

Testimony of Al Santoli, historian

"The Ongoing U.S. Government POW/MIA Cover-Up"

Asia & Pacific Subcommittee of the House Foreign Relations Committee

February 10, 1994

Chairman Ackerman and Mr. Gilman:

Thank you for the opportunity to testify today. My statement is not based on either emotion or prejudice toward the U.S. military or the people of Vietnam. Rather it is based on more than 16 years of research as a historian, which has made me cognizant of the fact that the POW/MIA question is controlled by a mere handful of Vietnamese Communist Party leaders who have a long history of manipulating the issue, beginning with French POWs.

Crash site excavations in Vietnam and Laos by scores of young American soldiers make for great television and public relations images. However, it has little bearing on whether Hanoi or the U.S. Government are providing real answers. My concern is the **process** by which the Pentagon is rapidly closing out cases of American prisoners last known alive in Indochina. This problem involves 1) The lack of access by field investigators to still classified wartime signal intelligence archives. A small percentage of these documents were only made available during the past few years, after numerous MIA discrepancy cases and live sighting reports were written off based on incomplete information. 2) The lack of professional experience or competence of Joint Task Force Full Accounting investigators and commanders; and 3) the dubious results of forensic analysis of returned remains.

In addition, field investigators have not received adequate information regarding Vietnamese Communist policy to hold Americans for prisoner exchanges, even after 1973. Nor are they receiving from the CILHI Lab in

Hawaii the forensic analysis of returned or recovered remains which may have a direct impact on further investigation of other MIAs involved in the same incident.

For example, the remains of a pilot have been returned from an area of North Vietnam -- near Dong Vai prison -- where post-war satellite imagery indicates the presence of distress signals and authenticator codes. Although the remains of the pilot had scientific evidence of malnutrition consistent with long term confinement, the results of the forensic analysis performed on the remains was not not passed to investigators who went to the same area of Vietnam to investigate the distress signals on the ground.

In some cases, the Vietnamese have returned the remains one crew member of a multi-crew aircraft, and U.S. forensic analysis shows that the individual was not involved in a crash. These results should have been given to field investigators before they went to the site to look for remains. Investigation on other crew members should be based on the possibility that they may have been captured instead of perishing in a crash. But it hasn't . This is why families are protesting the determination of death of numerous crew members based on the finding of one or two teeth at a crash site. And they are resisting group burials based upon comingled fragments of remains.

This is also a reason the families protested the removal of Dr. Ellis Kerley as the director of CILHI Lab. Dr. Kerley, the former dean of the American Academy of Forensic Science, does not believe that finding a tooth, in itself, is basis for determination of death. Dr. Kerley was replaced at CILHI in 1992 by .a U.S. Army Lt. Colonel dentist, who has limited forensic experience.

Joint Task Force Fill Accounting officers, such as General Tomhas Needham and Lt. Clonel John Cray continually praise Vietnamese cooperation, while they rapidly write off discrepancy cases. Their findings are based on

investigations by young infantry and artillery officers and forensic examinations conducted by young army dentists. At the same time, experts such as Bill Bell, the former senior Pentagon field investigator, and Dr. Kerley have been forced out of the process. This highly technical investigative process has been purposely delegated to inexperienced infantry and artillery officers who are under direct command influence, rather than an independent commission capable of rendering objective findings.

The JTFFA investigative process -- similar to the military's scandalous investigations of Agent Orange, the Atomic Veterans and Tail Hook, and the 1993 document shredding in Bangkok -- is tragically flawed. Included as part of my written testimony is the Army's biography of Lt. Colonel John Cray who assumed leadership of the JTFFA Vietnam Detachment in 1993. Like all other JTFFA Detachment commanders, Cray has no intelligence background, no previous experience in POW/MIA investigations, no area studies training in Southeast Asia and only brief language training prior to assignment. And he has little knowledge of classified CIA and NSA communications intercept archives to compare the information he receives from the Vietnamese.

Senior Defense Intelligence Agency analysts, including Robert DeStatte the chief analyst in Hanoi, have made numerous blatantly false and misinformed testimonies before Congressional panels. Despite their lack of credibility, most of these men have worked the MIA issue for two decades. Although Senator Bob Smith's request for a perjury charges against these men was turned down by the Clinton Justice Department, it merits a full Congressional probe.

Recently, General Needham's Joint Task Force took Maj. Victor Apadoca's name off of the "discrepancy case" list. This was not because they found him alive, recovered his body or received irrefutable evidence regarding

his fate. Instead, the JTFFA closed the investigation because the Vietnamese provided no further information about his case.

This JTFFA finding totally ignores the sworn testimony of Jerry Mooney, a former National Security Agency [NSA] cryptologist before the Senate Select Committee that the NSA had intercepted Vietnamese military communications that Major Apadoca and/or his co-pilot were captured. Mooney's credibility was supported by senior Select Committee intelligence analyst, [REDACTED] who claims, "I found lots of data in the NSA files to substantiate Mooney's testimony. Some radio intercepts mention names of specific captured pilots."

Mr. Chairman, Senate Select Committee investigators express frustration that the Committee disbanded before they could look through a large amount NSA records which could shed further light on numerous POW/MIA cases. In addition, there are archives of other Air Force, CIA and NSA intercept programs that existed until the 1975 Communist victory, that have yet to be declassified or adequately examined by non-biased experts.

Recently, the American Legion has filed a Freedom of Information Act request for records of a CIA/ NSA/ Air Force intercept program called "Cold Spot." This program included ground intercepts of North Vietnamese and Laotian military and political radio communications, as well as possible airborne intercepts.

In addition, until 1975 the U.S. Army Security Agency, in cooperation with NSA, conducted a massive intercept program out of Ubon, Thailand, with decoding conducted at ^{VINT} ~~Ben~~ Hill Farms in Warrenton, Virginia. At the same time, there was a combined microwave and airborne intercept program conducted out of Nakhon Phanom, Thailand. Earlier U.S. airborne communications intercept programs such as "Olympic Torch" and "Comfy

Gator," conducted out of Thailand intercepted numerous messages related to the shutdown, capture and transport of American prisoners.

The CIA has responded that they don't have records of a Cold Spot program. However, highly credible former intelligence officials claim that such an intercept operation did exist. Twenty years after the end of the war, there is no valid reason for records of any intercept programs to remain classified. Mr Chairman, I am asking the members of your Subcommittee to assist the Legion to rapidly obtain all communications intercept records relevant to POW/MIAs, from any agency, whether filed under the operational name of Cold Spot or any other program before or after 1973.

In addition, U.S. officials have often debunked radio intercepts related to MIAs collected by allied forces in Southeast Asia. However, the debunkers have never conclusively disproved the validity of the intercepts. The facts that the intercepts may be collected by other countries or that they do not exist on tape recordings should not constitute proof that they are not valid. In the absence of U.S. collection, we need to thoroughly examine them to see if they correlate to other intelligence information.

Mr. Chairman, to successfully conclude the POW/MIA tragedy, a non-biased independent commission of experts must be created to conduct oversight of the Pentagon and other U.S. Government agencies' who are involved with POW/MIA investigations. In addition, the 1942 law regarding Prisoner of War determinations must be revised to permit families of POW/MIAs to a credible appeal process if they have documents, eyewitnesses or forensic evidence that challenges government determination of death or closing down cases without the fullest possible accounting.

Thank you.