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Mr. Ahrao told us how a traveling merchant stopped by his rice field one day last year and offered to take his photograph. He had not previously met the photographer and had no idea that the man planned to misrepresent his photograph as that of an American POW. We interviewed, photographed, and fingerprinted Mr. Ahrao. A second man, who was alleged to be Borah's prison guard, was also present. In reality, he was just a friend who was helping Ahrao clear his field on the day the photographer stopped to take the picture.

As part of the same investigation trip, the team traveled to Attapeu Province in the southeastern corner of Laos to attempt to locate the survey the crash site of Captain Donald G. Carr, the alleged subject of another set of photographs which are still under investigation.

Due to recent monsoon rains which had washed out the dirt roads in the area and flooded the rice paddies, the only flat, non-forested areas in which we could hope to land our helicopter, the provincial officials informed us that it would be impossible to travel to that remote area where we believe the crash site is located.

Members of the Committee, I do not know if there are unaccounted-for Americans alive in Laos, but as long as the possibility exists we must continue the search through the refugee interview program and the live-sighting and discrepancy case investigations.

This concludes my prepared statement. I'd be happy to answer any questions you may have.

[The prepared statement of William R. Gadoury, Jr., follows:]

PREPARED STATEMENT OF WILLIAM R. GADOURY, JR.

Senator Kerry, Senator Smith, Members of the Committee, thank you for inviting me here to share with you some of my observations on our government's efforts to account for our prisoners of war and missing in action in Laos.

In October of 1990, I retired from the U.S. Air Force after having served honorably for 22 years. My specialty was operational intelligence. During the Vietnam war, I spent 3 years, working closely with our pilots who flew combat missions out of Thailand, some of whom are still missing.

In 1984, I began work as a Casualty Resolution analyst at the Joint Casualty Resolution Center, or JCRC, in Hawaii. Since July 1985, I have been assigned to the JCRC liaison office at our embassy in Bangkok, Thailand.

I would like to discuss two of our POW/MIA operations for which I have responsibility—the refugee interview program and investigative activities inside Laos.

When I arrived in Bangkok in 1985, my own personal highest priority was to be the first person to find hard, credible evidence that Americans are still alive in Indochina; evidence which I dearly hoped would lead to the return of some of my former comrades-in-arms. Over the past 6 years, I have interviewed hundreds of people who have had, or alleged to have, information concerning cases of deceased Americans as well as accounts, usually hearsay, of Americans still alive—either in captive situations or living freely. I have filed detailed reports on each account and received follow-up requirements from the DIA's POW/MIA office. Based on these follow-up requirements, I would conduct re-interviews with these sources as expeditiously as possible. Despite my best efforts, I have not yet found that hard, credible evidence of which I spoke a moment ago. Nevertheless, the information obtained

thus far precludes ruling out the possibility that Americans are still alive in southeast Asia.

In addition to my visits to refugee camps, I have traveled throughout Laos searching for information on MIA's. In April this year, I led a team whose mission was to investigate discrepancy cases—compelling losses of which the Lao ought to have knowledge. The focus of this particular investigation was to determine the fate of two Americans who were held prisoner in the late 1960's in caves near the Communist Pathet Lao headquarters at Vieng Xai in northeastern Laos.

Prior to our arrival, Lao officials had located a first-hand witness to this incident. He was a former Pathet Lao soldier who, during the war, was with a small unit which was responsible for caring for an American prisoner who had been transferred to their custody from another nearby unit in early 1967. He took us to a cave where the American was held for approximately 8 months. He also led my team to an unmarked area where he recalled burying the American after he had succumbed to a high fever.

There were no grave markers and the surrounding area had changed in the 23 years which had elapsed. The witness was only able to recall the general area of the gravesite. The Lao government has agreed to permit us to return to this area during the coming dry season to continue this investigation.

As for the second American, my team obtained only limited information from a third-hand source. We are working with the Lao to attempt to locate a first-hand witness.

The following month—in May—I was assigned to a team tasked to follow-up on two other prominent discrepancy cases. One of the cases involved an American and an Australian, who were taken prisoner by Pathet Lao forces in September, 1974. The other case involved an Air America employee who was held prisoner by the Pathet Lao for 3 years before he and 6 other prisoners escaped in 1966. Unfortunately, due to bad weather and our Lao counterparts failure to coordinate our visit with local officials, we were unable to investigate these cases. Instead, our activities were limited to crash site surveys and gravesite excavations.

In September, I led yet another team to southern Laos to conduct investigations into cases relating to missing Americans alleged to be associated with several photographs. Lao officials, during an earlier, unilateral investigation had located the subject in one set of photographs which was allegedly related to the case of Navy Lieutenant Daniel V. Borah, Jr. The actual subject of the photograph, an ethnic Mang Kong tribesman, named Ahrao was located in a small town in southeastern Laos near the Vietnam border.

Mr. Ahrao told us how a traveling merchant stopped by his rice field one day last year and offered to take his photograph. He had not previously met the photographer, and had no idea that the man planned to misrepresent his photograph as that of an American POW. We interviewed, photographed, and fingerprinted Mr. Ahrao. A second man, who was identified as Borah's prison guard, was also present. In reality, he was just a friend who was helping Ahrao clear his field on the day the photographer stopped to take their picture.

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Members of the Committee, I do not know if there are unaccounted-for Americans alive in Laos, as long as the possibility exists, we must continue the search through the refugee interview program and the live-sighting and discrepancy case investigations.

This concludes my prepared statement. I would be happy to answer any questions which you may have.

The CHAIRMAN. Thank you very much, Mr. Gadoury.

Let me now try, if I can, to take a few minutes just to pull out a little more, if I can, of sort of who you folks are and what you have put into this effort.

Mr. Bell, if you could bring the mike a little bit closer, I think it would be helpful. When was the first time that you became associated with Vietnam?

Mr. BELL. 1965, sir.

The CHAIRMAN. That's the first time you went over there?

Mr. BELL. Yes, sir.

The CHAIRMAN. In what capacity did you go over there then?

Mr. BELL. Infantry, sir.

The CHAIRMAN. So you were one of America's troops in Vietnam in 1965?

Mr. BELL. Yes, sir.

The CHAIRMAN. Involved in combat?

Mr. BELL. Yes, sir, in the central highlands.

The CHAIRMAN. How long was that tour of duty?

Mr. BELL. That was a 1-year tour of duty, sir.

The CHAIRMAN. Did you then return subsequently?

Mr. BELL. Actually, I returned to the U.S. and transferred to another unit that was deploying to Vietnam at the time.

The CHAIRMAN. So you went back to Vietnam almost immediately?

Mr. BELL. At that time, I went to Ft. Holabird for training and then redeployed to Vietnam.

The CHAIRMAN. And how old were you then?

Mr. BELL. 24, sir.

The CHAIRMAN. You went back to Vietnam for a second tour of duty?

Mr. BELL. Yes, sir.

The CHAIRMAN. And how long did that tour of duty last?

Mr. BELL. That lasted until the end of 1968, sir.

The CHAIRMAN. And what capacity did you serve in the second tour of duty?

Mr. BELL. Initially I worked in tactical intelligence in the field, and beginning in 1968 I worked at the national level in Saigon.

The CHAIRMAN. Who did you work for there?

Mr. BELL. I worked for the MAC-V J-2, sir.

The CHAIRMAN. That's the Military Assistance Command, correct?

Mr. BELL. Actually, the 525th Military Intelligence Group, which was under the MAC-V J-2.

The CHAIRMAN. How long did that tour last?

Mr. BELL. Until the end of 1968, sir.

The CHAIRMAN. And then where did you go?

Mr. BELL. I went to Ft. Bragg, NC, to Special Forces.

The CHAIRMAN. What did you do there?

Mr. BELL. Worked in the military intelligence detachment.

Senator McCAIN. Mr. Chairman, yesterday we lasted a long, long time, and appropriately so, but let me point out that to go through the biography, which is available to all the Members of the Committee, should be used on your time so that the rest of us have time to question.

Senator McCAIN. May I finish speaking, Mr. Chairman? Or maybe we should proceed with the hearing, because there are some very important witnesses and questions that need to be asked. I am fully appreciative, and I think the Members of the Committee are, of the bio and the credentials of the witnesses.

The CHAIRMAN. What was your service at that period of time, the next tour that you did?

Mr. BELL. The next tour was for Thai language training, sir.

The CHAIRMAN. And when did you then return to Vietnam?

Mr. BELL. 1973, sir.

The CHAIRMAN. In what capacity?

Mr. BELL. Operation Homecoming, sir.

The CHAIRMAN. And after Homecoming—Homecoming lasted for what period of time, about a year?

Mr. BELL. No, sir. It actually lasted about 2 months.

The CHAIRMAN. Two months. And then you went to?

Mr. BELL. I went to the Hanoi liaison office in Saigon.

The CHAIRMAN. And you have been involved with the POW/MIA issue ever since then; is that accurate?

Mr. BELL. Mostly. There were a few years when I actually had little or no participation.

The CHAIRMAN. How many years of that period?

Mr. BELL. Four.

The CHAIRMAN. So, with the exception of perhaps 4 years, since 1965 you have almost exclusively been involved with Vietnam, with the war, with intelligence, and with the POW/MIA issue, correct?

Mr. BELL. Yes, sir.

The CHAIRMAN. Were you decorated for your service in Vietnam?

Mr. BELL. The normal decorations, sir.

The CHAIRMAN. You have been head of the POW/MIA office for how long now?

Mr. BELL. Since May of this year, sir.

The CHAIRMAN. At any time during the course of your service or involvement with this issue, has anyone ever held you back or restrained your efforts to find somebody or diverted information that you have provided or covered up any information that you have provided?

Mr. BELL. Yes, sir.

The CHAIRMAN. When did that happen?

Mr. BELL. It's happened occasionally over the years, if you're speaking of reports that are edited and that sort of thing.

The CHAIRMAN. Well, I'm trying to find out whether or not it is your perception that legitimate information that you uncovered with respect to the potential sighting of a live POW or information regarding an MIA, that you were restrained in your ability to get that information to where it should go, or that it wasn't acted on.

Mr. BELL. No, sir. I don't think you could describe it as restrained.

The CHAIRMAN. What did you have in mind? What were you saying to me?

Mr. BELL. Just maybe not the best possible circumstances for doing the work.

The CHAIRMAN. Can you describe that for me?

Mr. BELL. Occasional lack of support, occasional misunderstandings on the objectivity of investigations of cases and so forth.

The CHAIRMAN. If you can, Bill, I'd like to ask you to try. Help the Committee to understand that, be a little more precise, perhaps with a circumstance in which you felt that you had something you thought ought to be treated differently and it wasn't, just to get a sense of it.

Mr. BELL. This is a typical pattern I think you'll run across anywhere in the military system, sir. What I'm referring to here is, as a specialist you do a detailed investigation and you submit a report, and it's possible that that report will not be final even though it's an investigation. The report is subject to be edited and altered by others who may be a navigator or an infantryman because they are in your particular chain.

And this is something that everyone in my profession has to work with.

The CHAIRMAN. Are you saying to the Committee that you came across information that suggested to you that someone was alive and that that information was subsequently changed to suggest otherwise?

Mr. BELL. Not necessarily, sir.

The CHAIRMAN. Can you be more precise, then?

Mr. BELL. I think what I'm talking about here is the relationship between one case as it pertains to another case. In other words, information which may not specifically correlate to an individual may have a bearing on another case, and if it's separated out from the case that's under investigation and reported separately then it's very difficult to retrieve and collate the information.

The CHAIRMAN. Well, let me sort of put it to you more bluntly, then. Over the course of time, many allegations have been made, as you know, that there's been a coverup. Allegations have been made that live-sighting reports have not been followed up on, or that specific known information about Americans being alive has not been acted on.

Do you know whether or not that has happened? Has there been a coverup?

Mr. BELL. I don't think there's been a coverup, sir, but I think it's possible that information was not acted upon.

The CHAIRMAN. My time has expired, but what period of time, to your knowledge, do you believe that information was not acted on?

Mr. BELL. Around the time of the release of U.S. prisoners and shortly thereafter.

The CHAIRMAN. My time has expired. Obviously we will be following up on this.

Senator Smith.

Senator SMITH. If I could just pick up briefly on Mr. Kerry's line of questioning, Mr. Bell, all three of you folks are out there on the front line, if you will, meeting with or getting first-hand information that comes in from refugees and other sources.

Is what you are saying that perhaps you take a report—not being specific, any specific report, but a particular report—you may feel that has more importance than what comes back to you through the system? Is that a fair statement?

In other words, do you feel stronger about something when you send it out of there than what happens when it comes back? Is that a fair characterization of what you are trying to say?

Mr. BELL. No, sir. I think the problem there is the sanitization to go to particular families, which is—the way I understand it—why cases are separated, but the problem is, cases are often related, because you have evacuation systems, you have proximity to various cases, and once the information is separated off from the basic

report, it's very difficult to go back and find the information or to be able to follow it up or be able to use it.

Senator SMITH. Let me ask it this way. Are you saying that this kind of thing happened—you're referring to it as happening more in the past than currently?

Mr. BELL. Yes, sir.

Senator SMITH. I think that's very important to point out, because many of your colleagues before you have essentially said similar things.

Let me ask you, Colonel Cole, can you walk me through what happens when a refugee gives you a live-sighting report? Just tell me what happens as far as what you do with it, how you deal with it, and where does it go, as far as you know?

Colonel COLE. Sir, if it's a live-sighting report given to one of our debriefers—for example, let's pick a camp on the Cambodian border, site 2, 192,000 people. We have an active program in that camp. We have several people who are refugees themselves living in that camp who are spotters. They work the new arrival centers. Site 2 is comprised of eight formerly separate camps, so you've got eight, if you will, separate camp administrations. We're in contact with all of those arrival centers.

So let's say in one of those arrival centers a refugee comes in with a story. Our man goes out there on a regular basis at least 2 days a week. He has been flagged that there is a refugee with his story. He will then interview the man again, or the man will have probably at least had his story taken down by our local refugee spotter.

Once that story is taken then by our American debriefer, he returns to Bangkok and researches what we have in terms of data on hand to see if it correlates with any cases. Most certainly, he types up an intelligence information report which is then sent in to POW/MIA here in the Pentagon, at DIA.

Senator SMITH. Do you get feedback as to what the diagnosis—that's not a very good word, but analysis is?

Colonel COLE. Yes, sir. We get feedback in terms of what we call an evaluation, what quality report it is, number one, and in most cases involving live sighting, first-hand live-sighting information, we will get back an SDR—a source-directed requirement follow-up reinterview requirement from DIA, so we're going to go back out and reinterview that person and see if there are others who may have a similar story that we can follow up on.

Now, since he's from Cambodia, we're now getting access to Cambodia. Our next step would be then to ask for access inside Cambodia to the location where the individual is talking about.

Senator SMITH. So you do cross-reference? In other words—my time is running out, but if you get 100 refugees, for example, who all come in with a live-sighting report, you're going to cross-reference these to see how many times the same sight, the same alleged sighting individual, and you cross-reference all that, and then how do you come to any conclusion as to whether or not these are valid or not?

Colonel COLE. Senator, the important discriminating factor here is, is the report here saying information, or is this individual saying that he saw the alleged American, the alleged live Ameri-

can with his own eyes, or did he receive that information second, or third, or fourth, or fifth-hand?

Senator SMITH. If it was first-hand?

Colonel COLE. If it was first-hand information, sir, we're going to go to town with it.

Now, come back for a second and say hypothetically speaking it's hearsay. Say it's a hearsay, that he received it from, say, a cousin. That is still going to be reported, but it is not going to be given as much validity as would a first-hand, live-sighting report.

Senator SMITH. Thank you.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I thank the witnesses. Thank you all for being here today.

Mr. Gadoury, is there any doubt in your mind that the Laotian that you found is indeed the same person that was in the picture that was alleged to be Captain Borah?

Mr. GADOURY. No, sir, there's not.

Senator MCCAIN. There's no doubt in your mind whatsoever?

Mr. GADOURY. No, sir.

Senator MCCAIN. Mr. Bell, I'm very interested in your comment. From reading your statement, you say that the Vietnamese have shown increased cooperation but there are still areas where they could be much more cooperative. Would you tell the Committee areas—I think it's very important from the perspective where we could get increases in cooperation on the part of the Vietnamese.

Mr. BELL. One way they can cooperate with us, sir, is to arrange for us to interview senior cadre who were responsible for the detention and evacuation of U.S. personnel during the war. Another way that they can increase the progress is to make more documents and historical archives available, and also to work more closely with us, with our office in Hanoi, and also participate in our interviews when people come in and claim to know the location of Americans still remaining in Vietnam, or who know the location of crash sites with remains.

Senator MCCAIN. Do you have any problem with access to getting around to different places in the country?

Mr. BELL. At present we do, sir. We've been informed that this is going to be streamlined, probably in accordance with the agreement for our office.

Senator MCCAIN. I know you're very busy, Mr. Bell, but if you will do us a favor, and also Colonel Cole, and Colonel Gadoury, provide us in writing those areas that the Vietnamese need to cooperate more so that when we do communicate with their Government we can lay out the specifics in hopes that we can attain that degree of cooperation which you feel necessary in order to get the job done.

[The information referred to follows:]

USCINCPAC will be responding to the requirement for Mr. Gadoury and Mr. Bell. Col. Cole's recommendations for improved cooperation by the Vietnamese are listed below:

1. The U.S. needs access for our live-sighting investigator without prior notification to the Vietnamese.
2. The U.S. and Vietnam need to establish a special framework of cooperation on the issue of live-sighting investigations. Apart from access, this

framework needs to address all issues influencing the conduct and credibility of live-sighting investigations.

3. The issue of helicopter availability to live-sighting investigators needs to be resolved.

Mr. Bell, let me go back, if I could, to Senator Kerry's line of questioning. It's my understanding in response to his questions that you felt that there has been some editing of reports that you feel probably did not adequately describe the situation as you saw it. Is that your statement?

Mr. BELL. That's correct, sir.

Senator MCCAIN. But you also said that the majority of this problem took place, in the time frame immediately following Operation Homecoming and the conclusion of the United States' involvement in the Vietnam War. Is that also correct?

Mr. BELL. No, sir. I understood that to be a different question. The question was about information not being followed up on, if I understood the question correctly.

Senator MCCAIN. What I'm not clear on is, is this a problem with improper behavior which would then lead one to conclude that there's a "mind set to debunk," which—as you know, which has been an area that we've been very concerned about, or is it because of differences of opinion as to the validity of these sightings, and if so, what needs to be done to make sure that someone like you gets the unvarnished information to the people that it needs to get to?

Mr. BELL. I think you could probably best describe it as a difference in opinion, sir. There are some of us who are in the field as investigators who are also qualified as analysts, who have been trained as analysts, but we're discouraged from making analytical comments because this is a job that's done somewhere else.

But nevertheless we feel that field analysis and field comments are important, and for the reason that I've just described, because one case can relate to another case, and we have had instances where we feel this could have been better managed if we are able to approach the Vietnamese and cover the entire camp system rather than piecemeal in order to establish a normal route of evacuation and a normal accounting from their records.

Senator MCCAIN. You can provide us with recommendations so we could do better in that area?

Mr. BELL. I think what we need to do there, sir, is to make sure that the report is done in the field rather than back somewhere else, to make sure that the team that conducts the investigation has a consensus. Any differences of opinion amongst the highly trained specialists should be listed in that report, but that should be the final report.

Senator MCCAIN. Would you give us some specifics of areas of information that was not addressed in the area that you're apparently most concerned about, the period immediately following the end of the United States' involvement in Vietnam?

Mr. BELL. Well, for example, if a man was still in captivity after the POW release and later his remains were repatriated to the U.S. and we had refugee reporting concerning the detention facility or the incident involving his death, this would be a resolved case from the standpoint of an analytical position, but from the standpoint of a field investigation, the next consideration would be, what

camp was this man held in, and are there any more individuals in the same status?

Senator McCAIN. My time has expired. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Brown.

Senator BROWN. Thank you, Mr. Chairman. I'd like to cover a couple of areas very quickly, if we could. One is travel. We've talked about travel. We've talked about getting into the sites, looking at them. Have we had, ever, unfettered access to Laos, Cambodia, or Vietnam, where we can go on a moment's notice without preapproval from the Government?

Mr. BELL. No, sir.

Colonel COLE. No, sir.

Mr. GADOURY. Not in Laos, sir.

Senator BROWN. So the fact is, we've never had an ability to follow up on reports without the Government going along and having notice?

Mr. BELL. That's correct, sir.

Senator BROWN. We have, as I understand it, some 109 first-hand sightings of potential POW's, I guess that's the way to describe it, that have not been challenged, or at least we haven't come up with an explanation for. Have we used satellites to monitor all those areas of those sightings? This may be something you don't want to get into right now, but I'd like to know, can you assure us that every one of those sightings have been followed up with satellite observations?

Colonel COLE. Sir, without getting into specifics in areas that we can't cover in this open session, I can assure you that every means possible is being employed to follow up on those.

Senator BROWN. Well, let me express a concern. If the North Vietnamese are telling us the truth, then there aren't any prisoners there. If there aren't any prisoners there, it doesn't make sense to bother to check the records or check the other things in terms of finding live people. Now, it may be, I think it is important and valuable in terms of cleaning up our records and comforting their families, but there's no point in doing it if they're telling us the truth.

If they're not telling us the truth, checking with them doesn't make any sense. What we ought to be doing if they're not telling us the truth is finding some way to have someone on the ground go check out those sightings. Maybe we ought to save this till later on, but it strikes me that all of these other activities don't make much sense if you're not doing on-the-ground checks on all the specific reports. Am I missing something?

Colonel COLE. Senator, you're not, and that's what we're attempting to do with our live-sighting investigator. Mr. Bell may want to elaborate on that.

Mr. BELL. We are now waiting for word from the Vietnamese for what they consider rapid response, and I'm thinking of 1-day approval for movement to the field.

Senator BROWN. Perhaps recruiting information from officials of those Governments is another area we ought to cover in closed session, but one thing that would be of interest, of all the live-sighting reports we have, first-hand reports, they've come in over a period

of years since the repatriation in 1973. Are you free to give me an idea of how many of those have come in in the last 3 years? Is there a point at which they stop?

Colonel COLE. Sir, I don't have that data handy. I think Mr. Bob Sheetz from the POW/MIA office can provide that to you, sir, in terms of total numbers and the ups and downs of numbers.

Senator BROWN. Well, it simply strikes me that while we've reviewed some of the activities that you are involved in, with all due respect, they don't have much relevance. I'm not trying to be hard on anybody, but it strikes me that checking with the Vietnamese to check their records, or going on a trip preplanned with the Governments involved, if they're not telling us the truth, is a waste of time, isn't it?

Mr. BELL. Well, sir, I think it's important we remember here that out of those approximately 105 reports that are unresolved, at least half of those reports pertain to a person who is alleged to be living openly and freely, and we would have to assume that there is knowledge on the part of the Vietnamese.

The Vietnamese have a very detailed system of accountability within their country. They have an organization called KH-1 that falls under their public security. Every person in that country is registered in a household by name. Every child that's born is entered into those computers, which is tied in with their United Nations population control program.

Every foreign visitor that enters a country is required to fill out a card, every foreign resident fills out a card, and if a person moves from one hotel to another hotel in the same city, he is required to reregister prior to 1600 hours that day, and that also goes into the computer, and the Vietnamese have maintained that if there are any Americans in Vietnam, they're not under Government control because they have the capability to monitor the presence of foreigners in that manner.

Senator BROWN. So the checking can at least help you identify reports that aren't valid, or don't appear to be POW's?

Mr. BELL. We're not able to determine that until we go into the field, because in the past, when Americans were remaining there, when we have asked the Vietnamese, why did you say there are no Americans here in Vietnam, when actually, in the case of Congressman Montgomery for example—and I believe that they brought this up while Senator Kerry was there—and the opinion of the Vietnamese, in the case of Robert Garwood, for example, was that we did not reveal his presence for two reasons. No. 1, he surrendered, and No. 2, he asked us not to advise the U.S. Government of his presence here, so in our opinion there were no Americans remaining here even though Garwood was still here.

Senator BROWN. Did we ask them if there were any others that fall into that kind of category?

Mr. BELL. Yes, sir.

Senator BROWN. What kind of response have we gotten?

Mr. BELL. There are no Americans remaining.

Senator BROWN. But have they answered directly that there's nobody there, even counting people who have requested that they not be named?

Mr. BELL. I think they've been more specific recently, sir, and have indicated that this is a matter of their national honor, that they are certain that there are no Americans remaining there in any capacity.

Senator BROWN. So it's not a gray area, they've been very specific?

Mr. BELL. More recently, yes, sir.

Senator BROWN. Thank you.

Senator KERRY. Thank you, Senator Brown. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. I guess I want to continue along the same line of questioning as Senator Brown.

It kind of reminds me a little bit of, as background, some ways in which our own Defense Department operated when there were inspectors coming around to defense contractors. They'd let them know a couple of weeks ahead of time that they were going to be there on such-and-such a day, and it gave the defense contractors an opportunity to get their house in order and all the waste and fraud covered up, and the employees and everybody kind of up-to-date on how they were supposed to act so that there wasn't anything wrong.

Now, needless to say, if this is our method of operation in Vietnam, you know, that looks pretty ridiculous to the average person out there in America who's concerned about the effectiveness of our program. I think I heard you, Mr. Bell, say that you're hoping to get a 1-day notice to go out. Right now, how much notice do you have to give to the Vietnamese Government before visiting either a crash site, a prison, a source, or anything else that you want to visit?

Mr. BELL. The prison visits that we made, sir, took several days' notice.

Senator GRASSLEY. You have to give several days' notice?

Mr. BELL. Yes, sir.

Senator GRASSLEY. But even with one day's notice, isn't that—I mean, in the day of modern communication, or even in the communication of Southeast Asia, it's still going to give them plenty of time if they want to cast a certain environment there, prepare people for your coming, it surely isn't absolutely necessary for you to do your work. I mean, your work's going to be most effectively done, right, when you, Mr. Bell, decide on the spur of the moment that you want to go to a certain point and look?

Mr. BELL. That's correct, sir.

Senator GRASSLEY. So what good is really a 1-day notice going to be, except it's a shorter period of time than you now have to wait?

Mr. BELL. Well, 1-day notice would be helpful depending on the mode of transportation, sir. As you know, we've been discussing with the Vietnamese the employment of helicopter support. In the case of a helicopter, this would be advantageous, but in the case of road transportation, due to the bad infrastructure in Vietnam, regardless of the time that it takes to obtain the approval, it will still take several days to reach the site, if it's in a remote area.

Senator GRASSLEY. Is it unrealistic to think of our having our own helicopters over there and not relying on them for the use of their helicopters?

Mr. BELL. Their position, sir, is that any helicopters employed by the U.S. will be civilian helicopters and they will be flown by Vietnamese pilots, and they are willing to discuss a joint venture.

Senator GRASSLEY. You're out there carrying out policy, and you've got to work under a policy created by the bigwigs at the State Department that are trying to normalize relationships with the Vietnamese. This approach that our Government's using—that they are satisfied with the 1-day notice—that makes your job very difficult, right? As opposed to if our Government was pursuing to really check in the full faith of the Vietnamese Government, we would say we aren't going to be satisfied until our people can go anywhere they want to in the country to look for these prisoners and to check on live-sighting reports and crash reports?

Mr. BELL. Well, sir, the live-sighting reports, the fact that we're investigating those, or just beginning to investigate those, works in complement with the discrepancy case investigations, because the discrepancy case investigations are those cases which would most likely pertain to any Americans that are still there alive today, and the reports alleging that Americans are still there are being addressed simultaneously.

The normalization process, the fact that it may improve or hinder relations, is not a consideration that we have in the field. When we're in the field and we investigate a case, we try to be as objective as possible, and we have no consideration whatsoever concerning the normalization process or any other aspect of the political scene in Vietnam.

Senator GRASSLEY. But you have to operate under it.

Mr. BELL. Yes, sir.

Senator GRASSLEY. Let me ask you, Mr. Bell, but also anybody else on the panel who wants to offer your judgment. This is in regard to present policy, whether it takes several days to get cooperation, or whether it's the ultimate, or at least what you hope is a better situation of 1-day. How confident are you that during whatever time you have to wait for the Vietnamese to give their okay, that they aren't hiding things or coaching people on what to say, in a sense like defense contractors used to do on defense fraud that I referred to?

Mr. BELL. That's extremely difficult to estimate, sir. We work normally from leads, and based on our experience leads come from refugees, they come from witnesses that we meet in the field, and they come from documents. The witnesses can be evaluated on the scene, and then we can obtain information from refugees and in some cases but not all cases confirm or deny what we've learned through the records and the witness testimony.

Senator GRASSLEY. Just give me your gut feeling. Do you think the Vietnamese are hiding things after you've notified them that you want to go to a certain place, and that they're coaching people on what to say? I mean, here you are, a person advising us as we're investigating this. We've got to know what your gut feeling is out there, not just what the official line is.

Mr. BELL. That would depend on the particular area that you're working in, sir. We find that once you leave Hanoi and get into the local province area it's a matter of the support of the province task teams. Some province task teams are very efficient, very profes-

sional, other province task teams are not. We have had cases where we feel that the witnesses were being coached, and we have brought that to the attention of the Vietnamese.

Senator GRASSLEY. I'm done, Mr. Chairman. I guess maybe just for the benefit of my colleagues on this Committee, I think what we're hearing as a result of Senator Brown's questioning and the response to my questioning is something I tried to point out yesterday.

We've got to be very skeptical. The word I'd like to emphasize is to be skeptical what we're being led to believe by our Government, that the Vietnamese Government is heading toward being very cooperative, or what we might think or hope the Vietnamese Government is doing. I think we've got to separate rhetoric from fact, and I think we're getting a picture here that they really aren't being very cooperative. If they are being cooperative, it's not in a very timely fashion, so cooperation means very little.

I would also reemphasize, just in case there's an issue here for the Vietnamese Government, I think they ought to know that we would all welcome and would not hold past history against them at all if there was a dramatic change of practice on the part of the Vietnamese Government for total cooperation along the lines of where our people could go any place that they want to go, and if either the Vietnamese Government came up with an American there who they previously said was not there, that we would not look at it as an opportunity for punitive action against the Vietnamese Government, but that we would look at it as an opportunity for a further opening of relations and normalization of relations. [Applause.]

The CHAIRMAN. Well, let me say to my colleague, his point is now even more obviously well taken, but it was well taken before the applause. I think you've got to kind of measure this, and it's a little more complicated.

I remember when I met with General Secretary Linh just at the end of his term as General Secretary, I raised that issue. I also raised it with the new General Secretary Do Muoi, and I raised it with Garnett Bell present and with the entire team present when we met with the Vietnamese counterparts of the POW/MIA team.

I said to the General Secretary, Mr. Secretary, unless you allow us immediate capacity to travel in-country, nobody's going to believe that it's a genuine, bona fide check on whether somebody was there, because in a matter of hours you can lose somebody, obviously, so there has to be a capacity for Americans to know that there really was a check.

Now he said—frankly, he had trouble understanding, and I wanted to ask some questions of Bill Bell about this. He had trouble understanding why this issue was so serious, because he said, you know, I don't understand, Senator, why it is that now suddenly this issue is so serious for you, when in 1978 and 1979 when I was negotiating with President Carter it was not even on the table, and it wasn't. That's the reality.

It didn't become that significant until 1980, 1981, when it was raised in the American consciousness, and Bill, maybe you can later add to this, but I think the Vietnamese have had difficulty determining whether we were really serious about this issue or

whether it was a moving of the goal posts, whether it represented an American kind of game that was being played.

Now, I think—and I think Bill and the others would agree—they have come to understand it and view it as being something serious and different, so my hope is that there will be a follow-through on what Secretary Do Muoi said and Secretary General Linh said, which is, they will allow us to go anywhere in the country without prior notice and approval.

Now, that has to be measured against the fact that this is a communist country with its military bases, and I suppose it's fair for us to ask if we would allow a foreign entity with whom we had been at war to go anywhere they want in the United States, including to our nuclear facilities or our military bases, or whatever, so it isn't, perhaps, totally as simple as we want to believe it is, and I think we have to try to somehow work out a middle line, and maybe later Bill can tell us whether there is one.

Senator McCAIN. Mr. Chairman, may I just make one comment, in addition to yours? I agree with what you say, but I think the witnesses have made clear that there has been progress made and we should not deny that as far as the Vietnamese are concerned.

At the same time, these witnesses can provide us with the specific needs that they have in order to carry out their jobs, and I think when they provide us with that, their specific requirements, we can relay those to the Vietnamese, and if the Vietnamese honor those requests, I think it's significant. If they don't, then I think it's also significant.

The CHAIRMAN. I thank the Senator. That's a very good point, and if I could ask the indulgence of the Committee just to add one thing to it, with respect to the records, the issue that Senator Brown brought up, I think it is important that those records be sought, that they be provided, and that that inquiry go forward, because for the discrepancy cases those records can in fact provide the resolution of those cases without going out into the field, and the reason for that is that those records may show a particular unit and its activities and what happened to a specific individual. In fact, recently General Vessey was given, I believe, a set of records that were extraordinary in their detail which provide huge insight into what may have happened to people in a particular area.

So I would think there has to be both, is the bottom line.

Senator GRASSLEY. Mr. Chairman, could I make one comment—

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. On what Senator McCain just said? There probably has been progress made in the sense there's an office there, we have people there, there's some dialogue going on that wasn't there before. We have a few days notice to do something now, where maybe it wasn't done before.

But if the Vietnamese Government's desire is to frustrate what we really want, they can frustrate that even with the 1-day's notice, and yet it looks like progress to us. But with the communication, the ability to coach people, the ability to move people around, that can be done in a 24-hour period of time. They have

still accomplished their goal, and it looks to us like progress is being made, and that's what we're here to find out.

We're here to find out what our Government knows, first of all, about our prisoners, and then when we find out what our Government knows about prisoners, we then find out whether it's being pursued adequately by the Vietnamese Government. But if the Vietnamese Government wants to frustrate this progress, they can do it with a 24-hour notice, just like they can a few days' notice.

The last thing I would say before I'm done, Mr. Chairman, is I appreciate everything you've said, but I think you and I are politicians. I don't think we want to think too much like diplomats as we look at our effort of oversight. We are not professional diplomats. Part of the problem, I think, of accomplishing this is all the niceties and the other quirks of diplomacy that stop people from really being honest and above-board and frank with each other.

Senator McCAIN. Mr. Chairman, a quick response. We are politicians, and I think that the people here are best qualified to tell us what the tools are they need to get the job done, and that's why I would rely on their recommendations as to how they think they can best get the job done.

I don't know if it's 24 hours, 2 hours, 20 minutes, or exactly what those procedures are, but I would have a tendency and would the Committee and the Congress would rely on their best judgment, who are the ones we're asking to carry out the job as to what tools they need to get that job done, and I believe they're going to be providing the Committee with those specific recommendations.

The CHAIRMAN. I think a number of areas of inquiry have been raised that we should pursue with this panel. I know Senator Kassebaum is waiting patiently, and I thought we were on our way in the transition from politicians to statesmen. Maybe we can do that.

Senator KASSEBAUM. Thank you, Mr. Chairman. I would like to take advantage of the expertise of all of the panel to pursue the question of fraud and how pervasive it might be.

When Secretary Cheney testified yesterday he mentioned a photograph that I think he said, it was found out then there was a Soviet baker and there were three people in it. When General Vessey testified he said the Vietnamese officials will also tell us that private Vietnamese citizens attempt to recover and hold American remains in the expectation of some sort of benefit.

I wonder if you could comment a bit on this, whether there are citizens who are holding some remains? Is the motivation financial in both instances? Where there are potentially doctored photographs, how pervasive may it be? Can you shed any light on this, Mr. Bell?

Mr. BELL. Yes, ma'am. I don't think for the most part the photographs and the remains are related.

Senator KASSEBAUM. I realize that they are not.

Mr. BELL. The photographs that we've seen, some are still under investigation, some have been determined to have been extracted from Soviet publications and so forth.

The question of remains in the hands of Vietnamese citizens, we believe, that there are probably some remains in the hands of pri-

vate citizens who expect to receive some kind of remuneration for their efforts in recovering these remains.

The problem we have is that most of these remains were recovered in an unprofessional manner because they were removed from crash sites. As General Vessey pointed out yesterday, there are virtually no crash sites left in Vietnam that have not already been excavated and scavenged due to the passage of time, due to the economy, because they need the metal.

We have numerous reports in our files that give the name, address, and location of people who have remains that are associated with valid names. But we do not yet have a process. We have an informal process where in the course of our investigations, if we pass through one of the areas that is listed in our records as someone who has remains, we are allowed by the Vietnamese to contact that person and attempt to obtain the remains.

But more often than not the person wants money. And we are not authorized to pay money because that is the policy of our Government. And we inform the person who claims to possess the remains of this policy.

Senator KASSEBAUM. Mr. Gadoury, you work with the Refugee Interview program. Is this something that you have seen?

Mr. GADOURY. Yes, ma'am, but specifically directed toward Lao refugees in the camps in Thailand. The situation in Laos is a little bit different.

My experience since 1985 has been that in the first couple of years it seemed that most people who were coming forward, whether they be refugees or people outside the camps, were coming forward with basically two motives, two primary motives that we saw on a regular basis. One was the refugees inside the camps who hoped that maybe by presenting information about MIA's or POW's they could get some kind of special consideration for resettlement.

And the other one was there were people both inside the camps and outside the camps who were involved with the Lao resistance and they hoped that by somehow providing information to the U.S. Government, that they perceived the U.S. Government to feel important and that that somehow might translate into support, either indirect or direct, to Lao resistance efforts. These are primarily Laotians who are operating along the Thai border, back and forth into Laos.

But the situation changed rather dramatically in 1987, especially after some private groups were advertising rewards for the return of live Americans. Unfortunately, it seems that the word gets skewed, both through the news media in Thailand and from word of mouth from person to person. It wasn't long before people were coming forward in large numbers who had heard through various means that if you provided information, dog tags, bones that you might be able to get part of this large reward that they had heard about.

So then we saw a dramatic increase in numbers of people who were coming forward hoping they could get some kind of remuneration or rewards. Once in a while we would see dog tag reports coming across from Vietnam, across Laos, out through that channel. Word had been handed off from Vietnamese to Lao to Thai.

But that was rather small. The cottage industry of dog tag reports was primarily from Vietnam, not so much from Laos.

Senator KASSEBAUM. Well in that instance, my time is running out, did you work with the private groups? Were the private groups there offering money?

Mr. GADOURY. No, ma'am.

Senator KASSEBAUM. Did you work with them? I thought you said that word got out that they were offering money and that is why large numbers starting saying they held remains?

Do I misunderstand?

Mr. GADOURY. No, ma'am. That was the origin or sense of reporting that we were getting.

Obviously, people would come forward to us with information and would ask us about rewards. And the standard format or situation may be that a Thai would come to see us and say they were contacted by a Laotian, maybe their relative or a friend, and they had remains in Laos. And they've heard that there's rewards and they could then cross the border if we could certify we would pay a reward.

Senator KASSEBAUM. So I guess all three of you do not necessarily feel there is a network capitalizing on this in any way there, either with fraudulent photographs and/or trying to get rewards from perhaps saying they have remains?

Colonel COLE. Ma'am, I think there is evidence of a network that we discovered in our investigation along the Thai/Cambodian border and in Cambodia in follow-up to the alleged Robertson, Stevens, and Lundy photograph in July, August of this past year.

We found evidence of a number of known individuals who had worked in selling this kind of information before involved in the pictures. And this was the group that we found the pictures out of the Soviet publications on.

However, we've been unable to follow-up with probably the ring leader of this group who has gone underground. He's a ceramic tile merchant down in Pong Song. And on numerous trips to Cambodia, I've talked this over with Senator Kerry before, we've been looking for this guy. We've asked the Thai authorities to help. We don't want him arrested necessarily. We just want him made available for questioning. We think he's in Thailand someplace, but we've been unable to find him to follow-up on the activities of this group.

Mr. GADOURY. If I may add to that, I think we've experienced and we've seen several small groups of people who have conspired to try to fabricate or to look for information which they felt they might be able to bring back and to somehow translate into a reward or some type of a payment.

Senator KASSEBAUM. Well it certainly is a cruel hoax. It would seem to me that something—it is something we should be mindful of during these hearings and find a way to encourage that it be addressed in some way.

The CHAIRMAN. Senator, we are going to be looking very specifically with staff, specific staff assigned to the entire hoax picture. We will probably have, maybe, even a separate set of hearings, depending on the committee's wishes regarding that.

And we will be working closely with Carl Ford and with the authorities involved in this in order to see if there are not ways to

deal better with this network and with the hoax effort. And we think there are. And we are going to work with you on it.

Colonel COLE. Sir, could I suggest that when you make your visit out to Thailand and Cambodia, Laos, and Vietnam, that we maybe even take the Committee out to site 2 where we found four or five of these many rings operating involved in picture and information trafficking, just to introduce you to the local environment, sir. Maybe it would help.

Senator KASSEBAUM. Thank you very much.

The CHAIRMAN. Thank you very much.

The Committee decided to do it, but it wants good helicopters.

Senator Reid.

Senator REID. Thank you, Mr. Chairman.

Gentlemen, the American public is concerned. That is why we are holding these hearings.

Let me start by asking, did any of you have any information or any knowledge or belief that there were Americans alive in Vietnam after Operation Homecoming terminated?

Mr. BELL. Yes, sir.

Senator REID. You do believe there were?

Mr. BELL. Yes, sir.

Senator REID. The other gentlemen?

Colonel COLE. No, sir.

Mr. GADOURY. No, sir.

Senator REID. Would you tell me, Mr. Bell, upon what you base your statement?

Mr. BELL. Well, sir, at the time of the POW release, I don't think there was any hard evidence to indicate that.

But I think after we began to interview refugees and based on the investigations that we've conducted in the field and overall, I think we can say that with certainty now.

Senator REID. And you can supply to the Committee what information you have at your disposal that would give us that certainty?

Mr. BELL. Yes, sir.

Senator REID. How many examples do you have that you could give the Committee?

Mr. BELL. I would have to check the records on that, sir.

Senator REID. Would be it 6 or 12 or 20? I am not pinning you down to an exact number, just a generalized figure.

Mr. BELL. Possibly 10 or less, sir.

Senator REID. And you will spend some time in the near future and go over your materials and give us that information?

Mr. BELL. Yes, sir.

[Classified material provided to the Committee.]

Senator REID. Next question. Prior to Operation Homecoming or any time thereafter, do any of you gentlemen have information that there could have been or there were Americans transferred to a country other than Laos, Cambodia, or Vietnam, the Soviet Union, or some other place?

Mr. GADOURY. No, sir.

Colonel COLE. No, sir.

Mr. BELL. I don't think there's any hard evidence of that, sir. But the possibility does exist.

The mortician, he gave very good testimony, which I think the entire community of the POW/MIA community considers as credible. And he also provided testimony about at least two other individuals in addition to Mr. Garwood that he saw and the presence of those individuals has not been determined for the past few years. There is a possibility that their location has been moved.

Senator REID. Again, Mr. Bell, in addition to the other work that I have asked you to do, if you would supply to the Committee what detailed information you have regarding those two or three other examples that may exist in relation to the transferral that I just asked?

Mr. BELL. Yes, sir.

[The information referred to follows:]

The message regarding Garnett Bell's testimony to the Senate Select Committee on POW/MIA Affairs and the Mortician's file now in the process of being provided to the Committee contain detailed information requested by Senator Reid.

Senator REID. The last question in this line of questions that I have. Do any of you gentlemen have any information that there are people alive now in Southeast Asia?

Mr. BELL. No, sir.

Mr. GADOURY. No, sir.

Colonel COLE. No, sir. But I don't think we can deny the possibility, given the fact that we have a number of unresolved live-sighting reports. And I hate to use the term gut feeling, but having been, if you will, out of this Committee of three, the johnny-come-lately to this issue, having been assigned to this job since only August 1990, I don't think we can close the door, sir.

Senator REID. Your gut reaction is then?

Colonel COLE. That there's somebody or someone or several numbers of people possibly living freely, if you will, in that category either in Laos or in Vietnam.

Senator REID. This then is along the lines of our first witness when we started yesterday, Secretary Cheney saying that he did not know, but anytime there is a live sighting he would assume there could be something to that. And he was going to do everything he could through you gentlemen and others to determine if, in fact, that is the case.

Do you agree with Secretary Cheney's statement?

Mr. BELL. Yes, sir.

Mr. GADOURY. Yes, sir.

Colonel COLE. Yes, sir.

Senator REID. Secretary Cheney is a lot like we are, though. He does not know a great deal, not having been on the ground, not having worked as you each have. You have spent years of your life working on this one issue, about which the Committee is just now getting educated.

So you understand that not only Secretary Cheney, but each of us has to rely on people like you who are the experts to do this work for us. Do you all acknowledge that?

Mr. BELL. Yes, sir.

Mr. GADOURY. Yes, sir.

Colonel COLE. Yes, sir.

Senator REID. My question, then, is one similar to one Senator McCain asked, and there could have been other Committee Mem-

bers that asked the question. What you need to tell us is what more could we, the U.S. Government, do to help you do a better job? Mr. Gadoury?

Mr. GADOURY. Sir, in relation to Laos, I think the fundamental problems, especially in terms of investigating live sightings, discrepancy cases, is a matter of access.

Then beyond that it is a matter of having the resources in country to do the job that we need. Of course, the most obvious example there is this helicopter issue, which is being worked on, trying to find some solution to solve that.

But access in terms of being able to get real time access to sites is something we need to work toward. And, obviously, in the case of the Lao we have only this year begun to investigate these discrepancy cases and photo allegations. And of course, it has to be a developmental process. And it has to be a process in which both sides learn to trust each other more. We're moving toward that, but we still obviously have a long way to go.

Senator REID. Mr. Chairman, I know the red light is on. Could the other members complete their answer? Colonel Cole?

Colonel COLE. Sir, my comments are ditto Mr. Gadoury. But I would also add that we had in my little unit, we're being increased in size from 9 authorized, I have 8 on hand, to 18; we're getting 9 more. DIA has been very supportive and we're going to be getting those people.

But what I'm standing fast on and I'm receiving the proper support from my superiors is, I want people who are qualified. Sometimes in this business, particularly at least as far as the U.S. Army, in my personal experience, language is treated as a storable commodity, language ability. If a guy is going to be a Vietnamese linguist for me, he dammed well better be able to go out there and operate and debrief, or I flat won't take him.

I had a case about 2 weeks ago where I was supposed to be assigned someone on temporary duty. I engaged him in a phone call and found out he had a 1/1 level in the language. I turned that man around and I got the proper support. But what I'm saying now is we're going to get those nine people, but they better be qualified people. And with those people, we'll be able to perform our mission.

Senator REID. Mr. Bell?

Mr. BELL. I feel basically like Colonel Cole does, sir.

We have the potential in our office in Hanoi. We've been informed we will have a possible expansion and I hope also to get qualified personnel who are highly skilled and language-trained with years of experience in investigation and case analysis. I don't know when this expansion will take place.

I understand that the Hanoi office will be working full-time on a daily basis on the discrepancy cases. And we're very anxious to get started on that.

Senator REID. Thank you a lot, Mr. Chairman. Great panel.

The CHAIRMAN. Thank you very much, Senator Reid.

Mr. Bell, with respect to the observation you made about people being alive, did you communicate that at that time in any way?

Mr. BELL. I don't understand, sir.

The CHAIRMAN. When you say you believed, you were then in intelligence and an official observer of this process, correct? You made a determination that you thought people were alive, correct?

Mr. BELL. We had information of Americans being held at that time, sir, but it was not correlated to any specific individual. In the ensuing years through refugee interviews and through cases that we've investigated in the field, I think we've been able to correlate some of the information that we had at that time to specific individuals. And not only have we correlated these reports to specific individuals, we have included this in the investigation process in Vietnam. And we have gone to the Vietnamese and asked to visit those sites.

The CHAIRMAN. And when you say in the ensuing years, are you talking about recently?

Mr. BELL. Yes, sir. I'm talking about, from the standpoint of refugee interviewing, over the past, I guess, 9 years or 10 years, but over the—from the standpoint of the investigation process in Vietnam since September 1988.

The CHAIRMAN. You have been able to correlate it and confirm it.

Back then you had information that they were alive, correct? And you are talking about what? 1975 through 1979 or later?

Mr. BELL. 1973, 1974, and 1975 we had reports saying that Americans were still being held, but they were unconfirmed.

The CHAIRMAN. Now do you know whether or not superiors to you and the Government in Washington had reason to believe those reports at that time?

Mr. BELL. No, sir.

The CHAIRMAN. You do not know that?

Mr. BELL. No, sir.

The CHAIRMAN. Do you know whether or not any efforts were made to follow-up on those reports at that time?

Mr. BELL. Yes, sir, there were some efforts made. But due to the situation, the evacuation and so forth, and we lost access to the country and we weren't able to pursue those until we began the interview process when refugees began to flee the country in 1979, 1980.

The CHAIRMAN. You say the numbers were somewhere in the vicinity of 10 or less, approximately. Is that accurate?

Mr. BELL. Yes, sir.

The CHAIRMAN. Was this in Vietnam or in Laos?

Mr. BELL. Vietnam and in Cambodia, sir, along the Cambodian border.

The CHAIRMAN. Were there any efforts that you have participated in to conduct rescue missions of people in Vietnam of supposedly held individuals or sites?

Mr. BELL. Is this during the wartime years, sir?

The CHAIRMAN. No, post-wartime.

Mr. BELL. No, sir.

The CHAIRMAN. None at all. Do you know of any efforts the Government supported or otherwise that involved an incursion into Vietnam for rescue purposes?

Mr. BELL. Not Vietnam, no, sir.

The CHAIRMAN. Were there such efforts in Laos?

Mr. BELL. Yes, sir.

The CHAIRMAN. Were they Government supported by the United States?

Mr. BELL. I'm not sure if you would term these rescue operations or what, sir.

The CHAIRMAN. Reconnaissance? Would you term them reconnaissance?

Mr. BELL. That would probably be a better description. Yes, sir.

The CHAIRMAN. What period of time would those have taken place?

Mr. BELL. 1981, sir.

The CHAIRMAN. Now in terms of the frustration that Senator Grassley talked about, are you experiencing what you would interpret as willful frustration by the Vietnamese now of your efforts?

Mr. BELL. No, sir. I've been dealing with the Vietnamese for quite a while. I've just now, after all these years, been able to get a good working relationship with them. But the frustration factor is not really that great because it's anticipated.

And generally speaking on this issue, I think the Vietnamese right now today are just as far along in this issue as they chose to be.

The CHAIRMAN. Does that mean they could chose to be further along?

Mr. BELL. Yes, sir.

The CHAIRMAN. We can come back to that.

With respect to Bob Garwood, have you had occasion to talk to the Vietnamese about the Garwood case?

Mr. BELL. Just briefly, sir.

The CHAIRMAN. Have you been able to draw any conclusions yourself about the circumstances under which Bob Garwood was living there?

Mr. BELL. According to the Vietnamese, sir, he initially came there as a POW and decided to remain. The camp where he was held, due to our field activities in Vietnam, we've been able to ascertain that there were 32 foreigners in that camp, including mostly Americans.

Mr. Garwood apparently dropped out of sight around 1969. The people who were held with him had no idea of his whereabouts until he began to show up in the reeducation camp. During that time we began to receive reports about an American who was operating a generator, repairing vehicles, basically using his skills, English skills, to be able to read the technical manuals and put together abandoned American equipment and repair it.

At that time some analysts within the DIA believed that that was Garwood. But it couldn't be confirmed. And finally we did get some refugees who were able to look at a photograph of Garwood shortly after he came out, and then we began to get confirmations of his locations.

The CHAIRMAN. My time has expired. I do not want to abuse that.

Let me just ask you gentlemen when are you returning in country? Do you know when you are going back?

Colonel COLE. Sir, we're here, speaking for myself, as long as you want us. But tentatively we're planning to go back this weekend.

The CHAIRMAN. We do not want to interrupt. I know you have an important mission that is coming up and we want you to be able to do that.

But I would like, since we cannot obviously do everything here in open session, I would like you to make yourselves available to staff over perhaps this afternoon and even tomorrow so we can go into greater detail on some aspects of this while you are here. And then obviously when we come over there will be more opportunity.

Mr. GADOURY. Sir, I'm scheduled to leave with two of the Borah relatives to fly back to Thailand and Laos tomorrow.

The CHAIRMAN. Well, we will do it this afternoon in terms of you, Mr. Gadoury.

Senator Smith.

Senator SMITH. Mr. Bell, you have obviously seen an awful lot of live-sighting reports in your time.

I am trying to focus on the ones that you are focusing on here, which I know you did not give a specific number, you said approximately 10 individuals. What was so different about those reports that you saw to make you believe or you feel the evidence documented that those 10, or roughly 10, were in fact kept behind versus all the other reports which alleged the same thing, but there has not been a great deal of credence put in those reports? What makes you focus on these specific ones? Why did you say those 10?

Mr. BELL. Well, basically, sir, because of the locations. The course of the investigation in cases led to those particular locations. And they were confirmed to have camps in those areas. The name associations.

Senator SMITH. Would you define that as hard evidence rather than opinion?

Mr. BELL. That's hard to put a definition on that, sir.

For the purposes of an investigation in the field I find it to be hard evidence.

Senator SMITH. To your knowledge are any of those 10, whether they be individuals by name or just a group, are any of those so-called 10 that you are referring to now, discrepancy cases? By discrepancy cases I mean those cases that General Vessey has now before him?

Mr. BELL. I think so, sir, yes.

Senator SMITH. Do you think or do you know? Do you know for sure?

Mr. BELL. I think two, sir.

Senator SMITH. Two of them, but not all of them?

Mr. BELL. Not all of them.

Senator SMITH. You said you feel very certain. You mentioned live Americans. I want to make sure, I believe I understood you, but I want to make sure it is clear for the record.

You referred to captive Americans, not deserters, correct?

Mr. BELL. Right, sir. I beg your pardon, sir. Now there may be a question as to the status of two of those individuals, and I'm not sure if it's deserter or what the exact status is.

The CHAIRMAN. Are those the two discrepancy cases?

Mr. BELL. One of them is discrepancy, sir.

Let me explain that further. I think it may be a combination of two individuals and one may be a deserter status while the other is a discrepancy case.

Senator SMITH. Any of you can answer this that wishes.

This misinformation that was referred to, is there any evidence that some of this misinformation that is being put out around the country that you folks spend too much time having to deal with, obviously, is there any evidence, anything we can link that back to either the Vietnamese or the Lao as being the originators of the misinformation?

Mr. GADOURY. Sir, I haven't seen any evidence to that effect in Laos. It seems like it's normally done at the individual level or, like I said earlier, small groups of people who have conspired to manufacture something.

Senator SMITH. Have any of you ever seen actual money, hard currency, exchanged in return for any of this information?

Mr. BELL. No, sir.

Mr. GADOURY. Sir, I've not seen any money, although I have had people who have come to me and have told me that they purchased remains, for example, or dog tags from someone else.

And in cases like that they refuse to turn over remains because they wanted to get their money back at least.

Senator SMITH. The three of you and certainly your predecessors have to have the most frustrating jobs, as I analyze what you are saying, on a day to day basis you are analyzing reports, live-sighting reports, past and present, regarding whether or not these reports are accurate or valid in terms of live American prisoners of war.

Yet, you really, because you cannot get total access, as I believe Senator Grassley or Senator Brown pointed out, because you cannot get total access to the country, there is really no way that you can be absolutely certain. And I will leave sources and methods out for a moment. But to the best of your knowledge—let me rephrase the question.

To the best of your knowledge, there is no absolute certainty, with the exception of the 10 that I will leave out that Mr. Bell referred to, for a moment, with those exceptions there is no absolute certainty to the confirmation of any of those reports that you have seen since you have been in your positions. Is that correct?

Colonel COLE. That is correct, sir.

Senator SMITH. Let me just ask you in terms of definition for evidence, hard evidence.

If I traveled to Laos and I came out as a U.S. Senator and told you that I personally interviewed an American prisoner of war. He gave me his name, he gave me enough information that would establish that he clearly was the individual he said he was, in your mind, in your opinion, Mr. Gadoury, is that evidence of a live American prisoner in Laos?

Mr. GADOURY. Sir, as an interviewer, I probably tend not to make a judgment. But I would try to get everything that you have to document it and then send it back to the analysts and let them take it from there to analyze it.

Normally, the procedure is that once the initial report is made, there would be a follow-up interview.

Senator SMITH. In other words, if I, as a U.S. Senator, told you that I personally talked to an American prisoner of war and gave you all the information, you would have to move that to some other analyst?

Mr. GADOURY. Sir, as a U.S. Senator then I would say as a source you have more credibility than some person who just crossed the Mekong River last night.

Senator SMITH. What I am trying to establish here is what evidence is. And what you are telling me is that is not acceptable evidence on its own merit, that anyone of us, a U.S. Senator, who said they saw a prisoner of war in Laos, I want a straight answer on this, you are saying in terms of your evidential standards that that would not be acceptable. Is that correct?

Mr. GADOURY. As the interviewer, I wouldn't make that determination. Although certainly the course that the interview would take would be dependent on my own personal evaluation of the person who was providing the evidence.

Senator SMITH. Where we go from there to establish that as evidence? What else do you need?

Mr. GADOURY. Well, some of the normal procedures—

Senator SMITH. I would like specifics, what, what do we need?

Mr. GADOURY. Well, we use polygraph, we have used polygraph machines in the past.

Senator SMITH. OK, I passed the polygraph three times, four times. And Senator Brown is with me. Then, what? Is that acceptable?

Mr. GADOURY. I don't have the definition of what's acceptable.

Senator SMITH. Can somebody answer?

Mr. BELL. Sir, in the field we're dealing strictly with raw information and field analysis.

Senator SMITH. I am over my time, but I want an answer here. I just want to establish what evidence is.

In other words, Senator Brown and Senator Smith both passed five polygraphs, said we have seen an American prisoner in Laos, and you have not yet told me that that is accepted evidence. I want an answer yes or no. Is that evidence of a prisoner of war in Laos?

Mr. BELL. I would say that would be evidence, sir. You're an American citizen. You give us a statement. I would say that is evidence.

Senator SMITH. Mr. Cole?

Colonel COLE. Evidence, sir.

Mr. GADOURY. Sir, it's evidence.

The CHAIRMAN. Senator Kohl arrived and he has not had a chance to question. So I would like to let Senator Kohl go and then we will go back to the other order.

Senator KOHL. Thank you, Mr. Chairman.

Mr. Bell, you said in response to a question from Senator Kassebaum that you knew of people in Vietnam who claimed that they had remains but wanted money for them.

Mr. BELL. Yes, sir.

Senator KOHL. What have we done about that?

Mr. BELL. We have approached the Vietnamese for assistance. And the Vietnamese have informed us that there is no possible

way that they can obtain the remains because they also have a program that they do not pay for remains.

Senator KOHL. That sounds like—

Mr. BELL. The Vietnamese have suggested a program where we jointly examine remains with our anthropologists in the Hanoi office. And if the remains are identified as an American, then that person be paid a specific amount of money to reimburse him for his expenses.

Senator KOHL. Why have we not followed through on that?

Mr. BELL. This has been reported, sir. But it is U.S. Government policy that although we willingly receive information and remains alleged to be American, we do not make payment.

Senator KOHL. And so for that reason we have not followed through? For that reason we have not followed through on the claims of the people who say they have remains but want to be paid for them? Because we will not pay any money for remains, therefore, we have not been able because of our policy, to find a way to follow through on that?

Mr. BELL. We followed numerous reports down to a person who claims to have remains. But they are unwilling to turn over the remains without payment. So the remains are still in their possession. Yes, sir.

Senator KOHL. And we have made no demand of the Vietnamese government that they see to it that those remains are turned over to us?

Mr. BELL. Most of these particular reports have not even been addressed yet, sir. Most of these reports are classified. Most of these reports were collected by the JCRC and refugee camps. Some of these people have been willing to allow their name to be used, some of the people have asked that they contact the individual, that U.S. officials contact the individual in Vietnam, but to not release the person's name as being someone who acted as an intermediary.

But the few reports that we have addressed, we have gotten little response from the Vietnamese. We have had some success in obtaining remains which were confiscated by public security personnel in Vietnam.

Senator KOHL. Well, it seems to me in terms of our responsibility to the families that are involved, it seems to me the sort of a situation in which families here in this country feel that we are not doing enough for them.

If someone claims to have remains and is prepared to turn them over for whatever payment and we say we will not do that and we cannot do that, then it is not hard for me to understand and I suppose for you to understand how anguished families would be over that kind of a condition that we attach to obtaining remains.

Mr. BELL. Yes, sir. I understand how the families feel. But I understand the people in Vietnam, because in the past we did have a reward program during the time the war was going on.

Up until the time that Saigon fell there was a program for payment. The people know that. And the people feel that if they wait till the conditions return to normal again, that there will again be another program for payment.

Senator KOHL. Why do we not deal through the Vietnamese government and let them handle the question, but obtain those remains for us on behalf of the families involved?

Mr. BELL. Because U.S. Government policy says we do not pay for remains.

Senator KOHL. Let Vietnam pay for the remains.

The CHAIRMAN. The Vietnamese counter-argument to that would be that they have 200,000 MIA's of their own and they cannot even get their remains. And they do not have the money. So you run into, we have been through that a little bit with them.

The problem you also get is that once money enters into the equation, there are so many bones in Cambodia, Vietnam, and Laos that are extraordinarily hard to distinguish between foreign, indigenous, animal, whatever that you will have then created an incentive for any kind of bone to be masqueraded. And it becomes a major problem.

So I think the policy has been reviewed. And many people feel that it is a tough situation. I think the Senator is on the right track by insisting, though, that the government of Vietnam ought to be called on to help those individuals be forthcoming. And I think that is absolutely a good point.

Senator KOHL. Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman.

Let us try and clear up this issue a second about what is conclusive or not. It is not up to you to make the decision as to whether the testimony of two Senators who were polygraphed as correct or not? Is that correct? It is not in your area of responsibility.

Colonel COLE. Sir, you are 100 percent correct. In the intelligence information report format it clearly states on the report. And this is not just in the POW/MIA business. This is in the DIA HUMINT reporting system world-wide. This is not evaluated intelligence.

Senator McCAIN. And the fact is, from the years of experience you all have had in the business, if two Senators did testify to that and passed polygraphs, that it would be accepted by your superiors as conclusive evidence. I mean, let us face reality. So I think there is a legitimate question as to what constitutes evidence or not.

But to say that evidence of two Senators who were polygraphed would not be accepted by the DIA as conclusive evidence, I think, is just inaccurate.

Let me go back again because Mr. Bell has raised a very serious issue.

Mr. Gadoury and Colonel Cole, you do not believe that there was Americans alive at the conclusion of the war, the United States involvement in IndoChina, is that correct, from your previous statement?

Mr. GADOURY. I'm not saying I don't believe that. I'm saying I have not personally seen any evidence of that.

Colonel COLE. My opinion is identical.

Senator McCAIN. Neither of you have seen any evidence that would convince you?

Colonel COLE. No, sir.

Senator McCAIN. But Mr. Bell who obviously has his experiences, which are of great value, does believe.

Mr. Bell, I would like to get a little specific. Outside of McKinley Nolan, can you give me one example, specifically, of a case you believe an American was alive?

Mr. BELL. Yes, sir. But I'm not sure if we should discuss it here.

Senator McCAIN. OK. But you can?

Mr. BELL. Yes, sir.

The CHAIRMAN. Senator, this will not come out of your time, but I just instructed staff to spend some time with Mr. Bell, Mr. Gadoury, and company before they go back. And we will go through a formal deposition.

Senator McCAIN. Mr. Bell, let me also make this clear.

Since that period of time you have not seen any hard evidence since that couple-year post-war period. Is that correct?

Mr. BELL. I really can't remember, sir.

Senator McCAIN. In other words, say in the last 7 years, have you seen any hard evidence that indicates to you—

Mr. BELL. Yes, sir.

Senator McCAIN. When was the most recent case where you have seen evidence that has led you to believe Americans are alive?

Mr. BELL. It's a combination of evidence, sir.

Senator McCAIN. The latest being?

Mr. BELL. A combination of reporting.

Senator McCAIN. The latest report being this year, last year, the year before?

Mr. BELL. Possibly in the last 3 or 4 years, I would say. I would have to look the report up.

Senator McCAIN. The last 3 or 4 years you have seen some evidence that Americans are alive in Southeast Asia?

Mr. BELL. That were alive, sir. I don't have any evidence Americans are alive now.

Senator McCAIN. But were alive during that post-war period?

Mr. BELL. No, sir, that the report was received during that period.

Senator McCAIN. During which period?

Mr. BELL. The last 3 or 4 years, sir.

Senator McCAIN. The last 3 or 4 years you have reason to believe there was Americans still alive?

Mr. BELL. That were alive, sir.

Senator McCAIN. When?

Mr. BELL. After the POW release, sir.

Senator McCAIN. For how long?

Mr. BELL. I'm unable to determine that, sir. Possibly 2 years, 3 years.

Senator McCAIN. And obviously this information was relayed up the chain of command?

Mr. BELL. Yes, sir.

Senator McCAIN. Is it your view that the reason why there was not sufficient pursuit of this hard evidence as you believed it to be or it was, was due to mindset to debunk a feeling that we want to put this whole war behind us and we do not want to look at these cases?

Or was it a combination of that and the fact that the United States basically was out of the area, as you mentioned earlier, as of

1975, and did not have the ability to pursue the evidence that you described? Or was it any other factors besides that?

Mr. BELL. No, sir. We're still pursuing those reports.

Senator McCAIN. At the time, why did we not pursue them at the time?

Mr. BELL. Because the information was inadequate and we did not have access to Vietnam at that time to begin the investigations.

Senator McCAIN. Do you believe there were any other reasons?

Mr. BELL. No, sir.

Senator McCAIN. Thank you. I look forward to discussing the information that you have about this particular incident.

By the way, Mr. Bell, how much of your time is taken up in the office in Hanoi with people who come in off the street and say I have this evidence, I have this information and I would like to sell it or not, that you believe is just because they have other reasons than to try to give you information which is necessary to resolve this issue?

Mr. BELL. That's difficult to say, sir, because we have active periods and inactive periods. During the time that we've been open, the people who have that type of information are becoming more aware of our presence and the number of people coming to our office has increased.

We've had live-sighting reports. We have also had reports of remains and graves and crash sites. And several of these reports are associated with valid names and identification media, I.D. cards, dog tags, what have you. And our forensic anthropologist has examined the remains and made a summary report on that and retained those remains to be reviewed jointly and possibly taken back to CIL-HI for further examination.

The people who claim to have the remains in their homes or in the outlying provinces are similar to the same situation that I discussed earlier with Senator Kohl. They will not bring the remains in, the entire remains in, unless they receive some type of remuneration for their expenses incurred as they call it.

Senator McCAIN. Thank you, Mr. Chairman.

Mr. GADOURY. May I add something to that?

The CHAIRMAN. Yes.

Mr. GADOURY. In terms of Laos, we get a great number of people who bring information in. A lot of it as far as we can tell does not correlate. Usually there are dog tag names associated with it, it's not credible information usually, because the dog tag name is not a name that is on the list.

There are a smaller subset of people who bring information which looks like they probably have been to a crash site and they probably have taken remains away from the crash site and put them someplace else in hiding until such time as they can determine who might be paying this reward or they might be able to cash these remains in.

The CHAIRMAN. Let me just say, I am sure I speak for the Committee, and I do not mean to be presumptuous in saying that, but the notion that you know who is holding remains and that those remains are being held pending some payment is unacceptable.

And clearly the government of Vietnam and our Government had better sit down and talk about this and resolve that. I think all of us would feel that the government of Vietnam has an obligation if it indeed has accepted this issue as a humanitarian issue which we continually hear, to see that for humanitarian reasons those remains are returned without any further demand for payment. And I think everybody would feel that very strongly with respect to the issue of the evidence.

In that time period, I would like to just try to get something straight in my mind just very quickly, Senator, let me ask this question. Secretary Kissinger wrote a letter on 2/1/73 in which the United States promised to pay for post-war reconstruction in North Vietnam \$3.25 billion over 5 years. Operation Homecoming took place a month later, 2 months later, March of 1973. A month after that the Senate voted to bar aid to North Vietnam unless Congress approved. And there was Congressional opposition to the aid.

A week later the Defense Department issued a statement, quote, "There are no more prisoners in Southeast Asia. They are all dead." Now I take it that you are saying, Mr. Bell, that you disagree with that finding, that statement of the Defense Department is in error, according to you. Is that right?

Mr. BELL. Yes, sir.

The CHAIRMAN. And is it in that sequence of time that you believe these 10 or so people, there was evidence that they were still alive?

Mr. BELL. Subsequent to the POW release, yes, sir.

The CHAIRMAN. Senator Brown.

Senator BROWN. Thank you. Mr. Gadoury, I did not want to pursue the credibility of Senators. I was hoping we would have something a little firmer to focus on.

But I did want to revisit your comment to see if I can get a better understanding of it. Am I to understand that you have not seen any statements from people who were eye witness accounts that say there are POW's left in Southeast Asia?

Mr. GADOURY. Sir, I've talked to many people, hundreds of refugees, people outside the camps, along the borders, travelers, what not, and there have been a lot of those cases that have related to dog tag stories with maybe remains associated, maybe not. And then there have been a number of hearsay stories, probably a fairly significant number of hearsay accounts of MIA/POW's.

And in my 6½ years in Bangkok, probably only two or three people that I've talked to directly who have given me what they termed to be first-hand information about POW's in Laos. And this was, I want to add, before Stony Beach was brought into Bangkok in 1987. There was a period of time where I was the primary interviewer and the person pursuing the information relative to Laos and Thailand as a full-time job.

Senator BROWN. You say you have seen a couple, but that is about it?

Mr. GADOURY. Yes, sir. But I need to add to that that those people were pursued, they were re-interviewed, they were photographed, and they were determined after that whole process not to have credible information.

Senator BROWN. I take it what we are seeing is those several who flunked the polygraph test or could not be confirmed by the polygraph test.

Mr. GADOURY. One person I was directly involved with, he absolutely flunked the test, did not pass the test. There was deception clearly indicated. The other person in which I participated in the polygraph, the test was neutral and it was determined that—in fact, I was there as he was switching his story almost 180 degrees, but the polygraph was straight. He had some difficulties, I guess, in his own mind determining what was true and what was not true. And the bottom line was he was not a credible witness.

Senator BROWN. Near as I can tell we do not have polygraphs for the Senate.

One of the areas I thought might be worth following up is we have had some folks who were refugees from Laos related to the Hmong tribesmen. And as I understand, they not only played a significant role in the conflict, but there is also a fair number of them who are refugees in Thailand. Have you had occasion to talk to a number of those?

Mr. GADOURY. Yes, sir. Many of the people I've talked to have been Hmong refugees.

Senator BROWN. The ones we have talked to indicate that it was fairly common belief among at least the refugees that they knew that there were Americans held in Laos. Have you heard the same thing?

Mr. GADOURY. Sir, I've talked to a few Hmong who have given me information about Caucasians in Laos. And generally those people, the information that has been provided by those people has been later correlated to possible sightings of Soviets in the area around Xiang Khouang, the airfield up at Point Savon for example, where there are known to have been Soviet advisors, things like that.

I have never talked to a Hmong person who gave me any clear information or definite information about an American, no, sir.

Senator BROWN. So you have heard the hearsay, but you have not been able to check it out?

Mr. GADOURY. We have checked out every person that we've talked to—every person that we've talked to, gotten information, it's been reported and followed-up on if necessary.

Senator BROWN. I am not sure which one of you might be the appropriate one to respond, Colonel or Mr. Bell, but in a number of publications there has been a recounting of the activities of the Vietnamese government following the French-Indonesian conflict, a suggestion that indeed they held back French POW's in the interest of gaining payment of some kind. In fact, there was suggestion that there was payment.

As far as you know, is that an accurate account? Did they indeed hold back POW's expecting payment?

Colonel COLE. I can't answer the question, sir.

Mr. BELL. They had several Frenchmen who remained, but I'm not sure of the status and I don't know of any payment that was made, but there were quite a few Frenchmen that remained there until the early 1970's.

Senator BROWN. Are you aware of them being held against their will?

Mr. BELL. No, sir.

Senator BROWN. So none of you have any knowledge of that background that's been printed in a number of areas?

Colonel COLE. I've seen the articles, sir, but I just can't speak for them.

Senator BROWN. You all have varying degrees of contact with the area, but obviously among the three of you, a great deal of contact. Have you ever picked up a suggestion by a representative of the Vietnamese Government that in exchange for payment of some kind or a trade of some kind they might be willing to release POW's?

Colonel COLE. No, sir.

Mr. BELL. No, sir.

Senator BROWN. Not even suggestions of any kind like that?

Mr. BELL. No, sir.

Colonel COLE. No, sir.

Senator BROWN. That there might be something that could be done that would result in POW's?

Mr. BELL. None whatsoever, sir.

Senator BROWN. What kind of feedback do you get in informal discussions with Vietnamese that you meet in the field in terms of this question?

Mr. BELL. The general feedback we get from the Vietnamese in the field regarding the live-sighting issue, sir, is that there are no Americans remaining in Vietnam, without question.

Senator BROWN. Same in the Laos area?

Mr. GADOURY. Yes, sir. The officials that I've worked with in Laos are generally very forthcoming and helpful to the extent they can. My feeling is that they are very sincere and try to help us, as they have permission from their own Government and once an agreement has been made to carry out a field operation.

Senator BROWN. If that's the case, why the reluctance on their part to allow access?

Mr. GADOURY. Sir, I think that's something that would be addressed at a higher level. I'm talking about at the operational level, once the decision has been made and agreement made between the U.S. and Lao Government.

Senator BROWN. Thank you.

The CHAIRMAN. Thank you, Senators. Senator, let me just say for housekeeping purposes we will wrap this panel up not too long from now. We will then move to the veterans' perspective, and it's my hope to start with the families right after lunch, or shortly after lunch, so we will get to the families almost immediately this afternoon. I know I'm flipping things around a bit, but if people will bear with us, I think that would allow us to have the sequence we sought.

Senator REID. Mr. Chairman, could you tell us, are you going to break for lunch or not?

The CHAIRMAN. We will break for lunch. It's now 12 noon. I think we need to finish this round and then have the veterans' perspective and then, depending on when we break, we will most likely come back at 2 p.m. and either begin with the families or

shortly thereafter move to families and then wind up with the last panel, Mr. Nagy and company.

Senator GRASSLEY.

Thank you, Mr. Chairman.

Mr. Bell, has there ever been any evidence of the Vietnam Government directing any misinformation program on the POW/MIA issue?

Mr. BELL. I think you'd have to check with the DIA special office for that, sir.

Senator GRASSLEY. What you're saying is, you don't know of any?

Mr. BELL. Not any confirmed.

Senator GRASSLEY. Or it would be wrong for you to tell us that?

Mr. BELL. A combination of both, sir. I don't have any confirmation of that, and that's not my area.

Senator GRASSLEY. Do you know if there's any evidence of it, even though you can't confirm?

Mr. BELL. I believe the DIA POW/MIA outfit may have some evidence of that, sir, but you'd have to check with them.

Senator GRASSLEY. For all of you on the panel—let me start at that end of the panel so you don't think I'm only directing everything toward Mr. Bell. What recommendations would any of you give that would help us as this Committee—no, I don't mean just this Committee—but our entire Government continues investigating live sightings.

I'd like to have you be as candid as possible. Let me say, why be candid? Because this is your opportunity to give some advice on what can be done to fix the system, if it's broken.

Mr. GADOURY. Well, sir, in Laos, like I said earlier, I think it's fundamentally a question of access, and I think we're talking ultimately of real-time access, and then having the resources to bring the teams in and do the job and get to where we need to get to.

But one of the problems we've already been running into, as we've only recently started doing live-sighting investigations and discrepancy case investigation in Laos, is that the infrastructure in Laos is poor to nonexistent in many of the areas that we need to get to, and as an example of that, when we went to Attapeu Province a few months ago in the middle of the rainy season we just—as the local officials indicated to us, and we saw clear evidence of it as we were flying out in our helicopter to Mang Mai, the capital of Attapeu Province, there was widespread flooding.

The roads were washed out. In some cases the bridges were out. When we landed in the capital, we were told that we couldn't even get across the river because the ferry landing had washed out and there was no way to get any of the three vehicles which the province possessed across the river to get onto the road, and if we did we wouldn't be able to travel very far.

Senator GRASSLEY. Before Colonel Cole answers, just for clarification purposes, I think what you just told me is that things that need to be changed to make our live-sighting investigations better come with changes that will be made in Vietnam with the Vietnamese Government. Is there anything you have to suggest that our Government can do differently?

Mr. GADOURY. Sir, I was addressing Laos.

Senator GRASSLEY. Laos, Vietnam, or any of the countries you're talking about. Is there anything in our procedure, as far as what we have done as an American Government for the last 16 years, that can be changed or improved?

Mr. GADOURY. Sir, I think we have the mechanism to conduct the investigations on our side, and all we're waiting for is that access and the ability to get to those places where we need to go.

Senator GRASSLEY. Things, the way they're handled in the bureaucracy—no suggestions on improvement in that area that could help us to do a better job?

Mr. GADOURY. Frankly, sir, I don't have any suggestion at this point. I think the mechanism is there. We just need to have the cooperation to utilize that mechanism.

Senator GRASSLEY. Colonel Cole, maybe if you could address what I asked to be clarified about, as well as whatever you wanted to say?

Colonel COLE. Sir, I've been in the job 14 months. I've seen tremendous improvement in the last 4½ to 5 months under Bob Sheetz in the POW/MIA office, Mr. Nagy in DIA overall. We've got this train on the track. All we need is those qualified people that I mentioned in response to Senator Reid's question a few moments ago.

My only personal, if you will, thought on this to add is that yesterday we heard that we're going to as yet undergo another reorganization CINCPAC JTF. As one of the operators down at the lowest level, all I ask is, whatever we've got going now not be disrupted by the coming organization or reorganization. We got the apparatus in place, we're getting the qualified people, let's go with it.

Senator GRASSLEY. Mr. Bell?

Mr. BELL. Yes, sir. I think I agree with everything that Colonel Cole just said, and I'd like to add that in addition to not disrupting what we've got going, I think it's important that we have some quality control, experienced type of personnel in the analytical function.

Right now, for example, in my Hanoi office I have an analyst that's 25 years old, and he is the analyst for the Hanoi office right now, and he is a bright young man but he has no experience. He's been in Vietnam maybe a month, and for the type of work that we do there, I think we need some experienced personnel.

The discrepancy cases and live-sighting cases should be done, in my opinion, by the DIA, and they should work closely with us on not only the investigations themselves but also the follow-up and the coordination with Colonel Cole to obtain additional information from sources no longer under Vietnamese control in refugee camps.

Senator GRASSLEY. Colonel Cole, of the 102 new personnel that Secretary Cheney referred to yesterday, how many will you get who will be hands-on investigators of live sightings?

Colonel COLE. Nine people out of that total, sir.

May I just add another sentence here, sir? Yesterday it was briefed to you by Mr. Ford it was going to be seven. The reason he didn't know about the two additional people is I've got two extra slots I'm going to be picking up from Mr. Sheetz, but those will all be investigator debriefers, so I'll have nine additional people out of that total, sir.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Grassley. Senator Reid.

Senator REID. Mr. Chairman, thank you very much. I'll try to be brief.

Do you have auxiliary help? For example, do you use the natives for lack of a better word—the Vietnamese and Laotians—to do interpreting or anything like that?

Mr. BELL. Yes, sir. We have a pool of translators, and what we are using the translators/researchers for are historical publications of great volume. In other words, we look to these translators to screen the material and try to pinpoint publications from Patin historical documents that relate to particular units that were assigned to areas—specific areas during the war.

By doing so, we can determine which units were in the area and then make requests for cadre who were assigned to those units who might be potential witnesses to provide leads.

Senator REID. The answer is the same from the two of you?

Colonel COLE. Yes, sir, except with the possibility of Cambodian ops. We're just getting into this. We turned in a suggestion last week of how, from the live-sighting perspective, a new office should be established. We realize this has to be a task force approach, but we don't have anyone in Cambodia so far.

We don't have an office, but our plan at least from the live-sighting side is we have several Cambodians in the refugee camp at Site II who have been working for us for a number of years. All of those people are eventually going to be repatriated. We're hopefully going to be able to bring them down to Phnom Penh when and if the approval is given to go ahead with an office.

Senator REID. We have heard you, Mr. Bell, and others talk about the fact that because we have not been willing to pay, nor has the Vietnam Government been willing to pay for the remains of people, that we have not been able to determine if in fact they are remains of people, and in fact if they're people, whether they're Vietnamese, American, or whatever, right?

Mr. BELL. That's correct, sir.

Senator REID. The question we haven't asked is, how much money would it cost to get those remains if in fact someone was willing to pay for them?

Mr. BELL. We have heard a number of figures mentioned, sir, but nothing definite.

Senator REID. Give me an idea what you think it would take? \$50? \$1,000? What would it take?

Mr. BELL. I just couldn't put a price on that, sir.

Senator REID. Anyone else?

Colonel COLE. No, sir.

Senator REID. So you have no idea?

Mr. BELL. No, sir.

Senator REID. Even though you've spent all that time in Southeast Asia? What do you think if we said, okay, we're going to give you some money, how much would you need? How much do you think it would take, based on your experience?

Mr. BELL. I've heard figures mentioned from a few dollars all the way to 10 taels of gold, which would be close to \$5,000, sir, so I really don't know. It just varies from person to person.

Senator REID. I have no further questions, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Reid. Senator Kohl.

Senator KOHL. Mr. Bell, you said in your testimony that you've worked on intelligence teams that gathered information that are now in the files of some of the MIA's/POW's. Is any of that information that you gathered classified?

Mr. BELL. It's been a long time since I've seen that information, sir, so I'm not sure. At that particular time we were actually in direct support of the Paris peace talks from the national level, and the way I understand the system, any report at that time which correlated to a specific individual is placed in his file. Any report which could not be correlated was placed in the numerous volumes that you see today. I think there's 14 volumes of uncorrelated reports.

Senator KOHL. So you don't know whether or not the information you gathered may or may not be in a classified category?

Mr. BELL. I assume it's still classified, sir.

Senator KOHL. Do you recall that any of that information was so important in terms of classification that now, after all these years, it could not be released to the families?

Mr. BELL. To be honest with you, sir, except for the 105 live-sighting investigations that are now still active, I don't see any reason to classify any of the other information.

We need to use the information in Vietnam in our investigations, and we're not authorized to have classified information present there, and I have already suggested that especially the majority of these reports that were collected in refugee camps during the time that we openly advertised the Joint Casualty Resolution Center as the only humanitarian organization within our Government devoted to POW/MIA, and put up posters and made loudspeaker announcements and interviewed these people in public, I think the only thing that needs to be sanitized or declassified from those reports is the name of the individual who provided the information.

Senator KOHL. So you're saying with the exception of those 105 sightings, all the other information in your judgment should be declassified?

Mr. BELL. Yes, sir.

Senator KOHL. Some of it has, some of it hasn't?

Mr. BELL. That's correct, sir.

Senator KOHL. If you were to make a recommendation you would say, declassify whatever it is that has not been declassified?

Mr. BELL. Yes, sir, except for those live-sighting reports that are still out there.

Senator KOHL. And some of that information might help clarify some of the anguish and concern by families that are trying to find out everything they can about the MIA's?

Mr. BELL. Sir, I noticed in the opening session of the Committee yesterday we were informed that your Committee would also have investigators, and possibly two teams of investigators, and if this information is declassified and made available I think that will speed up the search. I think it will be important to get a different perspective, a different viewpoint, concerning the value of the information.

We, as investigators, look forward to seeing someone else's opinion on this information, and maybe it will be helpful to us in doing our work.

Senator KOHL. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator. We are going to wrap up this panel, because we do want to try to stay on schedule here.

Gentlemen, there are additional questions. The record will remain open either for the submission of written questions or with a certainty that we would like to sit down with you to follow up, and staff would just like to make some further inquiries in the next day or so. So we will do that this afternoon with you, Mr. Gadoury, and we will do it at the earliest convenience with you, Mr. Bell.

Mr. Bell, I probably don't have to say this. You are a person of strong convictions and of enormous commitment and dedication. I cannot imagine anybody possibly influencing you or who ever succeeded in changing an opinion that you hold as a matter of commitment and of your own observation. But clearly if anybody over the course of these next days suggests that somehow you might have been mistaken in your observations or in what you said here, I hope you will feel free to let the Committee know immediately that such an overture has been made.

Mr. BELL. Yes, sir. I'd like to explain again, sir, that this is a position that I have taken and this is not a final analytical position.

The CHAIRMAN. We understand that, and that is why more analysis is necessary. But it is your deeply-held belief; is that correct?

Mr. BELL. Yes, sir.

The CHAIRMAN. And it is based on your personal observations of evidence at the time, correct?

Mr. BELL. Yes, sir, accompanied by the results of our activities that we have been involved in.

The CHAIRMAN. And subsequently you have been able, by virtue of the work you have been doing these most recent years to be able to confirm what your initial observations were?

Mr. BELL. Yes, sir.

The CHAIRMAN. It stands as you have stated, and this Committee will obviously want to look further, and there are a lot of other people and a lot of other things to look at. But we appreciate enormously your candor and your work.

We have only scratched the surface of much of what I think you have to say. We will continue privately and quietly, but I just want to thank you all very, very much. The public has no sense of what it's like to be out in the boonies sometimes, as you are, with a rucksack and living in pretty rough circumstances, day in and day out. I know what a pleasure it is to get back to Hanoi to be able to get a shower or something. And Hanoi is pretty rudimentary.

So you are really, all of you, in Laos, in the jungle or wherever it is that you go, it is often at enormous risk and at continuous discomfort. I just want you to know that we are deeply appreciative of those efforts and very, very respectful of them. We wish you well as you continue this difficult quest. Thank you very, very much, gentlemen.

Mr. GADOURY. Sir, I would submit that the risk we take is certainly not greater than the risk that the people that we're looking for took at one time.

The CHAIRMAN. We appreciate that, and we appreciate your recognition of that also. Thank you all very, very much.

If we could ask the veterans panel to come forward, I think we can proceed forward with the next panel before we break.

Gentlemen, if you could take your seats, we are going to swear all witnesses, so I would ask that all of you rise in order to be sworn.

[The witnesses were sworn.]

The CHAIRMAN. We would ask you, if you would, to try to adhere to a time limit on your statements, if possible, and we will try to hold everybody to about 7 minutes, if that is reasonable. Is that fair? The clock will tick. Is there any order you have decided on? We will just begin here with Mr. Wallace and will run down.

Welcome. We are delighted to hear from you.

#### STATEMENT OF ROBERT E. WALLACE, COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES

Mr. WALLACE. Mr. Chairman and Members of the Select Committee, thank you for inviting the Veterans of Foreign Wars of the United States to appear before this important body. The 2.9 million members of the VFW, to include our Ladies Auxiliary, consider the recovery and return of over 2,200 of our comrades from the Vietnam War to be of the highest priority.

In your invitation to me to testify, you asked if the Veterans of Foreign Wars was satisfied with the government's handling of this important issue. The simple answer to your question has been, and is now, no. We are not satisfied with the government's effort to recover our missing comrades.

Since 1968, the VFW has been in the front ranks on this issue. Over successive administrations and Congresses, we have repeatedly pleaded and pressed for more attention, greater resources and higher priority for this issue. And, each year, we were told the government was doing all it could. Yet here we are in 1991 and the issue has not been resolved. Only 310 missing Americans have been accounted for since 1973 and we still have not accounted for over 2,200 men still missing.

My answer is no, we, the Veterans of Foreign Wars, have not been satisfied with the U.S. Government's efforts. Over these past 20 years, we've been told by various government officials of so-called strategies to force Vietnamese cooperation on the POW issue. There have been at least two United States-Vietnamese joint cooperation plans to recover our men, and most recently we have been briefed on roadmaps which will supposedly help get our men back—a lot of talk but little action and no results. No, the Veterans of Foreign Wars has not been satisfied with these efforts.

How could anyone be satisfied, when for nearly 20 years none of these strategies, none of the joint cooperation plans, and none of the roadmaps have produced the results the families of our men and their comrades have been led to hope for and expect?

We have been stunned this past year by a renewed and growing controversy over our government's efforts to recover our missing men. The latest controversy likely stems from the charges brought by the report issued by Senators Helms and Grassley charging that our government ignored evidence of live Americans and indeed worked to discredit such evidence.

Further controversy has been generated by Colonel Millard Peck's allegations that a "mindset to debunk" retards the sense of urgency our government should have about our POW/MIA's. More recently, the public disclosure of a series of photos purportedly of Americans still captive in Southeast Asia has added more fuel to the controversy.

Again, the simple answer to your question is no, we in the Veterans of Foreign Wars of the United States are not satisfied with the government's effort to recover our missing men.

Amid the controversy, what has the government done to explain its efforts, refute these charges, defend itself and restore public credibility in its efforts?

Further, the government continues to shroud its efforts in what we believe to be an unnecessary veil of secrecy. Few pieces of information seem insignificant enough to avoid the secrecy stamp. If we are to believe our government, we must also believe that the POW information buried in their classified files is so sensitive that its declassification would have dire consequences and perhaps even pose a clear and present danger to the national security.

Otherwise, why would the government continue to classify the overwhelming majority of the information gathered on this most important issue? I do not believe the government can regain credibility on this issue or adequately defend itself so long as the very information needed for honest evaluation is kept from public view.

The fact is the government cannot defend itself because it has failed to organize and manage an effective program to recover our men. There are obvious examples of failure.

On July 31, 1991, the Defense Department announced it was nearly doubling the number of personnel assigned to the POW/MIA effort and forming a new office in the Pentagon to handle only POW/MIA matters. Yet, three months later, no POW/MIA directorate has been opened in the Pentagon and no additional personnel have been assigned to that office.

Mr. Chairman, I need to point out that the Congress also carries the burden of failure for its oversight role. Despite numerous hearings and investigations of this issue, the Congress cannot assure us the POW/MIA issue is either well managed or close to being resolved.

As you know, Mr. Chairman, I went to Vietnam last July at your request. In Bangkok we were briefed by members of the Joint Casualty Resolution Center and others involved with our POW/MIA's. This briefing and subsequent discussions left me with the clear impression of the inadequacy of the government's POW/MIA effort.

The JCRC team in Bangkok is hardworking and obviously undermanned. Some of the team lacked language training. Due to personnel and other shortages, their visits to refugee camps are irregular and infrequent. When live-sighting information is obtained, the lengthy and time-consuming reporting channel prevents rapid

investigative response and would do so even if the team were adequately manned to undertake an immediate response.

We all recognize, I believe, that the fate of the 2,273 men still missing is not going to be resolved in Washington. It can only be resolved by determined investigation and field work on the ground in Vietnam, in Laos and in Cambodia.

But my recent trip proved the current government effort is not adequately manned, or managed to resolve these cases within the next few years.

So again and in conclusion, Mr. Chairman, I must tell you the Veterans of Foreign Wars of the United States is not satisfied with the manner in which our government has and is currently handling the POW/MIA issue.

After listening to this morning's testimony, I want to add that we are also not satisfied with Vietnam's cooperation. We consider Vietnam's cooperation should include, number one, sharing all information they have collected about live-sightings of Americans, American remains and crash sites; number two, unrestricted and timely access to U.S. investigators conducting live-sighting investigations; three, expedited return of remains supposedly warehoused; four, increased joint U.S.-Vietnamese field investigations; and timely completion of the remaining discrepancy cases and Vietnamese support and cooperation with the Laotian and Cambodian governments encouraging them to assist with U.S. efforts.

Thank you very much.

[The prepared statement of Mr. Wallace follows:]

PREPARED STATEMENT OF ROBERT E. WALLACE

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More recently, the public disclosure of a series of photos purportedly of Americans still captive in Southeast Asia has further seriously challenged Government credibility on this issue.

Again, the simple answer to your question is no, we in the Veterans of Foreign Wars of the United States are not satisfied with the Government's effort to recover our missing men.

Amid the controversy, what has the Government done to explain its effort, refute these charges, defend itself and restore public credibility in its efforts?

Further, the Government continues to shroud its effort in what we believe to be an unnecessary veil of secrecy. Few pieces of information seem insignificant enough to avoid the secrecy stamp. If we are to believe our Government, we must also believe that the POW information buried in their classified files is so sensitive that its declassification would have dire consequences and perhaps even pose a clear and present danger to the national security. Otherwise, why would the Government continue to classify the overwhelming majority of the information gathered on this most important issue? I do not believe the Government can regain credibility on this issue or adequately defend itself so long as the very information needed for honest evaluation is kept from public view.

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But my recent trip proved the current Government effort is not adequately manned, or managed to resolve these cases within the next few years.

So again, I must tell you the Veterans of Foreign Wars of the United States is not satisfied with the manner in which our Government has and is currently handling the POW/MIA issue.

Each year since 1968, our members have expressed their concerns and views about the POW/MIA issue in our resolutions.

This year in the midst of controversy, ten resolutions concerning our POW/MIA's were passed at our National Convention. These resolutions, which are summarized and attached to my statement, call for an investigation of the POW/MIA issue, revision of the Missing Service Persons Act and disclosure of classified information concerning our POW/MIA's.

These resolutions also clearly state our objections to diplomatic recognition of, or economic aid to and trade with Vietnam or other Southeast Asian countries until we have obtained the fullest cooperation of these countries in the recovery and return of our missing men.

I also call your attention to our resolution to seek new, more active efforts to resolve the fate of the over 8,000 men still missing from the Korean War.

## PRISONERS OF WAR AND MISSING IN ACTION

### RESOLUTION No. 401

#### AMERICA'S PRISONERS OF WAR AND MISSING IN ACTION: A NON-NEGOTIABLE MATTER OF HONOR

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that the VFW remains determined to resolve this important issue and supports the President's pledge of highest national priority to resolve the status of Americans still missing and unaccounted for in Indochina; and

BE IT FURTHER RESOLVED, that the VFW urges the U.S. Government to further accelerate government-to-government contacts in an attempt to obtain the immediate release of any Americans who may still be held captive in Indochina and the return of American servicemen and civilians who have died in Southeast Asia and whose remains have not been returned; and

BE IT FURTHER RESOLVED, that while we continue to oppose lifting the economic embargo and the establishment of full diplomatic recognition, it is in the best interest of resolving the POW/MIA issue as quickly as possible to establish a non-diplomatic U.S. Government presence in Vietnam. This U.S. presence could serve as the base for the continued search for and investigation of our missing men as well as other strictly humanitarian matters; and

BE IT FURTHER RESOLVED, that as such opportunity occurs, VFW National Officers should periodically visit Vietnam and Laos to verify that the situation does, in fact, require a U.S. presence in order to facilitate the recovery of our missing comrades and to directly express the VFW's concern and determination to resolve this issue.

### RESOLUTION No. 402

#### REINVESTIGATE THE POW/MIA CONTROVERSY

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we believe it is absolutely vital to restore public credibility and confidence in the Government's POW/MIA efforts; and

BE IT FURTHER RESOLVED, that despite the diversion of attention, we urge the President to establish an independent public commission and to reopen a full public investigation of the allegations of the Helms/Grassley report and the U.S. Government's past and current efforts to recover our POW/MIA's; and

BE IT FURTHER RESOLVED, that the investigation should also consider declassification and release of such POW/MIA information which would help rebuild public confidence without disclosing intelligence data to others.

### RESOLUTION No. 406

#### CONCERNING THE KOREAN WAR MIA ISSUE

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that the VFW remains determined to resolve the status of Americans still unaccounted for in Korea through lawful and appropriate channels; and

BE IT FURTHER RESOLVED, that the VFW urges the U.S. and Republic of Korea governments to continue to exert the maximum economic and diplomatic pressure on North Korea and to speak out forcefully and publicly when necessary until we resolve this long-standing humanitarian issue; and

BE IT FURTHER RESOLVED, that the VFW, in keeping with United States law and in consultation with the Korean and U.S. governments, seek new, more active efforts to resolve the issue of Korean War POW/MIA's.

## RESOLUTION No. 407

## SUPPORT PUBLIC AWARENESS PROJECTS

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that the National Organization will:

- (1) ensure routine distribution to the field of pertinent, credible and responsible information on a routine basis;
- (2) encourage participation in this program by veterans' groups of other friendly nations such as the NATO allies and Far Eastern allies;
- (3) encourage exchange of information among State POW/MIA Chairmen, to include publishing up-to-date address lists; and

BE IT FURTHER RESOLVED, that each Department exercise maximum initiatives to maintain the vitality and thrust of the POW/MIA program at Department levels by encouraging such actions as:

- (1) display of black POW/MIA flag, subordinate to the U.S. Flag, at any function at which it is proper to fly the U.S. Flag;
- (2) work closely with family and concerned POW/MIA organizations at all major events and rendering cooperation and support to them;
- (3) encourage support in information exchange at Post levels;
- (4) appoint an interested member at Post level to act as the POW/MIA project officer; and

BE IT FURTHER RESOLVED, that the National Organization of the VFW supports the annually announced POW/MIA Recognition Day.

## RESOLUTION No. 426

## SUPPORT PRESIDENTIAL ENVOY FOR POW/MIA'S

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we continue to support General John W. Vessey as the Special Presidential Emissary to Vietnam and urge his continued participation in all policy discussions concerning this issue; and

BE IT FURTHER RESOLVED, that General Vessey and/or General Robert C. Kingston continue to review the findings of the Defense Intelligence Agency (DIA) Senior Review Group concerning all aspects of the intelligence effort devoted to the POW/MIA issue; and

BE IT FURTHER RESOLVED, that we urge the Vietnamese government's cooperation with us and urge them to further expand this cooperation so that the fate of our missing men can be quickly resolved.

## RESOLUTION No. 431

## APPROPRIATIONS TO INTERNATIONAL LENDING AGENCIES

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that future Congressional appropriations to international lending agencies be contingent on such agencies' compliance with strict standards which would exclude loans to nations that give aid and comfort to hostile groups or which are demonstrably hostile to the United States, including communist and communist-dominated countries and countries which do not cooperate in our search for POW/MIA's or past wars.

## RESOLUTION No. 433

## AMEND THE MISSING SERVICE PERSONS ACT

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we ask our Congressional Representatives to support Congressman Roland's bill to revise the Missing Service Persons Act.

## RESOLUTION No. 437

## STAND BEHIND MILLER/MCCAIN DISCLOSURE BILLS

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we stand firmly behind the disclosure of information concerning United States personnel classified as Prisoners of War or Missing in Action; and

BE IT FURTHER RESOLVED, that we petition Congress for passage of such legislation and urge the President of the United States to press the Governments of the Soviet Union, Korea, Vietnam, Cambodia and Laos for a full accounting of all our POW/MIA's from those wars.

## RESOLUTION No. 440

## DIPLOMATIC RECOGNITION/ECONOMIC AID AS A MEANS OF RESOLVING THE POW/MIA ISSUE

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we strongly oppose any proposal that grants diplomatic recognition to communist Vietnam and Cambodia or economic aid to Vietnam, Laos and Cambodia without first obtaining their fullest cooperation concerning American prisoners or Missing in Action in Southeast Asia.

## RESOLUTION No. 449

## IRAQ MUST ACCOUNT FOR KUWAITI MIA'S

BE IT RESOLVED, by the 92nd National Convention of the Veterans of Foreign Wars of the United States, that we urge the U.S. Government to take such action as necessary either unilaterally, or through our allies, or the United Nations that will force Iraq to account for those Kuwaiti citizens still missing.

The CHAIRMAN. Thank you very much, Mr. Wallace.  
Mr. Sommer.

STATEMENT OF JOHN F. SOMMER, JR., EXECUTIVE DIRECTOR,  
AMERICAN LEGION

Mr. SOMMER. Thank you, Mr. Chairman, Mr. Vice Chairman.

The CHAIRMAN. I might just add I think each of you, as you speak, you might just mention what branch of the service you served in and where you served.

Mr. WALLACE. I was with the U.S. Marine Corps in 1967-68.

Mr. SOMMER. I was with the U.S. Army in Vietnam, 1968.

Mr. Chairman, because of the length of our statement and the fact that we're summarizing, I would appreciate it if we could have it placed in the record in its entirety.

The CHAIRMAN. Your full statement will be placed in the record.

Mr. SOMMER. Thank you, Mr. Chairman.

As you are aware, this witness had the opportunity to represent the American Legion as part of a factfinding delegation on a trip to Vietnam in July of this year, organized by your office and led by Congressman Lane Evans, co-chair of the Vietnam Veterans in Congress Caucus. The primary focus of the trip was to explore the feasibility of establishing an independent veteran organization-supported office in Vietnam for the purpose of supplementing the work of the U.S. Government office and keeping the spotlight on the operation of the U.S. team.

I would like to make it clear that what I'm about to say with respect to my remarks reflects only the opinions of the American

Legion and not any of the other representatives that were on the trip.

The American Legion felt compelled to participate in such a venture because the process to resolve the POW/MIA issue is moving intolerably slow and there's a growing perception among Americans that deception again is being practiced by those responsible for handling POW/MIA investigations. It has also become apparent that there is a lack of responsiveness on the part of some officials who are responsible for obtaining the fullest possible accounting for our POW's and MIA's.

Following a series of what were initially thought to be rather extensive briefings at the State Department and Pentagon, the majority of our delegation departed Washington on June 30, arriving in Bangkok the evening of July 1. Additional briefings were conducted on July 2 at the U.S. Embassy in Bangkok.

The next week would be spent meeting with various officials at all levels of government in Vietnam. Extensive sessions were held with representatives of the Office for Seeking Missing Personnel. The director of that office accompanied us to Danang, Hue and Saigon as one of our handlers.

While in Hanoi, the group met with Nguyen Co Thach, who was then foreign minister. In addition, we were then received at the Presidential Palace by newly-appointed Secretary-General Do Muoi. There was a common thread among the information provided by every government official with whom we spoke, what one might consider to be a party line. Each stated emphatically that there are no living American prisoners in Vietnam. Each said that normalization of relations between the United States and Vietnam should not be linked with the POW/MIA issue.

To a person, they reiterated that the POW/MIA effort is a humanitarian issue and not a political one. There were also consistent promises that the Vietnamese government would fully cooperate with an independent veterans' group office and that such an office would have free rein in traveling in the north or south of the country.

Unfortunately, as one might expect, it was obvious to this witness that all of the statements made by the Vietnamese cannot be taken at face value. This became even more obvious when we were told that the American prisoners of war that were released in 1973 had been treated under the Geneva Conventions in general and specific Vietnamese regulations dealing with humanitarianism and leniency.

We were advised that the Vietnamese treated those POW's with lenience, and those who returned had explained the leniency with which they were treated. This certainly does not track with the tales of horror that we heard relating to the torture, humiliation, deprivation, starvation, and outright hatred that the vast majority, if not all, of the repatriated prisoners of war underwent.

Another interesting facet of our meetings was that government officials from Hanoi provided information about 12 American MIA's who allegedly died while in captivity or were killed in action.

The information was provided to us in order to illustrate what they felt would be the complications involved in the investigation

of these cases and the reported frustration experienced by the Vietnamese, with respect to the requirements and criteria set forth by the U.S. team. Our own Government had not provided us with this kind of information. We actually received more hard information from the Vietnamese than we have from the Defense Intelligence Agency, the Department of Defense, or any other American entity involved with this issue.

Mr. Chairman, the most frustrating and incomprehensible aspect of the entire POW/MIA issue is the pattern which has evolved, surrounding the handling of intelligence data and other information relating to live prisoners of war, both historically and presently. Over the past several years an increasing number of stories have surfaced regarding the abundance of available information relating to American prisoners of war in Southeast Asia. Taken separately, one who is skeptical might pass such reports off as sensationalism or tripe. However, in reviewing the available body of information relating to this issue, the belief that there are POW's being held in Indochina cannot and must not be summarily dismissed.

The most recent article relating to the handling of intelligence during and after the Vietnam War, Soviet involvement in the interrogation and appropriation of American POW's, and U.S. Government suppression of information relating to both, is *On the Trail of the MIA's*, which appeared in the October 27, 1991, edition of the Los Angeles Times magazine. Several previously published books also contain references of varying degrees to the discrediting of live-sighting information resources, locations and movement of prisoners that are not acknowledged by U.S. officials, reports of Americans held captive after 1973 on which no apparent action was taken by U.S. officials, et cetera, et cetera.

In addition, we've seen copies of reports, memoranda, and other correspondence issued by U.S. intelligence agencies which square with the charges set forth in these publications. Add to all this the report by the minority staff of the Senate Foreign Relations Committee, as well as the assertions leveled by Col. Millard Peck and you come up with rather compelling evidence that all is not right with the world.

Mr. Chairman, almost immediately after our return from Vietnam in July, a photograph of three individuals reported to be American POW's surfaced. Surfacing in the news media heightened the American Legion's concern about the manner in which the POW/MIA issue is being handled. The photo was said to be in the hands of Government analysts for several months.

This witness was appalled at the reports, because in all of the briefings and discussions we had prior to leaving for Vietnam with those who are supposed to be knowledgeable and responsible on this issue, there was no mention whatever that this photo even existed, much less that it was being analyzed.

Subsequently, a number of additional photographs were publicized in the media. The American Legion was contacted by a representative of a group of individuals on July 23, who requested a meeting for the purpose of discussing proof of the existence of a live American POW being held in Laos. A meeting was scheduled and held on July 24. At that time, a large number of photographs

taken over a long period of time and other information relating to an individual identified as Donald Gene Carr, who was lost while flying in a reconnaissance aircraft over Laos in 1971, were reviewed and discussed.

Among those at the meeting were Mr. Carr's brother, Matthew. After reviewing the photographs and other information, we feel that it is sufficient to resolve reasonable doubt as to whether or not Donald Carr is alive. In early August we were contacted by those who were in possession of the Carr photos for the Legion's opinion as to whether or not the information should be turned over to the Defense Intelligence Agency for analysis and investigation. We advised that the only way a response could be elicited from the Government would be to submit the photos to DIA.

On or about August 9, the information was turned over to the DIA. We understand that the Carr photographs have been analyzed by the Sandia National Laboratory and an inclusive, although somewhat favorable, report has been issued. As a matter of fact, we have a copy of that report and would be happy to share it with the Committee.

The Government has admitted that the photograph could be Donald Carr. However, so far as the American Legion is concerned, the Government has moved neither far enough nor fast enough in an attempt to do anything positive about the case.

This concern was legitimized yesterday, when during Mr. Carl Ford's appearance, it was learned that apparently nothing further has been done with the Sandia Laboratory report that was issued in August. So far as the American Legion is concerned, there is no valid excuse, no excuse, why further analysis could not have been requested and completed in the subsequent 3 months. It's just another example of that which fuels the perception that the POW/MIA issue is not being handled in the manner in which it should and that all is not being done to resolve this important issue.

Mr. Chairman, that concludes my summary.

[The prepared statement of Mr. Sommer follows:]

PREPARED STATEMENT OF JOHN F. SOMMER, JR.

Mr. Chairman and Members of the Committee. The American Legion appreciates the opportunity to appear before you today to present its views, concerns, and recommendations regarding the current status of the prisoners of war and missing in action in Southeast Asia, and the efforts of the U.S. Government to resolve this issue of highest national importance.

At the outset Mr. Chairman, may we express our thanks for the accessibility that has been demonstrated by the Committee and its staff. It is especially enlightening that the organizational meeting on September 12, and subsequent sessions have been open to the public. This demonstrates a perception of openness relating to the manner in which the Committee will conduct its work, and we trust that this spirit will continue. The American Legion considers the responsibilities with which the Committee has been charged to be of paramount importance, and the thought of dealing with these issues in the open is refreshing.

Mr. Chairman, we fully understand that the Committee plans to address the various aspects of the POW/MIA issue in phases, beginning with what is currently being done, and working backward. The American Legion agrees that this is important because the here and now includes what is being done—or what theoretically should be done—to follow up on live-sighting reports and other intelligence relating to individuals who may well be held prisoner in Indochina.

However, since we do not know whether or not we will be invited to present testimony at future hearings, this statement contains a compendium of information relating to the entire issue. Because of the fact the Committee is just commencing its

work, the Legion offers the following suggestions as to issues to be considered by the Select Committee on POW/MIA Affairs. These will also be addressed in more detail in the body of this statement.

1. It is recommended that the Committee call in every piece of paper relating to the 1,400 live-sighting reports for its analysis.

2. It is important that the "Acid Test" used by the Defense Intelligence Agency to distill the total number of live-sighting reports down to the ones held to be "believable" be thoroughly reviewed.

3. The methodology used in collecting information and compiling live-sighting reports needs to be examined. This should include scrutinization of the timeliness with which these reports are addressed.

4. It is recommended that the Committee review the structure and operation of the DIA Special Office for POW's and MIA's, including a determination of the line of responsibility—or chain of command—relative to the Special Office.

5. The Committee should have access to satellite photographs currently in the possession of the National Reconnaissance Office, which provide the location of reported POW camp sites as well as other geographical information.

6. The report rendered by the Tighe Commission in 1986 should be reviewed. This includes the process by which the majority and minority reports were finally published, and the reason for any changes made in the report. These reports have, so far as we know, never been released to anyone outside the DOD/DIA structure.

7. It is recommended that the logistical support and resources provided the Joint Casualty Resolution Center and the POW/MIA Office in Hanoi be analyzed to ensure that these functions have the strength necessary to effectively and efficiently carry out the responsibilities with which they have been charged.

8. It is recommended that a determination be made as to whether or not all records contained in archives and repositories throughout the United States which contain information on search and rescue missions conducted by the U.S. Armed Forces in Southeast Asia have been researched, and if so what has been done with the information that has been secured.

9. It has been charged on numerous occasions that individuals within the U.S. government have intimidated, coerced, discredited, and ignored sources who have provided data concerning live POW's. It is important that these charges be thoroughly investigated.

10. A determination needs to be made as to why information concerning the POW/MIA issue has consistently been withheld by DOD and remains classified. This would include a review of whether or not DOD is complying with security classification procedures, and if the mandatory review process established within DOD is being implemented by DIA with regard to review and release of documents that are twenty to twenty-five years old.

11. During the hearing of the Senate Rules and Administration Committee on July 25, testimony was presented that the Secretary of State had ordered the destruction of records and documents relating to POW's and MIA's by four sub-elements of the Department. The validity of this statement certainly needs to be determined; and if it is found to be true, the Committee should pursue an investigation of all details relating thereto.

12. It is recommended that the Committee ascertain whether or not security has been violated through the provision of classified information relating to POW's and MIA's to the Vietnamese government.

13. The Central Identification Laboratory in Hawaii has received substantial criticism regarding its methods employed in identifying remains and the subsequent reports to families of MIA's. A review of these charges and the methodology used by CILHI needs to be pursued.

14. Beginning in mid-July a number of photographs have surfaced and many have been published in the media. Some of the individuals in the photographs have tentatively been identified by family members as American servicemen who were shot down over Southeast Asia. Other photographs were clearly a hoax. An apparent attempt has been made to categorize all of the photos as a "hoax" based on one that was very obvious. A review of this situation, and the manner in which the photographs have been handled by DIA needs to be conducted.

15. The allegations contained in the resignation memorandum submitted by Colonel Millard Peck are serious and need to be thoroughly reviewed. The Defense Department has stated that a review was conducted but that no written report exists.

16. The findings set forth in the report prepared by the minority staff of the Senate Foreign Relations Committee should be reviewed and analyzed.

17. A substantial number of books, reports and articles have appeared recently, setting forth allegations of available intelligence data that was collected during the Vietnam war and subsequent years being disregarded, ignored, or suppressed by the U.S. government. An urgent need exists to fully investigate these allegations.

The American Legion will continue to develop information and provide the staff with additional recommendations regarding issues to be considered and other subjects, if the Chairman feels that it would be worthwhile to the Committee.

Mr. Chairman, as you are aware, this witness had the opportunity to represent the Legion as part of a fact-finding delegation on a trip to Vietnam in July of this year, organized by your office and led by Congressman Lane Evans, Co-Chair of the Vietnam Veterans in Congress Caucus. The primary focus of the trip was to explore the feasibility of establishing an independent, veteran organization supported office in Vietnam for the purpose of supplementing the work of the U.S. government office, and keeping the spotlight on the operation of the U.S. team. The American Legion felt compelled to participate in such a venture because the process to resolve the POW/MIA issue is moving intolerably slow, and there is a growing perception among Americans that deception is being practiced by those responsible for handling POW/MIA investigations. It had also become apparent that there is a lack of responsiveness on the part of some officials who are responsible for obtaining the fullest possible accounting for our POW's and MIA's.

Following a series of what were initially thought to be rather extensive briefings at the State Department and Pentagon, the majority of our delegation departed Washington on June 30, arriving in Bangkok the evening of July 1. Additional briefings were conducted on July 2 at the U.S. Embassy in Bangkok.

The next morning we departed by air to Hanoi. Following arrival in Hanoi and checking into our hotel, we met with Assistant Foreign Minister Dang Nghiem Bai at the Government Guest House. Bai is also Director of the Department of the Americas in the Foreign Ministry. After introducing several other officials and exchanging greetings, we went over the schedule for our trip and began preliminary discussions on the POW/MIA issue.

The next week would be spent meeting with various officials at all levels of government in Vietnam. Extensive sessions were held with representatives of the Office for Seeking Missing Personnel. The Director of that office, Ho Xuan Dich, accompanied us to Danang, Hue, and Saigon as one of our handlers. While in Hanoi, the group met with Nguyen Co Thach who was then Foreign Minister and Vice Chairman of the Council of Ministers. In addition, we were received at the Presidential Palace by newly appointed Secretary General Do Muoi, who had been serving as the Prime Minister of the Council of Ministers prior to the 7th Party Congress. It is interesting to note that our request to visit Do Muoi was only faxed to Hanoi during the last evening we were in Bangkok. He spent a total of ninety minutes with our group.

There was a common thread among the information provided by every government official with whom we spoke, what one might consider to be a "party line." Each stated emphatically that there are no living American prisoners in Vietnam. Each said that normalization of relations between the United States and Vietnam should not be linked with the POW/MIA issue. To a person, they reiterated that the POW/MIA effort is a humanitarian issue and not a political one. There were also consistent promises that the Vietnamese government would fully cooperate with an independent veterans group office, and that such an office would have free reign in traveling in the North or South of the country.

Unfortunately, as one might expect, it was obvious that all of the statements made by the Vietnamese cannot be taken at face value. This became even more obvious when we were told that the American prisoners of war released in 1973 had been treated under the Geneva Convention in general, and specific Vietnamese regulations dealing with humanitarianism and leniency. We were advised that the Vietnamese treated the POW's with leniency, and those who returned have explained the leniency with which they were treated. This certainly does not track with the tales of horror that we heard relating to the torture, humiliation, deprivation, starvation, and outright hatred that the vast majority, if not all, of the repatriated prisoners of war underwent.

Another interesting facet of our meetings was that government officials from Hanoi provided information about twelve American MIA's who allegedly died while in captivity or were killed in action. The information was provided to us in order to illustrate the complications involved in the investigation of these cases, and the re-

ported frustration experienced by the Vietnamese with respect to the requirements and criteria set forth by the U.S. team.

Our own government had not provided us with this kind of information. We actually received more hard information from the Vietnamese than we have from the Defense Intelligence Agency, Department of Defense, or any other American entity involved with this issue.

The foregoing is but a brief sketch of the details of the trip. The exploratory trip was extremely worthwhile, a large body of information was gathered, and The American Legion stands ready to send a representative or representatives to Vietnam, Cambodia, or Laos, if it is deemed necessary.

Prior to the visit to Vietnam, a number of events took place that raised the level of sensitivity regarding the manner in which the entire POW/MIA resolution issue has been handled. National media, on May 22, carried stories explaining the protest resignation of Col. Millard A. Peck from his post as Director of the Defense Intelligence Agency's Special Office for Prisoners of War and Missing in Action. Col. Peck's accusations with respect to the manner in which the POW/MIA issue is being handled by the government were appalling.

In a letter to the Secretary of Defense Dick Cheney, also under date of May 22, then National Commander Robert S. Turner requested a complete and open investigation of these allegations. Additionally, he advised Secretary Cheney that he would appreciate being kept fully informed on the progress and results of the investigation into the POW/MIA situation.

A reply to Past National Commander Turner's letter under date of June 20 was signed by Assistant Secretary of Defense Duane P. Andrews. It basically referred to an attached press release entitled "DOD Finds No Evidence of Peck Allegations." In a second letter to Secretary Cheney, Mr. Turner, referring to Assistant Secretary Andrews' correspondence, stated that since no substantiating information was enclosed, there is no basis on which The American Legion could determine whether the investigation was complete and accurate. The request to be furnished a copy of the report of investigation was reiterated. A response to the second letter of request was issued over Secretary Cheney's signature and provided an expanded version of the information contained in the press release. However, no formal report of the investigation into Col. Peck's allegations was forthcoming.

We recommend, as stated previously in our suggestions, that this Committee pursue a report of the full investigation for its thorough review.

The Senate Committee on Foreign Relations, Republican Staff issued a report on May 23, 1991, entitled *An Examination of U.S. Policy Toward POW/MIA's*, as you are aware Mr. Chairman. The conclusions of the report parallel the allegations of Col. Millard Peck, namely that the U.S. government has manipulated the POW/MIA issue to avoid an effective search for missing military personnel. It states that the U.S. government policy of dealing with live-sighting reports is flawed, thereby ignoring reasonable evidence which could lead to finding missing personnel. It cites seven specific DIA procedures for discrediting reports to avoid a good-faith effort to find POW/MIA's. It depicts a reproduction of a censored CIA document from 1988 that summarizes three live-sighting reports of U.S. POW/MIA's in North Korea.

The minority staff report states that it was a matter of policy to issue falsified statements of KIA instead of MIA for U.S. personnel captured during covert operations. The report goes on to say, among other things, that U.S. authorities originally asked North Vietnam for the return of 5,000 U.S. military personnel, but settled for only 591; and although the PATHET LAO stated that they were holding U.S. military personnel in March 1973—estimated at 100—no prisoners of the PATHET LAO were ever returned or accounted for.

Mr. Chairman, almost immediately after our return from Vietnam in July, a photograph of three individuals reported to be American POW's surfacing in the news media heightened The American Legion's concern about the manner in which the POW/MIA issue is being handled by the U.S. government. The photo was said to be in the hands of government analysts for several months. This witness was appalled at the reports because in all of the briefings and discussions we had prior to leaving for Vietnam, with those who are supposed to be knowledgeable and responsible on this issue, there was no mention whatever that this photo even existed, much less that it was being analyzed.

Subsequently, a number of additional photographs were publicized in the media. The American Legion was contacted by a representative of a group of individuals on July 23, who requested a meeting for the purpose of discussing proof of the existence of a live American POW being held in Laos. A meeting was scheduled and held on July 24. At that time a large number of photographs taken over a long period of time and other information relating to an individual identified as Donald Gene

Carr, U.S. Army Special Forces, who was lost while flying in a reconnaissance aircraft over Laos in 1971 were reviewed and discussed. Included among those at the meeting were Mr. Carr's brother. The next day we received a faxed copy of a tentative report by Dr. Michael Charney, a noted emeritus professor of Anthropology who had analyzed a photograph taken in 1961 at Donald Carr's wedding and another allegedly taken in 1990 in Laos. After explaining the methodology he used to analyze the photos, Dr. Charney stated in the report that there was sufficient evidence that the two photos are of the same person, Donald Gene Carr. A final report was supposedly completed by Dr. Charney, however we have been unable to secure a copy to date. After reviewing the photographs and other information, we feel that it is sufficient to resolve reasonable doubt as to whether or not Donald Carr is alive.

In early August we were contacted by those who were in possession of the Carr photos for the Legion's opinion as to whether or not the information should be turned over to the Defense Intelligence Agency for analysis and investigation. We advised that the only way a response could be elicited from the government would be to submit the photos to DIA. On or about August 12, the information was turned over to the DIA. We understand that the Carr photographs have been analyzed by the Sandia National Laboratory and an inconclusive although somewhat favorable report issued.

The Government has admitted that the photograph could be Donald Carr. However, so far as The American Legion is concerned, the Government has moved neither far enough nor fast enough in an attempt to do anything positive about the case. Unfortunately, there has been a veiled attempt to lump most of the photographs together and label them as a hoax, rather than addressing them individually. Each has its own set of circumstances and information relating thereto. Therefore, each must be analyzed and investigated on its own merits. To add to this problem, copies of photos from a Soviet magazine have been thrown into the mix by an individual or individuals unknown to us. Obviously this provides ammunition to those who are attempting to discredit all of the photographs.

Mr. Chairman, the most frustrating and incomprehensible aspect of the entire POW/MIA issue is the pattern which has evolved surrounding the handling of intelligence data relating to live prisoners of war, both historically and presently.

Over the past several years an increasing number of stories have surfaced regarding the abundance of available information relating to American prisoners of war in Southeast Asia. Taken separately, one who is skeptical might pass such reports off as sensationalism or tripe. However, in reviewing the available body of information relating to this issue, the belief that there are POW's being held in Indochina cannot and must not be summarily dismissed.

The most recent article relating to the handling of intelligence during and after the Vietnam war, Soviet involvement in the interrogation and appropriation of American POW's, and U.S. Government suppression of information relating to both is "On the Trail of the MIA's", which appeared in the October 27, 1991 edition of the *Los Angeles Times Magazine*.

Previously published books such as *The Bamboo Cage*, *Kiss The Boys Good-bye*, *BOHICA*, and *After the Heroes' Welcome* also each contain references of varying degrees to the discrediting of live-sighting information sources, locations and movement of prisoners that are not acknowledged by U.S. officials, reports of Americans being held captive after 1973 on which no apparent action was taken by U.S. officials, etc. etc.

In addition, we have seen copies of reports, memoranda, and other correspondence issued by U.S. intelligence agencies which square with the charges set forth in these publications. Add to all of this the previously mentioned report by the minority staff of the Senate Foreign Relations Committee entitled *An Examination of U.S. Policy Toward POW/MIA's*, as well as the assertions leveled by Colonel Millard Peck, and you come up with rather compelling evidence that "all is not right with the world."

However, those individuals who come forth as activists in the POW/MIA issue are immediately tarred with labels such as "Rambos", "loose cannons", "mavericks", or some other such negative cognomen, and attempts are made by the Defense Intelligence Agency and others to discredit them. Granted, some activists have employed methods of operation which may appear to be questionable. And maybe—just maybe—there are those involved in the POW/MIA issue who's motivations may be suspect.

But by and large, it seems apparent that the goals and objectives of these individuals are to obtain the release of American POW's, the fullest possible accounting of those missing in action, and the return of the remains of those who were killed in action or died in captivity.

The perception is very clear that the U.S. Government is *not* doing all that it could or should be doing to resolve the POW/MIA issue.

Available information as recent as July, 1991 showed that out of 1,483 live-sighting reports, 103 have been placed on the active list—or accepted—by DIA. The 103 had gone through the entire process established by DIA for sorting out what it considers to be valid vs invalid reports. Of course all live-sighting information is classified; thus unavailable for interested parties to review.

It is also impossible to determine what—if any—action is being taken to investigate live-sighting reports. In July we were advised that the investigation of live-sighting cases in Vietnam had not begun, but were to commence in the near future.

The American Legion trusts that through the Committee's hearings and investigations, much more definitive information will become available about what is or is not being done to follow-up on live-sighting reports. The perception on the street is that more is being done in the way of damage control than actual analysis and investigation of live prisoners of war.

Mr. Chairman, another area of concern to The American Legion is the issue of weak identification procedures and less than scientific methods employed by the Central Identification Laboratory, Hawaii (CILHI), which is the organization charged with identification of remains of MIA's from Southeast Asia. A considerable amount of attention has been focused on the mid-1980s, when reports of misidentification, burial of empty caskets, commingled remains, and positive identifications based on insufficient skeletal remains resulted in Congressional hearings and, in some cases, lawsuits against the government. Rather than getting into a detailed discussion regarding these issues in this statement, we have submitted our files on CILHI to the Committee for its review; and we trust that a full examination of the charges that have been made through the years will be carried out as part of the overall POW/MIA investigation. The families of those who are missing deserve no less.

The final subject we shall illustrate in this statement is the rapidity with which the process to normalize relations with the Socialist Republic of Vietnam appears to be moving.

In an October 23 letter to President Bush, National Commander Dominic D. DiFrancesco wrote that The American Legion was appalled but not entirely surprised at hearing Secretary of State James Baker's announcement of that morning in Paris that the United States is ready to open talks with Vietnam on the subject of normalizing relations. The letter went on to say, in part, that we are familiar with the "Roadmap" that was presented to Hanoi earlier this year, and The American Legion does not believe for one moment that the terms of the proposal relating to Vietnam's cooperation on the release of prisoners of war and resolution of those former servicemen listed as missing in action have anywhere near been met. National Commander DiFrancesco stated that we are hard pressed to understand why there is such a great interest in the normalization of relations . . . unless, of course, diplomatic ties with Vietnam are attractive because of oil.

Some experts expect Vietnam to emerge as a middle-ranking oil producer in the next ten to fifteen years. Once Washington recognizes Vietnam, all leverage for resolving the POW/MIA issue will be lost. The American Legion cannot stand by and watch our country abandon its POW's for oil or any other commodity.

It was most interesting to note that during a State Department briefing about Southeast Asia on October 31, Assistant Secretary Richard Soloman and Deputy Assistant Secretary Ken Quinn emphasized how active American oil companies have been in urging rapid normalization. This is the first instance in which we have heard this discussed publicly, but were not surprised to learn that our intuition proved to be correct.

Mr. Soloman indicated the United States could possibly move to Phase II of the "Roadmap" by the end of this year, among other things, permitting oil companies to commence contract talks with Hanoi, but not to sign contracts.

Mr. Chairman, should Big Oil be successful in convincing the U.S. Government to lift the sanctions and restore diplomatic relations, of what use would American POW's be to the Vietnamese? The answer is none. Their value so far as bartering is concerned would be nil. The easiest and cleanest thing the Vietnamese could do would be to eliminate them in order to save being caught in a lie.

National Commander DiFrancesco ended his letter to President Bush by stating that "the Legion does not oppose the establishment of a U.S. presence in Vietnam or the provision of some humanitarian assistance if those actions will help the POW/MIA issue. However, normalization should occur only after all POW's and MIA's have been accounted for. To do anything less than that would be a betrayal to their families and to all Americans who answered their nation's call to fight for

South Vietnam's freedom during the war. It would also send a strong signal that the U.S. Government has no interest in resolving this issue."

Mr. Chairman, that concludes our statement. Attached herewith is a copy of Resolution No. 291 adopted by the Delegates to The American Legion's 1991 National Convention, entitled "The American Legion Policy on Activities Relating to Southeast Asia POW's and MIA's."

RESOLUTION No. 291

SUBJECT: The American Legion Policy on Activities Relating to Southeast Asia POW's and MIA's

COMMITTEE: Foreign Relations

WHEREAS, There are 2,273 American servicemen and civilians who have yet to be accounted for in Southeast Asia subsequent to the end of the Vietnam War; and

WHEREAS, The POW/MIA issue has been of paramount concern to The American Legion as evidenced by the strong mandates adopted by its policy making bodies and active efforts to keep the spotlight on the importance of securing a full accounting of all POW's and MIA's carried out by Legionnaires across the nation during the past twenty-plus years; and

WHEREAS, Photographs and other evidence have been shared with The American Legion by families and interested individuals which lead us to believe that live prisoners are being held in Southeast Asia; and

WHEREAS, The American Legion has called for increased efforts by the U.S. Government to ensure that this issue is treated as a principal national priority, and for the Government to accelerate efforts in every honorable way to obtain the immediate release of Americans still held prisoner, the fullest possible accounting of those missing in action, and the repatriation of the remains of those who were killed in action or died in captivity; and

WHEREAS, The American Legion has historically supported Government-to-Government negotiations as the most reasonable way in which to resolve this humanitarian issue; and

WHEREAS, The Executive Branch claims it considers the resolution of the POW/MIA issue a matter of highest national priority; and

WHEREAS, It has become apparent to The American Legion that there is a lack of responsiveness on the part of some Government officials who are responsible for obtaining the fullest possible accounting for our POW's and MIA's; and

WHEREAS, The Department of Defense has classified the majority of information available on live-sightings, status reports, and other data relating to those who are still missing, creating a veil of secrecy surrounding its findings in POW and MIA cases which is both unnecessary and self defeating; and

WHEREAS, There are increasing numbers of allegations from Members of Congress, knowledgeable government officials, families of POW's and MIA's and others exposing a perceived effort within the Defense Intelligence Agency to discredit sources of information relating to the POW's and MIA's, to fail to follow-up on relevant reports, and to misrepresent information on the status of certain of these individuals; and

WHEREAS, The Joint Casualty Resolution Center, and the Central Identification Laboratory in Hawaii have received criticism regarding the propriety of interviewing refugees and other possible sources of information, and the methods employed in identifying remains, respectively; and

WHEREAS, The magnitude of these assertions combined with the paucity of progress that has been made in the repatriation of POW's and the remains of those who paid the supreme sacrifice led The American Legion to send an official to Vietnam to explore the feasibility of establishing an independent office to supplement and keep the spotlight on the U.S. Government's POW/MIA office in Hanoi; and

WHEREAS, The American Legion believes unequivocally that the POW/MIA issue must be handled with more openness and sincerity, and that there is a need for increased accountability in the manner in which information relating to each case is documented, analyzed and pursued by the U.S. Government; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Phoenix, Arizona, September 3, 4, 5, 1991, that The American Legion assist the families of POW's and MIA's in ensuring that any evidence, reports, photographs, or other information relating to their loved ones is given effective, expeditious and sincere consideration by the Department of Defense; and, be it further

RESOLVED, That The American Legion urge the President of the United States to charge the Secretary of Defense with the primary responsibility of interpreting policy and exercising overall direction and control of POW/MIA activities through the service secretaries and the Chiefs of Staff of the Army and Air Force, Chief of Naval Operations, and Commandants of the Marine Corps and Coast Guard, thereby eliminating involvement by the Defense Intelligence Agency; and, be it further

RESOLVED, That The American Legion urge the Secretary of Defense to establish an office for the Recovery of Prisoners of War and Missing in Action, which should report directly to the Secretary and receive support as requested from other Department of Defense elements; and, be it further

RESOLVED, That The American Legion support legislation that would allow the release of information relating to live-sightings and other data pertaining to POW's and MIA's deemed not to compromise the national security of the United States; and, be it further

RESOLVED, That The National Commander of The American Legion appoint a special POW/MIA committee for the purposes of thoroughly reviewing all available information relating to that issue, and investigating all possible avenues of obtaining a full accounting for those who are held prisoner of war are missing; and, be it further

RESOLVED, That The American Legion monitor the operation of the U.S. Government office in Hanoi for a reasonable period of time, with a view toward supporting the establishment of an independent POW/MIA office if considered necessary; and, be it further

RESOLVED, That The American Legion urge the President to study the feasibility of transferring the responsibility of identifying remains from Central Identification Laboratory, Hawaii, to the Smithsonian Institute; and, be it further

RESOLVED, That if it is deemed appropriate, American Legion officials be authorized to travel to Southeast Asia, including Vietnam, Laos, and Cambodia, for the purpose of gathering information relative to the ongoing POW/MIA investigations and the manner in which they are being conducted; and, be it finally

RESOLVED, That The American Legion, while continuing to oppose full diplomatic recognition of the Socialist Republic of Vietnam until the POW's and MIA's are accounted for, also maintain a degree of flexibility with respect to the possible establishment of a U.S. presence in Vietnam and the provision of certain humanitarian assistance if such actions could be helpful in finally resolving this issue.

The CHAIRMAN. Thank you very much, Mr. Sommer.  
Mr. Burch.

STATEMENT OF J. THOMAS BURCH, JR., CHAIRMAN, NATIONAL VIETNAM VETERANS COALITION

Mr. BURCH. Mr. Chairman, I'm Tom Burch. I'm the chairman of the National Vietnam Veterans Coalition. I served as a U.S. Army Major, 8½ years of active duty. I served in Vietnam between May of 1967 through December 1968, with the 5th Special Forces Group Airborne.

Mr. Chairman, in order to save the maximum time of the Committee, we'd ask that the full remarks of the National Vietnam Veterans Coalition be admitted to the record, together with a preliminary report we gave to the Committee, Preliminary Ideas on Select Committee Agenda, if that could be admitted to the record. The CHAIRMAN. Without objection so ordered.

Mr. BURCH. Mr. Chairman, we thank you for this third opportunity to testify before a Committee of the U.S. Senate on the POW/

MIA issue. We are now a federation of 58 Vietnam veteran and veterans issue or groups, and we include such groups as BRAVO, Vietnow, Veterans of the Vietnam War, National Alliance of Families, and Homecoming II, and Operation Rescue, some of which are going to be testifying before these proceedings are complete.

We submit that the issue of most concern to the greatest number of grassroots Vietnam veterans is the POW/MIA issue. We submit that the centerpiece of the U.S. effort at resolution of this issue must be the recovery of alive American prisoners. Unfortunately, this objective is thwarted by a process or a policy that all prisoners are dead, notwithstanding any evidence to the contrary.

The first step toward resolution is intelligence collection, yet nowhere is the effort more deficient. On October 25, 1985, then National Security Advisor, Robert McFarland, told a forum, what you need to do is have better human intelligence in Vietnam. Now, we don't and it takes a long time to get it, but I won't pretend to you that we've done enough to even start.

Dave Simons, a retired special operations professional spent several months in Thailand on behalf of the Coalition in late 1985, at his own expense, for the purpose of assessing our tactical intelligence capabilities as pertaining to live POW's. His conclusion was that there was not such capability. For example, there was no built-in—there is a built-in delay in the initial intelligence collection from the refugees. There is no ongoing offer to officers or civil authorities of Vietnam, Laos, or Cambodia, on an individual basis to induce them on their own to defect and bring a live American POW with them.

And last, we have paid spies and informers for over 200 years. Why stop now? There is nothing wrong with paying for information or service or risk. You don't buy a good spy cheap.

In short, the effort to collect intelligence has been passive. Rather than retain ground agents to penetrate the remote corners of Southeast Asia, the administrators of the highest national priority have preferred to wait for refugees to report sighting information. Even then, the follow-up has often been slow.

Once intelligence is collected, it must be analyzed. An immediate but generally overlooked problem is that the usable proof test for the existence of live POW's, the satisfaction of which standard would trigger decisive action by the U.S. Government, is unlikely to be satisfied in any event. The criteria are so rigid that if hypothetically an American prisoner were to escape and report the continued detention of fellow prisoners, that report would not satisfy the criteria.

Ourselves, we find it remarkable commentary on the quality of effort that the POW/MIA establishment must find it continually necessary to have itself investigated in this regard, regardless of how many times it attempts to exonerate itself. But, indeed, those are the reports and related materials which are available, paint a picture of substantial shortcoming in the effort.

Having failed to aggressively collect intelligence and having failed to properly analyze what it has collected, the Government concludes officially that "the information available to us precludes ruling out the possibility that Americans are still being detained

against their will." And the Government proceeds on the assumption that at least some Americans are still held captive.

In practice, the Government has done everything possible to negate that assumption. It has been repeatedly stated in veterans' forums and elsewhere, that the United States has no credible evidence that anyone is held in captivity now or even, in some accounts, at any time since withdrawal of our forces in 1973. The media has been whispered off the track with anonymous comments that there are no live POW's.

Given this attitude and the timing of several of the quoted leaks to coincide with critical negotiating sessions with the Vietnamese, it is difficult to understand how the Government can effectively negotiate for the return of live prisoners, when it lacks the confidence of its own negotiating position. Basically, they're telling the Vietnamese they want information about live Americans at the same time they're publicly saying that they're all dead.

The Government publicists' preoccupation with remains is worrisome to the vast majority of us Vietnam veterans. But even if one assumes that there are only dead Americans, the negotiation effort has historically been inept. One would think that the negotiators would stop by presenting all discrepancy cases to the Vietnamese. The United States has never presented a full list of discrepancy cases to the Vietnamese.

In 1972, U.S. intelligence identified at least 180 unreturned men whose fate was the subject of confirmed enemy knowledge. Mr. Chairman, none of—some of those names have been presented to the Vietnamese, but never the whole 180, about half of them. The POW/MIA Interagency Group is said to be in charge of coordinating a policy on the highest national priority. What is remarkable about this group is the list of absentees. Neither the Central Intelligence Agency, the National Security Agency, or the Drug Enforcement Agency have membership on that committee.

That brings us to a salient question. How much raw information is in the possession of agencies other than the Defense Intelligence Agency or JCRC? For example, one, we have previously charged before the Senate Rules Committee that in June 1991 massive destruction of POW-related materials took place in the State Department. We have met with the Vice Chairman and Staff Director concerning this matter on the committee, and we hope that proper follow-up will ensue.

Two, as we indicated in our 1986 testimony before the Senate Veterans Committee, the FBI has done photo resolution of alleged POW's. What do its records show, and if the records were moved, where are they now?

Last, given the allegations of former National Security Agency intelligence experts, what do NSA records show or the Armed Services Security Agency's?

We of the Vietnam Veterans Coalition are prepared to work cooperatively with the Committee. While we are pleased with the selection of the Senators serving on the Select Committee and the top committee leadership staff, we have a concern that the investigative approach appears to be directed to making an analysis of Defense Intelligence records, rather than being able to deal directly with the totality of the issue.

A comprehensive investigation can only be assured—only—by augmenting the current staff with a team of professionals, such as FBI- and Secret Service-trained investigators to root out all the facts.

Thank you, Mr. Chairman.

#### MEMORANDUM

To: Senate Select Committee on POW/MIA Affairs  
From: J. Thomas Burch, Jr., Chairman, National Vietnam Veterans Coalition  
Re: Preliminary Ideas on Select Committee Agenda  
Date: September 19, 1991

#### I. INTRODUCTORY COMMENTS

It will be necessary for the Select Committee, which has a specific, limited lifespan (until December 1992) to 1) establish immediately a plan of action and specific goals; and 2) stake out its jurisdiction.

The primary goal of the Committee should be to obtain a final accounting for the 2,000+ missing from the Vietnam war. This is the proposed plan of action of the Vietnam veterans movement which we request the Select Committee to adopt.

#### II. OVERVIEW

There are two broad spheres of concern in this issue. One is what the Indo-Chinese (and by extension the Soviets and Chinese) know about the unaccounted for. The other is what we know about them, and who knows, and who has that information. These two spheres obviously interact, and resolution of this question will require exploring both.

The Select Committee should be able to make recommendations for a base-line policy determined by what it discovers and reports over its lifespan. Such a policy should protect future American servicemen from ever being pawns in protracted international endgames.

#### III. PRIORITY

The first priority should be given to review the most compelling evidence that Americans are still being held alive in captivity.

Furthermore, possibilities exist that former American POW's are alive and are being held in Soviet Gulags from World War II; in Korea, China and the Soviet Union from the Korean War, as well as the possibility that there should be more accountability of the missing from Operation Desert Shield.

#### IV. AREAS OF ANALYSIS

A final, nonpartisan, coordinated effort involving the Hill and veterans' groups is needed to satisfy all parties that the Government has, this time, done its utmost to put this matter to rest.

This Select Committee must not repeat the oversights and failures of past efforts to assess the issue of POW/MIA's. It is important to note that no previous committee has produced a comprehensive study of all facets of the issue. The Whitmire Report (1974), the Montgomery Report (1976), and Pentagon Reports have all failed to include objective forensic analyses of evidence. Past investigations overlooked or failed to coordinate evidence and intelligence reports. Scientific analysis of evidence has been inadequate.

Previous errors in judgment cannot be reiterated. In the past, there was no cross-referencing of evidence or intelligence coordination. There have been no formalized investigations and no independent scientific analysis. Further, there has been no analysis of why the various governments would keep POW's as hostages. Below are guiding questions that ought to be pursued:

- 1) Does the U.S. Government have valid information concerning live POW's?
  - a) Review all live-sighting and second-hand (hearsay) intelligence reports of U.S. POW's held in Southeast Asia, and the USG's action and analysis on each.
  - b) Review all satellite imagery of prison re-education facilities taken since February 1, 1973, all hand-held photography, all SIGINT, ELINT, or other intelligence information relating to the presence of Americans/caucasians in captivity in Southeast Asia; and,

c) Review finished intelligence estimates of the numbers of U.S. POW's still held in Southeast Asia after April 1973; including the Tighe and the Gaines report.

2) If the U.S. Government has valid information concerning live POW's, then has the U.S. Government failed to act on such information?

a) Review the *documentation* of each of the seven internal DOD "investigations" that have been conducted by DOD; and

b) Review the historical and *documentary* evidence that U.S. Government knowingly left U.S. servicemen in captivity at the conclusion of World War I, World War II, the Korean War, and the Second Indochina War. Specifically, the lists of the names of these individuals believed to be still in captivity after the conclusions of these wars need to be reviewed. These lists exist in the records of the U.S. Government.

3) Has the U.S. Government acted improperly to intimidate, coerce, or discredit sources which have valid information concerning live POW's, or mislead family members or Members of Congress?

a) Review the substance of Colonel Peck's allegations raised in his memorandum of resignation. According to Colonel Peck, while he was the Chief of the Special Office for Prisoners of War Missing in Action (POW/MIA), he was "not really in charge" of his own office and 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 illusion of progress through hyperactivity."

b) There should be an evaluation as to whether such records of Missing Men have been tampered with.

c) Review the role of executive branch personnel who have had responsibility for this issue, and appropriately evaluate their actions.

The Select Committee needs to identify and analyze the flow of data from the field to the analyst and the instructions from management to field personnel. There needs to be an assessment of the interaction among a) personnel records, b) combat reports, c) outside witness reports (first-hand sightings, or other credible information), and the evaluations to which these factors led, whether by the Department of Defense or, as in the case of some detainees in China and the Soviet Union, the Department of State.

#### V. TECHNICAL SUPPORT STAFF FOR THE SPECIAL COMMITTEE ON MIA/POW AFFAIRS

Since American citizens and Vietnam veterans and their families have lost confidence in the objectivity and veracity of DOD investigations of the POW/MIA issue, the current investigation cannot be conducted by military investigators. By assembling a team of nonmilitary scientists and forensic experts, the Senate Special Committee can ensure the credibility that past investigations have lacked. We have in the Federal Government and local law enforcement highly qualified experts whose services and knowledge can prove invaluable to this Committee.

A staff must be established and assembled utilizing the experts with investigative and scientific skills rather than political plum filling. Amateurs, volunteers, and retirees with good intentions must step aside. Professionals who possess the skills to perform the in depth scientific research and investigations are required from this point forward. The success of the Senators on the Committee to once and for all resolve this issue conclusively will have to be based on the very best staff work.

#### VI. SUGGESTED STAFF STRUCTURE

##### A. Staff Coordinator

Before any documents are gathered, before any investigations begin there must be someone with hands-on experience and knowledge who is able to moderate the objective. This position requires someone who can be responsible for determining the suitability of his counterparts. This capacity will also require someone familiar with the methodology and functions of governmental bureaucracy, *i.e.*, where to go and who to see and the skill to not be shelved by anyone. This position of staff coordinator dictates the individual have the ability to not only coordinate a staff and work with them, but also have the expertise to prioritize and tabulate the cases (prompt resolution taking priority) and have the contacts to draw on Government resources to supplement committee staff effect.

The staff coordinator and his deputies would appoint experts or arrange to have them temporarily reassigned or obtained on detail from numerous Federal agencies,

in the following areas: imaging science, photography and videography; document verification and handwriting analysis; polygraph, and audio tape enhancement; latent fingerprints. Linguists (Vietnamese, Cambodian, and Laotian); an historian and research assistant and special investigators are needed. Additional information with regard to the actual contributions such experts could make will be provided upon request.

In summary the staff coordinator must:

- A. Be cognizant of disciplines and functions of government bureaucracy.
- B. Coordinate the staff specialist/experts.
- C. Prioritize and tabulate the cases for prompt resolution taking priority.

#### B. Investigators

The National Vietnam Veterans Coalition knows of competent investigators who would be within their own environment working on this investigation and can be hired or detailed through the FBI, DIA, CIA and local police.

#### C. Linguists

We cannot justify or have faith in interrogation that is conveyed through a third-party when linguists are at hand. We need to use top grade translators. We must present ourselves as we wish to be acknowledged: disciplined and organized.

#### D. Scientific Researchers

This is not time for analysis by novices. We have within our realm scientists in the field of: polygraph, handwriting, imaging science, voice print and audio tape enhancement. Most scientists and investigators can be found as existing government employees, and detailed to the Select Committee at no cost. Everything the Pentagon, State Department, Attorney General's office, FBI, DIA and CIA have in their possession relating to MIA/POW's should be turned over to the Technical Staff Coordinator. All evidence must be scrutinized by this technical staff. No finding should be made public until all expert analysis is complete.

With regard to Americans missing from earlier periods—World War II and after, Korea, and other episodes—we need to establish systematic inquiries with the help of the State Department and private organizations in the U.S. and abroad to identify Americans in Soviet and Chinese incarceration. At the same time, we need to require the Departments of State and Defense to open the files and provide names of Americans about whom they have been asked. Traditionally, these departments have absolutely stonewalled inquiries about this.

### VII. SENATE HEARINGS

Open hearings should be conducted to the *maximum* extent feasible. Maximum effort should be given to witnesses who have first hand knowledge of live American POW's (such as Robert Garwood) and are intimately familiar with supposed deficiencies in the current analysis system (e.g. Col. William Peck and LTG Eugene Tighe).

### VIII. FINAL REPORT

There is almost universal dissatisfaction at present with the handling of the POW/MIA issue. If the Select Committee cannot identify problems and stumbling blocks or propose solutions that might lead to the fullest possible accounting, SSI will have been in vain. Consistent with the growing sentiment of the final need for openness, the final report of the Select Committee should be unclassified.

[The prepared statement of Mr. Burch follows:]

PREPARED STATEMENT OF J. THOMAS BURCH, JR.

Mr. Chairman, we thank you for this third opportunity to testify before a committee on the U.S. Senate on the POW/MIA.

We are now a federation of fifty-eight (58) Vietnam veterans and veterans issue groups, more than a few of whose representatives will be testifying during these hearings. For it is this issue which has proved to be the one of paramount concern to the greatest number of grassroots Vietnam veterans.

We submit that the centerpiece of the U.S. effort at resolution of this issue must be the recovery of live American prisoners. Unfortunately, this objective is thwarted by a process, or a policy that all prisoners are dead, notwithstanding any evidence to the contrary.

The first step toward resolution is intelligence collection. Yet nowhere is the overall effort more deficient. On October 25, 1985, then national security advisor Robert McFarlane told a forum: "What you need to do is have better human intelligence in Vietnam. Now we don't. And it takes a long time to get it, but I wouldn't pretend to you that we've done enough to even start."

Dave Simons, a retired special operations professional, spent several months in Thailand in late 1985, at his own expense, for the purpose of assessing our tactical intelligence capabilities, as pertaining to live POW's. His conclusion was that there was no such capability, e.g.

"There is a build-in delay in the initial intelligence collection from the refugees."

"There is no ongoing offer to officers or civil authorities of Vietnam, Laos or Cambodia on an individual basis, to induce them on their own to defect and bring a live American POW with them."

"We have paid spies and informers for over 200 years. Why stop now? There is nothing wrong with paying for information or service or risk. You don't buy a good spy cheap."

In short, the effort to collect intelligence has been passive. Rather than retain ground agents to penetrate the remote corners of Southeast Asia, the administrators of the "highest national priority" have preferred to wait for refugees to report sighting information. Even then, the follow-up has often been slow.

In 1986, the Pentagon angrily defended the admission that the Bangkok office of the Joint Center for Resolution of Casualties only had three people to check out possible live-sighting reports from hundreds of thousands of Indochinese refugees in eight countries: there was no need for more personnel to screen a largely static pool.<sup>1</sup>

Yet, Jim Barker, a former refugee worker in the Philippines, shortly thereafter described to the media<sup>2</sup> his experiences dealing with refugee reports, some of which were reported eyewitness sightings. Believing that the witnesses had no motivation to lie, he concluded that the reports added up to as many 100 Americans still alive, but "I don't see evidence that our government is taking much action." In May, 1987, we caught up with Mr. Barker and asked one simple question: how many reports would it take before a debriefer would be sent out to the refugee camp? His answer: it could take up to a *dozen* live-sighting reports to trigger interest.

Perhaps to deflect criticisms of this nature, the "Stony Beach" collection program was established in 1987. Where three individuals were allegedly more than adequate to address the matter only one year earlier, an ensemble more than ten times that size has been put into place in Thailand. Yet, this new program did not alter the fact that the collection effort is still largely passive. Where is the ground effort inside Indochina proper? When one reviews the recent statements by Col. Millard Peck, one sees that nothing has still been done in this direction.

The disinterest in the collection effort is tellingly demonstrated by the recent decision to add 100 slots to the POW/MIA effort. Only five of these slots are allocated to even the Stony Beach mission. The remainder are destined for the Defense Intelligence Agency, for the Central Identification Laboratory and other rear-echelon functions. Once intelligence is collected, it must be analyzed. An immediate, but generally overlooked, problem is that the "usable proof" test for the existence of live POW's, the satisfaction of which standard would trigger "decisive action" by the U.S. is unlikely to be satisfied, in any event. The criteria are so rigid that if, hypothetically, an American prisoner were to escape and report the continued detention of fellow prisoners, that report would not satisfy the criteria. Beyond that, the shortcomings in the analytical effort are too well known to bear reiterating in depth—from Gen. Eugene Tighe's "mindset to debunk" interview, through the Senate Foreign Relations Committee minority staff Interim Report, through Col. Peck's resignation letter. Against the weight of these, and other criticisms, it is trumpeted by supporters of the status quo that seven or eight investigations of DIA have found no coverup, which is somehow supposed to prove that DIA is working well.

Ourselves, we find it a remarkable commentary on the quality of effort that the POW/MIA establishment must find it continually necessary to have itself investigated in this regard, regardless of how many times it exonerates itself. And indeed, those of the reports and related materials which are available paint a picture of substantial shortcoming in the effort.

<sup>1</sup> Office of the Assistant Secretary of Defense, International Security Affairs, "Critique of ABC 20/20 May 29, 1986 Program, 'MIA's: The Story That Will Not Die'", (undated), p. 3.

<sup>2</sup> E.g., Jacksonville (NC) Daily News, August 30, 1986.