

**The original documents are located in Box 21, folder “MIA/POW - General (2)” of the John Marsh Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

*To Jack Marsh*

FOR IMMEDIATE RELEASE

DECEMBER 4, 1975

OFFICE OF THE WHITE HOUSE PRESS SECRETARY  
(Peking, China)*HAK's press  
conference on  
at conclusion  
of China visit.  
MIA item on  
pg 2.  
3rd*THE WHITE HOUSE  
PRESS CONFERENCE  
OF  
HENRY A. KISSINGER  
SECRETARY OF STATE

8:37 A.M. EST

MR. NESSEN: Secretary Kissinger is here to give you substantive information about the meetings. I don't know whether you really need to talk to the Secretary tonight. But to fill in any small details you haven't gotten over the past couple of days, we have the Secretary of State.

I think Henry will have a few things to say to you in summary of the meetings and then we will respond to your questions.

SECRETARY KISSINGER: Let me summarize what has gone on and let me draw some conclusions.

There are three aspects of our relationship. There is the attitude of both the People's Republic and the United States towards international affairs.

Secondly, there is the problem of the normalization of relations.

Thirdly, there are the various bilateral arrangements that exist in such fields as trade, culture and scientific exchanges.

As has been pointed out in all of the toasts and all of the public statements, the basic concern of both sides, what has brought us together and what has sustained the relationship is the perception of the international environment and the greater part of our conversations here concerned the international situation.

With respect to normalization, the Shanghai Communique committed the United States to complete the process of normalization. This has been reaffirmed by the President here, both in public statements and towards the leaders of China.

With respect to the bilateral relationships, we have agreed to pursue them and we will be improving them and they will be improved steadily in the channels appropriate for them -- that is to say, trade channels and the others that are appropriate.

MORE

There has been a great deal of speculation that relations between the People's Republic and the United States have cooled. This is not the perception of the United States and I am confident it is not the perception of the Chinese leaders. We believe that the relations between the United States and the People's Republic of China are good, and we are confident that they will be improved steadily in the months and years ahead.

We reviewed the global situation in considerable detail, both in the talks between the President and the Vice Premier, as well as in the talks, the rather searching and detailed talks that took place between Chairman Mao and the President.

While obviously there are some differences, there are also many common approaches, and the talks were extremely useful in enabling the leaders of both sides to understand the perceptions of the other and to see where parallel policies can be pursued.

With respect to the process of normalization, there is really little to add to what has already been said in the Shanghai Communique and to the fundamental statements which were made there, except to confirm that direction again.

As for trade exchanges, as I have said, they will be continued and developed in the forums that are appropriate for them. We are very satisfied with the visit. We think the talks have been constructive, the atmosphere has been excellent.

I was sometimes shaken when I read some accounts of the local residents, but I was reassured again when I went to the meetings, though the atmosphere was good and the talks were, as I said, extremely useful, and I think with this I would rather get to your questions and see what I can say that is more specific.

I would like to mention one thing. During the course of the day today the Vice Premier, in the conversation with the President this morning, responded to some requests we had made to the People's Republic over a period of months with respect to individuals that have been missing in action in or near China over the last decade, and we received some detailed information with respect to some of the requests that have been made, and also information about the remains of two missing in action. Obviously, we will want to notify the next of kin but we appreciate very much this gesture by the People's Republic.

Q Will any of them turn up alive, Dr. Kissinger? Can you tell us?

SECRETARY KISSINGER: No, we are talking about two parties and information about several others.

MORE

Q How many others?

SECRETARY KISSINGER: I think the information concerned about -- I think it was eight people altogether. But as soon as all the families are notified we will relay that information.

Q How soon will they be notified?

SECRETARY KISSINGER: Within the next 48 hours.

Q Mr. Secretary, if the 1972 visit by President Nixon was the week that changed the world, how would you characterize this one?

SECRETARY KISSINGER: In 1972 we established a new relationship and in 1975 the problem was to fit that relationship and to elaborate that relationship in an existing architecture. It therefore, obviously, by definition, could not have the character of a new departure. But it is now a more mature relationship in which one now does not discuss how to begin but how in the present international environment the United States and the People's Republic of China can pursue parallel policies where their interests converge.

Q Can you, Dr. Kissinger, give us any examples to itemize this very last remark you made, sir?

SECRETARY KISSINGER: The question is whether I could give examples of where we have parallel policies.

I would think that the United States' perception and the Chinese perception of the importance of European unity and European cooperation and the European cooperation with the United States would be one. I think the perception of both countries about their relationship with Japan would be very similar and in many other parts of the world there would be, as I said, parallel conventions.

Q Mr. Secretary, will you reject the suggestion that the parallel policies seem to be based primarily on a mutual fear of what the Soviet Union might be doing?

SECRETARY KISSINGER: I would say that the parallel policies, or the parallel views consist of the perceptions of what is needed to maintain world peace and equilibrium.

Q Mr. Secretary, how much of the time did you spend negotiating with the Chinese leaders, let's say, on the subject of U.S.-Soviet detente, and could you give us some consideration about what the Chinese were requesting of the United States and how the United States responded?

SECRETARY KISSINGER: First of all, the Chinese did not request anything of the United States with respect to detente, and we didn't request anything of the People's Republic of China.

MORE



The Chinese, as is known from their public statements -- actually cannot be avoided in the public statement -- has some very firm views of the nature of the threat that they believe that the world faces. We are not as convinced of the inevitability of war. But should the Chinese interpretation be correct, and should there be military expansion, I believe that the United States would see the problem quite similarly.

The United States is opposed to military expansion and were it to happen the United States, as a whole record in the post-war period makes clear for 30 years, would resist it. We believe that we have an obligation to our people, to our allies to seek to improve international relations, but we have always made clear that we will not do so at the cost of vital interests or that we will not buy time by sacrificing other countries. So I think we can let the future determine whose prediction was right.

Not much time was spent on this. The statements of both sides have spoken for themselves. But it is not a contingent issue and it is not one in which either side is trying to convince the other to adopt its preferred policy.

Q Mr. Secretary, could you specify what other subjects the Chinese were interested in besides impressing upon us the unwisdom of detente?

SECRETARY KISSINGER: I would have to say that in the conversations that took place -- you all heard the toast of the Vice Premier the first night. Beyond that statement, there was no other formal statement of this point of view.

There were obviously discussions -- there had to be discussions when you talk about the world situation -- about the Soviet role in various parts of the world. There was a great deal of discussion, as I said, on Europe and indeed on each area of the world, but the debate about detente was not a central feature of the discussions.

Q Did they discuss the new U.S. grain deal with the Soviet Union?

SECRETARY KISSINGER: It was mentioned in passing.

Q Were they critical of it?

Q Question, please.

SECRETARY KISSINGER: The question was whether the Chinese were critical of the grain deal with the Soviet Union.

I would suppose that if they were requested to sell grain they might make a different decision, but since we are not telling the Chinese how to conduct their relations with the Soviet Union -- you should not believe that the major thrust of these discussions is for either side to tell the other how they should conduct their relations with some third party -- so this was mentioned in passing as an illustration but it was not a central feature.

Q How much time was spent on Angola?

SECRETARY KISSINGER: It was discussed.

Q To what extent?

SECRETARY KISSINGER: There was an analysis of the situation.

Q Mr. Secretary, would that be an area that this (inaudible) from parallel interests to be included in?

SECRETARY KISSINGER: Well, I think it is not appropriate for me to speak for the Chinese side but I think Angola is a question and also a concern, yes.

Q Mr. Secretary, how much of the time was spent in discussion of the Taiwan issue?

SECRETARY KISSINGER: There was a review of the Taiwan issue. The Chinese side explained again its well-known position with respect to normalization. We made clear that we remain committed to the principles of the Shanghai Communiqué and it is clear that some time will be needed to bring the process of normalization to a final conclusion, but also that the problem will be continued to a final conclusion.

Q Mr. Secretary, we were told that you had expected progress toward normalization. Just on this specific point, particularly what progress was made, if any, toward normalization and with particular reference to Taiwan?

SECRETARY KISSINGER: Well, until normalization is completed there is always some progress still to be made. As I have said, I expect over the months to come our relations will be improved in a number of areas. That improvement, by definition, will be a step towards normalization.

The United States -- if you read the Shanghai Communiqué in which we have stated certain expectations about our actions in the area and tensions diminished with respect to our troop levels, for example -- we will continue that process. So I believe that the process of normalization can be said to continue.

Q To what extent do the diplomatic positions of the Chinese as expressed to you coincide with their public published propaganda?

Q Question.

SECRETARY KISSINGER: The question is, to what extent do the private positions of the Chinese coincide with their public propaganda? Of course, I don't follow the public propaganda as much as those of you who are here and I am more familiar with the private comments and, therefore, I am not a good witness on this subject.

MORE

Q You are speaking in code words on the subject of Taiwan. What does normalization mean? What do the Chinese expect us to do? And what is necessary before that issue can be normalized?

SECRETARY KISSINGER: Well, I think the Chinese have made clear that the general model that they want is something similar to the Japanese model. I think we also made clear that it will take time for this process to mature and for certain circumstances to exist. We have pointed out our interests in an ultimately peaceful solution to the problem. We made that clear in the Shanghai Communiqué already.

Q Mr. Secretary, was there any discussion with the Chinese about the possibility of possible U.S. assistance to the Chinese in development of their off-shore isles?

SECRETARY KISSINGER: Questions like this would be discussed in the trade channels.

Q Mr. Secretary, did Korea come up at all?

SECRETARY KISSINGER: Korea was discussed.

Q Can you tell us something about that?

SECRETARY KISSINGER: Well, I would say our views on that subject are not identical but they are understood and we hope that both sides will exercise restraint in the Korean Peninsula.

Q Mr. Secretary, were there policies before these meetings (inaudible) converging that are now back on what you call parallel tracks with the Soviet talks?

SECRETARY KISSINGER: I believe that even prior to this meeting there was a perhaps excessive emphasis on certain parallel statements so I have never subscribed to some of the interpretations that were made even prior to the meeting.

But I would say whatever may have been the situation prior to the meeting I maintain my position, and it is my firm impression that this is shared by our Chinese hosts; that our relations are good and that in certain areas we will be pursuing parallel courses.

Q Mr. Secretary, can you sense any concern on the part of the Chinese about the ability of the American Executive Branch to carry out its foreign policy as planned by you?

Q Question.

MORE

SECRETARY KISSINGER: The question is whether I noticed any concern on the part of our Chinese hosts in our ability to carry out our policy, or our declared policy.

I think you all will agree with me that our Chinese hosts are extremely polite and they wouldn't express such thoughts.

Q Mr. Secretary, in view of the fact that so little seems to have happened here, could you explain the secretiveness over the past four days?

SECRETARY KISSINGER: Peter, it depends on your definition of "little."

Q Even if a good deal happened, could you explain the secretiveness on our part over the past four days?

SECRETARY KISSINGER: Being as it is, they are our Chinese hosts, and we have intended to follow these matters with the practices of the hosts -- that the briefing should take place only at the end of the visit and this was appropriate because the discussions were in great detail and on a rather broad scope, and we couldn't have said more at the end of every day than I am saying tonight, and I think tonight we are in a better position to draw the results of it.

Q Mr. Secretary, were there any agreements reached with the Chinese or positive actions in any deal on trade or international policy?

SECRETARY KISSINGER: I think when the leaders of two countries review the international situation and approach a clearer understanding of what parallel interests they have, that this is bound to have practical results.

With respect to the specific issues like trade, as I pointed out there was agreement reached to pursue possible intensification in the existing channels.

Q If you could clarify one point, please. When you talked about the Chinese making clear the Japanese position via-a-vis Taiwan, you said we made it clear that possibly detente (inaudible)

Would that suggest that there was some sort of a calendar when the United States would link diplomatic relations with Taiwan?

SECRETARY KISSINGER: No, there is no agreed calendar.

Q Mr. Secretary, did our side, the American side, say anything about the fact that domestic politics and the developments over the next year may have some delaying effect on this process?

MORE

SECRETARY KISSINGER: Of course, all of these matters have domestic components on both sides and both sides have to be sensitive to the necessities of the other.

Q This is the end of the fourth five-year plan. Did they speak about the next five-year plan and what it would consist of?

SECRETARY KISSINGER: Not in my hearing.

Q Can you tell us, when the decision was taken not to have a communique, was it there or in Washington?

SECRETARY KISSINGER: The decision was taken in a preliminary way at the end of my last visit, and it was confirmed on the first day in my discussions with the Foreign Minister.

Q (Inaudible)

SECRETARY KISSINGER: First of all, we had both said it in the various toasts. Secondly --

Q We can't hear.

SECRETARY KISSINGER: The question is, why was it decided to have no communique?

One reason, not necessarily in order of importance, was that the substance of what I have said here has already been said in various public statements. Secondly, we did not want to spend the time that is needed to prepare such a communique but, most importantly, since on the basic principles, especially on Taiwan, there really isn't much that can be added to what was said in the Shanghai Communique as to the direction, it did not seem appropriate or worthwhile to try to find some new answers on that particular issue.

Q Secretary Kissinger, when you decided you needed to prepare some change on the Taiwan issue, how can you say that there is hope that the relationships will in fact be fully normalized?

SECRETARY KISSINGER: I have said that this is our intention which we have repeatedly reaffirmed in public statements and that we will work out the modalities over time.

Q Are you saying that you would advise we are willing to change?

MORE

Q You suggested that before.

SECRETARY KISSINGER: I suggested that it is the Chinese position, which we understand.

Q What do we do about the defense treaties?

SECRETARY KISSINGER: I think China has made clear its view and, obviously, if we were prepared to answer all these questions now we could have settled the issue right now.

Q Dr. Kissinger, did the President indicate to the Chinese leaders if he is still in office in 1977 that the timing would be better toward making specific progress toward normalization?

SECRETARY KISSINGER: The discussion did not reach that degree of concern with specific events in our domestic calendar. But, as I said, both sides have to be sensitive to the domestic requirements of the other.

Q Why did the United States disagree with the Chinese position on the inevitability of war?

SECRETARY KISSINGER: Because we believe that war can be avoided by a combination of firmness, preparedness and willingness to settle outstanding issues, and that is our policy.

Q What is the date on which you are going to Moscow?

SECRETARY KISSINGER: The decision about going to Moscow has not yet finally been made, but it will be decided within the next week or so. There is a good chance that I will go.

Q (Inaudible) but some improvement in the relations between the two countries in the months to come, and you mentioned broad areas like trade and cultural exchanges. Can you be a little more specific as to what kind of things can we expect?

SECRETARY KISSINGER: Those things will still have to be worked out in detail.

Q Mr. Secretary, (Inaudible)

MORE

SECRETARY KISSINGER: Well, for those who understand the entire Chinese context, requirements of the Chinese situation and their method of expressing themselves, I believe it expressed what I have stated of the Chinese commitment to good relations to the United States, and I am confident that our Chinese hosts, if you are in contact with them, will confirm this.

Q (Inaudible)

There is only one sentence in that toast in which he devoted himself to the talk, and that was --

SECRETARY KISSINGER: I hadn't counted the number of sentences that the President devoted to the talks, and I haven't analyzed what Mr. Teng said with that care. I can only tell you what our impression is -- an impression which we took obviously since we are briefing here in China.

We took some care to check with our Chinese hosts and I am confident in that what I have said here reflects a view that will not be disputed.

MR. NESSEN: Let's have the last question from Bob.

Q Before the trip you said that Soviet-American relations were not a bar to better relations with China. Do you still feel that way?

SECRETARY KISSINGER: I still feel that way, yes.

When we are in Moscow we do not discuss our relations with China, but I would maintain what I have said.

Q Is there anything more that you can tell us about the friendly Ford meeting with Chairman Mao that has been of substance, and do you know whether he, himself, made any expression of China's position on detente?

SECRETARY KISSINGER: This was the fifth meeting with Chairman Mao that I have had an opportunity to attend. I would describe the atmosphere as friendly and cordial. The discussions did not concern detente except in a very minimal way -- in a really minimal way. Of course, I had had the benefit of the Chairman's thinking on that subject a few weeks earlier.

The overwhelming part of the conversation concerned a review of the world situation but not of American detente policy which played a very minimal role in the discussions.

Q Can you give us an idea of what the substantive areas were discussed in that meeting?

SECRETARY KISSINGER: It was a general review of the world situation in almost every part of the world.

THE PRESS: Thank you.

END (AT 9:13 A.M. EST)

OP IMMED  
DE RUEHC #6483 3390029  
O 042351Z DEC 75  
FM SECSTATE WASHDC

TO CINCPAC HONOLULU HI IMMEDIATE

INFO AMCONSUL HONG KONG IMMEDIATE 3865

~~CONFIDENTIAL~~ STATE 286483

EXDIS MILITARY ADDEE HANDLE AS SPECAT EXCLUSIVE  
FOLLOWING REPEAT SECTO 23067 ACTION SECSTATE 04 DEC  
QUOTE

~~CONFIDENTIAL~~ SECTO 23067

EXDIS

E.O. 11652: GDS

TAGS: OVIP (KISSINGER, HENRY A.)N CH

SUBJECT: INFORMATION ON MIA'S FORWARDED BY PRC

1. DURING MEETING DECEMBER 4, VICE PREMIER TENG GAVE THE PRESIDENT THE STATEMENT ABOUT MIA'S IN PARA 3 BELOW. AT PRESS CONFERENCE EVENING DECEMBER 4, SECRETARY KISSINGER WILL SAY THAT CHINA INVESTIGATED ALL CASES WE HAVE RAISED WITH THEM, PROVIDED SUCH INFORMATION AS THEIR INVESTIGATION PRODUCED, AND OFFERED TO RETURN THE REMAINS OF TWO PERSONS. HE WILL SAY THAT THE INFORMATION IS BEING SENT TO WASHINGTON SO FAMILIES CAN BE INFORMED, AND THAT IT WOULD NOT BE APPROPRIATE FOR HIM TO DISCLOSE DETAILS.

2. PRESS STORIES WILL UNDOUBTEDLY GENERATE QUERIES FROM FAMILIES. DEPARTMENT SHOULD IMMEDIATELY PASS INFORMATION TO DOD SO IT CAN START NOTIFYING FAMILIES. SIMILAR ACTION SHOULD BE STARTED REGARDING INFORMATION ABOUT CIVILIANS SCHWARTZ AND SNOODY.

3. BEGIN TEXT CHINESE STATEMENT. PROCEEDING FROM THE DESIRE TO PROMOTE THE FRIENDSHIP BETWEEN THE CHINESE AND AMERICAN PEOPLES AND TAKING INTO ACCOUNT THE REPEATED REQUESTS OF THE U.S. SIDE, THE CHINESE SIDE HEREBY PROVIDES THE FOLLOWING INFORMATION ABOUT THE PERSONS INVOLVED IN THE CASES OF AMERICAN PLANES SHOT DOWN FOR INTRUDING INTO CHINA'S AIRSPACE OR



PSN:039191 RECALLED  
PAGE 01

TOR:339/00:37Z DTG:042351Z DEC 75

\*\*\*\*\*CONFIDENTIAL\*\*\*\*\* COPY

DECLASSIFIED

E.O. 12356, Sec. 3.4.

MIA Case #4, #8 OSD letter 7/13/93

By KAW NARA, Date 6/1/93



CARRYING OUT ESPIONAGE MISSIONS IN CHINA, ABOUT WHOM THE U.S. SIDE HAS MADE INQUIRIES: (1) ON NOVEMBER 29, 1952 A U.S. ESPIONAGE PLANE INTRUDED INTO THE AIRSPACE OF NORTHEAST CHINA. IT WAS SHOT DOWN, AND SPY PILOTS JOHN THOMAS DOWNEY AND RICHARD GEORGE FECTEAU WERE CAPTURED. (THEY WERE RELEASED RESPECTIVELY ON MARCH 12, 1973 AND DECEMBER 13, 1971.) NORM SCHWARTZ AND BOB SNOODY, THE OTHER TWO ABOUT WHOM THE U.S. SIDE HAS MADE INQUIRIES, WERE FOUND DEAD AND BADLY SCORCHED AFTER THE PLANE'S CRASH, AND THEIR BODIES WERE BURIED ON THE SPOT. OWING TO THE PASSAGE OF TIME, IT IS IMPOSSIBLE TO LOCATE THEM NOW. (2) ON AUGUST 22-23, 1956 A MILITARY AIRCRAFT OF U.S. MAKE INTRUDED INTO CHINA'S AIRSPACE OVER THE SHENGSHU ISLANDS, KIANGSU PROVINCE. IT WAS HIT AND LATER CRASHED. AT THE TIME OF THE INCIDENT, THE CHINESE SIDE RECOVERED THE BODIES OF TWO CREW MEMBERS FROM THE SEA, WHICH WERE HANDED OVER TO THE U.S. SIDE THROUGH THE BRITISH REPRESENTATIVE IN SHANGHAI ON SEPTEMBER 12, 1956. THE CHINESE SIDE HAS NO INFORMATION ON WHAT HAPPENED TO THE OTHER TWELVE CREW MEMBERS ABOUT WHOM THE U.S. SIDE HAS MADE INQUIRIES. (3) ON APRIL 9, 1965 EIGHT U.S. MILITARY PLANES INTRUDED INTO CHINA'S AIRSPACE OVER HAINAN ISLAND, KWANGTUNG PROVINCE, ONE OF WHICH CRASHED INTO THE SEA IN THAT AREA. THE CHINESE SIDE HAS NO INFORMATION ABOUT THE TWO PILOTS ON THIS PLANE, ABOUT WHOM THE U.S. SIDE HAS MADE INQUIRIES. (4) ON APRIL 12, 1966 A U.S. MILITARY PLANE INTRUDED INTO CHINA'S AIRSPACE OVER LEICHO PENINSULA, KWANGTUNG PROVINCE. IT WAS SHOT DOWN INTO THE SEA. AFTERWARDS, CHINESE LOCAL INHABITANTS FOUND THE BODY OF PILOT KENNETH W. PUGH ON A BEACH AND BURIED HIM. THE CHINESE SIDE HAS NO INFORMATION ON WHAT HAPPENED TO THE OTHER THREE ABOUT WHOM THE U.S. SIDE HAS MADE INQUIRIES. (5) ON AUGUST 21, 1967 TWO U.S. MILITARY PLANES INTRUDED INTO CHINA'S AIRSPACE OVER THE KWANGSI CHUANG AUTONOMOUS REGION AND WERE SHOT DOWN. ONE OF THE PLANES CRASHED NEAR CHIANGKOU. ONE OF ITS CREW, ROBERT FLYNN, WAS CAPTURED AND LATER RELEASED ON MARCH 15, 1973. THE BODY OF ANOTHER CREW MEMBER, JIMMY L. BUCKLEY, WAS FOUND AND BURIED BY CHINESE LOCAL INHABITANTS. THE OTHER PLANE CRASHED IN REMOTE MOUNTAINS. THE CHINESE SIDE HAS NO INFORMATION CONCERNING ITS TWO CREWMEN ABOUT WHOM THE U.S. SIDE HAS MADE INQUIRIES. (6) ON FEBRUARY 14, 1968 TWO U.S. MILITARY PLANES INTRUDED INTO CHINA'S AIRSPACE OVER HAINAN ISLAND, KWANGTUNG PROVINCE. ONE WAS SHOT DOWN INTO THE SEA, AND THE



RECALLED  
PAGE 02

TOR:339/00:37Z

DTG:042351Z DEC 75

\*\*\*\*\*CONFIDENTIAL\*\*\*\*\* COPY

OTHER WAS HIT AND DAMAGED. THE CHINESE SIDE HAS NO  
INFORMATION ON THE PILOT ABOUT WHOM THE U.S. SIDE  
HAS MADE INQUIRIES. (LARA) IF THE U.S. SIDE WISHES,  
IT MAY TAKE BACK THE ASHES OF KENNETH W. PUGH AND  
JIMMY L. BUCKLEY. THE PROCEDURES OF TRANSFER CAN BE  
HANDLED BY THE CHINESE AND AMERICAN RED CROSS  
SOCIETIES AT SHUMCHUN. END TEXT.

KISSINGER

UNQUOTE ROBINSON

BT

PSN:039191

RECALLED

PAGE 03

OF 03

TOR:339/00:37Z

DTG:042351Z DEC 75

\*\*\*\*\*CONFIDENTIAL\*\*\*\*\* COPY



SENSITIVE

December 4, 1975

MEMORANDUM TO: BRENT SCOWCROFT  
FROM: JACK MARSH

We have had an inquiry from the League of Families as to any information reported to have developed on MIA situation through conversations the President and Henry may have had with Chinese officials on this subject.

I would appreciate any information or guidance you could give me on this matter.

cc: DCheney  
BHyland

JOM:cb



Immediate  
PRECEDENCE

UNCLAS  
CLASSIFICATION

FOR COMM CENTER USE ONLY

FROM: THE SITUATION ROOM//TOSCO 84 //

TO: GENERAL SCOWCROFT

INFO: DICK CHENEY

DEX \_\_\_\_\_

DAC 013

GPS \_\_\_\_\_

LDX \_\_\_\_\_

PAGES 1

TTY \_\_\_\_\_

CITE \_\_\_\_\_

DTG: 050246Z

RELEASED BY: RE

TOR: 050305Z

SPECIAL INSTRUCTIONS:

TOSCO 84

75 DEC 4 PM 10:11

WHITEHOUSE  
SITUATION ROOM

1975 DEC 5 02 38

THE WHITE HOUSE

WASHINGTON

SENSITIVE

December 4, 1975

MEMORANDUM TO: BRENT SCOWCROFT

FROM: JACK MARSH 

We have had an inquiry from the League of Families as to any information reported to have developed on MIA situation through conversations the President and Henry may have had with Chinese officials on this subject.

I would appreciate any information or guidance you could give me on this matter.

cc: DCheney

OP IMMED  
DE RUEHC #6512 3390045  
O 050003Z DEC 75 ZFF6  
FM SECSTATE WASHDC

TO USDEL SECRETARY AIRCRAFT IMMEDIATE 3843

INFO AMCONSUL HONG KONG IMMEDIATE 3866  
USDEL SECRETARY IMMEDIATE  
CINCPAC IMMEDIATE

~~CONFIDENTIAL~~ STATE 286512 TOSEC 230218

EXDIS MILITARY ADDEE HANDLE AS SPECAT EXCLUSIVE  
E.O. 11652:GDS

TAGS: PFOR, CH

SUBJECT: INFORMATION ON MIAS FROM PRC

REF: SECTO 23067 (BEING REPEATED INFO ADDEES)

1. STATE AND DOD ARE INFORMING FAMILIES.
2. AMERICAN RED CROSS IS CABLING CHINESE RED CROSS INDICATING READINESS TO COOPERATE IN ARRANGEMENTS FOR TRANSFER OF REMAINS.
3. ASSUMING FAMILIES ARE NOTIFIED, WE AND DOD PLAN TO RELEASE SUBSTANCE OF INFORMATION WITH NAMES AND OTHER DETAILS ON THE INDIVIDUALS CONCERNED AT NOON BRIEFING DECEMBER 5. WE DO NOT REPEAT NOT PLAN TO RELEASE TEXT OF CHINESE STATEMENT AS SUCH.
4. WE HAVE INFORMED CHAIRMAN MONTGOMERY AND MEMBERS OF SELECT COMMITTEE ON MIAS, WHO LEAVE HERE FRIDAY TO MEET WITH DRV AMBASSADOR IN PARIS SATURDAY MORNING. ROBINSON  
BT



PSN:039953 PAGE 01 OF 01 TOR:339/00:44Z DTG:050003Z DEC 75

\*\*\*\*\*~~CONFIDENTIAL~~\*\*\*\*\* COPY

DRD, 1/14/86

Washington Star

Sat., December 6, 1975

# China Returning Ashes of 2 Men

United Press International

Robert C. Snoddy, of Rose-





JAN 23 1976

55745

NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

January 26, 1976

Honorable G. V. Sonny Montgomery  
House of Representatives  
Rayburn Building, Room 2367  
Washington, D.C. 20515

Dear Mr. Montgomery:

On behalf of the Members of the National League of Families of American Prisoners and Missing in Action in Southeast Asia, may we express sincere appreciation to you and Congressmen Gilman, McCloskey and Ottinger for meeting with us last Saturday at our family meeting. Many people expressed how pleased they were with your report and your candid answers to our many questions.

We are most anxious that the Select Committee do its job as expeditiously as possible and from this standpoint would like to make some suggestions regarding the future agenda or plan of action for the future for the Committee.

It seems to us that the priorities have to be carefully selected during the short seven months remaining for the life of the Committee. We ask that you look at the big picture. Such things as "duties of a service casualty officer, preparing dossiers on missing men or looking into ejection techniques and chances of survival," do not appear to us as fitting into the big picture. Now that you have been to Hanoi and Vientiane and have started the talks that have opened the door and prepared the way, we hope you would suggest to the President and Dr. Kissinger that they immediately start negotiations with the new government in Laos and step up negotiations with the D.R.V. to achieve the accounting.

Talk doesn't cost anything. We know what the D.R.V. wants. Those wants fall into three main categories: (1) Reconstruction aid, (2) Diplomatic recognition including membership into the United Nations, and (3) Improved trade relations, including lifting of the trade embargo. We are not adverse, in fact, we urge the administration to immediately start talks on all three of the above. We do not want any concessions, however, without built-in safeguards that will insure an acceptable accounting of our men. (See attached Board Policy.)

Continued

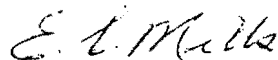


If it is reciprocity they want, it seems that one of the first things North Vietnam could give is the wealth of information their "Search Agency" must have on our missing men. In return, something could be held in escrow, if you will, (something like lifting the trade embargo or starting of diplomatic recognition), until they are ready to give the information they have. It should be done concurrently. They provide us the information they have at the same time we provide what is decided upon in return. The next step could be their admission to the United Nations at the same time they permit U.N. teams in their country to search the crash sites, talk with natives, etc.

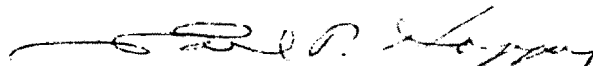
Also fitting into the big picture - anytime our people or anyone from the U.S. talks with officials of the D.R.V., those officials bring up Article 21 of the Paris Agreements and how the U.S. reneged on promised aid. They tie our compliance of Article 21 to their compliance of Article 8(b). We hope the Select Committee will investigate this thoroughly using subpoena power, if necessary, to find out if, in fact, Dr. Kissinger, former President Nixon or any U.S. Official committed specific amounts of aid (perhaps totalling 3 billion dollars). If there were such a commitment, we can more readily understand why they reneged on furnishing the accounting. We, the families, are caught in the middle and have been these past three years.

Let me assure you of our continuing high hopes and support of the work of the House Select Committee. We stand ready to assist you with anything in which you feel we can help, but we urge you to move forward positively and aggressively.

Sincerely,



E. C. Bus Mills  
Chairman of the Board



Earl P. Hopper, Sr.  
Colonel, AUS-Ret.  
Executive Director

cc: Honorable Gerald R. Ford  
Members of the House Select Committee of  
Missing Persons in Southeast Asia

Enclosure

ECM:jjf



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

REAFFIRMATION OF LEAGUE POLICY

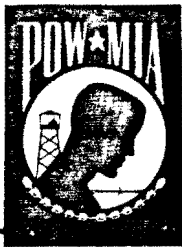
It seems appropriate and timely that the Board of the National League of Families of American Prisoners and Missing in Southeast Asia reaffirm its policy relating to obtaining an honorable accounting of our men, military and civilian.

The Board has strongly supported the House Select Committee on Missing Persons in Southeast Asia since its inception and pledges continued support as it seeks to obtain the return of all POWs, the fullest possible accounting of the Missing and the return of the remains of those who died.

The Board takes note of recent meetings of Members of the Select Committee in Paris, Hanoi and elsewhere in Southeast Asia. We think it is most significant that members of our government and members of the D.R.V. and Pathet Lao are discussing the issue.

We reaffirm our long standing position that our government must not make any concessions to the governments of the two Vietnams and Cambodia such as approving membership in the United Nations, lifting the trade embargo, granting reconstruction or other aid, without built-in safeguards that will insure an honorable accounting of our men, military and civilian.

Further, we reaffirm our long standing position that the United States government should initiate talks with leaders of the new government in Laos for negotiation of the return of Prisoners of War, accounting of the Missing and return of remains of American war dead in that country.



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

February 4, 1976

MEMORANDUM: From: Col(Ret) Earl P. Hopper, Sr.  
Executive Director

To: Congressman Ben Gilman  
House of Representatives

In response to your request for a memorandum outlining the League's position on lifting the trade embargo presently applied against North and South Vietnam, the following is submitted:

A copy of the Reaffirmation of League Policy adopted unanimously by the Board of Directors on January 24 is attached. The significant part of this policy statement as it applies to the lifting of the trade embargo is "that our government must not make any concessions to the governments of the two Vietnams and Cambodia such as approving membership in the United Nations, lifting the trade embargo, granting reconstruction or other aid, without built-in safeguards that will insure an honorable accounting of our men, military and civilians."

An amendment to the Bingham bill in the House and the Hatfield bill in the Senate would be supported by the National League of Families if such amendment contained the following safeguards:

1. A prefatory statement in the bill which would clearly spell out the express purpose of the bill is to receive an accounting of American prisoners and missing in action and a repatriation of American war dead, military and civilians.
2. A provision that within the first 90 days following the date of the lifting of the trade embargo, progress must be made wherein the North and South Vietnamese governments have accounted for a reasonable number of over 1300 Americans presently unaccounted for and have returned the remains of a reasonable number of American war dead.
3. A provision that at the end of a 180 day period following the lifting of the trade embargo, a substantial accounting of over 1300 Americans presently unaccounted for and a substantial number of remains of the American war dead have been provided by the North and South Vietnamese. If the North and South Vietnamese governments do not achieve this, then the provisions of the trade embargo, in its entirety, would be reimposed on those countries.

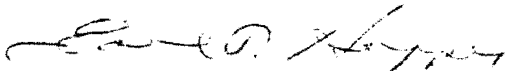
Continued

MEMORANDUM  
February 4, 1976

Page 2

I would like to point out at this time that the situation in Laos, where we have over 300 men unaccounted for and a like number of war dead, cannot take a back seat to the situation in the Vietnams. The League urges the Select Committee to press the Administration to initiate talks with the new government of Laos without delay.

Sincerely



Earl P. Hopper, Sr.  
Colonel, AUS-Ret.  
Executive Director

Enclosure

EPH:jjf



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

---

REAFFIRMATION OF LEAGUE POLICY

It seems appropriate and timely that the Board of the National League of Families of American Prisoners and Missing in Southeast Asia reaffirm its policy relating to obtaining an honorable accounting of our men, military and civilian.

The Board has strongly supported the House Select Committee on Missing Persons in Southeast Asia since its inception and pledges continued support as it seeks to obtain the return of all POWs, the fullest possible accounting of the Missing and the return of the remains of those who died.

The Board takes note of recent meetings of Members of the Select Committee in Paris, Hanoi and elsewhere in Southeast Asia. We think it is most significant that members of our government and members of the D.R.V. and Pathet Lao are discussing the issue.

We reaffirm our long standing position that our government must not make any concessions to the governments of the two Vietnams and Cambodia such as approving membership in the United Nations, lifting the trade embargo, granting reconstruction or other aid, without built-in safeguards that will insure an honorable accounting of our men, military and civilian.

Further, we reaffirm our long standing position that the United States government should initiate talks with leaders of the new government in Laos for negotiation of the return of Prisoners of War, accounting of the Missing and return of remains of American war dead in that country.



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

February 27, 1976

Honorable G.V. Sonny Montgomery  
Chairman, House Select Committee of  
Missing Persons in Southeast Asia  
Rayburn Building, Room 2367  
Washington, D.C. 20515

MAR 2 1976

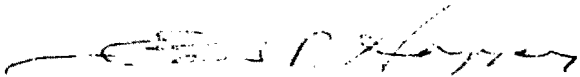
Dear Mr. Chairman:

Pursuant to our conversation yesterday, I've enclosed a copy of a proposed resolution calling upon the President to take immediate steps to open negotiations with the governments of the Vietnams and Laos in an effort to resolve outstanding postwar problems, including the accounting of the American prisoners and missing.

In view of the Administration's reluctance to take the necessary steps to resolve these outstanding problems, we feel the time is appropriate for the Select Committee to request the unanimous support of Congress in calling upon the President to take immediate and decisive action. We feel such Congressional support of your committee's unanimous and united effort is even more crucial now in view of Secretary Kissinger's failure to respond affirmately to your requests to meet with him.

Mr. Chairman, it is the League of Families' hope that you, and the members of your Select Committee, will seriously consider sponsoring a resolution such as this.

Sincerely,

  
Earl P. Hopper, Sr.  
Colonel, AUS-Ret.  
Executive Director

cc: Members and Staff of House Select Committee.

Enclosure

EPH:jjf

## PROPOSED RESOLUTION

Whereas the House of Representatives has expressed its concern for the unresolved problem of American prisoners and missing in action in Southeast Asia by creating a Select Committee for the purpose of investigating the problem;

Whereas the Congress continues to view the fullest possible accounting for the POWs and MIAs as a matter of the highest priority;

Whereas the final resolution of this problem must be based on an agreement between the U.S. and the governments of the countries concerned;

Whereas the government of the Democratic Republic of Vietnam has expressed its readiness to negotiate with the U.S. on all outstanding postwar problems, without preconditions;

Whereas the U.S. executive has thus far not entered into such negotiations;

Therefore, it is the sense of Congress that the President of the United States should make the negotiation of an agreement resolving postwar problems with the Democratic Republic of Vietnam, and the new government of Laos, and providing for a detailed schedule for an accounting for POWs and MIAs and the repatriation of all known remains of U.S. personnel in Vietnam a matter of the highest priority, and that he should take such steps as are necessary to open such negotiations at the earliest possible moment.



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

March 5, 1976

MAR 9 1976

Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

The Board of the National League of Families of American Prisoners and Missing in Southeast Asia is disturbed that there is seemingly no direct discussion taking place presently between our government and the governments of North Vietnam, Laos and Cambodia to honorably account for our POWs and MIAs.

We felt somewhat elated upon the return of the four Congressmen from Hanoi, Montgomery, Ottinger, McCloskey and Gilman, when they reported to us and to you on the progress of their trip. We are pleased that they did receive the bodies of the three servicemen and since then the remains of the two Marines have been returned. We feel one of the greatest accomplishments of their efforts was their discussions, at high level, with the officials in Hanoi and Vientiane. We feel very strongly that your Administration should have given immediate attention to furthering and amplifying those talks. The Select Committee might open the door to negotiations but your Administration must do the actual negotiating. We are aware the State Department has granted licenses, mainly to the Mennonites and Quakers, to provide some 2.7 million dollars in humanitarian assistance to North and South Vietnam since the fall of Saigon in April 1975. The latest being some \$340,000 to the Mennonites as a reciprocal gesture after the release of the remains of the two Marines. With this level of reciprocity it would take many years to achieve the desired results. We urge you to take more decisive, aggressive and immediate action.

We know the position of the Executive branch on the Bingham Amendment, as amended by the Gilman Amendment, to the International Security Assistance Act for 1975 (H.R. 11963) which would lift the U.S. embargo against Vietnam with certain limitations.

We as a Board are not enamored with this legislation, but if there is legislation which amounts to a concession to the DRV, we want a built-in safeguard that will attempt to assure us the accounting.

Continued



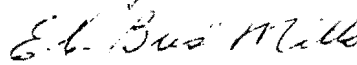
Honorable Gerald R. Ford  
President of the United States

Page 2  
March 5, 1976

Mr. President, your Administration has the responsibility for accounting for these men. Our League will be solidly behind any decisive action you take to obtain an honorable accounting. Please communicate immediately with the officials in Hanoi and Vientiane that we are ready to negotiate without pre-conditions, as they have indicated. Please don't keep us waiting any longer.

Very truly yours,

  
Earl P. Hopper, Sr.  
Executive Director

  
E. C. "Bus" Mills  
Chairman of the Board

cc: Honorable G.V. Sonny Montgomery  
House Select Committee on Missing Persons in Southeast Asia  
Honorable Paul N. McCloskey, Jr. ✓  
House Select Committee on Missing Persons in Southeast Asia  
Honorable Thomas E. Morgan  
House International Relations  
Honorable John Sparkman  
Senate Foreign Relations

ECM:jjf

*Aug 1976*

NATIONAL LEAGUE OF FAMILIES  
OF  
AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA  
1608 "K" STREET, N. W.  
WASHINGTON, D. C. 20006

March 8, 1976

Honorable G.V. Sonny Montgomery  
House Select Committee  
Rayburn Building, Room 2367  
Washington, D.C. 20515

*Sonny*  
Dear Mr. ~~Montgomery~~:

Attached is the policy statement of the National League of Families of American Prisoners and Missing in Southeast Asia outlining its position on the provisions of Section 415 (Trade with Vietnam), Title IV, International Security Assistance Act of 1976, H.R. 11963.

Sincerely,

*Earl*  
Earl P. Hopper, Sr.  
Colonel, AUS-Ret.  
Executive Director

Enclosure

EPH:jjf



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

POLICY STATEMENT REGARDING SECTION 415, TITLE IV  
INTERNATIONAL SECURITY ASSISTANCE ACT OF 1976

The National League of Families of American Prisoners and Missing in Southeast Asia is compelled to support Section 415 (Trade with Vietnam), Title IV, International Security Assistance Act of 1976, H.R. 11963. This stance is necessary due to the lack of initiative by the past and present administrations to resolve the POW/MIA problem. It has long been the National League of Families' position that highest priority should be placed upon initiating direct negotiations with the governments of Southeast Asia.

This position is reinforced by indications emanating from the Democratic Republic of Vietnam expressing their willingness to enter into negotiations without preconditions. This point was made clear to members of the House Select Committee during their December meeting with Mr. Pham Van Dong in Hanoi. In view of this the United States must consider a like attitude of reciprocity through willingness to negotiate without preconditions. This is in accord with the President's recently announced "Pacific Doctrine." Nevertheless, some two and one half months have passed since the DRV position was discussed with the House Select Committee, yet there are no indications from the Administration that such negotiations are being considered.

The decision of the National League of Families to support Section 415 was influenced largely by the vote of House members to retain that Section in the final version of the Act. It was evident that this vote reflected the firm conviction of the House of Representatives that they would expect the governments of the Vietnams to recognize the passage of this act as a significant "gesture of good will" and a positive first step toward normalization of relations. It is also recognized that the success of this gesture is further dependent upon immediate, affirmative action by the Administration in accordance with the intent of the House of Representatives.

The National League of Families is in agreement with the House Select Committee and the majority of the House of Representatives that the solution to the POW/MIA problem should have been a partial lifting of trade restrictions, or other gesture, by the Administration rather than Congress. However, there is no indication that any official of the Administration, particularly the Secretary of State, has assigned a priority high enough to resolve this problem. After repeated discussions with State Department representatives, it is abundantly clear their interpretation of significant gesture of good will is not consistent with that of the House Select Committee, the House of Representatives or the National League of Families.

POLICY STATEMENT REGARDING SECTION 415, TITLE IV  
INTERNATIONAL SECURITY ASSISTANCE ACT OF 1976

PAGE 2

The League is under no illusion that the DRV specifically ties lifting of trade restrictions to an accounting of American prisoners and missing in action or to the repatriating of remains of American war dead. However, the DRV has admitted to having a governmental "search agency" actively seeking information on American military and civilian personnel for whom there has been no accounting. This agency was established in 1973, following the signing of the Paris Agreement, and has indicated a considerable amount of information is in its possession. It is hoped that the governments of the Vietnams, as well as those of Laos and Cambodia, will make evident their desire to be recognized as humanitarian by immediately providing this information in response to the partial lifting of trade restrictions as provided under Section 415.

The success in obtaining an accounting of American POWs and MIAs, the primary purpose of Section 415, is contingent upon conscientious implementation of the provisions of that Section by the President and the Departments of State, Commerce and Treasury. The National League of Families expects very strict adherence to the "safeguards outlined in Section 415, Title IV, International Security Assistance Act of 1976 (House version) and holds Congress responsible to ensure compliance with the restrictive provisions outlined in paragraph (c) (1) and (2) of that Section.



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

---

March 9, 1976

QUESTIONS FOR MEETING WITH  
SECRETARY OF STATE

- 1) What is the State Department definition of "accounting" as used in the terms of the Paris Agreement? What specific information on an individual must be given by the other side to be an accounting?
- 2) How does State Department plan to obtain an accounting and repatriation of remains?
- 3) Secretary Kissinger stated three days prior to the signing of the Paris Agreements that an accounting of American missing would take place during the same time frame as the American withdrawal (from South Vietnam). President Nixon made the same statement on the day before the Kissinger statement. What was the reason for this statement and Why didn't the accounting take place in this manner, paralleling the release of the POWs and the withdrawal of American troops?
- 4) Why didn't the actual Peace Agreement and its protocols detail the accounting in the same detailed manner as the return of POWs?
- 5) What information did the Secretary have on live Americans being held when, in February 1974 at the White House meeting with the Board of Directors of the National League of Families, he stated there was a possibility of Americans still being held in South Vietnam, Laos and Cambodia? Why didn't he pursue this immediately to secure their release?

Continued

QUESTIONS FOR MEETING WITH  
SECRETARY OF STATE

PAGE 2

6) When are negotiations going to be initiated by the Secretary for the American POWs and MIAs in Laos - at Administration level, not at embassy level?

7) By interpretation from the briefing paper prepared by George Aldrich, Deputy Legal Advisor, (Aldrich memo) the "Geneva PW Convention permits detention after hostilities in event of criminal trial and imprisonment."

What requests have been made of the Vietnamese, Laotians and Cambodians whether they are or are not holding Americans as "war criminals?"

8) On numerous occasions the Secretary has stated he does not trust, or accept, the word of the North Vietnamese, therefore, why does he accept their word they are not holding any more Americans?

9) What proof does the Secretary have to prove the Vietnamese, Laotians and Cambodians are not holding live Americans prisoners?

ANSWERS TO QUESTIONS FROM THE  
NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS  
AND MISSING IN SOUTHEAST ASIA

1. Accounting in the sense of the Paris Agreement means providing information on the missing men so each one can be "accounted for" to the extent humanly possible. Ideally this would include the information referred to in the 1949 Geneva Conventions, specifically Article 16 of the First Geneva Convention concerning information to be provided on the wounded, sick, and dead; and, in the case of POW's, the information referred to in Article 17 of the Third Convention (name, rank, date of birth, and serial number). In practice the information provided by the DRV has fallen short of this standard, for example in not providing "particulars concerning wounds or illness, or cause of death." In the limited number of cases where information has been forthcoming, the information provided has normally included: for POW's, the name, birthdate, service number, and the date and place of capture; and for those killed, the date and place of shootdown/death and, in some cases, the cause of death. Unless such information differs significantly from our own, it would normally be considered an "accounting" for that individual in the sense of the Paris Agreement. A man can also be accounted for in a negative sense if the opposing authorities search the area of loss and report that no information or remains can be found, provided this is not inconsistent with our data on the case. Information received by President Ford from the People's Republic of China covered a number of cases in this way.
2. Since the signing of the Paris Agreement, the Department of State, working closely with the Defense Department, has repeatedly pressed the governments of Indochina for information on Americans missing in action and the repatriation of remains. This has been done through the Four Party Joint Military Team (FPJMT) in Saigon and the Joint Casualty Resolution Center (JCRC), through our Embassies in Vientiane and Phnom Penh, by diplomatic notes, and through other channels and contacts, including third countries and the U.N. Since the communist takeover in Indochina, this effort has become more difficult because of lack of diplomatic relations with all but one of the governments there. Nevertheless, the Department has sought

and received the cooperation of international humanitarian agencies and has supported the work of the House Select Committee on Missing Persons in Southeast Asia. We are currently making renewed representations through our Embassy in Vientiane and other contacts to press for an early accounting on our missing in action and the repatriation of remains.

3. It was essential to arrange the return of the POW's at the earliest possible date, not only for their sake, but because the POW's themselves were in the best position to tell us what happened to our missing men. During the Korean war, for example, the returning POW's brought word of fellow prisoners who had been alive in North Korea but who were not released or accounted for. Our systematic debriefings had the overriding purpose of compiling all information on our MIA's known to the POW's themselves. In addition, we believed that to put a short timeframe on the accounting for the missing would be unrealistic because even with good intentions on both sides, it would take a long time -- possibly years -- to conduct the searches that would be needed to locate crashsites and follow-up all leads. If MIA accounting had been limited to 60 days, the communist side could have claimed their responsibility in this area had ended after that time.
4. The Paris Agreement contained requirements on accounting for the missing and return of remains that were more detailed and specific than in any previous conflict-ending agreement. It provided for a continuing body -- the FPJMT -- whose sole mission was to work on this subject. In short, there was no lack of detailed provisions on MIA accounting, only a lack of subsequent cooperations by the communist authorities, without which no documentary language -- no matter how detailed or specific -- could do the job.
5. The U.S. Government and the Secretary of State have always been alert to the possibility that Americans might still be held in Indochina. This has been the overriding aim of our information gathering and intelligence efforts on this subject. Reports of unconfirmable validity have been received from time to time referring to possible "prisoners" in various locations. For example, one such set of reports appeared to refer to McKinley Nolan, listed by the U.S. Army since 1967 as a deserter/defector in SVN. Others



seemed to refer to journalists in Cambodia. All these reports have been checked out exhaustively, using all the means at our disposal. None have been confirmed to the extent that we could conclude that any of our MIA's from before February, 1973 are being held as prisoners. In cases such as those of Emmet Kay and Charles Dean, the U.S. Government mounted major campaigns to find out what happened to them and to arrange their release, successfully in the case of Kay. Our efforts on the Dean case are continuing, and even greater efforts would have been made had it been shown that any of our pre-1973 MIA's were still alive and prisoners. We have repeatedly pressed the communist authorities in all the Indochina countries on this subject. All have denied -- on the record as well in private contacts -- that any U.S. prisoners continue to be held.

6. There have been continued and repeated contacts and negotiations on POW/MIA matters with top level Lao officials, going back well before the signing of the Vientiane agreement in February 1973 and its Protocol of September 1973 and continuing to the present. These negotiations intensified during periods when it appeared possible that progress could be made, for example during the drafting of the Protocol, during the months following its coming into effect, and at any time there was new evidence regarding U.S. prisoners or missing personnel in Laos. Negotiations on this subject embraced a wide range of diplomatic contacts in Laos, exchanges of diplomatic notes, and communications directly from Secretary Kissinger. In addition, senior Administration officials at the level of Assistant Secretary and above have raised this subject in discussions with Lao officials at the United Nations and other international forums, and during official visits to Vientiane. The negotiations included contacts with leaders of the Lao coalition government and, to the extent possible, with ranking representatives of the Lao Patriotic Front. We are currently making a renewed approach to the Lao authorities as recommended by the Select Committee during its meeting with Secretary Kissinger on March 12.
7. The communist authorities have stated unequivocally that they hold no Americans, in Vietnam, Laos, or Cambodia, and their responses clearly cover the category of "war

criminals" alluded to in this question. The Hanoi authorities routinely referred to U.S. POW's as "war criminals", and in earlier years threatened to conduct "trials" of the prisoners. It was with this in mind that we insisted on the provision in Article 6 of the Prisoners Protocol which provided that the release of captives could not be denied or delayed on the ground that prisoners had been "prosecuted or sentenced." This provision was included with a view to the Geneva Convention concept referred to in the Aldrich memorandum, which otherwise could conceivably have been cited as grounds for not releasing our men. Article 6 makes it clear that this would not be allowed under the Paris Agreement.

8. We have not merely "accepted the word" of the communist authorities that they are not holding any more Americans but have maintained intensive efforts before and since the signing of the Paris Agreement to find out by our own means whether this is so. If we simply "trusted" the Vietnamese, we would not have undertaken the major diplomatic and intelligence efforts that have characterized our POW/MIA commitment during the past three years. As was reconfirmed by CIA Deputy Director Walters in his testimony before the Select Committee on March 17, there is no credible evidence to suggest that any of our men remain alive in enemy captivity.
9. Although there can be no final proof that none of our MIA's are alive, since it is impossible to "prove a negative," the absence of definite information despite our continuing efforts to search for it tends increasingly to confirm that none of our MIA's continue to be held as prisoners. In addition to the lack of evidence, one must ask why and how the communist authorities would hold our men. They would have to detain them in secret away from their own citizens while continuing to guard, feed and care for them. The concept of using them for "bargaining" or "blackmail" makes no sense unless information about them is released. And if this happened, the world outcry in the face of such perfidy would be overwhelming.



MAR 11 1976

NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

March 11, 1976

Honorable G.V. Sonny Montgomery  
Chairman, House Select Committee of  
Missing Persons in Southeast Asia  
Rayburn Building, Room 2367  
Washington, D.C. 20515

Dear Mr. Chairman:

Reference is made to my letter of February 27, 1976 which transmitted a proposed resolution calling upon the President of the United States to take immediate steps to open negotiations with the governments of the Vietnams and Laos in an effort to resolve the POW/MIA and other postwar problems.

Attached you will find a revised copy of that resolution which has been approved by the Board of Directors of the National League of Families. There are slight differences in arrangement and wording, but the intent and meaning of the resolution remains the same.

The League urges you to encourage the House Select Committee to take an immediate, unanimous stand in proposing this resolution to the Congress.

Sincerely,

Earl P. Hopper, Sr.  
Colonel, AUS-Ret.  
Executive Director

cc: Members and Staff of House Select Committee.

Enclosure

EPH:jjf



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

PROPOSED RESOLUTION

Whereas the House of Representatives has expressed its concern for the unresolved problem of American prisoners and missing in action in Southeast Asia by creating a Select Committee for the purpose of investigating the problem;

Whereas the Congress continues to view the fullest possible accounting for the POWs and MIAs as a matter of the highest priority;

Whereas the final resolution of this problem must be based on an agreement between the U.S. and the governments of the countries concerned;

Whereas the government of the Democratic Republic of Vietnam has expressed its readiness to negotiate with the U.S. on all outstanding postwar problems, without preconditions;

Whereas the U.S. government continues to diplomatically recognize the government of Laos and has yet to negotiate for the return of all POWs, the fullest possible accounting of the missing in action and the repatriation of remains of U.S. personnel, military and civilian;

Whereas the Executive Branch of the United States government has thus far not entered into such negotiations with either the DRV or government of Laos;

Therefore, it is the sense of Congress that the President of the United States should, establishing a highest priority, immediately enter into negotiations with the governments of the Democratic Republic of Vietnam and the new government of Laos for purposes of obtaining a detailed schedule for the return of all POWs, the fullest possible accounting for the MIAs and the repatriation of all known remains of U.S. personnel, military and civilian, in Vietnam and Laos and for resolving other postwar problems.

Further, it is the sense of Congress that the President should enter into negotiations with the government of Cambodia at the earliest possible time for the purposes stated above, dependent upon some stabilization of the government in that country.



INTERNATIONAL  
SECURITY AFFAIRS

ASSISTANT SECRETARY OF DEFENSE  
WASHINGTON, D.C. 20301

APR 15 1976

9 APR 1976

1-3556/76

Mr. E.C. Mills  
Chairman of the Board  
National League of Families  
of Prisoners and Missing  
in Southeast Asia  
1608 K Street N.W.  
Washington, D.C. 20006

Dear Mr. Mills:

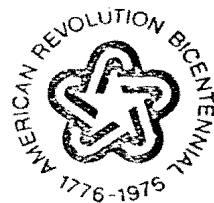
Secretary Rumsfeld has asked that I reply to your letter of April 1, 1976, regarding your recommendation for the issuance of an Executive Order to suspend indefinitely all status changes pending the occurrence of certain stated conditions.

An Executive Order which would purport to interfere with discretionary authority vested in the Secretaries of the Military Departments by Statute would not be valid. For this reason alone, the Secretary cannot make such a recommendation to the President.

In addition, the Congress is conducting its own investigation of the entire POW/MIA issue, and any Executive action would therefore be inappropriate until the Select Committee has published its findings and recommendations.

Sincerely,

Amos A. Jordan  
Acting Assistant Secretary of Defense  
International Security Affairs



April 1, 1976

Honorable Donald Rumsfeld  
Secretary of Defense  
The Pentagon  
Washington, D.C. 20301



Dear Mr. Secretary:

The Board of Directors of the National League of Families of American Prisoners and Missing in Southeast Asia (hereinafter referred to as the National League) has voted to request that President Ford issue an Executive order to suspend applications of statutes of the United States Code, Title 37, whereby reviews are held on men listed as prisoner of war or missing in action. The suspension of application should remain in effect until:

- (1) The return of men known to have been captured and held by the enemy.
- (2) Factual proof of death is presented.
- (3) Documented proof of detailed on-site search effort is presented.

These requirements have historically been used as an interpretation of Title 37, U.S. Code and should not now be violated to deprive those missing persons of their rights by request of, or desire by, any other persons or government agencies.

The National League (family members of the missing men) voted overwhelmingly at the past two annual meetings to oppose status changes until the aforementioned provisions have been honored.

The following substantiating points are presented herewith to support our position:

(1) Section 556, Title 37, U.S. Code provides that the Service Secretary, or his designee, may make a determination on a missing member of the uniformed service... "when he considers that the information received, or a lapse of time without information, establishes a reasonable presumption that a member in a missing status is dead." This latitude of determination by the Service Secretaries is entirely within the purview of the Executive Department and carries no mandate to the several Secretaries to initiate a review or make a determination within any time frame.

The National League contends that the methods and procedures utilized by the United States Government to ascertain the fate of missing persons in Southeast Asia has been and continues to be totally ineffective and unsatisfactory. Dr. Roger Shields, Deputy Assistant

Secretary of Defense, has stated, "The Secretary, or his designee, considers all aspects of the (missing man's) case, which includes not only lapse of time without additional information, but also the likelihood of its future receipt." There is little probability of receiving that additional information since there has been no search effort undertaken in enemy controlled territory due to the intransigence of Vietnam and her allies.

The conduct of a review after the initial 12 month mandatory review is entirely discretionary and as such, clearly supports the validity of an Executive order halting such reviews until the required factual information is obtained through negotiation.

(2) The National League finds no basis under Section 555 and 556, Title 37, U.S. Code for NOK (next of kin) to request or be granted a review. A review is mandated before the end of a 12 month period in a missing status, or after a later review which shall be made when warranted by information received or other circumstances, the Secretary concerned, or his designees may... (a) "If the member can reasonably be presumed to be living, direct a continuation of his missing status; or (b) make a finding of death."

The Secretary is not required to review a case. No provision is made for a request by NOK to the Service Secretary for a status review. It is the position of the National League that a review should be based solely on the available information pertinent to the individual case. At the present time the "available information" in most instances, is precisely the same as heretofore used to continue an individual in a missing status. The National League additionally contends that the intent of the legislation in establishing the statutes is to represent the rights of the missing person, rather than the NOK.

In view of the above, the National League position is that an Executive order should be issued to suspend reviews and determination due to current circumstances (i.e. The Select Committee on Missing Persons in Southeast Asia investigation and subsequent report) and the need to restructure the methods and procedures being utilized to ascertain the fate of the prisoners and missing. Direct negotiation now indicated for the near future, should provide for the return of all prisoners, accounting of the missing and the return of the remains of those who died serving our country. Continued reviews during this crucial time which will elicit the required information are unconscionable.

The National League of Families respectfully urges you to favorably recommend to President Ford that he issue this Executive order on behalf of all Americans still unaccounted for in Southeast Asia.

Sincerely,

bcc: Congressman Ben Gilman  
Legislative Committee  
Dermot Foley, Esq.

F. C. Mills  
Chairman of the Board

ECM:jjf







THE WHITE HOUSE  
WASHINGTON

8750-8  
\$1,000.00  
4/28  
5:10

Joe Waggoner

Nixon called. J/W  
returned. R/N asked J/W  
advice, re POW groups who  
have visited him. Two  
POW have seen him to  
visit Fla Memorial Day  
weekend to receive a certificate  
but not <sup>main</sup> speaker except for 5  
mins. Should he go? Problem  
for TT should he do it in test.

THE WHITE HOUSE  
WASHINGTON

4/28

R/N

General comment  
I don't want to do  
that.

Joe thinks R/N  
seriously considering.  
R/N talks to Joe  
frequently. R/N originates  
2 of 3.

Advised D/C who  
was aware of  
was 7 ca speaker.  
gm



THE WHITE HOUSE  
WASHINGTON

2597

[May 1976?]

ACTION

MEMORANDUM FOR: THE PRESIDENT

FROM: BRENT SCOWCROFT

SUBJECT: Report to the Congress on UN Actions  
Regarding MIA's in Southeast Asia

Section 503(b) of the Foreign Relations Authorization Act, FY 1976, requires you to report by May 29 to the Speaker of the House and the President of the Senate on actions which the UN has taken to obtain an accounting of Americans missing in action in Southeast Asia. Section 503 also requires you to direct our Ambassador to the UN to insist that the UN take "all necessary and appropriate steps" to obtain an accounting for our missing men.

In fulfillment of this requirement, our UN mission took the matter up directly with the Secretary General and his staff. Based on the information which these officials provided, the Department of State has prepared a report (Tab C) for you to submit to the Congress. At Tabs A and B are letters from you to the Speaker of the House and the President of the Senate transmitting this report. Your report: points out the success we had in sponsoring a 1974 General Assembly Resolution calling for assistance and cooperation in accounting for persons who are missing or dead in armed conflicts; indicates that the General Assembly later adopted another Resolution on December 15, 1975 pertaining to respect for human rights in armed conflicts; and details measures which the United Nations High Commissioner for Refugees has taken to facilitate the release of certain U.S. citizens in Vietnam and the return of the bodies of five American military men.

Doug Smith of Robert Hartmann's office has cleared the text of the proposed letters.

RECOMMENDATION:

That you sign the letters to the Speaker of the House and the President of the Senate at Tabs A and B.

Jack Marsh and Max Friedersdorf concur.



THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

In accordance with Section 503 of the Foreign Relations Authorization Act, Fiscal Year 1976, I am transmitting to you a report on "Actions Taken by the United Nations to Obtain an Accounting of Americans Missing in Action in Southeast Asia." To fulfill the requirements of this section the United States Mission to the United Nations conferred with the Secretary General and his staff on the question of what action has been taken concerning the missing in action. The information on which the enclosed report is based was obtained as a result of their joint staff effort.

Sincerely,

The Honorable Carl Albert  
The Speaker  
U. S. House of Representatives  
Washington, D. C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

In accordance with Section 503 of the Foreign Relations Authorization Act, Fiscal Year 1976, I am transmitting to you a report on "Actions Taken by the United Nations to Obtain an Accounting of Americans Missing in Action in Southeast Asia." To fulfill the requirements of this section the United States Mission to the United Nations conferred with the Secretary General and his staff on the question of what action has been taken concerning the missing in action. The information on which the enclosed report is based was obtained as a result of their joint staff effort.

Sincerely,

The Honorable Nelson A. Rockefeller  
President of the Senate  
Washington, D. C. 20510

ACTIONS TAKEN BY THE UNITED NATIONS  
TO OBTAIN AN ACCOUNTING OF AMERICANS MISSING  
IN ACTION IN SOUTHEAST ASIA

General Assembly Actions

On November 6, 1974 the General Assembly adopted a U.S.-sponsored resolution calling for assistance and cooperation in accounting for persons who are missing or dead in armed conflicts. This resolution (3220 (XXIX)) reaffirms the urgent need to ensure full adherence to the Geneva Convention of 1949 and calls upon all parties to conflicts to take all action within their power to locate and mark the graves of the dead, to assist in the return of remains to concerned families, and to provide information about those who are missing in action.

As directed by the General Assembly, the Secretary General brought the resolution to the attention of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts during its second session in Geneva in February-March 1975. The Director of the United Nations Human Rights Division personally appeared at the Conference to present this resolution. The Conference established a special working group on this subject, which is developing new draft provisions for the proposed Protocol to the Geneva Conventions. Work on this subject will be resumed at the Diplomatic Conference which reconvenes in Geneva April 21-June 12, 1976.

On December 15, 1975, the General Assembly adopted another resolution pertaining to respect for human rights in armed conflicts. This resolution (3500 (XXX)) notes the accomplishments of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and urges the participants in the 1976 session of the Conference to do their utmost to reach agreement on additional rules which may help alleviate the suffering brought about by armed conflicts. Additionally, on December 9, 1975, the General Assembly adopted resolution 3450 (XXX) concerning missing persons in Cyprus. This resolution requests the Secretary-General, in cooperation with the International

Committee of the Red Cross, to assist in tracing and accounting for persons missing as a result of the armed conflict in Cyprus. While not specifically related to the problem of persons missing in action in Southeast Asia, the resolution reflects the continuing concern of the United Nations for addressing and solving problems of those missing in action in armed conflicts, as stated in the U.S.-sponsored 1974 resolution.

Measures Taken by the United Nations High Commissioner  
for Refugees

Although the official mandate of the UN High Commissioner for Refugees (UNHCR) is limited to refugee problems, he and his staff have taken a number of actions that have helped resolve the problem of Americans missing or unaccounted for in Indochina. This has been done on a personal "good offices" basis, in light of the obvious humanitarian concerns involved. In order to facilitate its continuing efforts in this area the UNHCR has sought to avoid publicity for them.

Starting in May 1975 the UNHCR was instrumental in arranging flights for foreign nationals including U.S. citizens to leave Saigon. These persons had remained behind after the U.S. withdrawal from Saigon in April and relied on the UNHCR for assistance in leaving. Some 40-50 Americans still remain in the Saigon area, in many cases apparently unable to get permission to leave.

The UNHCR also undertook quiet efforts to arrange the release of fourteen U.S. and foreign prisoners who had been captured in the Central Highlands City of Ban Me Thuot during March 1975. The prisoners were released in Hanoi on October 30, and arrangements for their return were made by the UNHCR.

UNHCR representatives helped arrange the return of the remains of three Americans identified by the Hanoi authorities as having been killed in action in North Vietnam. Members of the House of Representatives Select Committee on Missing Persons in Southeast Asia met with North Vietnamese representatives in Paris and then flew to Hanoi in December 1975 to receive the three sets of remains. UNHCR representatives in Hanoi assisted in arrangements for the Congressional visit and for the return of the remains.

UNHCR representatives also provided assistance to the Subcommittee on Refugees of the U.S. Senate Judiciary Committee in arranging for the return of the bodies of two U.S. Marines killed April 29, 1975 in the evacuation of Saigon. The bodies were turned over to representatives of the Subcommittee in Saigon on February 22, 1976, again with the assistance of the UNHCR.

Department of State  
April 23, 1976

✓

THE WHITE HOUSE

WASHINGTON

May 6, 1976

Mr. Marsh:

*Kay*  
Mrs. Bosiljevac, with the National League of Families of MIAs and POWs, called to request an appointment with you on May 11. The purpose of the meeting is to discuss an Executive Order which would put a halt to the changing of the status of MIAs until some of the problems are solved.

*release of materials*

There will be hearings on the Hill on May 12 and she will be in town for these hearings. She asked if you would be traveling with the President this weekend to Nebraska and if so, perhaps you could see her then. I told her you would not be traveling this weekend.

*4:00*

*Tues  
4:30 4:00*

I suggested she talk with Dr. Marrs or Russ, neither of which she wanted to do.

Do you want to see her briefly: Yes \_\_\_\_\_ No \_\_\_\_\_  
If so, others to attend: \_\_\_\_\_

Telephone # (402) 734-4640

Thanks.

*d - set up appt - after  
& Russ - Donna*

*Cong  
Gilman*

*Geo.  
O Brooks  
Carol Col. Stopper  
Bates Ex. Dir  
of Seager*



THE WHITE HOUSE

WASHINGTON

May 7, 1976

MEMORANDUM FOR: RUSS ROURKE

FROM: JACK MARSH

In reference to the attached request from Mrs. Bosiljevac, I think someone with the Presidential Party should contact her. Perhaps one of the advance people could contact her and meet with her on this Nebraska trip. I will see her while she is in town briefly next week. I will want you to sit in on the meeting. We will get back to you with a time.



May 10, 1976

MEMORANDUM FOR: DICK CHENEY  
FROM: JACK MARSH

We received a telephone communication this morning from Mrs. Kay Bosiljevac of Omaha, Nebraska, advising us of a complaint about the Ford campaign which is very likely to be rumor, but it should be quickly corrected.

Mrs. Bosiljevac is a wife of a MIA. Additionally, she has been a national officer and a leader of the organized MIA effort in the United States.

She reports that she was advised by a representative of NIVA, another MIA organization, that that individual solicited money under the auspices of VIVA but used the VIVA funds to travel to Wisconsin to perform advance work on behalf of President Ford.

Mrs. Bosiljevac says if such a report is correct, she wishes to complain about it. If such a report is not correct, we should be aware this report is being falsely spread.

She plans to be in my office on Tuesday afternoon on a matter involving the MIAs at which time I will be glad to discuss with her in greater detail the matters discussed in this memo. In the meantime, I wanted you to be aware of this report so that I might have any information you might be able to provide me prior to the meeting on Tuesday.

cc: Phil Buchen  
Reg Morton

JOM/dl



THE WHITE HOUSE

WASHINGTON

MEETING WITH MIA REPRESENTATIVES

Tuesday, May 11, 1976

2:00 p.m.

Roosevelt Room

ATTENDEES

- Mrs. Kay Bosiljevac (League of Families) ✓
- George Brooks (League of Families) ✓
- Colonel Hopper (present Executive Director, League of Families. Carol Bates is the newly elected Executive Director. She could not be present for meeting.) ✓
- Ted Marrs
- Tom Barnes, NSC (General Scowcroft cannot be present.)
- Congressman Ben Gilman ✓  
*M. Becker A.A.*
- Russ Rourke

May 12, 1976

MIA

MEMORANDUM FOR: RUSS ROURKE

FROM: JACK MARSH

I want you to take over this MIA situation and see what you can do to get it in the best possible shape. I recognize you will not be able to reach a satisfactory conclusion to everyone and many of the demands of the families are not capable of being met because of circumstances well beyond our control.

However, I think it would be helpful if you would assemble some key people in Defense, such as Roger Shields, Alan Woods, and get Rumsfeld on board on providing a more adequate inspection and review of the files of these individuals. This review could be broken down into two distinct parts: (1) A review by the Congressional Committee, which could be very extensive; (2) A review by the family which may not be quite as extensive, but would be more than they are currently able to have. Some thought should be given to the possibility that a thorough Congressional review could be in the nature of a certification for the families.

In reference to a Congressional review, in light of the extensive materials that were furnished on highly sensitive matters in the intelligence investigation by the Defense Department, CIA and other intelligence agencies, I see no reason why a Congressional Committee on a matter of this type should not have a broad access to nearly anything they would like to see.

The Second Phase is the Executive Order question. I think you should get Phil Buchen to set up a Task Force headed by Ken Lazarus on the legal side to coordinate with Dick Wiley, the Defense Department Counsel, together they can scrub it down and see what the status is. My guess is that the bottom line will require an amendment to legislation in order to accomplish what they wish to have accomplished. There is also some counter forces involved in this and as Ted pointed out, there may be some families who do not concur in all of the things the League wants to do.

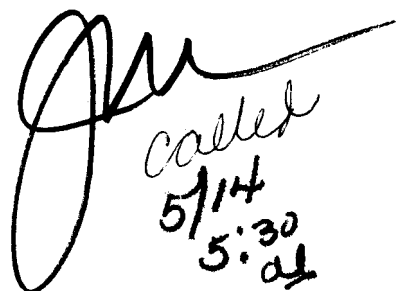


There was also a question about the order of the casualty officers. I believe this will shake out as you address the other two items, particularly the declassification issue.

Finally, as you have probably surmised, the main thing is to let these people know we are attentive to their problems, that we are endeavoring to do something about them and to demonstrate some meaningful progress, aware that we can never completely satisfy all their requests.

JOM/dl



ACTION

called  
5/14  
5:30  
al

MEMORANDUM FOR: THE PRESIDENT

FROM: BRENT SCOWCROFT

SUBJECT: Report to the Congress on UN Actions  
Regarding MIA's in Southeast Asia

Section 503(b) of the Foreign Relations Authorization Act, FY 1976, requires you to report by May 29 to the Speaker of the House and the President of the Senate on actions which the UN has taken to obtain an accounting of Americans missing in action in Southeast Asia. Section 503 also requires you to direct our Ambassador to the UN to insist that the UN take "all necessary and appropriate steps" to obtain an accounting for our missing men.

In fulfillment of this requirement, our UN mission took the matter up directly with the Secretary General and his staff. Based on the information which these officials provided, the Department of State has prepared a report (Tab C) for you to submit to the Congress. At Tabs A and B are letters from you to the Speaker of the House and the President of the Senate transmitting this report. Your report: points out the success we had in sponsoring a 1974 General Assembly Resolution calling for assistance and cooperation in accounting for persons who are missing or dead in armed conflicts; indicates that the General Assembly later adopted another Resolution on December 15, 1975 pertaining to respect for human rights in armed conflicts; and details measures which the United Nations High Commissioner for Refugees has taken to facilitate the release of certain U.S. citizens in Vietnam and the return of the bodies of five American military men.

Doug Smith of Robert Hartmann's office has cleared the text of the proposed letters.

RECOMMENDATION:

That you sign the letters to the Speaker of the House and the President of the Senate at Tabs A and B.

Jack Marsh and Max Friedersdorf concur.



THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

In accordance with Section 503 of the Foreign Relations Authorization Act, Fiscal Year 1976, I am transmitting to you a report on "Actions Taken by the United Nations to Obtain an Accounting of Americans Missing in Action in Southeast Asia." To fulfill the requirements of this section the United States Mission to the United Nations conferred with the Secretary General and his staff on the question of what action has been taken concerning the missing in action. The information on which the enclosed report is based was obtained as a result of their joint staff effort.

Sincerely,

The Honorable Carl Albert  
The Speaker  
U. S. House of Representatives  
Washington, D. C. 20515

THE WHITE HOUSE  
WASHINGTON

Dear Mr. President:

In accordance with Section 503 of the Foreign Relations Authorization Act, Fiscal Year 1976, I am transmitting to you a report on "Actions Taken by the United Nations to Obtain an Accounting of Americans Missing in Action in Southeast Asia." To fulfill the requirements of this section the United States Mission to the United Nations conferred with the Secretary General and his staff on the question of what action has been taken concerning the missing in action. The information on which the enclosed report is based was obtained as a result of their joint staff effort.

Sincerely,

The Honorable Nelson A. Rockefeller  
President of the Senate  
Washington, D. C. 20510

ACTIONS TAKEN BY THE UNITED NATIONS  
TO OBTAIN AN ACCOUNTING OF AMERICANS MISSING  
IN ACTION IN SOUTHEAST ASIA

General Assembly Actions

On November 6, 1974 the General Assembly adopted a U.S.-sponsored resolution calling for assistance and cooperation in accounting for persons who are missing or dead in armed conflicts. This resolution (3220 (XXIX)) reaffirms the urgent need to ensure full adherence to the Geneva Convention of 1949 and calls upon all parties to conflicts to take all action within their power to locate and mark the graves of the dead, to assist in the return of remains to concerned families, and to provide information about those who are missing in action.

As directed by the General Assembly, the Secretary General brought the resolution to the attention of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts during its second session in Geneva in February-March 1975. The Director of the United Nations Human Rights Division personally appeared at the Conference to present this resolution. The Conference established a special working group on this subject, which is developing new draft provisions for the proposed Protocol to the Geneva Conventions. Work on this subject will be resumed at the Diplomatic Conference which reconvenes in Geneva April 21-June 12, 1976.

On December 15, 1975, the General Assembly adopted another resolution pertaining to respect for human rights in armed conflicts. This resolution (3500 (XXX)) notes the accomplishments of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts and urges the participants in the 1976 session of the Conference to do their utmost to reach agreement on additional rules which may help alleviate the suffering brought about by armed conflicts. Additionally, on December 9, 1975, the General Assembly adopted resolution 3450 (XXX) concerning missing persons in Cyprus. This resolution requests the Secretary-General, in cooperation with the International



Committee of the Red Cross, to assist in tracing and accounting for persons missing as a result of the armed conflict in Cyprus. While not specifically related to the problem of persons missing in action in Southeast Asia, the resolution reflects the continuing concern of the United Nations for addressing and solving problems of those missing in action in armed conflicts, as stated in the U.S.-sponsored 1974 resolution.

Measures Taken by the United Nations High Commissioner  
for Refugees

Although the official mandate of the UN High Commissioner for Refugees (UNHCR) is limited to refugee problems, he and his staff have taken a number of actions that have helped resolve the problem of Americans missing or unaccounted for in Indochina. This has been done on a personal "good offices" basis, in light of the obvious humanitarian concerns involved. In order to facilitate its continuing efforts in this area the UNHCR has sought to avoid publicity for them.

Starting in May 1975 the UNHCR was instrumental in arranging flights for foreign nationals including U.S. citizens to leave Saigon. These persons had remained behind after the U.S. withdrawal from Saigon in April and relied on the UNHCR for assistance in leaving. Some 40-50 Americans still remain in the Saigon area, in many cases apparently unable to get permission to leave.

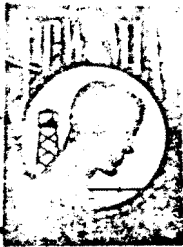
The UNHCR also undertook quiet efforts to arrange the release of fourteen U.S. and foreign prisoners who had been captured in the Central Highlands City of Ban Me Thuot during March 1975. The prisoners were released in Hanoi on October 30, and arrangements for their return were made by the UNHCR.

UNHCR representatives helped arrange the return of the remains of three Americans identified by the Hanoi authorities as having been killed in action in North Vietnam. Members of the House of Representatives Select Committee on Missing Persons in Southeast Asia met with North Vietnamese representatives in Paris and then flew to Hanoi in December 1975 to receive the three sets of remains. UNHCR representatives in Hanoi assisted in arrangements for the Congressional visit and for the return of the remains.

UNHCR representatives also provided assistance to the Subcommittee on Refugees of the U.S. Senate Judiciary Committee in arranging for the return of the bodies of two U.S. Marines killed April 29, 1975 in the evacuation of Saigon. The bodies were turned over to representatives of the Subcommittee in Saigon on February 22, 1976, again with the assistance of the UNHCR.

Department of State  
April 23, 1976

---



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

PROPOSED RESOLUTION

Whereas the House of Representatives has expressed its concern for the unresolved problem of American prisoners and missing in action in Southeast Asia by creating a Select Committee for the purpose of investigating the problem;

Whereas the Congress continues to view the fullest possible accounting for the POWs and MIAs as a matter of the highest priority;

Whereas the final resolution of this problem must be based on an agreement between the U.S. and the governments of the countries concerned;

Whereas the government of the Democratic Republic of Vietnam has expressed its readiness to negotiate with the U.S. on all outstanding postwar problems, without pre-conditions, and has invited the U.S. to make a concrete proposal for starting these negotiations;

Whereas the U.S. government continues to diplomatically recognize the government of Laos and has yet to negotiate for the return of all POWs, the fullest possible accounting of the missing in action and the repatriation of remains of U.S. personnel, military and civilian;

Whereas the Executive Branch of the United States government has thus far not made a concrete proposal for starting such negotiations with the DRV;

Therefore, be it resolved, it is the sense of Congress that the President of the United States should, as a matter of highest priority, immediately make a specific proposal to begin negotiations with the governments of the Democratic Republic of Vietnam and the new government of Laos for purposes of obtaining a detailed schedule for the return of all POWs, the fullest possible accounting for the MIAs and the repatriation of all known remains of U.S. personnel, military and civilian, in Vietnam and Laos and for resolving other postwar problems.

Further, be it resolved, it is the sense of Congress that the President should enter into negotiations with the government of Cambodia at the earliest possible time for the purposes stated above.

Revised: 5-18-76

NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

1608 K STREET, N.W., WASHINGTON, D. C. 20006 (202) 628-6811

For amendment to H.R. 13680:

On page 71, after line 2, insert the following subsection:

"(d) It is the sense of Congress that the President should, as a matter of highest priority, immediately make a specific proposal to begin negotiations with the governments of the Democratic Republic of Vietnam and the government of Laos for purposes of obtaining a detailed schedule for the return of all POWs; the fullest possible accounting for the MIAs and the repatriation of all known remains of United States personnel, military and civilian, in Vietnam and Laos and for resolving other postwar problems."

MAY 24 1976



NATIONAL LEAGUE OF FAMILIES  
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

May 20, 1976

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D.C. 20500

Dear Mr. President:

At the Western Regional Meeting of the National League of Families of American Prisoners and Missing in Southeast Asia, held on May 8, 1976 at NAS Los Alamitos, California, the following resolution was unanimously adopted and is presented here for your consideration:

In light of the present situation relative to the POW/MIA issue, it is imperative that the Administration take immediate and decisive action to achieve an honorable accounting. We hereby call upon the Administration to:

1. Publicly and immediately name an executive level negotiator and call upon the DRV to do likewise. Our negotiator should be empowered to negotiate with the Laotians and hopefully, with the Cambodians as well as the DRV.
2. Communicate to the DRV that despite the veto of the International Security Assistance Act, which included a provision to lift the trade embargo against Vietnam, the Administration will lift the trade embargo at the same time the DRV provides the United States with the wealth of information they admittedly have regarding our POW/MIA's.
3. Communicate to the DRV that the United States will not veto their admission into the United Nations at the same time the DRV admits United Nations inspection teams into their country to conduct crash site and grave site search and inspection.

On behalf of the members of the National League of Families, I would appreciate hearing your comments to the above suggestion.

Respectfully,

*Ann Mills Griffiths*

Ann Mills Griffiths  
Member/Board of Directors  
Western Regional Coordinator

cc: Mr. E.C. Mills, Chairman  
National League of Families

PROPOSED PRESIDENTIAL STATEMENT

on Meeting with League of Families (El Toro or San Diego, May 23-24)

I want to thank the members of the League of Families for meeting with me today, and to report to you on four steps I am taking to try to resolve the MIA issue with Viet Nam and Laos.

1. I have appointed \_\_\_\_\_ as my personal representative to conduct separate negotiations with the Vietnamese and Laotian governments.

2. I have vetoed the International Assistance bill in part because of my desire to defer the renewal of trade with Vietnam until such time as satisfactory progress is made in accounting for the MIA's.

3. I have directed the Departments of Defense and State and our national security and intelligence agencies to make all information in their possession, classified or not, available to the House Select Committee on Missing Persons in Southeast Asia.

4. I am giving my full support and that of my Administration to the House Select Committee in its efforts to supplement the negotiations conducted by the Executive Branch.

These efforts will hopefully result in a final resolution of this matter in the reasonably-foreseeable future.

I might say also that the extent and vigor of these efforts are stimulated in large part by your own vigor, dedication and determined insistence that our men not be forgotten and that every possible step be taken to obtain a final accounting.

I want to thank you personally for one of the great citizen efforts

which are so necessary to the successful operation of our system of government. I assure you I will personally follow this matter through to a conclusion.