11</sup>, Song Hao<sup>12</sup>, and a number of others. They all affirm that our Party's policy is incorrect. Naturally, any member of the Party may freely express his opinion, but their behavior passes all boundaries of free expression.

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At this 20th Plenary Session we will not move toward compromise with them, as was done at the 19th. We will engage them in decisive combat.

We simply must achieve full unity in the Party and leadership. It is particularly important to eliminate disharmony right now, when we are intending to issue a summons to a 4th Congress of our Party. We must come to the Congress with unified opinions on all basic matters.

I think that we certainly will achieve successes, both in restoring Party unity and in battling against the American aggressors and their puppets.

In the brochure there are 29 pages of text RKSS/I-268, a title page and cover order no. 00/119.

#### FOOTNOTES

1. What is meant are the D.R.V. and South Vietnam [note by GRU].
2. Probably what is meant are Chinese troops. The possibility of bringing them into the D.R.V. was discussed numerous times [note by GRU].
3. According to American data, People's Army losses in South Vietnam from 1961 to 1971 totaled about 700,000 killed [note by GRU].
4. The Chiong Son Mountains are located in the central area of South Vietnam [note by GRU].
5. Before the revolution in Cambodia, the D.R.V. used the port of Sihanoukville [note by GRU].
6. It is apparent that what is meant is the People's Revolutionary Party of South Vietnam, which in effect is the South Vietnamese branch of the VWP and manages the activities of the NFO [note by GRU].
7. Candidate for membership in the CC VWP, assistant minister of education [note by GRU].
8. Candidate for membership in the CC VWP, director of the Academy of Social Sciences of the D.R.V. [note by GRU].
9. Member of CC VWP [note by GRU].
10. Candidate for membership in the CC VWP [note by GRU].
11. Candidate for membership in the CC VWP, lieutenant general, chairman of the committee for unification of the country [note by GRU].

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12. Member of the CC VWP, lieutenant general, head of the Main  
Political Administration of the Ministry of National Defense of  
the D.R.V. [note by GRU].

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## Plaintiffs' Exhibit B

Challenged Redactions to *Critical Assessment of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue*

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# A CRITICAL ASSESSMENT

of the

1998 National Intelligence Estimate (NIE)

on Vietnamese Intentions,

Capabilities, and Performance

Concerning the POW/MIA Issue

Prepared and Submitted by the Office of U.S. Senator Bob Smith<sup>1</sup>.  
November, 1998

<sup>1</sup> Sen. Smith is the U.S. Chairman of the Vietnam War Working Group of the U.S.-Russia Joint Commission on POWs and MIAs. He is also a senior Member of the Senate Committee on Armed Services and the former Co-Chairman of the Senate Select Committee on POW / MIA Affairs (1991-1993).

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*A Critical Assessment  
of the 1998 National Intelligence Estimate (NIE) on Vietnamese Intentions,  
Capabilities, and Performance Concerning the POW/MIA Issue (U)*

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English translation of the so-called 1205 Document, based on translation from Vietnamese into Russian by Soviet GRU in 1972.	
English translation of the so-called 735 Document, based on translation from Vietnamese into Russian by Soviet GRU in 1971.	

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claimed to *American officials and the press at large* that the 1205 document is a 'complete fabrication,'<sup>73</sup> they have apparently *not* made any such claim in the course of several discussions on the matter *with Russian officials*, the contents of which have been reliably reported to US officials.

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<sup>73</sup> See Interim Analysis of 1205 Document, by Sen. Smith to Amb. Toon, July 21, 1993, section entitled "Reaction by Vietnamese Officials" contains extensive quotes in media by Vietnamese officials, along with commentary by Hanoi publications. The most recent reported denial took place during a meeting between Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs) Robert Jones and Vietnam's Vice Minister of Defense, Tran Hanh, during a luncheon in the Executive Dining Room, Lounge 1, at the Pentagon, on October 5, 1998. Hanh reportedly stated that "the Russian documents are complete fabrications." (U)

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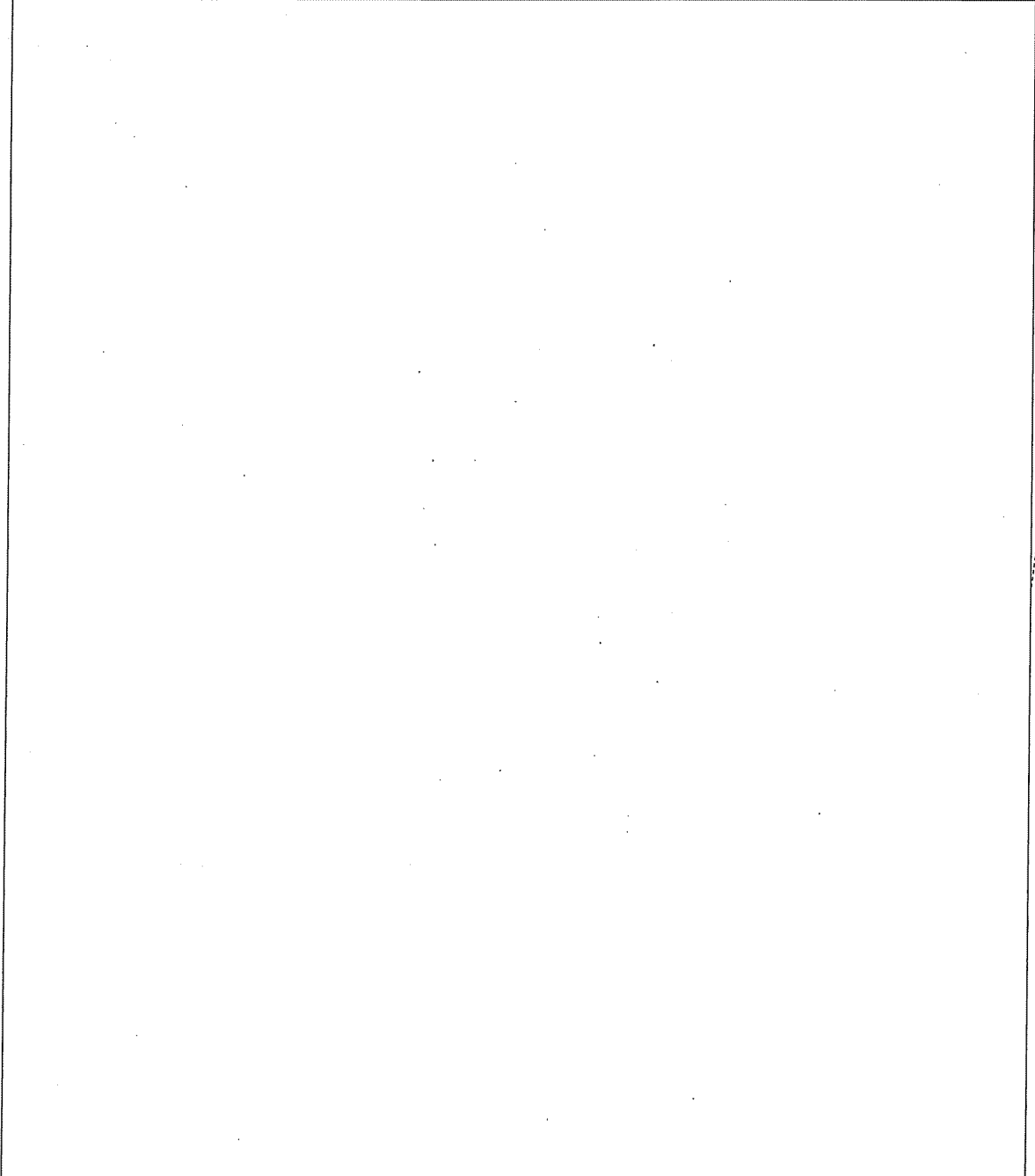
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(b)(1)

NIE STATEMENT: *"None of the new information helps to confirm the accuracy of the 1205 report." (p.27) (S)*

ASSESSMENT:

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(b)(3) NatSecAct

This statement is factually inaccurate. As previously demonstrated, the information provided by GRU Capt. A.I. Sivets [REDACTED] briefly referenced in the NIE under the heading "*New Information*" — does, in fact, *help to confirm* that the 1205 document was an *accurate* representation of the political-military situation in North Vietnam in 1972. So does the information provided by former USSR Central Committee Secretary Katushev, and two Chiefs of the GRU -- Generals Ladygin and Korabelnikov -- in 1994 and 1997. In short, since 1994, the GRU has expressed its confidence in both the authenticity and the reliability of the information in the 1205 report. To ignore this evidence implies that the GRU being confident enough in the information it acquired in 1972 to forward it to the Soviet Central Committee (whose own official viewed it with confidence) is somehow *not* helpful information in judging whether the 1205 report could have

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been accurate. For the NIE to assert such an argument is absurd. (S)

NIE STATEMENT: *"Quang's<sup>75</sup> responsibilities as a battlefield commander in a combat situation make it unlikely that he would be brought to Hanoi to report on issues that were not within his scope of responsibility...Quang claims he remained with his troops during the (Easter Offensive) period and could not have been in Hanoi for a 15 September Politburo meeting...He (Quang) argues plausibly that he would not have been the one to deliver such a report because the issue would not have been handled by a regional military commander." (p.27-28) (S)*

ASSESSMENT:

This NIE judgment is *contradicted* by substantial evidence originated by or made available to the Intelligence Community prior to and during the drafting of this estimate. This includes information which indicates Quang was hardly just a battlefield commander with a scope of responsibilities limited to his battlefield command position, (who would have had to have been "brought to Hanoi") but rather was a top leader in the communist North Vietnamese hierarchy during the Vietnam War. As examples —

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[REDACTED]

[REDACTED] Quang was elected a secret alternate member of the Lao Dong (North Vietnam's Communist) Party Central Committee and of the Central

<sup>75</sup> North Vietnamese Lt. General Tran Van Quang, now Chairman of the Vietnamese War Veterans Association (elected in November, 1992), was reported by the Russian GRU in 1972 to be the North Vietnamese author of the "1205" report acquired by the GRU and dated September 15, 1972. (U)

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NIE STATEMENT:

[Redacted]

ASSESSMENT:

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This statement's choice of words is extremely incomplete and misleading to the NIE reader in several important respects —

• [Redacted]

crewmembers currently in captivity, 9 such personnel previously released, and 20 such personnel listed as dead. Based on Department of Defense POW/MIA lists, only 335 Air Force and Navy pilots and crewmembers captured in North Vietnam prior to November 15, 1970 were later repatriated to the United States (one in Sept. 72, and the remainder following the signing of the Peace Accords in 1973 (Jan-Apr). (U)

[Redacted]

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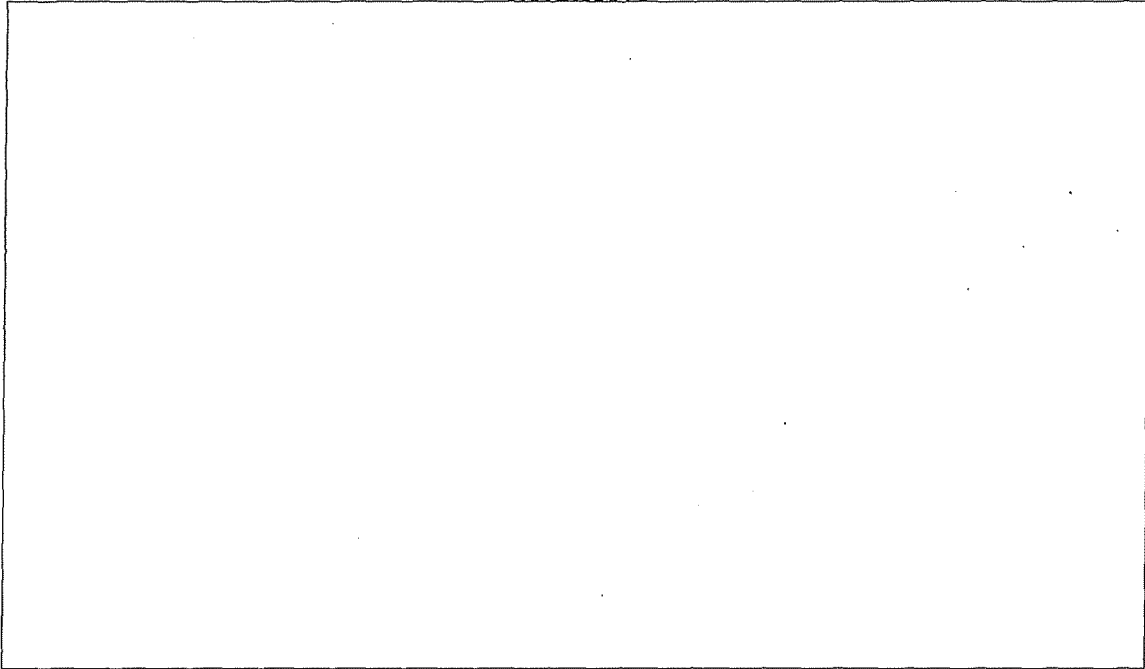
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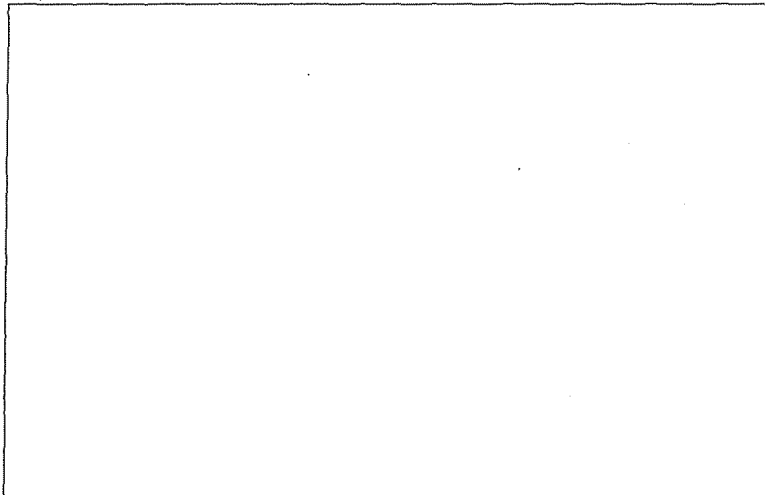
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NIE STATEMENT:



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ASSESSMENT:

<sup>186</sup> Ibid. (S)

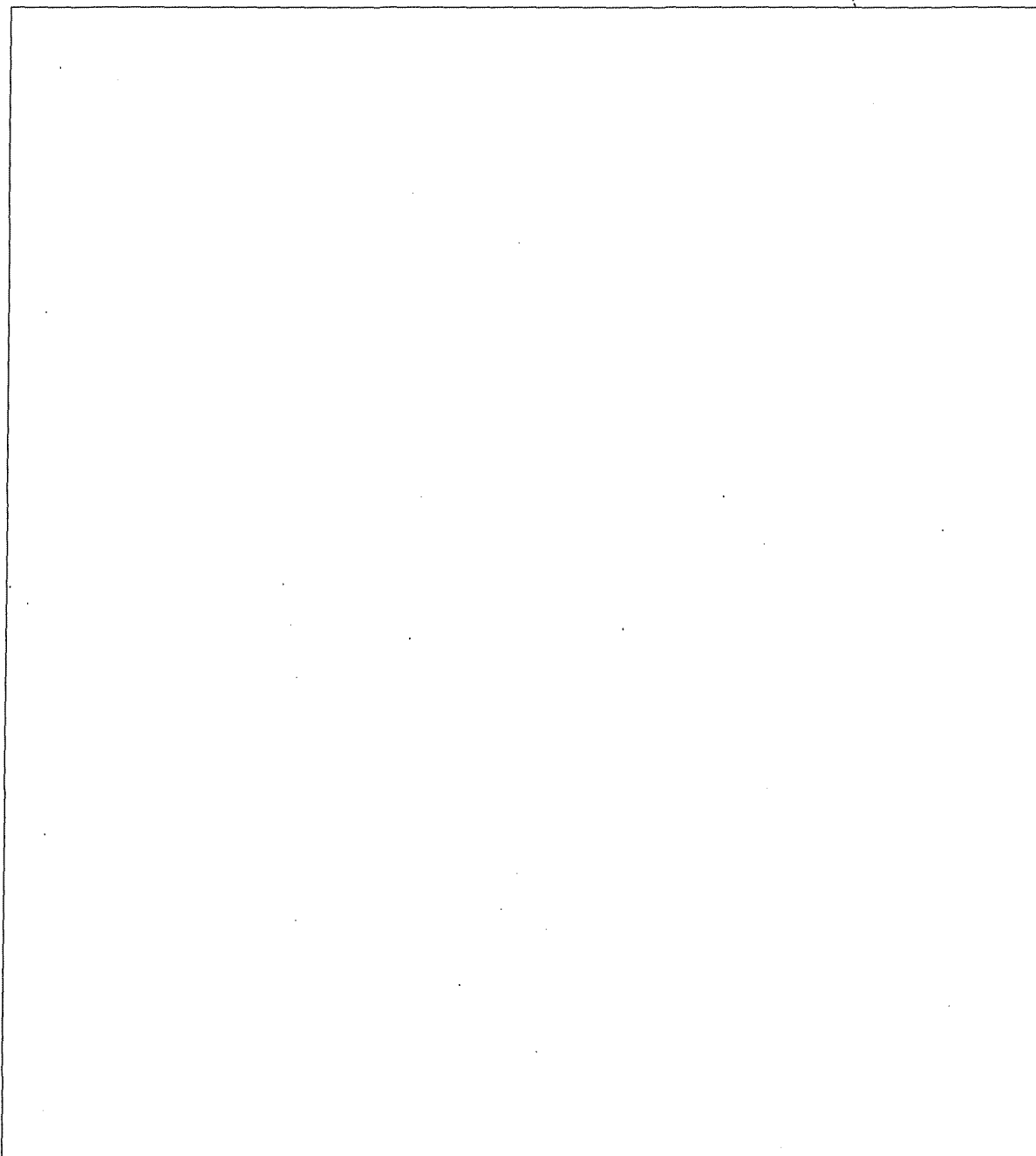
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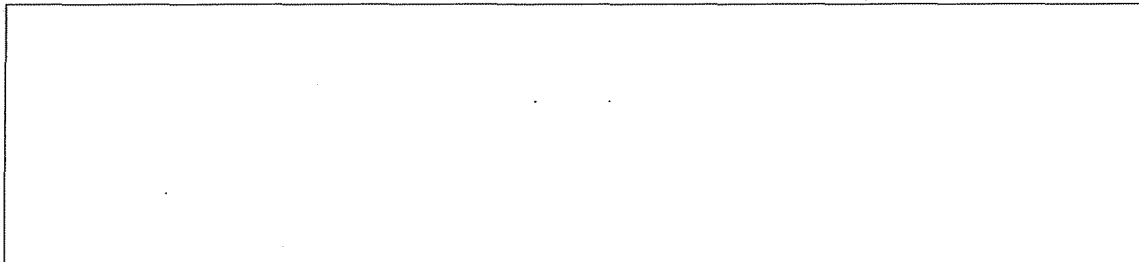
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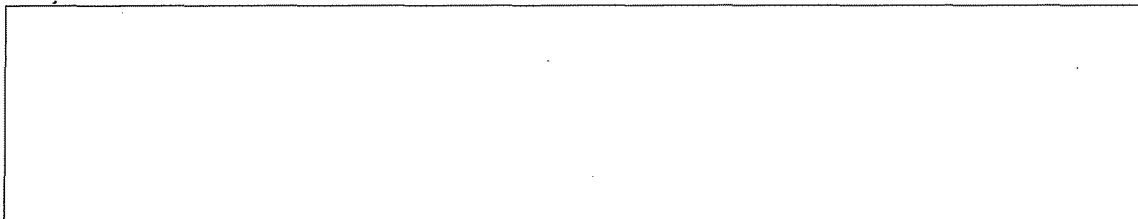
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But even more disturbing is the NIO's claim that the "allegations" in the report are "uncorroborated by any other intelligence reporting." According to a Defense Intelligence Agency Directorate for Intelligence Research published study in 1977, a report was received in the Fall of 1976 indicating that two North Vietnamese officials who had recently come to southern Vietnam had told a "high PRG official" that 235 US POWs were executed in northern Vietnam in July, 1976<sup>188</sup>



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(S)



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• Former National Security Advisor to President Carter (1977-1980), Zbigniew Brzezinski, provided the following assessment:



when

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<sup>188</sup> Recent Reports of U.S. PWs and Collaborators in Southeast Asia, Defense Intelligence Agency, information cut-off date April 1, 1977, see pages 65, and 69-70. The person who had actually learned of the above information and then passed it to U.S. intelligence had been an American left behind in the Fall of Saigon who was released on August 1, 1976. (U)

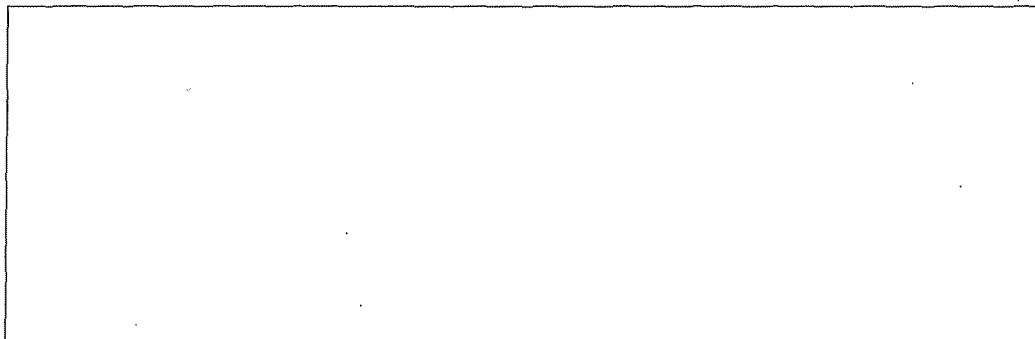
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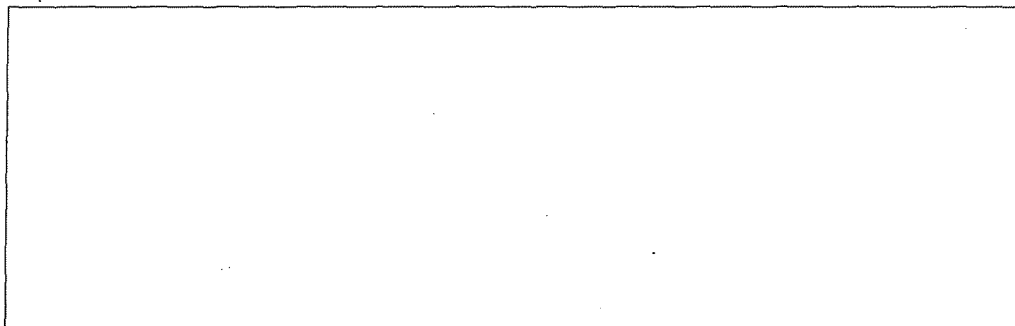
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*in order to blackmail us, they would have at some point produced them. Whether they though this was no longer necessary after Saigon collapsed...after that they might have believed that there was no longer any negotiating tool.*<sup>190</sup> (U)



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- A DIA contract agent reported being privately told in 1993 by a Vietnamese PAVN General Political Directorate (GPD) officer in Hanoi that “perhaps hundreds” of the unreturned U.S POWs had been executed by North Vietnam, and that this was “Hanoi’s darkest and worst secret.”<sup>192</sup> (U).



<sup>190</sup> Ibid.

<sup>191</sup> Department of Defense JCRC Liaison, Bangkok, TH, priority message, info to DIA Washington, USCINCPAC, SECDEF, P 080156Z March, 1985. (U).

<sup>192</sup> See *Inside Hanoi's Secret Archives* by Malcolm McConnell with Theodore “Ted” Schweitzer, 1995, p. 268-270. (U)

<sup>193</sup> Letter from Director of Central Intelligence James Woolsey to Sen. Bob Smith, dated July

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- Russian Presidential Advisor and Co-Chairman of the Joint U.S.-Russia Commission on POW/MIAs, General Volkogonov, told President Clinton's Special POW/MIA Emissary to Hanoi, General Vessey, in 1993, that "he feared" some of the alleged 465 US POWs with reactionary views referenced in the September, 1972 1205 report "may have been later executed."<sup>194</sup> (U)

• [REDACTED] (b)(1)

[REDACTED] (b)(1)

- Earlier that same month, The Washington Post reported, in a front page article, entitled "*No Hope, MIA Families Told*," that Congressman Sonny Montgomery, Chairman of the House Select Committee on Missing Persons, had told POW/MIA family members gathered in

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26, 1993 (see enclosures). Note: [REDACTED]

[REDACTED] (U)

<sup>194</sup> Memorandum for the Record, Subject: Conversation between GEN Volkogonov and GEN Vessey during visit at Walter Reed Medical Center, dated June 22, 1993. (U)

<sup>195</sup> See Memorandum to Assistant to the President for National Security Affairs Anthony Lake from National Intelligence Officer for East Asia Robert Suettinger, dated December 13, 1993. (S)

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“died in captivity” by the Provisional Revolutionary Government (PRG) in their POW list turned over in Paris in January, 1973, and their remains, as of 1998, have still not been repatriated to the United States. (As noted earlier, Quang had also served as the PRG Defense Minister following its establishment in 1969, and would have logically prepared or approved, under that leadership capacity, the PRG US POW list presented in Paris. (U)

[REDACTED]

(b)(1)

Following the return of acknowledged US POWs in 1973, there remained over 1,300 U.S. personnel in a missing in action status, and DoD could not say whether those individuals “were alive or dead.” Moreover, U.S. officials at the time had expected a higher number of US POWs to be returned, as earlier indicated in this assessment. Finally, the figures referenced by the NIE itself (p.19) show that, as of 1998, there remain 370 unaccounted for U.S. personnel, in the judgment of DoD, whose fate has not been determined, including 48 on the “priority” last known alive list. (S)

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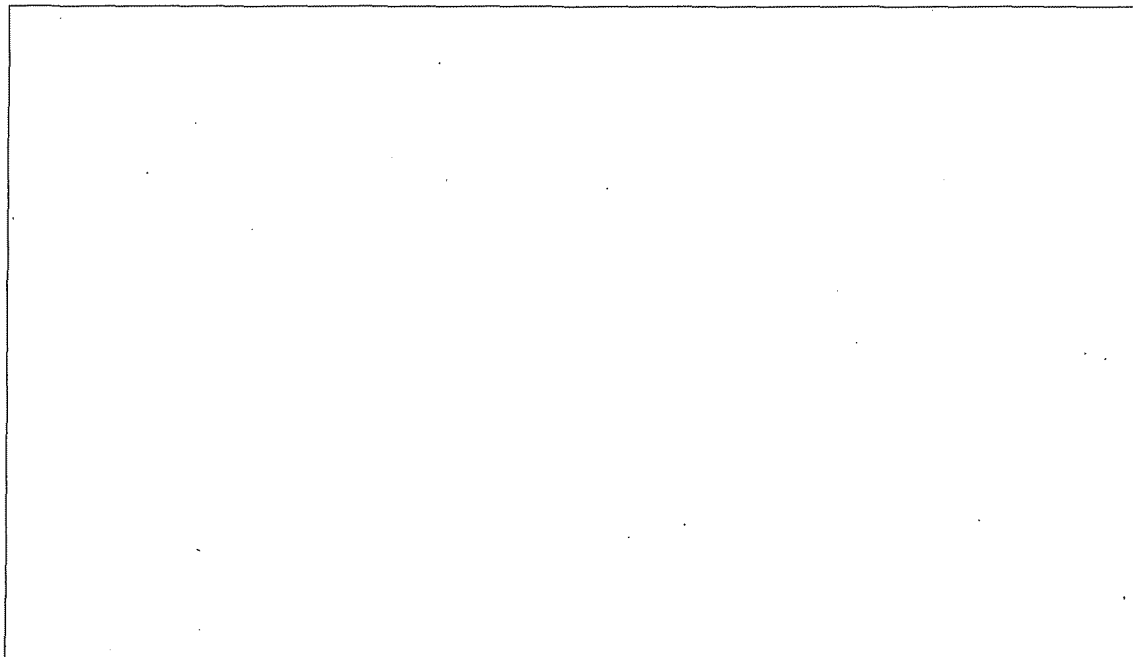
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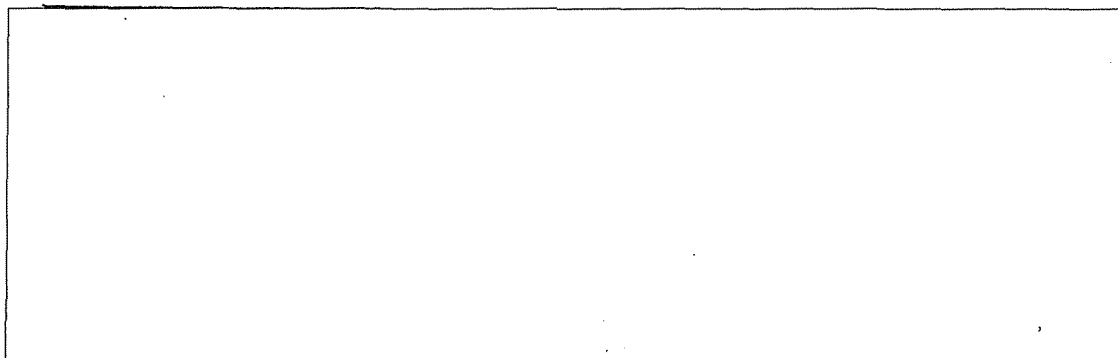
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ASSESSMENT:



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## Plaintiffs' Exhibit C

*Challenged Redactions to A Review of the 1998  
National Intelligence Estimate on POW/MIA Issues  
and the charges Levied by A Critical Assessment of  
the Estimate*

**DEPARTMENT OF DEFENSE  
AND  
CENTRAL INTELLIGENCE AGENCY**



**A JOINT REPORT**

**A REVIEW OF THE 1998 NATIONAL INTELLIGENCE ESTIMATE ON  
POW/MIA ISSUES AND THE CHARGES LEVIED BY  
A CRITICAL ASSESSMENT OF THE ESTIMATE  
(1999-5974-IG)  
(00-OIR-04)**

**29 February 2000**

**Donald Mancuso**  
**Deputy Inspector General**  
**Department of Defense**

**L. Britt Snider**  
**Inspector General**  
**Central Intelligence Agency**



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**D - Intelligence Community Publications Reviewed by National Intelligence Estimate Drafter**

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**F - Comments by Russian Sources**

**G - Case Review Methodology**

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**I - Captain McDonnell Case Review**

**J - Distribution List**

number of American POWs in the 1205 document because the information "was not essential" to the Soviets. His successor, General Korabelnikov, said that he had nothing more to add to the statement made by Ladygin.

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[REDACTED] The *Critical Assessment* claims that the GRU "has expressed its confidence in both the authenticity and the reliability of the information on the 1205 report." It does not mention, however, that the GRU sources do not support the POW-related content of the documents.

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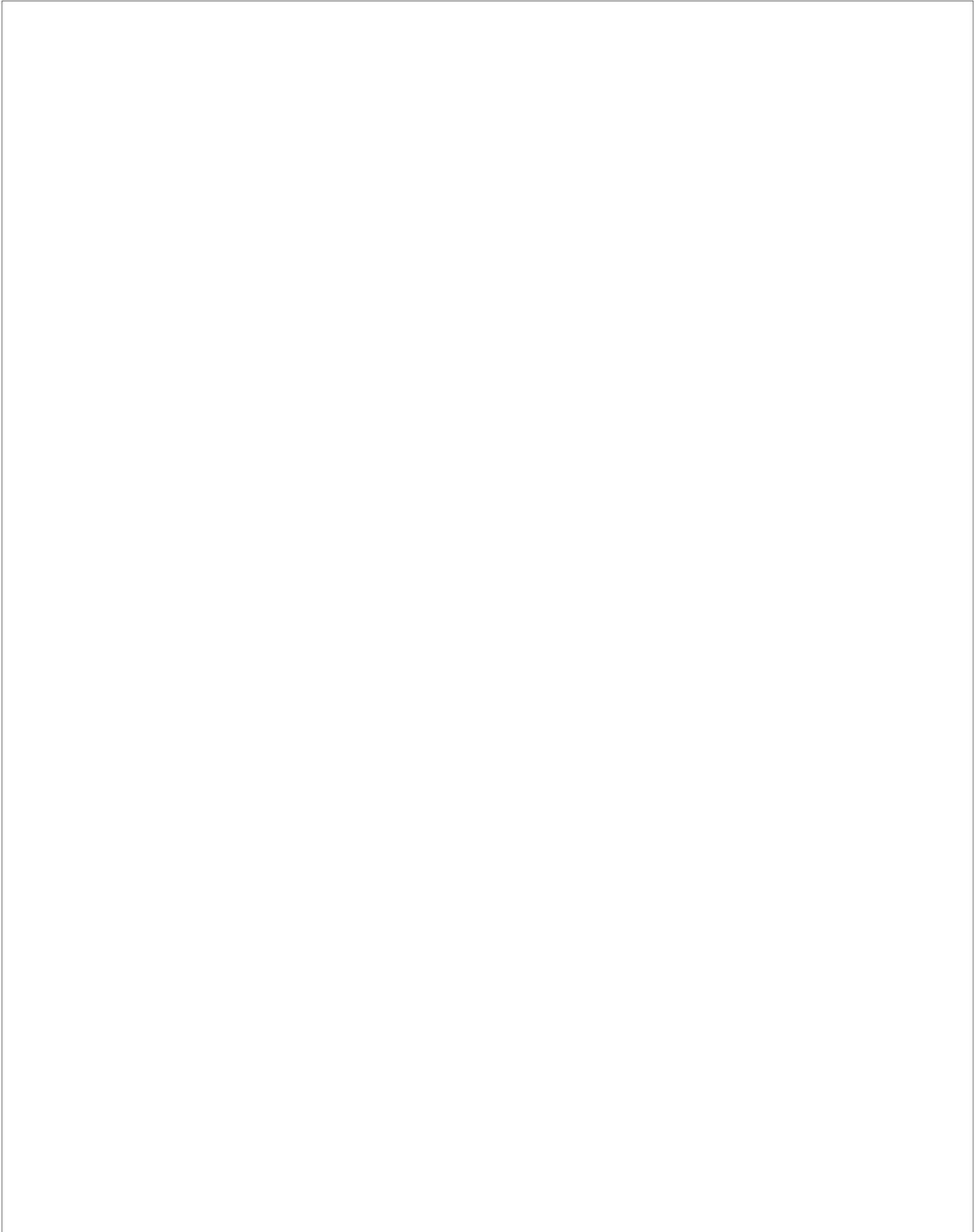
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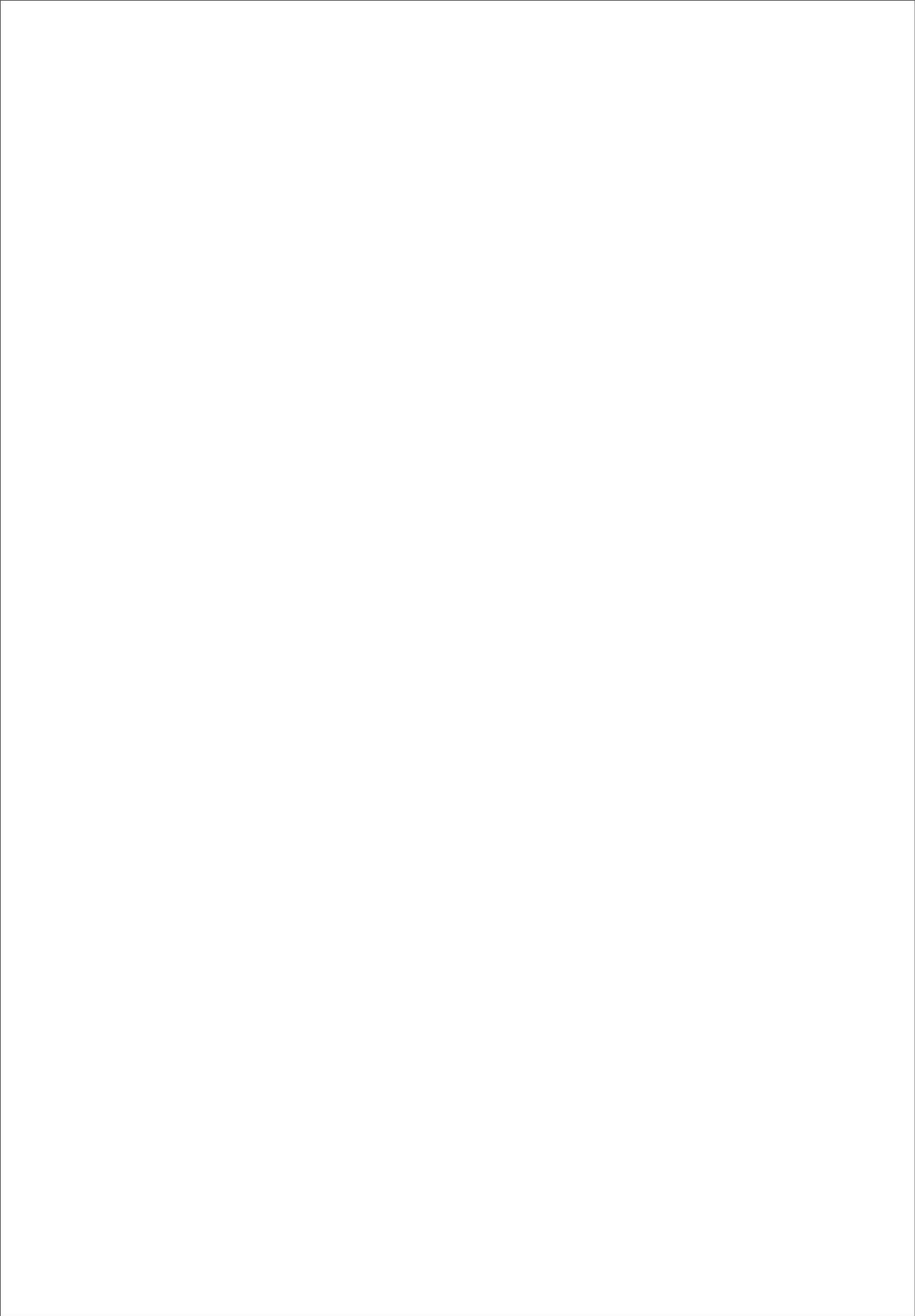
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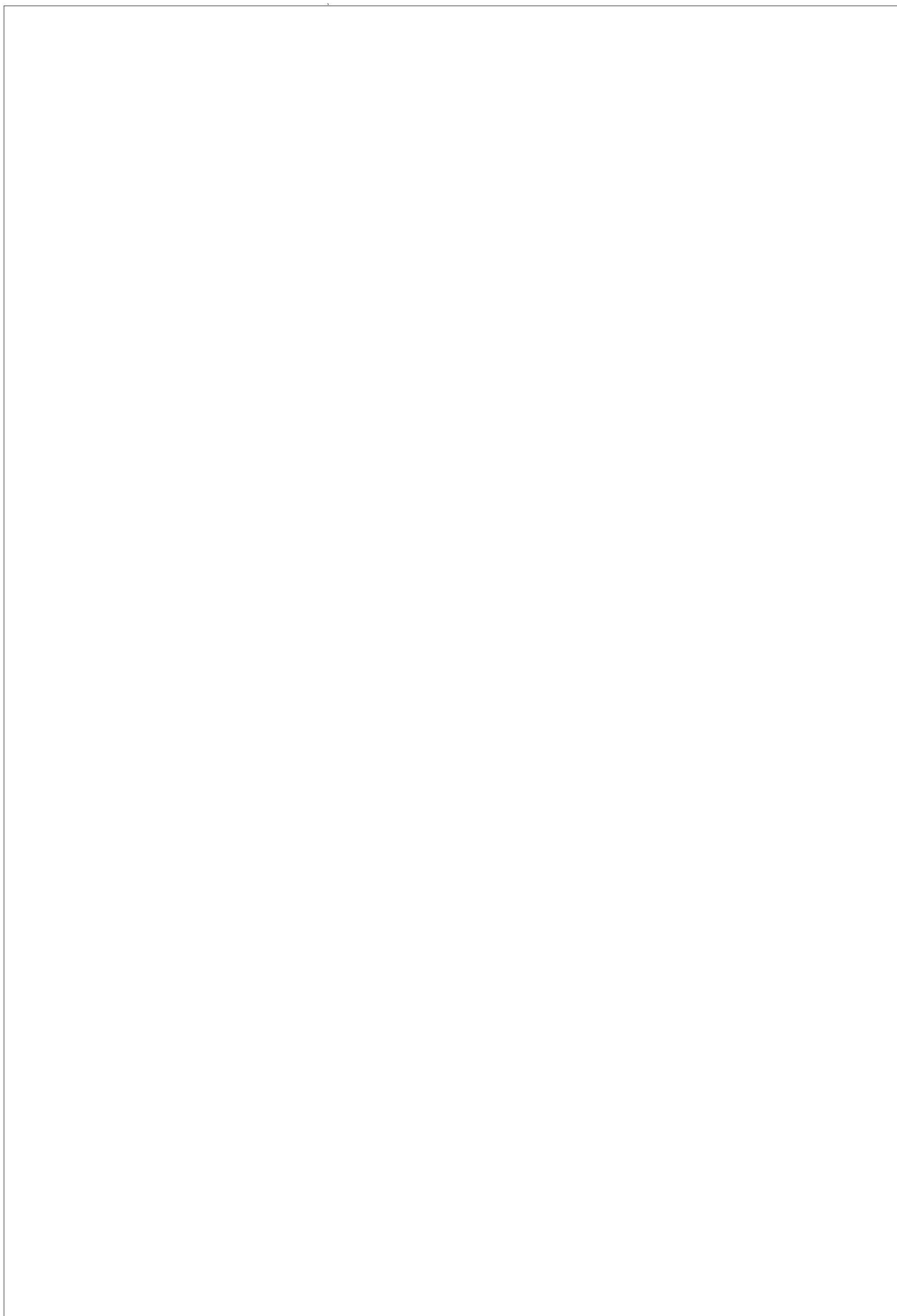
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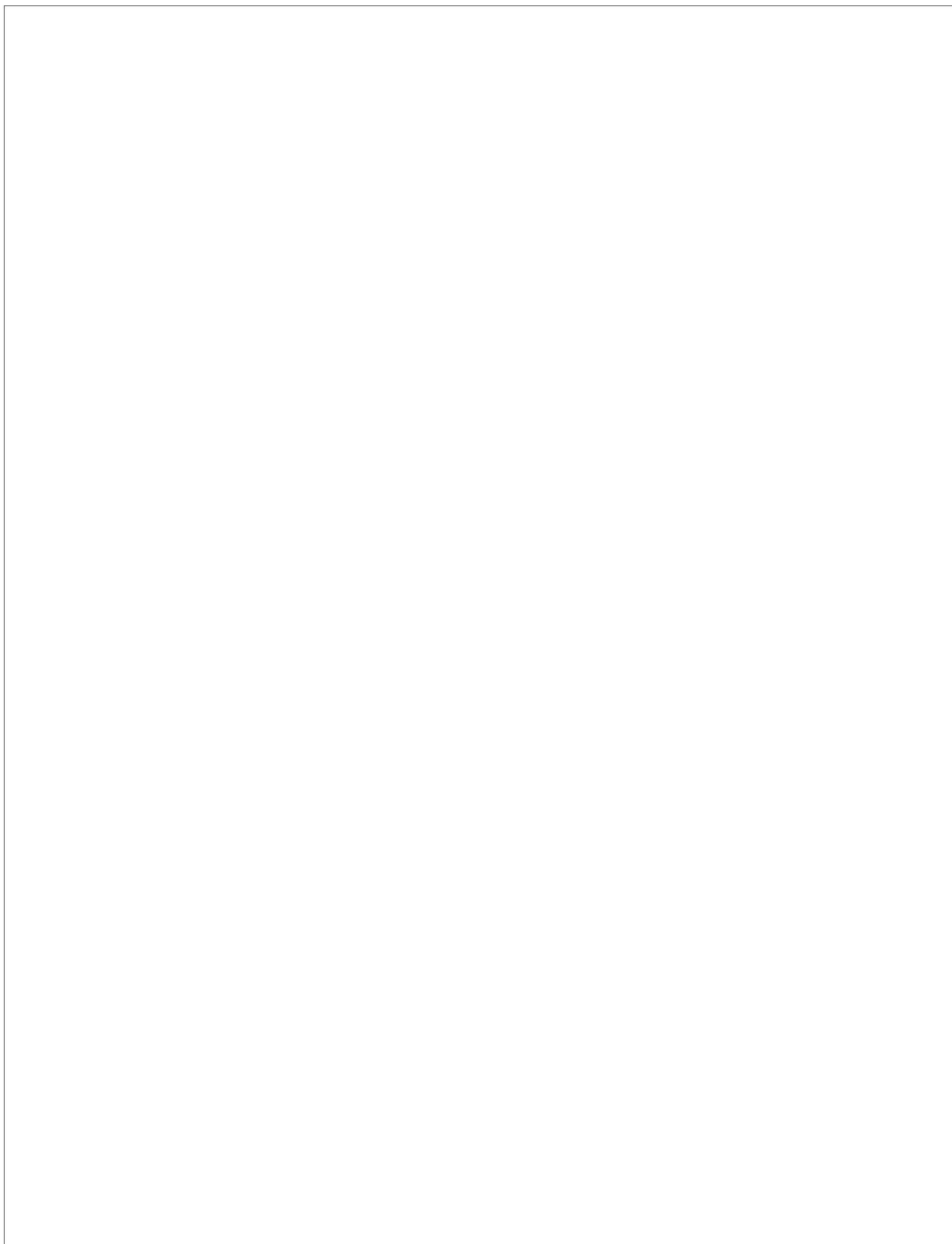
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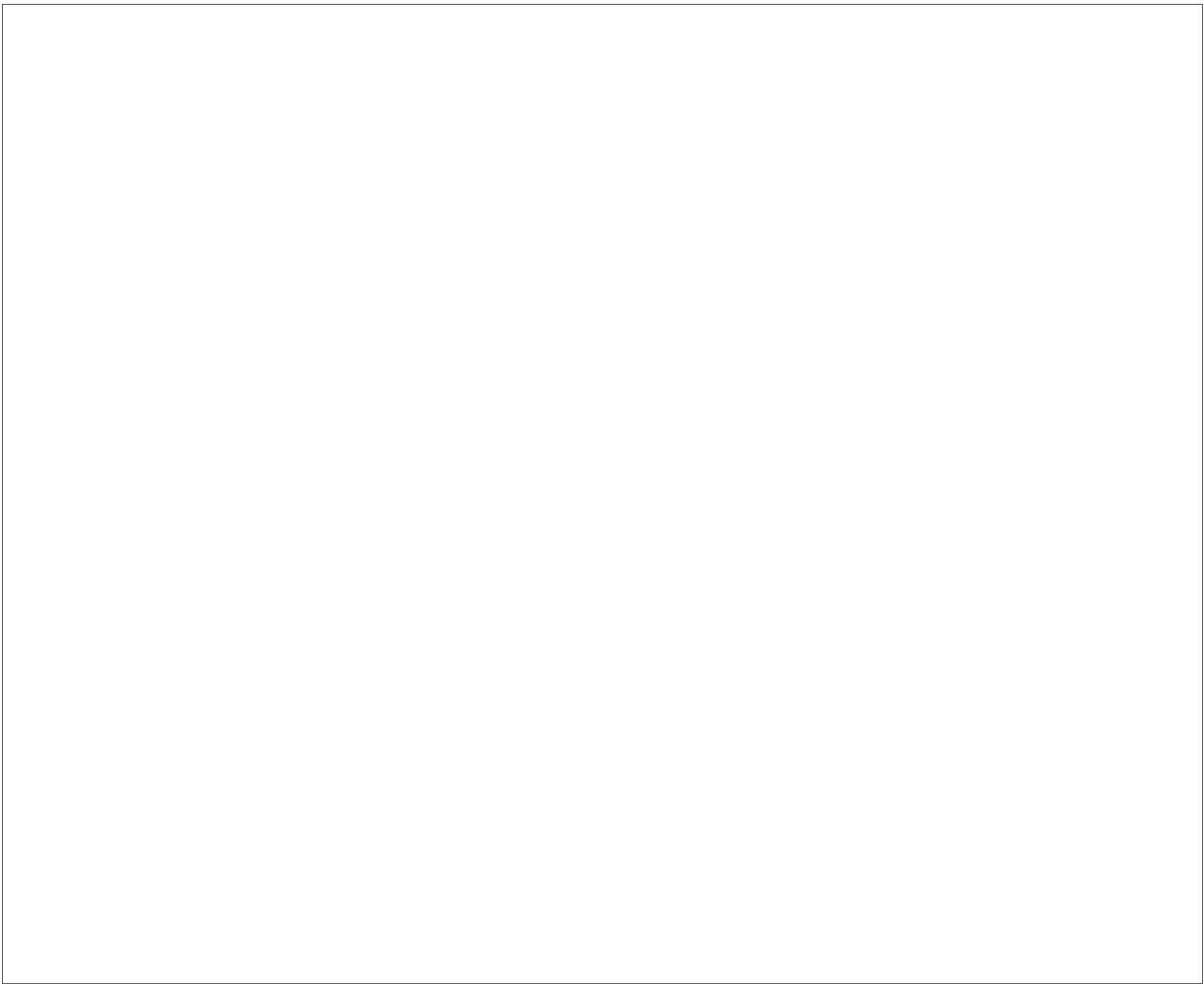


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**SEPARATE OR SECOND PRISON SYSTEM**

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[redacted] The NIE stated that, if there were additional POWs, the IC would have known of them unless Vietnam maintained a separate prison unknown to the POWs who returned in 1973. The estimate concluded that, "we have uncovered no reliable evidence that a separate prison system existed for certain POWs; nor do we have such indicators as plausible site locations."

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[redacted] Concerning the issue of a separate or second prison system, the *Critical Assessment* refers to "substantial information and evaluations originated by or made available to the U.S. Intelligence Community both during and/or after the Vietnam War." The assessment asserts that, based on the 735 and 1205 documents, the large number of

## ANNEX F: Comments by Russian Sources

	Overall Access	735/ 1205 Valid			735/1205 Credible			Position / Function
		Yes	Unk	No	Yes	Unk	No	
(b)(1) (b)(3) NatSecAct	High		1			1		National Security Advisor to Russian President
	High		1				1	Ambassador to Vietnam (1974-86)
	High		1			1		KGB General
	High	1			1			CPSU Central Committee Secretary Maintaining Ties to Socialist Countries (70s)
	High		1			1		Ambassador to Vietnam (1990-96)
	High	1				1		GRU, Chief (1997-99)
	High	1				1		GRU Chief, (1994-96)
	High	1				1		Consultant, Russian Defense Council, former head of the MFA Archives
	High	1				1		Deputy Foreign Minister (1977-99)
	High	1				1		KGB, FCD, Head Southeast Asia Dept (during the war)
	High		1				1	CPSU Central Committee Political Issues on Vietnam (1963-86)
	High	1			1			GRU in Embassy in Hanoi (1968-72)
	Sub-Total	12	7	5	0	2	8	2
(b)(1) (b)(3) NatSecAct	Med		1			1		Interpreter and Advisor Embassy in Hanoi (1970-80)
	Med	1					1	Political Counselor for Reporting on Vietnam Foreign Policy
	Med		1			1		Embassy in Hanoi (1962-65 - Junior Diplomat - and 1974-78 - Advisor to Ambassador)
	Med	1				1		CPSU Central Committee, Head International Dept Indonesia-Malaysia (1968-73)
	Med	1				1		CPSU Central Committee, International Dept, Vietnam (1962-77); Embassy in Hanoi (1960-62; 77-83)
	Med	1			1			Previous GRU Representative on the USRJC
	Med	1			1			KGB Representataive in Hanoi (1975-79)
	Med		1			1		Embassy in Hanoi (1972-76 and 1982-88 - 1st Secretary then later Counselor)
	Med	1			1			KGB, FCD, Tracking CIA operatives worldwide (32 year veteran)
	Sub-Total	9	6	3	0	3	5	1
(b)(1) (b)(3) NatSecAct	Low		1			1		Prominent Military Journalist
	Low		1			1		Russian Author and Researcher
	Low		1			1		Air Defense Instructor (1973-74)
	Low		1			1		Engineer Advisor in Vietnam (1973-74)
	Low		1			1		Journalist in Vietnam (1972-76)
	Low		1			1		Air Defense Radio/Radar Engineer, in Vietnam (1966-67)
	Low		1			1		Air Defense Advisor in Vietnam (1966-67)
	Low		1			1		Air Defense Technical Advisor and Researcher in North Vietnam (1968-69)
	Low		1			1		Journalist in Laos (1966), Vietnam for much of the 1970s
	Low		1			1		Air Defense Advisor (1966)
	Sub-Total	10	0	10	0	0	10	0
TOTAL		31	13	18	0	5	23	3

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Following are excerpts of comments made by current and former Russian officials regarding the 735 or 1205 documents at various meetings or during interviews [REDACTED]

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- ♦ Vyacheslav Dukhin served as Political Counselor at the Russian Embassy in Hanoi (1992-95). He has no first-hand knowledge of the 1205 document but became aware of it in 1993. Dukhin recalled that a former co-worker at the Embassy who served as Deputy Chief of Mission, Igor Novikov, was aware of the 1205 document when it was acquired in 1972. According to Dukhin, Novikov characterized the GRU's acquisition of the 1205 document as slipshod and not a very conscientious effort. [REDACTED]

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[REDACTED]  
Novikov did not elaborate but intimated that the GRU agent was not reliable. [REDACTED]

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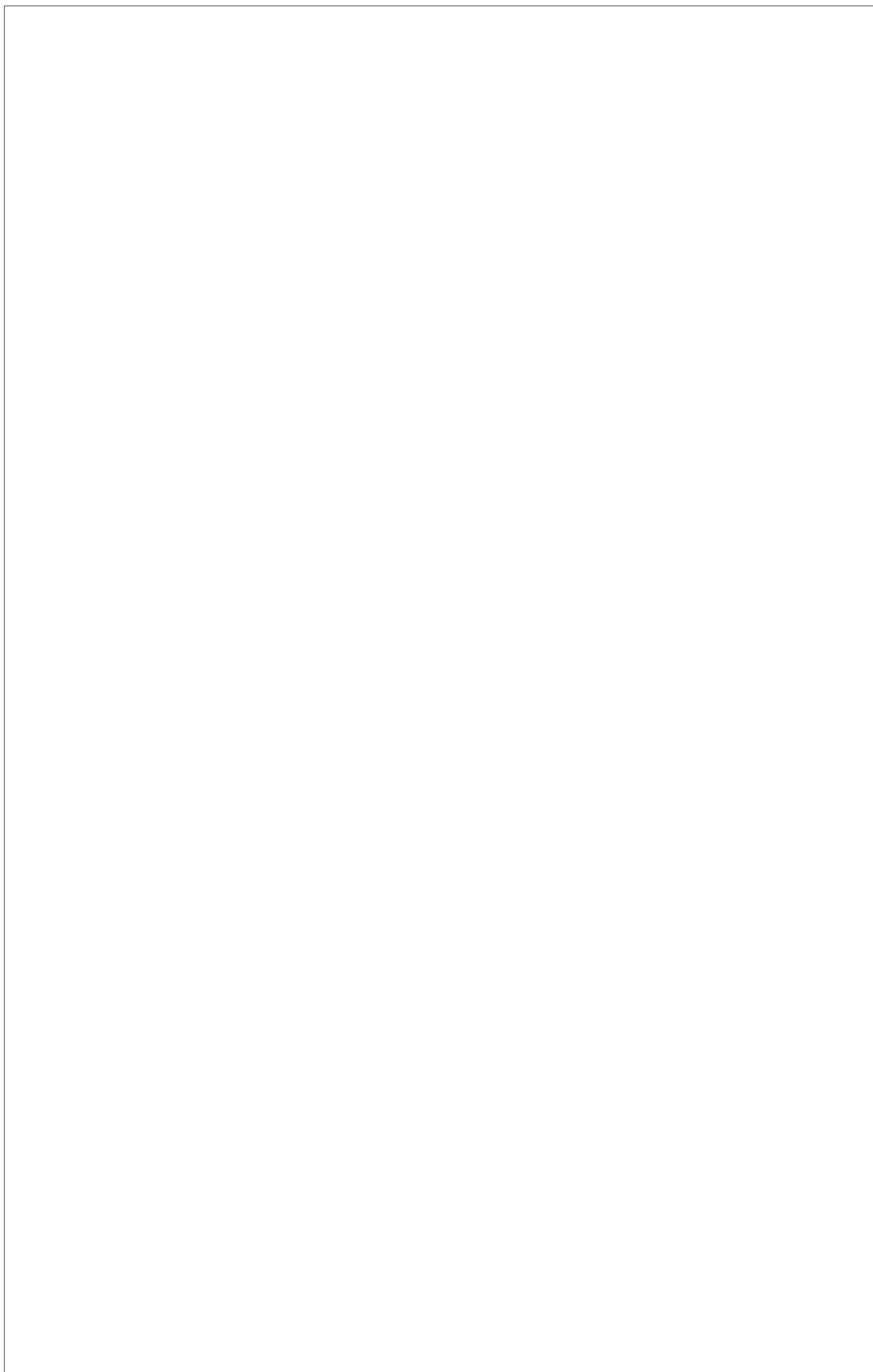
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- ◆ Yevgeniy Glazunov served as a junior diplomat/interpreter at the Soviet Embassy in Hanoi (1962-65) and as a senior advisor to the Ambassador (1974-78). Between these assignments, he worked on Vietnamese issues in the International Department of the Central Committee. [REDACTED]

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[REDACTED]

[REDACTED] Although aware of the existence of the 1205 document when in the Central Committee, he never saw the document. [REDACTED]

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[REDACTED]

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- ◆ Konstantin Katushev served in the early 1970s as the Central Committee Secretary responsible for maintaining ties with other socialist countries such as North Vietnam.

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As to the reliability of

the 1205 document, Katushev says that, insofar as he signed the document and the GRU had good channels and connections to receive information, he had no reason to doubt that the document was what it purported to be, i.e., a report given by General Tran Van Quang. Katushev says that, since this was new information that had never been seen before, it was worthy of the attention of the Communist Party leadership.

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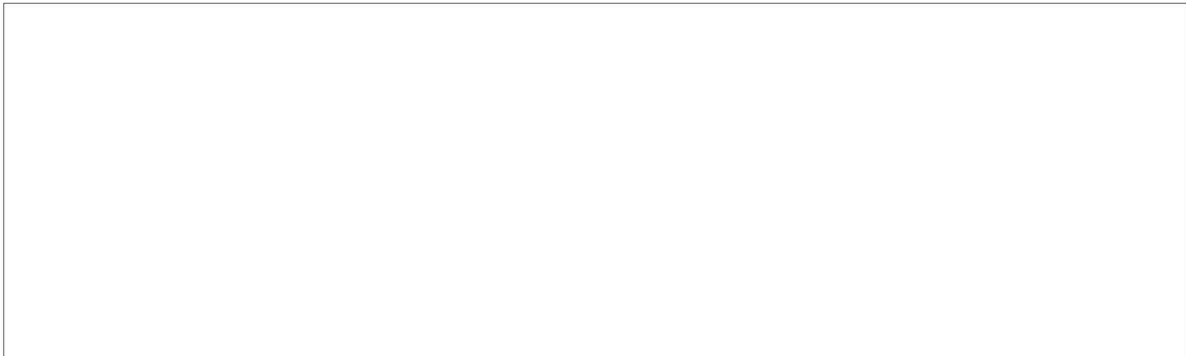
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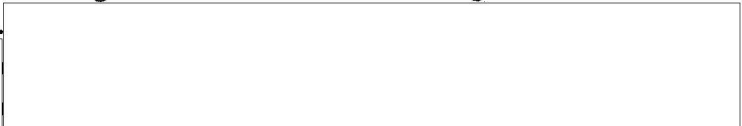
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- ◆ General Korabelnikov, Chief of the GRU, in a meeting with Senators Smith and Shelby at the Russian Ministry of Defense,

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[REDACTED] He reminded everyone of the letter sent to Senator Smith by General Ladygin (see below), noting that all should pay close attention to that letter. He then proceeded to read it and concluded that he had nothing more to add concerning what General Ladygin wrote.

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[REDACTED] When Senator Smith asked the General if he could confirm that the translation of the 1205 document was a valid translation of a reliable document, Korabelnikov said he had already confirmed that the translation was performed in the GRU in Moscow in 1972 but that the original Vietnamese language version of the document no longer existed.

- ◆ General F. Ladygin, former Chief of the GRU, states in a letter to Senator Smith regarding an analysis made by the GRU of the 1205 document, that: the translation of the document was done by the GRU and forwarded to the Central Committee; given his position in the military-political leadership, General Tran Van Quang could have been fully competent on the subjects of the report and able to speak at Politburo meetings; the GRU cannot confirm the accuracy of the number of American POWs in the report (1205), since this information was not essential for the Soviets and not reexamined; and the original report in the

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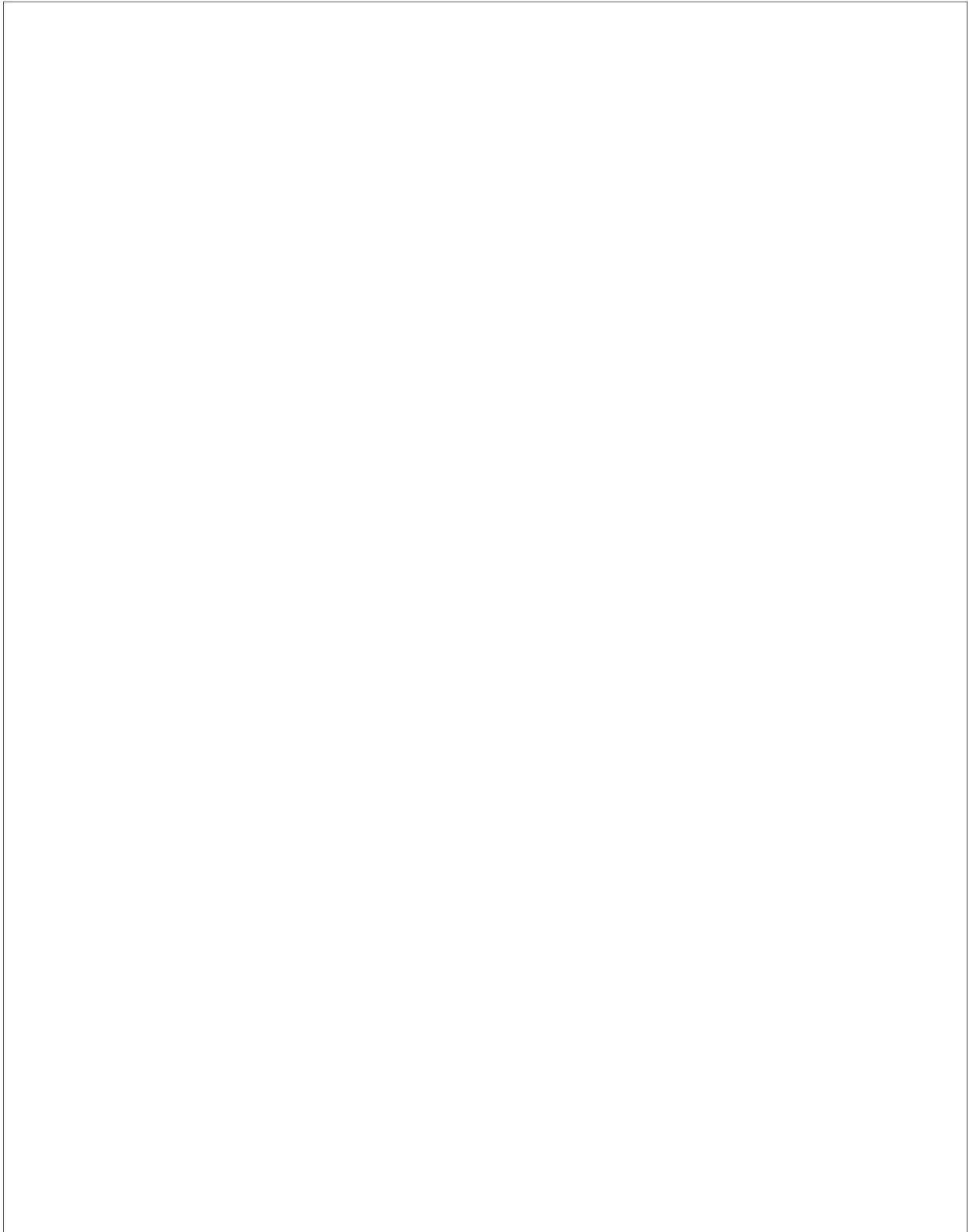
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Vietnamese language was destroyed after being translated in  
accordance with existing GRU regulations on handling  
documents.

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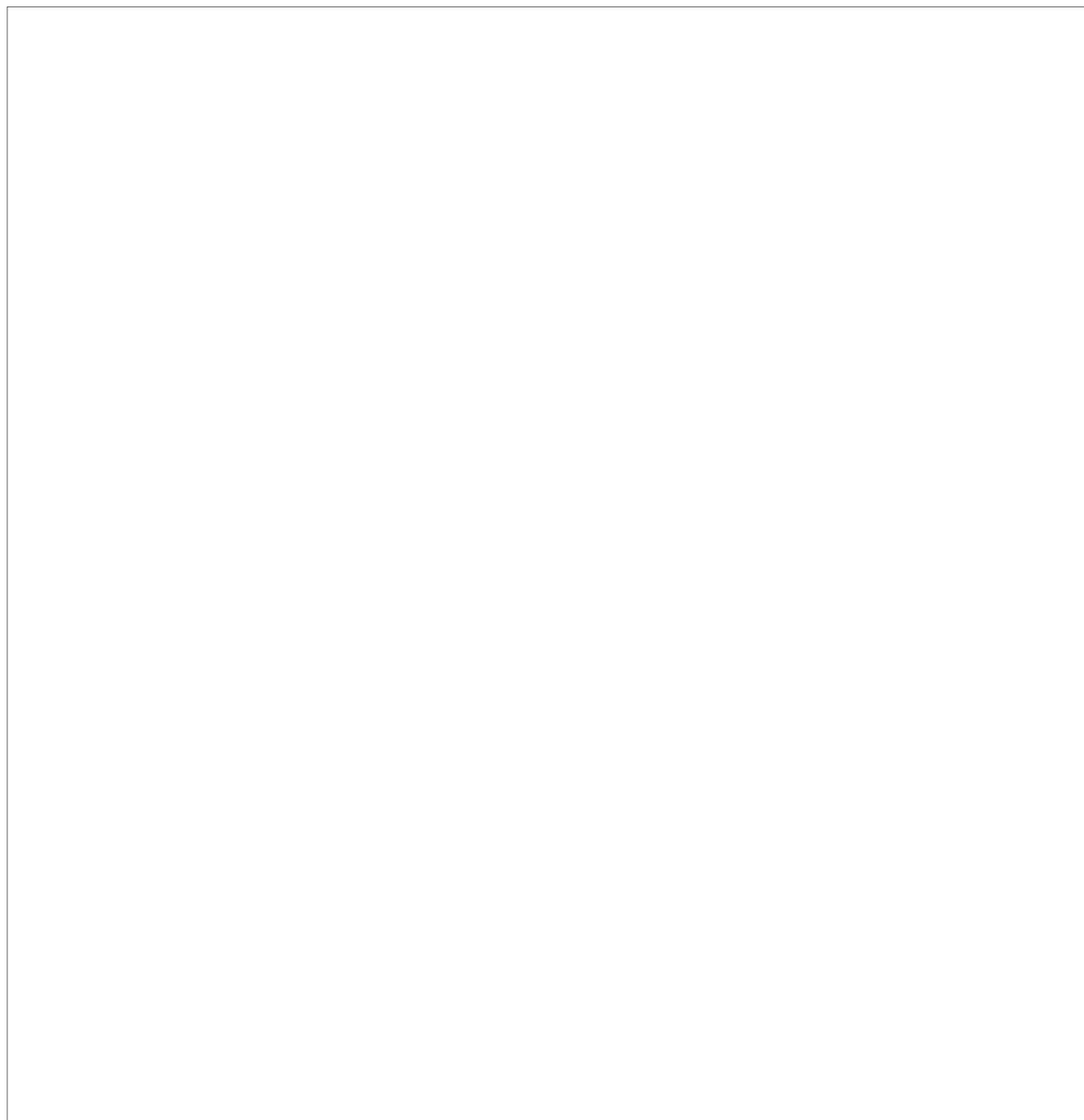
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♦ Captain First Rank A. Sivets, a GRU officer,

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revealed that

(a Vietnamese) is the source of

the 1205 document that this source provided a number  
of materials to the GRU, and that two GRU assessments of this

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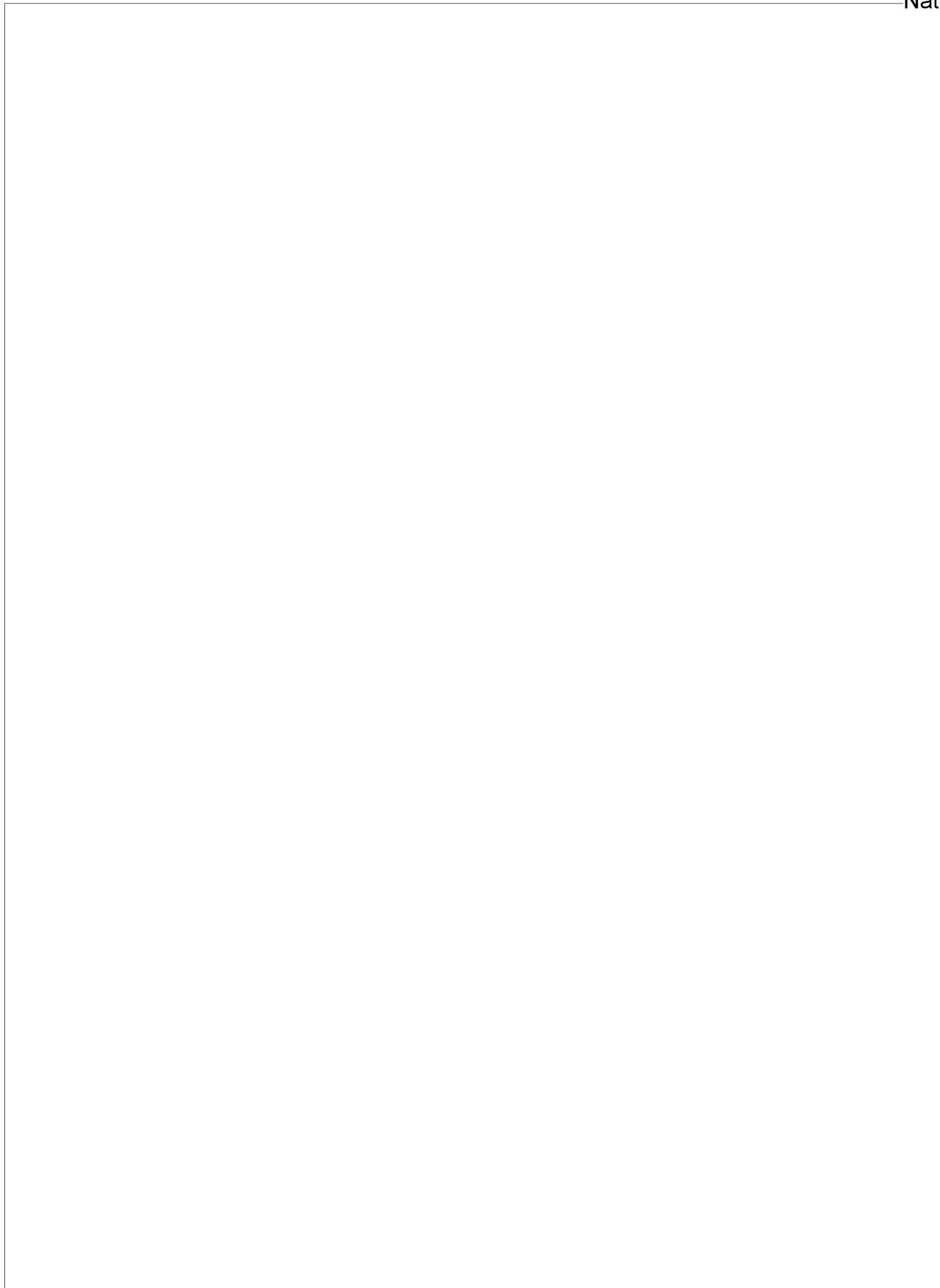
source concluded that he was reliable.

He emphatically

stated that the North Vietnamese would not have deceived themselves at a closed Politburo session, noting that they might have provided inaccurate information in press releases or in their negotiations with the Americans, but they would have had no reason to do so in closed sessions of their own political leadership. Sivets acknowledged that this was his personal opinion. Sivets says the GRU performed two assessments of the source's reliability. The agent was judged to be reliable, everything about this agent was in order, and the agent was working for the GRU. The assessment determined that the information received from the agent was first-hand information and accurately reflected the internal political situation in North Vietnam. The GRU would never have sent this information to the Central Committee if there had been any doubt about the reliability of the information.

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## Plaintiffs' Exhibit D

CIA's February 2000 *Review of the 1998 National Intelligence Estimate on POW/MIA Issues and the Charges Levied by A Critical Assessment of the Estimate*, released June 25, 2021 ("*Review of the Charges I*")

**DEPARTMENT OF DEFENSE  
AND  
CENTRAL INTELLIGENCE AGENCY**



**A JOINT REPORT**

**A REVIEW OF THE 1998 NATIONAL INTELLIGENCE ESTIMATE ON  
POW/MIA ISSUES AND THE CHARGES LEVIED BY  
A CRITICAL ASSESSMENT OF THE ESTIMATE  
(1999-5974-IG)  
(00-OIR-04)**

**29 February 2000**

*Donald Mancuso  
Deputy Inspector General  
Department of Defense*

*L. Britt Snider  
Inspector General  
Central Intelligence Agency*

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**D - Intelligence Community Publications Reviewed by National Intelligence Estimate Drafter**

**E - Recovery and Remains Documentation Reviewed by NIE Drafter**

**F - Comments by Russian Sources**

**G - Case Review Methodology**

**H - Results of Compelling Case Review**

**I - Captain McDonnell Case Review**

**J - Distribution List**



## GLOSSARY OF TERMS

### Acronym

AG	Analytic Group (National Intelligence Council)
AII POW-MIA	Advocacy and Intelligence Index for Prisoners of War-Missing in Action
ASD (C <sup>3</sup> I)	Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)
CIA	Central Intelligence Agency
CILHI	Central Identification Laboratory, Hawaii
DCI	Director of Central Intelligence
DDCI	Deputy Director of Central Intelligence
DI	Directorate of Intelligence (CIA)
DIA	Defense Intelligence Agency
DO	Directorate of Operations (CIA)
DoD	Department of Defense
DoS	Department of State
DPMO	Defense Prisoner of War/Missing Personnel Office
FBI	Federal Bureau of Investigation
FBIS	Foreign Broadcast Information Service
GRU	Soviet Military Intelligence
IC	Intelligence Community
IG	Inspector General
INR	Bureau of Intelligence and Research (DoS)
ISS	Interrepublic Security Service
JCRC	Joint Casualty Resolution Center
JCSD	Joint Commission Support Directorate (DPMO)
JTF-FA	Joint Task Force-Full Accounting
KIA-BNR	Killed in Action-Body Not Recovered
KGB	Soviet Intelligence and Security Service
MIB	Military Intelligence Board
NFIB	National Foreign Intelligence Board
NIC	National Intelligence Council
NIE	National Intelligence Estimate
NIMA	National Imagery and Mapping Agency
NIO	National Intelligence Officer
NIO/EA	National Intelligence Officer for East Asia

<b>NRO</b>	National Reconnaissance Office
<b>NSA</b>	National Security Agency
<b>NSC</b>	National Security Council
<b>OCA</b>	Office of Congressional Affairs (CIA)
<b>OIA</b>	Office of Imagery Analysis (CIA)
<b>PDD</b>	Presidential Decision Directive
<b>PFOD</b>	Presumptive Finding of Death
<b>POW/MIA</b>	Prisoner of War/Missing in Action
<b>RA</b>	Research and Analysis Division (DPMO)
<b>SNIE</b>	Special National Intelligence Estimate
<b>SRV</b>	Socialist Republic of Vietnam
<b>SSCI</b>	Senate Select Committee on Intelligence
<b>TFR</b>	Task Force Russia
<b>TOR</b>	Terms of Reference
<b>USSR</b>	Union of Soviet Socialist Republics
<b>USPACOM</b>	U.S. Pacific Command
<b>VNOSMP</b>	Vietnam Office for Seeking Missing Persons
<b>VWWG</b>	Vietnam War Working Group (U.S.-Russia Joint Commission on POW/MIAs)

## EXECUTIVE SUMMARY

### Introduction

On 10 April 1997, the President's National Security Adviser indicated in a letter to the Senate Majority Leader that he would direct the Intelligence Community to prepare a National Intelligence Estimate (NIE) on Vietnam's cooperation with the United States on Prisoner of War/Missing in Action (POW/MIA) issues. Terms of Reference for the estimate were formulated by the National Intelligence Council and coordinated with members of the Intelligence Community and the Senate Select Committee on Intelligence. The draft estimate was presented to the Military Intelligence Board and the National Foreign Intelligence Board for approval in April 1998, and NIE 98-03, "Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue," was published in May 1998.<sup>1</sup>

Senator Robert C. Smith issued *A Critical Assessment* of the NIE in November 1998 and asked that the Military Intelligence Board and the National Foreign Intelligence Board retract the estimate for reasons cited in his assessment. In January 1999, the Director of Central Intelligence advised Senator Smith that both boards had voted unanimously to let the estimate stand, describing it as an accurate assessment of current knowledge and understanding of the POW/MIA issue. Senator Smith continued to demand that the estimate be retracted and, on 18 March 1999, the Senate Select Committee on Intelligence requested that the Inspectors General of the Central Intelligence Agency and the Department of Defense examine the estimate and the charges made in the *Critical Assessment*. We began a joint inquiry in mid-April 1999.

The Intelligence Community was asked to address two key issues in NIE 98-03 – the extent to which Vietnam has cooperated with the United States since 1987 to achieve the fullest possible accounting of American personnel missing in action during the Vietnam conflict and the credibility of the 735 and 1205 documents, acquired from Russian archives, which raised questions about whether all American prisoners of war were released

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<sup>1</sup> The NIE has been declassified for release and is available on the CIA public website at <http://www.foia.ucia.gov> or by writing to Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

by Vietnam in 1973.<sup>2</sup> The estimate stated that Vietnam has become more helpful in assisting U.S. efforts to achieve the fullest possible accounting, but that unresolved issues suggest the need for continued close attention by the U.S. Government. It concluded that the 735 and 1205 documents probably had been acquired in Vietnam by Soviet military intelligence, but that many of the details in the documents are implausible, particularly those dealing with the numbers of prisoners of war allegedly held by Hanoi in the early 1970s.

Senator Smith's *Critical Assessment* challenged the estimate's conclusions on both key issues. On the subject of Vietnamese cooperation, it cited numerous instances where the estimate's analysis was "factually inaccurate, misleading, incomplete, shallow, and seriously flawed." With respect to the 735 and 1205 documents, the *Critical Assessment* stated that the estimate's judgment cannot be accepted because it is "replete with inaccurate and misleading statements, and lacks a reasonably thorough and objective foundation on which to base its judgment." The *Critical Assessment* urged Congress and the Intelligence Community to examine the role policymakers responsible for advancing the Clinton Administration's normalization agenda with Vietnam may have played in influencing judgments in the estimate.

## Objective

The Senate Select Committee on Intelligence asked us to examine the *Critical Assessment's* charges that the estimate reflected a premeditated effort to discredit relevant information, inadequate analysis, and possible politicization. Our objective was to assess the validity of those charges in order to evaluate the estimate's analytical vigor, objectivity, accuracy, and completeness.

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<sup>2</sup> For a more detailed description of these documents, see page 21 of the report.

## Results

Based on our review, we conclude that:

- ◆ The estimate drafter and members of the Intelligence Community who participated in the preparation of the estimate made no effort to discredit relevant information. The drafter had access to and reviewed relevant documentation.
- ◆ The estimate drafter is vulnerable to criticism that he did not pay sufficient attention to pre-1987 documentation, relying on finished intelligence products for analysis of pre-1987 data. The issue of the period of time the estimate would cover was never resolved.
- ◆ Delay in the completion of the Terms of Reference from July to October 1997; the Senate Select Committee's additional requirement that the estimate reassess the 735 and 1205 documents; and the introduction of both a new National Intelligence Officer for East Asia and a new drafter contributed to misunderstandings about estimate objectives.
- ◆ We searched for documentation as far back as the document trail allowed. None of the information we reviewed contradicted the conclusions or changed the judgments reached by the estimate.
- ◆ The overall quality of the estimate is high. The argumentation is vigorous and logical, and the conclusions are well-documented. At the same time:
  - ◆ The withdrawal of the Defense Prisoner of War/Missing Personnel Office from the estimate process inhibited analysis. While not a member of the Intelligence Community, that office possesses most of the U.S. Government's data and expertise on POW/MIA issues.

- ◆ Several analytical mistakes made in the estimate could have been prevented had the Defense Prisoner of War/Missing Personnel Office reviewed the draft estimate. None of these mistakes affected the conclusions or judgments of the estimate, however.
- ◆ The estimate's judgment that Vietnam's performance in dealing with POW/MIA issues has been good in recent years is properly cautious, particularly given the caveat that unresolved areas of Vietnamese cooperation warrant continued close attention by the U.S. Government.
- ◆ The Intelligence Community did not conduct an in-depth re-evaluation of the 735 and 1205 documents. The Intelligence Community also did not undertake an independent review of the numbers of prisoners of war held by the Vietnamese. Instead, the estimate accepted both the 1994 Intelligence Community position related to the legitimacy and accuracy of the documents and the U.S. Government analysis of the numbers of prisoners of war and missing in action. We reviewed both in considerable depth.
- ◆ We determined that the estimate's evaluation of the 735 and 1205 documents remains valid. The documents are genuine, but the information contained in them related to numbers of prisoners of war held by the Vietnamese is inaccurate.
- ◆ Our analysis of discrepancy or compelling cases for which verified remains have not been returned determined that, at most, three of the cases and, in all likelihood, none on a list of 324 provided by Senator Smith to the Senate Select Committee on POW/MIA Affairs in 1992 remain compelling today.
- ◆ The estimate failed to capture the intricacies of the story of the mortician who worked on the remains of American prisoners of war in Vietnam. It mislabeled the mortician an unreliable source when in fact he was reliable with respect to remains he had actually worked on; his estimate of stored remains that he had not worked on was less accurate.



- ◆ The estimate overstated its case that there is no evidence the Vietnamese currently are storing the remains of American prisoners of war.
- ◆ The estimate did mention, however, that a Department of Defense study on the subject would provide additional information.
- ◆ That study, issued in June 1999, more than a year after publication of the estimate, concluded that there is strong evidence in two cases involving five remains that remains were collected and taken to Hanoi, but not repatriated. Investigation continues.
- ◆ We found no credible evidence to support the thesis that a second prison camp system for prisoners of war existed or that American prisoners of war were transported out of Vietnam to the former Soviet Union or elsewhere.
- ◆ We found no credible evidence that any member of the Clinton Administration tried to influence the estimate or that the Administration tried to influence intelligence reporting on POW/MIA issues related to the 735 and 1205 documents. On the contrary, the concern expressed by policymakers was that the Intelligence Community not appear to be dismissing or debunking information from those documents.
- ◆ Senator Smith and his staff did have an impact on the estimate. They played a role in framing the final Terms of Reference. Senator Smith expressed his opinion on issues to be addressed in the estimate to members of the Intelligence Community, and he said that he was not confident that the Clinton Administration would not interfere in the estimate process.

- ◆ Members of the Intelligence Community as well as outside readers of the draft estimate were keenly aware that the estimate would be criticized by those who believed the Vietnamese were not cooperating in good faith on POW/MIA matters and those who believed that American prisoners of war were left behind in Vietnam and elsewhere in 1973. At numerous stages in the production of the estimate, these intelligence officials and outside readers successfully urged a softening of the tone to placate those who might be critical. These interventions did not change the judgments of the estimate.

Finally, while we were not asked to address this issue, we did not find a single factual thread that supports a finding contrary to that reported to the Speaker of the House of Representatives by Congressman G. V. (Sonny) Montgomery in December 1976, following his Committee's investigation of POW/MIA issues. He conveyed the committee's belief that "no Americans are still being held alive as prisoners in Indochina, or elsewhere, as a result of the war in Indochina." Every U.S. Administration since 1976 has agreed with this conclusion, and we found nothing in the course of this inquiry that suggests otherwise.

## PART I: INTRODUCTION

### BACKGROUND

On 10 April 1997, in a letter to the Senate Majority Leader, the President's National Security Adviser indicated that he would direct the Intelligence Community (IC)<sup>3</sup> to prepare a National Intelligence Estimate (NIE)<sup>4</sup> on Vietnam's cooperation with the United States on Prisoner of War/Missing in Action (POW/MIA) issues.<sup>5</sup> He said that the IC should "consult" with the Chairman and Vice Chairman of the Senate Select Committee on Intelligence (SSCI) on the estimate's Terms of Reference (TOR). The TOR were formulated by the National Intelligence Council (NIC) and coordinated with the IC and the SSCI. The NIE draft report was presented to the Military Intelligence Board (MIB) and the National Foreign Intelligence Board (NFIB) for approval in April 1998. NIE 98-03, "Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue," dated April 1998, was issued in May 1998.

Senator Robert C. Smith published *A Critical Assessment* of NIE 98-03 in November 1998. In a letter accompanying the *Critical Assessment*, he requested the Director of Central Intelligence (DCI) and the Director, Defense Intelligence Agency (DIA) to convene meetings of the NFIB and the MIB, respectively, to consider his request that the NIE be retracted for reasons cited in the *Critical Assessment*. The MIB met on 15 January 1999 to review the matter in detail and the NFIB convened four days later. The DCI advised Senator Smith that IC members had voted unanimously to let the estimate stand, describing it as an accurate assessment of current knowledge and understanding of the POW/MIA issue.

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<sup>3</sup> The IC is composed of the Central Intelligence Agency (CIA), the National Security Agency (NSA), the Defense Intelligence Agency, the Department of State's Bureau of Intelligence and Research (INR), the National Reconnaissance Office (NRO), the National Imagery and Mapping Agency (NIMA), and intelligence elements of the Department of Justice, the Department of the Treasury, the Department of Energy, and the Military Services.

<sup>4</sup> NIEs are produced by the NIC. They are prepared for the President and other senior policymakers on issues that have strategic implications for the United States. They are the most authoritative written assessments of the DCI and the IC because they present the coordinated views of senior officers of the IC.

<sup>5</sup> POWs are persons known to be, or to have been, held by the enemy as live prisoners or last seen under enemy control. MIAs are persons removed from control of U.S. forces due to enemy action, but not known to be either prisoners of war or dead.

On 18 March 1999, the SSCI informed the Inspectors General (IG) of the Central Intelligence Agency (CIA) and the Department of Defense (DoD) that Senator Smith "continues to assert that NIE 98-03 is a product of either 'shoddy' research or possible politicization, which may reflect a premeditated and deliberate effort to discredit relevant information." Further, the SSCI said, Senator Smith believes the NIE should be retracted and that policymakers should disregard the conclusions. The SSCI requested that the IGs conduct an inquiry to determine the NIE's "analytical vigor, objectivity, accuracy and completeness." A joint CIA/DoD inquiry began in mid-April 1999.

## **OBJECTIVE**

Our objective was to examine NIE 98-03 and address the charges levied in the *Critical Assessment* that there had been:

- ◆ A premeditated effort to discredit relevant information;
- ◆ Inadequate analysis; or
- ◆ Possible politicization.

Our approach was to review the process of producing the estimate and assess the validity of the *Critical Assessment's* specific charges. By so doing, we could evaluate the NIE's analytical vigor, objectivity, accuracy, and completeness.

## **STRUCTURE OF REPORT**

Our report is presented in six parts, including the Introduction (Part I). Part II provides an historical perspective of the Vietnam War POW/MIA issue. Part III describes the standard NIE process and the process followed for NIE 98-03. Part IV examines the specific, substantive charges levied in the *Critical Assessment*. Part V addresses the *Critical Assessment's* charges of politicization. In Part VI, we provide our conclusions. Annex A describes the methodology we used in preparing our report, and Annex B provides a summary of previous reports and reviews related to topics addressed in this report. Annex C describes our methodology in addressing the *Critical Assessment's* charges against the NIE. Annexes D and E list U.S. Government publications reviewed by the drafter of the NIE. Annex F summarizes the interviews of Russian officials

concerning the validity of the 735 and 1205 documents found in the archives of Soviet military intelligence (GRU) and the credibility of the information in those documents relating to numbers of POWs held by the Vietnamese. Annex G describes the methodology we used in conducting our review of selected discrepancy cases, and Annex H supplies the supporting matrix of information relating to that review. In Annex I, we detail the process used to examine a single case of a U.S. MIA. Annex J contains our distribution list. A list of commonly used acronyms is at the front of our report.

## PART II: HISTORICAL PERSPECTIVE

### OPERATION HOMECOMING AND THE END OF THE WAR

During the period of U.S. military involvement in Southeast Asia, nearly three million American military personnel served in-theater.<sup>6</sup> More than 58,000 were killed and another 300,000 were wounded. At the time of Operation Homecoming in February/March 1973, 591 U.S. prisoners were repatriated. The fate of more than 2,500 service personnel, however, had not been determined. U.S. efforts to resolve cases involving those still missing have continued and have been the subject of considerable debate, ranging from high praise to strong criticism. The issue of the number of servicemen still unaccounted for also has remained controversial.<sup>7</sup>

On 27 January 1973, representatives from the United States, the Republic of Vietnam, the Democratic Republic of Vietnam (North Vietnam), and the Provisional Revolutionary Government of the Republic of South Vietnam ("Viet Cong"), signed "The Agreement on Ending the War and Restoring Peace in Vietnam," also known as the Paris Peace Accords. Article 8(b) of the Accord stated:

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

The Joint Casualty Resolution Center (JCRC) was established in 1973 to help the Military Services:

... resolve the status of United States missing/body not recovered personnel through the conduct of operations to locate and investigate crash/grave sites and recover remains, as appropriate, throughout Southeast Asia ....

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<sup>6</sup> The Indochina War Era covers the period from 8 July 1959 through 15 May 1975.

<sup>7</sup> The term "unaccounted for" is an all-inclusive term which includes Americans initially listed as POW/MIA, Killed in Action—Body Not Recovered (KIA-BNR), or as having a Presumptive Finding of Death (PFOD).