

When John Kerry's Courage Went M.I.A.

Senator covered up evidence of P.O.W.'s left behind

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Senator John Kerry, a decorated battle veteran, was courageous as a navy lieutenant in the Vietnam War. But he was not so courageous more than two decades later, when he covered up voluminous evidence that a significant number of live American prisoners—perhaps hundreds—were never acknowledged or returned after the war-ending treaty was signed in January 1973. The Massachusetts senator, now seeking the presidency, carried out this subterfuge a little over a decade ago— shredding documents, suppressing testimony, and sanitizing the committee's final report—when he was chairman of the Senate Select Committee on P.O.W./ M.I.A. Affairs.

Over the years, an abundance of evidence had come to light that the North Vietnamese, while returning 591 U.S. prisoners of war after the treaty signing, had held back many others as future bargaining chips for the \$4 billion or more in war reparations that the Nixon administration had pledged. Hanoi didn't trust Washington to fulfill its pro-mise without pressure. Similarly, Washington didn't trust Hanoi to return all the prisoners and carry out all the treaty provisions. The mistrust on both sides was merited. Hanoi held back prisoners and the U.S. provided no reconstruction funds.

The stated purpose of the special Senate committee—which convened in mid 1991 and concluded in January 1993—was to investigate the evidence about prisoners who were never returned and find out what happened to the missing men. Committee chair Kerry's larger and different goal, though never stated publicly, emerged over time: He wanted to clear a path to normalization of relations with Hanoi. In any other context, that would have been an honorable goal. But getting at the truth of the unaccounted for P.O.W.'s and M.I.A.'s (Missing In Action) was the main obstacle to normalization—and therefore in conflict with his real intent and plan of action.

Kerry denied back then that he disguised his real goal, contending that he supported normalization only as a way to learn more about the missing men. But almost nothing has emerged about these prisoners since diplomatic and economic relations were restored in 1995, and thus it would appear—as most realists expected—that Kerry's explanation was hollow. He has also denied in the past the allegations of a cover-up, either by the Pentagon or himself. Asked for comment on this article, the Kerry campaign sent a quote from the senator: "In the end, I think what we can take pride in is that we put together the most significant, most thorough, most exhaustive accounting for missing and former P.O.W.'s in the history of human warfare."

What was the body of evidence that prisoners were held back? A short list would include more than 1,600 firsthand sightings of live U.S. prisoners; nearly 14,000 secondhand reports; numerous intercepted Communist radio messages from within Vietnam and Laos about American prisoners being moved by their captors from one site to another; a series of satellite photos that continued into the 1990s showing clear prisoner rescue signals carved into the ground in Laos and Vietnam, all labeled inconclusive by the Pentagon; multiple reports about unacknowledged prisoners from North Vietnamese informants working for U.S. intelligence agencies, all ignored or declared unreliable; persistent complaints by senior U.S. intelligence officials (some of them made publicly) that live-prisoner evidence was being suppressed; and clear proof that the Pentagon and other keepers of the "secret" destroyed a variety of files over the years to keep the P.O.W./M.I.A. families and the public from finding out and possibly setting off a major public outcry.

The resignation of Colonel Millard Peck in 1991, the first year of the Kerry committee's tenure, was one of many vivid landmarks in this saga's history. Peck had been the head of the Pentagon's P.O.W./M.I.A. office for only eight months when he resigned in disgust. In his damning departure statement, he wrote: "The mind-set to 'debunk' is alive and well. It is held at all levels . . . Practically all analysis is directed to finding fault with the source. Rarely has there been any effective, active follow-through on any of the sightings . . . The sad fact is that . . . a cover-up may be in progress. The entire charade does not appear to be an honest effort and may never have been."

Finally, Peck said: "From what I have witnessed, it appears that any soldier left in Vietnam, even inadvertently, was in fact abandoned years ago, and that the farce that is being played is no more than political legerdemain done with 'smoke and mirrors' to stall the issue until it dies a natural death."

What did Kerry do in furtherance of the cover-up? An overview would include the following: He allied himself with those carrying it out by treating the Pentagon and other prisoner debunkers as partners in the investigation instead of the targets they were supposed to be. In short, he did their bidding. When Defense Department officials were coming to testify, Kerry would have his staff director, Frances Zwenig, meet with them to "script" the hearings—as detailed in an internal Zwenig memo leaked by others. Zwenig also advised North Vietnamese officials on how to state their case. Further, Kerry never pushed or put up a fight to get key government documents unclassified; he just rolled over, no matter how obvious it was that the documents contained confirming data about prisoners. Moreover, after promising to turn over all committee records to the National Archives when the panel concluded its work, the senator destroyed crucial intelligence information the staff had gathered—to keep the documents from becoming public. He refused to subpoena past presidents and other key witnesses.

When revelatory sworn testimony was given to the committee by President Reagan's national security adviser, Richard Allen—about a credible proposal from Hanoi in 1981 to return more than 50 prisoners for a \$4 billion ransom—Kerry had that testimony taken in a closed door interview, not a public hearing. But word leaked out and a few weeks later, Allen sent a letter to the committee, not under oath, recanting his testimony, saying his memory

had played tricks on him. Kerry never did any probe into Allen's original, detailed account, and instead accepted his recantation as gospel truth.

A Secret Service agent then working at the White House, John Syphrit, told committee staffers he had overheard part of a conversation about the Hanoi proposal for ransom. He said he was willing to testify but feared reprisal from his Treasury Department superiors and would need to be subpoenaed so that his appearance could not be regarded as voluntary. Kerry refused to subpoena him. Syphrit told me that four men were involved in that conversation—Reagan, Allen, Vice President George H.W. Bush, and CIA director William Casey. I wrote the story for *Newsday*.

The final Kerry report brushed off the entire episode like unsightly dust. It said: "The committee found no credible evidence of any such [ransom] offer being made."

A newcomer to this subject matter might reasonably ask why there was no great public outrage, no sustained headlines, no national demand for investigations, no penalties imposed on those who had hidden, and were still hiding, the truth. The simple, overarching explanation was that most Americans wanted to put Vietnam behind them as fast as possible. They wanted to forget this failed war, not deal with its truths or consequences. The press suffered from the same ostrich syndrome; no major media organization ever carried out an in-depth investigation by a reporting team into the prisoner issue. When prisoner stories did get into the press, they would have a one-day life span, never to be followed up on. When three secretaries of defense from the Vietnam era—James Schlesinger, Melvin Laird, and Elliot Richardson—testified before the Kerry committee, under oath, that intelligence they received at the time convinced them that numbers of unacknowledged prisoners were being held by the Communists, the story was reported by the press just that once and then dropped. *The New York Times* put the story on page one but never pursued it further to explore the obvious ramifications.

At that public hearing on September 21, 1992, toward the end of Schlesinger's testimony, the former defense secretary, who earlier had been CIA chief, was asked a simple question: "In your view, did we leave men behind?"

He replied: "I think that as of now, I can come to no other conclusion."

He was asked to explain why Nixon would have accepted leaving men behind. He said: "One must assume that we had concluded that the bargaining position of the United States . . . was quite weak. We were anxious to get our troops out and we were not going to roil the waters . . ."

Another example of a story not pursued occurred at the Paris peace talks. The North Vietnamese failed to provide a list of the prisoners until the treaty was signed. Afterward, when they turned over the list, U.S. intelligence officials were taken aback by how many believed prisoners were not included. The Vietnamese were returning only nine men from Laos. American records showed that more than 300 were probably being held. A story about this stunning gap, by *New York Times* Pentagon reporter John W. Finney, appeared on the

paper's front page on February 2, 1973. The story said: "Officials emphasized that the United States would be seeking clarification . . ." No meaningful explanation was ever provided by the Vietnamese or by the Laotian Communist guerrillas, the Pathet Lao, who were satellites of Hanoi.

As a bombshell story for the media, particularly the Washington press corps, it was there for the taking. But there were no takers.

I was drawn to the P.O.W. issue because of my reporting years for *The New York Times* during the Vietnam War, where I came to believe that our soldiers were being misled and disserved by our government. After the war, military people who knew me and others who knew my work brought me information about live sightings of P.O.W.'s still in captivity and other evidence about their existence. When the Kerry committee was announced (I was by then a columnist at *Newsday*), I thought the senator—having himself become disillusioned about the Vietnam War, and eventually an advocate against it—might really be committed to digging out the truth. This was wishful thinking.

In the committee's early days, Kerry had given encouraging indications of being a committed investigator. He said he had "leads" to the existence of P.O.W.'s still in captivity. He said the number of these likely survivors was more than 100 and that this was the minimum. But in a very short time, he stopped saying such things and morphed his role into one of full alliance with the executive branch, the Pentagon, and other Washington hierarchies, joining their long-running effort to obscure and deny that a significant number of live American prisoners had not been returned. As many as 700 withheld P.O.W.'s were cited in credible intelligence documents, including a speech by a senior North Vietnamese general that was discovered in Soviet archives by an American scholar.

Here are details of a few of the specific steps Kerry took to hide evidence about these P.O.W.'s.

- He gave orders to his committee staff to shred crucial intelligence documents. The shredding stopped only when some intelligence staffers staged a protest. Some wrote internal memos calling for a criminal investigation. One such memo—from John F. McCreary, a lawyer and staff intelligence analyst—reported that the committee's chief counsel, J. William Codinha, a longtime Kerry friend, "ridiculed the staff members" and said, "Who's the injured party?" When staffers cited "the 2,494 families of the unaccounted-for U.S. servicemen, among others," the McCreary memo continued, Codinha said: "Who's going to tell them? It's classified."

Kerry defended the shredding by saying the documents weren't originals, only copies—but the staff's fear was that with the destruction of the copies, the information would never get into the public domain, which it didn't. Kerry had promised the staff that all documents acquired and prepared by the committee would be turned over to the National Archives at the committee's expiration. This didn't happen. Both the staff and independent researchers reported that many critical documents were withheld.

- Another protest memo from the staff reported: "An internal Department of Defense Memorandum identifies Frances Zwenig [Kerry's staff director] as the conduit to the Department of Defense for the acquisition of sensitive and restricted information from this Committee . . . lines of investigation have been seriously compromised by leaks" to the Pentagon and "other agencies of the executive branch." It also said the Zwenig leaks were "endangering the lives and livelihood of two witnesses."
- A number of staffers became increasingly upset about Kerry's close relationship with the Department of Defense, which was supposed to be under examination. (Dick Cheney was then defense secretary.) It had become clear that Kerry, Zwenig, and others close to the chairman, such as Senator John McCain of Arizona, a dominant committee member, had gotten cozy with the officials and agencies supposedly being probed for obscuring P.O.W. information over the years. Committee hearings, for example, were being orchestrated to suit the examinees, who were receiving lists of potential questions in advance. Another internal memo from the period, by a staffer who requested anonymity, said: "Speaking for the other investigators, I can say we are sick and tired of this investigation being controlled by those we are supposedly investigating."
- The Kerry investigative technique was equally soft in many other critical ways. He rejected all suggestions that the committee require former presidents Nixon, Ford, Reagan, and George H.W. Bush to testify. All were in the Oval Office during the Vietnam era and its aftermath. They had information critical to the committee, for each president was carefully and regularly briefed by his national security adviser and others about P.O.W. developments. It was a huge issue at that time.
- Kerry also refused to subpoena the Nixon office tapes (yes, the Watergate tapes) from the early months of 1973 when the P.O.W.'s were an intense subject because of the peace talks and the prisoner return that followed. (Nixon had rejected committee requests to provide the tapes voluntarily.) Information had seeped out for years that during the Paris talks and afterward, Nixon had been briefed in detail by then national security advisor Brent Scowcroft and others about the existence of P.O.W.'s whom Hanoi was not admitting to. Nixon, distracted by Watergate, apparently decided it was crucial to get out of the Vietnam mess immediately, even if it cost those lives. Maybe he thought there would be other chances down the road to bring these men back. So he approved the peace treaty and on March 29, 1973, the day the last of the 591 acknowledged prisoners were released in Hanoi, Nixon announced on national television: "All of our American P.O.W.'s are on their way home."

The Kerry committee's final report, issued in January 1993, delivered the ultimate insult to history. The 1,223-page document said there was "no compelling evidence that proves" there is anyone still in captivity. As for the primary investigative question—what happened to the men left behind in 1973—the report conceded only that there is "evidence . . . that indicates the possibility of survival, at least for a small number" of prisoners 31 years ago, after Hanoi released the 591 P.O.W.'s it had admitted to.

With these word games, the committee report buried the issue—and the men.

The huge document contained no findings about what happened to the supposedly "small number." If they were no longer alive, then how did they die? Were they executed when ransom offers were rejected by Washington?

Kerry now slides past all the radio messages, satellite photos, live sightings, and boxes of intelligence documents—all the evidence. In his comments for this piece, this candidate for the presidency said: "No nation has gone to the lengths that we did to account for their dead. None—ever in history."

Of the so-called "possibility" of a "small number" of men left behind, the committee report went on to say that if this did happen, the men were not "knowingly abandoned," just "shunted aside." How do you put that on a gravestone?

In the end, the fact that Senator Kerry covered up crucial evidence as committee chairman didn't seem to bother too many Massachusetts voters when he came up for re-election—or the recent voters in primary states. So I wouldn't predict it will be much of an issue in the presidential election come November. It seems there is no constituency in America for missing Vietnam P.O.W.'s except for their families and some veterans of that war.

A year after he issued the committee report, on the night of January 26, 1994, Kerry was on the Senate floor pushing through a resolution calling on President Clinton to lift the 19-year-old trade embargo against Vietnam. In the debate, Kerry belittled the opposition, saying that those who still believed in abandoned P.O.W.'s were perpetrating a hoax. "This process," he declaimed, "has been led by a certain number of charlatans and exploiters, and we should not allow fiction to cloud what we are trying to do here."

Kerry's resolution passed, by a vote of 62 to 38. Sadly for him, the passage of ten thousand resolutions cannot make up for wants in a man's character.

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