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**VIETNAM'S ABILITY TO ACCOUNT FOR AMERICANS
MISSING FROM THE VIETNAM WAR**

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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 leadership made the decision to cooperate fully to resolve the POW/MIA issue. The League supported a policy of reciprocity – steps by the U.S. to respond to efforts **by Vietnam** to locate and return remains and provide case-specific archival documents. At the time, important leverage was lost without commensurate results during the normalization process; however, there has since been greater responsiveness bilaterally..

One way of viewing what the U.S. knows and what Vietnam can do is by looking at what Vietnam has not done, but could have. At the end of the war, U.S. intelligence and other data confirm that roughly 200 missing Americans were last known alive in captivity or reported alive in close proximity to capture. Vietnam knows that these are highest priority cases, directly related to the live prisoner issue, but thus far has accounted for fewer than expected of these Americans by returning identifiable remains, and the archival documentation is incomplete. In all but roughly 30 of these cases, joint field investigations have reportedly been sufficient to confirm death. Logically, if deceased, remains of these Americans should be easiest to recover (other than those who died in captivity in South Vietnam), as they were in captivity or on the ground in proximity to Vietnamese forces. Also, logically, Vietnam should possess and be able to provide helpful records; thus, a recent initiative by Vietnam to renew working level archival research and records access is encouraging.

U.S. wartime and post-war reporting on specific cases, captured Vietnamese documents concerning the handling of U.S. prisoners and casualties, and debriefs of communist Vietnamese captives, reinforced by U.S. 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. Specific sources, such as the mortician in 1979, substantiated by others in the 1980s, highlighted remains collection and storage as a key aspect of Vietnam's policy for eventual discussions with the U.S. Indeed, through arduous and sustained negotiations, the U.S. and Vietnam reached agreement to return remains of Americans that had been stored for years, though the number repatriated to date does not meet well-publicized U.S. Government expectations.

Community-wide intelligence assessments served as the basis for long-standing U.S. expectations that Vietnam could account for hundreds of Americans by unilaterally locating and returning remains. In 1986-87, the entire intelligence community maintained much higher estimates, but the numbers were subsequently further screened to establish the most realistic targets for Vietnam's government to meet.

During the war and since, the Vietnamese government placed great value on the recovery and/or recording of burial locations of U.S. remains. In wartime, if jeopardized by imminent discovery or recovery by U.S. forces, burial was immediate to hide remains that were subsequently disinterred, photographed when possible, then reburied or when feasible transferred to Hanoi. Evidence of this process is confirmed by U.S. intelligence.

Forensic evidence serves as another basis for establishing expectations. Scientific evidence of above or below ground storage, or both, exists on 181 of the 635 identified remains returned from Vietnam since the end of the war in 1975. This number (181), confirmed by JPAC forensic scientists, is far below U.S. expectations, based on reliable intelligence indicating that over 200 more were stored by the Vietnamese government and, if Vietnam's leaders would so authorize, could be repatriated.

After two years of no results from the Vietnamese in 1979-80, during a September 1982 ABC "Nightline" program, the late Vietnamese Foreign Minister Nguyen Co Thach flatly denied that Vietnam was holding any U.S. remains, as did other senior Vietnamese officials throughout the Carter Administration. Yet, in 1983, Vietnam returned eight remains with clear evidence of storage. Negotiations for a two-year plan in 1985 brought the largest number of remains obtained to that point; nearly all showed evidence of storage. From 1984 -1988, 166 remains were repatriated, the vast majority of which showed clear evidence of long-term storage.

Vietnamese officials have admitted storage of remains. In 1985, following up an initiative through a regional government, a U.S. National Security Council (NSC) official met privately with a Vietnamese Politburo member during an NSC-led U.S. delegation to Hanoi, in which the League Executive Director 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 through a third party, the subject was large numbers of remains.

In order to test the scope of Vietnam's knowledge, two specific cases were officially presented to officials in Hanoi in 1985-86 with a request for their unilateral assistance. Both losses were judged by the U.S. Government to have occurred inside 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 Lao/Vietnamese border. Vietnam has unilaterally repatriated stored remains from Cambodia and very remote locations, not just highly populated areas, relating to incidents spanning the entire war.

There is continuity. In 1991 and 1993, the Vietnamese provided graves registration lists with names of unaccounted for Americans. Inclusion of these names was likely purposeful, as was filtering through private channels photographs of dead, unaccounted for Americans, some of whose remains have not yet been returned. The Government of Vietnam 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 Vietnamese officials were apparently intended to signal the U.S. Government of remains availability for diplomatic and/or economic purposes.

Information obtained from U.S. field operations after the war revealed that central Vietnamese authorities systematically recovered U.S. remains. Eyewitnesses reported central-level supervision of remains recoveries of Americans who still have not been returned. Vietnam's leaders have repeatedly pledged to renew and increase their own efforts to locate and return remains and provide relevant documents, but they invariably move incrementally, and have yet to be as fully cooperative as hoped or expected.

President George W. Bush formalized criteria for steps Vietnam should take unilaterally to be fully cooperative on the accounting effort. His March 20, 2002 Certification to Congress was followed and further defined by Secretaries of State Powell and Rice three additional times and on March 7, 2008, the administration issued its Determination to Congress stating in part, *"...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. The United States also calls upon Vietnam to continue permitting our recovery teams to have access to restricted areas for the sole purpose of conducting our humanitarian accounting operations."*

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