

In response to a Committee question about his March 29 statement, former President Nixon wrote:

I firmly believe that the Committee's handling of my statement has been totally unprofessional, calculatedly attempting to create the impression that Dr. Kissinger and I and other members of the Administration knowingly presented false information with respect to the return of all our POWs. As Dr. Kissinger has testified, to leave the impression that any President and his associates would deliberately leave behind live POWs was a lie. For members of the Committee to create such an impression, even for partisan political reasons, is totally unjustifiable. But to convey the impression to the hundreds of families of MIAs that an American President deliberately left behind their loved ones and that some of them might still be alive can only be described as obscene.

The Committee owes to the MIA families and to history an honest statement of the facts with regard to POWs and MIAs. Throughout America's military history, casualties are divided into three categories—those known to be killed in action; those known to be and acknowledged by the enemy to be prisoners of war; and all others who are classified as missing in action. My statement on March 29 was true to my knowledge then and, in view of what I have seen of the Committee's work to date, is true now. Further, the fact that I was not satisfied with the accounting we received for MIAs was true then and is true now.<sup>106</sup>

The Administration and the American public had entered into Operation Homecoming with expectations that were only partially satisfied by the time that operation was complete. The families of those still listed as POW or as missing had the greatest cause for anguish because the answers they hoped would be forthcoming from the peace agreement had not materialized.

#### *The Clements/Shields meeting*

In early April, 1973, Deputy Secretary of Defense William Clements summoned Dr. Roger Shields, head of the Defense Department's POW/MIA Task Force, to his office to discuss DOD's need for a new public formulation of its POW/MIA policy. According to Dr. Shields' deposition:

Dr. SHIELDS. He (Mr. Clements) indicated to me that he believed that there were no Americans alive in Indochina. And I said: I don't believe that you could say that . . .

I told him that he could not say that. And he said: you didn't hear what I said. And I said: you can't say that. And I thought he was probably going to fire me . . .

QUESTION. What did you interpret that to mean, "you didn't hear me"?

Dr. SHIELDS. That I was fighting the problem. You remember that there were a lot of people at the time who

<sup>106</sup> Nixon letter, pp. 12.

wanted to declare victory, okay. And I think that maybe at that point in time he believed that we had what we had and that was all we were going to get and that there was no one there.

He didn't have the benefit of the long negotiations that I had had, the contact with the communists that I had had, nor did he have the benefit of all the intelligence information with regard to all the specifics on a daily basis that I had.

So I explained to him my own feeling, not sure whether I was going to survive the incident or not, because he's a very strong man, as you know, a very strong individual with respect to his feelings. And he did not insist on holding his point of view. I think that he came around to my point of view.<sup>107</sup>

During his public testimony, Dr. Shields essentially repeated his version of the meeting with Mr. Clements:

Sen. KERRY. . . . You recall going to see (Deputy) Secretary of Defense William Clements in his office in early April, a week before your April news conference, correct?

Dr. SHIELDS. That's correct.

Sen. KERRY. And you heard him tell you, quote, all the American POWs are dead. And you said to him, you cannot say that.

Dr. SHIELDS. That's correct.

Sen. KERRY. And he repeated to you, you did not hear me. They are all dead.

Dr. SHIELDS. That's essentially correct.<sup>108</sup>

Mr. Clements provided the Select Committee with inconsistent testimony on this subject. In his deposition, Mr. Clements denied any recollection of a meeting with Dr. Shields and stated that he and Dr. Shields never would have had such a meeting, because Dr. Shields was too low in the Pentagon hierarchy. Further, Mr. Clements testified, he would not have told anyone in April 1973 that "they're all dead," because it was not until several years later that he reached that conclusion.<sup>109</sup>

At the public hearing in September 1992, however, Mr. Clements conceded that he did meet with Dr. Shields in early April 1973. Mr. Clements testified that he told Dr. Shields that "in all likelihood those people over there are probably all dead. [T]here's no way that I could have said they are all dead, because I didn't know that."<sup>110</sup>

#### *The Nixon/Shields meeting*

On April 11, 1973, one day prior to a scheduled DOD press conference at which he was to discuss the results of Operation Homecoming, Dr. Shields met with President Nixon and Gen. Brent Scowcroft, the Deputy National Security Adviser.

<sup>107</sup> Shields deposition, pp. 509-511.

<sup>108</sup> Shields testimony, September 24, 1992.

<sup>109</sup> Clements deposition.

<sup>110</sup> Clements testimony, September 24, 1992.

A memo prepared for the meeting by Gen. Scowcroft indicated that its purpose was to thank Dr. Shields for his work on the POW/MIA issue and to discuss the results of Operation Homecoming. Among the proposed items for discussion were the following questions:

5. Now that our prisoners are back, how are we progressing in respect for our missing in action?
6. Are there any indications that some of our MIA's might still be alive?
7. Do you believe the other side will cooperate in helping us to account for the missing in action?<sup>111</sup>

The Select Committee has sought to learn as much as possible about this meeting.<sup>112</sup> A Memorandum of conversation concerning the meeting, provided to the Committee by the NSC, contains no reference to any discussion of either Dr. Shields' upcoming press briefing or the question whether any U.S. POW/MIAs might still be alive. Both Dr. Shields and Gen. Scowcroft told the Committee that they did not recall any effort by the President during the meeting to instruct Dr. Shields on what he should say during his press conference the following day. Both also state that they recall the meeting as being primarily congratulatory in nature, for a job well done in organizing and coordinating Operation Homecoming.

In a letter to the Committee, former President Nixon wrote:

My recollection is that I told Mr. Shields we had an equal obligation to find the facts concerning the MIAs as we did to secure the release of the POWs. I also conveyed to him my belief, which I still firmly hold, that it would have been unfair and a disservice to MIA families to raise false hopes without justification.<sup>113</sup>

#### *Shields' press conference*

On April 12, 1973, Dr. Shields met with the press to discuss the Defense Department's reaction to Operation Homecoming. Although his opening remarks did not deal with the subject, one of the first questions directed at Dr. Shields concerned the possible survival of American POWs in Laos and Cambodia. Dr. Shields responded by saying that:

We have no indications at this time that there are any Americans alive in Indochina. As I said, we do not consider the list of men that we received from Laos, the recovery of 10 individuals, 9 of whom were American and 7 military, to be a complete accounting for all Americans who are lost in Laos. Nor do we consider it to be a complete statement of our information known to the LPF (Pathet Lao) in Laos. With regard to Cambodia, we have a number

<sup>111</sup> Memorandum from Deputy National Security Adviser Brent Scowcroft to President Richard Nixon, April 10, 1973.

<sup>112</sup> The Committee sought access to the White House tape-recording of this meeting. Lawyers for President Nixon informed the Committee that access to the recording would be given only if the Committee agreed not to seek any other White House recordings from this time period. The Committee did not agree to this condition and has not, as a result, had access to the recording of the April 11, 1973 meeting.

<sup>113</sup> Nixon letter, p. 13.

of men who are missing in action there, some that we carried as captive. We intend to pursue that, too. With regard to these men and these uncertainties which we have, even though we have no indication that there are any Americans still alive, we are going to pursue our efforts through the process of accounting for the missing. This is exactly what this procedure is for. And we anticipate that if any Americans are yet alive for one reason or another, that we would be able to ascertain that through this process of accounting for the missing.<sup>114</sup>

Although Dr. Shields insists that he had no intention of "declaring all U.S. POWs dead," newspaper headlines the following day stressed the pessimistic nature of his response. "POW Unit Boss: No Living GIs Left in Indochina," read one headline. Dr. Shields, himself, told the Committee that:

I was distressed about the way it was reported, because a lot of family members called me on that, my very good friends. And I wanted to tell them and assure them that I was not saying that people were dead. If it had been reported that all Americans were dead, I did not say that.<sup>115</sup>

Despite these concerns, the Department of Defense made no effort to correct or clarify the record by emphasizing in public the evidence that some Americans might still be alive. As Dr. Shields himself wrote in an internal Defense Department memorandum dated May 24, 1973, the one oft-quoted line from his April 12, 1973 press briefing—that DOD had "no indications . . . that there are any Americans alive in Indochina"—had become "the basis for all subsequent answers from DOD to questions concerning the possibility that Americans may still be held prisoner in Southeast Asia."<sup>116</sup>

Again, several Nixon Administration officials who appeared before the Select Committee expressed concern about the accuracy of Dr. Shields' "no indications" statement. Admiral Moorer, for example, described the statement as "premature."<sup>117</sup> Lawrence Eagleburger, author of a March 28, 1973 internal Pentagon memorandum discussing the possibility that live Americans remained in Laos, described as "troubling" the juxtaposition of Dr. Shields' statement with the intelligence information on POWs in Laos.<sup>118</sup> Ambassador Winston Lord said he had "no explanation" for Dr. Shields' statement and described it as "puzzling."<sup>119</sup>

It should be stressed, however, that these reactions are made from the perspective of 1992. Despite the contrast between Dr. Shields' statement and information about prisoners possibly being left behind, the Committee has seen no evidence of objections from within the government to Dr. Shields' characterization of the issue at the time it was made.

<sup>114</sup> Shields statement, April 12, 1973.

<sup>115</sup> Shields deposition, p. 524.

<sup>116</sup> Memorandum from Shields to Amb. Hill, May 24, 1973.

<sup>117</sup> Moorer testimony, September 24, 1992.

<sup>118</sup> Eagleburger deposition.

<sup>119</sup> Lord testimony, September 21, 1992.