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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[1].

November, 1998

[1] 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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claimed *to American officials and the press at large* that the 1205 document is a 'complete fabrication,[73]' 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.

a recent admission to me, that Russia and Vietnam signed an agreement in October, 1993 to ensure that no further documents were released without consultations with Hanoi. If Hanoi truly believed the documents were fabrications,

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why would they have insisted on an agreement being signed to prevent any further releases of information?[74] The

[73] 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)

[74] Vietnam's Foreign Minister, Nguyen Manh Cam (a Communist Party Central Committee Member since 1986)

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arrived in Moscow on October 28, 1993 for two days of talks with Russian Foreign Minister Andrey Kozyrev and other senior Russian officials.

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The Russian press report on this same visit [redacted] stated: "...Kozyrev acknowledged that the Russian Foreign Ministry had nothing to do with sending to the United States secret documents from CPSU and former Soviet military intelligence archives which maintained that far more American pilots were imprisoned in Vietnamese prisoners during the war than figured on the official lists. The head of the Russian Federation's foreign policy department assured his Vietnamese colleague that henceforth documents of a similar nature would be examined in Moscow and would not go abroad *without consultations with the Vietnamese side*. The sides *agreed* to consider the event a 'misunderstanding' which must not affect the development of friendly relations between the two countries...the Vietnamese minister mentioned that the unexpected appearance of the so-called 'Russian documents' has adversely affected the normalization of Vietnam's relations with the United States. This humanitarian problem requires delicate treatment, the minister pointed out." Based on the above, it is possible, if not likely, that the unspecified *agreement* [redacted] "*on consultations between the two foreign ministries*" signed by Cam and Kozyrev, pertained, at least in part, to the 1205/735 documents. (There is also little doubt that Hanoi's leaders were pleased with Cam's performance as Foreign Minister, including the results of his October, 1993 trip to Russia and his work to convince the U.S. to lift its trade embargo on Vietnam, which was done in early February, 1994 — Cam was made a full Member of the Politburo of Vietnam's Communist Party, which was announced publicly in 1994.) [redacted]

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[redacted] In addition to this meeting, other Russian officials have also indicated that the Vietnamese were and continue to be angry at Russian officials, in addition to being adamantly opposed to any further release of documents bearing on "1205/735" issues. For instance, in a meeting with me on May 13, 1997 (the notes of which were provided to the NIC earlier this year), Dr. Igor Vladimirovich Lebedev, Chief, Department of Historical Documentation, Russian Ministry of Foreign Affairs, described "how he

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NIE completely fails to analyze the implications of this apparent reality. (b)(3) NatSecAct

NIE STATEMENT: *"None of the new information helps to confirm the accuracy of the 1205 report."* (p.27) (b)(3) NatSecAct (b)(1) (b)(3) NatSecAct

ASSESSMENT:

This statement is factually inaccurate. As previously demonstrated, the information provided by GRU Capt. A.I. Sivets 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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had personally come under fire by the Vietnamese who spoke in harsh terms in discussing this situation with him" following the release of the 1205 document to the U.S. At no time, did Dr. Lebedev indicate that Vietnamese officials had accused the Russians of having fabricated the 1205 document.

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as this critical assessment was being drafted, a Russian official from the Foreign Ministry in Moscow confirmed to me that there had, in fact, (as I suspected) been a signed agreement between Vietnam and Russia in October, 1993, restricting release of additional documents. (b)(3) NatSecAct

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been accurate. For the NIE to assert such an argument is absurd. (b)(3) NatSecAct

NIE STATEMENT: *"Quang's[75] 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..*

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(p.27-

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 —

•

[75] 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:

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

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[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)

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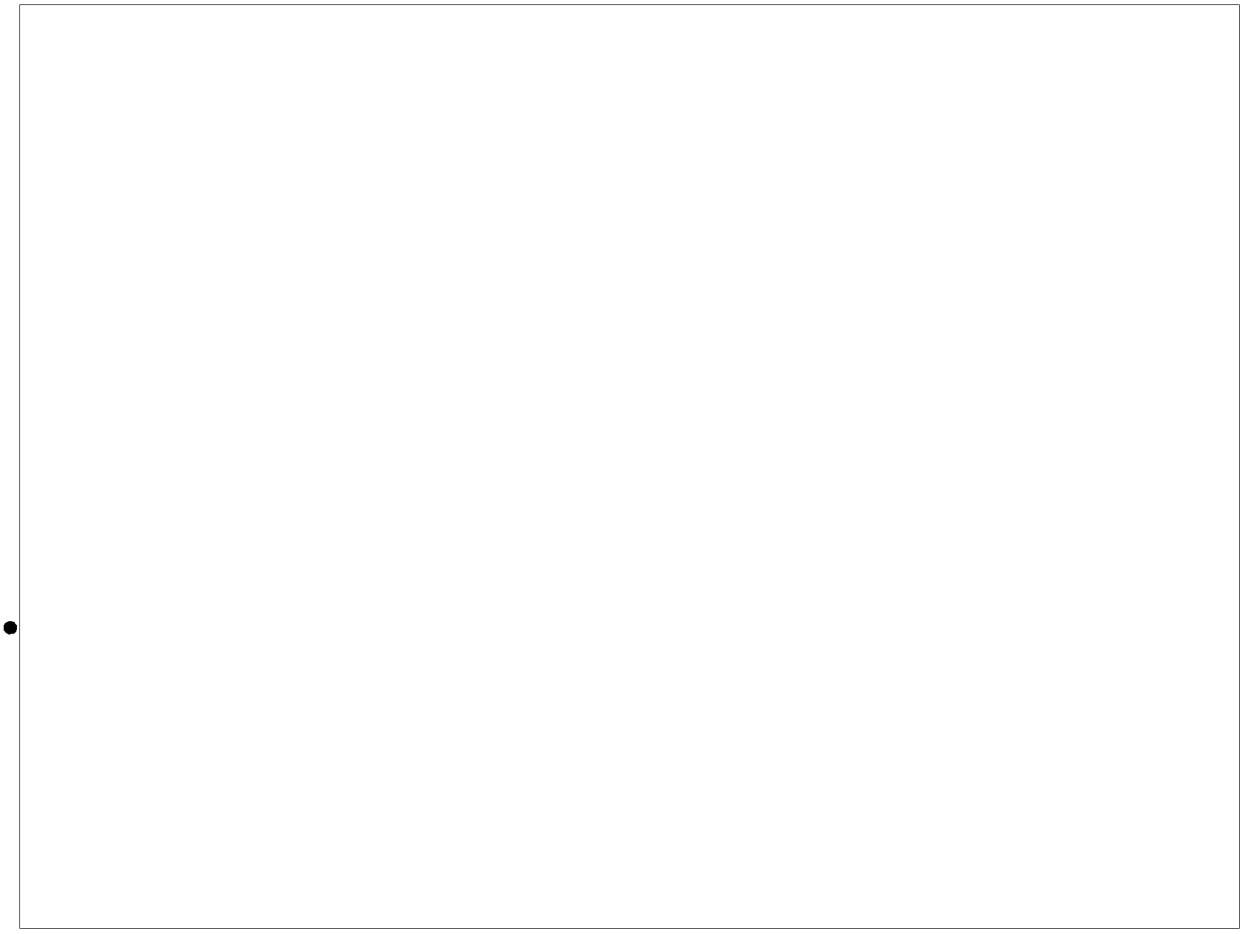

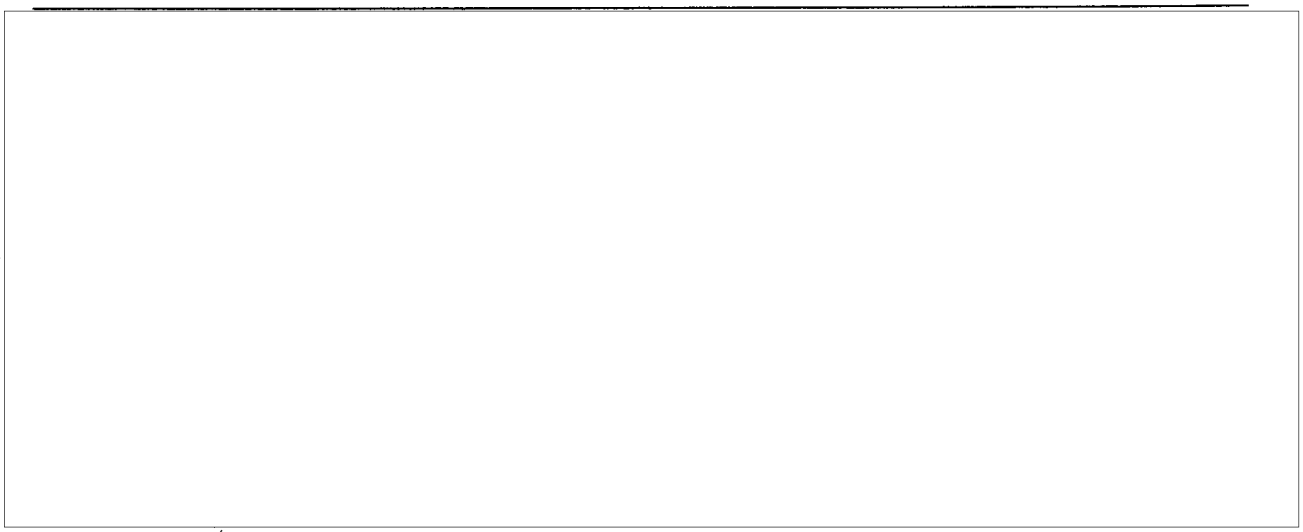

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- [redacted]

NIE STATEMENT: [redacted]

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ASSESSMENT:

[186] Ibid. [redacted]

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[redacted]

[redacted] 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[188]

[redacted]

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- Former National Security Advisor to President Carter (1977-1980), Zbigniew Brzezinski, provided the following assessment [redacted] when

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[188] 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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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.[190] (U)

- A 1985 Department of Defense report from Bangkok, Thailand provided information from a source, as obtained from a North Vietnamese military cadre, that during the time-frame "between April and July, 1976," North Vietnam "was holding 180 US POWs who were not released in 1973." The objective in holding them had back had been to "obtain an advantage in future dealings with the U.S.[191]"

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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."[192] (U)

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[190] Ibid.

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

[192] See *Inside Hanoi's Secret Archives* by Malcolm McConnell with Theodore "Ted" Schweitzer, 1995, p. 268-270. (U)

[193] 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."[194] (U)

- [redacted]

There is also additional evidence that North Vietnam may have had a motive, appropriate opportunity, and a perception in July, 1976 that promised US aid would not be forthcoming and US POWs were, therefore, no longer a bargaining chip [redacted] and thus, North Vietnam decided to secretly and quietly execute them in [redacted] July, 1976, during what was a clearly documented hostile period of US-Vietnam relations [redacted] —

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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). [redacted]

[redacted]

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

[redacted]

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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)

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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.

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