

Senator SMITH. Well, it just seems to me—and I do not have a copy of your press release here, I thought I did. But it just seems to me that if in fact Colonel Peck made these kind of charges, you did indicate that there was no evidence to support Peck's allegations. He made a number of allegations, no question, and this is one of them.

So you do stand corrected, then, on that point? That he was accurate in terms of the busywork, or some of the things, the taskings that were done? I do not want to use the term busywork, but taskings that were done?

Mr. ANDREWS. Senator, there is not an inconsistency here, I do not believe. The context of the press release was that we were talking about impropriety or allegations of impropriety. I went on to then make the statement that those suggestions on how to improve the management of the office we did agree with, and have taken corrective action.

Senator SMITH. You do say that. You do use the term allegations of impropriety in your press release, clearly. But the headline on the press release says, DOD finds no evidence of Peck allegations, and then in the next to the last paragraph, you say, these conclusions should not surprise anyone. Over the past decade investigators from the Department of Defense and Congress have looked into similar charges seven separate times. In each case, the allegations were found to be baseless.

And, you know, impropriety is kind of lost, if you will. I think the clear intent of that press release was to show that Colonel Peck—and I do not want to use the term discredit because I do not want to put words in your mouth—but it was clearly an attempt to show that Peck was off base with allegations, whatever those allegations may be.

You do not say in there, that this business about tasking and so forth is one of the things that you supported. You do not say that. Is that not accurate?

Mr. ANDREWS. Well, now, I do say that in the last paragraph on the first page, where I start out. As in the case with any thoughtful officer, and I say. You should use a more formal process to request support. And a procedure will be established to decide the priority of competing requests for POW/MIA intelligence information.

Senator SMITH. Well it is kind of lost, but my time has expired. Mr. Chairman.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. Mr. Chairman, I think Senator Smith covered most of the things I wanted to cover, but I would like to reserve my time, just in case something else comes up at the end of the first round.

The CHAIRMAN. Fine, we will reserve your time. Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman. Mr. Andrews, perhaps Secretary Cheney did not need it in writing, a response to the serious allegations that Colonel Peck made, but I think this committee does, and I would appreciate it if you would give us a written response to his allegations.

I, like you, have high respect and regard for any man who has served his country in the outstanding and dedicated fashion that Colonel Peck has, and when anyone of his caliber makes some alle-

gations, I would like—if you would—give us a written response. Any addition to your press release, I think, would be very helpful, OK?

Mr. ANDREWS. Yes, sir.

Senator McCAIN. Two aspects of Colonel Peck's allegations bothered me a great deal. One was the assertion on his part, a very passionate assertion, that within the organization there is a mindset to debunk—I believe those are his words—live sighting reports. And he felt very strongly about that. And he felt that this inhibits the process from the beginning. And I would like for you to address that concern of his, or allegation of his.

Mr. ANDREWS. Well, Senator, we were unable to determine why he felt as strongly as he did about that particular issue. We know that he had heard that prior to arriving at his job heading the POW/MIA Office, and at the time he took the office we specifically asked him to give us examples of what you are talking about, what is it that bothers you, what is it that we can do, and where can we look to find this mindset? He was not able to provide us with that.

Now, he acknowledged in the discussions we had the importance of checking individual reports against the whole database, the aggregated knowledge of the POW/MIA Office, because many of the live sightings were in fact based upon rumor, or were attempts by individuals to manipulate the issue.

One of the problems that we discovered, and it was just a matter of time—he got into the job, he was so busy, it was difficult for him to take time and learn the basics. That is the reason I expressed the concern that in the future the director of the DIA should appoint someone with experience in intelligence analysis. He was not able to look into the substantive intelligence process, which was routinely dealt with on a day-to-day basis in his office, to really understand what was happening.

Often they say, well, let us give you briefings on clandestine intelligence, how it works, what the problems are, and he was busy. He had a lot that he was doing. I think he was sincere about that. But I do not think he really understood it. And so we looked for evidence of a mindset. We could not find any.

Clearly, as part of routine intelligence processes, you have to look, since you have no direct information or direct way to determine whether a source is in fact true, you have to look for ways—is the source reliable, can we depend upon this report? So it is kind of an indirect way to do it. But we could find no evidence of that as we looked at the office.

Senator McCAIN. I hope, Mr. Chairman, that Colonel Peck will respond to either you or Senator Smith, because clearly this is a very disturbing allegation, and one which, in all due respect, Mr. Andrews, I think we need to explore further.

Another concern that Colonel Peck voiced in allegation that also I found disturbing, was that there were nongovernmental entities intimately involved in the process of evaluating live sighting reports, et cetera. Did you find any credence to that concern that he voiced?

Mr. ANDREWS. Well, we did spend a considerable amount of time trying to pursue that particular question. There is, of course, a member of the interagency group that has a nongovernmental

person, that has an official position on the interagency group. We did not find any unusual involvement in the resolution of live sighting reports by that particular individual.

We asked repeatedly for specifics that we could follow up on, and Senator McCain, if at any time Colonel Peck wants to come forward with specifics, we will be happy to do it, because my goal and the charge from the Secretary is to find the problem and fix it. And the Secretary is leaning as far forward as anyone trying to get on and get these problems dealt with.

If he cannot point to something, we have a hard time knowing what to fix. But I did not find any other outside involvement. You can talk to the Chief of the Office, who might be able to shed additional light, but in the process of this inquiry we did not find any.

Senator McCain. Finally, in your 23 years, Mr. Andrews, you have from time to time seen a tendency to overclassify information. Have you not?

Mr. Andrews. Yes, sir.

Senator McCain. I think possibly Mr. Chairman—

Mr. Andrews. I never did that, of course. [Laughter.]

Senator McCain. You were the one who was always trying to declassify, I am sure, but in reality we need to look into this whole issue of overclassification because I think it has had a chilling effect on the confidence that the American people have in this whole process.

Thank you, Mr. Chairman. And thank you, Mr. Andrews.

The Chairman. Thank you, Senator McCain. Senator Reid.

Senator Reid. How long have you been involved in this POW/MIA matter?

Mr. Andrews. Senator, I think I heard the question, how long have I been involved in this? In my current job, I have been on as Assistant Secretary for 2 years. I was involved on the periphery back as a member of the House Intelligence Committee staff when they did their investigation, but then nothing until this inquiry came up.

Actually, the first real involvement was in January, when General Soyster came to me and said, you need to know that I have some problems in my POW/MIA office and I am going to have to deal with that. And I said, all right, General, why do you not deal with that.

It was at that point that I really first started focusing on this particular issue. Because of the streamlined management that we had in place in the Department—Carl Ford was the focal point for that. And we were just supporting his activities. And then the DIA was, of course, the analytic focal point for the POW/MIA, so it was really in January when he brought that to my attention that I first got involved, and then, of course, the management inquiry in March got me into it in some detail.

Senator Reid. Now you do other things than coordinate this POW/MIA matter?

Mr. Andrews. In fact, my only formal involvement other than my job is responsibility for the overall supervision of intelligence activities in the department.

Senator Reid. As it relates to this?

Mr. Andrews. Right. As it relates to this, my only involvement was the management inquiry.

Senator Reid. So you have done nothing other than what you have related in your statement here?

Mr. Andrews. Pretty much what we have talked about today is what my involvement has been.

Senator Reid. What is Colonel Peck now doing?

Mr. Andrews. I have no idea, sir. He has retired.

Senator Reid. And he had retired at the time you conducted your investigation?

Mr. Andrews. No, he was still on active duty through, I guess, most of the investigation.

Senator Reid. And had he left by the time your investigation terminated?

Mr. Andrews. He left after the investigation had terminated. He left at the end of July, and we wrapped up the investigation in early June.

Senator Reid. That is all I have, Mr. Chairman.

The Chairman. Thank you very much, Senator Reid. Mr. Andrews, what was the date that you reported to the Secretary on your findings?

Mr. Andrews. That should be at the tip of my tongue. It was early June.

The Chairman. I do not—

Mr. Andrews. I can get the exact date and supply it for the record, but it was early June.

The Chairman. It was early June that you reported to him, that was your oral communication?

Mr. Andrews. Yes, sir.

The Chairman. And how many people did you detail to the task of this inquiry?

Mr. Andrews. We had three, the three professionals that I mentioned to you at the beginning of my statement were the management inquiry team, and as they went through their business of looking at files and so forth, they were supported by the POW/MIA Office. But the team was independent and was made up of three people.

The Chairman. Who were the three people?

Mr. Andrews. Mr. Ron Knecht, my special assistant; Colonel Dick Mitchell, from the Army, who is a member of the Deputy Assistant Secretaries for Intelligence, the OSD staff that oversees intelligence; and Craig Alderman, the Deputy Undersecretary of Defense for Policy.

The Chairman. When was the date of assignment to them of this task?

Mr. Andrews. I believe it was around the 5th of April that I formally tasked the group to conduct the investigation. And it was not their full-time—although they ended up spending a lot more time than we had initially expected. I will get you the exact dates.

The Chairman. But it was around the 5th of April that you tasked them?

Mr. Andrews. Yes, sir. April 8 is the date.

The Chairman. And Colonel Peck resigned on 12 February 1991. What happened between February 12 and April 8?

Mr. ANDREWS. Well, first of all, he submitted—I remember this, just to review briefly, February 8 is when General Soyster said, I am going to replace you in this job. You have got to move on. On the 12th, he said, I have these problems and I, by the way, would like to submit my resignation.

They were trying to find him a job to move to. They were trying to take care of him because, again, this was a good officer who was just in the wrong job from General Soyster's perspective.

It was not until the 27th of March that he was actually asked to leave the head of the POW Office. And he departed on the 28th of March. And then he retired at the end of July.

The CHAIRMAN. I understand. But that even raises the curiosity more, if there was a move to change him on the 8th of February, and on the 12th of February he writes these very significant charges.

But then it is not still for more than a month and a half before he is actually relieved, notwithstanding the charges he has made and the decision to do so, and even longer before an inquiry is begun. I do not understand that. It seems to me that the inquiry would begin almost immediately.

Mr. ANDREWS. Senator Kerry, this was happening inside the DIA. I was aware in January that there were problems. I was not aware of the letter or the memo, the Secretary was not aware of the memo, and none of us became aware of that until he departed the office on the 28th and the memo came to our attention.

The CHAIRMAN. On 28 March?

Mr. ANDREWS. When he departed on the 28th it came to our attention early on the morning of 29th. The Secretary was informed immediately and asked for the inquiry immediately.

The CHAIRMAN. Between April 8 and June, approximately a 2-month period of time this inquiry has undertaken. Is that accurate?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. Now, let me just sort of go through a couple of things here, for instance, Colonel Peck made the charge saying:

I became painfully aware that I was not really in charge of my own office, but was merely a figurehead or whipping boy for a larger, and totally Machiavellian group of players outside of DIA.

What steps did the investigators take to check out that particular charge?

Mr. ANDREWS. Well, we talked to Colonel Peck and asked him what did he mean by that? That was the first step. We talked to his associates in the office to follow-up on any indications that Colonel Peck had given us on outside influence. We talked to members of the inter-agency group about their views on the various matters that were being discussed.

It was clear that there were phone calls coming in from members of the inter-agency group asking the office to do things. This is where we've said, you know, we've got to fix this.

The thing that surprised all of us is Colonel Peck was a very senior officer. He was—had a lot of responsibility prior to this assignment; had a lot of responsibility in this assignment. The director of DIA was relying on him to fix the problems.

We were surprised, as we looked into this issue, that he hadn't done something specifically to fix these problems. There were no examples that he gave us during the inquiry, where we could trace that he had started to fix a management problem, instituted a policy, and someone came in and said you've got to take that policy and throw it away.

We kept searching for that. He came forth in February, and tried, you know, and discussed with his supervisors, well, I think we need to make some changes. And they said fine, why don't you go make them—this was a senior officer, who was a direct report to the Executive Director and the Director of the agency.

So we did look into that, and we didn't find any evidence of anything unusual, other than there was a sloppy tasking process that needed to be fixed. And we've corrected—we believe we've corrected that. We have a single channel that tasking will come in and will resolve priorities, and that DIA can get on and do its job of intelligence, and we can handle these various requests through Carl Ford's office.

The CHAIRMAN. So there was an adjustment that you made as a consequence of that particular observation?

Mr. ANDREWS. Yes, sir.

The CHAIRMAN. OK, now subsequently he suggested, "from my vantage point"—quoting him—"I observed that the principal Government players were interested primarily in conducting a "damage limitation exercise," and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". "What steps were taken by the investigators to determine the veracity of that accusation?"

Mr. ANDREWS. Again, as we did with all of these, we said, okay, we accept that. Now, what can you tell us—give us some examples. Tell us what the specific problem is, and how you would go about fixing it. And we would get some information that we could follow-up on, and we did. But nothing that pointed to a problem other than what we just talked about, and that was a problem in tasking flow. Someone had to handle the request for information, request for work. And someone had to prioritize them.

That was—that should have been the job of the head of the office. But somehow the system wasn't working. And he wasn't—he wasn't taking care of ensuring that there was a single, tasking voice coming into the agency. People were calling direct. So we—

The CHAIRMAN. Has that been corrected?

Mr. ANDREWS. We have—the new director of the office—and you can get more details from him—has taken action to ensure that tasking comes through a single channel.

The CHAIRMAN. So, in effect, there has been a response to his second observation? I mean, there is now a single tasking, and a different approach. Is that accurate?

Mr. ANDREWS. As I said, the management inquiry agreed with those observations and we have taken action to correct them.

The CHAIRMAN. Now, with respect to the "mind-set to debunk," it said here, quote "it is held at all levels." What steps were taken to determine the degree to which that might or might not apply at all levels? Were all levels examined?

Mr. ANDREWS. Well, we had discussions with members of the inter-agency group. We had discussions with senior officials in the Department. We did not find—and we had, of course, many discussions with Mike Peck to try to determine exactly what he meant by that statement.

And we were not led to any answers that were helpful for us. As I said, we would be happy to pursue additional leads. But in the management inquiry, we were not led to anything that would point to a particular mindset.

The CHAIRMAN. Let me ask you—do you think—and I know you can tell what I am getting at, but I want to—do you think that the Secretary of Defense would have personally authorized a Senate staffer to fly to Bangkok and spend a week using a military plane, and so forth, had it not been for this memo and photographs that had appeared?

Mr. ANDREWS. With this Secretary of Defense, absolutely. I believe he would have done that.

The CHAIRMAN. So you think the fact that the memo appeared, and the fact that there was this renewed interest would not have perhaps brought the Secretary to personally make that kind of a stake in this?

Mr. ANDREWS. I think the Secretary was personally interested in this subject from the day he walked in the door.

The CHAIRMAN. I do not doubt that. I do not question that. I am certainly not doubting where the Secretary is coming from on this, I do not want you to misunderstand me.

What I am getting at is that there is—if there is this kind of struggle within the Department, as of a number of months ago, where you have a career—as you say—dedicated, capable officer about whom you can't really find something in the service jacket that suggests otherwise, who suddenly gets frustrated—can you see why people on the outside might get frustrated and have a similar sense of this attitude to debunk, and sort of—that after—I mean, look, it is 18 years, right? 19 years—it is pretty hard for some people to maintain the same sense of fervor and commitment.

You look at 1,000 of those reports, and 1,000 of them do not pan out. And the next one comes across your desk—I would probably have a hard time looking at it—I mean, I do not think this is a blame thing. I am just trying to get at a reality here. And the reality may be that the machinery was creaking a little bit, and it needed some oil or something. Is that an unfair assessment?

Mr. ANDREWS. I think that what has occurred, subsequent to this, the Peck memo, the inquiry, the attention that's been brought to this has been healthy. I think that there are things that have been done that needed to be done. They had not come to management's attention. That's what we rely on people like Colonel Peck to do, is to bring it to our attention. He failed to do that.

We were able to see the problems, and to take corrective actions. So I can't—of course, things have happened that were positive from this, because there's been a lot of management attention brought.

The CHAIRMAN. Well, I think that is an important statement. That is a fair and important statement. And that is what I am trying to get at.

Now, the—did any of these investigators, these three people who were charged to look at this issue reduce to writing any of their interviews, or any of their observations?

Mr. ANDREWS. We have various pieces of working material, one-page summaries of observations of one member that I am aware of. One of the members I am not aware of put anything in writing. My special assistant, who sits behind me, was responsible for many different pieces of material, including a lot of letters responding to congressional inquiries about this, and letters responding to queries of the Veterans of Foreign Wars and others. So that a lot of what we had, from the management inquiry has found its way into the record. No specific reports were written. There was a transcript taken of the initial Peck interview that he consented to.

But other than that, there is nothing else in writing.

The CHAIRMAN. Well, I would like to request that the transcript of the original interview with the Colonel be made available to us. I would like to ask that whatever those small, working writings are, that they be made available to us.

But I would say to you, very respectfully, Mr. Andrews, that I think that this is, in a sense, another example of the kind of thing that just adds to the folklore, if you will, of doubt. If you have the U.S. Army officer who is retiring in as sensitive a position as this one retiring under these circumstances and then you set out to have an investigation which you intend to make public to determine the bona fides of the Department's efforts, it would seem to me that there is a requirement that that somehow be documentable to be as thorough as possible—given the climate, and the mood within which we are all operating on this issue.

And I think that when you, by your own acknowledgement can say well, we had to make this change, and we had to make this change, and we did respond to this, there is at least a tenor of a kernel of truth—maybe exaggerated, maybe strong. But there is a kernel of observation there which may, indeed, have been legitimate, which you have a very real need to document your response to.

And I think that is one of the reasons why when you have a verbal communication to the public, well, we have looked at this and thoroughly analyzed it, and, indeed we found that we are not culpable, people stand back and say hey, wait a minute. Is that fair that you understand the reaction people have?

Mr. ANDREWS. Senator, I understand—I understand what you are trying to say. I will only say that at the time, if you look at the context we were conducting this inquiry, we approached it in a very open, and sincere way with the very strong direction from the Secretary to find out what's wrong and fix it. Our goal wasn't, at that time—I wasn't worried about the politics. What I was worried about was finding if I had a management problem in one of my organizations and taking action to correct it.

If we would have found more substance, more credibility to Mike Peck's message, I could guarantee you we would have done more to document it. What we found was there wasn't anything here. And because of that, we felt that the steps we took, and the way we approached it was sufficient. We can be second-guessed on that, but

that's—that was the way we approached it. And it was a sincere effort to try to get to the bottom of the problem.

The CHAIRMAN. Did you find that anyone had access to Top Secret, Codeword message traffic for which they were not cleared?

Mr. ANDREWS. No, we did not.

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Andrews, let me pursue this mindset to debunk that Colonel Peck referred to either in his resignation letter or his public statements—I am not sure which, or both—is this—are you saying that this has never been heard before in the—within the agency?

Mr. ANDREWS. Oh, no, not at all. In fact, the Tighe Report and the Gaines Report, which the committee has had available to them, both talk about a mindset to debunk.

And I look at those reports, and I see the evidence that they talk about. I also see that there were other internal inquiries that said no, there wasn't such—that this was good, intelligence trade practice.

What I had to focus on was this period that Colonel Peck was there, and the inquiry team's findings. And at the time we went in, and looked at the process that was in place, and talked to the analysts and talked about their procedures and how they handled live-sighting reports, looked at their files, we saw a lot of very sincere people that sometimes were over-worked. And sometimes the product was deluded by a lot of fraudulent, you know, reports—particularly during the period where we were getting the dog tag reports. But I didn't—we didn't find a mindset.

Senator SMITH. Let me just ask a question on the point you just made—is there a Gaines Report?

Mr. ANDREWS. Yes.

Senator SMITH. A written document?

Mr. ANDREWS. There is a summary. I don't know if it's a complete—there's a summary of the Gaines Report that's in writing.

Senator SMITH. Well, what I want to know is if there is written document called the Gaines Report in DIA. Is that true or not true?

Mr. ANDREWS. There is not a written document called the Gaines Report. There is a document that summarizes that particular finding, and people refer to it as the Gaines Report.

Senator SMITH. All right, what is the formal title of it? The Deputy Director's POW-MIA Task Force Report? And I would ask the staff, has that report been made available to this committee?

Mr. ANDREWS. Yes, it is the Director's POW-MIA Task Force Report, March of 1986. And it has been made available.

Senator SMITH. I don't have a copy of it, or I was not given a copy of it. And I wish I had been. But in any case, that was made available.

Mr. Chairman, this is meant to compliment the witness, not to criticize the witness. But I want to call your attention to something, because this is a dramatic departure from something that occurred 2 or 3 years ago. And if Secretary Cheney was responsible for this, or Mr. Andrews, I commend them for it.

But I want to quote from a point paper—when I was in the House of Representatives last year, I had a piece of legislation on

de-classifying intelligence. It went a little bit further than what Senator McCain's legislation did. But it was similar.

And at that time, the House Armed Services Committee requested some type of analysis of that legislation from DIA. I have a copy of that in which it says as follows—this was a point paper on the Smith Amendment on disclosure of POW-MIA intelligence. And this is very, very important because it goes to a question that you asked as well.

Of the three reports cited in the amendment, and that would be the Tighe Amendment, the Gaines Report, and the Brooks memorandum, those three were the things that were mentioned specifically by me—of the three reports cited in the amendment, only the report issued by General Tighe in 1986 is in written form.

The other two were apparently all briefings to the Director of DIA. An unclassified version of the Tighe Report was released in 1986. And then they go further. The DIA maintains that all three reports, to the extent they exist, represent confidential advice to a former director on the effectiveness of the internal workings of that agency. Because of the classification and sensitivity of these reports, the confidential sources and diplomatic relationships involved in Southeast Asia, and because of the intended use of this information, DIA does not wish to release any internal report of this type.

The administration would resist this amendment because of executive privilege. DIA is willing to discuss the effectiveness of its efforts, but does not wish to invade the confidential relationship that existed between a former director and his hand-picked advisors. Further, DIA will make the entire Tighe Report available, et cetera. Recommendation opposed the Smith Amendment because of the sensitivity of the sources and methods involved, and the nature of these types of reports.

So Mr. Chairman, I would have to say for the record, that at least whoever was in charge of the shop last year, gave erroneous information to the House Committee on the Armed Services in response to a request by them for information regarding my amendment. And I want the record to show that. And I will provide this document.

And if, in fact, now there is a Gaines Report which has been denied personally to me, for a number of years, that that report existed in written form—and at some point in time I will be happy to provide the names of those who said that to me—now we know, we hear that we have a Gaines Report. And I wish that I had a copy of that prior to coming in here today. And whoever was responsible for that on the staff, I would like to have to answer to me for that, because I should have had it.

Do you wish to correct or reinterpret anything that I have said regarding the Gaines Report, Mr. Andrews?

Mr. ANDREWS. I'm not familiar with what you've been reading, Senator Smith, but the Gaines Report that I discovered or that we had during the management inquiry is available. The committee has been provided. And I would have to look into your other concerns.



ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-3040

November 14, 1991

COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE

Honorable John F. Kerry
Chairman
Select Committee on POW/MIA Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

During my testimony before the Select Committee on POW/MIA Affairs on November 5, 1991, Senator Smith cited an anonymous and undated House Armed Services Committee-drafted point paper (Attachment 1), titled "Smith Amendment on Disclosure of POW/MIA Intelligence Activities," as an indication that the Department of Defense had knowingly denied the existence of an internal Defense Intelligence Agency (DIA) review report commonly known as the "Gaines Report." I agreed to attempt to determine the circumstances that led to Senator Smith being given incorrect information as the Gaines Report does exist and has been provided to the Select Committee on POW/MIA Affairs.

We reviewed relevant files in the Office of the Secretary of Defense (OSD) and the DIA and recovered several papers related to this matter (Attachments 2-5). We did not find any signed OSD or DIA correspondence which stated that the Gaines Report did not exist. One internal DIA paper (Attachment 2) indicates that around September 1990, when then-Representative Smith's amendment to the Intelligence Authorization Bill was in the draft stage, the DIA was unable to locate the Gaines Report. Subsequently, around January 1991, the DIA located a copy of the Gaines Report (Attachment 6).

After reviewing the working papers and notes we found and the memorandum concerning the recovery of the Gaines Report, I surmise that in the September 1990 period it is very likely that an unknown DIA or OSD employee informed an unknown staff member of the House Armed Services Committee that a copy of the Gaines Report did not exist. However, we did not find any documentation that would indicate that passing such a conclusion to the staff member was anything other than an honest reflection of the circumstances known at the time. This leads me to conclude that no attempt was made to willfully mislead Representative Smith or the Congress as to the existence of the Gaines Report.

Sincerely,

[Signature of Duane P. Andrews]

Duane P. Andrews

Attachments:

- 1. HASC point paper, unsigned, undated.
2. DIA unsigned paper, September 25, 1990.
3. DIA memorandum U-1157/DI-3, undated.
4. DIA Tasking Control Form, October 5, 1990.
5. DIA working papers, "Section 504 of H.R. 5422," "Access to POW/MIA Live Sighting Cases," and "The Gains and Brooks Reports."
6. DIA memorandum, November 6, 1991.

cc: Honorable Robert C. Smith
Vice Chairman

HASC

POINT PAPER

SMITH AMENDMENT ON DISCLOSURE OF POW/MIA INTELLIGENCE ACTIVITIES

Amendment: Requires the Director of the Defense Intelligence Agency to provide any Member of Congress, upon request, full and complete access to all internal reviews relating to DIA's efforts to fully account for POW/MIA or unaccounted for U.S. military personnel. The amendment specifically cites three reports.

Background: Of the three reports cited in the amendment, only the report issued by General Tighe in 1986 is in written form; the other two were apparently oral briefings to the Director of DIA. An unclassified version of the Tighe report was released in 1986 and is available.

Discussion: The DIA maintains that all three reports, to the extent they exist, represent confidential advice to a former director on the effectiveness of the internal workings of that agency. Because of the classification and sensitivity of these reports, the confidential sources and diplomatic relationships involved in Southeast Asia and because of the intended use of this information, DIA does not wish to release any internal report of this type. The administration would resist this amendment because of executive privilege. DIA is willing to discuss the effectiveness of its POW/MIA efforts but does not wish to invade the confidential relationship that existed between a former director and his hand-picked advisors. Further, DIA will make the entire Tighe report available to the Chairman and Ranking member of the committee, if they so desire.

Recommendation: Oppose the amendment because of the sensitivity of the sources and methods involved and the nature of these types of reports.

[Handwritten notes and signatures, including 'Frank' and 'Parker']

Received from Mr. Coluccio
12/11/91

September 25, 1990

AMENDMENTS TO H.R. 5009
OFFERED BY MR. SMITH OF NEW HAMPSHIRE

In drafts dated 17 September 1990, Representative Bob Smith submitted for amendment of the Intelligence Authorization bill two related provisions on information concerning military personnel listed as prisoner, missing or unaccounted for in military actions. The Defense Intelligence Agency believes that these proposals are unnecessary and counterproductive, and should be opposed.

One proposal would require agencies whose funds are authorized under the Intelligence Authorization Act to provide any Member of Congress complete access to all classified information which possibly correlates to military personnel reported to be missing in action, unaccounted for, or a prisoner of war from World War II, the Korean War, the Vietnam conflict, or any other action involving the presence of U.S. military forces in a foreign country.

This proposal apparently would mandate full and unrestricted access to intelligence. This would be a drastic step that disregards the special protection necessarily given to intelligence sources and methods, especially sensitive human sources and technical systems. It disregards the principle of allowing the agency with which information originates to control its dissemination. The requirement to provide information fails to include any corresponding provision for the secure storage and handling of classified information. What is more, this proposal would have the effect of requiring dissemination of unevaluated and uncorrelated information, a result that would add more to confusion than clarification of issues.

There is no need to proceed in such an ill-advised manner. Procedures in effect insure that appropriate committee members and committee staff are informed of POW/MIA-related events, briefed on POW/MIA cases of interest and afforded the opportunity to conduct a review of DIA's analytical conclusions. The implementation of the proposed amendment would totally circumvent the committee system of the U.S. Congress - specifically the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs, both with direct oversight responsibilities on the POW/MIA issue. DIA knows of no instance where raw intelligence reports are disseminated to any interested member of Congress; however, this amendment would be precursory to like requests on other subjects.

It is important to note that the Department of Defense has extended an invitation to members of the Congress, including the sponsor of the amendments at issue, to visit the DIA facility in the Pentagon to review POW/MIA cases of interest. DIA analysts would be present to answer any questions posed by the members. (To date, one Senator has responded to this invitation and has spent

DIA internal working draft.

four days reviewing files at the DIA facility.) The Members may also be assisted by staff of the Armed Services, Intelligence or Foreign Relations/Affairs Committees who have the appropriate clearances and have staff responsibility for POW/MIA issues.

DIA believes that it is inadvisable to go beyond the current situation to one in which access and dissemination of information would be uncontrolled. DIA strongly opposes this proposed amendment on this basis.

The second amendment to the Intelligence Authorization Act proposed by Representative Smith would require the Director of the Defense Intelligence Agency to provide all Members of Congress complete access to all internal reviews of the DIA Special Office for Prisoners of War/Missing in Action. The amendment goes on to name three such reports - the Tighe report, the Gaines report and the Brooks report. The conclusions and recommendations of the Tighe report were disclosed in 1986. Portions of the report are classified because of their potential impact on our diplomatic relations with the governments of Vietnam and Laos, and for other reasons, have been withheld. All three reports, to the extent that they exist, constitute confidential advice to a former DIA Director, from advisors specially picked by him, on the effectiveness of the program for which he felt a heightened responsibility. In this sense the reports are in the nature of confidential Inspector General reports to the Director on the internal workings of his agency. DIA is willing to discuss the effectiveness of its POW/MIA efforts, but hopefully without invading the confidential relationship that existed between a former Director and his hand-picked advisors. The caveat "to the extent that they exist" must be added to references to the Gaines and Brooks reports because DIA has been unable to locate these reports in any tangible form. Colonel Gaines and Admiral Brooks each assisted a former Director in assessing the effectiveness of the POW/MIA office. It is not now clear whether these "reports" to the Director were ever in written form or were the subject of oral briefings to the Director.

UNITED STATES GOVERNMENT
memorandum

DATE:

REPLY TO
ATTN OF: DI-3

U-1157/DI-3

SUBJECT: Representative Robert C. Smith's (R NH) Amendments on POW-MIA

TO: DR DD ED

On 27 September the HASC marked up the Intelligence Authorization Bill (HPSCI version). It was previously reported that Representative Smith planned to offer two amendments concerning POW-MIA matters: (1) to have DIA make available its files to all Members of Congress; and (2) to have DIA make available all its reports--to include the Tighe, Gaines and Brooks reports to Members of Congress.

Representative Smith offered only the second. It was amended to read that DIA should make available the Tighe report with sources and methods material deleted.

A. DENIS CLIFT
Deputy Director for
External Relations

CC:

POW-MIA
GC

UNCLASSIFIED		TASKING CONTROL FORM			5 Oct 90 (DI-3)
OFFICE OF ORIGIN DI-3	DOCUMENT DATE	DOCUMENT NO.			
	DATE RECEIVED	DATE TASKED	DATE REVISED	CONSUMER CODE	
DIA SUSPENSE: ASAP		TASKING CONTROL NO.:			
ORIGINATOR'S SUSPENSE:		COLLAB SUSPENSE:			
		COORDINATION SUSPENSE:			
SUBJECT Representative Robert Smith (R NH) and H.R.5422					
INTERNAL ROUTING				PREVIOUS ACTION OFFICER	
ACTION POW-MIA	COLLABORATION GC	COORDINATION	INFORMATION DR DD ED DI DI-3 VP		
INFORMATION AND GUIDANCE: Request a "departmental position paper" on the Smith Amendment to H.R. 5422 to be furnished to OSD/LL, Mr. Mark Bitterman, X78784, see attached documents. The point of contact in DI-3 is LtCol Dixon Jordan, 697-5101.					
SUB ELEMENT INSTRUCTIONS:					
RETURN WITH COMPLETED ACTION TO: <i>J. James S. Van Wagenen</i> Signature					FINAL DISPOSITION
KEYWORD SEARCH ENTRY: JAMES S. VAN WAGENEN DI-3, X75101, 20246 (1187)(EDJ)					
THIS FORM BECOMES _____ UPON REMOVAL OF ATTACHMENT(S)					

DIA FORM 311
REV 5-84

DIAF 12-16

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114
* U.S. GPO: 1990-267-041/7903

UNCLASSIFIED
CLASSIFICATION

A BILL

To authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central

Union Calendar No. 481

101ST CONGRESS
2D SESSION**H. R. 5422**

[Report No. 101-725, Parts I and II]

To authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1990

Mr. BEILSON introduced the following bill; which was referred to the Permanent Select Committee on Intelligence

SEPTEMBER 19, 1990

Reported with amendments and referred to the Committee on Armed Services for a period ending not later than September 28, 1990, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X

[Omit the part struck through and insert the part printed in italic]

SEPTEMBER 28, 1990

Reported from the Committee on Armed Services with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in boldface roman]

A BILL

To authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the United States Government, the Intelligence Community Staff, and the Central

1 SEC. 504. DISCLOSURE TO MEMBERS OF CONGRESS OF CLAS-
2 SIFIED DEFENSE INTELLIGENCE AGENCY
3 REPORT RELATING TO MILITARY PERSONNEL
4 LISTED AS PRISONER, MISSING, OR UNAC-
5 COUNTED FOR.

6 The Secretary of Defense shall provide to any
7 Member of Congress, upon request, full and com-
8 plete access to the classified report of the Defense
9 Intelligence Agency commonly known as the
10 Tighe Report, relating to efforts by the Special
11 Office for Prisoners of War/Missing in Action of
12 the Defense Intelligence Agency to fully account
13 for United States military personnel listed as pris-
14 oner, missing, or unaccounted for in military ac-
15 tions. The Secretary may withhold from disclosure
16 under the preceding sentence any material that in
17 the judgment of the Secretary would compromise
18 sources and methods of intelligence.

WORKING PAPER

SECTION 504 OF H.R. 5422

The Committee on Armed Services of the House amended the FY1991 Intelligence Authorization Bill referred to it by including Section 504 in the bill. This section, directing the Secretary of Defense to provide to any Member of Congress full and complete access to the so-called "Tighe Report," relating to efforts by the Special Office for POW/MIA of the Defense Intelligence Agency to fully account for U.S. military personnel listed as prisoner, missing, or unaccounted for in military actions, was adopted after modification, pursuant to an amendment proposed by Representative Bob Smith.

This amendment is unnecessary inasmuch as the "Tighe Report" was made available to the four committees of Congress with oversight responsibilities for the POW/MIA issue in 1986 when the report was promulgated. Although the report is classified, it remains available for "in camera" review by Members of those committees exercising oversight of POW/MIA matters. Representative Smith has been so advised and has been invited to review the report.

Given the above described policy concerning congressional access to the "Tighe Report" Section 504 is totally unnecessary.

WORKING PAPER

ACCESS TO POW/MIA LIVE SIGHTING CASES

Representative Bob Smith has previously proposed amendments which direct agencies whose funds are authorized under the Intelligence Authorization Act to provide any Member of Congress complete access to all classified information which possibly correlates to military personnel reported to be missing in action, unaccounted for, or a prisoner of war from World War II, the Korean War, the Vietnam conflict, or any other action involving the presence of U.S. military forces in a foreign country.

It is important to note that the Department of Defense has extended an invitation to Members of Congress, who specifically requested access to POW/MIA files, including the sponsor of the amendments at issue, to visit the DIA facility in the Pentagon to review POW/MIA cases of interest. DIA analysts would be present to answer any questions posed by the members. (To date, one Senator has responded to this invitation and has spent four days reviewing files at the DIA facility.) The Members were advised they could be assisted by professional staff of the Armed Services, Intelligence or Foreign Relations/Affairs Committees who have the appropriate clearances and have staff responsibility for POW/MIA issues.

WORKING PAPER

Provided by
- DIA external Affairs;
provided by POW/MIA for them.

WORKING PAPER

WORKING PAPER

The Gaines and Brooks Reports

Representative Smith has previously drafted amendments to require the Secretary of Defense to provide access to any Member of Congress to the so-called "Gaines and Brooks Reports." These "reports" are internal reviews of the DIA Special Office for POW-MIA and constitute confidential advice to a former DIA Director from advisors specifically picked by him on the effectiveness of the program for which he felt a heightened responsibility.

Portions of these reports are classified because of their potential impact on our diplomatic relations with the governments of Vietnam and Laos.

These reports are in the nature of confidential Inspector General reports to the Director on the internal workings of his Agency. DIA is willing to discuss the effectiveness of its POW/MIA efforts, but hopefully without invading the confidential relationship that existed between a former Director and his hand-picked advisors.

WORKING PAPER

MEMORANDUM

6 November 1991

From: Joan Dempsey, GDIP Staff
To: Mr. Knecht, C31

Subject: Gaines Report

1. You requested that I recount how I came to possess the Gaines report and when I located the document. Following is the sequence of events as best I can remember.
2. In my previous position as Special Assistant to the Executive Director, DIA, I worked POW/MIA issues with the DIA Special Office for POW/MIA. A draft amendment to H.R. 5009, the Intelligence Authorization Bill, was introduced in September 1990, requiring DIA to provide three reports to Congress. Those reports were the Tighe, Brooks, and Gaines reports. The Tighe report was available. The Gaines and Brooks reports could not be located in any office in DIA involved, currently or previously, in the POW/MIA issue.
3. I initiated a search for the Gaines and Brooks reports in September. I requested a thorough review of all former DIA directors' files and record files within the Executive Support Office in DIA, as well as historical files in the DIA library. I also queried personnel associated with this issue in DIA during the time the reports were compiled. The only reference to the Gaines report that was located in late September or early October was a paper copy of briefing view-graphs provided to a former DIA director on the Gaines study effort. Also at that time, a page-and-a-half list of conclusions and recommendations written by RADM Brooks was located. It was internal staff memoranda, not a report. Ultimately, the amendment was changed to require that the Tighe report be made available to members of Congress and that the Secretary of Defense could withhold sources and methods.
4. I continued to try to locate the Gaines report. Late in 1990, a former director's executive secretary suggested I talk to a military officer, no longer assigned to DIA, who was aware of the Gaines report at the time the study was ongoing. That officer led me to a current DIA employee in the Office of Security and Counterintelligence who had a copy of the Gaines report. I do not remember the exact date but both the employee who had the report and I think it was in January 1991.

Senator SMITH. In your letter to me on July 19, you stated that the director of the National League of Families was not in a position to influence the flow of work in the POW-MIA Office at DIA, not in a position to influence the flow of work. Do you stand by that statement?

Mr. ANDREWS. Her position on the inter-agency group does not entitle her to direct tasking to the POW-MIA Office, or to influence their conduct of business. Now that's not to say in the past that individuals in the office didn't agree when she asked them to do something, or didn't accept tasking. But what I'm saying is her position doesn't entitle her to that. And the procedures that we've put in place are designed to—

Senator SMITH. I do not care what it entitles her to. Does she have—is she in a position to influence the flow of work of POW-MIA issues at the office—or did she?

Mr. ANDREWS. There were lots of examples of where she participated, along with other members of the inter-agency group in activities that the office was conducting. We didn't find, nor did Colonel Peck provide any examples of where that has been any undue or unacceptable influence to that office. As a member of the inter-agency group she did participate in activities, and was briefed by members of the office.

But again, the question—or the answer was, she—the position doesn't entitle her to that. We were not aware of any specific examples where she had any undue influence of the activities of the office.

Senator SMITH. Well, are you aware of the letter or memorandum or some document, formal document, in which she indicated that certain U.S. Senators should not have access to certain classified information? Are you aware of that?

Mr. ANDREWS. I haven't seen the letter, Senator. I've heard of that.

Senator SMITH. Would you consider that influencing the flow of work at DIA?

Mr. ANDREWS. I don't think any action was taken on that. We did not see that as an example of adverse influence of those activities of the office.

Senator SMITH. I just want to clarify one thing because of this Gaines Report. Because I have not seen it. And I just want to know, for the record, the report that she provided to the committee, which I have not seen, is that the entire Gaines Report, or is it a summation of what the Gaines Report was?

Mr. ANDREWS. As far as I know, it is just a list of a series of questions and conclusions, findings made by the task team. I'm not aware of any other back-up to this document.

Senator SMITH. So it is the complete report, is that correct?

Mr. ANDREWS. As far as I know it is complete.

Senator SMITH. What you gave to the committee is the only thing you know of as far as the Gaines Report?

Mr. ANDREWS. That is correct.

Senator McCAIN. I hate to display ignorance. Can I ask what the Gaines Report is?

Senator SMITH. Yes, you can. The Gaines Report, as I understand it from those who have discussed it with me, is that it basically

outlines about 70 percent of the concerns that Mike Peck outlined in his allegations, which Mr. Andrews says were not valid.

So I think there is a clear case here of some major discrepancies between what Colonel Peck said and the Gaines Report said, and what is being said by Mr. Andrews.

Senator McCAIN. Who was Mr. Gaines?

Senator SMITH. Kim Gaines was a former Director of DIA—excuse me, the POW-MIA shop. He was a predecessor of Colonel Peck's.

Senator REID. What you are saying is they both said some of the same things?

Senator SMITH. Absolutely. Senator Reid, there were a number of—I can just—let me just give a couple of points from the Gaines Report that I have now at my disposal, which is that some of the things that Mr. Gaines indicated about the process, the DIA process: unhealthy attitudes; almost total lack of management; working hard but not working smart; haphazard approach to problems and functions too much; direct exposure of the working-level analyst; inadequate planning; internal communication and written guidance; database is a wasteland; working files unprofessional, sloppy, incomplete; no standard procedures; no discipline, coherent collection management effort; too much detective work; not enough analysis—and on, and on, and on.

These are the same things that Colonel Peck is saying. And I think it is very significant here that the existence of this report was denied—was denied to the House Arms Services Committee, and that it was denied as a written document even existing. Now, it is a document. And it is my understanding, based upon the quick review that I have had of the document that was submitted to the Senate staff, that that is still not the complete document, in spite of what the testimony of the witness is.

And these are very, very serious matters.

Senator REID. Mr. Chairman, I am wondering if we have copies?

The CHAIRMAN. We do have copies. I think we received this.

My suggestion is if senators want to have an opportunity, if you want to have an opportunity to review it, we could move on to another area, and then come back—which I would be happy to do. I think that might be worthwhile. Let me just quickly—between February 12 and March 28, what steps, if any, did General Soyster take to meet with and debrief the Colonel about his charges?

Mr. ANDREWS. As far as I can tell, he didn't take any steps. He was trying to find—he had already told the Colonel that he needed to leave the job, and was trying to find him a job.

The CHAIRMAN. But 6 weeks went by between the time that this memorandum was posted and a communication from General Soyster—a sit-down talk about these charges, a 6-week gap.

Mr. ANDREWS. As far as I know, General Soyster did not get back together with Colonel Peck to discuss the specific charges in his report. And again, I was unaware that this even existed at the time.

The CHAIRMAN. I appreciate that. I am just trying to establish the picture here. This is the first chance the Senate has had to inquire about this. And so we want to try and understand it. Did you want to add to that?

Mr. ANDREWS. No, they were just reminding me what I had said earlier, that this was in the middle of Desert Storm. General Soyster had several other things on his mind. And this wasn't something that he was able to pull away and work on a lot until that was over.

The CHAIRMAN. Do you know how many times General Soyster was debriefed by your group about the contents of the Peck letter?

Mr. ANDREWS. I am told twice.

The CHAIRMAN. And did you formally task your group, in writing, with respect to Secretary Cheney's charge that they investigate this matter?

Mr. ANDREWS. Yes.

The CHAIRMAN. Will you submit that also, so we could see what you set out as the charge, so to speak, or their task? Now, was there any draft report prepared for the Secretary on this, or did the Secretary specifically request an oral report?

Mr. ANDREWS. My practice, when he asked me to look into management matters, and report back to him, was to go back to him and report orally. If, at that time, he feels there needs to be something more than that, then he will ask for it. I went back. We reported orally. We felt that we were taking the actions necessary. And that is where it stopped.

The CHAIRMAN. Senator McCain.

Senator McCAIN. Just one comment—Mr. Andrews, Senator Smith has made a very serious statement here, that as short a time as a year ago, the appropriate committee was not given access or the existence of a report was denied. And also that there is not a complete document.

I would appreciate it, as soon as possible, if you could get back to the committee and clarify your response in any way. My understanding is that at this moment you do not know anything about it. But I hope you will look into it. And hopefully by tomorrow, perhaps you could give us a more complete answer on it, if you could.

Mr. ANDREWS. Senator, I will be happy to look into it. I think that the document that has been provided is all that exists. We will get the additional background. I am totally unaware of Senator Smith's concerns.

[The information referred to follows:]

ASSISTANT SECRETARY OF DEFENSE,
WASHINGTON DC 20301-3040,
April 8, 1991.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO ASD(C3I)

SUBJECT: Management Inquiry

On February 13, 1991, Colonel Millard A. Peck, USA, submitted memorandum U-0173/POW-MIA, Subject: "Request for Relief," to the Director of the Defense Intelligence Agency (DIA). In this memorandum, Colonel Peck makes allegations of impropriety in the Prisoner of War and Missing in Action (POW-MIA) activities of the U.S. Government, including the possible unauthorized access to classified information by a private citizen.

I request you lead a management inquiry, on my behalf, to determine the significant events that led to Colonel Peck's memorandum, subsequent actions taken by DIA management, and the substance of the various allegations contained in the memorandum. Please provide a written report of your findings to me by April 22, 1991. The Under Secretary of Defense for Policy is providing Mr. Craig Alderman

and the Deputy Assistant Secretary of Defense (Intelligence) is providing Colonel Richard R. Mitchell to assist in this inquiry.

DUANE P. ANDREWS.

Attachments:

1. Memorandum U-0173/POW-MIA
2. Terms of Reference POW-MIA, Management Inquiry

MEMORANDUM—U-0173/POW-MIA

Date: February 13, 1991

Reply to Attention of: POW-MIA

To: DR

1. PURPOSE:

I, hereby, request to resign my position as the Chief of the Special Office for Prisoners of War and Missing in Action (POW-MIA).

2. BACKGROUND:

a. Motivation. My initial acceptance of this posting was based upon two primary motives; first, I had heard that the job was highly contentious and extremely frustrating, that no one would volunteer for it because of its complex political nature. This, of course, made it appear challenging. Secondly, since the end of the Vietnam War, I had heard the persistent rumors of American Servicemen having been abandoned in Indochina, and that the Government was conducting a "cover-up" so as not to be embarrassed. I was curious about this and thought that serving as the Chief of POW-MIA would be an opportunity to satisfy my own interest and help clear the Government's name.

b. The Office's Reputation. It was interesting that my previous exposure to the POW-MIA Office, while assigned to DIA, both as a Duty Director for Intelligence (DDI) and as the Chief of the Asia Division for Current Intelligence (JSI-3), was negative. DIA personnel who worked for me, when dealing with or mentioning the Office, always spoke about it in deprecating tones, alluding to the fact that any report which found its way there would quickly disappear into a "black hole".

c. General Attitudes. Additionally, surveys of active duty military personnel indicated that a high percentage (83%) believed that there were still live American prisoners in Vietnam. This idea was further promulgated in a number of legitimate veterans' periodicals and professional journals, as well as the media in general, which held that where there was so much smoke there must be fire.

d. Cover-Up. The dark side of the issue was particularly unsettling because of the persistent rumors and innuendoes of a Government conspiracy, alleging that U.S. military personnel had been left behind to the victorious communist governments in Vietnam, Laos, and Cambodia, and that for "political reasons" or running the risk of a second Vietnam War, their existence was officially denied. Worse yet was the implication that DIA's Special Office for POW's and MIA's was an integral part of this effort to cover the entire affair up so as not to embarrass the Government nor the Defense Establishment.

e. The Crusade. As a Vietnam veteran—with a certain amount of experience in Indochina, I was interested in the entire POW-MIA question, and willingly volunteered for the job, viewing it as a sort of holy crusade.

f. The Harsh Reality. Heading up the Office has not been pleasant. My plan was to be totally honest and forthcoming on the entire issue and aggressively pursue innovative actions and concepts to clear up the live sighting business, thereby refurbishing the image and honor of DIA. I became painfully aware, however, that I was not really in charge of my own Office, but was merely a figurehead or whipping boy for a larger and totally Machiavellian group of players outside of DIA. What I witnessed during my tenure as the cardboard cut-out "Chief" of POW-MIA could be euphemistically labeled as disillusioning.

3. CURRENT IMPRESSIONS, BASED ON MY EXPERIENCE:

a. Highest National Priority. That National leaders continue to address the prisoner of war and missing in action issue as the "highest national priority" is a travesty. From my vantage point, I observed that the principal government players were interested primarily in conducting a "damage limitation exercise", and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". Progress consisted in frenetic activity, with little substance and no real results.

b. The Mindset to Debunk. The mindset to "debunk" is alive and well. It is held at all levels, and continues to pervade the POW-MIA Office, which is not necessarily the fault of DIA. Practically all analysis is directed to finding fault with the source. Rarely has there been any effective, active follow through on any of the sightings, nor is there a responsive "action arm" to routinely and aggressively pursue leads. The latter was a moot point, anyway, since the Office was continuously buried in an avalanche of "ad hoc" taskings from every quarter, all of which required an immediate response. It was impossible to plan ahead or prioritize courses of action. Any real effort to pursue live sighting reports or exercise initiative was diminished by the plethora of "busy work" projects directed by higher authority outside of DIA. A number of these grandiose endeavors bordered on the ridiculous, and—quite significantly—there was never an audit trail. None of these taskings was ever requested formally. There was, and still is, a refusal by any of the players to follow normal intelligence channels in dealing with the POW-MIA Office.

c. Duty, Honor, and Integrity. It appears that the entire issue is being manipulated by unscrupulous people in the Government, or associated with the Government. Some are using the issue for personal or political advantage and others use it as a forum to perform and feel important, or worse. The sad fact, however, is that this issue is being controlled and a cover-up may be in progress. The entire charade does not appear to be an honest effort, and may never have been.

d. POW-MIA Officers Abandoned. When I assumed the Office for the first time, I was somewhat amazed and greatly disturbed by the fact that I was the only military officer in an organization of more than 40 people. Since combatants of all Services were lost in Vietnam, I would have thought there would at least be a token Service representation for a matter of the "highest national priority." Since the normal mix of officers from all Services is not found in my organization it would appear that the issue, at least at the working level, has, in fact, been abandoned. Also, the horror stories of the succession of military officers at the C-5 and C-6 level who have in some manner "rocked the boat" and quickly come to grief at the hands of the Government policy makers who direct the issue, lead one to the conclusion that we are all quite expendable, so by extrapolation one simply concludes that these same bureaucrats would "sacrifice" anyone who was troublesome or contentious as including prisoners of war and missing in action. Not a comforting thought. Any military officer expected to survive in this environment would have to be myopic, an accomplished sycophant, or totally insouciant.

e. The DIA Involvement. DIA's role in the affair is truly unfortunate. The overall Agency has generally practiced a "damage limitation drill" on the issue, as well. The POW-MIA Office has been cloistered for all practical purposes and left to its own fortunes. The POW Office is the lowest level in the Government "efforts" to resolve the issue, and oddly for an intelligence organization, has become the "lightening rod" for the entire establishment to the matter. The policy people manipulating the affair have maintained their distance and remained hidden in the shadows, while using the Office as a "toxic waste dump" to bury the whole "mess" out of sight and mind to a facility with the limited access to public scrutiny. Whatever happens in the issue, DIA takes the blame, while the real players remain invisible. The fact that POW-MIA Office is always the center of an investigation is no surprise. Many people suspect that something is rotten about the whole thing, but they cannot find an audit trail to ascribe blame, so they attack the DIA/POW-MIA "dump", simply because it has been placed in the line of fire as a cheap, expendable decoy.

f. "Suppressio Veri, Suggestio Falsi". Many of the puppet masters play a confusing, murky role. For instance, the Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously "churning" the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and, more importantly, interferes in or actively sabotages POW-MIA analyses or investigations. She insists on rewriting or editing all significant documents produced by the Office, then touted as the DIA position. She apparently has access to top secret, codeword message traffic, for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence analysts. Her influence in "jerking around" everyone and everything involved in the issue goes far beyond the "war and MIA protestor gone straight" scenario. She was brought from the "outside" into the center of the imbroglio, and then, cloaked in a mantle of sanctimony, routinely impedes real progress and insidiously "muddles up" the issue. One wonders who she really is and where she came from . . .

4. CONCLUSIONS:

a. The Stalled Crusade. Unfortunately, what began on such a high note never succeeded in embarking. In some respects, however, I have managed to satisfy some of my curiosity.

b. Everyone is Expendable. I have seen firsthand how ready and willing the policy people are to sacrifice or "abandon" anyone who might be perceived as a political liability. It is quick and facile, and can be easily covered.

c. High-Level Knavery. I feel strongly that this issue is being manipulated and controlled at a higher level, not with the goal of resolving it, but more to obfuscate the question of live prisoners, and give the illusion of progress through hyperactivity.

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

e. National League of Families. I am convinced that the Director of this organization is much more than meets the eye. As the principal actor in the grand show, she is in the perfect position to clamor for "progress", while really intentionally impeding the effort. And, there are numerous examples of this. Otherwise, it is inconceivable that so many bureaucrats in the "system" would instantaneously do her bidding and humor her every whim.

f. DIA's Dilemma. Although greatly saddened by the role ascribed to the Defense Intelligence Agency, I feel, at least, that I am dealing with honest men and women who are generally powerless to make the system work. My appeal and attempt to amend this role perhaps never had a chance. We, all, were subject to control. I particularly salute the personnel in the POW-MIA Office for their long suffering, which I regrettably was unable to change. I feel that the Agency and the Office are being used as the "fall guys" or "patsies" to cover the tracks of others.

5. RECOMMENDATIONS:

a. One Final Vietnam Casualty. So ends the war and my last grand crusade, like it actually did end, I guess. However, as they say in the Legion, "je ne regrette rien . . ." For all of the above, I respectfully request to be relieved of my duties as Chief of the Special Office for Prisoners of War and Missing in Action.

b. A Farewell to Arms. So as to avoid the annoyance of being shipped off to some remote corner, out of sight and out of the way, in my own "bamboo cage" of silence somewhere, I further request that the Defense Intelligence Agency, which I have attempted to serve loyally and with honor, assist me in being retired immediately from active military service.

MILLARD A. PECK,
Colonel, Infantry USA.

POW MANAGEMENT INQUIRY

What's the story? (Not, what's the problem.)

Define the *current* situation.

What is known?

What is unclear?

What is presumed?

What is the time-line for the issue? (From "now" back to the start.)

What were significant events?

When?

What?

Where?

Who?

How?

Why?

Is the mission clear?

How is it documented?

Who gives tasking and direction?

What are the products?

Who approves the products?

Where do the products go?

What are the products used for?

Are "answers" directed by external players?

What is the make-up of the organization?

Numbers?

Types of Skills?
 Experience level?
 Turn-over rate?
 What would you change?
 Why?
 How sure are you that _____ will fix it?
 How much of your own money would you bet?
 What would cause you to change your presumptions?
 Who would be against this change?
 Why?
 Who would support this change?
 Why?

Senator McCAIN. I am sure Senator Smith will provide you with the document that was sent to him, or the House Arms Services Committee saying that they did not exist.

Mr. ANDREWS. If I may add, just as a follow-up comment, the Gaines Report was something that Mike Peck had paid a lot of attention to. And as we looked into the management inquiry, it was clear that some—in fact, he often referred back to this—that many, or some of his comments were concerns that came out of the Gaines Report. But that was in 1986. And that was before the office was doubled in size, and before a lot of changes were made.

And so I don't think it is necessarily a correct conclusion to say well, if it existed then, it exists today in the office. We will look for facts, and if we couldn't find the facts to back it up, we had to conclude that there wasn't a mindset to debunk—which is the major charge in the Gaines Report.

Senator McCAIN. But that does not look into the aspect of informing the House Arms Services Committee that it does not exist.

The CHAIRMAN. Mr. Secretary, does it strike you as a little bit strange that—or ironic, perhaps, I am not quite sure what the right word is—but the farther we get away from the time that these men were lost and unaccounted for, the farther we get away, the larger the office gets, the bigger the inquiry grow? Does that make a statement about what was not taking place in the immediate period when the trail was hottest? I mean, you know, you just said the office has doubled since 1986. And now we have another 102 people coming on.

If I am sitting there, I am saying, wait a minute—102 people now, the office gets doubled in 1986, and in 1986 it is already 13, 14 years down the road—or 12 years. Does that make a comment, or am I again off-base?

Mr. ANDREWS. Senator, I think you can draw your conclusion. I think as the Secretary said this morning, in the past there were things that probably could have been done that were not done. We are doing the best we can to try to fix the problem and to get on and get the job done—complete accountability.

The CHAIRMAN. Well, I want you to know this is the first time anybody from the Administration or the Defense Department has come forward—and I applaud you for it—and said, hey there were some problems. Nobody has acknowledged that. There had not been any problems, we have been told, up until now.

Mr. ANDREWS. The Secretary acknowledged it this morning.

The CHAIRMAN. Agreed—today, I am saying, and earlier this morning, a very significant statement—I think it is the first time

that it has been on record. And I applaud you for your candor in saying that. I think it is a very important departure.

Senator Reid.

Senator REID. Let me just say this—that you, and Senator Smith have had, because of your responsibilities, access to some of these things we are just learning about now. But I would like to say that I think this questioning that has been done, especially Senator Smith, the last little bit has been most helpful.

We, in our charge, have to first of all determine if there are any live POW's; but also to make sure that whatever decision, how we arrive at our decision looks into all of the problems that have developed in the past, and to make sure that the public knows that we have not left anything uncovered. And I think it is this type of inquiry that Senator Smith did that we are going to have to do more of. So that these areas are resolved once and for all; so that people do not feel it is a cover-up. And we know that your responsibilities are difficult, and this is only part of your responsibility.

But we need your help to get to the bottom of this—these two reports, one of which is oral and one of which is not. So, Senator Smith, I appreciate very much your line of inquiry. It has been an education to us all.

The CHAIRMAN. Are there any further questions of Secretary Andrews? [No response.]

The CHAIRMAN. If not, Mr. Secretary thank you. And if you would, as Senator McCain has requested, report back with respect to the sequence on what you are aware of, with respect to whether there is any additional report. And staff would be glad to make available to you what we do have, so you can measure that against what you have. And we would appreciate that very much. Thank you.

And if I could ask Mr. Ken Quinn if he would come forward, and then Secretary Ford. I know you are going to be here throughout these hearings, I gather—or representatives. One of the things we are going to do—and I just want to put people on notice is—often, what happens in this process is somebody throws out an accusation and something happens in the course of a hearing, and there is no response to it.

We have asked that, particularly as critics come forward and set forth their feelings about what has not happened, and so forth, we really want the Administration to hear what they are saying. And then we want to have people come on and respond to it. We do not want to just leave things hanging. We would like to try and sort out what is fact and what is fiction here. And we do not want anybody unfairly having a finger pointed at them.

So we would ask if you would be prepared to do that, sir toward the end of this process.

Mr. Secretary, thank you for taking time. It is good to see you again.

Before you sit down and get too comfortable, could I swear you in, if I may?

[Witness sworn.]

The CHAIRMAN. Would you just give us a little bit of your background for the record, and how you come to this issue, and what your involvement is before you go into your statement?

STATEMENT OF KENNETH M. QUINN, DEPUTY ASSISTANT
SECRETARY OF STATE

Mr. QUINN. Certainly, Senator. First, let me apologize. I was just down the hall and didn't think I would be called quite so quickly. I am a career Foreign Service Officer approaching my 25th year. I joined the Foreign Service in 1967 and at the middle of the Vietnam War, and was assigned to Vietnam, and spent 6 years there.

I think in very unusual circumstances I was assigned in the pacification program to MACV, and was in a situation where, as a civilian, I commanded American troops in combat situation. It was an advisory team. I replaced an Army Major. I was replaced by an Army Major.

I did approximately 250 hours of helicopter combat operations in Vietnam. I was shot at and missed; and shot at and hit. Came back after that—

Senator REID. What years were these?

Mr. QUINN. 1967 to 1974—I had a variety of jobs in Vietnam. That was the job I had for the first 2 years.

The CHAIRMAN. You had one of the longer tours, did you not?

Mr. QUINN. I came back. I did some time at the National Security Council staff in the State Department. I spent 4 years on sort of loan to the Governor of Iowa, Governor Bob Ray, and working while still in the Foreign Service for him; and worked on refugee issues, as well as issues within the State.

After that, I was in Vienna working on—and this was in the early 1980's, with our mission from the United Nations on Narcotics Control and Middle Eastern refugees, and worked on Secretary Schultz's staff for a couple of years.

And before coming back to Washington I was Deputy Chief of Mission in Manila, 1987 to 1990. During several coup attempts, terrorist campaigns conducted against the United States—which we had 10 Americans, official Americans who were killed—and other terrorist attempts against us.

And then in 1990, Assistant Secretary Solomon asked me to come back to Washington and work for him. And I did. And that is how I got here today.

The CHAIRMAN. And Mr. Secretary, you are fluent in Vietnamese, are you not?

Mr. QUINN. Well, I had a year of training. I used it a lot. In Vietnam I was tested at the 4-4 level. I was interpreter once for President Ford. I have done other meetings in Vietnamese. But to be very honest, it has gotten rusty since I've left Vietnam. I still find myself groping here and there for words.

Senator REID. What does 4-4 mean?

Mr. QUINN. A native speaker would be a 5-5 in the Foreign Service Institute testing system. And somebody who is just getting started, and knew a few words, would be a 0+ which is what I have in French. But we don't, aside from people who are ethnic Vietnamese or who are born there, we don't have any 5-5 speakers in Vietnamese.

The CHAIRMAN. The reason I raise that is that in the course of your visits over there, and in the course of your negotiations as head of the inter-agency group on POW-MIA, you have been able

to rely on your own conversations and interpretations and not on somebody feeding you information and so forth. You have really had a personal involvement in this which is perhaps second only to people like Bill Bell and others who have been over there on the ground working.

Mr. QUINN. Well, certainly being able to speak the language gives you an understanding and another dimension. I would say the Vietnamese Diplomatic Corps has a number of quite accomplished speakers in English. And so we will often have many discussions in English.

The CHAIRMAN. Would you share with us, Mr. Quinn, an outline of your testimony. We will put the full testimony in the record as if read.

Mr. QUINN. I came up. I guess I hadn't done any type of summary of it. Is it possible that I could read it?

The CHAIRMAN. What do you figure?

Mr. QUINN. Maybe 8 or 9 minutes.

The CHAIRMAN. We will give you 10 minutes anyway.

Mr. QUINN. Senator Kerry, Senator Smith, Senator McCain, Senator Reid, my testimony today, I would like to provide the committee an accounting of the diplomatic activities and other efforts of the U.S. Government on the POW/MIA issue, since I became Chairman of the Interagency Group, the IAG in July 1990.

I realize you likely will have questions about other periods of time, and I will, of course, endeavor to answer them. But in terms of effort on POW/MIA, this has been an extremely active period, perhaps the most active since the end of the war.

And it is important to note just what is different because what has occurred in the past 15 months, we now have a clear, carefully spelled out and written down policy on normalization of relations with Vietnam, called the roadmap which blends two important U.S. foreign policy goals: comprehensive political settlement on Cambodia; and POW/MIA accounting. This policy was conveyed to the Vietnam government in writing.

We now have an established process to communicate with the Vietnamese government at the policy level. This channel was established in July 1990 by Secretary Baker and initially focused on the Cambodian peace negotiations, but has also served as an important vehicle to impress upon Vietnam, the centrality of the POW/MIA issue, of improving our relationship.

The first meeting within that channel was held in New York on August 6, 1990 between Vietnamese Ambassador to the United Nations, Trin Sung Lang, who is here today, and myself.

We now have a POW/MIA office in Hanoi with a staff working full-time on this issue, and we now have had over the past 15 months a number of high level exchanges with Vietnam, Laos and the authorities in Phnom Penh, all of which have had POW/MIA as a central topic.

Let me briefly list them. Secretary Baker met with then foreign minister, Nguyen Co Thach in New York in September 1990 and with newly appointed foreign minister Nguyen Manh Cam on September 23.

These represented the first bilateral meetings at the secretary level since the end of the war. Foreign Minister Thach visited

Washington in October 1990, meetings with General Vessey and the IAG, exclusively on POW/MIA.

At that time, Minister Thach also came here to Capitol Hill to meet with Members of the Congress. Secretary Baker met with Lao Foreign Minister Phoun in the same period, also the first time since the war that the POW/MIA issue has been raised directly at the ministerial level with Laos.

General Vessey made two trips to Hanoi this year which led to the establishment of our first POW/MIA office, as well as Vietnamese agreement to take certain specific steps which supplement and implement the roadmap.

Assistant Secretary Solomon met twice with Vietnamese Vice Foreign Minister Le Mai to discuss both Cambodia and POW/MIA issues. Mr. Solomon also met with Mr. Hun Sen in Paris October 24, a meeting that I was also present at, during which POW/MIA cooperation was discussed extensively.

Also important to note are the recent visits to Washington of Phnom Penh Foreign Minister Hor Nam Hong and Vietnamese Vice Foreign Minister, Tran Quang Co, the first senior Vietnamese official to visit the Pentagon, both met with IAG principals to discuss POW/MIA exclusively.

Not all of our diplomatic activities during the past 15 months have been with the governments of Vietnam and Laos and the Phnom Penh authorities. We have also coordinated diplomatic approaches with many countries active in the area to ensure they understood our policy objectives in Indochina.

We have urged friendly countries to limit diplomatic aid and economic activities with Vietnam until progress is made on these objectives. We have also approached countries which potentially might have information about the POW/MIA issue.

Secretary Baker has personally raised the issue with senior Soviet officials, so has acting Assistant Secretary of Defense, Carl Ford, and since July 1990 I have carried on a dialogue with Soviet diplomats, particularly about the possibility of Americans still being alive in Vietnam.

We have also discussed the issue with officials of the People's Republic of China. Just recently we worked with China to facilitate a visit by a family member which resulted in important information being obtained relating to that family's missing loved one.

In sum, the past 15 months have seen diplomatic efforts of an unprecedented breadth and scope on behalf of our POW/MIA effort.

But that is not all we have done. Another extremely important aspect of our efforts which I want to make special note, has been our rapid reaction to reports of Americans alive in captivity.

There have been two such cases to come before the IAG in the last 12 months. The first which occurred in October 1990 involved a report and a photo of an individual identified as Walter T. Robertson. Even though a careful analysis indicated that the person in the photo was not the Walter T. Robertson who served in the U.S. military, or the one who was a crewman on the Glomar Java Sea, we could not preclude the possibility that he was an American.

So the IAG urgently dispatched a plane and a team to Vietnam to investigate the case. We eventually determined that the man involved was not an American.

The second instance surrounded several highly publicized photos which are identified by family members as being five American servicemen. The first of these photos was brought to my attention on July 12 by Shelby Quast, the daughter of one of the men. Shelby is here today.

The certainty with which she and more than a dozen other family members identified the three men in the photo as Colonel Robertson, Lt. Commander Stevens and Major Lundy was powerful and compelling evidence.

Within an hour I had convened an emergency session of the IAG, including General Vessey, which agreement was quickly reached on specific steps to be taken. Before the day was out and with the concurrence of the three families, I communicated the photo to the Vietnamese, to Ambassador Lang, using that channel I mentioned before and instructed our embassy in Vientiane to approach the Lao government and Phnom Penh's ambassador.

In all three instances, we called on the authorities to undertake an urgent and immediate investigation. Shortly thereafter Secretary Baker wrote to Minister Thach stressing the importance of Vietnam's urgent cooperation.

I met for 2 hours with the three families involved. During that time they implored me to go to Hanoi to investigate the photos. I said I would and I did; 3 days later, I left for Asia to investigate that photo as well as two other photos which subsequently became available, which pictured men identified by their families as Lieutenant Borah and Captain Carr.

My meeting with Cambodian officials in Beijing led to unprecedented cooperation by Phnom Penh's authorities in investigating not only these photos but also a number of other POW/MIA incidents. A DIA investigative team which was received in Phnom Penh immediately thereafter developed important information relevant to the photos of the three men. This led to follow on visits including a recent field activity on Tang Island, the site of the Magyuez incident.

On this same trip I also travelled to Hanoi and Vientiane. In both cases I stressed the importance of immediate and thorough action to investigate the photo of the three men and the other photos, and I am able to report that the response by both the Lao and Vietnamese governments to this, the most urgent information about possibly live Americans to come before the IAG since I have been its chair, was very positive.

In Hanoi, my meeting with Vice Foreign Minister Le Mai, I obtained agreement for access to prisons where we had reports the photos were taken, an action again totally without precedent.

The Vietnamese also provided information from military archives and records which heretofore was unavailable and they agreed to immediate reexcavation of the crash site of Colonel Robertson's plane.

Lao officials also pledged full cooperation, and shortly thereafter, acting unilaterally, located the Lao citizen who apparently was the person in the photo identified as Lt. Borah. They also made this

person available to U.S. experts, and I believe you will hear from other defense witnesses regarding the details of this investigation.

I would be remiss, Mr. Chairman, if I did not make specific reference to the superb support I received from Department of Defense personnel, both from DIA headquarters in Washington and those stationed in Bangkok and Hanoi throughout this trip to Asia.

Warren Gray I think is here, Bill Bell, John Cole, they worked, Mr. Chairman, until midnight and beyond every night to ensure that when I went to each location, that I had every bit of information and every resource at my facility to pursue this investigation.

In addition to the diplomatic steps I have just outlined, there have been other significant actions taken in the past 16 months by General Vessey, officials of the defense department, other members of the IAG and indeed by Members of the Congress, and of course, you have made several trips, I know Senator McCain has during this time.

And I think all of this is part of the mosaic for America's POW/MIA efforts, and therefore terribly important. I have not tried to detail any of this in my testimony, but I think it is important that we recognize that there is a totality of effort that goes into this process aimed at assuring the fullest possible accounting for our missing service members.

I believe it would be useful, Mr. Chairman, if I said a few words about U.S. policy, vis-a-vis Vietnam, on normalization of relations with Vietnam. I want to be clear that our policy today remains unchanged. The United States is prepared to proceed toward normalization of relations with Vietnam only in the context of a comprehensive policy settlement in Cambodia.

The pace and scope of the normalization process will be directly affected by the seriousness with which Vietnam cooperates on the POW/MIA issue.

Let me emphasize that the roadmap did not change that policy, rather it details a path we could follow based on that policy. It fuses together our objectives on Cambodia and POW/MIA and lays out a four phased game plan within which, as progress is made on Cambodia and POW/MIA, we are prepared to take concomitant steps in expanding U.S. economic and political activity with Vietnam and Cambodia.

At first the steps with Vietnam will be small, but as mutual confidence is developed, and I emphasize, as progress on Cambodia and POW/MIA continues, the steps increase in importance.

The roadmap is constructed in a way so that we could move rapidly or slowly, depending on Vietnamese cooperation. It is important to stress that central to the roadmap is Hanoi's addressing the live prisoner of issue, returning available U.S. remains, and implementing a 24 month process to investigate every POW/MIA case.

It is also important to note that the roadmap addresses the humanitarian issue of the release of political prisoners still held in reeducation.

While it is useful to enumerate the various diplomatic actions we have taken, we have to judge our success based on the results we achieve, and there has been progress. Our office in Hanoi has had access to information from official Vietnamese records, archives and files as well as war museums.

It has been a significant help in advancing our knowledge in a number of discrepancy cases and therefore directly related to the live prisoner issue. Vietnam responded immediately and positively in the photo investigation, including granting access to two prisons, and in the past 12 months the U.S. has removed 51 remains from Vietnam, 19 of which have been identified as particular U.S. servicemen and 18 others as possibly Americans.

In Phnom Penh we have had more significant assistance on the photo cases and a demonstrated willingness to work cooperatively on other individual cases as well including missing American journalists.

We have seen a number of important breakthroughs in Lao POW/MIA cooperation. We have conducted our first-ever investigations into discrepancy cases involving men last known to have been alive in Lao hands. We have expanded our POW/MIA efforts, previously limited to two southern provinces into four additional provinces. In May, the Lao agreed to an expanded annual schedule of POW/MIA activities including field activities during the rainy seasons.

And most recently, the Lao foreign minister told Secretary Baker that his government would participate in a trilateral meeting with the U.S. and Vietnamese to discuss cases along the Lao/SRV border and as I noted earlier, the Lao cooperated very effectively on the photo believed to be of Lieutenant Borah.

We have consistently told Vietnam that the formal process of normalization of relations could only begin with the signing of the Paris agreement. That approach was embodied in our policy as presented to the Vietnamese by Assistant Secretary Solomon last April.

Based on the fact that both Vietnam and the Phnom Penh authorities did sign the Paris agreement on Cambodia and that POW/MIA cooperation and the release of reeducation prisoners has begun, the U.S. has responded by announcing that we are taking the steps we said we would to begin the roadmap.

Secretary Baker announced in Paris that the U.S. would soon send a diplomatic mission to Cambodia to represent us to the Supreme National Council, lift our trade embargo on Cambodia once UNAMIC, that is the U.N. Advanced Mission in Cambodia is in place and implementation of the peace agreement has begun, remove the 25 mile travel restrictions on Vietnamese diplomats at the U.N., revise our trade embargo to permit U.S. organization travel to Vietnam by groups such as veterans, business organizations and others, and start talks with Vietnam on the issues and modalities involved in the normalization process, and earlier Ambassador Lang and I were discussing a date for the beginning of those talks.

Now these are the only steps in the roadmap we have taken with Vietnam. No other decisions have been made to take any further steps. Our policy remains as stated and laid out in the roadmap. That will continue to be our policy. We are in control of the process, and we are prepared to move forward, but only with continued progress on Cambodia and POW/MIA.

Now in that regard, I note that following the Secretary's announcement in Paris, the Vietnamese have given us the increased

access we requested to some key military records and have indicated they have a significant number of additional remains ready for the two sides to jointly examine.

I would hope that this development indicates that we could look to more progress and greater results, because, Mr. Chairman, our policy is driven by a desire to end the agony suffered by families of our POW/MIA's as well as the agony of the Cambodian people. We have made progress toward both of these goals, but we still have a considerable way to go.

So let me end by saying, and on behalf of Secretary Baker as well as for myself, that we intend to build on the accomplishments we have achieved and continued our efforts toward the goal that I believe we all share which is the fullest possible accounting for all of our POW/MIA's.

I apologize, I think I went over the time involved.

[The prepared statement of Mr. Quinn follows:]

PREPARED STATEMENT OF KENNETH M. QUINN

Mr. Chairman, Senator Smith, members of the select committee, in my testimony today, I would like to provide the committee an accounting of diplomatic activities and other efforts of the U.S. Government on the POW/MIA issue since I became Chairman of the Inter-Agency Group (IAG) in July 1990. I realize that you will likely have questions about other periods of time and I will, of course, endeavor to answer them but, in terms of effort on POW/MIA, this has been an extremely active period, perhaps the most active since the end of the war. It is important to note just what has occurred.

We now have a clear, carefully spelled out and written down policy approach on normalization of relations with Vietnam—called the roadmap—which blends two important U.S. foreign policy goals—a comprehensive political settlement on Cambodia and POW/MIA accounting. This policy was conveyed to the Vietnam Government in writing.

We now have an established process to communicate with the Vietnamese Government at the policy level. This channel was established in July 1990 by Secretary Baker and initially focused on the Cambodian peace negotiations but has also served as an important vehicle to impress upon Vietnam the centrality of the POW/MIA issue to improving our relationship. The first meeting within that channel was held in New York on August 6, 1990.

We now have a POW/MIA office in Hanoi, with the staff working full time on this issue.

And we now have had—over the past 15 months—a number of high level exchanges with Vietnam, Laos and authorities in Phnom Penh, all of which had POW/MIA as a central topic.

Secretary Baker met with then Foreign Minister Nguyen Co Thach in New York in September 1990 and with newly appointed Foreign Minister Nguyen Mann Cam in Paris on October 23. These represented the first bilateral meetings at the Secretary level since the end of the war.

Foreign Minister Thach visited Washington in October 1990 for meetings with General Vessey and the IAG, exclusively on POW/MIA. Minister Thach also came here to Capitol Hill to meet with Members of Congress.

Secretary Baker met twice with Lao Foreign Minister Phoun in this same period, also the first time since the war the POW/MIA issue has been raised directly at the ministerial level.

General Vessey made two trips to Hanoi this year which led to the establishment of our first POW/MIA office as well as Vietnamese agreements to take and implement the roadmap.

Assistant Secretary Solomon met twice with Vietnamese Vice Foreign Minister Le Mai to discuss both Cambodia and POW/MIA issues. Mr. Solomon also met with Mr. Hun Sen in Paris October 24 during which POW/MIA cooperation was discussed extensively.

Also important to note are the recent visits to Washington of Phnom Penh Foreign Minister Hor Nam Hong and Vietnamese Vice Foreign Minister Tran Quang

Co, the first senior Vietnamese official to visit the Pentagon. Both met with IAG principals to discuss POW/MIA.

Not all of our diplomatic activities during the past 15 months have been with the Governments of Vietnam and Laos and the Phnom Penh authorities. We have also coordinated diplomatic approaches with many countries active in the area to ensure they understood our policy objectives in Indochina particularly on a Cambodian settlement and POW/MIA. We have urged friendly countries to limit diplomatic, aid and economic activities with Vietnam until progress was made on these objectives.

We have also approached countries which potentially might have information about the POW/MIA issue. Secretary Baker has personally raised the issue with senior soviet officials. So has acting Assistant Secretary Carl Ford. Since July 1990 I have carried on a dialog with Soviet diplomats particularly about the possibility of Americans still being alive in Vietnam. We have also discussed the issue with officials of the Peoples Republic of China. Just recently we worked with China to facilitate a visit by a family member which resulted in important information being obtained relating to that family's missing loved one.

In sum, the past 15 months have seen diplomatic efforts of an unprecedented breadth and scope on behalf of our POW/MIA effort.

Reports of Live Americans

Another aspect of our efforts of which it is important to take note has been our rapid reaction to reports of Americans alive in captivity.

There have been two such cases to come before the IAG in the last 12 months. The first, which occurred in October 1990, involved a report and a photo of an individual identified as Walter T. Robertson. Even though a careful analysis indicated that the person in the photo was not the Walter T. Robertson who served in the U.S. military or the one who was a crewman on the Glomar Java Sea, we could not preclude the possibility that he was an American. So the IAG urgently dispatched a plane and team to Vietnam to investigate the case. We eventually determined that the man involved was not an American.

The second instance surrounded several highly publicized photos which were identified by family members as being five American servicemen. The first of these photos was brought to my attention on July 12 by Shelby Quast, the daughter of one of the men. The certainty with which she and more than a dozen other family members identified the three men in the photo as Colonel Robertson, Lt. Commander Stevens and Major Lundy was powerful and compelling evidence. Within an hour I had convened an emergency session of the IAG, including General Vessey, at which agreement was quickly reached on specific steps to be taken. Before the day was out, and with the concurrence of the three families, I communicated the photo to the Vietnamese and instructed our Embassy in Vientiane to approach the Lao Government and Phnom Penh's Ambassador. In all three instances we called on the authorities to undertake an urgent and immediate investigation. Shortly thereafter, Secretary Baker wrote to Foreign Minister Thach stressing the importance of Vietnam's urgent cooperation.

Mr. Chairman, I met for 2 hours with the three families involved, during that meeting they implored me to go to Hanoi to investigate the photos. I said I would. And I did.

Three days later I left for Asia to investigate that photo—as well as two other photos which subsequently became available which pictured men identified by their families as Lt. Borah and Captain Carr. My meeting with Cambodian officials in Beijing led to unprecedented cooperation by Phnom Penh's authorities in investigating not only these photos but also a number of other POW/MIA incidents. A DIA investigative team which was received in Phnom Penh immediately developed important information relevant to the photos of the three men. This led to follow on visits including a recent field activity on Tang Island, the site of the Mayaguez incident.

On this same trip, I also traveled to Hanoi and Vientiane, in both cases I stressed the importance of immediate and thorough action to investigate the photo of the three men. I am able to report that the response by both the Lao and Vietnamese Governments to this, the most urgent information about possibly alive Americans to come before the IAG since I have been its chair, was very positive.

In Hanoi in my meeting with Vice Foreign Minister Le Mai I obtained agreement for access to prisons where we had reports the photos were taken—an action totally without precedent.

The Vietnamese also provided information from military archives and records which heretofore was unavailable and agreed to an immediate reexcavation of the crash site of Colonel Robertson's plane.

Lao officials also pledged full cooperation and shortly thereafter, acting unilaterally, located the Lao citizen who apparently was the person in the photo identified as Lt. Borah. They also made this person available to U.S. POW/MIA experts.

I would be remiss, Mr. Chairman, if I did not make specific reference to the superb support I received from Department of Defense personnel from DIA headquarters in Washington and stationed in Bangkok and Hanoi throughout this trip to Asia.

In addition to the diplomatic steps I have just outlined, there have been other quite significant actions taken during the past 16 months by General Vessey, officials of the defense department, other members of the IAG, and indeed by Members of Congress and private organizations, all of which are very important parts of the mosaic of America's POW/MIA efforts. I have not detailed them in my testimony because you will be hearing directly from many of them about what they have accomplished. I do want to note, however, that they form part—an essential part—of this picture of greatly increased activity aimed at assuring the fullest possible accounting for our missing service members.

The Roadmap

I believe it would be useful, Mr. Chairman, if I said a few words about U.S. policy vis-a-vis Vietnam on normalization of relations with Vietnam. Our policy today remains unchanged. The United States is prepared to proceed toward normalization of relations with Vietnam only in the context of a comprehensive political settlement in Cambodia. The pace and scope of the normalization process will be directly affected by the seriousness with which Vietnam cooperates on the POW/MIA issue.

Let me emphasize that the roadmap did not change that policy—rather it details a path we could follow based on that policy. It fuses together our objectives on Cambodia and POW/MIA and lays out a four phased gameplan within which, as progress is made on Cambodia and POW/MIA, we are prepared to take concomitant steps in expanding U.S. economic and political activity with Vietnam and Cambodia. At first the steps with Vietnam will be small, but as mutual confidence is developed and, I emphasize, progress on Cambodia and POW/MIA continues, the steps increase in importance. The roadmap is constructed in a way so that we could move rapidly or slowly, depending on Vietnamese cooperation. It is important to stress that central to the roadmap is Hanoi's addressing the live prisoner issue, returning available U.S. remains and implementing a 24-month process to investigate every POW/MIA case. It is also important to note that the roadmap addresses the humanitarian issue of the release of political prisoners still held in reeducation.

While it is useful to enumerate the various diplomatic actions we have taken, we have to judge our success based on the results we achieve. And there has been progress.

Our office in Hanoi has had access to information from official Vietnamese records, archives and files as well as war museums. This has been a significant help in advancing our knowledge on a number of discrepancy cases and therefore directly related to the live prisoner issue. Vietnam responded immediately and positively in the photo investigation including granting access to the two prisons. In the past 12 months, the U.S. has removed 51 remains from Vietnam, 19 of which have been identified as particular U.S. servicemen and 18 others as possibly Americans. In Phnom Penh we have had more significant assistance on the photo cases, and a demonstrated willingness to work cooperatively on other individual cases as well, including missing American journalists.

We have also seen a number of important breakthroughs in Lao POW/MIA cooperation. We have conducted our first-ever investigations into discrepancy cases involving men last known to have been alive in Lao hands. We have expanded our POW/MIA efforts, previously limited to two southern provinces, into four additional provinces. In May, the Lao agreed to an expanded annual schedule of POW/MIA activities, including field activities during the rainy season. Most recently, the Lao Foreign Minister told Secretary Baker that his government would participate in a trilateral meeting with U.S. and the Vietnamese to discuss cases along the Lao-SRV border. And as I noted earlier, the Lao cooperated very effectively on the photo believed to be of Lt. Borah.

We have consistently told Vietnam that the formal process of normalization of relations could only begin with the signing of the Paris agreement. That approach was embodied in our policy as presented to the Vietnamese by A/S Solomon last April. Based on the fact that both Vietnam and the Phnom Penh authorities did sign the Paris agreement on Cambodia, and that POW/MIA cooperation and the release of reeducation prisoners has begun, the U.S. has responded by announcing that we are taking the steps we said we would to begin the road map. Secretary Baker an-

nounced in Paris that the U.S. would soon send a diplomatic mission to Cambodia to represent us to the Supreme National Council; lift our trade embargo on Cambodia once UNAMIC is in place, and implementation of the peace agreement has begun; remove the 25 mile travel restriction on Vietnamese diplomats at the UN; revise our trade embargo to permit U.S.-organized travel to Vietnam by groups, such as veterans, business organizations and others, and start talks with Vietnam on the issues and modalities involved in the normalization process.

These are the only steps in the roadmap we have taken with Vietnam. No other decisions have been made to take any further steps. Our policy remains as stated and laid out in the roadmap. That will continue to be our policy. We are in control of the process. We are prepared to move forward but only with continued progress on Cambodia and POW/MIA. In that regard I note that following the Secretary's announcement in Paris, the Vietnamese have given us the increased access we requested to some key military records and have indicated they have a significant number of additional remains ready for the two sides to jointly examine.

I would hope that this development indicates that we can look to more progress and greater results because, Mr. Chairman, our policy is driven by a desire to end the agony suffered by families of our POW/MIA's as well as the agony of the Cambodian people. We have made progress toward both these goals. We have a Cambodian agreement. We have an office in Hanoi. We have some important advances on POW/MIA. But we still have a considerable way to go. So let me end by saying, on behalf of Secretary Baker as well as for myself, that we intend to build on the accomplishments we have achieved and continue our efforts toward the goal we all share—the fullest possible accounting for all our POW/MIA's.

The CHAIRMAN. We appreciate the testimony and really, that was a guideline, not a strict requirement.

Let me ask you some questions which position me sort of as a devil's advocate a little bit, and I want to emphasize that I am not, at this point, taking one side or the other in this, but I want to try to test some of the theories about all of this.

First of all, when was the last time, during that period of service in the early 1970's, that you left Vietnam?

Mr. QUINN. Well, I transferred out in May 1974, but I returned to Vietnam on several occasions after that, and I was last there at the end of March, the beginning of April with General Wyand on the Presidential fact-finding mission which made an assessment for President Ford of the military situation and provided a prognosis for the survival of the government in Saigon.

The CHAIRMAN. Now at that period of time, which was after the formal conclusion of the United State involvement, during the interim period prior to the fall of the government, did you have any knowledge at that time of intelligence that indicated the possibility of any Americans being held alive in Vietnam or in Laos?

Mr. QUINN. Alive in captivity?

The CHAIRMAN. In captivity?

Mr. QUINN. No, sir.

The CHAIRMAN. So after Operation Homecoming, to the best of your knowledge there was no data that you had access to through your sources in Vietnam and through the U.S. Government that indicated to you that an American was being held alive and in captivity?

Mr. QUINN. No, sir. But I think I should emphasize that POW/MIA was not a subject that I worked on in detail.

The CHAIRMAN. I understand, fair enough. I am just wondering if in the course of your discussions somebody came up to you and said, hey, you know, not everybody went back, Operation Homecoming is not complete. Did you ever hear that?

Mr. QUINN. No, sir, I did not. There were reports during the war which I remember seeing of individuals who had possibly gone over to the other side, I am not sure what the right word is on that and there were a couple of names there who I understood did not return.

I didn't know and I still don't know today what their fate was, but those were the only names that I recall from that period.

The CHAIRMAN. Are those people that you say, quote, "went over to the other side," listed as MIA/POW today?

Mr. QUINN. The one name that I recall from that period, I believe is not listed as POW/MIA, but is listed as somebody about whom we don't know what his particular fate was.

The CHAIRMAN. So that person is not among the 2,273?

Mr. QUINN. I don't believe so, but I would have to—

The CHAIRMAN. Secretary Ford, do you know the answer to that?

Mr. FORD. Mr. Chairman, as far as I know, there are no names on our list of 2,273 that were in a deserter or AWOL category.

The CHAIRMAN. We will come back to that later but let's sort of look at this thing from the perspective of the average American who doesn't know a lot about it, who certainly hasn't read intelligence, would you say, is there any doubt in your mind, that Vietnam wants to normalize?

Mr. QUINN. No, I believe that Vietnam does want to proceed in the direction of a better relationship, a more normal relationship with the United States.

The CHAIRMAN. Could Vietnam normalize if a week from now we discovered a camp full of Americans being held or with 10 or 2 or 1?

Mr. QUINN. I couldn't imagine that possibility, Senator.

The CHAIRMAN. And they must be aware of that, correct?

Mr. QUINN. I would assume that having had people in the United States, that they would know that.

The CHAIRMAN. Most people would assume that if we were to discover they were holding somebody, it would be years before this country—

Mr. QUINN. It would be destructive of the whole process.

The CHAIRMAN. Now if that is true, and I accept that that basically is true, can you help the committee to understand, for those who assert that the government is holding somebody over there, what rationale, what is the purpose, what gain since 19 years have almost elapsed and there has been, I take it, no offer—have you ever received an offer to negotiate the return of people?

Mr. QUINN. Return of live—

The CHAIRMAN. Return of live Americans?

Mr. QUINN. I never have, no, Senator.

The CHAIRMAN. Has anyone ever seen any intelligence or any data that has through a back channel that has sought payment for the return of people?

Mr. QUINN. Not that I know of.

The CHAIRMAN. And therefore, why would the government today be holding somebody in your view, you are the head of the group that is tasked with trying to return a live American, what is there that would make you believe that there is an opportunity that a live American might be held by the government? I am leaving

aside the possibility of some outside group. But is there any rationale at all that you could understand that comes to any person in your group?

Mr. QUINN. I don't think that there is anything that I would think of that would explain a position like that on the part of Vietnam. I have had many meetings over the time that I have been in the IAG and I have met with people who are critics of our process and who put forward arguments or possible justifications, sometimes it relates to expert information, technical information that particular Americans might have had.

So I have heard these positions put forward, but I believe that for Vietnam to take a position like that, they would have to understand that it would be very destructive of any type of diplomatic hope of progress.

The CHAIRMAN. Now presuming that when, let's say that, let me ask it this way. When I was in Hanoi I met with the ambassadors of Great Britain, Italy, France, Australia and one other country, it slips my mind at this moment, but all five of the ambassadors looked at me in the course of our luncheon and said, Senator, you are crazy.

Your country is crazy. We are over here. We go all over the Country. We have diplomatic presence, you don't. Why don't you get over here, and if you want to find people who are alive, get your people in the country, on the ground, and talk to people the way we do because we have been here for years, and we don't have any sign of any of your people being alive.

Now are we different? Do we view the world differently? Is there some reason that we should look at this differently, and again, I am sort of being the devil's advocate on this with you, but I want to know what your thinking is on it since you are the head of this agency group?

Mr. QUINN. I think that is important to have people on the ground and able to move around and talk and investigate and that's why we have the office there. So I think that is—and the office has more than proved its worth in the short time that it has been open, to me. So I think that is very valuable.

At the same time, Vietnam was a traumatic experience for our country, and I think it is very important how we proceed in the future and there are obviously a lot of wounds that are still there and they haven't healed.

So our approach has been one to try to find a diplomatic strategy in which we show Vietnam that, yes, we can proceed. Yes, we can move ahead, and to be very clear and precise with Vietnam in saying, this is what has to happen for us to be able to move ahead, and it outlines steps that we can each take, build confidence with each other that we are addressing each other's needs and to move ahead and resolve this issue in a way that will be, allow us to provide the fullest possible accounting on POW/MIA's and also in a way that can have the support of the American people.

The CHAIRMAN. Now what is the likelihood, that somebody fell into hands outside of the government, and that some tribe or group or who knows what, were holding somebody in a jungle in a remote area which is not accessible and that the government wouldn't know it? What is the analysis with respect to that?

Mr. QUINN. In my conversation with Foreign Minister Thach, he has said that Vietnam was not holding anybody alive, but he couldn't say for sure that there wasn't a situation exactly like the circumstances that you have just mentioned, and in fact, he then provided us this information about Walter R. Robertson and the picture which he did not vouchsafe that it was true, but he wanted to be passing on the information which fit the circumstance like that.

So I think you would have to say, given the fact that we have the discrepancy cases, that you have Americans who we cannot say for certain that they perish in the incident and even that took place, that we have to act with the possibility that there could be somebody alive and it's possible that—

The CHAIRMAN. Based on your knowledge of Vietnam and of the region, it is fair to say, is it not, that there are some regions remote enough and some areas that are not sufficiently within the real control of the government, that that could exist?

Mr. QUINN. Well, for Vietnam, it has to be extremely remote. It is a heavily populated country, approaching 70 million people. It has an established governmental infrastructure, and I think the Vietnamese government knows basically what goes on its country.

Laos is different. You know, a huge area, only a couple of million people, that is, I think, if you are talking about probabilities within possibilities, that is a country in which something like that could have a slightly higher probability of occurring.

The CHAIRMAN. Well, it is going to be important for the committee to try to narrow probabilities and possibilities and—

Mr. QUINN. Of course.

The CHAIRMAN. And to try to make assessments regarding them, so, let me come back to that and let me let my colleague pick up—

Senator REID. Mr. Chairman, could we limit it to 5 minutes, there are six of us here.

The CHAIRMAN. Senator Smith.

Senator SMITH. Mr. Quinn, your predecessor, Mr. Lamberton in 1987 said the issue as far as State was concerned was the priority with Laos, the issue of POW's and MIA's. Is that still the case in your opinion?

Mr. QUINN. Yes, it is, it still is. But I think it would be important to note that since then, I don't know exactly what other things we were saying about narcotics in 1987, I would have to go back and check the record.

But certainly now, narcotics cooperation is another very important subject in our relations with Laos.

Senator SMITH. In Henry Kissinger's memoirs, he made a statement that in February 1973, that the North Vietnamese handed over to him a list of POW's that had been captured in Laos.

I assume that that list is, I don't know if you have ever seen it—

Mr. QUINN. I have not.

Senator SMITH. The concern that I have, is that the nine that the North Vietnamese had or were these prisoners that were captured by the Pathet Lao? I would like to have, just for the interest of folks back there, have the opportunity to see that list or for the

committee to have access to that list. I won't question you on it at this point.

How many reports do you know of in the Department of State pertaining alleged sightings of American POW's in Laos?

Mr. QUINN. Well, most of the reports that are received at the Department of State would come either from the defense department reporting in the field, through its intelligence agencies, or from our embassies, report of our embassy in Vientiane or our embassy in Bangkok reporting, or if other individuals, private citizens would somehow come to us directly.

I don't have any idea—and I am not sure which of those categories you would be referring to.

Senator SMITH. The point is, I think there has to be communication obviously between State and DIA and State or DOD and—

Mr. QUINN. Oh, yes.

Senator SMITH. In terms of keeping the established priority, if POW's are the priority issue with the State Department and with Laos, and surely they ought to have some feedback from DOD as to how many POW sightings we have. So is there such communication between the two as far as you know?

Mr. QUINN. Yes, sir, there is certainly communication—

Senator SMITH. But at this point you don't know how many there are?

Mr. QUINN. I don't know. I wouldn't have a number, but I would certainly undertake to try to get you a number.

Senator SMITH. It just seems like in your position you should know, you want to know the number if it is a priority issue, then it would seem to me that you ought to know how many alleged sightings there are—

Mr. QUINN. The information, if I could, Senator, there is voluminous traffic flow and we have reports that will come in that sometimes will be hearsay reports, they will be second hand. Everything is written down and conveyed and that flows through the communication channel and it goes to the analysts and they will look at it and sort it and make some judgments about which are ones that we really should pay attention to and of course, we depend on their judgments to a very high degree.

Senator SMITH. I will accept that. Have we made similar proposals to the Lao that we have made to the Vietnamese. We don't have the diplomatic ties—we have at least some type of embassy ties in Laos. Have we made similar proposals to them? Take us to the live sighting locations, A, and B, have they accepted?

Mr. QUINN. We have gone to them with the live sighting reports and they said that they would investigate them. They said that they would take us, after—when they have done their unilateral investigation, that they would also take us. They did that with the Borah case. They have said that they would do that with the Carr case, and we have our Lao investigator who is here from the embassy in Bangkok—

Senator SMITH. Prison sites, alleged prison sites?

Mr. QUINN. I don't know—we don't have, that I have seen, specific reports of prison sites with particular individuals in them right now to request. I know that there are reports of—

Senator SMITH. But they have not said that you can come, as Vietnam has said, even though we haven't gone yet, they have said you could come to prison sites, have they said that, like the Vietnamese have?

Mr. QUINN. I have not raised with them visiting particular prison sites. I have raised with them particular cases and investigating the reports where those are. Let me, if I could, just check to be sure.

As I said, Senator, we have generally not had information that puts specific individuals in specific prisons. I assure you if we had that, we will follow it up. There is, I am told, one report that Captain Carr was held in prison, and that we have asked to go and visit that site and they have said that they will arrange for us to do that.

Senator SMITH. Senator Grassley is up next I believe.

Mr. QUINN. Senator, it is good to see you. Senator is my Senator, I am from Iowa.

Senator GRASSLEY. Notice that he smiled when he said that. You informed them you were from Iowa. I assume you have already said that—

The CHAIRMAN. He did all that refugee work in Iowa. [Laughter.] Senator McCain. Is this refugee work, people fleeing Iowa for Arizona? [Laughter.]

Mr. QUINN. There was some initial flight the first winter, Senator McCain, but the ones from Laos actually—

Senator McCain. We have settled very successfully the Iowans in Arizona. [Laughter.]

Senator GRASSLEY. Do my 5 minutes start right now, Mr. Chairman?

The CHAIRMAN. Right this instant.

Senator GRASSLEY. If I could, the first thing would be to discuss something with you that I brought up with General Vessey. I don't know whether you were here or not and it doesn't matter. It pertains to the normalization of relations with Vietnam, and resolution of the discrepancy cases.

My question to him, and to you because he could not give a definite answer, is what officially are the criteria for discrepancy cases? He left the impression with me that the criteria was rather subjective.

Could you tell us what the criteria are and please understand if you want to elaborate in great detail in writing I would be glad to have it that way. But somewhere along the line I have to get a pretty definite answer on this.

Mr. QUINN. The basic general definition, and if I could, we will submit something in writing, but is that there is evidence that the person involved survived the incident and that Vietnam or Laos or Cambodia would have information about the fate of the person.

Senator GRASSLEY. Maybe, I want to emphasize the word policy, to get away from what I got from General Vessey, being very subjective. I think he kind of referred to the fact that there wasn't a policy.

Is there a policy on what is a discrepancy case and what isn't, or are you saying that what you just told me is the expression of that policy?

Mr. QUINN. Yes, that is right. What I have told you is the expression of the policy.

Senator GRASSLEY. Then my follow-up question is, who is responsible for setting the policy governing discrepancy cases and who determines which cases are discrepancy cases and nondiscrepancy cases?

Mr. QUINN. Well, discrepancy, the cases, the experts on the Cases reside in the defense department, and they do the analysis based on all of the information and will made those of us who are in policy positions aware of which cases there is information that we have that a person would have survived the incident and that the Vietnamese would have knowledge of the Laotians would have knowledge of that.

Senator Grassley: Would it be fair to say that the state department is not in any rush to resolve these cases simply because we want to move toward normalization?

Mr. QUINN. Yes, it is very fair to say that.

Senator GRASSLEY. If this committee were to show that a discrepancy case that has been "resolved"—and for the definition of resolved, we would accept your decision—should not be resolved based on further evidence on its merits—that the merits would say that it should remain open—could we expect that such a case would itself become a discrepancy case that would still beg a resolution?

Mr. QUINN. Yes, you should, and in fact, we have had just a case exactly like that, and if I could explain. I mean, one way of being sure that you have an accounting is that if you have remains that come back, that can be identified as an individual. Then you can be sure what the fate is.

But if you don't have remains, then you look and assess all of the information you have and you make a judgment. That was done in the case of Colonel Robertson, but when we had this new photo evidence and we had identification made by members of the Robertson family, it didn't matter what our previous judgment had been, we didn't have remains and we pursued it with all of the vigor and energy that we could. And if there are any other cases, no matter how they have been adjudicated, if we don't have the remains that are returned, and we have new information that comes from the committee or anybody else, we will, of course, pursue it.

Senator GRASSLEY. That is a very good example. So that at this point, I take what you say is that the Robertson case would be now a discrepancy case?

Mr. QUINN. We are still looking at the photo and we are continuing to pursue that and investigate that case and so I would not consider it one in which we have reached final conclusions.

Senator GRASSLEY. Who would make the decision on whether or not a case like this is a discrepancy case?

Mr. QUINN. The IAG would meet and review and discuss cases like that. Of course, they are discussed with General Vessey, but we, of course, rely very extensively on the work that is done by the defense department experts, both in DIA and in the Pacific Command and JCRC, who also have people in Hanoi and in Bangkok and so we rely on their expert analysis and work and then try to make the

Senator GRASSLEY. Does one or more than one person, or maybe different people for different cases make this decision or is it one person—

Mr. QUINN. It is not any one person, no.

Senator GRASSLEY. OK. We heard this morning that the U.S. and Vietnam have agreed to certain procedures for investigating live sighting reports. Does this include our government turning over classified file information on POW's like sources and methods?

Mr. QUINN. Certainly not turning over anything about sources and methods, I couldn't imagine a situation in which we would do that. There are situations though where we have information and in which we make a prudent judgment or attempt to make a prudent judgment as to what information we would provide to Vietnam.

So in the case of the Robertson, Stevens and Lundy photo, we did provide information to the Vietnamese government, the Cambodian government and the Laotian government which we expected them to investigate and work with and we asked them to provide us answers. But we certainly didn't turn over anything.

In fact, one of the things Colonel Cole and I did and Warren Gray until about 2:00 in the morning was going through this information to make absolutely sure that in no way was there any compromise of where we were getting our information.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCain.

Senator McCain. So you have reached no conclusions concerning the photo of the three?

Mr. QUINN. I have not. And of course, the photo is being analyzed and I think you will hear later from people in DOD and DIA about it.

But I have said publicly to the families that until I would see information that would indicate that either that Colonel Robertson is conclusively dead or that the photo can somehow be demonstrated that it is not what it purports to be, that we would continue to pursue it and investigate it.

Senator McCain. You mention in your statement that the Walter T. Robertson photo you determined was not an American. How did you do that?

Mr. QUINN. Well, the photo was of a black person and Walter T. Robertson who served in the U.S. Army, I believe, was caucasian. Second, Walter T. Robertson returned from Vietnam and is alive in the United States.

The CHAIRMAN. You applied some extraordinary methods to that case. [Laughter.]

Mr. QUINN. I guess that is a source and method we could reveal.

Senator McCain. And you have no conclusions about the Carr picture?

Mr. QUINN. I do not, but I believe some of the other expert witnesses may.

Senator McCain. How firm are the POW/MIA conditions of the roadmap?

Mr. QUINN. They are central to the roadmap and they are very firm. I think that statement is as strong as I could make it.

Senator McCain. In the last year thanks to Vietnamese desire for normalization and driven largely by their economic conditions and General Vessey's outstanding work, you have seen great progress?

Mr. QUINN. I think we have made progress. I think we are going in the right direction. And I think we have set a framework in a stage for moving ahead and getting more answers.

Senator McCain. More progress than you have seen in previous years?

Mr. QUINN. I think so, Senator.

Senator McCain. And you are optimistic?

Mr. QUINN. Yes.

Senator McCain. About the resolution of this issue?

Mr. QUINN. I am optimistic that we have momentum, that we have found a direction and that we are going in the right direction. I guess anytime you talk about Vietnam I want to be sort of guarded about expressing optimism about anything.

But I have some guarded optimism that we are going in the right direction and we have the potential. I think that we have the potential now to really move ahead and get more results.

Senator McCain. I was contacted today by Mr. Earl Bond from California who is the father of Captain Ronald Bond, USAF. He has been missing since he was shot down over Laos in 1971.

His father, naturally, argued he had been denied information by DIA and that he has a right to know. And he further alleges that Defense Department officials have publicly asserted that they have provided him the information. You are not familiar with that case?

Mr. QUINN. I am not, I am sorry, Senator.

Senator McCain. Could you provide for the record a response for those allegations or have Mr. Ford or someone do so? I would appreciate it.

Obviously, these hearings will spark renewed interest on the part of many concerned individuals as well as family members.

How did they determine that the Borah, how did they track down the Borah picture or the individual who was purported to be Mr. Borah? Do you know the answer to that?

Mr. QUINN. I know the answer generally and I think you will get more details later.

But we provided some information to the Lao and they went and looked and found the man who appeared to be the individual that was in the photo. Then our team went out, they met with the individual. They saw him. They had a chance to photograph him, take fingerprints, interview him, ask him about the photo and how it was taken, compare the photo with him and with other photos.

But, again, I was not the one who was involved in that. And I think you will be hearing from the individuals who were and they can give you a much more precise and detailed answer.

Senator McCain. But in the case of Laos, which is the focus of a lot of our attention because of the disproportionate numbers of POW's who were returned as opposed to North Vietnam, in your view are the Laos still significantly controlled by the Vietnamese? And what is the degree of their cooperation? And if they are cooperating, is it because the Vietnamese are telling them to or is it

because of their desire for better relations throughout the region, including with Thailand?

Mr. QUINN. Well, Laos has always lived in the shadow of Vietnam. It is a country of 70 million and a county of 2 million or 3 million people nearby.

But I feel that Laos, the Laotian people are very proud and that they had a very close relationship with Hanoi during the war. But I think it is somewhat more distant now. I would certainly never say that it is a country that is not influenced by Vietnam. Certainly it is influenced significantly, but I think not as much if you look back at 1975. And I think the Laotians are trying to find their own way. And they are very sensitive to the suggestion that somehow that they just are a subdivision of Vietnam. So we deal with them as an independent country. And I believe that the facts justify that approach.

Senator McCAIN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator McCain.

Senator Reid.

Senator REID. Thank you, Mr. Chairman.

For my own personal curiosity and also to lay an appropriate background, tell me again what you were doing in combat situations as a foreign service officer.

Mr. QUINN. Yes, Senator.

I was assigned as a foreign service officer to Vietnam. And then I was assigned to MACV, the Military Assistance Command Vietnam, and the advisory program throughout Vietnam for the provincial and regional forces in Vietnam and for local government. It was a combined military and civilian operation with an integrated military and civilian chain of command down to the district level.

And so I was a district senior advisor, I guess the equivalent of maybe like a county in the United States. And I went into, I was in Sedec Province down in the Mekong Delta. And I went into a district and replaced a U.S. Army major as the district senior advisor.

And this district happened to be right at the edge of the Vin Long army airfield. And so we engaged every day in joint operations with helicopter units that came off the Vin Long army airfield and going out in the helicopters, searching for areas and troops when the time came. And I went out in my civilian clothes and did everything the Army major before me did and, I presume, the Army major who replaced me did.

The CHAIRMAN. This was early training for his dealings with us. [Laughter.]

Mr. QUINN. I expected when I joined the foreign service that I was going to be off in Paris or Vienna or someplace with aperitifs and discussing the nuances of international relations with diplomats, some place in Europe. And I suddenly woke up and I was in Vietnam in this situation one morning. It changed my life.

Senator REID. Do you believe the allegations that there is a tendency to find fault with the source of information rather than investigate the data? This has been talked about by a number of Senators here today. Let us hear what you have to say about that.

Mr. QUINN. There are, I would, I guess, start by saying of all the people that I deal with from DIA, DOD, and so on, have always shown to me that when they have information and that it looks

good and they make a judgment that we proceed after it rapidly and vigorously. And I do not have any sense that there is anybody who is doing anything other than that.

Senator REID. How about in the past?

Mr. QUINN. Well, I have only been in this job since July 1990. Senator REID. But you, of course, have looked at what has gone on before, I hope?

Mr. QUINN. I have not made any investigation of what has gone on before I came into the job and start from there. And obviously, there are some references to the past.

But to answer, if I could take one second, that in our State Department business overseas, we process thousands and thousands of cases of people who are after visas. And it has occurred to me as I have looked at these two processes, that I have seen something happening in the State Department where we have had so many in some places, so many stories that are brought to us by people who are interested in a visa to come to the United States, but it is not, and these turn out to be bogus stories and they are not true.

And I know that our officers who deal with them will sometimes feel that they are inundated with that type of information. And I have seen in just sampling and looking at these reports as they flow in that you get time after time in the POW/MIA issue people coming in, looking to try to extort money from us, looking to somehow try to present us with hearsay information in a way that they can gain some advantage. That having that type of situation in all of those reports, because every one of them has to be gone through, I think that it does not help. I think that it can cause skepticism to creep into the process.

I do not know that it has, but I have felt that that kind of analogy is possible.

Senator REID. I am reminded of a statement that Chairman Kerry made earlier today that I think we need only look at the fact that here it is 18 years, 19 years later. And the investigatory staff, call it whatever you want, is getting bigger rather than smaller. And you would think it would be just the opposite. Obviously, something has to occur so the staff winds down.

And I just have to believe the little bit that I know at this stage that we may have had too many people that looked at this as it were a visa application and not somebody who is waiting for their loved one to come home.

Mr. QUINN. Again, I just want to repeat that nothing where I have been involved since I have been in this job, where any of this information has been discussed, that nobody has tended to debunk it.

Senator REID. You made that point clear. But you see, that is a problem that we have every step of the way. Everybody is saying, while I was on watch we did everything that we could. Well, somewhere along the road something has gone wrong. Or we would not be now, almost 20 years later, building a staff rather than cutting it back.

Mr. QUINN. If I could, I think that one of the reasons that we are building the staff now is that there is a lot of work to be done and we see now the potential for doing it. And if we could keep moving in this roadmap approach and continue to take steps, this is going

to open up for other and more activity and we want to be able to move in when that door is open and hit the ground and do this kind of accounting as fast, and investigations and access to information and interviewing people and following up, as fast as we can.

I do not think that the American people would be satisfied with us saying now you have these things available and you do not have the resources ready and the people ready to move ahead and take advantage of them.

The CHAIRMAN. Thank you, Senator Reid. I think that is a very fair statement.

And obviously there is a greater opportunity today which requires more on the ground personnel. We were not in Vietnam until this past year and so forth. Some might question whether we could have been there sooner, but the interesting inquiry for this committee and the difficult inquiry, and it is raised by Senator Smith pointing out the sort of difference between what was responded to to the committee and then what finally turns up. And that as you go backward in time, somehow you have to establish what the probability was in 1973 and 1974 that somebody was alive because it is depending on that probability that you can begin to make some judgments about the possibilities and probabilities of discrepancy cases today.

If in 1973 it was highly unlikely that somebody was alive, it is less likely that 19 years later they are. But if in 1973 there was, almost to a certainty, somebody alive, there is a greater likelihood that 19 years later somebody may be alive. And so we are forced, automatically, to try to make some assessments about the state of knowledge back then which is why I said the committee will trace the chain of custody of this issue, if you will, almost building a chart from where we were in terms of our knowledge and the negotiations in Paris.

Because there is no way that we can sit here at the end of this inquiry and try to make a judgment and say, well, gosh, we do not think somebody is alive today if we are discounting the odds that somebody might have been alive back then.

So as uncomfortable and difficult as that inquiry is, I think we are forced to try to make it.

Mr. QUINN. I think, Senator, that any type of thorough investigation and review of the issue would have to include that. I just wanted to make the point that from the time I came I have been looking ahead to what is it we can do, what steps can we take, what diplomatic or other measures can we pursue to get at the answers.

The CHAIRMAN. And your first formal contact with this in official capacity with responsibility for the issue was?

Mr. QUINN. July 1990.

The CHAIRMAN. Senator Daschle.

Senator DASCHLE. Thank you, Mr. Chairman.

It was really along those lines that I wanted to begin my questioning. It relates to the degree to which you believe there was a consensus about the number of men last known to be alive in Laos and Cambodia back in 1973. To what degree do you think the consensus existed with regard to the numbers back then?

Mr. QUINN. In 1973? I was on the Cambodian border in 1973. And I was not aware of what the discussion was at that time. I really feel inadequate to answer the question.

Senator DASCHLE. I am not asking what you knew then. I am asking about your knowledge now, having had this position for a year with access to the records that must have been compiled over the last 17 years. To what degree do we now know there was a consensus about numbers of live men left in Cambodia and Laos?

Mr. QUINN. I am not aware, Senator, that there has been any judgment at any time in the executive branch that there were Americans left in Laos or Cambodia after the official release of POW/MIA's. I have never heard such a report and I am not aware of evidence or information about Americans being held, still held as prisoner.

As I mentioned earlier, there have been reports of maybe some who are not prisoners, who might have remained behind. And I mentioned that, and perhaps you were not here, but of people being held prisoner, I am not aware of any information or assessment or analysis in that regard.

Senator DASCHLE. I guess what I am asking is this: Is there a consensus about what would now be the base number as we work to resolve the cases, especially those cases in your testimony? The numbers used to conduct our first investigations in the discrepancy cases involving the men last to be alive in Lao hands?

I am surprised that these are the first ever investigations, 17 years later.

Mr. QUINN. These are the first ones we have been permitted to do.

Senator DASCHLE. That was my question.

How do you know, if you have no base number from which to work, what the number of discrepancy cases are? What is the number of discrepancy cases in Laos and Cambodia?

Mr. QUINN. I do not have the exact number. But let me, if I could, refer.

There were 49 cases, Lao border cases, where there were areas, there were Lao's controlled by Vietnamese forces during the war in which we believe the Vietnamese could have or should have information relating to those cases. There were 15 additional individuals who were listed as POW's during the release of prisoners. And it is those numbers that I have had DIA and the Defense Department brief me on as particular cases.

Senator DASCHLE. This is just Laos? Or is this Laos and Cambodia?

Mr. QUINN. Just Laos.

Senator DASCHLE. So what you are saying is, there were 64 outstanding cases total involving people in Laos?

Mr. QUINN. You asked me in terms of the discrepancy cases.

Senator DASCHLE. So there are 64 discrepancy cases?

Mr. QUINN. Those are the discrepancy cases, as I say, that comes from DIA analysis. And what I am repeating to you is what has been briefed.

We do not have a set menu of numbers of cases with an official total for any of these countries.

There are 9 discrepancy cases in Cambodia of the same way that I have described. Now you get other information at different times that would take a case and put it in, take a case and put it out.

I want to be clear and I want to emphasize that we, because you can convey—anytime you say a number you can convey a sense that somehow these are the only cases that you care about and that they are the only ones you are going to pursue. That is not the case. We are interested in all 2,272 of those individuals listed as missing in action.

When you start talking about these other shades in between, you are talking about the degree of information and knowledge that we have. And I do not want to leave any suggestion that somehow these are cases that fall into circumstances which we only pursue those more ardently than others. Last known alive discrepancy cases, that is where you have information where an individual was alive and you have reason to believe that the Vietnamese know what happened to him or he fell into Vietnamese hands. Of course, they are people who we cannot say are dead.

And because we put our emphasis on the live prisoner issue, whether it is Laos or Vietnam, that those are the ones to which we would give the highest priority. And that is where General Vessey's 119 cases have come from.

Senator DASCHLE. But that last known alive figure is not just Laos and Cambodia.

Mr. QUINN. That is correct.

Senator DASCHLE. You see, I started my questioning by asking you if you could differentiate between Vietnam, Laos and Cambodia and give us the last known alive figures for Laos and Cambodia. You gave me your discrepancy figures which are helpful.

To the extent we could, for the record, I think it would be very helpful to differentiate and to quantify and even substantiate, if that needs to be done, the figures as they relate to each country.

Second, I suspect that part of the reason discrepancy numbers are so low in Cambodia is because, from what I am getting in the testimony, frankly, there has been very little contact with Cambodia. I mean, I would imagine that with greater contact and greater information comes greater possibility for discrepancy. As a result, those numbers could increase.

However, it would be very helpful to have a base number from which we could work in order to obtain a better understanding of the degree to which the problem exists in all three countries.

Mr. QUINN. I am sorry if I confused or misunderstood the question. I thought you had asked about discrepancy cases as opposed to last known alive.

Anyway, as I understand it, it is better for you to hear this directly from DIA. But in Laos, in terms of last known alive cases that they carry, there are 16 cases involving 22 individuals who would fall into the last known alive or listed as POW at homecoming category.

Senator DASCHLE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator. This is going to be our longest day, our most arduous day unquestionably.

But the next panels are important also, and we want to leave time for them. They are particularly important for a number of reasons.

Before we move to them, Mr. Secretary, let me just ask you. You said we are going to pay attention to all 2,273. And, indeed, we ought to.

But is there not a point here where we have got to come to closure on some of these cases? I mean, I have looked at some of the 2,273 and frankly, when I was over in Vietnam I got information from the Vietnamese regarding six or seven discrepancy cases that I believe, I am confident, I know the team has now, they have resolved. But at the end of that I must tell you I was capable of drawing the conclusion and was prepared to draw a conclusion that personnel on the ground had testified that that person had been killed, that the circumstances were clear. It was verifiable in terms of place, time, date and so forth. But because you do not have remains it sort of stays in this murky area.

And it just seems to me that that is wrong, that we have got to start to draw some conclusions about these or you kind of go on forever. Now is that going to happen? Are we prepared to do that based upon the information we are now getting?

Mr. QUINN. I think what is important, Senator, is that we know that we are not going to be able to account for every last serviceman who has not returned from Vietnam.

There are some cases because they were over water and other circumstances that make it highly doubtful. But what is important is that we have a process which can be viewed as an open and credible process by the American people and that we have gone through and we have looked at every case. And we can, at the end, say and feel that Americans would agree that we have done our best, that we have looked in every possible way and then we have made our judgments.

I think to make the judgments that you are suggesting before we have that leaves the door open.

The CHAIRMAN. I think what people want to know is, and what we want to know is that while we are going to turn over every stone and we are going to make every effort to open this process up, and I suggest at the end of this inquiry people are going to have a better sense of this than they ever had before, but where you have eyewitnesses—

For instance, in one of these cases they say, look, we came on these people and we killed them. And here is what we did with them. And there are four or five people who say this is what we did. We did it. And you have a date and time and other sort of corroborative evidence. The question is, are we going to make a determination and share that with the families and bring the lists down by a commensurate number of people according to those determinations?

Mr. QUINN. The answer is that that process has already begun as part of General Vessey's efforts. And you have some cases that have been resolved because remains have been found and brought home. There are others where you consider that the fate has been reconfirmed through this investigation. And those judgments have been made. And that process is going on right now.

The CHAIRMAN. And being communicated to the families?

Mr. QUINN. Yes. Well, that is really, I mean, Mr. Ford and the Defense Department are the ones who are in charge of that. But I mean, that has gone on as part of General Vessey's process.

The CHAIRMAN. Let me ask you another question. I am not trying to diminish your job or take a job away from you, but would we be better off if now that there has been this reorganization within the Defense Department and there is sort of one person responsible, would we be better off not having an inter-agency group per se or have a direct reporting of agencies to that one person so there is one person responsible and everybody knows who we are dealing with here?

Mr. QUINN. Well, we have not hesitated to reorganize this process. And there have been a number of steps taken just in the last year, year and a half.

You will hear later from General Ryan and General Christmas who will talk about what they are looking at in terms of reorganization, in terms of the field components to ensure coordination. We have not hesitated also in Washington with Secretary Cheney, the Carper group from the House of Representatives made up of six Vietnam veterans that produced what I think is very useful and stimulating report.

And I know that there is thinking going on within the executive branch now as to are there other steps we can take to reorganize this and to make it more effective. And we will certainly take your suggestion back as well.

The CHAIRMAN. Congressman McCloskey and Congressman Carper have been in touch with the group and I think it is a good report.

And that report, without objection, will be made a part of this record in its entirety.

[The information referred to follows:]

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PROCUREMENT AND
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Congress of the United States
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October 18, 1991

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The Honorable John F. Kerry, Chairman
Senate Select Committee on POW/MIA Affairs
SROB 421
Washington, D.C. 20510

Dear Chairman Kerry: *John*

As you know, I recently returned from a visit to Laos and Thailand where I met with Lao officials concerned with the humanitarian and MIA/POW issues. My brief stopover in Thailand allowed me to speak with those U.S. officials in charge of both the Joint Casualty Reconciliation Center and the Stoney Beach live-sighting response project in Bangkok. In addition, I interviewed Col. Jack Bailey (USAF, ret.) who has for some years been active to collecting information on the possibility that U.S. servicemen are being detained in Indochina.

Discussion of the MIA/POW issue can become a highly emotional one. One lingering tragedy is the countless times hopes of families have been raised only to be dashed because of unscrupulous individuals trafficking in phony photographs or artifacts purporting to prove the survival of a particular serviceman. It is my view that we must move swiftly to deter such behavior in order to focus time and resources on those MIA/POW cases which merit intensive scrutiny and attention at the highest levels of government.

On October 3, I had the opportunity to meet personally with the Secretary of Defense, the Deputy Secretary of Defense, the Under Secretary of Defense for Policy and the Principal Deputy Secretary of Defense for MIA/POW Affairs on these types of cases. I was encouraged by their interest and receptiveness to new information provided on one such compelling case. It seems to me that we now may have a special opportunity and responsibility to do everything possible within the next year to close out the MIA/POW issue in a fair and effective way.

The following are some of my impressions and suggestions which I have developed from my trip to Vientiane and Bangkok which may be useful to your committee as you begin hearings in the near future.

The Honorable John F. Kerry
October 18, 1991
Page Two

1. Quick reaction response to live sightings an urgent priority -- We must recognize the importance of providing the government of Laos with the means to undertake quick reaction responses to live-sighting reports in conjunction with U.S. personnel. In my meeting with Vice Foreign Minister Soulevong in Vientianne on September 30, 1991, I raised this issue. It was indicated that the Lao government was ready to do more and considered their cooperation on MIA/POW issues an "official responsibility." In my view, such a capability should consist of DoD providing pilot training to the Lao as well as modernizing its current fleet of helicopters in order to provide all-weather, all-terrain search capabilities.

2. Greater interagency coordination required -- One disappointment growing out of briefings prior to my trip was the lack of coordination, information hand-off, intelligence confusion and general delay in following up leads. If the MIA/POW issue is truly a national priority, the agencies of government should act like it. It is particularly bothersome to hear that there is little if any information exchange between the CIA and DIA. In effect, our CIA "doesn't do MIA/POWs." This should be a matter of concern to all of us. It is also of concern to learn of reports where MIA fingerprints simply disappear from FBI files. Such unsettling concerns ought to be resolved and fully explained in the process of congressional oversight.

3. Reconciling historical discrepancies -- The comments of official Pathet Lao spokesmen during early 1973 when the Vietnam armistice was being negotiated explicitly stated that U.S. POWs were being held and their return would be subject of negotiation. During my visit to Laos, I asked to speak to the individual who was quoted at that time saying the Pathet Lao held POWs. After initially being told the individual was deceased, I was then informed by Vice Minister Soulevong that this man, Mr. Soth Pethrasay, was alive. I have formally requested that appropriate U.S. government officials be allowed to interview him in order to address this matter.

4. More substantive and frequent humanitarian aid efforts in Laos justified -- The expression of appreciation by the Lao people to the 30,000 lbs. of medical equipment, supplies and pharmaceuticals which we delivered on September 19, 1991 to Vientianne was truly impressive. What mattered most to these people and their Ministry of Public Health was that such a gesture reflected a sincere desire of the American people to assist their country. As you know, Laos has a population of only 4 million people. Certainly, additional flights coordinated through the Pentagon's Office of Global Affairs will go a long

The Honorable John F. Kerry
October 18, 1991
Page Three

way to build on stronger ties between ourselves and the Lao at a very minimal cost. One benefit can be a more effective MIA/POW recovery program to tangibly demonstrate the good faith and sincerity of the Lao government on this issue.

5. Permanent program needed to deal with unexploded ordnance in Laos -- In addition to the lack of mobility to deal quickly with live-sighting reports is the legacy of the U.S. aerial campaign in Laos where more bombs were dropped than in World War II. Whenever it is agreed that a crash site may be visited, it is standard procedure that U.S. ordnance experts conduct a survey of the site and defuse unexploded bombs and bomblets. Unfortunately, Lao children and farmers are still being killed and maimed when they accidentally step on such ordnance. It is my view that DoD and the Department of State should consider a permanent and systematic program of bomb disposal in Laos. Such a step would go a long way in demonstrating our sincerity for improved relations.

6. Diplomatic Representation in Laos should be upgraded -- At the present time, the U.S. Embassy in Bangkok is headed very ably by Mr. Charles Salmon who is our Charge D'Affaires. However, we should consider upgrading our representation there to Ambassador status. Again, this is a low-cost step which taken in the context of these other proposals should no doubt help resolve the MIA/POW issue.

I have been closely following the MIA/POW issue for over six years. While I do not subscribe to any "conspiracy" theories which some have suggested is the reason why we have not obtained a better accounting of our MIA/POWs, it is clear that we could be doing a much better job and a much smarter job. If I can be of further assistance to you and your committee, feel free to call upon me at any time. This issue deserves the appropriate amount of time and attention, especially if we truly believe it is of the highest national priority. I look forward to hearing from you in the near future.

Warmest personal regards,

Frank McCloskey
Frank McCloskey M.C.

THOMAS R. CARPER
DELAWARE AT-LARGE

COMMITTEES
BANKING, FINANCE
AND URBAN AFFAIRS
MERCHANT MARINE
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Congress of the United States
House of Representatives
Washington, DC 20515

October 25, 1991

The Honorable John Kerry
Chairman
Senate Select Committee on POW/MIA Affairs
SH - 705
Washington, D.C. 20510

Dear John:

I am pleased to transmit to you and the members of the committee the attached report that several of my colleagues and I who served in the Vietnam War - Representatives Skaggs, Peterson, Kolbe, Rhodes, and Gilchrest - compiled as a result of our recent mission to Vietnam, Cambodia, and Laos in August, 1991, for the November 5, 6, and 7 hearing records of the Senate Select Committee on POW/MIA Affairs.

In returning to Southeast Asia for the first time since the Vietnam war, we reviewed the POW/MIA issue; the need for a comprehensive, international accord on Cambodia; the prospect of normalization of relations with Vietnam and Cambodia and upgrading relations with Laos; and the lifting of the economic embargo against Vietnam and Cambodia.

The Administration has stated that it would begin the process of normalization of relations with Vietnam once a comprehensive settlement for Cambodia is signed. Now that an agreement has been signed, discussions can begin pertaining to normalizing relations between the United States and these Southeast Asian countries and lifting the U.S. economic embargo against Vietnam and Cambodia.

I hope this report will be of value to you in reviewing these issues.

Sincerely,

*John, many thanks
for your willing-ness
to meet*

Tom Carper
Member of Congress

*with us in August prior to our CODEL'S
departure for S.E. Asia. Collectively
we've done some good, I think.
Obviously, more remains to be done, and
we look forward to working with you.*

50-714 16

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REPORT OF THE CONGRESSIONAL DELEGATION TRIP TO SOUTHEAST ASIA—AUGUST 3-11,
1991

FOREWORD

In March 1991, Congressman Pete Peterson and I began discussions which grew into a month-long fact-finding probe into the long-unresolved controversy over the fate of America's missing-in-action servicemen who are still unaccounted for more than 15 years after the Vietnam War. Our review and analysis led us to organize a Congressional delegation, unique in composition and mission.

We enlisted a bipartisan delegation marked not only by its members' common bond of military service in Vietnam, but by their open spirit of inquiry. As we began planning what was to be our first trip back to Vietnam since the war, each brought *longstanding* questions about the fate of fellow servicemen. Only weeks before our trip, the publication of a photograph of three individuals identified by family members as their long-missing loved ones provoked sharp reactions across the country.

Over the years, our country's views of the POW/MIA issue have been influenced by conflicting forces. The hopes of loved ones have been manipulated—by governments of the region, by profiteers, by sensationalists. Many have questioned our own government's role in resolving the POW/MIA dilemma. Was there a coverup, as some alleged? Has resolution of the issue been a real governmental priority? Was the failure to make more progress a symptom of mismanagement or incompetence? Was the secrecy which shrouded our government's efforts to gather information frustrating its aim of winning public understanding?

The announcement, in April 1991, that our Government would address the POW/MIA issue as part of a "roadmap" which would govern the pace and scope of any normalization of our relations with the government of Vietnam gave added focus to our agenda. Despite the State Department's apparent unwillingness to share the text of its roadmap with the CODEL, the Department and many government and nongovernment officials urged us to reinforce its message to those leaders we might meet in Vietnam and Cambodia.

Perhaps ironically, the roadmap fused two of the most haunting remnants of conflict in post World War II Southeast Asia—the genocidal devastation and civil war in Cambodia and the unresolved fate of America's missing in action.

We set out for Southeast Asia in August, therefore, to study all facets of the POW/MIA issue as well as the process of settlement of the civil war in Cambodia, both key elements of the roadmap. We did so on the premise that an "on-the-ground" analysis might be not only more telling, but that it might differ substantially from "findings" reached in Washington, D.C.

We framed our inquiry to focus on four subjects: (1) the intensity and effectiveness of our own government's efforts to resolve the POW/MIA issue; (2) the level of cooperation we are receiving from governments in Southeast Asia; (3) progress toward a comprehensive, lasting peace in Cambodia; and (4) the process for normalizing relations between our country and both Vietnam and Cambodia, and for moving toward full diplomatic relations with Laos.

This publication reflects our findings. It reflects the rich, diverse backgrounds of the members—experience in military service, foreign affairs, intelligence, international trade and economics, organization and management, and veterans' issues. Most importantly, it reflects the objectivity with which the CODEL members confronted the vexing questions they studied. Despite differences in their backgrounds, the members had a common commitment to conduct a studied, independent analysis of the issues. That open spirit of inquiry and the debt we owe to those who did not return from this war, as well as to the anguished families of the missing in action, have, in my view, forged a commitment far more compelling than party or philosophy of government. It is my hope, and that of the members of this delegation, that this report will help move us closer to the answers we all seek.

TOM CARPER.

INTRODUCTION

On August 3, 1991, a bipartisan group of members of the House of Representatives began an 8-day trip to Southeast Asia to complete an examination into the fate of servicemen unaccounted for in Southeast Asia; progress on the search for a satisfactory settlement of the civil war in Cambodia; and the process of improving and normalizing relations between the United States and Vietnam, Laos, and Cambodia, respectively. The delegation consisted of Representatives Carper, Peterson, Kolbe, Rhodes, Skaggs, and Gilchrest. The delegation met with officials of the Lao People's