



## NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS & MISSING IN SOUTHEAST ASIA

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### VIETNAM'S ABILITY TO ACCOUNT FOR MISSING AMERICANS February 1, 2024

Family members, veteran organizations and other POW/MIA supporters throughout the country consistently opposed steps to improve economic and political relations with Vietnam until their leaders decided to cooperate fully in accounting for America's POW/MIAs. The League supported a Reagan-developed policy of reciprocity – steps by the US to respond to efforts by Vietnam to locate and return remains and provide issue-related archival documents. During subsequent stages of the normalization process, important leverage was lost without commensurate results; however, there has since been much greater responsiveness by Vietnam.

One way of examining Vietnam's ability to respond more fully is to look at what US intelligence and other data confirmed at the end of the war. At that time, 196 missing Americans were last known alive in captivity or reliably reported alive in close proximity to capture. Vietnam knows that these high priority cases are directly related to the live prisoner issue and has improved responsiveness but, thus far, has accounted for fewer than expected of these Americans by returning identifiable remains or archival evidence as to why such is not possible. In that regard, archival documentation is as yet incomplete. In all but very few of these cases, joint field operations have reportedly been sufficient to confirm death. Logically, if deceased, remains of these Americans should be recoverable; they were in captivity or on the ground in proximity to Vietnamese forces (other than those who died in captivity in South Vietnam). Recent unilateral efforts by Vietnam to conduct recoveries and provide working level archival research and records are encouraging and most welcome, as is the increased number of partnership agreements being reached.

**On unilateral SRV provision of Archives**, US wartime and post-war reporting on specific cases, captured SRV documents on the handling of US prisoners and casualties, and wartime debriefs of communist captives, reinforced by US-monitored directives and other reporting, form a clear picture of a comprehensive Vietnamese system for collection of information and remains, dating back to the French-Indochina War. Vietnam's leaders placed great value on recovery and/or recording of burial locations of US remains. In wartime, if jeopardized by imminent discovery or recovery by US forces, burial to hide remains was immediate; remains were later disinterred, photographed, when possible, reburied or, when feasible, transferred to Hanoi. Evidence of this complex process was confirmed by US intelligence.

Community-wide intelligence assessments served as the basis for long-standing US estimates that Vietnam could account for hundreds of Americans by unilaterally locating and returning remains. In 1986-87, the entire intelligence community concluded that Vietnam could unilaterally account for a significant number of US remains. The evidence was subsequently evaluated to establish the most realistic targets for Vietnam's government to meet. A thorough assessment was requested of DoD to weigh cooperation to date against earlier evidence-based expectations and determine realistic goals. Results were expected early in 2022 but, on September 15, 2022, the League was informed that a two-page assessment was published but viewed by DPAA as "useless." Since that time, and despite several compelling requests sent to senior US officials, the DPAA Director has declined to request or conduct the intelligence assessment.

In his most recent refusal letter, DPAA Director Kelly McKeague stated, "an intelligence assessment may have been helpful in the past [but] it is anachronistic today given DoD's increasingly solid relationship with the VNOSMP, and as illustrated in assistance the government and people in Vietnam invariably provide to our accounting effort."<sup>1</sup> The VNOSMP, or Vietnam Office for Seeking Missing Persons, just celebrated its 50<sup>th</sup> anniversary at a highly visible ceremony in Hanoi, attended by the DPAA Director. Since US-SRV cooperation began in the mid-1980s, their interagency personnel comprising the VNOSMP have managed incoming funds and the level of SRV cooperation directed by the Politburo.

With the DPAA Director's third refusal, there was no longer any option for the League but to undertake the assessment necessary to determine realistic expectations, central to forming operational plans to accomplish and establish core objectives. Dr. Jay Veith is now focused on finalizing the needed assessment on SRV archives that have been and could yet be provided unilaterally if Hanoi decides it is in their interest. Due to pressing international policy and political concerns, now is a critical time to consider increasing bilateral and multilateral relations across the board. With Vietnam, that means moving from a comprehensive partnership to a comprehensive strategic one, a step the League has worked to support, so NOW IS THE TIME.

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<sup>1</sup> Letter from Kelly McKeague, Director, DPAA, to Ann Mills-Griffiths, League Chair of the Board, April 12, 2023.

**On unilateral SRV provision of remains**, sources such as the mortician in 1979, substantiated in the 1980s by others, highlighted remains collection and storage as key aspects of Vietnam's policy leading to discussions with the US. After arduous and sustained negotiations, the US and Vietnam reached agreement to return remains of Americans that had been stored for years. Thus far, the number repatriated has not met evidence-based US expectations.

Forensic evidence serves as another basis for establishing expectations. Per the DPAA Lab, scientific evidence of above or below ground storage, or both, exists on fewer than 200 of the 730 identified remains returned from Vietnam since the end of the war. The count, confirmed by DPAA forensic scientists, is far below US expectations, based on reliable intelligence indicating that many more were recovered and stored by the Vietnamese government and could be repatriated, if authorized by Vietnam's leadership.

During a September 1982 ABC "Nightline" program, the late Vietnamese Deputy Prime Minister Nguyen Co Thach denied that Vietnam was holding any US remains. In 1983, Vietnam returned eight remains with clear evidence of storage. Vietnam later admitted storage of remains. In 1985, following up an initiative through a regional government, a US National Security Council (NSC) official met privately with an SRV Politburo member during an NSC-led US delegation to Hanoi in which the League participated. The carefully drawn plan was for negotiations on live prisoners and remains, but the minister indicated live prisoners were not on the table for discussion. Rather, as discussed with a third party, the subject was a large number of remains.

Negotiations in 1985 for a two-year plan brought the largest number of remains obtained to that point; nearly all showed evidence of long-term storage. Two specific cases were officially presented to officials in Hanoi in 1985-86, requesting unilateral assistance. Both losses were assessed by US officials as having occurred in Laos, in areas under Vietnamese control during the war. One was returned unilaterally in 1988, 98% complete and stored above ground since his 1972 incident along the border between Vietnam and Laos. From 1985 – 1989, 169 remains were repatriated, most showing clear evidence of long-term storage. In addition to locating remains in highly populated areas, Vietnam repatriated stored remains from Cambodia and remote locations.

In 1991 and 1993, the SRV provided grave registration lists with names of unaccounted-for Americans. Inclusion of these names appears to have been an intentional signal, as was filtering through private channels photographs of deceased Americans, some of whose remains have yet to be returned. SRV leaders directed combat photography; their soldiers did not own personal cameras, much less carry them. Regardless of mixed or conflicting assessments, these and other actions by SRV officials signaled the US of remains availability. At the time, remains fragments in Vietnam's possession were not repatriated, believed not to be identifiable, but US ability to identify very fragmentary remains has dramatically improved. If not yet fully repatriated, now is the time for all fragmentary, potential US remains to be returned.

In his March 20, 2002, Certification to Congress, President George W. Bush formalized criteria for steps Vietnam should take unilaterally to be fully responsive on the accounting effort, further defined by Secretaries of State Powell and Rice three times. On March 7, 2008, the Bush Administration issued its Determination to Congress stating, "*.....we urge Vietnam to work aggressively to improve tangibly its unilateral provision of POW/MIA-related documents and records, focused initially on archival data pertaining to Americans captured, missing or killed in areas of Laos and Cambodia under wartime Vietnamese control. Vietnam should also focus greater attention on locating and providing information on discrepancy cases with priority on those last known alive in captivity or in immediate proximity to capture, and to locating and repatriating the remains of those who died while in Vietnamese control that have not yet been returned...*"

Vietnam's cooperation has continued to improve, including provision of some archival documents. There remain sensitive areas seldom accessible by US officials, but most are no longer off-limits. Importantly, SRV officials are now unilaterally conducting investigations, locating witnesses and making them available. With the DoD decision due to COVID restrictions, DPAA canceled all joint field operations for almost two years. In the interim, SRV officials authorized unilateral recoveries in various areas, a long-sought, welcome development with positive results. CDR Paul Charvet, USN, MIA in 1967, was unilaterally recovered Aug-Sep 2020 in the Hon Me area off the coast of northern Vietnam and identified on March 1, 2021. Unilateral recoveries in this area are a long-sought goal and adding private partnerships would likely help increase results that end the uncertainty of Vietnam War POW/MIA families. December 12, 2022, pledges by SRV Minister of Public Security To Lam to address increased unilateral steps are encouraging.

Information obtained from post-war US field operations reveals that central SRV authorities systematically directed the recovery of American remains. Eyewitnesses reported central-level supervision of remains recoveries of US personnel. Vietnam's leaders have repeatedly pledged to renew and increase their own efforts to locate, and return remains and provide relevant documents, and have moved incrementally. Recently, SRV responsiveness has further increased. Further Increasing military-to-military cooperation and moving toward a comprehensive strategic partnership means now is the time for Vietnam to accelerate unilateral efforts to close these historic gaps.