

8. Since OASD(C) has not completed the refinement of KIA figures and MIA statistics have not been released, it would be inappropriate for the Services, as a result of this action, to release a compilation of casualties resulting from cross-border operations.

9. It is unlikely that private release of circumstances of loss to next of kin would result in a significant increase in coverage of these operations by news media. Release of the information could forestall additional pressure which might be generated by MIA family organizations or other agencies.

#### CONCLUSIONS

10. The circumstances surrounding the loss of MACVSOG personnel engaged in cross-border operations should be released privately to next of kin on an individual basis, if they request such information.

11. The course of action recommended by the Chief of Staff, US Army, should be approved.

12. A compilation of the total number of casualties involved in MACVSOG cross-border operations should remain classified information and not be released as a result of this action.

#### RECOMMENDATIONS

13. It is recommended that:

a. The memorandum in the Enclosure, together with its Appendix, which reflects the above conclusions, be forwarded to the Secretary of Defense.

b. Copies of this paper NOT be forwarded to commanders of unified or specified commands.

c. Copies of this paper NOT be forwarded to US officers assigned to NATO activities.

d. Copies of this paper NOT be forwarded to the Chairman, US Delegation, United Nations Military Staff Committee.

Action Officer: <sup>NAMC</sup> Special Operations Division, J-3  
Ext 72602

## ENCLOSURE

## DRAFT

## MEMORANDUM FOR THE SECRETARY OF DEFENSE

Subject: Release of Information Concerning Cross-Border  
Operations Casualties

1. Reference is made to:
  - a. A Joint State/Defense message, 147744/030225Z March 1967, which provided public affairs guidance for *DATA* (Laos) operations.
  - b. A Joint State/Defense message, 6569/292144Z May 1967, which provided public affairs guidance for *DATA* (Cambodia) operations.
  - c. A Secretary of Defense message, 3017/131456Z March 1970, which directed that information concerning certain aircraft losses and casualties related thereto be released effective 10 March 1970.
  - d. A Secretary of Defense message, 3101/132322Z March 1970, which exempted certain cross-border operations from reporting requirements.
  - e. A Secretary of Defense message, 3728/232331Z March 1970, which rescinded the exemption granted by reference 1d and required losses to be reported.
  - f. A Secretary of Defense message, 5991/092054Z May 1973,\* which permitted private release of loss location to next of kin but prohibited release of operational details of the cross-border mission.
2. US Service casualties in SEAsia include personnel who have been declared killed or missing in action while involved in MACV Studies and Observations Group (MACVSOG) cross-border operations which were conducted in Laos and Cambodia during the period 1965 through 1972.

\* Appendix B to JCS 2478/676-1

3. Next of kin of many of the missing personnel have repeatedly asked the US Army for information concerning the circumstances surrounding the loss of the missing Service member and have expressed concern that information known to the US Army is being unjustifiably withheld.

4. The Joint Chiefs of Staff recognize that, heretofore, a number of diplomatic, political, military, and security implications dictated restrictive public affairs policy guidance concerning cross-border operations. Recent events, however, such as information disseminated during DOD morning news briefings; widespread coverage in the media; and most notably, the disclosures addressed in the DOD White Paper\*: "Report on Selected Air and Ground Operations in Cambodia and Laos," dated 10 September 1973, invalidate the concern which previously prohibited disclosure of cross-border operational information to the next of kin.

5. Therefore, the Joint Chiefs of Staff recommend that public affairs guidance be changed to permit private release to the next of kin, on an individual basis, of the circumstances surrounding the loss of the missing Service member, if such information is requested by the next of kin. Policy should also allow for the release to the next of kin of the circumstances of loss of personnel reported as killed in action as a result of cross-border operations, should the next of kin request such information.

6. The Office of the Assistant Secretary of Defense (Comptroller), in conjunction with the Services, is continuing the refinement of casualty data associated with these MACVSOG operations. Until this refinement is completed, the Joint Chiefs of Staff recommend that the Services continue to regard a compilation of these figures as classified information.

\* Attachment to JCS 2478/716

JCS 2478/716-1

7. The Joint Chiefs of Staff recommend that a proposed message, substantially the same as that contained in the Appendix hereto, announcing this change to current public affairs policy be dispatched to the addressees indicated.

## APPENDIX

DRAFT

ROUTINE

FROM: SECDEF WASH DC

TO: CSA WASH DC  
CNO WASH DC  
CSAF WASH DC  
CMC WASH DC  
CINCPAC HONOLULU HI  
COMUSSAG 7AF NAKHOM PHANOM RTAFB THAILAND

INFO: CIA WASH DC  
STATE DEPT WASH DC  
WHITE HOUSE WASH DC  
AMEMB SAIGON VIETNAM  
AMEMB VIENTIANE LAOS  
JCS WASH DC  
USDAO SAIGON VIETNAM

SECDEF sends

Subj: Release of Information Concerning Cross-Border Operations  
Casualties

Ref: SECDEF 5991/092054Z May 73

1. Ref permitted private release of loss location on an individual basis to next of kin by the parent Service headquarters but prohibited release of operational details of the mission.
2. Effective immediately, guidance contained in para 2 of ref is modified to permit disclosure by the Services to next of kin on an individual basis of the circumstances surrounding the disappearance of missing in action (MIA) personnel and the loss of killed in action (KIA) personnel, if so requested by the next of kin. Only so much of the operational details of a mission should be disclosed as is relevant to the individual case.

3. Compilation of the total number of MIA and KIA  
involved in these operations will remain classified information. 1  
2  
GDS 79 3

## WRITER:

Special Operations Division, J-3  
Ext 72602

The CHAIRMAN. I might just add that Senator Kassebaum makes a good point. That clearly if you do not have accurate—you did not have the accurate locations with respect to those losses at the time, did you?

Mr. TROWBRIDGE. No, sir.

The CHAIRMAN. It makes intelligence gathering very difficult, does it not?

Mr. TROWBRIDGE. At that time, yes, sir.

The CHAIRMAN. Which is the relevant time in terms of families. I would like to ask each of the casualty officers who are representing each of the branches of the service whether or not they are aware of any period in time, going back to 1973, when their legal authority for casualty status determination was usurped? Did anybody at any time instruct that they would be responsible for any of the classification process, and not your particular branches of the service.

If we could go right down, Marine Corps, Army, Marine Corps.

Colonel QUEBODEAUX. Mr. Chairman, the only time was on July 6, 1973 when there was a request that all services provide their casualty determination information to the Secretary of the Navy for his decision. At that point in time we went up there with recommendations and they would come back, based on our recommendations for casualty status.

The CHAIRMAN. Do you remember when that was?

Colonel QUEBODEAUX. July 6, 1973.

The CHAIRMAN. July 6, 1973.

Colonel QUEBODEAUX. Yes, sir.

The CHAIRMAN. Do you know why that took place?

Colonel QUEBODEAUX. Basically, what we were trying to do at that point in time—I believe there was an injunction that came about in New York City that identified to the services that they did not want us to change statuses with regards to our casualties unless we had an opportunity for the next of kins to get information on their particular categories at the time.

It was made more for us to coordinate efforts to make sure that we had all the intelligence information at the time in order to make those decisions.

The CHAIRMAN. Colonel, was that revoked at some point? Did that revert to original policy?

Colonel QUEBODEAUX. Yes, sir. I think it was issued for a short period of time with regards for us to ensure that the next of kin had an opportunity to review information that we may have available.

The CHAIRMAN. Now what specific status did that order apply to? Did that apply to all stati?

Colonel QUEBODEAUX. Well this was simply with the Marine Corps as it works with the Department of Navy. And basically on several of our casualties which we had previously reported as missing, or missing in action. When there was information that came from Operation Homecoming, or any other source—we would take that information and evaluate it.

At that point in time, we would forward our recommendation as to whether or not we intended to change the status of the individual Marine. That recommendation was forwarded to the Secretary

of Navy who at that point in time reviewed that information, and forwarded back down to us whether or not they agreed with the service's recommendation.

The CHAIRMAN. Thank you very much, Colonel. I appreciate the well-ordered and accurate answer. Colonel.

Colonel SPINELLO. Sir, in the case of the Army the secretarial authority to make casualty determinations has never been overridden to our knowledge.

The CHAIRMAN. Including in 1973?

Colonel SPINELLO. Sir, that authority still rested with the Secretary of the Army. I believe what the Colonel from the Marine Corps was referring to was the activity that took place between their casualty operation and secretarial level.

The CHAIRMAN. Are you giving me that answer knowing that you have checked all the data and that is accurate, or is it your belief?

Colonel SPINELLO. Sir, what has just been referred to with respect to 19—I believe—73.

The CHAIRMAN. 1973.

Colonel SPINELLO. And the Missing Persons Act specifically any decision that accrued to the change in the Missing Persons Act, those changes also applied to the Army. And what I'm trying to answer for you sir, is your question as I understood it, which was did our secretary—or the authority of our secretary, was ever overridden. The answer to that question, sir, is no it never was.

Captain DEBIEN. There's no indication from the 1973 change that the secretarial prerogative was overridden.

The CHAIRMAN. General.

General MCGINTY. No, sir, there has never been an overriding of the Secretary of the Air Force's decision. And as was mentioned by my Marine colleague, that was part of the direction that we were given in 1973 for conducting the status hearings that the Secretary of the Air Force would make them a personal matter of review.

For those status hearings subsequent to that, the Secretary of the Air Force did, in fact, review the transcripts of each status review hearing. But that was all within the Department of the Air Force.

The CHAIRMAN. We are going to have to sort that out. I am going to put in the record now a memorandum to the Secretaries and Joint Chiefs of Staff, Assistant Secretaries of Defense, and Director of Defense Intelligence Agency from the Deputy Secretary of Defense, Bill Clements, which is now declassified.

Which is a memorandum saying, quoting it: I request that all actions which recommend reclassification of military personnel from missing in action to captured status be submitted to me for approval. Proposed reclassification action should first be routed through the Assistant Secretary of Defense for International Security Affairs for preliminary review before referral to me.

So—and that is signed June 8, 1973, which is around the time Colonel, you mentioned there was some kind of change, at least in Marine Corps policy. We are not exactly sure why that reclassification focus went into that office, or what happened as a consequence of it, but it raises some questions that the committee is going to pursue. And we are interested to see what each of the services

understood as to their casualty reporting requirements at that point in time, because it is, obviously, a critical point in time.

So that will be placed in the record in full.  
[The information referred to follows:]

THE SECRETARY OF DEFENSE  
WASHINGTON, D. C. 20301

JUN 8 1973

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
DIRECTOR OF DEFENSE RESEARCH & ENGINEERING  
ASSISTANT SECRETARIES OF DEFENSE  
GENERAL COUNSEL  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, DEFENSE INTELLIGENCE AGENCY

SUBJECT: Missing in Action Status Reclassification

I request that all actions which recommend reclassification of military personnel from missing in action to captured status be submitted to me for approval. Proposed reclassification actions should be first routed through the Assistant Secretary of Defense for International Security Affairs for preliminary review before referral to me.

H. P. Clements  
Deputy

PH 6:25

THE SECRETARY OF THE NAVY  
WASHINGTON, D. C. 20350

6 July 1973

FOR OFFICIAL USE ONLY

MEMORANDUM FOR THE COMMANDANT OF THE MARINE CORPS  
THE CHIEF OF NAVAL PERSONNEL

Subj: Change of status in the case of Vietnam MIA's

I have recently been advised that we have about 150 Navy and 110 Marine Corps personnel being carried as MIA's. I realize that, as more information becomes available, action is being taken under delegated Secretarial authority to change the status of the individuals involved.

Until further notice, I desire that no action be taken to change the status of Vietnam MIA's without my concurrence. Please establish whatever procedures are necessary to insure that Secretarial designees do not act on status changes without my personal clearance.

John W. Warner

John W. Warner

Copy to:  
CNO  
JAG

FOR OFFICIAL USE ONLY

Enc (3)

The CHAIRMAN. Senator—I think we are on a new round here and I have usurped my time a little bit. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. Mr. Trowbridge, I want to go back to a comment or a response that you made, I believe, to Senator Reid, but I am not certain who it was, regarding POW's who returned and during their debriefings identified certain people that they felt were alive at the time that they left—or believed or said were alive at the time that they left, and who subsequently may have died or did not come home.

You said that no POW who returned ever ID'ed a POW who was carried as a POW who did not come back. Is that correct?

Mr. TROWBRIDGE. Well I think in our analysis, as we went through and reviewed these, there may have been a case where someone said I ID'ed somebody and I saw him in a group of other prisoners, for instance. That man did not come home. But—you know, I'm using this as an example, sir.

Well we knew who those other PW's were in that group that he identified this individual as being with. And upon interviewing these returnees, they said we never saw this man. So a case like that would have been a mistaken identify, but yet that returned PW did say I saw that man. And there's cases like this, and similar cases where I think this might have been the man, they're just not certain.

Senator SMITH. So there was never—

Mr. TROWBRIDGE. Again, I can't comment on every debrief right here.

Senator SMITH. There was never any positive identification, to the best of your knowledge, of any individual—any individual POW who returned, of an individual who was a POW and was carried as a POW by DOD or by DIA.

Mr. TROWBRIDGE. Excuse me, a PW may have made that statement. There may have been subsequent information that was developed from other PW's that clarified that comment. The fact that we had additional information that he may have died, that that prisoner wasn't aware of.

Senator SMITH. I mean one that was carried, one that you were carrying as a PW yourself, that did not return.

Mr. TROWBRIDGE. That did not return.

Senator SMITH. Right.

Mr. TROWBRIDGE. That we did not have some sort of information that would indicate—

Senator SMITH. That he died in captivity.

Mr. TROWBRIDGE. That he wasn't left behind. To the best of my knowledge, that's correct.

Senator SMITH. You're familiar with the casualty resolution report called the Egress Recap, correct?

Mr. TROWBRIDGE. That's correct.

Senator SMITH. This is a copy of one here. Are you familiar with a returned POW by the name of Tangeman?

Mr. TROWBRIDGE. I recognize the name, sir.

Senator SMITH. Are you aware of the fact that Mr. Tangeman identified an individual, that he said was a POW that you were carrying as a POW, in his debrief?

Mr. TROWBRIDGE. I may have been at the time. Right now I can't answer that, no.

Senator SMITH. Well you made the statement that nobody had made any identification. I just asked you again.

Mr. TROWBRIDGE. I tried to clarify that, sir. There may have been individuals that came back that said yes, I saw an individual and, in fact, he may have been a PW. But we may have information from other PW's that have returned that have clarified that situation.

Maybe they did see him. In fact, I know there's PW's that were seen in captivity by other PW's and they were reported by those returnees, but we have subsequent information that they died from other returnees.

Senator SMITH. This is one that you do not have subsequent information that he died. This is, as I say, an Egress Recap report, a casualty resolution report, in which you are carrying—I have the permission of the family to use his name—Dominic Spinelli as a prisoner of war.

He was, according to your report, it says here, verified in photo-identification by Mr. Tangeman. Mr. Tangeman, a returning POW said, looking at a photograph—in looking at a photograph of Mr. Spinelli said that is Spinelli and he was a POW incarcerated with me.

Mr. TROWBRIDGE. All I can say at this point in time is we can go back and look at all the facts surrounding that particular case and we can probably clarify that.

Senator SMITH. Well, I am trying to clarify it now. You made the statement that this has not happened. That is what you said. You said it to me and you said it, I believe, to Senator Reid, that there was no such case happening. Now, this is a very specific photo identification. Did he recant that? Did he ever recant that? Does anybody know that is here from DOD or DIA?

Mr. TROWBRIDGE. All I know is we reviewed those cases very carefully at the time. There has to be something in the man's file. He may have indicated, again, that he was in a certain group or that he was held in a certain cell, maybe, with others and other individuals who were held with him did not see him. I don't know. I don't know, sir, until I read the file.

Senator SMITH. Well, I would like for the record that the specifics on that case be presented to the committee. Because as I said before, to clarify, Mr. Tangeman identified Mr. Spinelli of the U.S. Navy as being a POW. He was in your system as a POW, on your own reports as a POW. It says on your report that he was verified. It does not say there was any challenge to that. It just says he was verified, as many individuals who came home made identifications of prisoners, and as you said, many of those were substantiated to have died in captivity. This is one that was not substantiated as having died in captivity, according to the family and according to the records that I have seen. So I would like that information provided to the committee.

I might also say that to make a blanket statement like that, Mr. Trowbridge, when in fact you do not know this case, then I just do not see how you can make such a statement. I mean, that is one of the problems, is we try to identify these people. That is one of the

problems that we face. You come before a United States Senate committee and you say that there was not any such case. And here is one.

Mr. TROWBRIDGE. Again, I didn't walk in with all these cases in my head. I gave you that blanket statement based on the judgments that were made at the time and we continued to scrub that list. There may be other documents after that date that certainly clarify that. I don't have that in my mind.

The CHAIRMAN. Senator Smith, if I could just intercede here, in fairness to Mr. Trowbridge and what I think he is saying, what we need to do—this underscores two things. Number one, I heard you say that it may be that somebody said that but that you, in, quote, scrubbing it, which I think is a term people need to have a better sense of what that means, that other information may have given you an answer. The problem is the committee does not have that. And the committee and others have no real way of discerning, as you can see. That is part of the tightness of this thing.

Now, we need to figure out a way to protect the debriefs of POW's, which we all understand is sensitive and important, but at the same time to allow the committee to get its work done so that we can help you, if you will, to explain where it is legitimate to explain and where we can legitimately leave a question out there if a question deserves to be out there. We are not seeking to leave one hanging out there if it does not deserve to be out there. But I think we need your help, Mr. Trowbridge.

Mr. TROWBRIDGE. Glad to work with the committee on that, sir.

The CHAIRMAN. Well, let us hope we can work out a way to do that.

Senator SMITH. I know that fortunately or unfortunately, I guess depending on how you look at it, Chuck, you will be on the next panel. So if it is possible for somebody to get that information to me by the time the next panel meets I would appreciate that.

Let me just ask one or two quick questions and stop. Did you have any information at all in January 1973, or let us move that to April 1973 when the last group of POW's came home, that Robert Garwood was alive? Any information of any kind?

[Information on Lt. Tangeman and Lt. Spinelli follows:]

Senator SMITH. DIA provide for the record the specific resolution of the debriefing information on MIA Dominic Spinelli, received from returned POW Richard G. Tangeman.

A compilation of photographs of all missing or captured servicemen were made into a book for DIA's use for identification purposes. The pictures were generally obtained from the service records of the individuals concerned and the pictures would have been taken prior to their missing status. As the returnees were debriefed they were shown the pictures of those still missing. The returnee may recognize the picture because he knew the missing man before he became missing or perhaps saw him in the prison system.

When shown LT Spinelli's picture located in this volume of identification pictures, LT Tangeman made a positive identification that he knew LT Spinelli. This is amplified in the comments where he explains that he knew LT Spinelli before he became missing. He knew him at NAS Sanford. LT Tangeman had never seen LT Spinelli in the prison system or heard his name as being in the prison system.

DEPARTMENT OF THE NAVY,  
WASHINGTON, DC 20370-5000,  
August 15, 1990.

Mrs. MONA WRIGHT,  
414 Washington Street,  
Mt. Vernon, WA 98273.

DEAR MRS. WRIGHT: I have located the debrief of LT Tangeman conducted after his return. The paragraph concerning your father has been extracted from the complete message relaying the debriefing results. Each paragraph in the message covered a different missing man. Let me explain some of the data as it is presented.

A compilation of photographs of all missing or captured servicemen were made into a book for DIAs use for identification purposes. The pictures were generally obtained from the service records of the individuals concerned and the pictures would have been taken prior to their missing status. As the returnees were debriefed they were shown the pictures of those still missing. The returnee may recognize the picture because he knew the missing man before he became missing or perhaps saw him in the prison system.

When shown your father's picture located in this volume of identification pictures, LT Tangeman made a positive identification that he knew your father. This is amplified in the comments where he explains that he knew your father before he became missing. He knew him at NAS Sanford. LT Tangeman had never seen LT Spinelli in the prison system or heard his name as being in the prison system.

I hope this explains the line "ident very positive", and puts it in the context it must be to be understood. I explained the debriefing report to your mother over the phone and she stated she did not need a copy, but to forward a copy to you. If you have any further questions, please feel free to write or call toll-free at 1-800-443-9298.

Sincerely,

LAUREEN M. MAHONEY,  
Lieutenant, U.S. Navy, Special Assistant, POW/MIA Affairs.

Encl: (1) Paragraph "C" from NAS JAX FLA 222114Z March 1973

Mr. TROWBRIDGE. No, I think that that time we were operating under the assumption that he was alive and that he had probably moved to North Vietnam. But do I have anything that said he was actually alive on a specific date in April 1973, I don't know.

Senator SMITH. Given just that fact and other reports that Senator Kerry has already gone into, why would those of you actively working the issue of trying to resolve the fact of missing Americans at the end of the war in 1973 not challenge the statement made by Roger Shields and the President of the United States that all of the men had returned and, to use Trowbridge's language, everybody else was dead? Why would you not challenge that? Why would you not, not necessarily publicly, but—did you challenge it internally?

Mr. TROWBRIDGE. Sir, I think there's all sorts of documentation, as far as DIA is concerned, where our position was, these were discrepancy cases. They were people that were last known alive in a certain point in time, and we had no other information on them. And that still stands today.

Senator SMITH. Let us jump up to the 1980's. Do you know of any evidence of any kind, other than human intelligence and other than the testimony of Robert Garwood, that would give indication that Americans were alive in Vietnam up through 1989?

Mr. TROWBRIDGE. Well, when you say give indications, we continue to get human reporting over the years. We've continued to.

Senator SMITH. Take out human intelligence. And take out Robert Garwood who is human intelligence. Take that out. Did you

receive any type of reports that Americans were alive using means other than human intelligence up to 1989? Yes or no?

Mr. TROWBRIDGE. Well, without getting into—I think we did receive some information relative to Americans, but they weren't prisoners of war.

Senator SMITH. So you have received no information—I am going to be very clear on this, you are under oath—no information, no information, evidence, whatever you want to call it, that Americans were alive after 1973—no, excuse me—up to 1989 other than human intelligence?

Mr. TROWBRIDGE. Well, sir, when you say evidence, again, if we received information or a report by some other means—

Senator SMITH. I am not talking about that. I am talking about nonhuman—I do not want to get into sources here.

Mr. TROWBRIDGE. Fine. Nonhuman. I'll answer it nonhuman in terms if we received information, whether it be from imagery or some other of intelligence that we received information that may have indicated an American was held, there probably was.

Senator SMITH. Well, yes or no. Did you receive it or did you not?

Mr. TROWBRIDGE. Oh, I can think of a couple indications, yes.

Senator SMITH. So the answer is yes, that you did see information other than human intelligence that Americans were alive up until what year? What year are you saying?

Mr. TROWBRIDGE. These were reported indications. That doesn't mean that they're true.

Senator SMITH. Well, what do you mean by that? I am not talking about human intelligence. I am not talking about people saying they saw somebody. I am talking about the sophisticated means that the United States Government has which I am not going to get into, all I am asking you to say is from those means—

Mr. TROWBRIDGE. I know of no sophisticated intelligence that I'm aware of—

Senator SMITH. No signal intelligence?

Mr. TROWBRIDGE. —that has proved, that has given indications of proof that American prisoners of war were being held against their will in the 1980's.

Senator McCAIN. Proof.

Mr. TROWBRIDGE. Proof.

Senator McCAIN. I would concur, frankly, but it is not up to me to testify.

Senator SMITH. I am sorry. Repeat what you said about proof. I missed that point. I do not understand.

Mr. TROWBRIDGE. I said I'm not aware of any.

Senator SMITH. That would what? That would be proof, is that what you said?

Mr. TROWBRIDGE. That would be proof.

Senator SMITH. Are you aware of evidence?

Mr. TROWBRIDGE. Well, if there's a report or there is information that could be considered as evidence, but that doesn't necessarily mean it's true. It could be good evidence, it could be false, good evidence or bad evidence.

Senator SMITH. Last question: in all of the time that you spent at—or any of you—have spent on the job in what you do, in trying to resolve this issue, have any of you ever heard formally or informally

any information about any offer from the Vietnamese, any indication through the Vietnamese, that they had American prisoners? Yes or no.

Mr. TROWBRIDGE. You're asking me to think through 20 some-odd years.

Senator SMITH. Wait a minute. My goodness. You guys are in charge of trying to determine whether there is anybody alive. I asked you this question. Let me repeat it. Are you aware by any superior, any individual that you work with in the United States Government, of any Vietnamese offer stating that they had American prisoners and they wanted to talk with you about it? Yes or no.

Mr. TROWBRIDGE. Some of those offers that were made maybe during the war.

Senator SMITH. I mean after the war.

Mr. TROWBRIDGE. After the war. Let's see. When you say Vietnamese official, what level of official are we talking about? Any official?

Senator SMITH. Let us not qualify it.

Mr. TROWBRIDGE. Sir, I guess my answer is I just don't know. I can't recall any.

Senator SMITH. No more questions, Mr. Chairman.

The CHAIRMAN. Senator Brown.

Senator BROWN. I thought I might go back through, Mr. Trowbridge, not to belabor the point but perhaps to clarify where we are with regard to the use of evidence and proof and all of that. If I understood correctly, what you have said or implied is that when administrative officials in the past have indicated that there is no evidence of American POW's surviving in captivity or being in captivity that what is meant is that there is no conclusive evidence.

Mr. TROWBRIDGE. That's correct.

Senator BROWN. You also, I think, indicated earlier that in terms of information that could be classified in evidence from a legal point of view, not conclusive, that there is evidence of that.

Mr. TROWBRIDGE. Well certainly, we've had many reports over the years that talk in terms of Americans in captivity. We have tracked many of these down. In fact, most of them. We have very few that are unresolved. Senator Smith talked of technical reports a minute ago that indicated Americans may have been held captive. I can cite you an example of one where one of these technical means indicated they had captured somebody, and I can cite many others as well where they claimed they have captured somebody but they had not.

They talk in terms of shootdowns when no one was shot down. They talk in terms of having captured somebody when we know it's absolutely false. So there's that information, and if you want to call that evidence, well, maybe it's evidence but it's not good evidence.

Senator BROWN. Well, I think there has been some confusion in the public, and I just think it is helpful for us to be precise if we can. I am not trying to mislead you, but if I understand the difference here it is that the administrative officials that have voiced an opinion in the past when they have said that there is no evidence of Americans being held captive against their will in Southeast Asia or in Vietnam, what they have meant was or at least what

information your operation has put out has been that in your view there is no convincing proof or no convincing evidence that that is the case.

Mr. TROWBRIDGE. Yes, sir. I think you'll find that written someplace as the Government's position, if you go back.

Senator BROWN. It does not mean that there is not information available that could indicate people are being held. The difference is whether you are convinced by the evidence or not, whether it has risen to the level of proof, not whether or not there is some information to that effect.

Mr. TROWBRIDGE. That's correct.

Senator BROWN. I must say I talked to a number of people about this issue, including even one reporter yesterday. The question was do you believe there are Americans being held. I guess the answer is consistent. We have information. Do I know for certain that it is true? Absolutely not. We have information, and I think the point is we have to do all we can to find out the facts. But I think that is a clear difference.

Now, Senator Smith, I thought, had touched on a very important point when he asked do you have nonhuman evidence, evidence from other sources, radio intercepts, other telemetry, and so on, that would indicate there may be prisoners held against their will. If I understood your answer there, you indicated that there is not what you considered convincing proof, but there may well be some evidence that has not risen to a level that you find it compelling, at this point. Maybe you would want to improve on my phraseology.

Mr. TROWBRIDGE. I agree with that, yes.

Senator BROWN. OK. I think that puts it in context. I do not think there is a question of people lying or prevaricating here, it is a matter of making sure we are clear with the terms that are used.

A mechanical question: dealing with your process from 1973 on, and even up to today, you indicated you get your list of potential prisoners from the services, that that information comes to you from them, and that is the instigator for developing your file.

Mr. TROWBRIDGE. Yes, sir, it is. As I also mentioned, we're ahead of that curve at times. During the war, of course, the services may have been receiving that message traffic at exactly the same time we did and we entered people that went unaccounted for on our roles immediately, officially. The Gulf War is an example of that. We did the same thing there. It was fast-breaking, there were journalists sitting on the end of the runway, and when an aircraft didn't return from a mission it was practically reported instantly. There were people that were appearing on TV on prisoners that families had not been notified of.

So we certainly didn't wait for a report to come directly from the service or from Mr. Sungenis' office before we started tracking it. It had no official capacity, but as an intelligence agency we wanted to be on top of it and moving as fast as we could.

Senator BROWN. So hypothetically only, assuming that a Captain Jones is reported to be in captivity through signal intelligence or moved to somewhere from one prison camp to another and you came across that signal intelligence, and I do not mean to indicate that you have that, I am trying to give an example for what might have happened. You check and you do not have a Captain Jones

listed, that does not mean you would dismiss that information. I take it what you would do would be to retain that information and contact the service to see if, in effect, there was a Captain Jones.

Mr. TROWBRIDGE. Oh, absolutely, sir. In fact, just because it had a name in it, the first thing we'd do would be to search our data base on times and locations and see, maybe they had the name wrong but they had somebody else there.

Senator BROWN. So we can have some level of confidence that vital information of that kind did not just slip through the cracks because the services may not have reported to you in the first place?

Mr. TROWBRIDGE. Yes, sir, that's correct. And in fact, we may have made a judgment, maybe as sketchy as the information may have been, that there was a shutdown in the area, maybe the name wasn't there. It could have applied to four incidents that day within a 20-mile radius. We didn't know who it was. That information went into all four files, which of course later could cause a problem because the family got that information, and maybe later through additional information we were able to determine exactly who that individual was. We did not pull that information from the other files, so you can see where that also caused problems.

Senator BROWN. As you are well aware, one of the items the committee will consider is whether or not it is appropriate to declassify some of this information. Is there anything you could give us in the way of guidance as to things you feel should not be declassified with regard to the intelligence relating to Southeast Asia and our POW's?

Mr. TROWBRIDGE. Yes. My comment on that would be if it had to do with sources and methods it should not be declassified. Any of the substantive information that had to do with individuals unaccounted for, should be made available to the public. I know over the years great efforts were made to get that information to the families. In all cases it didn't happen.

Another thing that I would protect would be the debriefs of the returnees. If they have substantive information relative to somebody that's unaccounted for in the debriefs, that information should be made available and it was made available to the families. However, the debrief, itself, that's privileged information between the returnee and the U.S. Government, and that should be protected.

Senator BROWN. So sources, methods, and debriefs. If indeed all of that information is declassified and made available, would I be correct in assuming that the debate we have had over proof and evidence and information would then be on the table for everyone to judge for themselves? In other words, will the fact be out so people can make their own judgments as to whether or not it is convincing?

Mr. TROWBRIDGE. Yes, sir. It will be out on the table. I'm not so sure it will resolve anything. There will be lots of judgments that will be made by some people on one side of the line and others on the other, but there will be judgments made on the same information to where people disagree.

Senator BROWN. So the debate we are having now about it will be one where people will have the facts to judge for themselves.

Mr. TROWBRIDGE. Yes, sir.

Senator BROWN. Is there anything this committee ought to do or others ought to do to—

The CHAIRMAN. Be polite now.

Senator BROWN. —to prepare to summarize that information to interrelate that information, to make sure the information that comes out is balanced? Or is there some work we ought to be thinking about so that a report is complete and understandable?

Let me give you a for instance, that is perhaps helpful. It is very possible you could have a report that John Jones was seen at Road X. It is also possible that you would have reports that indicate that is impossible from three other witnesses.

Mr. TROWBRIDGE. That's correct.

Senator BROWN. Should we be thinking of some sort of effort to make all of that information available in a joint manner and a collective manner? How do we index? Do we simply release this in total, or should an effort be made to index it and correlate it?

Mr. TROWBRIDGE. Well, I would agree with the latter, try and do some kind of indexing because so often, there is the problem about perception of the public. You will find individuals that will take one document and say there it is, there's the smoking gun. But they won't show you the other two documents that follow it that put that to rest. And I think the committee has a tremendous task ahead of them in writing this report, I really do. And in making the materials available in a manner that somebody—certainly, it's not going to be something that somebody even looking at this material is going to be able to make judgments within a few years.

Senator BROWN. Speaking for myself, but there may be others who share this, if you have thoughts or suggestions that would help in this process, help make sure that the information is put together in an understandable manner, where it is considered in context, ones that would help index it or help make it more useful, I think that would be something all of us would appreciate hearing.

Mr. TROWBRIDGE. The committee might get some suggestions. I hate to volunteer things, but the central documentation office that is working with this committee in the declassification of information and providing documentation to it is already working along the lines and thinking along those lines in response to Senator McCain's legislation for declassification, and I know they have some views on classification of documents and things which may be helpful.

The CHAIRMAN. Well, my sense is, Mr. Trowbridge, if I could just interject, that there is a way to deal with this. I think we are on the road to it. Frankly, I think that today, while some may focus on the fact that there was deception in the reporting of where somebody died, I think the real story is, in a sense, the narrowing of the universe here. I do not think we are complete in that, but unless there is some family in America that can come forward and say, look, my son/brother/father was lost and I have reports he is over there and you have never handled it and we have not seen anything like that, we are dealing with this list. Here it is.

Mr. TROWBRIDGE. That's correct.

The CHAIRMAN. If we are dealing with this list, this committee is beginning to get a pretty good picture of what is real and what is not as to who might or might not be missing.

Now, yesterday The Wall Street Journal had an article which was a reflection, frankly, of what you have just articulated, when you take one piece of information and say here it is, this is the whole story. I am not saying it is not the story. It may be the story. But we have a responsibility to find out what you and others have done in terms of analysis and make our own judgment, that we think your analysis is lousy, phony, not real, or accurate. And then say we think this may be real evidence. We have got to weigh the evidence a little bit. As you said, there is evidence here. There is a lot of it. But some of it may be right out of the sky. And we have seen that there are those willing to subject this to hoax. We have seen it most recently in the photographs. You cannot just sit here like a goon and accept everything at face value.

On the other hand, I am not soft-pedaling this. I think today has been extraordinarily illuminating in terms of an attitude and kind of something that happened back in 1973 with a Government policy that was created that was in opposition to the facts. To me, that is sort of the story, the narrowing of the universe and the reality of where the policy was versus it. It has created a lot of this energy that people are willing to grab at any straw because they have felt so damn frustrated that they cannot get the truth.

Now, we have a lot more work to do to get at that truth. There are unknown things here. But, Mr. Trowbridge, we need your help, and we need the Joint Chiefs of Staff's help to evaluate those KIA-BNR's to see where they fit.

Let me ask you a question. Of the 2,226 or 2,266, you always see POW-MIA, 2,200 and some. Are there 2,266 POW-MIA?

Mr. TROWBRIDGE. No, sir. Of that figure, 1,095 were declared dead at the time of their incident by the service. Now is there an exception to that? There may well be. They declared one individual dead during the war that walked out as a prisoner alive. He was in a helicopter that they had a mass burial on that crew of that helicopter. That is one exception.

But to misrepresent all of those individuals as the possibility of POW's is giving, certainly, the wrong impression to the public.

The CHAIRMAN. The fact of the matter is that you guys never stood up and said that until right now. The Defense Department has never really tried to clarify that. The Defense Department stands up with everybody else and says 2,266 POW-MIA. It is not real.

Mr. TROWBRIDGE. Well, DIA is not in the DOD public affairs business, but once a month we put out a statistic sheet that has clearly stated those numbers.

The CHAIRMAN. Well, today this committee is trying to narrow the universe. What we are really talking about in terms of question marks is somewhere in the vicinity of this 133 names which we do not claim is—I mean, that's unscrubbed, so to speak. Those are names that we felt ought to be listed. But you know there are about 90, correct? Or 60—the Vessey list. Is that accurate?

Mr. TROWBRIDGE. Of the discrepancy cases?

The CHAIRMAN. Correct.

Mr. TROWBRIDGE. Throughout all of East Asia, Cambodia, Laos, and Vietnam, I think the total discrepancy cases came to about 269. There are 135 on the Vessey list for Vietnam.

The CHAIRMAN. And what about the potential, as Senator Smith says—we had 500 and some people lost over Laos. We do not know what happened to them, do we?

Mr. TROWBRIDGE. Approximately 300 of them were declared missing. The services declared 4 of that group as prisoner, the rest missing up to approximately 300. The rest were declared dead at the time of their incident in Laos.

The CHAIRMAN. The committee is going to need to analyze those cases, obviously, so that Senators can make a judgment, frankly, not to second guess but to help in this process. Again, to try to let people make a common sense judgment.

I know I have read some of those reports. When two or three people in an aircraft alongside another aircraft saw it blow up, there was no chute, it was a fireball of significant proportions and they report dead, common sense from three different pilots and from the incident report, et cetera, it lends to a judgment, I think, that sadly that person lost his life. We cannot allow this process to get into a sort of wishful thinking that creates something beyond reason here. That is the truth that we are trying to deal with here. It is not going to be easy.

But we really need your help to try to break that log jam, if you will, and understand the real universe. Now, that does not relieve us of any responsibility whatsoever for 1, 2, 5, 10, 50 or 100 people that were listed as POW that we had reason to believe were alive. I by no means suggest that whatever narrowing of the universe takes place diminishes the reality or the importance. Senator McCain?

Senator McCAIN. Mr. Trowbridge, is it true that there was talk in 1974 of shutting down your office?

Mr. TROWBRIDGE. Yes, sir. It never shut down, but—

Senator McCAIN. But you vociferously opposed that. Is that correct?

Mr. TROWBRIDGE. Yes, sir.

Senator McCAIN. Let us get back to this. It really is to a large degree semantics here. I have heard media reports that there were certain satellite photos or other information that may have shown markings on the ground or people in caves. There were allegations that there was a tape of prisoners marching. All of that in nonhuman intelligence, is that not correct? You have heard a lot of that information. Sometimes rumor, sometimes not. Is that right?

Mr. TROWBRIDGE. That is correct. The business of the videotape was provided through human source. The other images on the ground were through overhead photography.

Senator McCAIN. That, of course, is information and in the view of some may even be evidence, right?

Mr. TROWBRIDGE. Yes, sir. Some view it that way.

Senator McCAIN. But has any of that information which has come to you in your view, and in that of the—you are speaking for the Department of Defense in your areas of responsibility—provided you with proof that there were Americans alive up until 1989?

Mr. TROWBRIDGE. Absolutely not, sir.

Senator McCAIN. OK. Now let us talk about offers by the Vietnamese, if I could. Are you aware of any offer, official offer of the Vietnamese government, to return American POW's in return for whatever—money, recognition, lifting embargoes, et cetera?

Mr. TROWBRIDGE. If it was made in the diplomatic channels, I may not be aware of it. I am not aware of any, let me say, officials. That is why I paused a while back.

Senator McCAIN. First of all, I want to say the Vietnamese government. Are you aware of any offer by the Vietnamese government?

Mr. TROWBRIDGE. Not directly, no sir.

Senator McCAIN. Have you indirectly heard of any offer by the Vietnamese government?

Mr. TROWBRIDGE. No, sir.

Senator McCAIN. So, you have never heard of any offer or of any allegation of the Vietnamese government itself offering that. Is that true?

Mr. TROWBRIDGE. Sir, if I did, I do not recall it today.

Senator McCAIN. I think that, frankly, that do not recall is not really a good answer, because it seems to me you would be startled if the Vietnamese government had made an offer.

Mr. TROWBRIDGE. That is why I think I would recall it.

Senator McCAIN. OK. Now, we have heard rumors over the years, is it not true, of certain Vietnamese military people, Laotian military people, nonmilitary people who have made offers to return POW's for money. Is that not true?

Mr. TROWBRIDGE. Yes, sir. That is why I paused a while back, and I wanted to explain, when you say foreign governments—is this an official? For instance, we have somebody that says, my uncle is a guard and he is guarding 400 POW's and for \$75,000 each, he will bring them out. I do not consider that a government approach.

Senator McCAIN. No, but we have heard that many times over the years.

Mr. TROWBRIDGE. Yes, sir.

Senator McCAIN. But, I want to reemphasize, you know of no Vietnamese government offer to return POW's in return for anything, much less nothing.

Mr. TROWBRIDGE. I know of none.

Senator McCAIN. Your answer is?

Mr. TROWBRIDGE. I know of none.

Senator McCAIN. And you think you would recall if there was an official offer on the part of the Vietnamese government that had come to your attention?

Mr. TROWBRIDGE. I think so. Yes, sir.

Senator McCAIN. I just want to make that clear because I have heard many times over the years of different people who have, quote, made offers. And we have sent people, sometimes in U.S. airplanes, to Bangkok to go in and track these down. And they must be tracked down. But so far is it true, Mr. Trowbridge, there has been no proof that any of these offers or any of this evidence shows that there is an American alive? Is that true or false, in your view?

Mr. TROWBRIDGE. I know of none that has proven true.

Senator McCAIN. Thank you. One final question, Mr. Chairman. Because of the incredible leaks out of this committee it is well known in the media that there are reports that will be declassified by the committee that have been very critical over the years of the procedures, the methodology, the effort made by your organization and other organizations in attempting to resolve the POW-MIA issue.

I hope that when those documents are declassified that you will be able to respond both with the responses to the reports at the time, and with the reports now. Again, Mr. Chairman, it has been in the media. There is a Gaines report, a Brooks report, and Tigh report, and all that. Would you care to comment on what actions were taken in response to those reports over the years that were issued which were critical of the methodology and the procedures that were used by your organization?

Mr. TROWBRIDGE. Well, I think I would have to agree with some portions of those reports that had to do with, say, we needed more personnel and we needed more equipment, maybe some updates in some areas. I certainly would agree with that. Those fixes were put into place. As far as anything that was critical of the analytical judgments or some decisions that may have been made, those were looked at by individuals outside of our office at the time, and as you said, these documents are still classified. And until they are declassified I cannot comment on them.

Senator McCAIN. Finally, Mr. Chairman. How much has it complicated your work and your people, the effort to track down these allegations that have proven to be hoaxes? Not those that you believe to be hoaxes but that have proven to be hoaxes?

Mr. TROWBRIDGE. Sir, at times they have totally paralyzed the office because of the immense attention that they bring through the media, and to the Congress, and to the families. You know, we practically have to stop everything to investigate these. Some of these reports are fairly complicated, and we are traveling all over the world. There have been times where our office has practically come to a standstill following these leads that have been provided by the charlatans, scams and artists.

Senator McCAIN. It is a great regret of mine that this committee has been unable to uncover the hoaxes which have been proved to be hoaxes, but the media has been able to. I thank you, Mr. Chairman. I thank you, Mr. Trowbridge.

The CHAIRMAN. Let me just say to you, Senator McCain, you may not be aware of it. The committee has actually worked quite closely with some members of the media with respect to the hoax issue particularly on the Carr photograph. I think the committee deserves some credit for its efforts there.

In addition the fraud part of this is a later focus of the committee, but it is one that will take place. I have personally been in touch with some people in talking to them about that aspect of it. So I think that, you know, our principle focus up front has been on live sightings, POW's, but there is that other part of this.

Senator McCAIN. Could I just say to the Chairman, when there is that other part of it, as Mr. Trowbridge says, it paralyzes his office. And clearly, it impedes our progress and their progress.

The CHAIRMAN. I totally concur with that. On the other hand, I know Mr. Trowbridge understands that the reason hoaxes work is that this issue is there 20 years later to be exploited. It is there 20 years later to be exploited not a small part because of the confusion, the different terminologies, the changes in categories, and the very thing that we highlighted earlier in this, that there was evidence in 1973 of some prisoners who did not come home. Because that was not dealt with right up front, openly, it has allowed this thing to gain a life of its own. I cannot avoid making that judgment.

I am not saying that you did, but it was a policy. I mean, look, we have an assistant secretary, deputy secretary of defense saying I am going to make all the classifications back in 1973. We have got a whole series of events that took place where major public officials, not the least of which, the President of the United States of America, made a statement contrary to what people who were deeply concerned with this issue knew to be true. That is partly why it goes on. It is exactly why we are here.

I am not unsympathetic to difficulties that you have faced. You know, you did not make the budget priorities. You did not set the priorities of the government. And you certainly did not make the policy. I am aware of that, and I think the committee takes note of that. But there was a policy and there was an attitude that has put us where we are today. I think we are sorting through it. And I, again, applaud JCS for coming forward.

Nobody is sitting here trying to create ancillary issues here. The issue is what happened. I think Americans will be grateful, finally, for some people helping them to know it. Senator Smith?

Senator SMITH. Thank you, Mr. Chairman. Just three quick points. Mr. Trowbridge, in following up on the line of questioning that Senator McCain asked, I just want to make very clear the question that I asked and what I meant by the question. The question that I asked—and I do not know if I stated it clearly, but I will repeat it so that it is clear. What I meant was, an offer, and official offer, through official diplomatic channels by the Vietnamese indicating that they had American prisoners of war and wanted some sum of money for those prisoners.

Two questions. Nothing to do with any some field commander that says, I want \$75,000 for them. None of that. Official channel. A, do you have any knowledge of that directly, and B, were you ever involved in a discussion or ever hear of any discussion about such an offer?

Mr. TROWBRIDGE. Sir, if I did, I think I would recall it. However, I do not.

Senator SMITH. OK. Two other quick questions. Somebody else can answer this. Chuck has the microphone there, but in trying to account for these numbers on the missing, I think somebody used the term 300. I am talking about Laos now. We did not have an accounting process in Laos really, as you know. We just declared—I think the term was declared—missing 300. There were 500 or over 600 lost. Some remains have been returned. But I am talking about in trying to come up with the numbers here, the universe of numbers, I know that the numbers that the Chairman has quoted here include Laos.

In trying to make some determination as to whether or not some body was a POW or not at the conclusion of the war in 1973, these people were declared missing. But we did not have any direct evidence either way, did we, of either being dead or being captured in a large number of cases? Somebody else can answer it if they like.

Mr. TROWBRIDGE. I will answer in part, and then I will let the services answer that. As far as the Defense Intelligence Agency was concerned, an individual that became missing, killed, or whatever status the service attached to them in Laos, that information made its way to us. And sometimes, we were aware of it right away.

I think the 300 figure may have been one that I threw out, and it is not an exact figure. I was talking about the numbers that the services had put in the status of prisoner or missing, relative to Laos. Then if you add in those that the services had declared killed in action in Laos, it becomes over 500. So there was a process—and I will let the services speak to that. The process was there.

Senator SMITH. In the answer from the services, what I am getting at—I want to make it very brief because the Chairman wants to wrap up—what I am getting at is at the table in Paris in 1973, there were negotiators there on behalf of the Vietnamese, and there were negotiators there on behalf of the United States. There were no negotiators there on behalf of Laos. They did not have anybody at the table.

So how do you account for these people when you had no information other than whatever you had on your own circuits when you lost them? You gave some indications of those that you know were killed upon impact. You also said that you knew some were captured. But there is a large number that you do not know what happened to them either way.

So, what I am pointing out is, in these numbers as we, as the Chairman says, try to bring the universe down, we do not have any direct information on these Laos losses to bring it down, do we? I mean, do we have anything, anybody?

Mr. TROWBRIDGE. Well, there are 500 some odd lost in Laos, and again we could come up with the statistics. We know at least enough to bring it down close to 300, if that is what is trying to be accomplished here, those the service declared dead at the time.

Senator SMITH. They are declared dead without any evidence one way or the other what happened to them?

Mr. TROWBRIDGE. I will not address that. I will let the services address that. I do not think that the services carry anybody dead unless they have evidence.

Senator SMITH. Well, that is not true.

The CHAIRMAN. That is actually not accurate.

Senator SMITH. That is not accurate.

Mr. TROWBRIDGE. Well, I will let the services address that.

Senator SMITH. I just have one final point, Mr. Chairman. Since the satellite photo issue came up, let me just ask this question. If you get a satellite photo which indicates, for whatever reason, whether you believe it is fraudulent or whether you believe it is true, but there is some signal given. How do you determine that that signal is legitimate? If I said to you, what is the best way? Let us say, you take a satellite picture and it spells out Jones

POW. You get that from the air and it is in Timbuktu, someplace, Laos. How do you determine that that is a fraud?

Let me start back this way. Is it not true that we have such a satellite photo; at least one. Is that correct?

Mr. TROWBRIDGE. That is correct.

Senator SMITH. OK, that is correct. Now, the testimony of your agency is that that information is not valid. It is not accurate. That it is, in fact, not truly a missing person giving that signal. That is what we have been told.

Mr. TROWBRIDGE. Sir, I do not want to get into the discussion—

Senator SMITH. I am not asking for the specifics. I am not asking for any specifics because that is classified, and I understand that. All I am asking you to say is, in a generic way, how do you make the determination, which you have the in cases which we cannot discuss—how do you make that determination, in a generic way?

Mr. TROWBRIDGE. To give you the complete answer, what you are looking for here, I would have to discuss some things that I do not want to discuss in this session.

Senator SMITH. Fair enough, fair enough.

Mr. TROWBRIDGE. That information is available to this committee.

Senator SMITH. Fair enough. We can do that in other session. Thank you, Mr. Chairman.

The CHAIRMAN. A quick question, if I may, for the service branches. Did each of the individual service intelligence staffs keep their own file information on POW's and MIA's during the war? Colonel, did the Marines keep a separate file on POW's and MIA's during the war?

Colonel QUEBODEAUX. Not that I know of, sir.

The CHAIRMAN. The Army?

Colonel SPINELLO. Not that I know of, sir.

The CHAIRMAN. The Navy?

Captain DEBIEN. Are you talking about the intelligence?

The CHAIRMAN. The intelligence.

Captain DEBIEN. Yes, we believe the Navy did.

The CHAIRMAN. Navy intelligence kept their own files?

Captain DEBIEN. Yes, sir.

The CHAIRMAN. Is there any reason we have not been able to get them?

Captain DEBIEN. In 1987, I believe, all the files were turned over to the Defense Intelligence Agency.

The CHAIRMAN. Is that true, Mr. Trowbridge? Did you receive from the branches of the service all files they kept on POW-MIA?

Mr. TROWBRIDGE. I cannot say all files. Certain information that they had in their files they did provide to us.

The CHAIRMAN. Let me ask you, do you have any files to this day on POW-MIA?

Captain DEBIEN. Sir, I am not in the intelligence area. I am in the casualty reporting area.

The CHAIRMAN. Are you not responsible for how people are listed?

Captain DEBIEN. Yes, sir.

The CHAIRMAN. Does not the intelligence report to you?

Captain DEBIEN. The intelligence people have told us they turn their files over to the Defense Intelligence Agency.

The CHAIRMAN. Mr. Trowbridge?

Mr. TROWBRIDGE. At the time, anything that we received from the services relative to intelligence that they may have had, I am sure was—well, I know was compared against ours. Most of that information came from us to start with.

The CHAIRMAN. And what about the Air Force? I have not asked you that. Did you keep files?

General MCGINTY. We reported our casualty data to OSD. As we previously discussed, we reported it monthly to the JCS. There was some limited data kept by the Air Force Intelligence Service which I believe was recently turned over to your committee, sir.

The CHAIRMAN. Yes, it was. That is accurate. I appreciate it. Is there any service branch that has at this date a list of those people who were, according to that service—their casualties in Vietnam—either MIA or POW? KIA-BNR? Is there any branch that has such a list? Marines? Colonel?

Colonel QUEBODEAUX. Our list matches the one of DIA. We have 283 individuals listed in Southeast Asia. One Hundred and seventy-nine of those, I believe, are listed as killed in action, body not recovered. One hundred and four of those are listed as missing, and then with a presumptive finding of death.

The CHAIRMAN. Do you have the background data with respect to the presumptive finding of death, as well as on the KIA-BNR?

Colonel QUEBODEAUX. Yes, sir. We have it contained in our casualty records, which were turned over to the committee, sir.

The CHAIRMAN. So, it will be possible for you to review that and make a judgment in 1992 terms with respect to the presumptive finding, and also with respect to the body not recoverable.

Colonel QUEBODEAUX. Yes, sir. From our retained casualty records, we can establish basically, from the DD-1300s which we produce, what happened to that individual.

The CHAIRMAN. Well, that is good to hear. I think it will be very helpful to us. Can the Army do the same?

Colonel SPINELLO. Yes, sir, we could.

The CHAIRMAN. Could the Navy?

Captain DEBIEN. Yes, sir.

The CHAIRMAN. I know the Air Force is going to say yes. Let me tell you why. I think it would be very helpful to us; very helpful to the process, because in the effort here of the committee to eliminate doubts, to try to have a reality base, and to try to deal with the strong emotions that suggest that something has been hidden here and people are not coming clean, if the committee can make a judgment and provide its stamp of approval on that, I think it is going to help enormously not to include in any base of potential real MIA or POW a group of people who just do not belong there.

Also, it means for families that there is, in a sense, a modern-day judgment which the Senate concurs in, which we all concur in, that for those for whom there is still an issue—I know many families do not have put that to rest and they do not have doubts. But for those for whom it might remain an issue, it helps the committee to be able to deal with that sensitively. I think that is very important for

So, I would ask you if you will do that for us. Obviously, we will forward that request appropriately through the Joint Chiefs and service secretaries, but it is something that you say you can do, correct, each of you, and you are willing to do? And you tell the committee today that you could do and in what kind of period of time. I know it varies by service, because some have more than others. Obviously, for the Army, it is a larger task, and for the Marines.

Colonel SPINELLO. Sir, those documents have been turned over to the central documentation office, and are available to you as we speak as far as I know.

The CHAIRMAN. I understand, but we are going to need some help in that. Number one, we are willing to try to work the process to help review it. But we are not staffed sufficiently to be able to review each and every one of those, nor will we understand each and every one of them. So, I think we need to do this jointly. So, if we could try to do that in short order, that would be helpful.

We will have written questions that go into details of chain of authority, of chain of custody of some of these items. We are not going to bore everyone with them here now, but the committee will submit those to you in writing and they will be submitted back to the committee under the same oath. And we would ask you that they be submitted back.

If we were to ask them now, you would answer them here, immediately. So we really need those back within a week. And we will submit those to you. That is not for you, Mr. Trowbridge. This is just for the separate services.

Then, Mr. Trowbridge, and Mr. Sungenis, you will return with us this afternoon with General Tighe and with Admiral Moorer, and we will talk more about the process of accountability and listings.

So, we will stand in recess until the hour of 2:30 p.m.

[Whereupon, at 1:24 p.m., the hearing was recessed.]

AFTERNOON SESSION

[2:32 P.M.]

The CHAIRMAN. The hearing will come to order. Gentlemen, welcome. Thank you Mr. Trowbridge and Mr. Sungenis, for staying with us. We are particularly grateful to Admiral Moorer and General Eugene Tighe for joining us this afternoon as we go into the second panel. It is really to look at the issue of the accountability process, from Operation Homecoming on, but also obviously to touch on some of the issues raised this morning and some questions about the war period itself that remain outstanding from this morning.

If I may, I would like to ask Admiral Moorer and General Tighe to make their opening comments, and Mr. Trowbridge and Mr. Sungenis' opening comments from this morning will stand. Before you make your opening comments this morning, gentlemen, if I may ask you as a matter of committee procedure, all testimony is sworn and I will ask you if you will stand so I may swear you in.

If you would, raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Admiral MOORER. I do.

General TIGHE. I do.

Mr. TROWBRIDGE. I do.

Mr. SUNGENIS. I do.

The CHAIRMAN. Admiral Moorer, I would like to ask you to lead off with your opening statement, and then General Tighe. If you could, bring the microphone right next to you, admiral.

TESTIMONY OF ADMIRAL THOMAS MOORER (USN RET., FORMER CHAIRMAN, JOINT CHIEFS OF STAFF)

Admiral MOORER. Thank you, Mr. Chairman. After 18 years of inactive duty, you might find my memory somewhat mixed, but I'm going to do my best to assist you in the important work that you're doing. Because, as evidenced even by the news recently, this is a problem that frankly that will not go away.

I, along with all Americans, feel the deepest sympathy for those who that have lost loved ones and who cling to any shred of news, rumor or otherwise, with a devoted hope for a termination of their torment. I knew many of the missing, even since they were small children and, as a matter of fact, one of them is now on this committee, I refer to Senator McCain.

It makes my blood boil to hear others suggest that senior officers or civilians in our government have specific knowledge about the whereabouts of a POW and because of some imagined conspiracy, do not reveal such knowledge. Certainly, General John Vessey who worked his way up to chairmanship of the Joint Chiefs from a battlefield promotion, who is now the representative—has been for

two presidents, has been to Hanoi several times, and I just imagine anyone questioning his statements or the announcements he makes.

Certainly the answers to the many questions this committee seeking would be relatively easy but for one sad fact, and that we lost the war politically and I emphasize the word *politically* and I will explain that somewhat in just a minute.

The CHAIRMAN. No need to explain it.

Admiral MOORER. Nineteen years after Operation Homecoming we are not free to roll around and roam around and look anywhere we choose in Indochina. We permitted a small country with a population of less than two counties in one state to defeat us and we lost 58,000 men in the process. Before I address the questions proffered to me by the committee, I would like to go back and describe the general atmosphere and attitude overlaying the country during the late 1960's and early 1970's that made the Vietnam War a very painful experience.

In fact, the country at times was in a state of near anarchy. Demonstrators were pouring blood on the Pentagon steps, lying down on Constitution Avenue blocking traffic, harassing military personnel, instigating riots such as the tragedy at Kent State University, and many of our young men were escaping to Canada. Congress itself went through three phases.

As I read it, they said, get in there and win. Win or get out, then get out. When I became Chief of Naval Operations in 1968, the orders by the Johnson administration were not to inform us of the POW's how roughly these men were being treated. I felt at the time, that that was just wrong. Fortunately, this policy was later reversed by Secretary of Defense Laird, and following that much time was spent planning a means of rescuing some of the POW's and the Sontay Prison raid was the result.

The morning the raid was to get underway, we received some information that the prisoners may have been moved. We all felt that even if we had less than a 50/50 chance of rescuing a few, it would reveal to the public just what kind of people the North Vietnamese were. I thought that the attitude concerning the war had changed.

Unfortunately, the prisoners had been removed from Sontay Prison and moved back to Hanoi. There were no injuries to participants in the Sontay raid. I think I would just like to emphasize the courage and the skill that the men demonstrated in making the raid which was very complex, and which incidentally could only be done on a certain day, because we had to have the moon in a certain place in order to do it. It was done at night.

We set up a rubber duplicate of the camp down in Florida so we could deflate it in the daytime. It could not be observed from the air. I was just talking about the general outlook. Senator Fulbright, of course, immediately said that this raid was being conducted for political purposes but the Congress passed a joint resolution commending the men conducting the raid, and Senator Fulbright refused to vote for it. He was the only one.

The South Vietnamese War now had dragged through 1972, highlights being the buildup of the South Vietnamese forces, Cambodian and cross-border operations, the South Vietnamese

operation aimed at cutting the Ho Chi Minh Trail and the mining of Haiphong Harbor. At the same time the United States began a large-scale withdrawal program.

In October, as a result of intensive negotiations, Secretary Kissinger reported that a successful end of the war had been negotiated, but peace was still not at hand. True to form, the North Vietnamese commenced immediately to violate the terms of the agreement to the degree that it was obvious that they intended to continue the war. I was personally concerned about the fact that if we continued the withdrawal of our forces, there would come a time when the only Americans left in Vietnam would be POW's.

This was also of grave concern to President Nixon with whom I discussed ways and means of forcing the release of the POW's and bringing the war to a close. It was from these discussions that the Christmas bombing followed and continued from December 18 to December 29, 1972. This decision by the President took great courage since he knew full well the hue and cry that would follow, and in this regard neither the media nor the Congress failed to live up to expectation.

The criticism was universal. When I testified before the Armed Services and Appropriations Committees only one Congressman and no Senator approved the bombing. But the North Vietnamese got the message and on January 22, they signed the agreement that brought the war to a close.

In addition to the release of the POW's which drew most of the attention, there were many other details to arrange and monitor, such as withdrawal of men and equipment, reconnaissance limitations, supervisory committee, Geneva Accords, and so forth. I mention these details of the agreement to call attention to the fact that it took some time to comply with all the details of the agreement.

During this time, it was hoped to obtain more information about the POW's by careful interrogation of the some 591 that were released. There was also hope to learn additional information by observing the unfolding of events after the cessation of hostilities.

I will now turn to the specific questions raised by committee counsel. Question: In the spring of 1973, did you believe that the North Vietnamese held more American POW's than were included on the list provided on January 27, 1973, and how strong was your belief and what was the basis of your belief?

Having been involved in the Vietnam War for 8 years, I had no expectations whatever that the North Vietnamese would be forthcoming on all aspects of the cease-fire. On the other hand, we did know that about the time of the Sontay Prison raid, the North Vietnamese had concentrated the POW's in the Hanoi area. Consequently, I expected the interrogation of the POW's that were released to reveal some information on the POW's that were still held in the immediate vicinity of Hanoi.

I also hoped that factual information would be developed as to the existence of POW's in outside areas of North Vietnam. However, since the terms of the cease-fire did not permit verification by U.S. personnel, it would be difficult to separate rumor from fact. What intelligence information did you have access to as chairman of the JCS?

All information that was addressed to the Defense Department. This was voluminous. I assigned a navy captain as action officer to keep an up-to-date summary and keep me advised of new developments. The other services did the same thing. Mr. Roger Shields was the senior civilian who kept the Secretary of Defense informed and I believe he's scheduled to come here tomorrow.

The next question. Did the process of debriefing the POW's who returned during Operation Homecoming change your strong belief that American POW's were left behind in Vietnam?

It is incorrect to describe my belief as strong at that time. My hope was certainly strong. In addition, the returnees added very little to the information already on hand.

Those that I talked to could not pinpoint circumstances regarding specific individuals. However, I do recall that the debriefs mentioned two individuals who were not on the list but had been seen in captivity. I am not familiar with the details.

Question: What was your opinion of the completeness of the Laos list provided by the North Vietnamese on February 1, 1973? I do not recall a specific opinion on this point, and neither was I given a list of names or numbers relating to Laos, but certainly due to the nature of the operations conducted in Laos and the nature of the terrain, the nature of the people, it would certainly be small, that is the number of POW's when compared to the North Vietnamese list.

Here again, I hoped to find others as events unfolded. I do not remember exactly when I learned the February 1st list was not captured by Laos forces. I do not recall having seen an estimate prepared by an intelligence organization of a specific number, and perhaps General Tighe can help in this regard.

What were the reactions of the other members of the National Security Council to the prisoner of war list provided by the North Vietnamese on January 27 and February 1, 1973? I cannot speak for the others attending the National Security Council meetings other than to say that it is a lie to suggest that senior Government officials at that time or now do not make every effort possible to rescue Americans that may be confined overseas against their will.

However, as the Secretary of State said only last Sunday, discussing this overall problem with respect to Mr. Yeltsin's announcement, the Government can only act on fact. Mr. Chairman, I'd like to expand on this point just a minute while summarizing my remarks. In 1973, we had been involved in Vietnam for about 10 years. We had spent billions of dollars and lost thousands of men.

The public had been heavily flooded with antigovernment news very often untrue. The rules of engagement imposed on the military forces excessively restricted and violated common sense and military principles. The Congress passed several amendments limiting or removing funds to prosecute the war. For instance, the Second Supplementary Act of Fiscal 1973 prohibited use of funds appropriated in the act to support directly or indirectly combat activities in or over Cambodia, Laos, North Vietnam, and South Vietnam, or off the shores of these countries.

From the North Vietnamese point of view, this amendment eliminated any responsibility they may have felt to comply with the terms of the agreement with the United States in Paris on January

uary 27, 1973. We could no longer pressure them militarily and there was no way to verify any statements they chose to make about the location of POW's.

That was not unlike the problem we had after Desert Storm, when the Government first announced that all of the nuclear facilities had been destroyed, and then to really check on them, we had to put men on the ground. We had the same problem here, I think, to locate all and run down all the rumors, and all the information we had on POW's that was simply not possible. Thank you, Mr. Chairman.

[The prepared testimony of Admiral Moorer follows:]

PREPARED TESTIMONY OF ADMIRAL THOMAS H. MOORER, U.S. NAVY (RET.)

Mr. Chairman, members of the committee. I will try my best to assist the committee in their frustrating investigation of a problem that simply will not go away. I, along with all Americans, feel the deepest sympathy for those who have lost loved ones and who cling to any shred of news, rumor or otherwise, with a devoted hope for a termination of their torment. I knew many of the missing, even since they were small children. And it makes my blood boil to hear others suggest that senior officers or civilians in the government have specific knowledge about the whereabouts of a POW and because of some imagined "Conspiracy" do not reveal such knowledge. Take General John Vessey for instance, he is a man that earned his commission on the battlefield and then moved up to serve for years as Chairman of the Joint Chiefs of Staff. He has since served two presidents as POW/MIA representative. He has been to Hanoi several times where he has established an office to facilitate his contacts with the Vietnamese in search of dead and missing Americans. It is ridiculous to suggest that he would withhold information of any kind no matter what the source. I have talked to General Vessey about his experience in Hanoi.

Certainly, the answers to the many questions this committee is seeking would be relatively easy except for one sad fact. We lost the war politically. Nineteen years after "Operation Homecoming", we are not free to roam around old Indochina. We permitted a small country with a population of less than two counties in one of the 50 States to defeat us, and lost 58,000 men in the process.

Before I address the questions presented to me by the committee, I would like to go back and describe the general atmosphere and attitude overlaying the country during the late sixties and early seventies that made the Vietnam War a very painful experience. In fact, the country at times was in a state of near anarchy. Demonstrators were pouring blood on the Pentagon steps, lying down on Constitution Avenue and blocking traffic, harassing military personnel, instigating riots such as the tragedy at Kent University, escaping to Canada, etc.

The Congress itself went through three phrases. As I read it they said: "Get in there and win", "win or get out". When I became Chief of Naval Operations in 1967, the orders by the Johnson Administration were not to inform wives of the POWs how roughly they were being tortured. I felt at that time just the opposite. This policy was reversed by Secretary Laird. Much time was spent planning a means of rescuing some of the POWs and the Sontay Prison Raid was the result. The morning the raid was to get underway we received some information that the prisoners may have moved. We all felt that even if we had less than a 50/50 chance of rescuing a few they would reveal to the public just what kind of people the North Vietnamese were that attitude concerning the war would change. Unfortunately, the prisoners had been removed from Sontay Prison and moved back to Hanoi. No injuries to participants in Sontay raid. Fullbright accused Nixon of conducting raid for political purposes. This was of course nonsense but it shows the environment we were working in during the SVN War.

The SVN war dragged on through 1972, highlights being the buildup of the SVN forces, the SVN operation aimed at cutting the Ho Chi Minh trail, and the mining of Haiphong Harbor. At the same time the United States began a large scale withdrawal program. In October as a result of intensive negotiations Secretary Kissinger reported that a successful end of the war had been negotiated. But peace still was not in hand. True to form the NVN commenced immediately to violate the terms of the agreement to the degree that it was obvious that they intended to continue the war. I was personally concerned about the fact that if we continued the withdrawal of our forces there would come a time when the only Americans left in Vietnam

would be POWs. This was also of great concern to President Nixon with whom I discussed ways and means of forcing the release of the POWs and bringing them to a close. It was from these discussions that the "Christmas Bombing" followed, continued from December 18 to December 29, 1972. This decision by the President took great courage since he knew full well the hue and cry that would follow. Neither the media nor the Congress failed to live up to expectations. The criticism was universal. When I testified before the Armed Services and Appropriation Committees, only one Congressman and no Senator agreed with the bombing. But the President understood the message and on January 22, signed the agreement requiring the list and release all POWs.

In addition to the release of the POWs, which drew most of the attention there were many other details to arrange and monitor such as: withdrawal of men and equipment, reconnaissance, supervisory committee, Geneva Accords, etc. I mentioned these details of the agreement to call attention to the fact that it took some time to comply with all details of the agreement. During this time it was hoped to obtain more information about the POWs by careful interrogation of the some 591 who were released. It was also hoped to learn additional information by observing the unfolding of events after the cessation of hostilities.

I will now turn to the specific questions raised by Committee Counsel.

**Question.** In the spring of 1973, did you believe that the North Vietnamese had more Americans POWs than were included on the list provided on January 27, 1973? How strong was your belief? What was the basis of your belief?

**Answer.** Having been involved in the Vietnam War for 8 years I had no expectation that the North Vietnamese would be forthcoming on all aspects of the ceasefire agreement. On the other hand we did know that about the time of the Son Tay Prison Raid the North Vietnamese had concentrated the POWs in the Hanoi area. Consequently I expected the interrogations of the POWs that were released to reveal some information on POWs that were still held in the immediate vicinity of Hanoi. I also hoped that factual information could be developed as to the existence of POWs in outside areas of North Vietnam. However, since the terms of the ceasefire did not permit verification by US personnel it would be difficult to separate rumor from fact.

**Question.** What intelligence information did you have access to, as Chairman of the JCS?

**Answer.** All information that was addressed to the Defense Department. This was voluminous. I assigned a Navy Captain as "action officer" to keep me up to date on the summary and keep me advised of new developments. Mr. Roger Shields was the senior civilian who kept the Secretary of Defense informed.

**Question.** Did the process of debriefing the POWs who returned during Operation Homecoming change your "strong" belief that American POWs were left behind in Vietnam?

**Answer.** It is incorrect to describe my belief as strong. My hope was certainly strong and in effect the returnees added very little to the information already in hand. Those that I talked to could not pinpoint circumstances regarding specific individuals. However I do recall that the debriefs mentioned two individuals who were not on the list but had been seen in captivity. I am not familiar with the details.

**Question.** What was your opinion of the completeness of the Laos list provided on the North Vietnamese on February 1, 1973?

**Answer.** I do not recall a specific opinion on this point other than to say that the nature of the operations conducted in Laos it would be small when compared to the North Vietnam list. Here again I did hope to find others as events unfolded. I do not remember exactly when I learned the February 1 list was not captured by the forces. I do not recall having seen an estimate prepared by intelligence organizations of a specific number.

**Question.** What were the reactions of the other members of the National Security Council to the POW lists provided by the North Vietnamese on January 27 and February 1, 1973?

**Answer.** I can not speak for the others attending the National Security Council meetings other than to say that it is a lie to suggest that senior government officials at that time or now do not make every effort possible to rescue Americans that are confined overseas against their will. However, as the Secretary said only on Sunday discussing this overall problem, the government can only act on fact.

**The CHAIRMAN.** Admiral, thank you very much. We appreciate your testimony. I might just note personally, that I am sure John

McCain feels the same way that we are delighted to have you here. On a personal level, you had an impact on both of our lives. I was a young ensign just turning JG when you were CNO, and you made a great impression on all of us then, so we are delighted to have you.

**Admiral MOORER.** Thank you, sir.

**The CHAIRMAN.** General Tighe.

#### TESTIMONY OF LIEUTENANT GENERAL EUGENE F. TIGHE, JR. (USAF RETIRED)

**General TIGHE.** First of all, I'd like to say, Mr. Chairman, that I will restrict my statement to the answers to the specific questions that you asked that I address. I welcome the request that I discuss with you certain aspects of U.S. military preparation in the Pacific for the anticipated successful conclusion of the Paris Peace Accords and the return of our military personnel held prisoner by the Southeast Asia enemy governments.

I was assigned as Deputy Chief of Staff Intelligence at Headquarters Pacific Air Forces in August 1971, and in March of the following year, upon retirement of the incumbent, reassigned as director of intelligence at headquarters of the Pacific camp command on assignment to Commander-in-chief of all military forces in the Pacific and Indian Ocean areas, and at that time, he was Admiral John McCain.

He was relieved on retirement by Admiral Noel Gayler. I reported to each of them directly in turn. In this brief statement, as I said, I will respond specifically to the questions you asked and the facts I received from you on June 8, 1992. I also regret the reputation I may once have deserved, for a near photographic memory is no longer a valid one. But then again, 20 years ago may only be a long time in the memory of younger people who are here today.

As the Paris peace negotiations neared their conclusion, CINCPAC received tasking relative to his responsibility as military commander of Pacific forces from either the Secretary of Defense and/or the Chairman of the Joint Chiefs of Staff, that he forward as accurate a list as possible of the military personnel CINCPAC and his component commanders expected to be returned by the enemies on the anticipated successful conclusion of the Paris peace negotiations.

CINCPAC directed that I assemble a group of senior intelligence officers from my CINCPAC intelligence staff and from the headquarters of the component commanders' staffs and build a master CINCPAC list in response to the request. Each of the component commanders, that is the Commander-in-Chief of Pacific Air Forces, the United States Army Pacific, the Commander of the Pacific fleet, and Fleet Marine Forces Pacific, quickly named a senior intelligence specialist to work under my direction, and an additional analyst, personnel specialist and clerical personnel as necessary to complete the task.

Their role was to assemble all of the records and intelligence available at each of their headquarters in the CINCPAC intelligence conference room and to compile a list by military service of the names, rank, and other relative data on each missing individ-

ual on which sufficient intelligence and other data was available to reasonably expect that they had survived and would be returned on successful conclusion of the Paris negotiations. Toward that end, a complete evidentiary dossier was to be compiled on each individual and all together, some 30 people were directly involved in the project. I remember that CINCPACAF was represented by Colonel James Crichton, and that my principal deputy for the project was United States Army Colonel Logan.

For construction of the list, I instructed the analysts to gather any and all pertinent data which could support or deny the possible survival of the missing in action. Information and intelligence included operational reports, HUMINT reports, eyewitness reports of fellow combat personnel, jolly green reports of attempted rescue from helicopter crews, communications intercepts, photographs and other data from the print and other news media, and any other data from any other source which might shed light on the fate of the missing.

Much of the data had been collected by the individual military departments who were responsible for casualty reporting. I do not remember what DIA was doing parallel to that tasking at PACOM nor what OSD/ISA was doing on the task, if I ever knew.

The standards we used for determining whether to show a missing individual on the list or not as an anticipated returnee may have been more liberal or less than that used elsewhere. I have no way of knowing. They were intended to be as accurately anticipatory as humanly possible. Logistics planning and a great deal of human endeavor and emotion were tied into the determination of naming an individual to the list.

As I recall, the lists were compiled by country coordinates of missing by service and any other descriptive that would enable those who had to work with the list to do the best job they could with the data. The very highly classified and sensitive lists were sent by the Commander-in-Chief Pacific, Admiral Gayler to the Secretary of Defense, to whom he reported directly and to the Chairman of the Joint Chiefs of Staff.

I don't remember whether the data was sent to other information addressees, but presume it was also addressed for action to the component commanders on Oahu. When they had been sent, I have no idea whether there were other lists compiled or how it might compare if there were. I don't remember any feedback from the lists or inquiry on it. There may have been questioning, comparison and communications with Admiral Gayler, which I most certainly would have shared, but I don't remember any reaction prior to the actual release of the names of the POW's by the Hanoi Government.

I certainly remember the shock and sadness at the paucity of the lists of names we received versus what we expected. I know that my boss, Admiral Gayler, certainly reacted and there was lots of discussion on what might be done about it and so forth. I do not recall, however, what form CINCPAC's responses used, whether they responded by telegram, that is TWX or secure phone or other.

I do remember that we discussed all kinds of possibilities, including the expectation of separate talks with an extraction of POW's from Laos and Cambodia, and so forth. Alas. Thank you for allow-

ing me to come before you. I believe that you are compiling the largest and most comprehensive body of evidence on the subject of missing in military action that has ever been assembled.

And it is extraordinarily important that this body of data be carefully preserved and seriously acted on, in the most open way possible for future generations of Americans, both as a reference and historical base, but more importantly as an action base of reassurance for the women and men of the armed forces down through the years ahead and for all those they may leave behind to mourn their loss. Thank you, Mr. Chairman.

[The prepared testimony of General Tighe follows:]

PREPARED STATEMENT OF LT. GENERAL EUGENE F. TIGHE, JR., (RETIRED)

Mr. Chairman, Members of the Senate Select Committee on POW/MIA Affairs. I welcome the request that I discuss with you certain aspects of U.S. military preparation in the Pacific for the anticipated successful conclusion of the Paris Peace Accords and the return of our military personnel held prisoner by the southeast Asia enemy governments. I was assigned as Deputy Chief of Staff-intelligence at Headquarters, Pacific Air Forces in August 1971 and in March of the following year, upon retirement of the incumbent, reassigned as Director of Intelligence at the Headquarters of the Pacific Command. On assignment, the Commander-in-chief of all U.S. military forces in the Pacific and Indian Ocean areas was Admiral John McCain. He was relieved, on retirement, by Admiral Noel Gayler. I reported to each of them, directly—in turn.

In this brief statement, I will respond specifically to the questions you asked in the fax I received from you on June 8, 1992. I so regret that the reputation I may once have deserved for a near-photographic memory is no longer a valid one, but, then again 20 years ago may only be a long time in memory for the younger people here today.

As the Paris Peace negotiations neared their conclusion, CINCPAC received tasking relative to his responsibility as Military Commander of Pacific Forces, from either the Secretary of Defense and/or the Chairman of the Joint Chiefs of Staff that he forward as accurate a list as possible of the military personnel CINCPAC and component commanders expected to be returned by the enemies on the anticipated successful conclusion of the Paris Peace negotiations.

CINCPAC directed that I assemble a group of senior intelligence officers from my CINCPAC intelligence staff and from the headquarters of the component commanders' staffs to build a master CINCPAC list in response to the request. Each of the component commanders, CINCPAC Pacific air Forces, U.S. Army, Pacific, CINCPAC Fleet and Fleet Marine Forces, Pacific quickly named a senior intelligence specialist to work under my direction and additional analysts, personnel specialists and clerical personnel as necessary to complete the task. Their role was to assemble all of the records and intelligence available to each of their headquarters, in the CINCPAC intelligence conference room, and to compile a list, by military service, of the names, rank and other relative data on each missing individual on which sufficient intelligence and other data was available to reasonably expect that he had survived and would be returned on successful conclusion of the Paris negotiations.

Toward that end a complete evidentiary dossier was to be compiled on each individual. Altogether, some thirty people were directly involved in the project. I remember that CINCPACAF was represented by Colonel James Crichton, my principal deputy for the project was United States Army Colonel Logan.

For construction of the list I instructed the analysts to gather any and all pertinent data which could support or deny the possible survival of the missing in action. Information and intelligence included operational reports, human reports, eyewitness reports of fellow combat personnel, "jolly green" reports (of attempted rescue from helicopter crews) communications intercepts, photographs and other data from the print and other news media and any other data from any other source, which might shed light on the fate of the missing. Much of the data had been collected by the individual military departments who were responsible for casualty reporting. I do not remember what DIA was doing, parallel to that being done at PACOM—nor what OSD/ISA was doing on the task, if I ever knew.

The standards we used for determining whether to show a missing individual on the list or not as an anticipated returnee may have been more liberal or less than those used elsewhere. I have no way of knowing. They were intended to be as accu-

rately anticipatory as humanly possible. Logistic planning and a great deal of human endeavor and emotion were tied in to the determination of naming an individual.

As I recall, the lists were compiled by country/coordinates of last sighting service and any other descriptive that would enable those who had to work with the list to do the best job they could—with the data.

The very highly classified and sensitive lists were sent by the Commandant in Chief, Pacific—Admiral Gayler—to the Secretary of Defense (to whom he reported directly) and to the Chairman of the Joint Chiefs of Staff. I don't remember whether the data was sent to other information addressees but presume it was also added for action to the component commanders on OAHU. When it was sent I had no idea whether there were other lists compiled or how it might compare if there were.

I don't remember any feedback from the lists or inquiry on it. There may have been questioning, comparing and communications with Admiral Gayler—but the most certainly would have shared—but I don't remember any reaction prior to the actual release of names of POWs by the Hanoi Government. I certainly remember the shock and sadness of the paucity of the lists of names we received versus what we expected. I know my boss, Admiral Gayler certainly reacted and there was a lot of discussion on what might be done, etc. I do not recall, however, what form the PAC's responses used—whether by telegram (twx) or secure phone or other. I do remember that we discussed all kinds of possibilities including the expectation of separate talks with and extraction of POWs from Laos and Cambodia, etc. alas!

Thank you for allowing me to come before you. I believe that you are conducting the largest and most comprehensive body of evidence on the subject of missing military action that has ever been assembled. It is extraordinarily important that this body of data be carefully preserved and seriously acted on, in the most thorough way possible, for future generations of Americans—both as a reference and historical base, but more importantly as an action base of reassurance for the widows and men of the Armed Forces down through the years ahead and for all those they leave behind to mourn their loss. Thank you Mr. Chairman.

The CHAIRMAN. Thank you very much, General. There are a great number of questions and we are going to try and work through them here, and hopefully in an orderly fashion. Let me begin by asking you to can, building on what you just said about the gathering of the information, laying it open.

You have had a number of different roles here. One was the role that you described in helping to gather the lists. I understand the situation during the war and right at Operation Homecoming. Subsequently, you became the head of DIA. You were sitting in the cat-bird seat with respect to trying to analyze and determine what we stood. A great many of your feelings have been articulated publicly in one article or another and characterizations of a still classified report have been made in the public media and you have testified before us previously.

We are trying to sort that out. This morning we came up with a grouping of 244 names, specific names we have which immediately diminished by 111, which only could have occurred, however, during Operation Homecoming. The 111 that were taken away were taken away as a consequence of debriefings and information that was obtained subsequent to the peace accords.

So as of the peace accords, that 244 would have been something we would have expected. The committee fully expects 133 can be scrubbed down a little bit more and we have asked Mr. Trowbridge to help us do that. I am sure it will happen, and that is a very important part of this process. But even Mr. Trowbridge is satisfied with, he thought, 169 names, now reduced significantly.

General Vessey has a body of names. Our Government policy today is a Government policy based on the premise that some of them may have been alive. That is the very reason General Vessey

is seeking accountability. I have personally read some of the reports on those people. There is a report, for instance, on a flier shot down. They watched the chute open. He is in communication on the ground talking to his wing man who is flying above him, and then signs off, and that is the last we know. It is the last we know that the person was alive.

There are significant questions about those kinds of cases. Obviously, you have analyzed all of them and seen them. Going back to 1973, the time of the accords, the time you were sort of accruing these lists, what was your expectation about how many should be returning and what did you think when you saw the lists presented by the North Vietnamese, personally?

General TIGHE. My personal view was shock because I had a great deal of faith in the approximate numbers of those lists that we had compiled and the dossiers, and my reaction was that there was something radically wrong with the lists versus our information, that they should have contained many more names. That was my personal judgment and that was a collective judgment of all those that had worked compiling the lists. It pertained to the personnel aspects of casualty reporting and the intelligence reports.

The CHAIRMAN. This is what point in time now, we are talking Paris Peace Accords, 1973?

General TIGHE. It was 1973, Senator. I was out there through 1974.

The CHAIRMAN. Did you communicate that to anybody at that time?

General TIGHE. Only to my commander. I had no reason to go beyond that. It had been made very sensitive.

The CHAIRMAN. That was to Admiral Gayler.

General TIGHE. That was to Admiral Gayler. To the best of my knowledge, I probably also discussed it with the intelligence personnel of the component commands and probably in various and sundry meetings with my opposite numbers back in Washington, but I have no memory for that.

The CHAIRMAN. Can you give the committee a sense of that disparity of the numbers in terms of your expectations, and I am not dealing with facts here yet. I am dealing with your expectations.

General TIGHE. Now here I think probably we kept reassuring ourselves there was something yet to come, and the whole aura surrounding the release of the lists and the preparation to bring them home dealt with a feeling we were only dealing with part of the numbers. There was more to come that we weren't aware of.

The CHAIRMAN. When the committee today talks about 100, 133, 90, whatever the number is in that range, would that fit within your sense of the expectation you had at that time?

General TIGHE. I would say probably, yes. I would like to say something about the numbers though, and I applaud your universality. Numbers list exploration is very important, but it seems to me that we should be way past the time when we're dealing with lists or numbers. We should have available to each of you gentlemen a computer sitting in front of you in which each of these numbers could be a name, in which you would have a complete file available to you. I mean, it's certainly readily available technology today.

The CHAIRMAN. May I say, General, that regrettably it is a source of anxiety with the committee. We have been laboring for months to really collect the data base, get it into one base and make comparisons, put it in as solid a grouping as we can beside each person. Now, I am not here to pick on agencies and individuals, but you have criticized that in the context of your report and otherwise.

Mr. Trowbridge this morning has acknowledged that there have been some shortcomings with respect to both resources and methodology, and I think that we understand that now. That is one of the facts that is becoming evident and accepted here. We do not need to overly belabor it, but let me come back to Admiral Moore on this. Could you comment on the same sense of expectation and your understanding of what you thought was coming through the lists that you were compiling and the knowledge you had, both as CNO and ultimately as JCS, Joint Chief of Staff?

Admiral MOORER. Of course. In 1970, I became chairman. Up until that time I think that by and large, the numbers that you have on the board are fairly accurate up until 1970 or so, but then the war went on another 3 or 4 years. And, as I said in my statement, I certainly was aware of the kind of people we were dealing with who have an entirely different sense of value and who view a POW as having value which could be measured as a source of intelligence, or even a trading item such as occurred when the French bought several of their POW's.

After the lists came out—as you may recall—they came out, I think, in three separate messages, wasn't it, the total lists. They were in Hanoi prison. I too was disappointed in view of the fact that we'd been fighting 8 or 9 years and at one time we had over 500,000 men down there.

The CHAIRMAN. Admiral, let me try to interrupt you there and suggest it is important for the committee to separate disappointment from expectation based on fact. Now, as we all know, the circumstances over there in terms of survival, et cetera, were difficult. There were a lot of differences in this war, of which you are well aware, we are all well aware of. The question is really what did the intelligence base—not a hope that we are going to have a grand exodus of a lot of people we lost—but what did your intelligence base say to you in terms of that expectation?

Where there hard cases and hard numbers that you said, wait a minute, I know we have got more POW's there, or was it just a hope?

Admiral MOORER. Well, it wasn't hard numbers as I recall, that I could—I'm talking about in addition to the 591 or whatever it was that came out of Hanoi. I don't recall a hard number that people said, well, having analyzed what took place when a plane crashed, or the pilot in the air described, what it looked like to him and trying to judge how many people were still out there.

I don't recall a hard number. There may have been one, but I don't recall it. I do know that, by and large, the figures that General Tighe is referring to that were prepared there in CINCPAC were sent in and I'm sure that Mr. Shields can give a better answer than I can give. But I don't recall a hard number where we could

go to the Vietnamese and say, hey, you've still got a couple of hundred or 300, or 400 of our people and we want them back.

The CHAIRMAN. Did you forward a number to Dr. Kissinger?

Admiral MOORER. No, but he gets the messages, all those messages I was reading.

The CHAIRMAN. Did you ever give him a specific number that was to be expected through the Paris peace talks?

Admiral MOORER. No. No, sir. I did not do that because the way the thing worked, he of course was dealing with the Secretary of Defense who was giving him all the numbers that were finally peaked up at that level from the services and the unified command.

The CHAIRMAN. I would assume that the Secretary of Defense got them from you.

Admiral MOORER. Well, not all of them. He was getting—each service was working on this and he was getting numbers. I was getting numbers from the Army, Navy, Air Force, and Marine Corps, and from the unified commander, and also the commander in Saigon, and it was not a hard, hard figure that I recall.

The CHAIRMAN. I have obviously some more questions, but I want to go around here to Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. Admiral Moorer, can you give me some sense of the atmosphere during the Paris Peace Accords as we went into the negotiations with the Vietnamese? Were we anxious to get in and get out? Were we focused heavily on POW's? Were we not focused on POW's and more focused on getting out of the war? I do not want to characterize it for you. You characterize what you felt—I am not asking you to mention names, just atmosphere.

Admiral MOORER. Well, as you know, we had this agreement in October when Kissinger made his speech, Peace is at Hand, and it was quite clear that the North Vietnamese had no intention of complying with the terms of that agreement. As I said in my statement, the withdrawal of POW's—I mean, our forces continued to the point where, if we kept it up at that rate, the only Americans left in North Vietnam would be POW's. That's when I had the discussions with the President about what to do about it, and to do what we could to force them to sign that agreement.

I'm sure you're familiar with it. So the facts are that the North Vietnamese did agree to sign this agreement which they ultimately did in Paris, I think, on January 27. So to answer your question specifically, I think it's quite true that the United States, and I'll have to include the public in this, wanted to finish and get out. And so, the objective was to, of course, have the POW's released and, at the same time, to certainly bring the war to a close because the Defense Department was out of money, for one thing, so we couldn't continue with the war.

Senator SMITH. In your deposition to the committee, without quoting you directly, you intimated that there really was not, for want of a better word, stomach among those who were negotiating on our side, the U.S. side, to resume the war. Is that fair? In other words, is that a fair characterization of what you implied?

Admiral MOORER. Yes sir, that's exactly right. I mean, at that point, there weren't very many that wanted to continue. Most of

the people, including the Congress, I must say, wanted to get out. I said.

Senator SMITH. With that in mind and again, I am trying to get a sense. We went to Vietnam. The committee went to Vietnam. We talked to the Vietnamese on their side of this, but we really have never had much opportunity to talk to those who were involved on our side. But you said in your deposition that—let me just quote you: There was general agreement among the members, meaning those who were there on behalf of the United States, that it was highly likely that there were U.S. prisoners of war being held by the Pathet Laos who were not going to be released during Operation Homecoming.

But that for political and Congressional reasons there really was little or nothing, at least at that time, we could do about it, unquote. Could you respond to that?

Admiral MOORER. Yes, sir. Let me make a point. In the agreement, there was—the first agreement was made in October. Laos was included as to be viewed just like we were handling North Vietnam. In the second and final agreement that was signed on January 27, I think—I don't recall whether Laos was actually put in there, but it was assumed again that if there were POW's in Laos, they would come out.

But while we're talking about Laos, I would like to emphasize two or three things. In the first place, as you know, Laos had a government in Vientiane where the Prime Minister was Souvanna Phouma. They had another kind of civilian guard at Ulong Prabong, commanded by a general called Van Pao, and then there was the Pathet Laos forces and there were the South Vietnamese forces, but the operations in Laos were primarily air and some intelligence penetrations.

In other words, what I'm trying to get across is that the volume of people that would be POW's in Laos, the number of people would not approach that in North Vietnam, because of the scope of the effort in North Vietnam compared to Laos.

Senator SMITH. Let me also state that in your deposition you were very forthcoming in stating your very strong opinion, and I will not get into the method that you stated it because it is classified, but I will say that in your deposition to this committee you did state that you did provide to your superiors, and correct me if I am wrong, indications that you were extremely concerned about the fact that we had no Laos prisoner lists, that we did not have an accounting of Laos prisoners.

Correct me if I have characterized any of this incorrectly, and that the troop withdrawal really ought to be stopped unless we get an accounting and that you provided that, to your credit—your immense credit. You provided that information to your superiors and essentially were overruled. Is that a correct assessment of your position at the time?

Admiral MOORER. Yes, and I think by and large that's correct. As a matter of fact, eight or nine, or ten, I've forgotten what it was, came out on February 1, were reported, I believe, by the North Vietnamese as being Pathet Laos prisoners. I think it turned out not to be the case, isn't that right?

Senator SMITH. I think there were eight, but I think it was certainly your opinion and the opinion of many others that that was far less than what we thought that they had.

Admiral MOORER. Yes, they should have had more, but on the other hand, nothing—I want to try to differentiate between eight and nine, and maybe a few tens on one hand and what was in North Vietnam. I think that people have overestimated the number of prisoners that were in Laos, but there were undoubtedly some from some of these operations that were conducted.

Senator SMITH. My time is up, Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much. Senator McCain?

Senator MCCAIN. Thank you very much Mr. Chairman, and I welcome both our distinguished witnesses for whom I have great respect, admiration and affection, and we are very grateful that you are both here. General Tighe, you might remember that you and I have had several encounters like this. The last one I remember was when I was in the House of Representatives and we had a hearing at which you testified and, of course, at that time you stated that you were under the belief that there were Americans left behind against their will in Southeast Asia after the completion of hostilities in 1973. Are you still of that view, general?

General TIGHE. I haven't had access to any data since 1986 to change my views that I expressed at that time to that effect. Yes, sir.

Senator MCCAIN. At the time, if I remember correctly, I asked you—

Senator REID. I am sorry, Senator McCain. Did you say that you changed your mind?

Senator MCCAIN. No, he has not. He has seen no evidence to change it. If I remember our exchange at that time, you stated to me that it was the weight of the body of evidence that gave you this—caused you to hold this belief. Maybe you can tell me that again, or for the record, or exactly what the specifics are that have led you to this very important conclusion.

General TIGHE. Yes. I think the discussion this morning, I sat through this morning's session and listened to the discussion of evidence, and I take it for granted many of your lawyers and you talk about an evidential base.

Senator MCCAIN. Do not include me in that group.

General TIGHE. That might have been quite different in the conclusive evidence that we heard someone talk about later on, but I think the questions that were usually addressed to me then and today, you're talking about the weight of evidence again, and here we're talking about the value of largely human intelligence reporting which we went to great lengths to prove or disprove. In those cases where we could not disprove it and could only uphold the veracity and integrity of the witness provided evidence that there were alive Americans still held against their will in Southeast Asia.

It had the inevitable result, such testimony, on my part of asking me what proof did I have and I've answered for the record many times that I didn't have any proof, and that to ask for proof was to get on the ground in Southeast Asia and examine every inch of the ground, or to have a cooperative government there from which we

could get some straight answers. My recommendation at that time and still is, that we establish diplomatic relations again and get on as friendly a basis with the Hanoi Government as possible, as quickly as possible, and get into the files ourselves if that will ever be permitted.

Senator McCAIN. General, and I say this with great respect, my hometown newspaper this morning had an article that stated irrefutable proof. Now, I think that is a little different and that is quoting you as saying: A former Pentagon intelligence chief says the United States had, quote, irrefutable evidence that prisoners were being held in North Vietnam.

I get a different impression from what you are saying. I am not trying to be in any way combative here, but I think it is very important—

General TIGHE. Senator, I'd ask you first of all to please try to tie down the origins of the press reports. I don't think I've ever used the word irrefutable about any of the evidence that I've talked about. I'd also like to say for the record today that in the case, in the last few days of my having been, or a report that I was alleged to have written having been reported in the Wall Street Journal, that I asked a reporter on the phone who sounded as if he were quoting from a classified document, are you quoting from a report that I wrote in 1986, submitted to General Peroots, and he said yes I am.

I said, is it classified, and he said yes. And I said, well, I don't have access to that document. It's classified top secret and that's the end of our discussion. This was a telephone discussion. Now, the quotes that are in there, they are even more interesting because of one word the Wall Street Journal report said used the word probable. The report I submitted to the Congress said possible, and he is referring to a copy of the report that was not submitted officially at all and is, therefore, traceable. I immediately called the security shop of the Defense Intelligence Agency and reported that they had a classified document in their hands, the press, and that I had been asked to comment on it and refused.

So I think if you'll check the sources sometime of the words irrefutable and others, you won't find them in my vocabulary.

Senator McCAIN. Thank you very much. Please note that I do not think that detracts from your opinion, which is a product of many many years of work in the intelligence field, because I think you bring to this committee and to the record a very impressive and very forceful—I think a very impressive resume that I think lends great weight to what you have to say.

At the same time, I am sure you understand why we want to clear up your conclusion as the weight of evidence as opposed to irrefutable proof. I think there is a significant difference there. Could I ask your opinion as far as what you have seen progress—and I know that you have not been on active duty in some years—the progress that has been made as far as the cooperation of the Vietnamese is concerned?

What brings it to mind is you have just mentioned we have got to get people on the ground and find it. Are you favorably impressed, at least to some degree, that the Vietnamese have cooperated somewhat?

General TIGHE. Senator McCain, I would suggest that, from what I read in the press, that I detect more cooperation than I've seen in the past, for a very good reason on their part. I have suggested that it is important that we get into the files of the ministry of interior and all of the communications in that apparatus in the Hanoi area in Vietnam.

I am not privy to the information as to whether or not your committee has determined that we have had access to the ministry of interior files, so I don't know how far that cooperation has gone. But I would suggest that unless we do get full access to those files, we'll never really know what the true story has been, the numbers and the names.

Senator McCAIN. Thank you. One final question, Mr. Chairman. And this is very important, General. Have you ever had any belief or seen any evidence or had any indication that there was a conspiracy or a cover-up on the part of the intelligence services, any one you were associated with, or any knowledge of a cover-up or conspiracy taking place on this issue?

General TIGHE. No. And, as you will recall, in the report that I rendered, the small task force report that I rendered, that was the principal question that was asked me; have you detected a cover-up in Government, in any part of the Government, DIA or elsewhere, on this issue. My response was absolutely not.

I doubt it very much that you can have a conspiracy, a real conspiracy in Government, with the investigative press and all the other means we have at our disposal. It is very difficult to believe this could have been covered up at all by the Government for this length of time.

Senator McCAIN. Do you share that view, Admiral Moorer?

Admiral MOORER. Absolutely, yes.

Senator McCAIN. Thank you.

The CHAIRMAN. Just as a follow up to that, is it fair to say that this issue has been handled in such a way as to give credence to that theory of possibility?

General TIGHE. I'd respond to that, yes, sir.

The CHAIRMAN. Admiral?

Admiral MOORER. I've read this over and over, in books and papers and so on. Yes, sir, I know people who make that accusation, but I don't know of any possible reason or credence to a statement like that.

The CHAIRMAN. I understand, but the fact that information is hard to get, the disorganization at times, all of the things that have been articulated by the committee and by witnesses, I am saying would give credence, would give people the ability to say something's fishy here, something's not working.

Admiral MOORER. There are several books that say something's fishy. I mean that's why people write books. Let us say that in my presence I have never seen the slightest indication of that, and I think that I know the people too well that I'd just consider it as an insult to suggest that they would—that any of the people I've dealt with would do that.

The CHAIRMAN. Can either of you explain why the Government said they are all back or they are dead, when, in fact, there was evidence to the contrary?

Admiral MOORER. I think that statement was referring to the first list that came out. I remember it came out in three sections and the messages. It also listed four or five—I've forgotten which—that were dead. I don't agree if that's what the Government said. Whoever said it, I don't know who. I never have found out who the Government is. But I think you need a direct statement from some individual to make that meaningful.

The CHAIRMAN. Well we have direct statements. But you agree then, that that is not accurate?

Admiral MOORER. I agree that it's not accurate that there's any kind of conspiracy.

The CHAIRMAN. Do you agree that those statements are also not accurate, that they are all back and that they are all dead as of 1973?

Admiral MOORER. Yes, I doubt that's accurate.

The CHAIRMAN. General Tighe, do you agree that is not accurate?

General TIGHE. I agree.

The CHAIRMAN. You are aware of the statements I am referring to.

General TIGHE. Yes, I am.

The CHAIRMAN. And they are in direct contradiction to the state of the evidence, are they not?

General TIGHE. I presume whoever prepared the statements for the individual that gave them had a great deal of fog in mind.

The CHAIRMAN. And would you not agree that that has contributed significantly to both confusion and to the whole—not just conspiracy theory, but to all of the turmoil around this issue over the last 15, 20 years?

General TIGHE. That, and the semantics that we used and the different bureaucracies involved in this whole issue contributed to this same idea, plus the fact—you brought up a desire to get on with it and get it over. We've had an overwhelming sentiment in this country to get on and get out of it.

I can remember holding prisoners in Camp Lucky Strike, 20,000 of them, who only wanted to come home after World War II. It's the same thing after every war; let's get over, get out of this. But then the bureaucracies that are all involved, whether they are personnel or casualty reporting people or the intelligence agencies and so forth—too many people in the act all doing their same thing with their own definitions and their own directives. It's just brought total confusion to the people of this country, and particularly the ones that have a vested interest in it.

The CHAIRMAN. Thank you, General. Senator Kassebaum.

Senator KASSEBAUM. Thank you, Mr. Chairman. I guess I am just curious. Either General Tighe or Admiral Moorer, were there factors in this war that made accountability more difficult than in previous conflicts?

Admiral MOORER. Yes, ma'am. I think there's no question about that. In the first place, you know, we didn't defeat North Vietnam; we had no access to the area. As I said in 1973 the amendment to the appropriation for fiscal 1973 said that none of these funds will be used for combat action, on, above, or off shore Laos, Cambodia, South Vietnam, North Vietnam.

And to my knowledge the North Vietnamese, when they read that, they, for all practical purposes, just threw the agreement of January 27, out the window. So they didn't feel any obligation to comply with it, because they knew we wouldn't have any means of bringing pressure.

In that regard, I think also I would add the fact that, as I said in my opening statement, the entire Nation—you've got to bring the public into this thing too. They wanted to get out and the Congress was responding to all of the pressure they were getting. It was kind of a mindset nationwide that wanted to get out as soon as possible.

Senator KASSEBAUM. I guess I was wondering, too, if the fact that it was undeclared, that there was never any declaration of war, if that had any effect on how there were any—

Admiral MOORER. You just hit on my pet project. I mean, certainly, if we're going to commit 500,000 and fight for 9 years, we ought to declare war. That had a lot to do with it in my view.

Senator KASSEBAUM. Reporting. Did it in any way effect the reporting of the casualties or lists that were kept?

Admiral MOORER. I think, Senator Kassebaum, if we had declared war we would have won it. And if we had won it, we wouldn't ask them, we would just go look.

Senator KASSEBAUM. OK. Let me go back to 1973 and the time when CINCPAC was asked to pull together lists. Is that correct? And those were presented at that time. What was the reaction—your reaction, I guess—to the POW lists that were provided in response by the North Vietnamese, or maybe you have covered this already?

General TIGHE. Yes I have, ma'am.

Senator KASSEBAUM. I am sorry.

General TIGHE. In answer to your question, there was quite a bit of shock associated with it, and the expectation that we probably would get additional lists over and above those that we had, that there was something more to come that we weren't aware of.

Senator KASSEBAUM. That you never got.

General TIGHE. Which we never got.

Senator KASSEBAUM. Were you comfortable with the reporting process at this point, just within our own Government between DIA and the individual services?

General TIGHE. You know, having been associated with DIA for so long, I hate to tell you this, but ma'am, I wasn't really very much aware of DIA when I was at CINCPAC. I had gone down through an Air Force chain and I ended up out of the Air Force for the first time in a unified command, and DIA had never made much of an impression on me since we were so independent in the Air Force and thought we had all the intelligence apparatus that was needed. DIA was probably not all that important to me in those times. I was a newly starred general officer.

Senator KASSEBAUM. Well, then, when you switched hats and were at DIA—

General TIGHE. I had to change that rapidly.

Senator KASSEBAUM. But you feel, as you look at both sides, let us say from this vantage point, that there was a close coordination between the two. And that DIA, in their investigation, in their

analysis, was working in close coordination. In other words the hand and right hand did know what it was doing.

General TIGHE. I, of course, assumed that there were people much brighter than ourselves at CINCPAC and much more capable of getting a lot of resources together, doing a much better job than we could do on the subject, and had access to everything that was available on the subject.

Senator KASSEBAUM. I guess the only other question I would have, and again, perhaps this was answered. At the time of the peace accords in 1973, was the reaction at that time on the part of the North Vietnamese a factor in the future, in the next few years in the handling of the whole POW/MIA issue?

General TIGHE. I would suggest it did have a very definite effect because it had a chilling effect on the uselessness of pursuing the subject when we met no change or alteration or cooperation with the Hanoi Government. After all we were talking about, they were the enemy; it wasn't the United States or any part of it that was the enemy.

I suggest that throughout the military services and the unified and specific command structure, there was a feeling of somewhat uselessness in pursuing the subject for quite a long while. I think that characterized, probably, the early days of DIA's exploration of this, when they got less and less support, and at one time almost were disbanded.

Senator KASSEBAUM. That was basically decisions, I suppose, that were made by the executive and legislative branches.

General TIGHE. And the general opinion of the country.

Senator KASSEBAUM. Thank you very much.

The CHAIRMAN. Senator Reid.

Senator REID. Thank you, Mr. Chairman. General Tighe, if you would, once again, give me the reasons that you believed there were POW's still alive after Operation Homecoming, these POW's being in Southeast Asia someplace?

General TIGHE. It started, of course, in terms of the Vietnam War, with my association—I was on the Air Force staff in Vietnam. I had returned there quite often with the Commander-in-Chief of the Pacific, and also with the Commander-in-Chief of Pacific Air Forces.

So I was very very close to what was going on in Vietnam. I had had a long intelligence career up to that date, both after World War II where we had the same debate going on, and after the Korean War, the same thing. I had been in intelligence assignments throughout most of World War II and Korea.

Senator REID. I appreciate that.

General TIGHE. To get down to the evidential base on which I based my decision in Vietnam, it was strictly the reports that there were live Americans still being cited regularly in Vietnam throughout my tenure at CINCPAC, and then at DIA. I came to DIA from CINCPAC.

Senator REID. Admiral Moorer, would you give me your reasons why you believed there were POW's still in Southeast Asia?

Admiral MOORER. Why there are POW's still in Southeast Asia?

Senator REID. Yes, at the time, in the early seventies, why you believed they were still there?

Admiral MOORER. Well, because the scope of the operations and the number of persons that were involved and the number of aircraft that were shot down and so on, where we didn't find immediate information about what happened to the pilot and so on. I thought also, in view of the fact the war had been going on for 9 years, you know, I certainly would expect it to be more than 591. I think that was the number in the initial list.

I didn't think you could clean it up that fast. I didn't even think the North Vietnamese Government knew how many. I dare say if we ever do get a chance to look at their files, we'll be surprised at the incompleteness.

Senator REID. Is there anything that has transpired in the years since to cause either of you gentlemen to think that your initial feelings then were wrong?

Admiral MOORER. I don't think that they were wrong so much as that you're never going to know whether you're wrong or right unless, as General Tighe just explained, we get access to the files and get freedom to go to each point where we have reason to believe that there may be some there.

But, after all, we're talking about 20 years or so. And I think the idea that there are large numbers of Americans in a barbed wire compound somewhere in the mountains of Laos, I don't think that is a practical assumption.

Senator REID. That was my next question to both you, Admiral Moorer, and you, General Tighe. You have both stated here today on a number of occasions, that you believed that following Operation Homecoming, for various reasons—some of which you have enunciated, some of which you have not today—that there were still POW's, American POW's remaining in Southeast Asia, right?

Admiral MOORER. I don't think that we had exhausted all possibilities completely. Consequently until we had, you had to assume that there were people still there. Some day, let us hope, we will find out no.

Senator REID. You have indicated, Admiral Moorer, that you do not believe that there is a compound with barbed wire around it with a large number of Americans now. Do you believe that there are any Americans? Do you have any basis for a belief that there are still Americans alive in Southeast Asia who were prisoners of war or are prisoners of war?

Admiral MOORER. Well, I think there could be Americans that have deserted and don't want to come back and get disciplined, who married local girls or even be employed because of their expertise in some very high tech equipment or something of that kind.

But as I said before, I don't think you're going to be able to answer the question precisely until we can get into the area. That's why I answered Senator Kassebaum's question that, until we defeat them, we're never going to know, and no one's going to support a declaration of war today.

Senator REID. General Tighe, is your answer any different?

General TIGHE. I'd like to—and I don't want to introduce a whole new subject on this issue, but something that's bothered me down through the years. If your records, the records of your committee, do indeed show—and I don't know whether this is going to be a fact or not—but if they do, indeed show that some of these

of war who returned were ever interrogated by the Chinese or the Russians, then my concern is that those nations which had the most reason to interrogate our prisoners must have had other means of getting information on our technology and all of the things of tactics and operations and so forth that were so important to them.

And my suggestion is that until that is all cleared up and we find out, there may have been another track by which our prisoners were routed and were interrogated by the Chinese and/or the Russians. That introduces a whole new aspect to the question.

Senator REID. What you are saying is the prisoners of war who came home in Operation Homecoming were not interrogated, interviewed, to the extent that—we know some of them were. We had a general here in earlier hearings who did personally interrogate some of the prisoners. Is that not right? Yes.

The CHAIRMAN. No.

Senator REID. He did not.

The CHAIRMAN. He did not personally. He suggested that there had been interrogated, but he also suggested that none of them would have been transferred to the Soviet Union and that it would have a Politburo decision to make such a transfer because of the nature of the Cold War then, and that there were no records to that effect.

Senator REID. Anyway, you raise an interesting point, and that is something we need to follow up on, Mr. Chairman. But I have one last question. With the experience that you have had, do you believe if we had complete access to the files of the Vietnamese Government, the Laotian Government, the Cambodian Government, or any combination thereof, that the files would reveal information relating to people that were left behind for whatever reason?

General TIGHE. I have no way of knowing. I only know what I read in the press. I read a lot of newspapers but I have no way of knowing, other than that that's been reported. I don't know what kind of access you've had.

Senator REID. Do any of your people have any information in that regard?

Admiral MOORER. Is your question, assuming you had access, do you think that would reveal all the POW's?

Senator REID. Yes.

Admiral MOORER. I don't think so. I don't think that they were that accurate or they cared very much about files.

General TIGHE. I would respectfully disagree with that. I would suggest that they kept accurate, very accurate records, and that the reporting system we have of tracing all the way through low-level communications all the way up would contribute to what was, indeed, a very carefully networked accounting for prisoners of war throughout the conflict.

Admiral MOORER. Would you include Laos?

General TIGHE. Laos is another matter.

The CHAIRMAN. Laos, I think—let us make it very clear. Not only did they not have any records, they barely have any pencils or anything to write with there.

I would like to ask Mr. Trowbridge if he would contribute to that answer, because he has been working on this as of late, and we

have just come back from a trip in which we have achieved greater access to records than has ever been had previously. I think there is a mixture of the two answers, but, Mr. Trowbridge, do you want to answer?

Mr. TROWBRIDGE. We feel records research is one of the areas that will provide answers, if we can get good access—and we're starting to get some inroads into the records. We're getting into the MOI records, as General Tighe had mentioned. We're not having as much success on the military side yet. We're always hopeful, but we've had researchers out of our office directly—analysts from our office doing records research since last July. It was General Vessey's initiative to try and open that up. We always want more than we're getting.

Progress has been slow, but there are some strides being made there, and we are finding documents, a few that they have, and we feel that they kept good records.

Senator REID. You feel they have what?

Mr. TROWBRIDGE. We feel that they kept good records, the Vietnamese.

The CHAIRMAN. Let me say that we continue to press for further cooperation. The Vietnamese have stepped up that level of cooperation significantly. We think there is more that can be done, and we are hopeful that over the course of the next few months that will be done. It is clear that in some places they had very accurate records.

But I think you also have to remember—I mean the nature of the bombing was such, as we all know, particularly on the Ho Chi Minh Trail, or other movement areas, that prisoners being moved back on some occasions could conceivably have been obliterated by our own bombs, accurate? And there would be no records whatsoever of anything in that vicinity.

We have to remember that the Vietnamese have some 200,000 MIA and 2 million KIA. And they say to us, you know, we need some help in finding out where you bombed and what happened, because we are trying to answer to some of our families. So this is not exclusively a one-sided effort, and I think we need to keep that in mind. Senator Kerrey.

Senator KERREY. There's a 15 minute roll call vote in progress.

Senator MCCAIN. Could I just ask a question real quick, a follow up? General Tighe, you mentioned that it is a possibility that there could have been another route of POW's to China and/or Russia. Have you ever seen any evidence of that?

General TIGHE. No I haven't, but that's what bothers me.

Senator MCCAIN. Thank you.

Senator KERREY. This morning, General Tighe and Admiral Moorer, I was pursuing a line of questioning with Mr. Trowbridge about the methodology used in developing the POW/Missing list in the first place. In a second line of questioning, I was trying to determine his evaluation of the political environment in 1973 and what impact that might have had on the effort made to get a full accounting at that time.

I would like to continue that line of questioning with you. Both of you have served at the same time and might be able to provide me, at least, with some information that will be useful in trying to

determine why it is that we ended up with the discrepancies in the lists in particular.

General TIGHE, as I understand it you were tasked with the responsibility, as the peace negotiations were going on, of coming up with a list, a master list of people that we were expecting to come home that were serving in the United States Navy. Is that correct?

General TIGHE. My charge was just to come up with a list that the military forces in the Pacific felt should be returned.

Senator KERREY. And how did you come up with that list? Did you simply go to some Naval office where that was already being done, or was there some other means?

General TIGHE. No, I convened—by direction—convened a group of intelligence analysts, and casualty personnel at CINCPAC Headquarters. We examined all of the data that was available that each of these commands, component commands had; determined whether or not there was a possibility that John X was going to be returned as a prisoner of war, whether the odds were favoring his return or not. And so listed and came up with dossiers to support that with the intelligence that we had. That was an analytical judgment. It was based on a variety of both open and closed material.

Senator KERREY. Was there a coordinated effort to try to make sure that we had consistent definitions across the services?

General TIGHE. As far as we were concerned, we were contributing only. I have no idea what happened to the lists once they got into the Joint Chiefs of Staff or the Office of the Secretary of Defense.

Senator KERREY. Do either of you have an opinion as to why there was not an objective method used to determine who was, in fact, either held as a prisoner or who was missing, who was in any of the other categories? Because one of the things that has happened to us, of course, is the list has changed. If you have no objective method to determine who is going to be on the list, then it is relatively easy to subjectively make a determination of who is going to be off.

General TIGHE. I have a couple of suggestions, hearing the testimony this morning. First of all, the intelligence organizations collected intelligence. They weren't driven by a declaration by one of the military services that somebody was missing. They collected intelligence and it didn't bear solely on somebody being on a list as a probable prisoner of war.

Secondly, right down to the time, at least, that I left the Defense Department and retired, the object was to collect data on all Americans. It did not exclude deserters, it did not exclude the people that might have had other reasons for staying behind. It had to do with living Americans left in Southeast Asia.

Senator KERREY. But no written instructions as to how this classification was to occur.

General TIGHE. There were—to the best of my knowledge, nobody came up with a coordination—coordinated list of instructions any place in Government.

Senator KERREY. Why was that, in your opinion?

General TIGHE. My opinion is that the military services had been charged down through the years with maintaining the data on

people that they had lost. For the intelligence agencies to be tacked on to that casualty reporting responsibility was always, in my judgment, considered kind of an adjunct responsibility. It was supportive, but really the military services were determining who was alive and who was not alive.

Mr. Trowbridge may want to comment on that, but I think, probably, the two-track responsibility may have added more to the confusion. Of course, DIA wasn't in existence at the end of the Korean War or World War II. It had been created, as I recall, in 1961. So it had not entered that kind of an act in previous wars. For the first time now we had casualty reports from the military services and we had intelligence reporting in a general sense. It was very very difficult to coordinate the bureaucracies.

Senator KERREY. Let me connect that to the other line of questioning, which was the political environment at the time. I should disclose to you that it seems to me, at times in discussing that period, a great deal of defensiveness about what was going on. Though I find that understandable—I am not suggesting that you are. I am suggesting only that I hear it a lot when we pursue any line of questioning.

Let me disclose that in 1992 there are political problems of even approaching the POW/MIA issue. You hear all the time people, political advisors, who say, gee, do not get involved with that. Senator Kerry, our chairman, and Senator McCain on previous occasions, you find yourself getting in trouble because people will say either that you are doing too much or you are not doing enough, and it is a very difficult issue.

It was much more difficult in 1973. Admiral Moorer, in your testimony you say that President Nixon, with whom you discussed this, was also greatly concerned about the POW's in Vietnam. The question that I have of you is if that is the case, why in the peace document itself was there not greater provisions for us having on-site personnel for verification, some sort of effort to cut off the potential movement of people over into Laos or the return to Laos. It seems that we did not have, really, much leverage over the Pathet Laos at all.

Why did this not concern become reflected, either in the peace agreement itself or in action that followed the development of that document?

Admiral MOORER. Well, Senator Kerrey, I believe if you read the articles in the agreement—this is an agreement and not a treaty—you see that one of the major requirements was that all—and I think it read all POW's in Indochina, in the four countries, would be returned. There was nothing, I don't believe, in the agreement that stated what would be done if you didn't return them; what pressures were available to force what you were talking about, to force compliance with the terms of the POW agreement.

The CHAIRMAN. Except, Admiral, the Laos did not sign the agreement. They were not party to it, were they?

Admiral MOORER. The Laos didn't, no, sir. But, as I mentioned earlier, it was assumed Laos was in it. Le Duc Tho, I think, didn't object, because it was in the agreement, then Kissinger made the speech about peace is it at hand; Laos was included. But then when

they got into the new one that they signed in Paris on January 27, it was not.

It was, I guess, more or less assumed that the agreement they made in October carried over into the agreement they made in January.

Senator KERREY. You mentioned a great deal about the political environment, particularly of 1972.

Admiral MOORER. And 1973.

Senator KERREY. Both before and after the Christmas bombing, and in 1973 as well, did you Admiral—or General Tighe, either one of you, ever hear colleagues or friends either in or outside the military, or in or outside civilian service, suggest or say that perhaps for political reasons we ought to leave this whole thing alone, after the peace agreement itself had been signed?

For the period from, say, October 1973 to April 1975, was it ever mentioned casually that for political reasons, perhaps we ought to move on to something else because it is going to be difficult to discuss; that it is going to create embarrassment; that perhaps we ought to just let this thing cool because the American people want it behind us?

Admiral MOORER. No, sir, I never heard anyone say that, not in my presence.

General TIGHE. It was, by the way, a common mood among military personnel in the Pacific that it had been a political problem from the start and that the military had not been able to do anything about what should, quote, have been done in this, that, or the other instance of conducting the war.

In my judgment, there was overall agreement that this was an almost hopeless political situation in which the United States had lost and was continuing to further lose its leverage to get anything in the way of an agreement.

Senator KERREY. Given the changed environment from 1973 to 1992, it is much easier today to talk about Vietnam and what went wrong and what we ought to be doing about POW's and MIA's than it was in 1973. Today you hear people saying leave it alone. It is hard for me to imagine that in 1973 and 1974 and 1975 there were not people almost all the time saying that, for political reasons, that perhaps we should not pursue this.

The reason I ask it is I am trying to determine whether or not in 1973, 1974, 1975, despite—Mr. Trowbridge, earlier this morning when I asked you this line of questioning you said it was in the fiber of the American people to bring back our people. I am suggesting it may have been in the fiber, but I do not believe it was reflected in our policies during that period of time.

I am putting this line of inquiry to you not to discover whether or not you made some mistakes, but whether or not there were some discussions at that time that, for political reasons, perhaps we ought to leave alone.

Admiral MOORER. I can answer for myself. I have never heard anyone suggest that in any sense. As I recall the POW list, again, by the North Vietnamese complying in part at least by sending in—these messages came from, actually, Paris. They went to Paris and came around. But they listed the 591 plus 5 or 6 dead—I've

forgotten how many dead. And that was kind of the base that was used from then on.

The CHAIRMAN. Admiral, I need to interrupt you and I apologize. We have about 2 minutes left on a vote. I did not want you to think that your testimony was scaring everybody away, but they have gone over to vote.

Admiral MOORER. I wish it was, Senator.

The CHAIRMAN. We are going to be back momentarily. Let me just say we are going to come back. We have a number of more questions. Mr. Trowbridge, we need your report on the Spinelli case. We have a number of other questions to ask on some important issues, so we are going to come back right away.

But I might add on Senator Kerrey's statement that—I mean I seem to recall a real hunkering down after 1973. I mean this was Watergate time, folks, and there was a real diversion. Am I not right?

Admiral MOORER. Absolutely, yes.

The CHAIRMAN. There was a real hunkering down within the military too. Folks had just come back. This was a very different attitude and different time, and I do not think we should sit here in 1992 and be pompous and pontificate about a certain virtue that simply was not being applied to policy then. I mean is that not accurate, General?

General TIGHE. It is as far as I am concerned.

The CHAIRMAN. Mr. Trowbridge.

Mr. TROWBRIDGE. Yes, sir.

Admiral MOORER. Senator, I'd just like to thank you for saying that, because I've made that point over and over again. People just find themselves unable to move back into the environment that they are asking the questions about.

The CHAIRMAN. A very different time. I do remember it well. Admiral, we are going to recess and we will be back momentarily.

[Recess.]

The CHAIRMAN. The hearing will come to order, please.

We have a fair amount of territory still to cover and we want to get going at it. Senator Smith hasn't had a round yet, so let me turn to Senator Smith.

Let me just ask at the outset. I had asked—Bob, you were not here, but I think Chuck Trowbridge is ready to respond on the Spinelli case. So we might even want to lead off with that.

Senator SMITH. Let me come back just a second. I do have a couple of questions for General Tighe, but I do have just one follow-up for you, Admiral. I didn't want to interrupt the last time because other members had not spoken, but I wish I could have at that time and it would have been clearer, but to look at the framework of time that we're talking about in terms of Shields' saying everybody's dead and your message to your superiors saying that you felt that we had to look at this Laos issue a little closer, that there were indications there were Americans still there in Laos, we ought to perhaps suspend the troop withdrawal, et cetera.

The period of time, the window that we're talking about there, is your response to your superiors was on or about March 22 or March 23, 1973, the Shields comment was April 13, 1973. Now I

realize that you were not in a policy role there. You were, I believe, the Chairman of the Joint Chiefs, as I understand it.

Now, what did you do? What did you say inside the council of government at that time when you heard Shields say that?

Admiral MOORER. Well, first, I don't think I said that we should stop all the operations. That wasn't just my idea alone. I agreed with it, but there were other people supporting that, too.

So I just want to point out that it wasn't my—I didn't walk up and say, stop the operations, that way. It came from a discussion about what are we going to do in a situation like that.

Senator SMITH. I guess what I'm getting at is, a statement that is pretty dramatic, when all the involvement in this goes right up until this time is prisoners in Laos, prisoners in Laos, everybody's accounted for, right up there, even to the extent—and you're not the only one; we'll have other people who will be deposed and support your contention and what you said and what you proved to your superiors, that there was evidence that there were Americans still in Laos.

And yet somebody abruptly, within a 2-week, 3-week period, everybody's dead; let's move on. That's a very sudden, dramatic decision. It's a dramatic departure from what was going on in the inner councils of government.

I'm not going to challenge you. I was curious as to what you might have said to your same superiors you sent the message when you saw that document.

Admiral MOORER. Well, I think, first, you probably will ask Shields tomorrow just how he said and what he said, how he said it.

Senator SMITH. Did you tell your superiors that you didn't think that was correct?

Admiral MOORER. I don't recall doing that. I don't know why you said it or what was the basis of that at all.

Senator SMITH. Let me just move quickly to General Tighe. General, you've been quoted in the press as saying that—first of all, I want to thank you and Admiral Moorer and the other gentlemen from DIA as well for taking the time and being cooperative with the committee.

I might just say, DIA might want to put your tape recorders on but in a complimentary way, as far as DIA is concerned, in fairness to them, if the policy is that you feel within the inner councils of government, the highest levels, right up at the Joint Chiefs level, there are prisoners in Laos and then somebody abruptly says they're all dead, that tends to send some very strong messages to those guys that are down there in the trenches investigating the situation.

As Mr. Trowbridge has already testified, there were some attempts to cut back funding, and most likely as a result of those statements. But I've made my point there.

General Tighe, you've been quoted in the press as saying that you intended your so-called Tighe report to be made public. What happened? Why was it not made public?

General TIGHE. You'd have to ask General Peroots that. I don't know why it was not made public. As you probably know, I was even asked to participate in the press conference that announced its findings, nor was I invited to the House of Representatives

participate in the closed hearings that were held immediately prior to the open hearings, at which I was a witness on that report.

Senator SMITH. Does that sound strange to you?

General TIGHE. Yes, it was not only strange; it was almost shocking to me. I have never seen that kind of action.

But apparently something in my report or all of it was unacceptable to those who read it or received it or had to act on it, and I don't know why the reaction. Mr. Trowbridge may comment on that. I don't know. I was never privy to the reasons for it.

Senator SMITH. There was a discussion centering around—

The CHAIRMAN. Do you have a comment, Mr. Trowbridge?

Mr. TROWBRIDGE. Sir, that was a command level decision to keep that classified. It had nothing to do with my office.

Senator SMITH. Do both of you, Mr. Trowbridge and General Tighe, feel that it's classified at this point—because if it is I will not discuss this point—to discuss the reason why you felt that report was "scrubbed" and not made public?

General TIGHE. As far as I am able to comment, I see no reason not to comment. No. 1. No. 2, on the matter of classification, it is far past the time when there is anything in that report, to my judgment, that needs to be classified.

Senator SMITH. OK. You feel that it should not be classified. I'm not going to get into the contents.

General TIGHE. It's a very succinct report. Its primary challenge was to find out if there was a coverup and my primary finding was that there was none. That would appear to me sufficient reason to just publish the report.

Senator SMITH. Exactly. I've read it, and I think your characterization is correct. You said that it is not a coverup and you had some criticisms and recommendations toward the process, which we don't have to go into because it's a classified document.

I agree with you. I don't really see any reason why it shouldn't be made public, either, and I think that it will be very shortly.

But in regard to—it's my understanding that the word—and you mentioned it either in response to a question or in your opening testimony, I can't recall which, the term "probability" versus "possibility."

General TIGHE. Yes.

Senator SMITH. It's my understanding that you favored the word "probability" that POW's may remain and that others, and I won't mention names, preferred the word "possibility" be used. Is that accurate?

General TIGHE. Let me spend just a moment answering that question in detail, because it was the most contentious part of the report as far as its receivers are concerned, and I'd like to explain that throughout the process of coming up with this study that we did, we kept General Peroots informed at DIA, and we interviewed members of Mr. Trowbridge's organization and some of his superiors regularly. They briefed us on what was going on, they brought files to us, and so forth. It was an interactive thing.

But as the chairman of that group I felt a deep sense of responsibility not to unduly alarm anyone, not to give hope where hope should not be given and to further hurt people that might be hurt