

Yesterday in my opening statement I made a point about how sometimes when we are deeply involved in an issue, one tends to lose sight of the forest for the trees, and I am not necessarily suggesting that this applies to you.

You are an MIA family member yourself and I do not, nor do I think, anyone questions your dedication to resolving this issue. In fact, you expressed a view that I expressed a couple times yesterday about working with the Vietnamese government and not putting them in a squeeze. I think I share with you very well wanting the Vietnamese to be open, if there are people over there, so we will not be in a situation where we cannot get our men out.

There is one thing that puzzles me and I would like to get it out on the record and let you have an opportunity to respond. Shortly after our visit in my office, or about that same time, I wrote to the Defense Department to get access to live-sighting reports, the very reports that have been discussed before this Committee over the past 48 hours.

It took me 2 months to get a response. I received a letter from Assistant Secretary Henry Rowen. He said that I could not see the reports because they are classified. Now, obviously that is ridiculous to you, ridiculous to people on this Committee, anybody in the Senate, but that was the response.

The response basically said that a U.S. Senator cannot review information because it is classified. I am just saying what it said.

Ms. GRIFFITHS. OK.

Senator GRASSLEY. Now, for the next 2½ months I fought quietly to get a more reasonable response. I kept hearing from inside the Pentagon that there was fierce opposition to my access for some reason, and for some reason I heard that that fierce opposition was coming from you.

Now, I can assure you, Ms. Griffiths, that I did not believe that. Why would any person in your position as the head of an organization that is looking to get the same results that this Committee wants ever want to deny access to a U.S. Senator in the pursuit of that same information to help families get an answer to whether loved ones are dead or alive?

Besides, I know, for instance, that you personally have access to this information. So why would you want to deny it to a Senator?

Ms. GRIFFITHS. Is that—That's the question?

Senator GRASSLEY. Yes.

Ms. GRIFFITHS. I don't. I don't want to deny it to the Senator. Our position has always been that there are responsible committees of Congress, we advocate and welcome.

Senator GRASSLEY. Well, after 2½ more months of failure to get a reasonable response, I finally stopped beating my head against the wall and I went to the Senate floor and I read Mr. Rowen's response to my colleagues in a speech on the Senate floor, and then within 24 hours I suddenly had the access that I wanted.

The reason I got access is because it sounded pretty silly in the public domain out there that DOD would deny any Senator access to information just because it is classified.

So within 24 hours I had access. Forty-eight hours later a memo from you to Paul Wolfowitz fell into my possession. It is dated

August the 2nd, 1990, and I would ask you if you are familiar with that memo.

Ms. GRIFFITHS. I'm familiar with it, but I don't have it with me.

Senator GRASSLEY. OK. I am going to put it in the record, but in this memo you blast whoever made a decision to grant access to a Senator. My name is not—I don't believe my name is specifically mentioned. You said that granting me access is tantamount to cooperating with a witch hunt.

[The information referred to follows:]

LETTER FROM ANNE MILLS GRIFFITHS TO PAUL WOLFOWITZ

FROM: Ann Mills Griffiths

Subject: Access to Classified POW/MIA Material

Date: August 3, 1990

On August 1, letters from ASD/LA Dave Gribbin were sent to Senators Jesse Helms (R-NC), and Charles Grassley (R-IA) giving them full access to cases of interest on the POW/MIA issue. In addition, Mr. Gribbin suggested that the Senators may wish to invite staff of the Foreign Relations, Armed Services or Intelligence Committees, with the appropriate clearances and with responsibility for the POW/MIA issue, to accompany them to review of the classified material.

An additional August 1 letter was sent to Representative Beilenson stating that Congressman Bob Smith (R-NH) would be provided the same opportunity, along with staff of the Armed Services or Intelligence Committees, under the same clearance criteria. Mr. Gribbin's decision to pursue this course (which I understand was strongly opposed by ISA, DIA and the Deputy Chief of Staff for Intelligence, Department of the Army) has far reaching ramifications about which I feel you and the Secretary should be aware.

As you know, the President, Vice President, Secretary Cheney, you Bob Kimmitt and others have firmly committed the U.S. Government to pursuing resolution of the POW/MIA issue as a matter of highest national priority. These pledges were taken at face value and gratefully received by POW/MIA families. If implemented, this course makes a mockery of the Bush Administration's commitments.

On any matter of highest national priority, sensitive information is not subject to indiscriminate release outside of the parameters established by the Congress itself, i.e., the respective Select Committees on Intelligence and responsible staff members with appropriate clearances. This path, if followed, sets a precedent for similar access on other issues; such a step would not be considered, much less approved, on Cambodian, Soviet, Chinese, Middle East or other matter of importance to the U.S. In short, the President's and Secretary's pledges will be viewed as nothing more than hollow tokenism.

Mr. Gribbin's communications authorize access to individual Members of Congress who have been loudest in proclaiming that USG officials are not pursuing this issue with integrity or priority. (Examples are enclosed.) Their records are replete with implications, or outright assertions, that the USG is involved in a conspiracy to coverup evidence that Americans are being held captive in Southeast Asia.

I have no concern that Members of Congress or staff will uncover anything which would lend credence to the charges of conspiracy against which we have collectively fought since the 1983-86 time frame. On the contrary, while problems are continuously identified and remedied, there is a great well of talent in DIA's Special POW/MIA Office.

My concern is that if this decision is implemented, the above message—that the POW/MIA issue is one solely of rhetorical priority—will be made clear throughout the U.S. Government. Equally or more important, Hanoi will perceive that stated U.S. policy on this issue is no longer valid and that resolution of the fates of America's POW/MIA's is not an issue which they need to seriously address.

Beyond these significant policy considerations, there will be a severe negative impact throughout the intelligence community. One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by DIA, Department of State, the FBI and DEA, as well as friendly foreign intelligence services and others with ongoing investigations and cooperative programs will cease all cooperation on POW/MIA related matters. Sensitive sources and methods will be exposed which will have an adverse effect on source coopera-

tion and reporting. Strategies will be exposed and negotiations will be compromised by revealing the extent of U.S. knowledge and intelligence gaps to those from whom we are seeking information.

As outlined in Mr. Gribbin's letters, DIA's Special Office for POW/MIA Affairs will necessarily be available to assist the Members of Congress and staff during their review of the material. This will usurp critical manpower from important and serious efforts to accomplish the objectives stated by the President and Secretary Cheney. The current level of personnel in DIA's POW/MIA office was established as a result of the Reagan/Bush priority, hard earned and absolutely mandatory. Squandering their time and efforts to participate in a "witch hunt" against themselves does nothing to help resolve the issue and, in fact, lends credence to those most involved in accusations that a "mindset to debunk" exists in that office.

Finally, indiscriminate release such as Mr. Gribbin has now invited will potentially subject POW/MIA family members to further, tragic exploitation by "activists." I am appalled by this action from an individual who obviously knows little about the issue but is seeking to render to Congress by sacrificing principle and the integrity of the President and Secretary Cheney. He clearly has no understanding of what this will mean in the broader sense, not to mention POW/MIA.

Senator GRASSLEY. You said the following things would happen if a Senator had access, and I am not going to read the whole memo because I have asked to have it included in the record, but just a few sentences.

"If implemented, this course makes a mockery of Bush Administration commitments." Next, "The President and Secretary's pledges will be viewed as nothing more than hollow tokenism. If this decision is implemented, the message that the POW/MIA issue is one solely of rhetorical priority will be made clear throughout the U.S. Government. Hanoi will perceive that stated U.S. policy on this issue is no longer valid and that resolution of the fate of American POW/MIA's is not an issue which they need to seriously address."

The last quote, "One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by DIA, Department of State, the FBI and DEA, as well as friendly foreign intelligence services and others with ongoing investigations and cooperative programs will cease all cooperation on POW/MIA related matters. Sensitive sources and methods will be exposed, which will have an adverse effect on source cooperation and reporting. Strategies will be exposed and negotiations will be compromised by revealing the extent of U.S. knowledge and intelligence gaps to those from whom we are seeking information."

Now, this kind of makes it sound like the sky is falling, all because one little insignificant Senator was asking for information to live-sighting reports.

So this is what I would like to have you explain: Why did you write this memo to Paul Wolfowitz, why do you believe a U.S. Senator should be denied access to the same information that you have access to as a private citizen, and why do you believe a U.S. Senator getting access would cause the sky to fall, and I think you would agree that none of this really happened, after I spent 4 days—

Ms. GRIFFITHS. Senator, I'm sorry, you misinterpreted it. It was never directed at you alone. It was a process that they were talking about of opening up everything in DIA's files without the kind of committee—outside of the committee structure of both Houses, of the Senate.

It had nothing to do with you. I have no objection whatsoever, under the rules and regulations of the Senate and the House, for your looking at classified information. That is your right, that is your obligation. It was the whole process that we were talking about here and they were not thinking it through for just full and open dumping of information, and I don't remember all of the details of it, but I know it had nothing to do with individual members of either House.

I do not believe that you all shouldn't have classified information.

Senator GRASSLEY. Well, I did not read the first sentence of the memo, but it says, "On August 1st, letters from Assistant Secretary of Defense, Legislative Affairs, Dave Gribbin, were sent to Senators Jesse Helms and Charles Grassley, giving full access to cases of interest on the POW/MIA issue," and then the rest of your memo.

So you were writing because we asked for the information?

Ms. GRIFFITHS. No; it was also to invite staff of the Foreign Relations, Armed Services or Intelligence Committees, with the appropriate clearances and with responsibility for POW/MIA issue, to accompany them to review all of the classified material, right? This is the same one?

Senator GRASSLEY. Yes.

Ms. GRIFFITHS. There was a longstanding policy, which I knew to be in existence, that the appropriate committees with responsibility on this issue would be provided full access to any and all information under the control regulations that you all have, which I know little about.

I also know that indiscriminate providing of some of that information, outside of the Committee structure, has ended up on the street. Family members have been exploited badly on this issue, even by some former Members of Congress.

There is absolutely no opposition that the League has or I personally have under the regulations and rules of the Senate and the House to you all having information, any of it. I would assume that you would not violate your own rules.

I do know a lot of family members, I would say, who are a little bit concerned for them to—for others than those that they—those that they approve of to have access to their own personal files.

Senator GRASSLEY. Well, let me conclude by making an observation. Based upon the comments you just made I can't help but interpret it any more than there were certain Senators you didn't want to have access to this information, because it was in direct response to the letter that Jesse Helms and I had written.

Ms. GRIFFITHS. I can review those if you would like, and provide you a written response, Senator.

Senator GRASSLEY. Well, let's let it go at that. I would like to conclude, Mr. Chairman, because my time is up, by making one observation. Ms. Griffiths also says in her memo that DOD, in cooperating with my request, quote, "lends credence to those most involved in accusations that a mind set to debunk exists in that office," end of quote.

Now, just yesterday I sat here and listened for the first time, as Chairman Kerry pointed out, to administration officials say that a mind set to debunk may, in fact, be part of the problem.

If I may return to a comment that I made at the outset, I mentioned that sometimes those of us who have worked so long and so hard on an issue, because of our dedication, can be too close and lose perspective.

I don't say this necessarily applies to Ms. Griffiths, but I think that we need to be consciously aware of this possibility all the time, and I believe members of this Committee are well-advised to keep this possibility in the back of their mind as they try to sort out the truth on this issue.

I thank you, Mr. Chairman, and yield the floor.

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

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

I have a question, but before I ask my question, I would just like to ask your consent that a statement by Ann Fischer whose brother is listed among the missing in action and whom I referred to yesterday be included in the record.

[The statement referred to may found in the hearing of Tuesday, November 5, 1991.]

The CHAIRMAN. Without objection, absolutely. I don't know if it is too late to try to take it back to that period, but if it can be, it will be; otherwise we will have it in the record.

Senator KOHL. Thank you so much.

Ms. Griffiths, what I have found is that there is considerable—among the people we are talking about, the families of POW's, MIA's, there seems to be considerable concern about your relationship with them and its depth, its meaning, its totality.

Now, I don't know why. I just became involved in this whole issue fairly recently, so I do not have any axe to grind. I mean, you are the person who has been involved for how many years?

Ms. GRIFFITHS. Well, on the Board for 4 years and League Executive Director for 13, brother missing 26.

Senator KOHL. Right, right. But what I have found is that there are even some splinter groups which have been formed apparently—

Ms. GRIFFITHS. That's correct.

Senator KOHL. —as a result of feelings of dissatisfaction with respect to the service that your group has offered, and it is pretty clear to me that you are the central person in that group.

Now, what would you say to these people? I mean, many of them, I suppose, are listening on television and have the same depths of feelings as you do.

Ms. GRIFFITHS. Sure. I understand.

Senator KOHL. And they probably would like to hear from you about some of the concerns they have, to alleviate them, to respond to them if they were sitting here and you had just a few minutes to talk to them in response to those things that have caused them to form their own offshoot groups. What would you say to them?

Ms. GRIFFITHS. Well, two things, one to them and one to you. The League is, as I said, 3,822 members. It's a democratic organization that elects a Board of Directors every year. In no organization, particularly one as emotional as this one, as this issue, all League members have a close relative that is missing, and there are varying views.

Each case is different. It's sort of like you're an elected Senator. I doubt that you got one hundred percent of your vote of your constituents, and that's just the way it goes. I don't make the policy of the League, I implement the policy the best way I can.

If there are those who are unhappy with it, there is a process for rectifying it, and that is through the election of the Board of Directors and their selection of Executive Director.

I would point out that a few years ago, when there was one of the controversies, I submitted my name to the membership as—not that it would be binding, because I'm selected by the Board, not elected as the Board members are, but to find out their views and had it been a bylaw, would have passed, because it was over two-thirds majority of all the voting members who voted.

So there's going to be different views. I think what's important to look at is that the consensus policy is what is League policy, and I've submitted that along with these documents as well. It can't please everyone, but the Board and I, the staff, are always open to suggestions.

We bring things to the Board. They're elected by the membership at large as at large delegates. If they have problems with the policies of the League, then that's the way they go about changing it, and I certainly understand that all family members are equally interested in getting their missing loved ones accounted for, but I can't account for the differences and views and it's certainly their right to start any, quote, splinter organization.

I have yet to hear any viable proposals from any splinter organizations, as you termed it, that offer an alternative that would get the fullest possible accounting for our relatives, and therein lies part of the problem. I don't know of a better solution, neither does the Board of Directors and neither does a good majority of our membership, know a better solution than what is being proposed.

What is being worked now, all that's missing, is greater responsiveness, not more effort. Does that answer your question?

Senator KOHL. Well, this is just your opportunity to address that problem to them.

Ms. GRIFFITHS. OK. I don't know what else to say.

Senator KOHL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Kohl.

Senator KASSEBAUM.

Senator KASSEBAUM. First, Mr. Chairman, my apologies for being late and to you, too, Ms. Griffiths. I tried to juggle a couple of other hearings and so I feel even remiss in asking a question, but I guess coming in a bit late into this exchange with Senator Grassley, you had access to classified material because of your role as an appointee of President Reagan on the Interagency Task Force?

Ms. GRIFFITHS. Well, it was an administration decision that dates back to actually the end of the Carter administration when the Interagency Group was formed.

Senator KASSEBAUM. Do you then in that role have access to any of the Vietnamese archives? I mean, most of that, I assume, is in Vietnamese?

Ms. GRIFFITHS. Yes.

Senator KASSEBAUM. But I would think that some of the archives there might also have some English translated reports.

Ms. GRIFFITHS. It's only been recently. We've been trying to get access for our linguists and specialists such as you all heard from earlier for a large number of years because we know—what we do know about their system is that their collection and retention of records remains information was extensive, thorough and highly successful, and so that's something that we've been seeking for quite some time.

General Vessey was able to move that forward further and there are indications now where our qualified linguists and research specialists are going to be able to get documentation.

I'm not an intelligence analyst. I don't—contrary to Mike Peck's assertions, I don't analyze intelligence reports either, but they are getting that kind of access that I think is going to be crucial to achieving the objectives.

Have I personally looked at it? Only what has been provided, excerpts.

Senator KASSEBAUM. On our own classified documents, how do you ascertain what it is you want to see or don't want to see or how do you factor in that access?

Ms. GRIFFITHS. Well, it depends on—as I was telling them earlier—

Senator KASSEBAUM. I don't want you to repeat it.

Ms. GRIFFITHS. No, no. I just don't have the kind of time. How I know what to look for is I'm involved in the whole formation of the roadmap, for instance, and the presentation and policy level dialogue with the Vietnamese, the technical level meetings and I think someone testified earlier, maybe it was at the Solarz hearing, that technical talking points are drafted out in CINCPAC, come in for the Interagency to look at them and then they go back out, incoming live-sighting reports, follow ups by DIA, ongoing dialogue in reports that come in from the field office in Hanoi.

I mean, it's a multitude of things, largely limited by my time limitation.

Senator KASSEBAUM. I don't want you to have to repeat what maybe has already gone through, and perhaps you have already answered, but I know you address Laos in a special section here, if anybody has asked you about that, and if you see greater access there now as well, and any—if you have noticed an ability to be able to more freely account for activity in Laos.

Ms. GRIFFITHS. I think of the relatively minimal percentage. It's roughly 18 percent or so of the 528 Americans that are missing in Laos, that the precursor of the current Laos government might have some knowledge. They are not known to have retained and collected a great deal of information.

They do now control the country, however, and the large percentage of—almost 85 percent that occurred in areas controlled by the Vietnamese, we are seeking Vietnam's cooperation to provide the data base that they have to match with our people's data base, to enable then joint investigations to take place, particularly the initial group of those, some discrepancy cases along the border that General Vessey had presented to them earlier.

I do see in Laos serious efforts and it's in relative terms. You're talking here of going from very little, one year, to really seven

joint activities in the last couple of years, I think seven, maybe less, and it's going to be seven or more this year.

With their limited resources and assets and personnel, that coming from almost zero is a lot, especially with access to additional provinces it should be much more, but I see them really making a strong commitment and really trying hard. They just need help every step of the way with personnel, resources, assets, assistance.

Senator KASSEBAUM. I'm now about out of time and maybe this was pursued—

The CHAIRMAN. Take a little—if you want to—

Senator KASSEBAUM. Just to pursue again the fraud issue—

The CHAIRMAN. Senator, if you want to take a little extra—

Senator KASSEBAUM.—that I raised this morning, has that been asked?

In your capacity as Executive Director, do you report to the Defense Department? I don't know who you might report to if you believe there is some fraud that members and the families have uncovered.

Ms. GRIFFITHS. Yes—well, no, not—it's been actually reported more to Congress. The Congress has asked us on many occasions, particularly the House Task Force and the Solarz Subcommittee have asked inquiries about that and on some occasions, you know, really there's nothing that happens.

It's not fraud so much as it's distortion or misinformation or a combination of that or emotional appeals, some of which are not based totally on fact or partially or whatever, so it's a combination of things, and earlier the House Subcommittee had looked into this to some degree, but I don't think anything further happened of it.

It comes to us frequently, we always just send copies so that everybody is aware of the latest thing that's going on, including to the Congressional Committees. We've been sending the staff of this Committee a great deal of information that comes in by fax and that kind of thing.

Senator KASSEBAUM. Thank you very much.

The CHAIRMAN. Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman.

Ms. Griffiths, if I could go back to this memorandum, you did write that memorandum that Senator Grassley quoted?

Ms. GRIFFITHS. It looks like mine. It's got everything cut off, but those are my initials.

Senator McCAIN. This was August 2nd, 1990, according to this memorandum, and you were basically complaining about the letter sent from Mr. Dave Gribbin to Senators Jesse Helms and Charles Grassley, giving them full access to cases of interest on the POW/MIA issue?

Ms. GRIFFITHS. Well, I can't remember what we—

Senator McCAIN. You were expressing your concern if this memo is true?

Ms. GRIFFITHS. That's correct.

Senator McCAIN. They did receive the clearance though from Mr. Gribbin, right, and they pursued as—

Ms. GRIFFITHS. Yes. It was something to do with what was in his letter, the way that it was worded that opened things up more than two individual Senators within the regulations of your own House.

What I'd like to do, Senator, is provide the copy of that letter, that correspondence, for the record. I would like to do that.

[The letter referred to may be found on p. 351 of the appendix.]
 Senator McCAIN. Fine, but your memorandum says, "Giving them full access to cases of interest on the POW/MIA issue, right?"

Ms. GRIFFITHS. I guess so.

Senator McCAIN. You said, in addition, et cetera, "The Senators may wish to invite staff of the Foreign Relations Committee, Armed Services, with the appropriate clearances and with the responsibility for the POW/MIA issue to accompany them to review the classified material."

That's your statement of what Mr. Gribbin's action did; is that correct?

Ms. GRIFFITHS. I guess. I think so.

Senator McCAIN. I mean, that is how you describe it.

Ms. GRIFFITHS. Yes.

Senator McCAIN. Then you go on down and make this a very—make a very strong statement against it. Now, this is your memo, as you say. You go on down in the third from the bottom paragraph and you say, "There will be a severe negative impact throughout the intelligence community. One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by DIA." Has that happened?

Ms. GRIFFITHS. No.

Senator McCAIN. It has not happened?

Ms. GRIFFITHS. I think the point of this, Senator, if I could respond?

Senator McCAIN. Yes.

Ms. GRIFFITHS. They were—There is a policy the Defense Department has for release of documents. What they were doing on this issue is not treating it with the same seriousness as which they treat other issues that you all consider serious and of high priority. It was a process problem, not individual members. Our view was it should be done—

Senator McCAIN. I understand that, Ms. Griffiths. You described that, I think, in your first paragraph. Not only was it Senator Grassley and Senator Helms, but also invite staff, et cetera, et cetera.

My point is those things did happen, Senator Grassley had access, staff had access, Senator Helms had access, which they have been previously described.

In your memo then, you go on to say, "If this happens," which it happened, "that there will be a severe negative impact throughout the entire intelligence community."

My question to you is, because those things happened that you were concerned about, as you expressed in your first paragraph, and you predicted "One can anticipate immediate CIA and NSA action to pull their documents and information from the files currently held by the DIA," my question to you is did those things happen.

Ms. GRIFFITHS. I have no way of knowing.

Senator McCAIN. Well, you have access to the files.

Ms. GRIFFITHS. I haven't gone back and gone through every file, so I don't know.

Senator McCAIN. Well, I think you would know, would you not, if the immediate CIA and NSA action to pull their documents and information from the files, I think you would know whether they were pulled or not; would you not?

Ms. GRIFFITHS. No, not unless I went back and looked through them. Let me put it this way—

Senator McCAIN. Well, let me go on. If you do not know, fine. "If the Department of State, the FBI and DEA, as well as friendly foreign intelligence services and others with ongoing investigations and cooperative programs will cease all cooperation on POW/MIA related matters." Has that happened?

Ms. GRIFFITHS. If they dump—it was—no.

Senator McCAIN. That has not happened?

Ms. GRIFFITHS. No. Have they ceased all cooperation?

Senator McCAIN. Yes.

Ms. GRIFFITHS. No, they have not, that part of it.

Senator McCAIN. As you anticipated?

Ms. GRIFFITHS. You're missing the point of what the memo was and maybe it was a poor choice of words. What I'm saying is, for anyone to go and declassify or to just open up their records—if DIA had NSA, CIA and everybody else's records in a file and gave it to someone, someone with clearance, not just—I don't mean members of the Senate, but wouldn't it be—there is a process for doing that with which all serious issues are pursued. We wanted the issue treated seriously.

Senator GRASSLEY. Can I clarify something?

Senator McCAIN. Ms. Griffiths—Go ahead, please.

Senator GRASSLEY. You said that I had asked things to be declassified. I have never asked anything to be declassified.

Ms. GRIFFITHS. I didn't say that.

Senator McCAIN. Ms. Griffiths, let me go back to the opening paragraph. "On August 1, letters from ASDLA, Dave Gribbin, were sent to Senators Jesse Helms and Charles Grassley giving them full access to cases of interest on the POW/MIA issue. In addition, Mr. Gribbin suggested that the Senators may wish to invite staff of the Foreign Relations Committee, Armed Services or Intelligence Committees, with the appropriate clearances and with responsibility for the POW/MIA issue to accompany than to review of the classified material."

In addition, a letter was sent to Congressman Bob Smith, et cetera. So you said, "I understand we're strongly opposed," et cetera, "has far reaching ramifications about which I feel you and the Secretary should be aware."

I believe you are talking about the August 1 letters that were sent to Senator Grassley and Senator Helms in the first paragraph of your letter.

Ms. GRIFFITHS. That's correct.

Senator McCAIN. OK. Those things happened. Then you later on say, "If these happen, then I anticipate lack of cooperation," et cetera, et cetera. My question to you is, did those things happen? Did all cooperation cease between the Department of State, FBI, DIA, as well as friendly foreign intelligence services and others

with ongoing investigations and cooperative programs, will cease all cooperation on POW/MIA related matters; did those things happen?

Ms. GRIFFITHS. Not to my knowledge. I don't know.

Senator McCAIN. I guess finally, did it usurp critical manpower from important and serious efforts to accomplish the objectives stated by the President and Secretary Cheney?

Ms. GRIFFITHS. Yes,

Senator McCAIN. It did usurp?

Ms. GRIFFITHS. Sure. Anything like that will.

Senator McCAIN. It did? The fact that Senator Grassley and Senator Helms and these other staffers had access to this usurped critical manpower from important and serious efforts?

Ms. GRIFFITHS. I don't know how many of DIA's personnel were assigned to sit there as they went through all of these things. It was a significant number.

Senator McCAIN. OK. Finally, being a member of the Senate Armed Services Committee, I am rather familiar with Mr. Gribbin and you say, "I am appalled by this action from an individual who obviously knows little about the issue," which may be correct, but is seeking to pander to Congress by sacrificing principle and the integrity of the President? Mr. Gribbin is not that kind of person, Ms. Griffiths, and if I were him I would be very offended at that depiction of the actions that he took without any evidence to the contrary.

Ms. GRIFFITHS. Hindsight is much better. I agree.

Senator McCAIN. Thank you. I have no further questions, Mr. Chairman.

Senator REID. Mr. Chairman, before we go vote, I get to say one thing.

The CHAIRMAN. Senator Reid.

Senator REID. I don't know Colonel Peck, never seen him, don't know if he is going to come and testify before us, but I do not think we can just discount his statement about you based upon this memo that you prepared.

Ms. GRIFFITHS. Well, I suggest, Senator, that—first of all, I did say I would provide an explanation for the record with the letters that go with that, and, second, the inquiry that you've requested, that I understand, Assistant Secretary Duane Andrews has said that what he will provide will probably give you clarifications.

Senator REID. I hope so, because—

Ms. GRIFFITHS. I hope so.

Senator REID.—this is exactly what Colonel Peck is saying or what he said, is what you have in this memo to whatever his name is, Wolfowitz.

Ms. GRIFFITHS. Wolfowitz. No, sir, that was not—I don't consider that at all the same.

The CHAIRMAN. If I can, before I run off and vote also, hopefully Senator Smith will get back, let me raise a different light on this, Ms. Griffiths, if I can.

One of the great concerns here that has been expressed by many people, and you expressed it in the memo, is the notion that there is a conspiracy, that people want to cover up, and what you write in this memo in one paragraph is the following.

You say, "Mr. Gribbin's communications authorize access to individual members of Congress who have been loudest in proclaiming that U.S. Government officials are not pursuing this issue with integrity or priority."

That is underlined incidentally. Is that your underlining?

Ms. GRIFFITHS. I don't know.

The CHAIRMAN. It's underlined in the copy I have and it is sort of selectively underlined. I assume that is your underlining, but I am not going to say that with certainty. But what you seem to be implying is that because they are doubting, they are among the doubters of the effort to try to get at this that they somehow should be singled out as not getting it.

Ms. GRIFFITHS. No.

The CHAIRMAN. But whatever the purpose is, whatever the purpose, the impact is what is important. This is the kind of response that has just raised the hackles of everybody and suggests to people that somebody has something to hide.

Can you, sort of looking at this now, say yes, I see that?

Ms. GRIFFITHS. No, I do.

The CHAIRMAN. You do see that?

Ms. GRIFFITHS. Yes. I should never have sent that, I realize that.

The CHAIRMAN. Let's hold the—sir, this is not—I have not spoken out previously, but we do not want demonstrations here on any side whatsoever of this issue. This is too serious.

Ms. GRIFFITHS. My point in this, Senator, was that there is a process through the Committees of the Congress—

The CHAIRMAN. No, I understand. I can truly read your point.

Ms. GRIFFITHS. The League wants this issue treated seriously.

The CHAIRMAN. Correct, but my point is, and you have acknowledged it and I appreciate that candor, is that we have a history of this. This is precisely what has got people so tangled up in a quandary about the credibility factor, rather than the response, "Senator, come on over. My God, yes, we want you to see this and, of course, we want you to evaluate it."

A document appears that suggests to the contrary, how dare we let people who are doubting our effort see this. Now, what happens as a consequence is that that just feeds the frenzy.

Ms. GRIFFITHS. I understand.

The CHAIRMAN. And I'm afraid that—I mean, as this Committee goes along, what we are going to find is sort of a process of that. Now, you yourself started out in this and I do not doubt for an instant, and I am not going to suggest it, I mean, you clearly have the same intention as everybody else. If somebody is alive there, you want to get them back and you want to do it tomorrow.

Ms. GRIFFITHS. Yes.

The CHAIRMAN. And I am sure there are a lot of people so intentioned over the years, but who for defensive or turf reasons or whatever or did not want their integrity doubted or did not want someone else looking at the issue, and so that mindset to debunk that we have heard about kind of possibly crept in there.

I think that is what we have to look at. Now, I am intrigued, because you have made a very important statement here, a number of very important statements, and incidentally, you are very articu-

late and you clearly know this issue as well as anybody and you have invested an enormous amount in it.

What I want to try to get at a little bit is sort of that history during those years that you had some difficulties, too, so we can understand it, because I think it is terribly important for this Committee to be able to sort that out.

Now, I am going to recess us momentarily here. I know it will be very short. Senator Smith will be back, probably we will cross in the hallways, so if people could sit tight, we will pick up in just a couple of minutes. As soon as we finish any further questions with you, Ms. Griffiths, we are going to put the other family panel on and then we will close out with the final Defense Intelligence Agency panel.

So we will recess for a very, very brief moment.

[Recess.]

Senator SMITH [presiding]. I think we need to resume. I am hearing there may be another vote around 4:30 p.m., so hopefully we can finish. Senator Kerry is on the way back.

I just want to follow up on a couple of points. I think the memo was fairly well covered. I guess I would just ask, I don't know if you were here—you were not here, I guess, yesterday, but one of the things that I think we have all said is that we would like to, in examining some of the mistakes of the past, we would like to try to correct things for the future so that we can make—try to move on and that was pretty much the gist of my opening statement, rather than to do battle with each other.

Do you feel now any concern or do you have any problem with any information, all information that you have seen, or any and all information you have seen coming to this Committee as under the direction of Secretary Cheney?

Ms. GRIFFITHS. No. As long as it's with the procedures and regulations that you all have, you know, for committees of the House and Senate.

Senator SMITH. When you first became involved with the issue, you, like a lot of us, got involved and you are much before me, because of—obviously because of the loss of a brother, but when you first became involved in it as an activist of the League, not as a family member per se, but getting involved in it in a formal way, you were concerned that things were not being done right.

I mean, that is what you have said in your testimony over the years, that you did not—in fact, I think, as I have a comment here that you said, and I think this was September of 1987, where you said in a House Foreign Affairs Subcommittee Hearing, and I do not recall whether I was there or not, but it was an answer in response to a question that John Rollin asked you.

"Do you believe we left Americans behind in 1973?" and you said, "Yes, I certainly do. There's no disagreement that Americans survived after the war."

Now, do you make that statement based on information, factual information, or intelligence that you have seen? Is that why you make that statement?

Ms. GRIFFITHS. I make it on the basis—well, first of all, we in the League, but also I personally, believe Americans are alive now, Americans that—POW/MIA's. To make that statement, to have

that view, we have to believe that they survived the end of the war.

We don't have—we can't prove it. That's why we say we believe it or it's our view, it's our position. What we know is the body of facts about people that were alive, who haven't come back, the continued reports that come in that indicate they could be that are under priority investigation.

So it's not on a basis of—like, for instance, what Mr. Bell was talking about, Bill Bell. He would have been in a position to know intelligence information at the end of the war. We certainly were not. We were being, in fact, misinformed at the end of the war.

Senator SMITH. OK. Here's what I am trying to get at. As basically someone at the time who was critical because you felt that not enough was being done to account for the men, this is prior to your involvement directly, you were critical of the process, as a lot of people were, and that would include Mr. Bell's time on the watch, and it is not necessarily Mr. Bell personally, but just the process, people were not accounted for—

Ms. GRIFFITHS. They weren't being supported in the field, that's for sure.

Senator SMITH. Right. Exactly.

Ms. GRIFFITHS. With the political backing.

Senator SMITH. Right. That is my point. Not to cast any aspersions on those gentlemen at all.

Now, what have you seen—are you satisfied, since you have been involved and you have seen intelligence over the years, are you satisfied that whatever those mistakes were have been corrected in the sense that the way we operate now, we are, in fact, seeking answers?

Ms. GRIFFITHS. I'm never satisfied. I mean, there's always—it's been a constant state of improvement, change, evolution. They have a whole lot of new people being assigned. I know that there are professional people in the positions.

I think we've got a better chance now; in fact, probably the final shot at getting this issue resolved in view of the political circumstances, which is what I think this Committee can help with.

Senator SMITH. I agree and I think we want to try to work together to do that, and what I am saying is—maybe I am not making myself clear. What I am trying to say is if you were building a house and the foundation is—if you want to build a third story or second story and the foundation is sinking, there is not much point in putting the second story on.

We have heard a lot of testimony about adding people, adding layers of people. The question is, are those layers of people weighing down the process or are they helping to resolve the process, and I think that is very important.

Ms. GRIFFITHS. Yes.

Senator SMITH. I mean, numbers of people are not in themselves the answer to this problem. I just want to make sure that whatever the mistakes that you saw, that you felt were made, and something motivated you to get into this thing, as an insider now in the process, do you feel that those things have been corrected and that we are, in a sense, building on a strong foundation rather than a weak one.

Ms. GRIFFITHS. Well, for instance, the new Joint Task Force concept, I think the two-tiered approach has definite advantages, meaning that Bill Bell and his researchers and others that are assigned to the Hanoi office will have a continuing and ongoing investigation on all of the last known alive discrepancy cases.

I think that's positive because it's been kind of in and out, and, of course, the office has only been there such a short time, so I think the two-tiered approach, pursuing those on a continuous basis and constantly feeding back and forth with the Vietnamese and doing that investigation, that's a positive step, as is using field investigations where you have a core discrepancy case, but pick up everything else at the same time.

I think that's going to give us more answers more quickly, even if there's nothing as far as direct results in the field other than information, because so much of that information is leading to the fact that remains were previously picked up if, in fact, a man was dead.

So I'm concerned though, any other layers of bureaucracy are always difficult. I think that the assets and resources that CINC-PAC has immediately available can be helpful so long as the knowledge and the direction of what they're trying to do—I mean, without the Bill Bells of this world and Bill Gadoury when it comes to Laos or Colonel Cole when it comes to, you know, the intelligence—

Senator SMITH. But those gentlemen or their counterparts before them were there then and nobody—

Ms. GRIFFITHS. No.

Senator SMITH. Well, they were there—somebody was there—

Ms. GRIFFITHS. Are you talking about pre-1982 or are you talking about 1982 to 1985 or 1985—

Senator SMITH. No, I'm talking about pre-1982. Let me just go back to a statement that George Brooks made of the National League in 1985. "From the very first instance in November of 1977, when information of a live sighting was made available to the DIA and they refused to interview that refugee, although he was less than two hundred miles from the Pentagon, suspicion started to rise about how dedicated our government agencies really were in this matter."

Ms. GRIFFITHS. That's correct.

Senator SMITH. Now, obviously I do not want to read the whole statement, but those kinds of things are what obviously motivated many in the League to move forward and to become involved to a larger extent.

Ms. GRIFFITHS. We had an information collection—

Senator SMITH. All I want to know is what has changed, what has changed? What has changed in the process now that makes you say that by building more foundations that we are building on solid ground? What do you see differently that is going on today that was not going on in 1975, 1976 or 1977?

Ms. GRIFFITHS. Today what I see going on differently is a greater responsiveness from the Indochinese governments because of political reality and circumstances which now exist. I see many more personnel and resources being devoted to the problem because there is now a need where there wasn't in 1985 and 1986.

Senator SMITH. Excuse me. Let me see if I can just pursue it and bear with me, Mr. Chairman.

In 1973, I believe it was Roger Shields, but I may be wrong, said that everybody was dead. I mean, that was—Senator Kerry mentioned that this morning. Everybody was dead and this was just a few days or a few weeks after the Accords.

That was then the official policy of the U.S. Government. Obviously that upset the families.

Ms. GRIFFITHS. Yes.

Senator SMITH. Therefore the families got involved to a larger extent than they had before and formed the League, indeed, or formed the League even prior to that.

Now we say that the next level up from they are all dead is we are not going to rule out the possibility that. Now, what brought you from that position on this end to the position now that you saw directly in the intelligence?

In other words, the same intelligence that was there 1973, 1974, 1975, 1976, 1977, you cannot change that, whatever they had, they had. We might have added to it or criticized some of it.

Ms. GRIFFITHS. I understand.

Senator SMITH. But the point is it was there. Something happened to cause you to say that that was wrong, that that conclusion was wrong, because you still maintain, as you said here in 1987, there is no disagreement that Americans survived after the war.

Ms. GRIFFITHS. In our view.

Senator SMITH. Right. So what is it that caused—so in other words, the policy was wrong in 1973 to say that they were all dead.

Ms. GRIFFITHS. Right.

Senator SMITH. Somebody said it even though we have testimony today that for the first time that I have heard from those who worked the issue, that, in fact, they did not think they were dead, but Shields said it.

Ms. GRIFFITHS. Chappy James mostly.

Senator SMITH. He was a very high ranking government official.

Ms. GRIFFITHS. Unnamed Pentagon.

Senator SMITH. So something had to cause you now, over the years, to change—to not accept that and to say not only did you not accept it, but that the probability—the possibility exists, that we are not ruling out the possibility, that there are people alive.

Ms. GRIFFITHS. That's the U.S. government position. We go beyond that, but absolutely something changed. The data base in 1973 to 1977, that is what we base our position on, has always been there. The discrepancy cases of men were thought to be alive.

The Chairman (presiding). Has any of that data base been destroyed or altered?

Ms. GRIFFITHS. Not that I'm aware of.

The CHAIRMAN. You still have access to that same data base?

Ms. GRIFFITHS. No, I'm talking about—

The CHAIRMAN. The data base of 1973 to 1977 that suggested to you—

Ms. GRIFFITHS. But the data base I'm talking about, Senator, is the discrepancy cases of people that we know were alive on the

ground. I don't go through individual family members' files or individual men's files unless the family asks me to.

Senator SMITH. Just one specific question. Did you have any direct involvement in the Singkapo case?

Ms. GRIFFITHS. The what?

Senator SMITH. Singkapo case.

Ms. GRIFFITHS. General Singkapo?

Senator SMITH. Yes.

Ms. GRIFFITHS. Only urging the Laos to allow U.S. officials, experts, linguists, access to talk with him.

Senator SMITH. He was talked to, as far as you know?

Ms. GRIFFITHS. Yes.

Senator SMITH. What did he do, recant his story?

Ms. GRIFFITHS. I'm sorry?

Senator SMITH. Did he recant his story of seeing Americans?

Ms. GRIFFITHS. I don't know to what extent that information is still classified. You'd have to ask that question of DIA that I assume is coming up after me.

Senator SMITH. What was your involvement in that matter? Just tell me how you were involved in anything to do with that case.

Ms. GRIFFITHS. Asking the Laos to allow the experts access to General Singkapo.

Senator SMITH. In Laos? In other words, you met with the Laos here and asked them to do that in—

Ms. GRIFFITHS. And also in Laos. I mean, Carl Ford and I went on one trip and one of the things we asked the Laos to do was to allow the experts to talk to General Singkapo over what knowledge he might have on the live sight 1985 incident.

Senator SMITH. One of the criticisms, and I do not know if it is a personal criticism of you, one of the criticisms of the League is that the League and the U.S. Government are, in fact, not one and the same thing, but, in fact, under your hat are.

Now, when you go to interview the Laos or talk with the Laos about interviewing General Singkapo regarding an alleged sighting of an American, do you go as the League of Families or do you go as the U.S. government?

Ms. GRIFFITHS. I go as a family member who is a member of the IAG and it depends on the trip. I took a trip to Laos this past August and I went as the League Executive Director, not a member of the IAG, although it certainly was with the knowledge that I was IAG.

Senator SMITH. I know you are compensated by the League. Are you also compensated by the U.S. government?

Ms. GRIFFITHS. No.

Senator SMITH. No compensation from the U.S. government at all?

Ms. GRIFFITHS. No. In fact, I even have to pay for my meals when I'm on the plane with General Vessey. Now, I don't have to pay for part of the gasoline to fly the plane, but I have to pay for my own meals.

Senator SMITH. Thank you.

Ms. GRIFFITHS. But, Senator, to follow up on the—there are different trips that—when I go with General Vessey, obviously I'm

going as a member of the IAG, but representing the views of the families as a member of the IAG.

I would also like to clarify that the access to information is basically because I'm a principal member of the IAG. That's what has always been the basis, but to represent the views of the families as far as what we feel needs to be done to get this issue resolved as quickly and rapidly as we can.

Also, I never—I do not have like the classified information in my office. I read at State or read at Defense or read wherever, because I don't have what they title that secure holding facility.

The CHAIRMAN. Gentlemen, what I would like to try to do, unless there are questions, we clearly have areas that we could continue with Ms. Griffiths. This is not meant to be exhaustive of our opportunities to talk with her obviously, and I know she is going to be available and working with us closely.

So unless there are questions that people think we ought to go, we have another part of this panel and I do want to be able to give sufficient time today because they have waited almost 24 hours now as our DIA folk.

Is there any objection to that? Senator Grassley, are you satisfied? Senator, is that all right with you if we move on?

Senator GRASSLEY. Yes.

Ms. GRIFFITHS. Can I just say that I did want to say that I appreciated what you had to say, Senator Smith, in your opening statement, and I did read them all, and the appeal for everybody to try to work together and not have recriminations about past things and I think that's a good way to pursue this, and the Committee—and I welcome whatever you find.

I just hope that it moves—serves to move forward getting the results we're looking for, and that's the principal measure of effectiveness. I was prompted when Senator McCain was mentioning the memo, which I will dig out the research and find out more about it, but who was it—it may have been Senator Dole or Senator Danforth in the Gates Confirmation Hearing, said, "If you've never made any mistakes or you haven't written anything or you haven't taken any risks, then you don't count for much and you're not worth having," and I think we all make mistakes.

The CHAIRMAN. Ms. Griffiths, let me just say to you that I appreciate that and obviously we all do. Every one of us sitting up here can point to a hundred of them, probably a hundred a week, but the key here, and I want to keep emphasizing it, is that the Committee has to do as much of this as openly as we can. We have made that promise and we must.

Number two, if everybody is forthcoming here, I do not think you have seen any Senators jumping down anybody's throat, I do not think anybody is going to sit here and try to say, "You guys made a terrible judgment." I mean, things will stand as they stand, the record will be the record.

The important point is to have a record that does speak for itself and to have a record that is clearly intelligible and where people say, "This Committee asked all the questions, got the information, was not denied," and so forth.

Now, already in the first 2 days, we have had inquiry that has never taken place before this. I mean, for all the years of inquiry,

nobody has ever talked to the people who were on the ground, nobody has ever—we have just begun to scratch that surface, but I said that this will be different. I think it already is different and we are going to continue to make it different, and the key is not to hold back because somebody says, "I do not want the Committee to be able to say a mistake was made ten years ago."

Ms. GRIFFITHS. No.

The CHAIRMAN. Mistakes were made 10 years ago. We all know it.

Ms. GRIFFITHS. We sure do.

The CHAIRMAN. And the key now is to just readily admit them, and I am confident that if we do that, we are going to help the Vietnamese to understand our own seriousness here and the Laos and so forth, and that will help to enhance this process.

Ms. GRIFFITHS. Well, there are three requests I would make that I know you've already requested, and that is—in fact, my Board has voted, to request public release of the Tighe report, public release of the roadmap and public release of the inquiry on Colonel Peck.

The CHAIRMAN. We absolutely intend to do that. Let me just say to you, Senator Smith and I have met with General Tighe, that General Tighe has agreed to come and testify. He is not here this week simply because he is not well, as people know, and it just is not possible this week, but he will be coming, and there is no player in this who will not either be deposed or interviewed or serve as a witness over the course of this time.

So all the names from Garwood to Hendon to whomsoever, whoever is not in this, they are going to be inquired of or there is no way this Committee can ultimately pretend that we have exhausted the possibilities.

Ms. GRIFFITHS. I think that's good. I wish you luck.

The CHAIRMAN. Thank you; appreciate it. We thank you very, very much; appreciate it.

[Witnesses sworn.]

STATEMENT OF PATRICIA ANN O'GRADY, PH.D.

Dr. O'GRADY. My name is Patricia O'Grady. I'm the daughter of Dr. Richard O'Grady who was captured in 1967. I would request that since I was required to make only a 5-minute statement, that additional information could be submitted into the record.

The CHAIRMAN. Whatever additional information you have will be placed in the record as if placed in during your full testimony.

Dr. O'GRADY. Thank you, Senator.

The CHAIRMAN. And if you want to introduce any of that in any way, we certainly want you to be able to explain it.

Dr. O'GRADY. Thank you, Mr. Chairman and Committee Members.

I testify before you today on behalf of my father, Col. John O'Grady, who is finally known to have been captured alive. This information could have been obtained many years ago. But after 24 years, I can finally tell you how many cigarettes were in his pack and I can also tell you where his actual captors live today.

Yet this information was not released to me directly or readily. This information was only released to me accidentally, despite contradictory testimony that you have heard, I can document fully that every claim made by Senator Helms and Colonel Peck is absolutely true. Do you care? You still give the families only 5 minutes to bear the burden of providing to yet another Committee that these men are alive while the Department of Defense works overtime "proving" that they are dead.

In June 1990 the Vietnamese filed a report that stated that Colonel O'Grady had been shot down and "buried." I still do not have a copy of that report. However it was widely circulated without my knowledge throughout U.S. Government agencies. This burial information was reported as fact by our Government even though nobody ever bothered to contact the original source. This information was reported as fact even though a search of the alleged burial site revealed that, and I quote the JCRC report, "No burial had ever taken place there."

This false burial report was used to reclassify my father as one of the 31 discrepancy cases that General Vessey referred to in hearings before the Congress on July 17, 1991 as KIA/BNR, fates resolved. Resolved, Senators, based upon an uncorroborated statement made by a Vietnamese official. Are these men so unimportant? Is our Government so inherently dishonest that you no longer require any real evidence to resolve a case?

JCRC does not even have to scrape together a few pig bones or human fragments or pieces of tooth anymore. They can simply find some pitiful family member willing to bury fraudulent remains or they can simply report that O'Grady was "buried." Why waste the taxpayers money or give the families any false hope that you really seek the truth? Why not just the Vietnamese a list of resolved cases for them to initial?

Why not? Because our POW's will not die so conveniently. My father's case was closed officially for 7 months. Then unexpectedly the first-hand source of the burial report contacted the JCRC team and volunteered that his report had been based exclusively on hearsay. Then he volunteered the names of the men who actually captured my father.

The actual captors, Senators, were not Vietnamese. They were members of a small ethnic faction who live in a remote mountainous region outside of official Vietnamese control. The evidence in the document that I have comprehensively analyzed for you and submitted for the record asserts that my father was never transferred to Vietnamese control. Two additional eyewitnesses confirmed that he was not turned over to the Vietnamese the next day and that the reports of his death and burial were based on village gossip.

The Vietnamese subsequently promised a witness and I.D. card that would somehow document their burial claim. But nothing was produced. Why? Because they don't have it. They lied because we do not encourage them to tell the truth or to return live Americans; only to account for dead ones.

We continue to encourage the Vietnamese by our policies and practices of long standing to provide false information that proves them dead. The Vietnamese changed their report after the new in-

formation from my father's captives. They got this information because we invited them to interview the captors with us. No U.S. official has ever spoken to these individuals without the Vietnamese present.

My Government jeopardized my father's recovery by providing the Vietnamese direct access to its ethnic captors and by providing them access to highly sensitive information. Do you think they might fear retaliation?

The Vietnamese did not know where my father was until we took them to find out. Do you think this group would be willing to admit in the presence of the Vietnamese they never turned this pilot over? If these individuals had ever been contacted without the Vietnamese present, he might have been recovered.

I would like the same privilege, Senators, as the Vietnamese. I would like to speak to my father's captors without the interference of the Vietnamese. But no one will give me the names of my father's captors. If the Vietnamese are free to contact them, why can't I?

At Ban Ha Noong, my father was probably transferred to one of 9 known Laotian POW camps in the area. He may be one of the Americans that is held in wild, remote, mountainous areas outside of Vietnamese control. The Vietnamese have gone on the record admitting that such men may be held outside of their control in such areas on numerous occasions. But I may never know because the "cooperative Vietnamese" have denied Americans any further access to this area. They ordered the American team to leave the area and stopped the Americans from attending the joint final exit interview.

Still the charade continues. Fingerprints and dental records disappeared. Journalists are attacked. Legitimate pictures are discredited. Still you work feverishly to normalize relations and lift the trade embargoes so that AT&T can conduct business.

Let the epitaph of our POW's read betrayed for 30 pieces of silver.

You hide behind us proclaiming that you will normalize "so we can get access." You could give me access today. But you won't. You will just continue to account for POW's like dollars and cents, manipulating figures.

Hundreds of families have stories just like mine. Yet there is not enough time for each of them to come forward and speak. Even when we appear before you, we must prove our loved ones are alive by a standard not required of the U.S. Government to prove them dead.

There are numerous actions that you could take to stop this fraud and deceit. But it seems that you are more interested in pork rinds and oil interests. If you don't care, we do. The day the trade embargo is lifted and normalization occurs is the day that you will see tens of thousands of families and veterans and citizens who want honest recovery of our men, marching through the halls of Congress and in every city and town. Our POW's depend on it.

Thank you, Senators.

[The prepared statement of Dr. O'Grady follows:]

PREPARED STATEMENT OF PATRICIA ANN O'GRADY, PH.D

Mr. Chairman and Committee Members, I testify today for my father who is FINALLY KNOWN to have been captured ALIVE. This information COULD have been obtained many years ago! After 24 years, I can tell you where his ACTUAL CAPTORS live today.

Yet, this information was only released accidentally. Despite contradictory testimony, I can chronicle extensive dishonesty and concealment and document that every claim made by General Tighe and Colonel Peck is absolutely TRUE!

Do you care? You still give the families only 5 minutes to bear the burden of proving to yet another Congressional Committee that these men are alive, while the Department of Defense works overtime "proving" that they are dead.

In June, 1990, the Vietnamese filed a report that stated that O'Grady had been shot down and "buried". I still do not have a copy (JCRC Liaison 1304392), but it was circulated throughout U.S. government agencies. This "burial" information was reported as fact even though nobody bothered to contact the original source. This information was reported as fact even though a search of the alleged "burial" site revealed that "no burial had ever taken place" there.

This false "burial" report was used to re-classify my father as one of the 31 discrepancy cases that General Vessey referred to as KIA/BNR "fates resolved" [but further effort is required to recover remains] (Prepared Testimony, House Subcommittee on Asian and Pacific Affairs, July 17, 1991).

"Resolved"—based on an uncorroborated statement made by a Vietnamese official. Are these men so unimportant, is our government so inherently dishonest that we no longer require ANY real evidence to "resolve" a case? JCRC does not even have to scrape together a few pig bones or tooth fragments anymore. They can simply find some pitiful family member willing to bury fraudulent remains. Or they can simply "report" that O'Grady was "buried". Why waste the taxpayers money or give the families any "false hope" that you really seek the truth? Why not just send the Vietnamese a list of "resolved" cases for them to initial?

Why not? Because OUR POW's WILL NOT "DIE" SO CONVENIENTLY!
My father's case was closed for seven (7) months. Then unexpectedly, the first-hand source of the "burial" report volunteered that his report had been based exclusively on HEARSAY. Then, he volunteered the names of the actual CAPTORS!

The actual captors were NOT Vietnamese. They were members of a small, ethnic faction who live in a remote, mountainous area outside of official Vietnamese control. The evidence asserts that my father was NEVER transferred to Vietnamese control, 2 eye-witnesses confirmed that he was NOT turned over to the Vietnamese and that the "reports" of his "death and burial" were based on village gossip. The Vietnamese subsequently promised a witness and an ID card that would somehow document their "burial" claim. But, nothing was produced. Why? Because they don't have it! They lied because we do not encourage them to tell the truth or to return live Americans, only to "account" for dead ones. We continue to encourage the Vietnamese to provide FALSE information that "proves" them dead.

The Vietnamese changed their report after they got "new" information from the captors. They got this information because we invited them to interview the captors with us. No U.S. official has ever spoken to these individuals without the Vietnamese present!

My government jeopardized my father's recovery by providing the Vietnamese direct access to his ethnic captors and to highly sensitive information. The Vietnamese did not know where my father was until we took them to find out!

Do you think that this group would be willing to admit, in the presence of the Vietnamese, that they never turned this pilot over? Do you think that they might fear retaliation? If these individuals had ever been contacted WITHOUT the Vietnamese present, he might have been recovered.

I would like the same privilege as the Vietnamese. I would like to speak to my father's captors WITHOUT the interference of the Vietnamese. But, no one will give me the names of my father's captors. If the Vietnamese are free to contact them, why can't I?

At Ban Ha Noong, my father was probably transferred to one of 9 known Laotian POW camps in the area. He may be one of the Americans that is "held in wild, remote mountainous areas outside of our [Vietnamese] control".

I may never know because the "cooperative" Vietnamese have denied Americans any further access to this area, they ordered the American team to leave the area and stopped the Americans from attending the "joint" final exit interview.

Still the charade continues! Fingerprints and dental records disappear, journalists are attacked, legitimate pictures are discredited. Still you work feverishly to nor-

malize relations so that AT&T can conduct business. LET THE EPITAPH OF OUR POW'S READ: BETRAYED FOR THIRTY PIECES OF SILVER!

You hide behind us proclaiming that you will normalize "so we can get access" Don't lie! You could give ME access today, but you won't, You will just continue to "account" for POW's like dollars and cents—manipulating figures.

Hundreds of families have stories just like mine. Yet, there is never "time" for each of them to come forward and speak. Even when we appear before you we must prove them alive by a standard not required of the government to prove them dead.

There are numerous actions that you could take to stop this fraud and deceit. But, it seems you are more interested in pork rinds and oil interests. If you don't care, we do! The day the trade embargo is lifted and normalization occurs is the day that you will see tens of thousands of us marching through the halls of Congress and in every city and town! The POW's are depending on it.

The CHAIRMAN. Thank you very much.

Let me just ask you now, do you have, I do not know where this 5 minutes came from and I apologize for whatever that—nobody has been given only that and I do not want you to feel short-changed. So if you have any further time, I want to make sure that you exercise it because there was no effort that I know, no conscious decision here to have a lesser time.

Dr. O'GRADY. Senator, I appreciate that. And if I had been made aware of that ahead of time I would have provided a much more detailed.

The CHAIRMAN. That is OK. We will get into it in questions. We are going to give you all the time you need to tell this story.

Dr. O'GRADY. Essentially I did. I simply would have provided more detail relative to the actual case that I have presented regarding my father.

The CHAIRMAN. We will be asking you about it and we will give you that opportunity fully. Mr. Apodaca?

STATEMENT OF ROBERT A. APODACA, CAPTAIN, U.S. AIR FORCE

Mr. APODACA. Yes, sir. My name is Robert Anthony Apodaca. I'm the son of Maj. Victor Joe Apodaca, Jr., who was shot down on June 8, 1967 over North Vietnam.

I would like to provide you a corrected copy of my written testimony and request that it be entered into the record.

The CHAIRMAN. It will be entered into the record.

And, likewise, I want you to know there is no pressure here.

Mr. APODACA. I would like to go ahead and read my written testimony to you now.

Mr. Chairman and Members of the Committee, I thank you for this opportunity to testify before your Committee. I would also like to thank my chain of command for allowing me to take time off to appear here today.

Prior to beginning my testimony, I would like to emphatically state that any opinions expressed by me today are my own and do not necessarily reflect the U.S. Air Force or Department of Defense policy. My testimony today will be centered primarily around my father's case and my personal interaction with the various Government agencies concerning this case.

To start off I would like to include as background information a copy of what the Joint Casualty Resolution Center, the JCRC, calls the narrative of my father's case. It is included as attachment No. 1 to my testimony.

I had been notified by the Air Force Casualty Affairs Office that this narrative has been provided to the Vietnamese on at least three occasions, 1 November 1986, 4 August 1987, and 25 January 1988. To provide a little more background my mother was a member of the National League of Families many years ago but is no longer active in the issue and has remarried.

When she remarried that made my older brother the primary next of kin and it made me the secondary next of kin. I might add my brother has given me authority to speak on his behalf on this issue.

It wasn't until 1984 that I started becoming more actively involved in the issue, always yearning to find answers to a list of questions that kept on growing each time I learned something. In order to prepare for this hearing I reviewed a copy of all the records the Air Force Casualty Affairs Office has on file in my father's case. It was provided to me in micro-fiche form.

In reviewing these documents the information can be grouped into about three areas, letters and documents dealing with when my father was shot down in 1967, letters and documents changing his status to presumed killed in action in 1973, and in correspondence between family members and the Casualty Affairs Office requesting more information.

This last group is the largest, but it really doesn't start until the mid-1980's when family members found out they could begin requesting more information.

In looking at the structure that is available to family members to work with the Government it is organized so that each branch of military service has its own Casualty Affairs Office which takes care of its own people.

In my particular experience with the Air Force Casualty Affairs Office, they responded to all my requests fairly quickly. This can be seen in the third group of information that is documented on microfiche and previously mentioned. But I have seen the problem where the Casualty Affairs Office is at the mercy of all the other agencies involved, such as the JCRC, the DIA, the FBI, et cetera.

Since the Casualty Affairs Office is just a focal point for the family members, they are dependent on these other agencies for the information which is then passed on to the family members. To be specific, in one instance I made a request for information and received it in the mail in 2 days. Yet in another instance it took 3 months to receive the information that was requested as the other agencies were slow to respond to the Casualty Affairs Office.

An example of how this affects the Casualty Affairs Office and the family members follows. After receiving notification from the JCRC, the Casualty Affairs Office notified me on 27 April 1989 that the Vietnamese for the second time were returning my father's remains. His alleged remains were in box number 19 out of 21 remains repatriated. According to the Casualty Affairs Office documentation they had not received any official follow-up report from JCRC or CILHI as of 1 August 1989.

Well, as of today, 923 days later, I still haven't received any official word on this alleged set of remains. And I don't think the Casualty Affairs Office has either.

Who should be the watchdog for this? Should I have to call every day to ask if there is any new information?

I would like to clarify the above example. It insinuates that the Casualty Affairs Office is responsible to provide the follow-up report. I have since learned that it was the Mortuary Affairs Department of the Air Force that was responsible to provide the follow-up information on remains.

But the problem remains the same. I still haven't been contacted.

I feel, though, that I'm one of the lucky ones. I've heard from family members whose loved ones are in other branches of the military services that the Air Force has the best Casualty Affairs Office. The other military branches rotate officers in and out every few years. When you're only spending from 1 to 3 years in a job, you use 75 percent of your time learning the job and becoming familiar with the cases and the family members and you don't really have any background knowledge of history on how an individual case has progressed.

For the Air Force, the Casualty Affairs Office has had responsible individuals who have been there for many years keeping the corporate knowledge available in the office to serve the family members.

I've also made information requests from the Defense Intelligence Agency's special office for prisoners of war and missing in action. And they've reacted quickly each time. I visited their office several times and have had the opportunity to meet with Col. Joe Schlater, Col. Millard Peck, and Robert Sheetz. I was treated with courtesy and respect. Even though I dropped in at the last minute, I was still seen by the branch chief. I do perceive that that office was extremely overworked, having to perform many tasks other than a function of primary intelligence analysis.

I've also seen their working conditions, too many people in too small an area. In the short time I've worked with them it seems to be that the DIA should not be the focal point for the POW/MIA issue. Instead a management branch should be created that the JCRC, CILHI, DIA, Casualty Affairs Offices, et cetera would report to. This would allow the DIA to get back to its primary function of analyzing intelligence information. And it would also provide a branch that could coordinate all the efforts on the POW/MIA issue, being the focal point that Congress or whoever could turn to. It could also serve as the watchdog to ensure that leads are followed up on, preventing those reports that take over 900 days to get out.

Turning toward the issue of normalization, I feel that we have something Vietnam wants. And if we give it to them too quickly we will not have any recourse on resolving the POW/MIA issue. I've listened to Vietnam make promises before and I've seen them break those promises. Until they earn my trust again, I personally would not give them anything until I received something concrete from them.

The U.S. Government should not react too hastily on this, despite whatever Vietnam or greedy corporations want.

The last topic I wish to address is the stickiest one for me. I would like to restate that any opinions expressed by me today are

my own and do not necessarily reflect U.S. Air Force or Department of Defense policy.

I would like to talk about the words "highest national priority." I've heard these words used to describe the POW/MIA issue. But I personally haven't seen the action behind them. Earlier this year I was actively involved in a highest national priority, Operation Desert Storm. I participated in it every day. I saw it on television every day. I read about it in the newspapers every day. So did every other American. You could not help but be involved in Operation Desert Storm, a highest national priority.

I don't know if this is a good comparison, but if the POW/MIA issue has the highest national priority why are hundreds of remains still in Vietnam today? Why are agencies allowed to not follow through on reports? Why can't we find the fingerprint records for almost 25 percent of those still missing? And why can't we find the identity of three people in a picture?

Let's be realistic. I would not be so upset if the Government had called this a "high national priority." But they didn't. For years it has been the "highest national priority." And for years I've wondered.

In conclusion, I would like to remind this Committee that this testimony deals with my personal involvement in my father's case in the recent past. I was too young to be actively involved in the beginning of this issue and was not subjected to the official lies that other families still clearly remember. While I feel in most instances my father's case has been handled in a reasonable manner, there are many families out there who cannot say the same.

What kind of proof will it take for the Government to react? How fresh does the trail need to be? We need to change our policy from a reactive one to a proactive one.

Thank you, Mr. Chairman, for the opportunity to testify before this Committee.

[The prepared statement of Mr. Apodaca follows:]

PREPARED STATEMENT OF ROBERT A. APODACA

Mr. Chairman, Members of the Committee, I thank you for this opportunity to testify before your Committee and I would also like to thank my Chain of Command for allowing me to take time off to appear here today. Prior to beginning my testimony, I would like to emphatically state that any opinions expressed by me today are my own, and do not necessarily reflect U.S. Air Force or Department of Defense Policy. My testimony today will be centered primarily around my father's case, and my personal interaction with the various government agencies concerning this case.

To start off, I would like to include as background information a copy of what the Joint Casualty Resolution Center (JCRC) calls the "NARRATIVE" of my father's case. It is included as attachment 1. I have been notified by the Air Force Casualty Affairs Office that this narrative has been provided to the Vietnamese on at least 3 occasions: 1 Nov 1986, 4 Aug 1987, and 25 Jan 1988. To provide more background, my mother was a member of the National League of Families many years ago but is no longer active in the issue and has remarried. When she remarried, that made my older brother the Primary Next Of Kin and it made me the Secondary Next Of Kin. It wasn't until 1984 that I started becoming more actively involved in this issue, always yearning to find answers to a list of questions that kept on growing each time I learned something.

In order to prepare for this hearing, I reviewed a copy of all the records the Air Force Casualty Affairs Office has on file for my father's case (provided to me in microfiche form). In reviewing these documents, the information can be grouped into three areas: 1) letters and documents dealing with when my father was shot down in 1967, 2) letters and documents changing his status to Presumed Killed In

Action in 1973, and 3) correspondence between family members and the Casualty Affairs Office requesting information. The last group is the largest but doesn't start until 1986 when family members found out they could request more information.

In looking at the structure that is available to Family members to work with the government, it is organized so each branch of military service has its own Casualty Affairs Office, which takes care of its own people. In my particular experience with the Air Force Casualty Affairs Office, they have responded to all my requests fairly quickly. This can be seen in the third group of information that is documented on the microfiche previously mentioned. I have seen a problem where the Casualty Affairs Office is at the mercy of all the other agencies involved, such as the JCRC, DIA, FBI, etc. Since the Casualty Affairs Office is just a focal point for the Family Members, they are dependent on these other agencies for the information which is then passed on to the Family Members. To be specific, in one instance I made a request for information and received it in the mail in 2 days, yet in another instance it took 3 months to receive the information that was requested, as the other agencies were slow to respond to the Casualty Affairs Office. An example of how this affects the Casualty Affairs Office and the Family Members follows.

After receiving notification from the JCRC, the Casualty Affairs Office notified me on 27 Apr 1989 that the Vietnamese, for the second time, were returning my fathers remains. His alleged remains were in box #19 out of 21 remains repatriated. According to the Casualty Affairs Office documentation, they had not received any official follow-up report from JCRC or CILHI as of 1 Aug 1989. Well, as of today, 923 days later, I still haven't received any official word on this alleged set of remains and I don't think the Casualty Affairs Office has either. Who should be the watchdog for this? Should I have to call everyday to ask if there is any new information? I would like to clarify the above example. It insinuates that Casualty Affairs is responsible to provide the follow-up report. I have since learned that the Mortuary Affairs department of the Air Force is responsible to provide the follow-up information on remains. But the problem remains the same, I still haven't been contacted.

I feel though, that I am one of the lucky ones. I have heard from family members whose loved ones are in other branches of the military services that the Air Force has the best Casualty Affairs Office. The other military branches rotate officers in and out every few years. When you are only spending from 1 to 3 years in a job, you use 75 percent of the time learning the job and becoming familiar with the cases and the family members, and you don't really have any background knowledge or history of how an individual case has progressed. For the Air Force, the Casualty Affairs Office has had responsible individuals who have been there for many years, keeping the corporate knowledge available in the office to serve the family members.

I have also made information requests from the Defense Intelligence Agency's Special Office for Prisoners of War and Missing in Action and they have reacted quickly each time. I have visited their office several times and have had the opportunity to meet with Col. Joe Schlatter, Col. Millard Peck, and Robert Sheetz.

I was treated with courtesy and respect, and even though I dropped in at the last minute I was seen by the Branch Chief. I do perceive that the office was extremely overworked, having to perform many tasks other than a primary function of intelligence analysis. I have also seen their working conditions; too many people in too small an area. In the short time I have worked with them, it seems to me the DIA should not be the focal point for the POW/MIA issue. Instead, a management branch should be created that the JCRC, CILHI, DIA, Casualty Affairs Offices, etc., would report to. This would allow the DIA to get back to its primary function of analyzing intelligence information, and it would also provide a branch that could coordinate all the efforts on the POW/MIA issue, being the focal point that Congress or who ever could turn to. It could also serve as the watchdog to insure leads are followed up on, preventing those reports that take over 900 days to get out.

Turning toward the issue of Normalization; I feel we have something Vietnam wants, and if we give it to them too quickly, we will not have any recourse on resolving the POW/MIA issue. I have listened to Vietnam make promises before, and I have seen them break those promises. Until they earn my trust again, I personally would not give them anything until I received something concrete from them. The U.S. Government should not react too hastily on this, despite whatever Vietnam or greedy corporations want.

The last topic I wish to address is the stickiest one for me. I would like to restate that any opinions expressed by me today are my own, and do not necessarily reflect U.S. Air Force or Department of Defense Policy. I would like to talk about the words "Highest National Priority". I have heard these words used to describe the

POW/MIA issue, but I personally haven't seen the action behind them. Earlier this year, I was actively involved in a "Highest National Priority", Operation Desert Storm. I participated in it everyday, I saw it on television everyday, I read about it in the newspapers everyday. So did every other American. You could not help but be involved in Operation Desert Storm, a Highest National Priority. I do not know if this is a good comparison, but if the POW/MIA issue has the highest national priority, why are hundreds of remains still in Vietnam today, why are agencies allowed to not follow through on reports, why can't we find the fingerprint records for almost 25 percent of those missing, and why can't we find the identity of 3 people in a picture? Lets be realistic. I would not be so upset if the government had called this a "High National Priority", but they didn't. For years it's been the "Highest National Priority" and for years I've wondered.

In conclusion, I would like to remind this Committee that this testimony deals with my personal involvement in my father's case in the recent past. I was too young to be actively involved in the beginning of this issue and was not subjected to the "Official Lies" that other families still clearly remember. While I feel in most instances my fathers case has been handled in a reasonable manner, there are many families who cannot say the same. What kind of proof will it take for the Government to react? How fresh does the trail need to be? We need to change our policy from a reactive one to a proactive one. Thank you Mr. Chairman for the opportunity to testify before this Committee.

JOINT CASUALTY RESOLUTION CENTER

NAS BARBERS POINT, HAWAII 96862

CASE 0727-0-01 AND 02

NARRATIVE

On 8 June 1967, Captain Victor J. Apodaca, Junior, and First Lieutenant Jon T. Busch were crew members aboard an F-4C fighter in a flight of 2 aircraft. The aircraft, serial number 63-7425, was hit by antiaircraft fire and disappeared in the vicinity of grid coordinates XE343517, near the southern edge of Dong Ngen village, Binh Tri Thien (formerly Quang Binh) Province, Vietnam. During his last radio contact, Captain Apodaca reported his aircraft was at an altitude of 4,800 meters and heading east northeast. Shortly thereafter, the other members of the flight heard weak electronic beacon signals for approximately 20 seconds. They could not pinpoint the source of the signals. Search and rescue units, forced from the area by intense ground fire, were unable to establish contact with the missing crew members. A former People's Army of Vietnam soldier, who witnessed the occurrence, has said that one of the crewmen parachuted from the aircraft, was captured, and was killed by the local militia from Chanh Hoa II Hamlet. This hamlet is approximately 11 kilometers south southeast of Thanh Yen at grid coordinates XE638392, Binh Tri Thien Province.

Pertinent data are as follows:

NAME: Apodaca, Victor Joe, Junior
RANK: Captain, U.S. Air Force
DATE OF BIRTH: 31 May 1937
RACE: Caucasian
HEIGHT: 1.78 meters
WEIGHT: 88.3 kilograms

The CHAIRMAN. Thank you very much, both of you, for your testimony.

Let me try and clarify just one comment that you made, Dr. O'Grady. This is, as I have said, a framework. This is 3 days during which everybody who has some role to play here is going to kind of lay out the parameters, if you will, of their case, and so indeed, you are representative of hundreds of families, and I do not want anybody to think that all you are going to be able to say to us or that we are going to listen to, must be dealt with during these first 3 days.

We have one person designated on this staff who is going to be a liaison to you, to the families, but every member of the staff is prepared to receive any evidence whatsoever from anybody, and that is the purpose of the Committee, and I think you will find us reaching out to you, and very, very open to all testimony, and so indeed these 3 days are going by like a blur, and I find myself with hundreds of questions that I do not have time to ask, but that is the purpose of it, to set the framework, and I hope you understand that. I do not want any family to believe that their testimony is not going to be heard or welcomed. All of it is.

Now, a second thing that I would say is that we are necessarily dependent on the kind of information that you provide us, and so we are going to go into some detail, not all of it today, but over the course of the next days.

Now, you mentioned in your testimony that no one would give you the names of these people. Have you asked for these names?

Dr. O'GRADY. Yes, Senator, I have.

The CHAIRMAN. Who have you asked? I might add also, incidentally, tomorrow, or as soon as we have time—and I hope it will be tomorrow—the administration is going to respond to many of these complaints and comments that are made, and so we intend to get action on this kind of thing right away.

Dr. O'GRADY. After the report was finally released to me—one of the reports generated by JCRC in this matter was released to me, I thoroughly analyzed the information that was provided to me and I generated a letter to the Casualty Affairs Office requesting great detailed information that would further clarify this—my father's case.

One of those requests was specifically for the name of the captors. In the original document the name of the captors are sanitized. However, I do have their political affiliations both during the course of the way and currently. I also know exactly which hamlets they live in. I do not think it would be very difficult for me, if I went to Vietnam, to find those individuals, particularly since they were very forthcoming and reportedly very accommodating, very cooperative, and very anxious to talk to U.S. Government team members regarding my father's case.

However, the actual names are still—have not been provided to me despite August 23 request.

The CHAIRMAN. Is that the only request you made?

Dr. O'GRADY. I made a number of verbal requests by telephone.

The CHAIRMAN. Who have you requested?

Dr. O'GRADY. We are directed to make contact through the Casualty Affairs Office, Mr. Atkinson and Mr. Frampton. That is who I directed my request to. I was told it would have to be forwarded to JCRC for response. This morning, as I walked into the hearing room, I received a document from Mr. — or a packet of documents from Mr. Atkinson that have been provided to him by JCRC. I haven't had time to review them, but my brief cursory review suggests that the captors names have still not been provided.

The CHAIRMAN. You mentioned also that records have disappeared.

Dr. O'GRADY. I believe I said the record had been changed. I can speak to records disappearing in my father's case and other cases,

not so much disappearing but being purged from files, but I think the statement was that information had been changed subsequent to the Vietnamese participation in the interviews with my father's captors. Is that what you're referring to?

The CHAIRMAN. No. I thought I'd written down a note as you said that records disappear, and I had a question mark. I thought you had mentioned that records had disappeared.

Dr. O'GRADY. I think I generically suggested that. Fingerprints have disappeared. Let me find my exact reference.

The CHAIRMAN. Well, let me ask you—

Dr. O'GRADY. Fingerprints and dental records, Senator.

The CHAIRMAN. Do you think these things have disappeared as a matter of a willful intent to deny you access to this, to cover up something, or do you think they have disappeared because of a kind of bureaucratic bungling process?

Dr. O'GRADY. Senator, I have had to do a lot of soul-searching to come to terms with whether or not I could believe that everything my father fought for and was lost for has been denigrated by the belief that this is willful and intentional, and for a very long time I tried to convince myself it was unintentional and it was a matter of incompetency, of ignorance, and failure to follow through, and lack of resources and lack of money and lack of analytical and professional skill.

I have come to the conclusion after 24 years and hundreds of hours of research much to my great distress, because my children have to live in this country, that it is willful and it is intentional, and I could give you specific examples as to what I base that conclusion on.

The CHAIRMAN. We would like you to share those with us.

Dr. O'GRADY. One that comes to mind again, and there are others as well, but one that comes immediately to mind is a case of a number of family members who were provided with pieces of teeth, or particles of teeth, as indication that their person had died and as identification, formal identification.

When they went back to see if they could compare dental records to those teeth with independent forensic anthropologists involved, it was found the dental records could not be located. This was not just in the most recent future, but dates back with family members I have spoken to as far back as 1985.

The National League of Families at one time called for all family members to provide the dental records that they had on file to the National League of Families so they could be maintained, and now those records, either within Government files or within the National League of Families, cannot be found. It is too many disappearing. Too much information can't be found, can't be located.

The CHAIRMAN. Were the dental records as a group provided and brought together?

Dr. O'GRADY. Many family members did tell me when I was a member of the National League of Families board of directors that yes, they had. Sometimes they were only copies of dental records.

The CHAIRMAN. They were provided to the League, but you're saying they're not there with the League any more, is that what you're saying?

Dr. O'GRADY. That is my understanding, and also not available through other courses.

The CHAIRMAN. I've exhausted my time. Let me come back in another round. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. Obviously, there isn't anything this Committee or any other human being could do to make right any wrongs that you have had to deal with over the past 20-odd years, but I think there is one thing that we can do, and that is to—No. 1, to see that it doesn't happen again to anybody else, and No. 2, to try to put together some type of a process, a policy, so that whatever information is there about your father, that it be provided to you, and I can give you my personal assurance that that will be done if I have anything to say about it, speaking for myself. But that does not undo what has happened.

I just want to ask a couple of questions. First of all, to you, Dr. O'Grady, on the record, the initial report that your mother received was what, that your father was killed or captured?

Dr. O'GRADY. The original report we received in 1967, my father was—very minimal information was provided to us at that time. We were led to believe both in all verbal contacts and all written communications that my father had died.

Senator SMITH. That was communicated to you from the casualty officer, that your father was killed?

Dr. O'GRADY. Yes, that is correct. However, I discovered—in 1985 I began my own research—that what we had not been told is that my father had been originally categorized as a category 2, that there are categories—and I believe, Senator Kerry, you asked about databases and baselines, and as a researcher and a professor I always believe you cannot answer any question unless you establish a working hypothesis based upon some baseline information, and the baseline information that was very helpful to me in my case is the fact that he was categorized as a category 1. That means, suspected to have been captured. But this information was not discovered until 1985 by my independent research.

Senator SMITH. Excuse me for interrupting, but were you subsequently told at any time by anybody in the U.S. Government, the casualty office or any place else, that your father was subsequently captured, that they were wrong? Were you ever told that he was captured?

Dr. O'GRADY. No. The first time I have ever known my father to have been known to have been captured alive, although I greatly suspected it based on my own research, was in August 1991.

Senator SMITH. Does the Government concur with your findings that he was captured or do they dispute that?

Dr. O'GRADY. The Government provided the information that confirmed his capture to me.

Senator SMITH. In a letter, first of all regarding the search and rescue missions—and I will stand corrected if I'm wrong, and maybe somebody can refresh me, but I believe that General Vessey testified that in fact some of those records were destroyed, and I don't recall what reason he gave, whether it was inadvertent or direct, I don't know. The record should stand on that. But that may answer some of the—or at least one of the concerns that you raise.

But in a letter—and I want to follow that up at some point, not in the testimony here, but to look into what happened there. In a letter you wrote to me on April 20, 1988, you mentioned aside from the search and rescue debriefings which you said, which you mentioned—you also mentioned a couple of things which I would like to know if subsequent to that letter to me have ever been followed up with.

You mention, No. 1, that former POW John Drumisi, his debriefing, is likely to have knowledge of your dad. Did anybody ever provide you with that briefing, debriefing, or put you in touch with John Drumisi?

Dr. O'GRADY. No, Senator, no one did.

Senator SMITH. Did you ask for that information?

Dr. O'GRADY. Yes. I asked for that information on numerous occasions. I even broadened my request to include all POW debriefings of the men known to have been captured alive within 10,000 meters of my father, and I provided the names of those particular individuals. I also asked for any homecoming egress reports, which continue to be classified, that might have mentioned my father in captivity, and other documents related to that, yes. But I have never been provided any of that.

Senator SMITH. You requested it but were never provided it?

Dr. O'GRADY. That is correct.

Senator SMITH. Was the reason for the denial given?

Dr. O'GRADY. I was told the homecoming egress reports are still classified information. I was told all POW debriefing reports are still classified information. I was told the search and rescue report in my father's case were classified information, and I could not even be provided the names of the members—or the other pilots on his mission when he was lost.

Senator SMITH. This is very important to me, so please try to recall if you can, and if you can't, then get it for the record. Obviously, as John McCain well knows, the POW's came home in 1973. They were debriefed soon after that. John Drumisi was obviously one of those people debriefed.

How soon after John Drumisi's debriefing were you told, or did you know before that, or if not, how soon after that were you told that your father, based upon some comments that Drumisi had made, may be alive, and may, indeed, have been captured?

Dr. O'GRADY. Senator, I was never told by any U.S. Government agency or individual that my father was ever alive, and when I asserted that my research suggested that he was—

Senator SMITH. They then verified that?

Dr. O'GRADY. No, they did not verify that. I persisted and said that if I could be given this information I believed I could verify it.

Senator SMITH. I just want to be sure. I thought you said that they did verify it? In other words, they dispute the fact that you think your father was alive, or they supported it?

Dr. O'GRADY. Up until 1991, August of this year, they have disputed that my father was in fact captured alive.

Senator SMITH. But now they say otherwise?

Dr. O'GRADY. Now they say, based upon the fact that they have finally found his actual captors and they interviewed them in detail, who gave them detailed information about my father's cap-

ture, right down to, as I mentioned in my testimony, he had 7 cigarettes left that they smoked on the way down the hill.

Senator SMITH. But still no contact with Drumisi?

Dr. O'GRADY. That is correct.

Senator SMITH. And no contact with any of his captors, or no information directly related to you and the captors, as I understand it, the captors, the alleged captors names were provided to the Vietnamese, is that correct?

Dr. O'GRADY. Not only were the alleged captors names provided to the Vietnamese, Senator Smith, but the Vietnamese were taken to my father's captors to participate in the examination of the captors. In my view, that's like taking the prime suspects to help cross-examine the eye witnesses.

Senator SMITH. I just want to touch one final point, and I will be very brief, and I apologize to my colleagues. The statement you also mentioned, the fourth item in your letter, the statement of a marine sergeant by the name of Walker, who claimed he was an early returnee—I assume by that they meant some of those who came out prior to 1973 who had been held in a POW camp with your father—which was purged from your file sometime after 1976.

Now, you know for a fact that some statement by Marine Sergeant Walker regarding your father was in your file and then removed?

Dr. O'GRADY. I know for a fact that that individual contacted the casualty office at Nellis Air Force Base in Las Vegas, NV, in the late 1960's, that he claimed to have been held in a camp in Laos with my father. At that time, we were told that this claim was false, that that could not possibly be true, and it was discounted.

However, it was in the file and remained in the file through approximately 1976. It was released to my grandfather, who has subsequently died, in his attempt to secure information using the FOIA—Freedom of Information Act—and I do have a copy of that. In all subsequent requests for my father's file, dating—my personal request under FOIA from 1985 forward, that document does not appear.

I recently requested a copy of the microfiche to find out if it was just an omission in terms of xeroxing. It doesn't appear on the microfiche any longer, either. I would say the U.S. Government would have a difficult time even finding that particular piece of evidence, but I do have it in my possession.

Senator SMITH. Thank you. I would yield, Mr. Chairman.

The CHAIRMAN. Senator Brown.

Senator BROWN. Help me with a little background in your father's case, Dr. O'Grady. From reviewing the files, do you know where the information about his capture came from?

Dr. O'GRADY. Yes. In fact, I spent a great deal of time putting all of the information JCRC had provided to me. In June 1990, a Vietnamese member of the JCRC team told American members of the JCRC team that they had done research in the MR4 Air Defense Archives in Vinh City, Vietnam, and had come across a report that my father had been shot down by the—I believe it was the 21st Battalion Air Defense Unit. I have that in the record—and that he had been buried at a particular location in a village called Wai Ling. The—

Senator BROWN. They had your father identified by name?

Dr. O'GRADY. By name in the MR4 Vinh Air Defense Archives. There was an original source of that information from the town of Wai Ling named in that original report. Now, I still do not have that original report, and so I have essentially derived that information from the second report that was provided to me.

At that time, that information as to his death and burial was forwarded to a number of U.S. Government agencies, including the White House, the Vientiane Embassy, the Secretary of Defense JCS CINCPAC in Honolulu DIA and CIL-HI. However, I have still not been provided with a copy of that original report, and most distressingly to me, even though the source of that burial information was available, he was never contacted by the JCRC team in June 1990 to corroborate and independently verify those statements. They were simply accepted and reported to those Government agencies as fact.

The case was then officially closed, and I suspect that my father was considered to be a case resolved. As General Vessey testified, 31 were, even though there were no bodies, they have to look some more to find the bodies.

This was presented as fact despite the fact that a JCRC excavation team went to the alleged burial site named in the report and found no evidence of burial whatsoever. Again, the case was closed until January 1991, 7 months later, when the same JCRC team was in a town in the general vicinity, gathering information on a different case.

The original source of the "death and burial" report had come to that town to seek out the JCRC team members to tell them that he was the one that filed that report and would like to be interviewed, so because he was quite easily available, they did interview him, and that is when they discovered that the original report, or the report filed in the MR4 archives in Vinh City, were based exclusively and solely on hearsay by the original source's own testimony.

Well, then he gave them the shocking information that, well, I can't tell you anything first-hand, I know who can, and he gave them the names of the men from his village who he knew had actually—were members of the local militia who had gone up, surrounded my father, and captured him, taken him down into the village of Wai Ling where he spent the night in a salt house and—a State-operated salt house—and was seen again by 2 additional eye witnesses who were just curious because they had never seen an American before, and who saw him again the next day, still in the control of the local militia and still on a stretcher.

There was indication that he had been wounded. He was described as bleeding at the time of capture. Both captors reported that by the time nightfall came, the bleeding had stopped. The next day, the 2 additional eye witnesses reported his uniform was caked with blood, but it was dried blood, and that he obviously had survived the night, and so his injuries were not immediately life-threatening. If they had been, he could have been transported to a hospital approximately 10 miles north of Wai Ling that was known to have been—was a known hospital in that area, and he was not transported on the evening of his capture.

Senator BROWN. Did the team attempt to interview other people in the region? It sounds like they talked to 4 people altogether.

Dr. O'GRADY. That is correct. Based upon the original sources of information, they contacted the 2 captors that he named, and I'm not sure whether or not the 2 captors provided the additional eye witnesses, or whether the original source, but also there was total of 4 persons interviewed, that is correct.

Senator BROWN. But no one knew the disposition? No one knew what had happened to him after those reports?

Dr. O'GRADY. Well, that's where the testimony of the eye witnesses and the captors gets somewhat unclear and contradictory, and the last time he was seen alive by anybody who was interviewed by the JCRC was about 10 a.m. on April 11, 1967, in control of the local militia, being carried on a stretcher in the village of Wai Lan, and then rumor—what is reported as a rumor was circulated that he was taken by truck to a transport, to a point—allegedly to the hospital. However, the truck unexpectedly stopped at Ba Ha Nung, and—for a few moments, and then turned back. Then a rumor was circulated in the village he had died and been taken back to Wai Ling to be buried. The evidence is much more overwhelming that he was transferred at that point, as opposed—

Senator BROWN. And your statement refers to a Laotian POW camp?

Dr. O'GRADY. Yes. I have a CIA document with me that does identify non-Laotian POW camps in that immediate vicinity, just across the border. You have to understand my father's loss location was on the border of Laos and Vietnam, in an area known as the Megea Pass. Senator McCain might be more familiar with that than I am. He was so close to the border of Laos, his captors reported he was seemingly attempting to maneuver his parachute across the border into Laos, but did not make it and was technically captured in North Vietnam by ethnic nationals.

Senator BROWN. The sergeant that you mentioned reported that he was in the POW camp with your father. Where was that camp?

Dr. O'GRADY. This information was very sketchy. It includes about approximately three sentences that say, Sergeant So-and-so, an early returnee, has come forward and claimed that he was held in a camp in Laos with your husband—it was directed to my mother at that point—however, we have determined that his story is not able to be substantiated.

Senator BROWN. Is there a location and a time?

Dr. O'GRADY. No. There was no additional information.

Senator BROWN. Was there any follow-up?

Dr. O'GRADY. There was no evidence in the file at any point.

Senator BROWN. Did they give you the information that would enable you to contact the sergeant?

Dr. O'GRADY. I'm still trying to track the sergeant. I've also requested on numerous occasions, through every channel available to me, a list of the early returnees from Vietnam, and I have not been able to access that list either so that I could at least verify that he was in fact an early returnee.

The CHAIRMAN. Who have you asked for that?

Dr. O'GRADY. I've gone to the Casualty Office as directed, I believe I have attempted through various Congressmen—McCloskey

at one point, Congressman Rowland at that point. I've asked for assistance through the National League of Families directly—again, it seems to be a casualty, a U.S. Air Force document. I believe I also contacted Secretary of the Air Force in an attempt to see if that could be provided to me.

Senator BROWN. Dr. O'Grady, you would like the names of the contacts on the ground?

Dr. O'GRADY. The names of the captors that are now known.

Senator BROWN. The names of the captors that are now known, you would like an ability to get in touch with the sergeant to query him further?

Dr. O'GRADY. That is correct.

Senator BROWN. You would like a followup done by U.S. Intelligence both with records that might be available from POW camps, from people knowledgeable of those, and also any records that exist with regard to the Laotian camps themselves, and hospitals, I take it?

Dr. O'GRADY. That is correct.

Senator BROWN. You, I assume, would like some assistance in visiting Vietnam yourself?

Dr. O'GRADY. I would very much like to go to Vietnam myself. I think at this point in time I'm the only family member who can go and speak to my father's captors, the men who last saw and knew my father to be alive directly.

Senator BROWN. What else should we be focused on?

Dr. O'GRADY. Senator, I hesitate to continue to ask specific requests on behalf of just my case, because I believe that I could obtain the information I need, and we could cure all of the other families' needs that have long been denied, as well, by some basic policy changes and specific methodology recommendations, and I would be happy to list those for you.

That would cure not only my concerns but also accomplish the same for many other families in exactly the same circumstance, and I cannot tell you how many others could come here and tell you information has been purged from the file, information has been altered, information is inconsistent, information is inaccurate, and so we need not a piecemeal case-by-case basis of resolution, though I certainly appreciate that. We need a structured approach that is effective immediately.

Senator BROWN. We need the specifics, if you're willing to supply them.

Dr. O'GRADY. Certainly. I can go on record right now with 12 recommendations, if you would allow the time.

Senator BROWN. I think that would be very helpful, and I would certainly yield to the chairman's discretion on time. I know he's under some constraints, but frankly, one of the frustrations here is people expressing problems with the process and yet not having the specifics brought out so that we can follow up on them. I think what you've got there is exactly what we need.

The CHAIRMAN. I think the Senator's point is very well taken, and we have the time to receive it. I mean, if you feel it is something you want to state publicly, that's fine, or if you could submit it privately to us—we obviously want to make it part of the record. I would be happy to do whichever you're more comfortable with.

Dr. O'GRADY. If you feel you have the time, I certainly would like the opportunity to address not only the specific recommendations that I think I would make to you, but also the issue of the discrepancy cases.

The CHAIRMAN. I want to assure you we have the time, so go ahead.

Dr. O'GRADY. I will begin with my recommendations. The only caveat that I would add is that every time I come to these hearings I think of about 10 or 15 more, and so these are the ones I have prepared prior to attending these hearings.

The CHAIRMAN. Well, they've given us a year's existence, so you can follow up.

Dr. O'GRADY. They are in no way prioritized, so please consider any and all of these as possible avenues of pursuit.

First of all—and you have spoken of this today—immediately declassify any and all information pertaining to the POW/MIA issue, including—not limiting—but not limited to all live-sighting reports made by refugees, CAS teams—controlled American source teams—military intelligence, and private agencies, and all others.

Senator McCAIN. Dr. O'Grady, that's part of the Defense authorization bill.

Dr. O'GRADY. All POW debriefings and homecoming egress reports, all documents held by the Central Intelligence Agency, all military command intelligence data collected by CINCPAC, all uncorrelated live-sighting reports, all communication satellite transmissions held by the National Security Agency, the Drug Enforcement Agency, and every other Federal agency, and all uncorrelated POW information held by every other and any other agency as well.

Now, we fought the battle for declassification for a very long time, but at this point in time that would not be enough, because much of the information been withheld from me has not been withheld as a matter of national security, or even as a matter of, it's classified. Reports I speak of were never classified. They were just, as a matter of policy, not provided, and there are a number of policies that prevent information from getting onto the record as a matter of policy.

The discrepancy cases, the names of the discrepancy cases for whom General Vessey is currently negotiating are not a matter of public record. How can we verify who is being asked for? More importantly, how can we verify who is being omitted from the negotiations who should be being asked for? That's my first recommendation. We can look at not only the declassification of material, but policy changes that put on the public record all information that is necessary to recover our men.

Second, again, in that same line, direct General Vessey to stop conducting the POW/MIA negotiations in secret, and to put the names and record of resolution before the families, the Congress, and the American public. Dr. Kissinger conducted negotiations for the original "discrepancy list" in secret.

The names of those men submitted as "discrepancy cases" in 1973 were not released to the public until 1987. Not until 1987 were the families and others made aware of hundreds of discrepancy cases not included on Kissinger's list. General Vessey's current dis-

crepancy list is also secret. The numbers of "discrepancy cases" he references on different occasions is inconsistent, and the criteria for resolution of the cases is not on the record, nor are the names of those cases now considered resolved.

I have recently renewed my request that the list of 31 cases that are purportedly resolved without remains returned, that General Vessey testified to on July 17, 1987, be released. How do we know whose case has been resolved unless he will release that list?

Also, immediately acknowledge that General Vessey's negotiations are limited to men lost in North and South Vietnam, as he testified on July 17, 1987, and are ineffective in the matter of men lost in Laos or transported to Laos, such as my father.

Take immediate action to induce or compel Laos to release the name of hundreds of men known to have been captured alive in Laos and who still survive in Laos.

Immediately reactivate the cases of all category 1 and category 2 POW's, including those in Laos, and using the most sophisticated, computerized research techniques cross-reference all uncorrelated live sightings of prisoners and prison camp locations, including all Bright Light reports, all refugee reports both intra and inter-country, all CAS team reports and other intelligence data collected by any military agency or Federal department or office, and require a comprehensive report as to these findings.

I have been told on numerous occasions we do not have the capacity to cross-fertilize databases. That means if, for example, a report of a live POW should come to CIA, it cannot be entered into a computer bank that essentially cross-references and cross-fertilizes a DIA computer bank. That, after 24 years, Senators, is unbelievable to me.

Immediately establish, outside of the control of any Federal agency or branch of Government, an immediate and comprehensive investigation that will honestly accomplish the return of live Americans and the generation of professional and honest reports, ensuring unlimited and unconstrained access to all the information without challenge and resistance, and the consideration of independent counsel to investigate any possible criminal violations.

Immediately communicate publicly to the Vietnamese Government the trade embargo will not be lifted nor normalization established until all American soldiers who stayed behind after the war and all Americans who may be held outside their control, and all other Americans either voluntarily or involuntarily residing in Vietnam would be immediately released.

Immediately arrange for all family members who are relatives of category 1's, category 2's, and category 3's, to testify before Congress of the cumulative record of deception and dishonesty so that it can be exposed.

In addition, to immediately arrange for a family member, any family member who alleges an official file contains information that is or has been incomplete, inaccurate, concealed, altered, or purged, to testify in open hearing.

To immediately arrange for any family member who has challenged or been forced to accept an unscientific or fraudulent identification as "resolution" to testify in open hearing.

To immediately arrange for any family member who now has or has ever had official or unofficial information that their loved one was captured alive to testify in open hearing.

Immediately halt the "joint resolution" process orchestrated by the JCRC until such time that an honest, scientific, comprehensive methodology and plan is detailed and developed, until such time the Vietnamese are fully forthcoming with accurate information on all cases, until such time as the professional credentials, training and expertise of all team members can be validated, and until such time as there are sanctions identified for unethical and criminal violations committed by any team member.

Suspend the joint process in all cases that are likely to have involved capture by an ethnic minority or transportation to Laos.

Immediately pass an Act of Congress that retroactively restores Captain Carr and Colonel O'Grady and all of the other known and suspected POW's to prisoner-of-war status until they are proven dead beyond any reasonable doubt.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Dr. O'Grady, what do you do now? What is your line of work?

Dr. O'GRADY. I'm a professor at the University of Maryland Eastern Shore in psychology and education.

Senator MCCAIN. Were you once a member of the board of directors of the League of Families?

Dr. O'GRADY. Yes. I was elected to the board of directors of the National League of Families and served in 1985 through 1986.

Senator MCCAIN. Why did you terminate your service?

Dr. O'GRADY. Well, I didn't voluntarily terminate my service. Based upon what I consider to be questionable election procedures and voting processes, I was not reelected.

Senator MCCAIN. So you've not had further involvement with the League of Families?

Dr. O'GRADY. That's not true at all. After I was no longer formally associated with the National League of Families, I felt that I had seen enough as a board member that dismayed me to such an extent that I felt an obligation, a moral and ethical obligation to those family members who don't have the skills that I have, who don't have the education I have, and the background, to assist them in detailed research in terms of each of their individual cases.

Through that process, I also attempted to provide those families with alternative sources of information and resources that were not only not provided by the National League of Families but actively thwarted by the National League of Families.

Senator MCCAIN. So you feel the National League of Families—maybe I should ask your description—is not doing its job, or carrying out its mission, is that correct?

Dr. O'GRADY. Absolutely.

Senator MCCAIN. Did I just hear you say they were thwarting the efforts to resolve these issues?

Dr. O'GRADY. The National League of families I do not believe represents the interest of the men or those individuals who seek the recovery of live Americans by any of their actions, by any of their procedures, by any of their policies.

Senator MCCAIN. Do you believe the National League of Families is actively working against the goals?

Dr. O'GRADY. Yes. My experience as a board member is that there was an active and deliberate plan that did prevent the process from going forward. It kept family members deliberately in the dark in terms of critical information.

Senator MCCAIN. Would you do me the favor of providing that information to the Committee as well?

Dr. O'GRADY. I kept a detailed journal while I was a member of the board of directors of the National League of Families, and I can provide detailed documentation of those incidences, occasions, events, and activities, that substantiate my claim.

Senator MCCAIN. We would appreciate that.

Dr. O'GRADY. I'd be happy to do that.

Senator MCCAIN. Are there others that share your view, do you believe?

Dr. O'GRADY. When I was a member of the National League of Families I was—I made an effort to contact family members. As a member of the board of directors, I did not have access to the membership directly. I was told I could not access the membership through telephone communication or written communication, that that list was private and confidential and held only by Ms. Griffiths.

I then requested that I would pay for the mailing personally if she would mail those letters, if she didn't want to provide me with a list as a board member, to the families directly.

That was also denied to me, and so I tediously and painstakingly constructed my own list and did in fact attempt to communicate with family members, and based upon my contacts with a large number of family members, particularly those known and suspected captures, I can say with confidence that a majority of those families do not support the National League of Families or the policies or practices of the National League of Families, or Ms. Griffiths when she acts independent of that organization.

Senator MCCAIN. What is your theory, Dr. O'Grady, as to why this organization, which is composed of some family members, might be actively thwarting a resolution of this very painful and personal issue?

Dr. O'GRADY. Because of the extensive involvement and personal commitment and interest in the Government's established policies in this matter, I think the line between objectivity and personal interest has been crossed.

Senator MCCAIN. And that is by the entire board?

Dr. O'GRADY. No. Specifically by Ms. Ann Griffiths, who is the executive director, and as implemented by a board of her choosing.

Senator MCCAIN. Obviously, since you've been in contact with many other family members, you also can provide us with access to their specific complaints and areas that they have not received the cooperation that you feel they deserve?

Dr. O'GRADY. Yes, Senator McCain. One of the things I tried to do is—or, one of the things I did do independently was conduct a survey of family members and ask them if any information had been concealed from them, withheld from them, purged from their files, inaccurately reported, or whatever, and gave them approxi-

mately eight to ten categories and asked them to just briefly respond and provide the documentation to me, and so yes, I do have detailed information in that regard. I have reviewed many case files for families.

Senator McCAIN. Thank you very much.

Captain Apodaca, is your aunt Elena Apodaca?

Mr. APODACA. Yes.

Senator McCAIN. She resides in Tucson, AZ?

Mr. APODACA. That is true.

Senator McCAIN. She is an outstanding and wonderful person, and one who shares your commitment to resolving this case, as far as Captain Apodaca is concerned—or Major, I believe.

Mr. APODACA. He was promoted to major after his shoot-down date.

Senator McCAIN. We also are interested in your problems and difficulties you have had, and we hope we can get those resolved, and we appreciate your commitment to serving this country as well, captain, and I know that he is very proud of you.

Dr. O'Grady, could I just return 1 minute to this issue of the people who you believe captured, or evidence that you have captured Captain O'Grady? You say that these were indigenous personnel?

Dr. O'GRADY. Yes, that is correct. The JCRC report states that there is no doubt that this information is correlated to my father and that these were indigenous personnel. In fact, Senator, one of the individual—one of the captors when he was interviewed was difficult to understand, because the Vietnamese translator who the JCRC team utilized could not understand the dialect.

Senator McCAIN. Do you know how these JCRC people came across these individuals without the knowledge of the Vietnamese themselves?

Dr. O'GRADY. Yes. The source of the original burial report—in the MR-4 archives there was report filed, and it has been there for 24 years, I suppose, that this member of—this individual indigenous person who was in the village where he was captured filed a report as to what he heard had happened.

Senator McCAIN. To who?

Dr. O'GRADY. In the Vietnamese records.

Senator McCAIN. If he filed it with the Vietnamese, then the Vietnamese must have known that he had that knowledge.

Dr. O'GRADY. Well, that is my point. For many years the Vietnamese had in their files a report of his death and burial that had never been provided.

Senator McCAIN. That is to say the Vietnamese did not know about these people. That doesn't make sense, doctor.

Dr. O'GRADY. No. I don't want to confuse you.

Senator McCAIN. I'm sorry, I'm easily confused. I apologize.

Dr. O'GRADY. I am, too. In this particular case, the Vietnamese had a record of an alleged death and burial—of death and burial that had been filed when—your question was, why did the JCRC team pursue it?

Senator McCAIN. No. How did they know?

Dr. O'GRADY. When that original source came to them when they were investigating a different case and contacted them and said,

I'm the one who filed that report, but—and I would like to be interviewed.

They said well, OK, since you're here we'll interview you, and during the course of the interview he said, well, that report I filed was all hearsay. I didn't see anything, I just heard things, but I do know who captured him, and you could talk to them, and they live here, and here are their names, and that point JCRC was prompted to go to the village of his capture and track those individuals down.

Senator McCAIN. Thank you very much.

The CHAIRMAN. Thank you, Senator McCain.

Now, when they were offered the opportunity to interview, they did interview, correct? The recovery team conducted the interview, they didn't say no, we don't want to interview, they interviewed?

Dr. O'GRADY. Yes, they did interview.

The CHAIRMAN. And they did pass on the information?

Dr. O'GRADY. Seven months after they obtained it and summarized it.

The CHAIRMAN. But they did, they voluntarily—I mean, if there was—

Dr. O'GRADY. No. No Senator.

The CHAIRMAN. I'm trying to understand that.

Dr. O'GRADY. Well, let me understand that the only thing the Vietnamese voluntarily passed on a member of the JCRC team was a hearsay report from the Vinh archives that said he had been buried. They told that to the American team members, and the American team members passed that as fact to everyone except the family members.

The CHAIRMAN. Now, what do you suggest the American team members should have done if they were given that information at that time?

Dr. O'GRADY. Well, the standard by which my research is held to, if I am provided with a report from a library or an archive and the original source of that information is named, then the first thing I do is contact that original source and interview him.

The CHAIRMAN. Was the source named in this case?

Dr. O'GRADY. Yes.

The CHAIRMAN. So what you're saying is, they didn't do the original research?

Dr. O'GRADY. No. They did not independently corroborate the information provided by the Vietnamese.

The CHAIRMAN. That may go to sort of methodology but not to intent. I mean, if they were engaged in some kind of cover-up or effort to prevent you from knowing, they would never have conducted the interview or never have passed the information on.

Dr. O'GRADY. That's a separate issue. What I'm first—

The CHAIRMAN. Well, is it separate? Isn't it central to what you're saying? Aren't you saying information was kept from us, things were destroyed?

Dr. O'GRADY. You're confusing two issues. The first issue is the methodology. Clearly, the procedural methodology did not reflect the highest national priority, did not reflect an absolute commitment to confirm information passed by the Vietnamese. That's failure No. 1. Failure No. 2 is taking the Vietnamese with them to interview the captors. That's failure No. 2 in the joint process.

The CHAIRMAN. Why is that such a failure? I mean, first of all—I mean, the requirements are probably—I think they are—that you're going to travel with somebody with you. I mean, the Vietnamese are going to go with them.

Dr. O'GRADY. Well, that is the policy that is currently in practice. Joint JCRC team resolution means just that, the Vietnamese and the Americans working together.

The CHAIRMAN. Are you suggesting the Americans are somehow going to be corrupted by the presence of the Vietnamese, that they're not going to ask legitimate questions?

Dr. O'GRADY. I am suggesting that ethnic—the ethnic faction, the minority, would be very unlikely in the presence of the Vietnamese to provide any forthcoming information regarding my father because they were under orders during the course of the war to turn over pilots captured to the Vietnamese. In this case, I do not believe they did that, and would be unlikely to admit that in front of the Vietnamese.

The CHAIRMAN. But in fact the Americans did conduct an interview, did they not, with the Vietnamese?

Dr. O'GRADY. Yes. Jointly, the Vietnamese and Americans conducted an interview.

The CHAIRMAN. And you believe they didn't get the information during that?

Dr. O'GRADY. That is correct. All they got, Senator, was information regarding the fact that he was captured.

The CHAIRMAN. But again it is methodology? You're not insinuating that there was an effort not to get to the truth?

Dr. O'GRADY. That's correct, until I get to the third failure. The third failure is, after the interviews the report was prepared and summarized, if you can call it summarized, in February 1991. It was circulated—I'm sorry, that's not true. The 1990 report of death and burial was circulated.

I don't know exactly what happened to the 1991 report. There is no transmission or transmittal information available. There's no cover sheet. That report was put into a file—the fact that now he is known to have been captured alive by ethnic nationals in February 1991.

Nobody has that report. DIA doesn't have that report, they only have the death and burial report that was summarized and provided in 1990. I do not have that report, I did not get that report until 7 months later, and the way that I get it is in this manner. I called up the DIA to ask if there was any new information on my father. They said to me, why are you asking? We have a report here that says he died and was buried, and his case is resolved. I said, you do, and they said, yes.

I said well, do you have a message transmission number, because I knew if I could get that I could track that document, and when they provided that to me I then immediately contacted the casualty office to get the information from JCRC, that particular death and burial report.

In the process of that, 7 months later, they also provided the evidence as to the interview with the captors, after I had threatened to contact congressmen, go to the media, and to take legal action if that information was not provided to me.

The CHAIRMAN. Now, with respect to the differences between you and the league at this point, it would be hard for any of us to believe that the league would not want to resolve these issues or have any living American come back. I take it you believe that they want that to happen?

Dr. O'GRADY. I believe that Ann Griffiths, as she purports to represent the families of the National League of Families, has not taken a proactive stance to ensure—

The CHAIRMAN. But let me get at this. I mean, I want to make certain—I accept the differences at face value. We all have to. They're unavoidable. But the question is, are they differences about approach, differences about judgments, about evidence, differences of judgment about intention, or is there something larger going on here, and I think what you are saying to me is that you felt she wasn't proactive, or the league wasn't proactive.

Dr. O'GRADY. Ann Griffiths, Senator, controlled the information flow. She controlled all the information on live Americans and it was prohibited and prevented from being provided to the family members directly. She also prevented independent and other individuals who had a different point of view from even being heard so that family members could make an independent judgment, on dozens of occasions.

The CHAIRMAN. But your allegation is that while that happened you don't—I take it you don't believe that happened because she doesn't believe that the issue is legitimate, or doesn't want to get the facts? Clearly she believes that, correct?

Dr. O'GRADY. I think she wants the issue resolved.

The CHAIRMAN. But has a different opinion of how it gets resolved?

Dr. O'GRADY. I think her definition of resolution is different. I think certainly her commitment to the return of live Americans as opposed to the recovery of remains is certainly different, yes.

The CHAIRMAN. A different opinion as to approach and methodology?

Dr. O'GRADY. No, it goes beyond approach and methodology. It goes to deliberately preventing the exercise of democratic process. The families are not given all information from which they can make a personal judgment.

The CHAIRMAN. And the motive for that is what I am trying to get at. It is not because they are always hovering around here, as you know. These are very serious accusations about destruction of evidence and avoidance of truth and coverup and so forth.

What I am trying to ascertain, and I believe you have probably said it, is while there may have been some turf protection here and there may have been some differences about what constituted a legitimate approach that you are not alleging, I take it, that somehow Ms. Griffiths or other members of the league were in cahoots with an effort to prevent the truth from coming out.

Dr. O'GRADY. I am saying, Senator, very clearly that Ms. Griffiths participated in deliberate concealment of information by and with various agencies of the U.S. Government. As to motive, that's very, only speculation unless you want to qualify me as an expert witness in psychology.

The CHAIRMAN. It sounds like you may be able to be qualified.

Dr. O'GRADY. I have my personal opinions as to motive. But I don't think that's really appropriate to speak to at this point.

The CHAIRMAN. Well, we are going to further this inquiry. Senator Grassley, do you have any further questions?

Senator GRASSLEY. Just the point she just made. And maybe if she does not feel comfortable discussing it, I would not force you to do it.

But I would like to have that personal opinion.

The CHAIRMAN. Well, let me just say that as I said earlier before you came back, Senator, this is the beginning of this inquiry. We are going to talk with families who have this kind of evidence.

Senator GRASSLEY. So you are saying it would be more appropriate at that point?

The CHAIRMAN. I think time-wise it would be. But I want to guarantee that will go through that.

Senator GRASSLEY. Do you mean beyond these 3 days of hearings?

The CHAIRMAN. Absolutely.

Senator GRASSLEY. So let me ask, Dr. O'Grady, you would be more comfortable having us handle that at that point. Is that right?

Dr. O'GRADY. In terms of giving you my personal opinion as to motive or in terms of documenting some of my claims?

Senator GRASSLEY. Well, I assume that your personal opinion is based upon your ability to document some claims.

Dr. O'GRADY. That is correct.

Senator GRASSLEY. I would like to have the point of view made and then take time to document it later on.

Dr. O'GRADY. My personal opinion was that self-interest superseded the interest and recovery of live American POW's.

The CHAIRMAN. Well, if all members are amenable to it, what I would like to do is move to the next panel. There is no truncation of this, I want to assure you. You have laid out the parameters of some very important inquiry for the Committee. We knew this was an area we were going to have to go into and were prepared to. And so we will get back to you.

And we would like you to submit all of the documentation, if you would, and begin the process, if you will, with those families who have similar documentation and problems.

My suggestion, and I do not know who is here representing Carl Ford's office, this is something we are going to take up with the Secretary as we go along here. But I do not want to wait a year for us to draw conclusions here that are fairly obvious in the early days, which is that there is a communications, public relations problem, if nothing more.

And I think it would be very advantageous to this entire process if a structure was immediately put into place to permit the accessing of the information and review of information with the families because if you do not do it, we are going to wind up forcing that and going into it in an adversarial way, which I think the Committee would just as soon avoid.

And so it would, I think, be of enormous importance for the Department to think about how it is going to reach out to these families, listen carefully to each of those complaints and problems, and try to begin the process of, if you will, rectifying it and creating a

new relationship there. And I think that we will certainly be working and trying to make that happen.

Senator Smith.

Senator SMITH. Mr. Chairman, I do not have any further questions of either witness.

But I would like to just put a couple of points in the record here because I think they relate to what has been said.

First of all, regarding the League of Families and the U.S. Government role, I think it is clear that there is a great deal or there is a tremendous amount of difference, a tremendous difference of opinion as to what the proper role of the League is. And I think everybody knows what the proper role is, but that has become without question in anybody's, or impugning anybody's motives, it has become clouded because the League has been drawn into the process.

The League now is represented as part of the U.S. Government. There is not necessarily a conflict here, but there is a difference, a very clear difference, in the role of each. And if in fact family members are not receiving information, whether it be about live Americans or about deceased relatives or any other information, if in fact the person who represents them before the Government, before the court, if you will, is a part of the court, then credibility is diminished. And we can go beyond that, some have gone beyond that. But that is clear.

And I just want to enter a document into the record and this is not meant to slam any particular administration, there are numerous documents out for the Reagan administration as well, but a document dated March 7, 1979. It was a memorandum from David Ahren, excuse me, for David Ahren from Michael Oskenberg, subject: League of Families meeting with the President.

Now at this time, then POW/defector/deserter, whatever those chose to call him at the time, Robert Garwood had made some overtures in Vietnam that he wanted to get out. And I just want to quote a couple of lines from that because I think it explains why Ann Mills Griffiths wanted to get, on behalf of the family, and why the families wanted her to get before the Government. What happened subsequent to that, we can debate. But it is very clear what happened.

For well over a year the National League of Families of American prisoners and missing in Southeast Asia have sought a meeting with the President. The NSC has consistently turned down these requests.

Two reasons now exist for altering my recommendation to the President and for responding favorably to the most recent League request. A live American defector has been sighted in Hanoi and has indicated that he wishes to return to the U.S. The Vietnamese have previously given no indication that there were any live Americans in Vietnam, although they clearly knew about this case. The defector has also claimed that he knows of other Americans apparently who are alive in Vietnam.

And it is politically wise, perhaps, for the President to protect himself on this issue by reasserting his continued interest in a full accounting.

Memo, internal, in the White House.

You see, you really cannot blame families for the concerns that they have. This is devastating stuff. We cannot change what happened. But, by God, we can make sure it does not happen again. And we ought to make sure, Mr. Chairman, and I certainly will

work to do it, to see to it that we can put a policy in place very soon to see that this kind of nonsense does not continue.

I want to make one final point and then I will be quiet. There was, this is a related issue. Dr. O'Grady talked about categories, category 1, category 2, category 1 being confirmed capture or confirmed knowledge of what happened, suspect, doubtful, unknown, unrelated, 1, 2, 3, 4, 5.

In 1982 there were 166 confirmed, category 1, categories. And there was category 2, which is suspect knowledge, 1,123. Now something happened between 1982 and 1991 that somehow diluted this number down to 64 or 65 discrepancy cases. I never received any adequate explanations as to just what the heck that means as to why this has happened.

Anybody, I know if my father was one of those 1,123, I do not care what you called it, category 2, 1, discrepancy, whatever it is, my father is missing and why is he not a discrepancy case. So I think it is important that we start looking at some of the semantics and put this stuff back together in some common base of definitions that we all understand so we are all working with the same dictionary here.

Thank you.

The CHAIRMAN. Senator, I could not agree with you more. I think both points are very well taken.

And the Committee is not going to be concerned about what happened under which administration. The obvious effort here is to try to just lay out what did happen. I think one of the points that is raised here is very important and the Committee is going to need to understand it and we need to look at it. It is the standards that have been applied here and how some of the judgments have been made.

I think everybody agrees some of these judgments are really tough. And if you have 2 wingmen or something who saw a plane go down and the plane exploded and there was no parachute and so forth, you have got to make some judgments. And nobody is going to contest that. Am I correct, Dr. O'Grady?

Dr. O'GRADY. Those are not cases at issue.

The CHAIRMAN. That is exactly my point.

Dr. O'GRADY. Yes, as long as there is a working hypothesis as to what the standards for identification as a discrepancy case are clear and objective.

The CHAIRMAN. That is what we need to understand better. I think there needs to be more airing of that in order to help everybody. And I think it will help those in the field and it will help those back home trying to make choices and decisions.

And again, that is part of the opening up here. And we are going to open that up. And we are going to look at it.

Dr. O'GRADY. Senator, could I just add one more piece of information relative to what Senator Smith stated?

Beyond the more difficult judgments, there are certain definite judgments. Certainly there would be no debate, I would imagine as to category 2, category 2's, and many category 3's. Let me just give you some examples of some of the numbers confusion done with smoke screens and mirrors that I have encountered in my own research. I will be very brief.

But let me just tell you, and I finally got the Kissinger list released to me. And there were a total of 70 names. I also have the original list and the narrative. So it is interesting that one narrative was provided although the name was omitted from his original list.

I then went back to my own data base and cross-referenced those names with all of the men that as of 3/86 when this list was approximately released, whose names did not appear on the Kissinger list who were known category 1's, confirmed knowledge or capture. There were, and I know you're interested in data bases, 99 of those men at that time in addition, if you include other men who meet such criteria as radio contact on the ground seen in captivity alive, pictures in captivity, good parachute, no evidence of crash, difficulties. You can identify at least, and I'm not an expert, and I was able to find these men, you can identify at least another 110. That's over 200 right there.

And that's based upon my research. And I don't have the staff and the resources and the capability and the time or the money that the Department of Defense has had for a very long time.

And in addition I will tell you I have some other confusion you might be able to help me with. I was reviewing General Vessey's testimony of September 30, 1987 to which I had referred. Now at that time he referenced 224 total discrepancy cases. He broke them down like this, 70 known POW's, seemingly consistent with the original Kissinger list, 28 having died in captivity, 58 probably captured, 156 likely knowledge. And then further broke it down, 137 in North Vietnam, 59 in South Vietnam. Those numbers don't even add up to 224.

But more importantly, on July 17 he then quotes in his testimony, 119 discrepancy cases. So we've lost about 100. And then further breaks the list down as of 22 remains returned, 4 fates resolved with no remains. Again, we don't know who they were or what criteria was used to resolve those cases—31 fates resolved, remains not available. My guess is that they couldn't find them as in my father's case. And 62 fates still unknown.

Now, again, the figures, I have been looking at figures using my computer for years. And I can't come up with consistent figures. CINCPAC lists don't correspond to Department of Defense and other Department of Defense list or DIA lists or other lists. And if you could un muddy just the numbers for us, remembering those represent men, they represent fathers and brothers and husbands. They are not just numbers. And when we see 100 of them missing from one testimony and on day 2 another, we wonder who did they lose again.

Please help us find out.

The CHAIRMAN. That is a fair inquiry. And as you know, yesterday I inquired about the data base and was not given a complete answer on that. And we will be talking about it shortly. And we will pursue that.

Are there any other questions?

Senator REID. Mr. Chairman, I have been able to watch most of the testimony from my office and I am sorry I missed it. It has been most interesting. I have no questions.

The CHAIRMAN. Thank you very much, Senator Reid.

Mr. APODACA. Mr. Chairman, I would like an opportunity to state a few things if possible?

The CHAIRMAN. Absolutely.

Mr. APODACA. I was invited here because my father's case is—I think I was invited here because my father's case is one of the 62 discrepancy cases. And I've always kind of wondered why. You've got the narrative included as part of the attachment. I've gone over all of the files. And there's not that much information in them past that narrative. It pretty much contains all the details right there.

And I've heard of files that have a lot more information in them, more than my father's. And I keep wondering why it is a discrepancy case. I just have a gut feeling that there's a lot, there is some, more information out there that I'm not finding out about that somebody knows about, why it is discrepancy case.

The CHAIRMAN. Have you made that inquiry of your Casualty Office?

Mr. APODACA. I always request and the Casualty Affairs Office provides me a copy of all the records they have. And they are at the mercy—

The CHAIRMAN. Have you sought a briefing as to whether or not there is additional information?

Mr. APODACA. No, I have no credible evidence, just a gut feeling. I've got to think something else is out there or why is there—

The CHAIRMAN. Well, one of the things, as I said, we are going to try to do, I emphasize try, is unscramble the numbers issue, try to get some accountability on where we began with numbers and how we moved from the beginning on down the road to different numbers, what standards were applied to make the determinations about these cases that moved them from one category to another.

Now my hope is, and I think Carl Ford is absolutely genuine on this, I have no reason to believe otherwise, there will be forthcoming a flow of information such as I think we have not seen before.

I am told there will be a declassification. And there is strong commitment on this Committee in the private conversations we have had that other than the source and methods issue, which every Senator wants to legitimately protect, that the information ought to be forthcoming. And that families ought to get that information.

Mr. APODACA. There's a huge data base of information out there that hasn't even been correlated to any specific individual, I think.

The CHAIRMAN. Agreed.

Mr. APODACA. They published 15 volumes of information in 1978 of information uncorrelated. Now it's been, what is that, 13 years now since that information. Has anybody gone back through that uncorrelated information? We have many new technologies now available. Technologies where we can take photographs and imagery and analyze that and make it into a high resolution. And you could possibly correlate it then.

I don't know what effort has been made on that part. It's going to take a huge processing capability. Take all the information, load it into one data base, let one area manage this issue instead of JCRC having theirs, CILHI having theirs, DIA having theirs. It's got to be managed and coordinated in a much better process.

The CHAIRMAN. Most of the people that have something to do with it are sitting here and listening. And we are appreciative of that. And I am confident that they will take—

Mr. APODACA. One option or recommendation that I can come up with.

I would like to talk about the League just for a few seconds. The League of Families, you know, it's a group of very personally involved, very emotional people, like a huge family. And like any family, you're going to have arguments and differing views. I know most people at one time have hated their brother or sister for a while.

But recently, I've become heavily involved with the League. I was just voted in by the family members this past July as a member of the board. The board has a very diverse membership now. Family members have voted people who have differing views, who believe in different methods and different policies.

And the first board meeting was full of debate on some of these different policies. This allows different viewpoints to be heard. And I think some family members are getting some representation. There is a democratic process. They elect the people in there and the board members are trying to get those viewpoints heard.

But one thing I would like to state is that the board of members must act with family members' concerns and best intentions. And that's one thing that I've tried to do. And I do see problems where family members feel that they're not being heard. But I know from being at a meeting that they are being heard, but it's not the policy that the board voted on. And the board tells Ann Mills Griffiths what to do and she follows that direction.

The CHAIRMAN. Let us see if all of that begins to move in a new direction in the next days. I have a suspicion that it will. And I am confident that it can.

Thank you both very much. I think it is very, very helpful to us and we will be working with you in the months to come.

Dr. O'GRADY. Thank you both very much on behalf of Colonel O'Grady.

The CHAIRMAN. We appreciate it. Thank you very much.

If we could ask the last panel to please come forward. We have Mr. Dennis Nagy, Acting Director of Defense Intelligence Agency, Bob Sheetz, the Chief of the Special Office for Prisoners of War Missing in Action, Defense Intelligence Agency, and Charles Trowbridge, the Deputy of the Special Office of Prisoners of War. Thank you, gentlemen, very much. Would you raise your right hands?

[Witnesses sworn.]

STATEMENT OF DENNIS NAGY, ACTING DIRECTOR, DEFENSE INTELLIGENCE AGENCY; ACCOMPANIED BY BOB Sheetz, CHIEF OF THE SPECIAL OFFICE FOR PRISONERS OF WAR MISSING IN ACTION, DEFENSE INTELLIGENCE AGENCY; AND CHARLES TROWBRIDGE, DEPUTY OF THE SPECIAL OFFICE OF PRISONERS OF WAR, DEFENSE INTELLIGENCE AGENCY

The CHAIRMAN. Gentlemen, thank you very much. You have been extremely patient, although I must say I think it has probably been helpful to listen to some of the panels and get a feel for

where we are heading here and what some of the observations of the witnesses are.

We welcome your opening statements, and obviously would appreciate to whatever degree you can summarize. The full statements will be placed in the record, if you can do that.

Mr. Nagy?

Mr. NAGY. Thank you very much, Mr. Chairman, Mr. Vice Chairman, and Members of the Committee.

I have submitted a written statement for the record and in a moment I will take some time to summarize that statement.

First, however, I feel compelled as you know—

The CHAIRMAN. Could you pull the mike a little closer?

Mr. NAGY. First, I feel compelled as you know, having sat through now most of the first 2 days of testimony before this Committee to note that I've listened carefully to what the families have had to say, the veterans, our own personnel who operate within the field, and DOD policy-makers. And I've had time to think about that some more.

All of this testimony reaffirms in my mind the compelling reasons why we must continue to apply our absolutely best efforts toward making significant progress on this issue. I have personal reasons why this is compelling to me as an individual. Friends of mine are contained in the lists, Joe Ross, Larry Tatum, and a variety of others.

There is no holding back in terms of my personal efforts and desires with regard to seeking resolution of these issues.

As the Acting Director of DIA, an agency whose name has been mentioned frequently during the testimony so far on these 2 days, I feel a particular responsibility to speak with candor and clarity about the role of DIA, both what DIA's role is and what it isn't. I hope that my testimony and that of my colleagues today and in the days ahead will work toward accomplishing that end.

As noted, I brought with me the Chief of our Special Office on POW/MIA Affairs, Mr. Bob Sheetz. Mr. Sheetz has many years of experience within the intelligence community and as an investigator. He has just recently returned from his second visit to Thailand. On that visit he was accompanied by Colonel Bailey, Bob Trowbridge, who is sitting on my left—I'm sorry, Chuck Trowbridge—who, as you all know has many years of experience working in this area, both as a uniformed officer and as a civilian employee of DIA.

Since my appointment as Executive Director of DIA some 18 months ago and during my brief tenure as its Deputy Director and Acting Director, I have worked to insure that DIA is carrying out its responsibilities for accounting for POW's and MIA's fully and completely. The agency deeply comprehends the special nature of this mission and its importance to the American people.

Moreover, the agency understands completely the need for us to share with the families of these missing men and the American people both our successes and our frustrations. As the Secretary of Defense promised yesterday, the agency stands ready to support this Committee's efforts to bring together all of the facts on this issue as openly as possible.

I am heartened by the opening statements of the Committee Chairman and Members. And I must join with those who have preceded me in stating that DIA wishes to be a full and active participant in these deliberations in the hope that we can set aside past differences and work together toward a resolution.

Much has already been said about the nature of DIA's mission and the procedures we use to ascertain the validity of all reports of live sightings of Americans in Southeast Asia. I believe that it is essential for me to state again both what the agency's role is and what it is not.

The essence of DIA's role is the analysis of reports on the potential existence of live Americans held against their will as a result of the Vietnamese conflict. The most urgent of these are what have come to be known as live-sighting reports. Before I go further I should note that there is often confusion about what is meant by the term live-sighting report. Such a report comes from first-person sources who believe that they have seen individuals alive in Southeast Asia who are or could be Americans.

To determine the facts, these reports require extensive analysis, the tasking of additional collection systems, interviews with the sources, and investigation on the ground in Southeast Asia. Often it is felt by families and other Americans that by its very title, a live-sighting report is a valid indication of the survival of an unaccounted for American.

As much as we would all like to believe this to be the case, it's not. DIA's job is to determine the facts pertinent to the report and to follow the leads to their logical conclusion. Unfortunately, none of the reports so far have led to the recovery of a live American. Nonetheless, DIA will not rest until we have done our best to resolve all of the unaccounted for cases.

As the analysis and other activities relative to a report are undertaken, DIA is charged to inform members of the Government and the families as quickly as possible of the report and our actions. During this process, when the determination is reached, DIA is to keep policy and decision-makers and the families informed. This is often a long and painstaking effort that sometimes seems overdrawn.

But I must remark that there is no room for error in this mission and that I believe it is our responsibility to be thorough and complete. I believe that during the testimony it has been made clear that that was not often the case or not always the case in the past.

While this analytic work is underway, DIA is rightly called upon by others in the executive and legislative branches to support their POW and MIA activities. The agency is also asked to support the families directly and to assist POW/MIA organizations. In addition, the agency carries out its mission by providing intelligence support in the recovery of remains and by serving as the intelligence advisor to the inter-agency group on Indochina POW/MIA affairs, as well as to the President's special emissary to Vietnam, General Vessey.

In the future DIA will also play a role in support of the Pacific Command's Joint Task Force as noted by Secretary Cheney and by General Christmas.

I want to assure the Committee that DIA is dedicated to this mission and to the role it plays in support of the families and the American public. I can assure the Committee that I will personally see to the provision of all possible information to the families.

As to what the mission is not, DIA is not chartered as a policy-making agency and does not establish U.S. Government positions on POW's and MIA's. Our role in the POW/MIA issue is analogous to that of the intelligence community in the arms control arena, that is one of providing intelligence in support of U.S. arms control policy.

In terms of the final resolution of the unaccounted for cases that we address, it is important to note that the final decision as to DIA's analysis rests with an inter-agency policy review group and that no case is completely closed until the return of confirmed remains or, of course, a live American.

I must say that I was pleased yesterday to hear the introductory words spoken by you, Mr. Chairman, and by Senator Smith concerning the sincere desire of this Committee to bring together all of us involved in this vital matter. I believe the DIA has labored honestly in the past to carry out its mission, for some periods with inadequate resources and in the heat of controversy. Those circumstances have been counterproductive to the effective work of DIA's analysts.

I believe, as Senator Smith noted at the opening, that these hearings mark a new beginning. I can assure the Committee that neither I, nor General Clapper, once he is confirmed as the new Director of DIA, will permit DIA to lessen its efforts to help resolve this issue.

We look forward to working with the Committee in a full, cooperative manner, establishing clearly that DIA is both professional and effective in carrying out its POW/MIA responsibilities.

I'll take a few moments to address the new aspects of DIA's efforts. In the past, first-hand sighting reports could only be analyzed through the labors of file studies and indirect collection because we were denied direct access to ground locations in Vietnam, Laos, and Cambodia where the sightings were reported.

Now, however, with various diplomatic approaches beginning to bear fruit, DIA is getting the kind of on the scene access that will allow prompt, first-hand investigations. We have, as the Committee discussed with Colonel Cole this morning, an operational element based in Bangkok, known as Stony Beach. It has begun to vigorously carry out in country missions.

This element was established in 1987 ostensibly to interview refugees. It currently has 8 professional assigned to 9 actual billets. And as was noted this morning, it is being expanded with 9 additional staff members, reflecting in large measure the access that's now available.

In addition, DIA has added 18 more positions to its Pentagon staff, bringing the number of DIA people addressing the issue to 58 in Washington and 17 on board, or will be on board shortly, hopefully 18, in Southeast Asia. I need to note that we are just now beginning to fill these new positions.

We have established an operational element in our office in the Pentagon to insure quick reactions to all incoming reports and we

have a standing policy with that new branch which insures that any report directly related to a family member is provided to that family member as quickly as possible.

We're working with professionals assigned to the new office in Hanoi, and as the Secretary noted yesterday, we are moving directly to investigate reports in Vietnam. Mr. Chairman, I'm keenly aware of the challenges facing my agency and the Government regarding this issue. In some quarters, DIA's image vis-a-vis the issue is not what it should be. I believe that the image does not reflect the reality of DIA's serious efforts in the past, the dedication and quality of its people, nor the enhanced current and future endeavors. I have no doubt that the DIA has not done as good a job over the years as it might have.

Internal DIA management reviews of this effort conducted since 1983 have clearly shown room for improvement. Since then, as I've already noted, we have increased the Pentagon staff, in fact, since 1983, from 12 to 58, have established the Stony Beach element in Bangkok, and are now increasing its size, and stand ready to carry through on our commitment to the mission that Secretary Cheney confirmed yesterday. Mr. Chairman, this concludes my remarks. All three of us stand ready to answer your questions.

[The prepared statement of Mr. Nagy follows:]

PREPARED STATEMENT OF DENNIS M. NAGY

Mr. Chairman, distinguished Members of this Committee, I am pleased to appear before you today to explain the role of the Defense Intelligence Agency (DIA) in support of the U.S. Government effort to achieve the fullest possible accounting for the prisoners of war and missing in action (POW/MIA) in southeast Asia.

Since my appointment as DIA's executive director 18 months ago, and during my subsequent time as the agency's deputy director and now as its acting director, I have come to appreciate fully the urgency implicit in our POW/MIA mission. I am keenly aware of the U.S. Government's obligation to its fighting men and women to take all necessary measures to recover or fully account for all POW's and MIA's. Moreover, I understand completely the necessity for us to share with the families of these missing men and the American public as a whole both our successes and our frustrations in achieving this full accounting.

Before proceeding further, it is critical that you understand DIA's role in the POW/MIA issue. DIA is an analytic organization; it does not establish U.S. Government policy on POW/MIA's. The agency was assigned the mission to fully apply all appropriate intelligence sources and methods to determine if Americans are being held against their will in Southeast Asia.

DIA aggressively pursues this vital mission by:

- fully investigating live-sighting reports and supplying the agency's findings to policy and decision makers;

- providing intelligence support to the fullest possible accounting mission, directing our efforts toward assisting in the recovery of remains of those lost on the battlefield and, in the absence of recoverable remains, toward confirming their fate; and

- providing intelligence support to national decision makers as the intelligence advisor to the interagency group on Indochina POW/MIA matters, as well as to the President's special emissary to Vietnam, General Vessey.

DIA spares no effort in pursuit of this mission, and this Committee, the families of the missing and unaccounted for, and the American people need to know that the personnel DIA has managing and executing this vital effort are among the most dedicated and hard working in the entire intelligence community.

In fact, on December 4, 1990, the director of Central Intelligence awarded DIA's special office for POW/MIA's a national intelligence meritorious unit citation in recognition of its exemplary performance, consistent excellence, and superior professionalism.

Additionally, DIA's special office sustained this high level of performance throughout operations Desert Shield and Desert Storm when agency POW/MIA an-

alysts and technicians established a current operations cell in support of the Joint Chiefs of Staff. This cell contributed thousands of extra hours in providing current intelligence on the circumstances of loss or capture and the locations of imprisonment of U.S. and coalition forces. As you know, all of the missing from the recent crisis and conflict in the Persian Gulf have since been accounted for.

Among the 59 intelligence officers and support personnel assigned to DIA's special office, 25 are current or former members of the uniformed services. They also represent a combined 305 years of uniformed service experience, and have 90 years of service in Vietnam and Southeast Asia.

Mr. Chairman, I can assure you, these intelligence professionals are dedicated, motivated, and diligent in their pursuit of the U.S. Government's POW/MIA policy goals. That we will not waver in our effort to achieve the fullest possible accounting is a matter of trust, not only between DIA and the families, but also between us and our brothers and sisters under arms. We would not associate ourselves with anything less, or conspire—as some have suggested—to cover up our findings.

At this point, I want to explain how DIA investigates live-sighting cases—a subject you have indicated is of major concern to this Committee. In the past, first-hand sighting reports could only be analyzed through the intelligence process since the U.S. Government was denied access to the ground locations in Vietnam, Laos, and Cambodia where sightings were reported. Now, however, with various diplomatic approaches to these governments beginning to bear fruit, DIA is getting the type of ground access that will allow prompt, on-the-spot investigations. In coordination with our field operatives, we are gradually establishing procedures to obtain the answers we need. In short, we want to be in a position to ask pertinent questions, then follow up immediately by inspecting appropriate facilities or locations ourselves to ensure all the facts have been gathered. This mission presently resides with DIA's Stony Beach detachment, based in Bangkok. The detachment commander, Colonel Cole, will explain this process in greater detail during his testimony.

In addition to the collection effort just discussed, DIA also utilizes all of the rather significant data collection means available to the U.S. intelligence community to investigate live-sighting reports. I can assure you that all of our intelligence systems and capabilities are being employed with the highest tasking priority in an effort to resolve every, single, first-hand, live-sighting report.

In conclusion, I want to reiterate that with regard to the POW/MIA issue, DIA is an analytic intelligence organization, not a policy-making body for the U.S. Government. Our role in the POW/MIA issue is analogous to that of the intelligence community in the arms control arena, i.e., one of providing intelligence in support of U.S. arms control policy. As regards the POW/MIA issue, DIA with the other components of the U.S. intelligence community, provides intelligence support to the overall efforts of the U.S. Government to achieve the fullest possible accounting for every POW or MIA. DIA remains fully committed to supporting this highest national priority. Mr. Chairman, this concludes my statement for the record. I would be happy to answer any questions you or the other Members of the Committee have.

The CHAIRMAN. Thank you very much, Mr. Nagy. I appreciate that and we do want to get to the questions. Let me ask you first of all about the database issue that has been raised. Why is there not one database?

Mr. NAGY. Let me ask Mr. Sheetz to answer that question directly. Mr. Trowbridge may also be able to add to that in terms of the diversity of the effort.

Mr. SHEETZ. There is one database within DIA. All our source reporting, all the reporting on what we've come to categorize as camp reporting, all the firsthand live-sighting reports, all the dogtag reports, all of that material is contained within one computer system, so that when we make a query in that system, we are able to address all of those databases.

The CHAIRMAN. Address the databases of other agencies?

Mr. SHEETZ. Yes, the JCRC database.

The CHAIRMAN. So the comment that was made, Dr. O'Grady talked about the cross-fertilization and so forth, is that accurate or inaccurate?

Mr. SHEETZ. Well, I'd just like to clarify it a bit. Every intelligence report that comes in to DIA from CIA, NSA, from our own field element at Stony Beach, all those reports ultimately get added to our database, so when we make a query, that query will pass against all the data in our file. Periodically, we exchange tape files with the JCRC. They give us their crash site and gravesite information and other kinds of reports that they get, and to the extent we've been able to sanitize material to the level that we can give it to them, we do that in database format and pass that to them in magnetic media.

The CHAIRMAN. Is there any information regarding POW/MIA that is outside of your base?

Mr. SHEETZ. I can't speak for outside the intelligence agencies.

The CHAIRMAN. Well, would all CIA, NSC, obviously the DIA, what other agency might—any, I suppose, State?

Mr. SHEETZ. Every State cable.

The CHAIRMAN. What about NSC, CIA?

Mr. SHEETZ. Well, NSC, the National Security Council is not a reporting element. They don't generate intelligence reports. The NSA, the National Security Agency would.

The CHAIRMAN. Do they have records on this, for instance, in the 1970's, would that have ever been accessed to your database?

Mr. SHEETZ. Every report that is issued by NSA would be in our database. Now, you may in closed session—

The CHAIRMAN. Any report issued? What about intelligence? For instance, Brent Scowcroft is recently quoted as saying he does not believe there is anybody alive. Now, where does he draw that conclusion from, and we will ask him eventually, but do you have any sense of that?

Mr. NAGY. I have no information as to how Mr. Scowcroft has drawn that conclusion. Let me mention with regard to the National Security Agency that in executive session we can address those kinds of issues. Generally what we do is we receive the published reports from the National Security Agency and those are entered into our files. We do maintain extensive day-to-day contact with the analysts. But rightly so, the National Security Agency has certain processes that it follows in terms of reporting and—

The CHAIRMAN. Could your current database be expanded?

Mr. SHEETZ. I think you can—you could always want more data, but I'm not aware of any source of information that we're not tapping into that we ought to be tapping into. I mean—and if some are identified, I'd be pleased to have that brought to our attention and we'll take a look at it.

Senator SMITH. Excuse me, Senator Kerry, for interrupting you. I just want to see if I could ask you, when you say database, have you put in previous information or have you just started at point A, 1982 and gone up, or have you put all the stuff in the computer, all the live sightings from 1973 on up?

Mr. SHEETZ. Senator Smith, it's my understanding that every report that DIA has received back to, I believe, 1975, but it could go back further. Mr. Trowbridge can probably answer that.

Mr. TROWBRIDGE. When you say everything entered into the database, there are hard copy files, but what's in the database and that's automated, for instance, is source information or identifying

reports, and certain data from those reports are automated, so the database consists of both an automated database and also a hard copy database. But to answer your question, anything that is in the office, we could query the database, the automated database, and go to those source files.

Mr. NAGY. What we're saying is, it is not a virtual memory. It is not all the reports, a picture of all of the reports in an automated fashion.

Senator SMITH. Location, name of individual, alleged POW or whatever?

Mr. NAGY. A number of data elements.

Mr. TROWBRIDGE. That's all in the database, sir.

Mr. SHEETZ. I would add to that, Senator Smith, that every critical field that would be useful in terms of indexing and cross-indexing, I'm certain or hopeful, at best, is in the database and should we find something in working with you and the Committee that you think ought to be added to that database, we'll be happy to do it.

The CHAIRMAN. Mr. Trowbridge, how long do you go back with this issue?

Mr. TROWBRIDGE. Sir, I reported to the office in December 1971.

The CHAIRMAN. 1971.

Mr. TROWBRIDGE. Yes, sir.

The CHAIRMAN. Is there any purging of information that has taken place in the course of your service?

Mr. TROWBRIDGE. No, sir. There has been information that was historical data that has no bearing on analytical work. Just for the saving of space, it has been categorized and archived in Suitland, but it's all indexed. There has been no purging. It's been archived and it's available for recall if we need to get it.

The CHAIRMAN. So it is your testimony that no data that was ever received with respect to any case has ever been subsequently deleted or changed?

Mr. TROWBRIDGE. No, sir. Not to my knowledge.

The CHAIRMAN. And, Mr. Sheetz, when you came to the office, can you share with us what sort of condition the office was in when you took over? What year was that, when did you take over?

Mr. SHEETZ. Well, I took over April 8 of this year, just after the departure of Colonel Peck.

The CHAIRMAN. What shape was it in when you took over?

Mr. SHEETZ. It was, very honestly, in a state of turmoil. The circumstances surrounding Colonel Peck's departure were controversial and there's no use saying anything else but that, and there was a lot of media attention on the office and you could almost say it was rather beleaguered. I set about being an intelligence professional. I set about doing immediately some things that I thought needed to be done. I took an immediate look at all the intelligence requirements that the office had on the books. A lot of people don't understand how the intelligence process works.

You just don't sit there and wait for reports to come in. You have to identify your requirements. You have to get them tasked with appropriate priority. You have to identify the collectors, get them energized, and only then will the flow of intelligence come in to you in such a way that you can be satisfied that you're getting

the material that you need to be getting. Those requirements had not been reviewed for some time prior, at least in the 9 months prior to my reporting. So I did that.

I went around and met with all my counterparts throughout the intelligence community at FBI, CIA, other places. That hadn't been done for some time either. I went out to JCRC and to CIL-HI and met with the commanders of those two commands, who we work very closely with, and that hadn't been done for some time. And finally, I got out to Southeast Asia and met with our Stony Beach collectors and did an assessment of their resource position and made recommendation to Mr. Nagy that their staff needed to be doubled in size so that they could adequately cover all the refugee camps to solicit firsthand sighting reports.

Most people don't realize that we collect those ourselves. I mean, if we had some sort of a conspiracy under way and a cover-up, we wouldn't even be collecting those. DIA collects almost 90 percent of the firsthand sighting reports ourselves. So those are some of the things I did in the first 6 weeks or so, upon reporting to the office.

The CHAIRMAN. Well, that begs some other questions, but I want to turn to Mr. Trowbridge for a minute. Going back to 1973, after Operation Homecoming, were you aware of intelligence information that would lead one to believe that Americans were still alive in Southeast Asia, either being held or moving freely?

Mr. TROWBRIDGE. No, sir. Based upon the information we held in that time frame, I was not aware of any. There was very little reporting at that period of time. We were still in-country. The POW's had just come home in 1973. There was very little reporting relative to live sightings anywhere in Vietnam, Laos, or Cambodia. Everything that we held in the office from that period of time up through 1975, was reviewed by the Select Committee. In the House, I believe it was a 15- to 18-month period of time and they reviewed that information, and they came to the conclusion that they didn't see any either.

The CHAIRMAN. Were you in a position to see that data at that period in time?

Mr. TROWBRIDGE. Yes, sir. We were a small office at the time, but I was the branch chief of that office.

The CHAIRMAN. Now, did you hear Mr. Bell testify earlier today?

Mr. TROWBRIDGE. I certainly did.

The CHAIRMAN. Would he have seen different information? Would the information that he saw and was forwarding, in fact, have gone to you?

Mr. TROWBRIDGE. Senator, if it was in the system and the system worked, it should have come in to our office. I have no idea what Mr. Bell is talking about. My interest is just as piqued as yours is at this point in time.

The CHAIRMAN. I started a little early here and I have had a little longer. So why do I not give up some of my time here to Senator Smith, well, it is almost up anyway. Senator Smith.

Senator SMITH. Mr. Nagy or Mr. Sheetz, with the great opportunity for tunnel vision or armchair quarterbacking, or looking backward, essentially two entities were harmed, I thought, by the Peck allegations. Mike Peck certainly was, and the agency certainly was,

at least in the public perception. If you had it to do over again after receiving his letter, what would you have done differently?

Mr. NAGY. At the time, Senator, as you're well aware, we were in the midst of Desert Storm. The office was directly assigned to the command element. All 3 of us at that time, myself as the executive director, Admiral Sheaffer as the then deputy director, and General Soyster were deeply involved in that operation and one other important activity. And this is not by way of excusing what I'm about to say at all, but it's the facts of the matter.

We were also involved in the process of working with Mr. Andrews and others on the restructuring of the defense intelligence community, resulting in the memorandum that was signed out by the Secretary on the 15th of March. Both activities occupied the leadership of the agency much of the time, 12, 13 hours a day, and throughout the weekends. When we received the letter—I need to say that as a backdrop—when we received the letter, Mike Peck handed that letter to me and the director, as he has stated that he did, in a sealed envelope, one to each.

I went back to my office and read that letter and called my assistant, whose name I think has been mentioned here, whom I was using because of our other activities to assist me in working with the POW/MIA issue, and I asked her to read the letter as well. We both felt a great concern for this letter. I talked with the director later on that day at a meeting we normally held at 1700 every day and suggested if he hadn't read it, he needed to read it and that we needed to talk with Mike concerning what was in that letter and what he meant.

Frankly, we focused on his request for retirement in the days that followed.

Senator SMITH. I am sorry to interrupt you, but with only 5 minutes, I am trying to jam in a bunch of questions and I do not doubt any of that. There have been two statements made here, one that he resigned, and a letter of resignation, I thought, meant resign. But somebody else, and I cannot recall which witness it was today, said he was fired. Now which is it, was he fired or did he resign?

Mr. NAGY. Senator, he was fired.

Senator SMITH. Well, was he fired after you received his resignation letter?

Mr. NAGY. No, sir. He was informed that we were going to replace him on the 8th of February. We received that letter from him on the 12th.

Senator SMITH. And what was the reason—if you got the letter—if you decided to fire him prior to the resignation letter, then what was the reason why he was being fired?

Mr. NAGY. The reason he was being fired was in our opinion two-fold. One, he was not running the office adequately. He was not carrying out the task that we expected of an individual in his position, and two, we were getting reports from General Vessey, from Carl Ford, from a variety of other sources that they did not feel themselves well supported.

Senator SMITH. I am asking these questions not to look back for any recriminations, but to try to look ahead as to how we can look ahead here.

I read his letter. There are some things, there is some language in the letter like conspiracy and other things that there is a broad range of disagreement on. I will grant that, but as I read it, trying to be objective about it, I believe that the thing that comes through more than anything else was frustration, number one, but also I felt that he was also addressing the issue of two things.

One, the issue of mindset to debunk, an often-used phrase, and also it was addressing the tasking, the ad-hoc tasking, the obfuscation, if you will, that took place, maybe not by anybody's direction, but maybe because of misdirection. I felt that those two things, when you read that letter, if you are sophisticated enough to know what is going on in there or at least a little about the issue, those things came out.

Conspiracy, that is a major charge and you can dispute that. But those things came through, and to support that, as I saw it, and I do not want to go back into the debate we had yesterday with Mr. Andrews, but to support that was the Tighe report and the Gaines report, both of which addressed mindset to debunk, both of which addressed ad-hoc tasking, and both of which addressed the need to make major changes. That is what Mike Peck said in his letter and when I asked you the question about whether you would have done anything differently, would you have done this much, do you feel that the press release that was issued by Mr. Andrews, which says that his allegations were false, do you feel that is an accurate reflection of Mike Peck's comments?

Mr. NAGY. It is an accurate reflection of the investigation that was conducted so far as I'm aware. With regard to the two specific points you raised, that being the mindset to debunk, which as you note is not a term originated with Mike Peck, but in fact dates back in several other reports that occurred before and with regard to ad-hoc taskings.

Mike Peck and I talked about the ad-hoc taskings for a couple of months beforehand. I had repeatedly asked Mike, simply because I couldn't draft it myself, to put together a memorandum that I would sign that we would send out to all of the parties that tasked us, telling them we were going to streamline the process assigning the tasking responsibility to a central office and attempt to fix the problem, which was true. And that was a valid problem.

Senator SMITH. My final question, and my time is expired.

Mr. NAGY. But just briefly, if I could.

Senator SMITH. Go ahead.

Mr. NAGY. We finally did get that memorandum and that memorandum was signed by me in the middle of March, and we sent that out to each of the offices that were concerned.

Senator SMITH. The final point, just state for the record. I know you have, as I understand your process over there, after analysis you have a senior review group that looks over what you have analyzed prior to, I assume, it being bucked up to the interagency level or at policy level. Who makes up that group, I mean specifically by name, who are those individuals?

Mr. SHEETZ. On firsthand sighting reports, sir?

Senator SMITH. Yes, sir.

Mr. SHEETZ. There made up of representatives from each of the intelligence agencies, NSA, CIA, State Department, I&R, Intelli-