

**Testimony of
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Thank you, Madam Chairman, Members of the Subcommittee, for inviting League participation in this hearing.

I'm pleased to be able to join you and give the views of the Vietnam War POW/MIA families whom I have represented for three decades, though my personal involvement began much earlier. On September 21, 1966, my brother, LCDR James B. Mills, USNR disappeared in an F4B flying off the USS Coral Sea over northern Vietnam, his second such tour of duty, the first being on the USS Midway. He deployed from Alameda Naval Air Station, listing Bakersfield, California, as his home of record, the state where the vast majority of the extended Mills family still resides.

These three decades encompass the entire spectrum of the postwar bilateral relationship between Vietnam and the United States. The issue I represent played a central role in the normalization process and its evolution. Vietnam agrees, citing the POW/MIA issue as their bridge to normalization of relations.

The League did not support immediate post-war normalization of relations, due to Vietnam's failure to implement provisions in the 1973 Paris Peace Accords calling for a full accounting for unreturned American POW/MIAs. The process became one of fits and starts, dialogue and movement, stalling, backtracking and resumption, but not with focused priority on obtaining answers until 1981. President Reagan came into office with a commitment to this issue that was well known to the returned POWs, as it was to the MIA families, especially those of us in California.

The policies developed, approved and implemented from 1981-1989 formed a solid basis on which to build a mutually beneficial bilateral relationship. In the lead throughout that time was the POW/MIA Interagency Group, on which I served as the only non-government member. Without diplomatic relations, I frequently served as a direct communication link between Washington and Hanoi, most often in New York City. Such a meeting with the late Vietnamese Deputy Prime Minister and Foreign Minister Nguyen Co Thach brought subsequent bilateral discussions with senior US officials, a sensitive prospect at the time due to Vietnam's military occupation of neighboring Cambodia. All members of the Association of Southeast Asian Nations (ASEAN) strongly objected to Vietnam's presence. My participation in such high level discussions offered assurance that the primary purpose was humanitarian, not, as ASEAN could have thought, a back-door, premature effort by the US to normalize bilateral US-SRV relations. Yes, those were unique times.....not yet adequately chronicled.

A September 1982 League delegation to Vietnam and Laos was credited with jump-starting cooperation between these two governments and the US. Progress during those early years was hard-earned and sporadic, but the families' expectations, with very few exceptions, were realistic and based squarely on US Government evidence and analysis. We have always recognized that this issue could be solved only through government-to-government efforts; yet I've often said I could paper my walls with agreements reached with and broken by Vietnam. There were frequent disappointments, none more damaging to the issue than US and Vietnamese violations of the 1991 "roadmap" to normalization of relations developed by the POW/MIA Interagency Group.

The three-phase “roadmap” specified actions by Vietnam to address accounting issues and reciprocal steps by the US, leading to withdrawal of Vietnamese forces from Cambodia and normalization of bilateral US-SRV relations. With agreement to proceed along the “roadmap” course of action, Vietnam began withdrawing troops from Cambodia, and pressure rose within the US bureaucracy on the need to respond positively, despite Vietnam’s stalling on specified POW/MIA accounting steps. The process continued to erode with the altered priorities that came in 1993, leading fairly quickly to normalization of political relations in 1995, a bilateral trade agreement in 2001, and permanent normal trade relations (PNTR) in 2006.

Throughout these years, the League has relied on sustainable information provided by the US Government. Since 1982, I have conveyed these facts and our well-founded expectations to officials in Hanoi, Vientiane and Phnom Penh, most recently in October 2006. I believe that was my 29th visit to Hanoi, a beautiful, historic city. I’ve also visited Bangkok, Moscow and elsewhere to appeal for help from those willing and able. Each time, the League commended Vietnam for support provided to joint field operations, past and present.

The joint field operations aspect of the accounting process has improved dramatically in quality and scope. Our highly skilled and motivated personnel in Hanoi, Vientiane, Bangkok and Phnom Penh continue to find ways to make improvements. This is especially true when compared with efforts in the early 1990s that focused more on form than substance in an effort to visibly demonstrate cooperation and openness, whether or not real. At the time, the higher priority was generating support for political and economic objectives, never fully grasping that pursuing POW/MIA accounting and those priorities was, in reality, quite doable and complimentary.

But that is past, and today we have 820 US personnel returned and accounted for since the actual end of the war in 1975, with the assistance of the Vietnamese, Lao and Cambodia Governments, 569 of them from Vietnam. Remains of another 63 US personnel were recovered and identified before the end of the war, but without the bilateral cooperation that is the subject of today’s hearing.

In that regard, and even though this hearing is focused solely on the US-Vietnam relationship, I would be remiss if I failed to commend Cambodia for its unfettered cooperation and Laos for the extraordinary effort they have made over the years, always working to improve the process and be responsive to the families. That is especially true when considering the fact that approximately 90% of all the 1,763 still listed as unaccounted for from the Vietnam War were lost in Vietnam or in areas of Cambodia and Laos under Vietnam’s wartime control.

Over the years, we have overcome countless obstacles that were raised, either in this country or overseas. These ranged from speculation in 1978 that bugs had probably eaten the archival records and the elements had ravaged most of the remains, to disbelief that Vietnam was storing large quantities of remains. These excuses have been proven false. Sufficient archival material has been provided to reinforce long-held analysis on Vietnam’s ability to provide relevant archival documents, and Vietnam’s postwar repatriation of stored remains began in earnest in the mid-1980s. It is now widely accepted: much can yet be achieved jointly and unilaterally by the Government of Vietnam.

Today’s challenges are most succinctly outlined in the State Department’s determination just sent to Congress assessing the level of Vietnam’s cooperation, as required by Section 109 of the Department of State, Foreign Operations and Related Programs Appropriations Act, 2008 (P.L. 110-161) The standard determination language citing Vietnam as “fully cooperating in good faith” on the accounting effort lists some specific criteria that have not been met, but the precise language is required or the bilateral relationship would revert to pre-normalization levels. That would be absurd, and no objective observer or participant would support such a drastic course. The most helpful aspect of this required determination was added by President Bush in 2002, outlining how cooperation can be improved.

Originally signed by the President in his certification in 2002, since signed by the Secretary of State, the determination explains: *"To further strengthen that cooperation, however, I 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. I also call upon Vietnam to continue permitting our recovery teams to have access to restricted areas for the sole purpose of conducting our humanitarian accounting operations."*

The determination concludes with commitment and a pledge of continued priority: *"Finally, in making this determination, I wish to reaffirm my continuing personal commitment to the entire POW/MIA community, especially to the immediate families, relatives, friends, and supporters of these brave individuals, and to reconfirm that achieving the fullest possible accounting for our prisoners of war and missing in action remains one of the most important priorities in our relations with Vietnam."*

We welcome this year's determination. It defines four specific steps that Vietnam should take, again reinforcing the need for unilateral actions. Despite the praiseworthy field operations of the Joint POW/MIA Accounting Command, augmented by the Defense Intelligence Agency's special POW/MIA investigation team, the fullest possible accounting can not be achieved without authorization by Vietnam's leadership to take the unilateral actions outlined in the determination to Congress.

Knowing the importance of the POW/MIA Issue to America – both government and people – major decisions during and after the war were historically made by Politburo consensus. Relations with the United States, a long-desired Vietnamese objective, was mismanaged and flubbed more than once, but it remains a matter of high national security interest to Vietnam, and understandably so, to retain a balance of powers, as well as regional economic health and political equilibrium.

We continue to hope that Vietnam's leaders will authorize the unilateral cooperation long sought. We urge all US officials, including Members of Congress, to press for the specific actions needed. To start, they can provide the documents on the list attached to my testimony, a list compiled by the Defense POW/MIA Office and JPAC and presented many times in Hanoi, including my most recent trip, a family member delegation exactly one year ago, and again that fall by Ambassador Charles Ray, the Deputy Assistant Secretary of Defense for POW/MIA Affairs.

Historically, Vietnam has responded best when there was high level executive and legislative branch interest. Information from the current POW/MIA bureaucracy is pro-forma on the need for unilateral action; therefore, we are concerned that the Vietnamese leadership may believe joint field operations are sufficient to meet requirements. They are not, and Congress can help by passing a bipartisan resolution urging Vietnam to respond to the provisions in the administration's recent determination. We respectfully request this action be taken quickly and transmitted to the Vietnamese leadership.

We deeply appreciate the leading role our Ambassadors have taken to promote cooperation from the host governments and their full support for field operations. We are indebted to nearly all who served as US Ambassadors in each of these countries, to Presidents who cared, and to senior officials in the NSC, State and Defense who demonstrated by their actions the leadership that was needed. All Americans and those we elect in Congress have a useful role in fulfilling our nation's commitment to those who serve – past, present and future – and to signal those serving today, especially in Iraq and Afghanistan, that should they be captured or become missing, they won't be forgotten and, if possible, they will be brought home.

Madam Chairman, that concludes my testimony, and I would welcome your questions.