

gence and Research at State. We have representatives typically from the Chairman's office, from Carl Ford's office, NESAs, and we request a representative from National Security Council come as well, Chuck, did I miss anybody?

Mr. TROWBRIDGE. No, you didn't, but I'd like to clarify that. These are individuals that are on call to fill that board, not all of them are there. In other words, we don't call all this membership in at one time. There's various members at different boards out of those agencies.

Senator SMITH. But I assume it would be some information that needed to be looked at. I mean, you would want a second look. I mean, it is not urgent but something—

Mr. TROWBRIDGE. For instance, any board has usually got 4 or 5 representatives from these outside agencies, such as CIA, I&R, as Bob mentioned.

Senator SMITH. Senator McCain.

Senator MCCAIN. Thank you, my friend. Thank you all for being here and thank you for being here at this late hour, and you have been patient for a couple of days now. We appreciate that very much.

Mr. Nagy, was there a mindset to debunk that you know of at any time?

Mr. NAGY. I think Senator Kerry and Carl Ford addressed this issue well in earlier testimony. It's hard for me to imagine folks like Chuck Trowbridge, who have been in the office as long as they have and others, being frustrated dealing with all of the thousands of cases that they've dealt with, without the success of a returned American from their labors, to not have a sense—and this is my personal opinion now—to not have a sense that perhaps this effort is harder than anybody ever expected and that might color the way they approach it.

Mike Peck and I talked about that attitude. I read the previous reports, all of them said that. I suspect there was an attitude of that amongst the men and women within the branch. However, I've got to note that from the mid-1980's until the time when Mike had charge of the office, we had increased it from 12 to 42 positions. So many of the folks working in that office were new, relatively new.

I don't believe that they carried with them the same baggage, so I felt that it was a mixed problem, one that we had been working on. I also felt that Mike, if he felt that seriously, needed to work on changing the attitude within the branch if it, in fact, existed.

Senator MCCAIN. Mr. Sheetz, you heard a lot of the allegations that Dr. O'Grady made. They were transmitted to us and we would like to transmit them to you and get a response to those allegations, and maybe a response to some of her recommendations that she and others have. We would appreciate that.

Mr. SHEETZ. It's very powerful testimony. We'd be pleased to look at it.

[The information referred to follows:]

DEPARTMENT OF DEFENSE RESPONSE TO DR. O'GRADY'S TESTIMONY

The following is a summary of the most serious allegations raised by the testimony of Dr. O'Grady as they appear in the transcript of the hearing. The Department of Defense Response follows each specific allegation.

[Dr. O'Grady] stated that records were "purged" from her father's files.—*information had been changed subsequent to the Vietnamese participation in the interview with my father's captors.*

No information is changed as a result of Vietnamese participation in witness interviews. All of the statements and evidence remains a part of the investigative file. Analytical judgments may change as more information is received, collated and analyzed. That is the nature of the analytic process.

No records were purged from Colonel O'Grady's files. USAF casualty is unaware of any record of "Sergeant Walker's" report ever having been included in the O'Grady casualty file.

*Records had disappeared—fingerprints and dental records—through willful and intentional acts.*

No fingerprint records nor dental records have disappeared through willful or intentional acts. No dental records on file at the U.S. Army Central Identification Laboratory have ever disappeared. Each set of dental records is carefully maintained and the data therein input into an automated database for comparison and retrieval as forensic examinations require. Lieutenant Colonel Johnnie Webb, the Commander of the U.S. Army Central Identification Laboratory, is present and available to answer any Members questions in this regard.

The fingerprint records of 897 of the 2,271 POW/MIA's are contained within the files of the Federal Bureau of Investigation. The FBI is the sole U.S. Government agency charged with maintenance of fingerprint records. FBI Director William Sessions, in a letter to Congressman Solarz, explained the reasons why a number of fingerprint records either did not access into their system initially or were inadvertently purged after administrative presumptive findings of death were entered in individual cases. Director Sessions also explained the efforts the FBI has undertaken to ensure that no further fingerprints are improperly purged. Director Sessions letter is attached.

[The letter referred to may be found on p. 639.]

Additionally, the Assistant Secretary of Defense for International Security Affairs has requested the Service Secretaries to examine the feasibility of requiring that a hard copy fingerprint card be maintained within the field personnel jacket of every individual on active duty in the Armed Forces. This review is currently underway by the services.

*Identifications made with teeth and fragments of teeth but when independent forensic anthropologists were consulted, there were no dental records to be compared to.*

There is no substance to this allegation. In every case in which dental material has been used to form the basis for an identification of remains by the U.S. Army Central Identification Laboratory, dental records were available to support that identification. There have been instances where ante-mortem dental X-rays were not available in the dental record, however, the information contained within the individual's dental chart established the factual and scientific predicate for the identification. There have been no cases where dental identifications have been made in the absence of a dental chart and dental X-ray. The Central Identification Laboratory's forensic odontological methodology and procedures are accepted within the forensic science community and by the American Academy of Forensic Sciences. It should be noted that no other forensic identification laboratory in the world has as many independent procedural safeguards to assure valid identifications. Independent and outside expert forensics experts are consulted at every step of the way within the CIL-HI's identification process.

*National League of Families at one time called for all family members to provide the dental records that they had on file so that they could be maintained . . . and now those records, either within Government files or within the National League of Families, cannot be found.*

No dental record provided to the Central Identification Laboratory by either the National League of Families or the individual family of an unaccounted for American have been "lost." The Central Identification Laboratory maintains strict accountability of dental records provided by the families and by any other individual or organization. This allegation is totally false and without any factual basis.

*We were led to believe both in all verbal contacts and all written communications that my father had died. . . . 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.*

Dr. O'Grady's father was carried in a Missing in Action Status until 15 March 1977 when his status was changed to deceased. The basis for her father initially having been placed in a Missing in Action status was his apparent successful ejection from his aircraft, good parachute and other aircraft sighting his parachute on the ground, suggesting he survived his incident of loss. Additionally, Radio Hanoi announced that 4 planes were downed over Quang Binh Province and Hay Tinh Province and a number of pilots were captured on 9 and 10 April 1967. Colonel O'Grady was the only pilot lost over Quang Binh on 10 April 1967.

Pursuant to the Missing Person's Act, 37 USC Sec. 555, prior to the end of his first year in a missing status, Colonel O'Grady's status was reviewed by the Air Force. Given the circumstances of Colonel O'Grady's loss, the Air Force chose to retain him in a missing status and his family was so advised. He remained in that status until his status was reviewed, at the request of his wife. Mrs. O'Grady sent the USAF a letter stating that her family needed to be released from the limbo status and requested that Colonel O'Grady's case be reviewed for a status change to Killed in Action. The subsequent review was made pursuant to the next-of-kin request.

Until Colonel O'Grady's status was changed pursuant to the family request, the Air Force never led the family to believe "from the outset" that Colonel O'Grady was deceased. In fact, the evidence was substantial that Colonel O'Grady survived his incident of loss.

*The first time I have ever known my father to have been captured alive, although I greatly suspected it based upon my own research, was in August 1991.*

The evidence provided to the family suggested, from just after Colonel O'Grady was lost on 10 April 1967, that he may have survived his incident of loss. This information was provided by the USAF Casualty Affairs Office to the family. The status of Colonel O'Grady was not changed until a request was made by the PNOK to review his status.

*I asked [POW Debriefings] of the men known to have been captured within 10,000 meters of my father and I provided to names of those particular individuals. . . . But I have never been provided any of that.*

Prisoner of War debriefings are not releasable to families, nor indeed, to the former Prisoners of War themselves. Executive Order 11652, dated March 8, 1972, was the basis for classifying major portions of the POW debriefing information. The information the POW's provided concerning military plans, weapons and operations; the vulnerabilities and capabilities of certain systems and plans; and intelligence sources and methods met the criteria of Executive Order 11652 and was classified. Later under the criteria of Executive Order 12356, dated April 2, 1982, it was determined that the information was still currently and properly classified.

POW debriefings also produced confidential information obtained under a non-disclosure promise. POW's were promised that their complete and candid statements about the conditions of their captivity and the events surrounding their capture, captivity and release would not be disclosed. Release of this confidential information would violate confidentiality agreements and constitute an unwarranted invasion of their personal privacy.

Two options to the policy exist:

1) Family members of Americans missing and unaccounted for in Indochina have been provided a detailed summary of the POW debriefs. The summaries have included all releasable information concerning missing family members.

2) Returned POW's who have requested release of their POW debriefing information have been allowed a one-time security clearance and provided access to read and review the debriefing files in a controlled environment. The authorization to review files did not constitute authority to copy, record or retain the debriefing file.

Pursuant to the policy stated above, POW debriefs were properly withheld from disclosure. As no summaries were provided to the family of Colonel O'Grady, no information relative to his fate was contained within the debriefs that Dr. O'Grady requested.

*I know for a fact that the individual (a Marine sergeant named Walker) contacted the casualty office at Nellis AFB 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 could not possibly be true, and it was discounted.*

There was a POW who was named Walker who was captured and released in Southeast Asia. Seaman Michael J. Walker was captured on 5 February 1970 in Cambodia. He was released after 23 days. He spent his entire period of captivity in a Cambodian naval facility near Phnom Penh. There was no formal debriefing conducted but there is no record that he or the others with whom he was captured were held with or near other American prisoners.

That Seaman Walker would have had an opportunity to observe Colonel O'Grady in Laos is impossible. Walker never left the Phnom Penh area and was never confined in Laos. Colonel O'Grady was shot down over North Vietnam. There is no intelligence information whatever, from any source suggesting that Americans who were shot down over North Vietnam were ever transported to Laos or were later detained in Laos. Similarly, there is no credible evidence to suggest that Americans shot down in North Vietnam were ever transported to Cambodia.

There was no Marine named Walker who returned from captivity, either at Operation Homecoming or as an early releasee. Additionally, no American Prisoners of War, to include Colonel John Dramesi, reported seeing Colonel O'Grady in captivity. Colonel Dramesi specifically stated that he saw no Americans during his trip to prison camp after his shoot-down.

*I have 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.*

The USAF Missing Persons and Casualty Affairs Office has no record of a request from Dr. O'Grady for this information. The information will be compiled from among the services and it will be provided to her.

Dr. O'Grady made a number of suggestions about improving the Government performance on POW/MIA matters. The following points were raised by Dr. O'Grady and provided with her points are the Department of Defense comments:

*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?*

The discrepancy cases, the 119 individuals who have been discussed in the testimony before the Committee, are not an exhaustive list. DIA, JCRC, General Vessey and the Office of the Secretary of Defense worked together to develop a list of illustrative cases which we could provide to the Vietnamese to demonstrate that a category of cases existed which suggested Americans might still be alive in captivity in Vietnam. The list was not exhaustive, merely illustrative. These cases were selected in order to shed light on the live prisoner issue. There are cases in addition to the 119 individuals which fit into the discrepancy case definition. Not all of the 119 discrepancy cases involve individuals who were last known alive. Some of the discrepancy cases involve individuals who are known dead—but the Vietnamese should be able to provide information or remains.

The definition of a discrepancy case is:

A case about which the USG has convincing evidence that the Governments of Vietnam, Laos or Cambodia should have specific knowledge.

There are three subcategories of discrepancy cases:

#### *Last Known Alive*

Those cases in which the U.S. has information that the individual survived the loss incident and fell into enemy hands. In the case of air incidents, this includes cases in which the crew members are believed to have successfully exited their aircraft and to have been alive on the ground. In the case of ground incidents, this includes cases in which the individuals were last known alive, were not gravely wounded, and were in proximity to enemy forces.

#### *POW At Homecoming*

A specific group of individuals who, during the Vietnam War, were classified by their commanding officers and Service Secretaries as POW's but did not return during Operation Homecoming. These cases are also known to many families as "last known alive" due to their POW status. There were 97 individuals so listed. Subsequently, 42 "listed POW's" have been accounted for through unilateral SRV repatriation.

*Knowledge of the Incident*

Circumstances of loss or subsequent information is convincing that Vietnam, or Cambodia should have knowledge of the incident. In some of these cases, there is convincing evidence that the individual did not survive the incident of loss. In many cases, there is convincing evidence that Vietnam also has remains.

In addition to the 119 individuals whose cases were presented to the Vietnamese, there are 64 additional instances where the individuals were "last known alive" and 13 cases where the individuals were classified by the Service Secretary as a POW. These cases, in addition to the original remaining 119 in which fate has not been determined, will be the focus of the full time efforts of the Hanoi Office under the USCINCPAC Joint Task Force earlier described to this Committee by General Christmas. They will all be investigated within Phase I of the USCINCPAC plan.

*Immediately acknowledge that General Vessey's negotiations are limited to men lost in North and South Vietnam . . . and are ineffective in the matter of men lost in Laos or transported to Laos such as my father.*

General Vessey is the Special Presidential Emissary to Hanoi for POW/MIA Affairs. As his title suggests, he is responsible for negotiating with the Vietnamese on matters concerning America's unaccounted for in Vietnam. General Vessey has time and again raised the issue of Americans lost in Vietnam-Laos border areas with the Vietnamese, suggesting that tripartite negotiations would be required to resolve the fates of those individuals lost along the border. Further, he has repeatedly pressed the Vietnamese to provide information on individuals lost in Laos in areas controlled by PAVN forces. Americans lost in areas under PAVN control account for nearly three fourths of the Americans unaccounted for in Laos.

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

We have repeatedly requested that the Lao release a list of all Americans held captive by the Pathet Lao. The Lao have not provided such a list. Neither wartime intelligence nor current intelligence suggests that "hundreds" of Americans were captured alive in Laos. No current intelligence exists that confirms that any Americans remain alive and captive in Laos. If Dr. O'Grady possesses such information, the Department of Defense would be pleased to receive it from her.

*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 in a computer bank that essentially cross references and cross fertilizes a DIA computer bank.*

All intelligence reports involving POW/MIA's are provided by the reporting agency to the Defense Intelligence Agency. Upon receipt all such reports are entered into the DIA database. In addition, DIA and JCRC exchange data tapes frequently to assure that the two data bases contain the same information. Despite Dr. O'Grady's assertion, the capability exists and is used on a daily basis by the Defense Intelligence Agency. The Department of Defense would be pleased to explore this allegation further if Dr. O'Grady would provide the names of one or more of the individuals who have provided this information to her on "numerous" occasions.

*Immediately establish, outside 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 of the information without challenge and resistance, and the consideration of independent counsel to investigate any possible criminal violations.*

The Department of Defense is unaware of a modality that would permit an investigative body, outside of any Government agency or branch of government, to investigate the Department of Defense or to carry out the other functions she describes. The Department of Defense welcomes the opportunity to continue to cooperate with the Committees of Congress with oversight over the POW/MIA issue.

*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.*

The Department of Defense does not oppose this suggestion. The Department would, however, request equal time to respond to allegations raised in such testimony.

*In addition, to immediately arrange for a 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.*

The Department of Defense does not oppose this suggestion. The Department would, however, request that anyone who provides such testimony be required to make precise and specific statements of fact as to what material they allege was provided to them incomplete or what materials may have been concealed, altered, or purged and by whom or what agency.

*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.*

There is insufficient evidence to change the status of either Captain Carr or Colonel O'Grady. The Department of Defense has complied with the applicable law, the Missing Person's Act, in both cases. If a change of the law is warranted, the proper forum is Congress.

*Ann Griffiths, Senator, controls the information flow. She controlled all the information on live Americans and [the information] was prohibited and prevented from being provided to the family members directly.*

Ann Mills Griffiths has no control over information provided to the families by the Department of Defense. First, information on specific cases is transmitted by the reporting agency to either DIA or JCRC. That information is provided by DIA directly to the service casualty officers for distribution to the Primary Next-of-Kin. Ann Mills Griffiths is not in the chain of distribution and is not provided the information for distribution. She may review information in her capacity as the National League of Families representative to the Interagency Group, but she has no say over whether the information will be provided to the family. All such information is required to be provided to the families pursuant to Federal law. This allegation is without factual basis.

*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.*

Dr. O'Grady provided no factual basis for this allegation. She provided no concrete examples of such "deliberate concealment." Ann Mills Griffiths is not a Defense Department employee and she has no say over what material will be provided to the families. To the best of our ability, we attempt to provide to the families all information relevant to their cases on a timely basis.

Senator McCAIN. Mr. Trowbridge, you are obviously the corporate memory. How many years now have you been associated with the issue?

Mr. TROWBRIDGE. It will be 20 this December, sir.

Senator McCAIN. So you have been there when it was very small and you have seen it grow large, and you have seen the ups and downs of this issue, sometimes painfully so.

Mr. TROWBRIDGE. I have seen the good and the bad, and I feel like the flak bearer drawn across the sky for a long time.

Senator McCAIN. Mr. Trowbridge, during your years, did you have much contact with Mr. Bell?

Mr. TROWBRIDGE. Other than reading reports and things, I have not had much personal contact. I know Bill through the years fairly well, but to say that we worked on a daily basis, no.

Senator McCAIN. Did you ever hear him mention that he thought there was some hard evidence at some time that Americans were alive?

Mr. TROWBRIDGE. No, sir. What he said today took me totally by surprise. I'm very interested to find out what he had to say.

Senator McCAIN. And interested on what he bases his statements?

Mr. TROWBRIDGE. Yes, sir.

Senator McCAIN. Because you never saw any evidence or any accumulation of evidence that would have convinced you that there was a likelihood of Americans being alive?

Mr. TROWBRIDGE. No, sir. And I would like to go back to the statement I made, I think it was in answer to Senator Smith about information in the 1973 time frame. In the 1973 time frame there was nothing. I don't recall anything that would support that and then I talked in terms of going up to the 1975 time frame, before the Select Committee reviewed that information. I was speaking in terms of right after Operation Homecoming, and I interpreted the question to mean when the POW's came home, did we have anything that would indicate that they didn't all come home, and my answer there was, I don't recall anything of that nature.

Now, subsequent to that we were still in-country, of course, and there was the fall of Saigon. There were Americans that were in captivity after that point. We did track them, we did have that information, and they did return. So I just want to make that clear. I was talking strictly in terms of the prisoners at Homecoming. But no, I don't know where Mr. Bell is coming from on that. I'm anxious to see what he has.

Senator McCAIN. Now, Mr. Trowbridge, during this period of time you served under many directors, and there are at least two, General Tighe, if I remember right, and Admiral Tuttle.

Mr. TROWBRIDGE. Yes, sir.

Senator McCAIN. Both of whom, amongst I do not know how many directors that you have had—

Mr. TROWBRIDGE. I can't remember either, so—

Senator McCAIN. Two of them—

Mr. TROWBRIDGE. Senator, Admiral Tuttle was not a director of the agency, but he was a part of the agency at the time.

Senator McCAIN. Then one director, in the case of General Tighe, and one associated with the agency, Admiral Tuttle, who both now state that they believe that there are Americans alive in Southeast Asia, due to, as I understand it, the weight of evidence, or the cumulative weight of evidence, is my best understanding. I understand we are going to have General Tighe, who can probably describe his views a lot more succinctly than I can, but did you have any conversations or dealings with them that gave you an idea as to why they formed the opinions that they did?

Mr. TROWBRIDGE. Well, I can't quote General Tighe word for word, but just before he did retire, there was testimony and, I believe, his testimony was that we didn't have evidence. As I say, I can't recall the exact words, but when asked his personal opinion, I think that's where he came in and said I believe there may be somebody there, and then he expanded beyond that in the following years. Of course, he'll have to speak to that. I can't.

Senator McCAIN. And you, even though in absence of hard feelings to not have, and this a very unfair question to you, Mr. Trowbridge, and I apologize before saying it. Do you have a personal opinion that there might be Americans alive in Southeast Asia? And the reason why I ask is that I am not sure that there is anyone besides you that has been constantly involved in the issue, perhaps Mr. Bell, nearly so as you and he have been.

Mr. TROWBRIDGE. Sir, I'll answer it in these terms. Are there prisoners there, I don't know. I've looked—my personal opinion is the same as my professional opinion. I've looked at an awful lot of reports over the years and I've gotten excited over ones, over the

years, and the ones I got most excited about are the ones that turned out to be something that was orchestrated. Somebody did a good job of putting a story together. However, I haven't seen anything that would convince me that American prisoners of war are still being held there.

Senator McCAIN. Thank you. I thank you, Mr. Chairman and I hope that one of my colleagues will ask you about your experience with some of these concocted or manufactured stories, because I am sure you have had an interesting experience with that. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator, we will be glad to come back and give you more time to do so. Senator Grassley.

Senator GRASSLEY. Mr. Trowbridge, I would ask you first, I believe, and I think some of the information that I wanted for background has probably been pretty well covered. You said you had been with the agency since December 1971, so obviously, you have been there a long time, and I suppose that Mr. McCain states it right, that you are kind of the corporate memory, the institutional memory for the organization.

Before December 1971, what were you doing?

Mr. TROWBRIDGE. I was a naval officer, sir.

Senator GRASSLEY. Naval officer. Could I ask you what qualified you at that time in December 1971, to be an intelligence analyst?

Mr. TROWBRIDGE. Well, I was the branch chief. You say an analyst, I wasn't an analyst. However, as far as my background is concerned, I was a naval aviator. I got into the intelligence community. My first schooling in intelligence was in 1964. I served as staff officer for intelligence and operations on staff. I was on 7th Fleet staff ashore in Vietnam in 1967 and 1968. We were their eyes and ears for shore. And, again, there I was an intelligence officer. I went to CINCPAC staff where I was an intelligence officer dealing with reconnaissance requirements, both at the national and the tactical level in Vietnam. Then I came to this position.

Senator GRASSLEY. No prior analytical experience?

Mr. TROWBRIDGE. While you say no prior analytical experience, I had a long experience in the intelligence community when I was in 7th Fleet staff in Vietnam and it certainly was my duty to provide the commander intelligence information that was gathered. I was there and I interfaced with the 7th Air Force and that information was provided up to the fleet.

Senator GRASSLEY. And the POW office where you work, how many bona fide intelligence analysts are there?

Mr. TROWBRIDGE. I don't have the exact number right in front of me, but maybe Bob knows.

Mr. SHEETZ. No.

Senator GRASSLEY. Well, if you want to answer, Mr. Sheetz, please do. I just want the statistic, that is all I am after.

Mr. SHEETZ. We've a total of 58 billets in the organization right now. Six of them are what I would call the management team. We have six clerical and administrative support people, 29 analysts and 17 intelligence technicians, and enlisted personnel who perform sort of a mixture between analytic and technical support work. That adds up to 58.

Senator GRASSLEY. I think, Mr. Trowbridge, you probably answered this, but let me ask it my way. I do not expect a different answer, if you assume you have spoken to it before. In any of your analysis of live-sighting reports or other information, have you ever concluded that an American serviceperson is being held against his will in Southeast Asia—all of Southeast Asia?

Mr. TROWBRIDGE. As a prisoner of war?

Senator GRASSLEY. Being held, yes, as a prisoner of war.

Mr. TROWBRIDGE. I don't believe we have, sir.

Senator GRASSLEY. OK. Now, you say strictly a prisoner of war. I would rather say against his will. You know, I do not know—I am not a lawyer. I do not know the true legal definition of prisoner of war, but somebody being held against his will.

Mr. TROWBRIDGE. Not to my knowledge, sir. Now, we had reports, as I mentioned just a little earlier, after Operation Homecoming there were individuals that were still in the country. There were—was an American presence there until 1975. There were individuals that were captured. We did have reporting that equated to these individuals. Some of them were moved through Vietnam to North Vietnam. We knew where they were. We had reporting that we equated to these individuals. We did have someone in Laos at the time and we did equate reports of these individuals. So that is my answer.

Senator GRASSLEY. OK. I am willing to accept that judgment. I want to follow up and this is just to clarify it from the standpoint of your responsibility. I assume that you are aware that if you or any one of your colleagues in the organization have ever made even one mistake in analyzing live-sighting reports, it could mean that we have left someone over there against his will. Is that a fair statement?

Mr. TROWBRIDGE. I think about it every day, sir.

Senator GRASSLEY. OK. Again, this is probably repeating, but just to emphasize, I think, what Mr. McCain brought up, and this is without any discussion with him. Well, I guess I did not ask this question of you, so I am asking of you, Mr. Trowbridge, do you believe that there is a problem in DIA with regard to the mindset to debunk?

Mr. TROWBRIDGE. No, sir, I don't. Mr. Nagy addressed that a little, and I would be more than glad to address that issue with you. So often the Defense Intelligence Agency gets this handle of debunking information. We have received approximately 1,500 sighting reports. We presently have a little over 100 on the books that are unresolved. We have a fair number of those reports—I think it is about 68 percent—where the individuals have come in and given us this report, the analytical work has been done, and we have equated that information to someone that is accounted for in one form or another.

In other words, the reporting had to do with somebody that went down during wartime, the information where they talk about an individual being captured is right on the money. They have told us the truth. They tell us about somebody in Vietnam, say in that period of time, 1975 time frame, sightings of individuals that are being held, and when we equate that to the individual we know who the individual is. Again, they are accounted for or they came

home. Maybe they were a missionary, someone that was working there.

Senator GRASSLEY. Maybe I could save you some concern, because what I think maybe you feel implicit in my question when I talk about a mindset to debunk, I do not necessarily say that that is a bad motive. I would say that it could be a case where, as I said a couple of times yesterday, it may not be possible to see the forest for the trees, you know, that sort of a thing where sometimes you could be so close to a situation, and with no bad motive, just maybe not read something correctly. I guess I would ask you to answer the question yes or no, if you know that is where I am coming from when I ask you this question.

Mr. TROWBRIDGE. I certainly know where you're coming from sir, and I think an analyst makes a judgment based upon their experience, and they look at the situation, they look at that particular report, and if it is not a good report, then that is what you want out of your analyst, he should say that. Now the mindset to debunk, how can we debunk reports if people are coming in and telling us the truth and we've equated those reports that people are telling us the truth. As I said about 68 percent. We also have a portion of them where somebody actually did come in and tell us a lie. But all of that information is then provided in front of another board to review.

Senator GRASSLEY. Well, let me accept your answer, and only finish that part of my question by saying that yesterday Mr. Ford was talking about the fact that a mindset to debunk may be part of the problem, and I guess I would conclude that if Carl Ford is correct, then directly or indirectly that reflects on you and other analysts in the DIA. And I just think that is something that you have got to think about. Again, I do not equate any bad motive to that.

Mr. NAGY. Senator, if I could say something, and not detracting from your time, my explanation to Senator McCain was a personal view with regard to how people worked and minds operate in stressful situations, and these have been stressful situations for these individuals for many years. I don't believe there's an analyst within our shop, not one, who comes to work every day saying to himself, well, if I get any reports today, I'm going to put those down, because I don't think there's anybody over there, and it doesn't matter what the report says. I don't think they are conscious at all, or operate that way in any way whatsoever. These are, in my view, honest, dedicated men and women who function as well as they can within a very difficult environment. I know what Mr. Ford said yesterday, I know what I said earlier with regard to the way attitudes develop over time with the pressures of the job.

Senator GRASSLEY. I think you are repeating, and legitimately so, the point I made about the forest for the trees. Let me ask Mr. Sheetz a question. Is it DOD's policy to give classified information to the Vietnamese or have we, in fact, given some classified information to the Vietnamese pertaining to POW/MIA matters?

Mr. SHEETZ. That's a hard question for me to answer because I've not been over there in the Hanoi office and I'm not personally aware of—I haven't been there to see what has been passed to the Vietnamese. Certainly, I have seen case narratives that were prepared expressly for the purpose of passing information to the Viet-

namese. Descriptions of the loss incidents, map segments with critical positions plotted, pictures of the lost and unaccounted-for individuals. I know all those files were passed to the Vietnamese, and I would be certain that in some instances probably material was extracted from classified, and properly sanitized and passed, in that loss information that was given to the Vietnamese. That happened long ago, but I have seen those files.

Senator GRASSLEY. Mr. Sheetz and Mr. Trowbridge, DOD policy has been stated by Secretary Cheney and Assistant Secretary Ford, that family members can have access to all information in their loved one's files except sources and methods. Do you agree that this is the policy?

Mr. TROWBRIDGE. Yes, sir.

Mr. NAGY. Yes.

Senator GRASSLEY. Has either of you ever denied a family member access to information that he or she has a right to according to this policy?

Mr. SHEETZ. Not with knowledge. I could have made a mistake, but not with knowledge.

Mr. TROWBRIDGE. I will answer exactly the same, sir. There is no need to deny any of that information to the families beyond sources and methods.

Senator GRASSLEY. If a family member asked for information, and just happens to show up at your doorstep and asks to see, say, a casualty file, do they get it right away? Can they see what is in it right away?

Mr. SHEETZ. We are required by procedure to work through the service casualty officers. There have been times when family members have come in, in what you might call exigent circumstances, that those procedures have been short cut. I might add that—

Senator GRASSLEY. Well, I should not interrupt you, I am sorry.

Mr. SHEETZ. Dealing with the family members is at one time the most important and one of the most draining parts of my job. Draining in that—and I think useful—but draining in that I take phone calls from family members who are extremely emotionally distraught at times. And Senator, I have to tell you it's absolutely gut-wrenching. My heart goes out.

Senator GRASSLEY. But what they want is information, and I guess the only thing that bothered me in what you said, is what you immediately said after I asked my question, when you say according to procedure. I do not know exactly what that means. I am sure you do know what it means, but it may be that according to procedure, that there is something wrong with that aspect of your policy that gives the families the feeling that they are getting the runaround. What we are really after here is that we need to get families immediate access and whatever this runaround is they talk about, not have it. I can understand the necessity for sources and methods, but beyond that, I cannot, and I am sure they do not.

Mr. NAGY. Senator, we have no reason to withhold anything other than sources and methods, and in fact if we have, we shouldn't have, and I can guarantee you we won't for as long as Mr. Sheetz and I are in a position to see to it that that's the case. With regard to the procedures, these were not established by DIA. DIA functions within the process, as you say.

The CHAIRMAN. Well, is Secretary Ford now establishing that procedure? I mean, Secretary Ford could dictate that this is not going to go through the casualty office and we are going to have the capacity right there to deal with it.

Mr. NAGY. Certainly, Senator. The Assistant Secretary could either change the policy himself, or ask the Secretary to change the policy. As you know, we function through the casualty offices within the services.

The CHAIRMAN. I think what we have suggested here today is, respectfully, that it may be necessary, you were here when I made the comment earlier, to get a more streamlined and accountable process so that—what the Senator from Iowa is saying is, do not let the procedure stand in the way, create a procedure that does not stand in the way.

Senator GRASSLEY. I hate to suggest this, but you ought to get a bunch of politicians in there. We are good at handing out things. Let me ask maybe one final question. How long a period must pass before a family member gets access to new live-sighting information, and I guess to answer that question I would like some citing of policy governing that.

Mr. NAGY. I mentioned that in my opening remarks. Let me ask Bob to outline the policy that we have in place now with regard to that question.

Mr. SHEETZ. Most firsthand sighting of reports—Senator, do not mention a particular individual's name. Most of the firsthand sighting reports that come in require an analytic job to equate those to a particular case. What we try to do is once we make that relationship, that analytic judgment, that equates it at that point. Then it is incumbent on us to do whatever sanitization or whatever processing that is required to get it in the form that we can get it to the families. There are times when we are perhaps overworked and that doesn't happen as quickly as it should. One of the things we just did within the last 2 months was reorganize the office to create a new branch called the Current Operations Branch, which basically is responsible for reading every piece of traffic that comes into our office. And any piece of traffic that comes in that we can immediately correlate to a particular case, the watch officer who is on duty at that time is responsible for making a copy of that report and immediately putting it into the process of getting it to the casualty officers. Where things, I think, do sometimes breakdown is in reports that cannot be immediately correlated, and they have to go through an analytic loop to get correlated, but I will admit that this is an area that needs more management attention and a higher standard of excellence, and I promise to give that to you.

Senator GRASSLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator. We have been here almost 9 hours today, and I think similarly yesterday, and I would like to try to move into a couple of sort of snappy answer questions if we can, and move this along a little bit.

I am troubled. We have got a situation where in 1973 we had Operation Homecoming and people came home. The Defense Department said there is nobody else alive, they are all dead, that was the policy. And yet families said no, they are not all dead. Today, 20 years later, we have got how many discrepancy cases?

Mr. SHEETZ. General Vessey presented 119 cases to the Vietnamese.

The CHAIRMAN. 119 cases, 20 years later, in which there was cause to believe we could not know what to believe. But there was a reason in a number of those cases to say that a person was last alive—that we acknowledged they were last alive—accurate?

Mr. SHEETZ. There were some other cases in that 119 that were not last known alive, but generally speaking that's correct.

The CHAIRMAN. So 20 years later we have knowledge of last known alive. But the Defense Department announced that they were all dead and you are saying that we had no intelligence in 1973, 1974, or 1975 that suggested there were discrepancies then, and they only became discrepancies later?

Mr. TROWBRIDGE. Sir, let me try and clarify that for you. You said snappy answers—when you get into discrepancy situations and numbers it's going to take a long time, but I'll answer you with a snappy answer. As far as the intelligence was concerned, reports that we equated to individuals still being held in captivity at that time, the answer was no. The discrepancy cases that we're talking about today—were individuals that were last known alive.

The CHAIRMAN. Did we not know that they were last known alive then?

Mr. TROWBRIDGE. Yes, sir, we did.

The CHAIRMAN. Then why is that not evidence of somebody being alive? How can you say they are all dead?

Mr. TROWBRIDGE. I never said they were all dead, and I don't see how you can prove they were all dead.

The CHAIRMAN. Did you agree with the statement then that they were all dead?

Mr. TROWBRIDGE. I didn't make that statement.

The CHAIRMAN. Did you agree with the statement?

Mr. TROWBRIDGE. I didn't agree with it then, I don't agree with it today.

The CHAIRMAN. Did you say you did not agree with it then?

Mr. TROWBRIDGE. I don't remember specifically saying that to anybody.

The CHAIRMAN. Did the Defense Intelligence Agency stand up and say, do not do this, we have evidence some people may be alive?

Mr. TROWBRIDGE. Well I think it was well-known to everybody what the situation was on last known alive individuals.

The CHAIRMAN. What does that mean? Does that mean it was well-known that there might be some people alive? Is that what it means?

Mr. TROWBRIDGE. Well, I would think so.

The CHAIRMAN. Then how could a policy have been articulated that said they were dead?

Mr. TROWBRIDGE. I didn't make that policy.

The CHAIRMAN. Well, how could you then not have had evidence that people were alive? You said earlier there was not evidence. It seems to me that if somebody was last known to have been alive, and you do not know that they were dead, and we do not know 20 years later that they are dead, presumably 19 years ago we know to an even greater certainty that they might be alive.

So the question is, what happened to them? Why was there not an effort, I mean that is what is leaping out at everybody, this is not that complicated. You have said that there was evidence that those folks might have been alive, correct? Is that correct, Mr. Nagy?

Mr. NAGY. That is correct.

The CHAIRMAN. Is that correct, Mr. Trowbridge?

Mr. TROWBRIDGE. The circumstances surrounding the incident, the last we knew of them they were alive.

The CHAIRMAN. Now what did we do to collect that data or to further that effort back in 1974, 1975, 1976, 1977, 1978, 1979?

Mr. TROWBRIDGE. Well we certainly did. Any information that was collected or anybody that reported information relative to that—came into our office. Did we have any in-country assets to follow up on that at the time? Absolutely not.

The CHAIRMAN. You see it strikes me, respectfully, that this is more of a burning issue today than it was then. That we are more concerned about trying to find those guys alive today than we were 19 years ago.

Mr. NAGY. If I'm right, it seems that way to me too, but I think we need to place this in the context of the environment at the time, which I think Mr. Ford and others have done, or attempted to do. The environment then was to pull away from the rest of the world, to a degree. A number of changes were made within intelligence, for example, that reflected that, where we diminished significantly the assets we had devoted to the Third World.

I think there was an attitude with regard to Vietnam that has been talked about even today, that we wanted to disassociate ourselves as a Nation from that terrible time. I'm afraid that as you look back, the questions you ask are unanswerable by us here, because it was a matter of not only national policy, but almost a national fervor to move away from that.

The CHAIRMAN. And maybe that is the answer. Maybe, respectfully, I would say to you that that is the answer, that that is why the families had to create an effort and an entity that stood up against the Government and against that attitude.

Mr. NAGY. I have no doubt about that sir, with regard to the attitude of the families. I can only say that I believe that to the degree that you can recover, you can't, from the immediacy of the situation following the homecoming. That the Government should have acted to a greater degree to be certain, that the kind of assets that we have now applied against the problem would have been best applied then. I can't recover from that, and I can't apologize enough to the families personally.

The CHAIRMAN. Well, that is a very fair and, again, one of the most honest statements that we have heard, and it is the kind of honest statement that we need to hear, and I appreciate it. It strikes me that what may be happening here, Mr. Trowbridge, is that Bill Bell is responding, as he did then, to that information, but that the agency, for whatever reasons back then, and they are well described—there was a retrenchment and so forth—did not view it the same way, so there was a difference, just as there is a difference within the league about how to do methodology, there was a difference then in perceptions. Is that a fair statement?

Mr. TROWBRIDGE. I would say yes, certainly.

The CHAIRMAN. Now, with respect to this sort of debunking concept that was raised a little bit earlier, you are all familiar with the Dooley case, are you?

Mr. TROWBRIDGE. You would have to refresh my memory.

The CHAIRMAN. Well, let me refresh you with it. This comes from the report of the minority of the Foreign Relations Committee. This is a situation where a Navy pilot, Lt. Comdr. James E. Dooley, was shot down on October 22 1967. He was conducting a bombing run near Hanoi. He was flying an A-4E. He crashed just south of Do San, Haiphong Province in North Vietnam. A fellow pilot saw his aircraft after it was hit. They watched it go down gradually until it hit about 1 mile offshore in the vicinity of Do San. They did not see an ejection, but there was limited observation by fellow pilots because of the weather and because of the swiftness of the incident, so there was some uncertainty. He was listed as KIA, body not recovered. He was not returned or accounted for during Operation Homecoming.

In 1987, a North Vietnamese refugee was interviewed by U.S. intelligence personnel at a refugee camp, and he described the shoot-down of an American jet aircraft that he had witnessed in 1968 while in the area of Do San in Haiphong Province. According to the source, he said he saw the pilot bail out with a tricolored parachute, try to swim out to sea to avoid capture. The pilot fired a pistol at his pursuers before he was captured. The refugee said the captured pilot was stripped of his one-piece flight suit, placed in the sidecar of a motorcycle, driven across Do San airfield, and taken away by North Vietnamese officials to a waiting automobile.

Early DOD evaluation of the fisherman's information concluded that he probably witnessed the shoot-down of a pilot, J.M. Hickerson, who was shot down 2 months after Dooley in the same general area. Hickerson was captured, he was repatriated from North Vietnam in 1973.

After Operation Homecoming, however, information began to surface that Dooley was alive. In 1973, a U.S. POW who was repatriated said he saw Dooley's name written on a wall of a prison cell in Hanoi. Two Thai special forces soldiers released from North Vietnam custody in 1973 identified his photograph as a fellow inmate. Finally, a Communist propaganda photograph of U.S. pilots captured in Hanoi, dated after Dooley was shot down, apparently showed a partial profile of a person who strongly resembled Dooley.

Now in 1989, the former prisoner POW Hickerson, in a written statement described the details of his parachute landing and capture, and he was disturbed—Hickerson was disturbed—that the fisherman's eyewitness account of the shoot-down of an Navy pilot was wrongly attributed to him. He said that he landed on the inside of a peninsula at Do San, could not have been swimming out to sea when he was captured, as the fisherman described. Furthermore, he wrote, he did not fire his pistol before he was captured. He said his parachute was all white, not tricolored as the fisherman stated. He stated that when he was shot down he wore a Marine utility uniform consisting of pants and shirt, and not a one-piece flight suit as the fisherman described. And finally, he was

taken to prison riding on the back of a bicycle, and not in a jeep or not in a motorcycle or car.

These contrasting differences, however, did not result in a DOD change in the conclusion regarding the shoot-down or the status of Dooley. Apparently Colonel Childress noted in the file that Dooley was listed with a presumptive status of dead, body not recovered. His case was presented to North Vietnamese officials in 1984 during the technical meeting that took place then, and so the question I guess is, that with respect to a case like that, first of all, is that sequence true, does that refresh your recollection about that case, or are any of you familiar with that?

Mr. NAGY. I'm not familiar enough to answer your question sir.

The CHAIRMAN. Are you, Mr. Trowbridge?

Mr. TROWBRIDGE. No sir, I'm not. The Dooley case I remember looking at at the time. I can't sit here and argue the merits as to why we did one thing or another.

The CHAIRMAN. Do you know whether or not there was a re-evaluation?

Mr. TROWBRIDGE. I know we took a look at it. I can't tell you where it stands today.

The CHAIRMAN. Do you have any idea why the Dooley case might not be—this raises, you see, this question of how we have got something listed that is not even perhaps on the discrepancy list, but that perhaps ought to be. Now maybe there is a rationale, maybe something did happen to Dooley subsequently, and obviously the Vietnamese might know it, but if it is not even being presented to them as a case, how do we know?

Mr. NAGY. Senator, let me offer to provide all that we know with regard to this case to the Committee within the next day or so.

[The Dooley case file, including classified material was provided to the Committee.]

The CHAIRMAN. I would appreciate that, but obviously it raises a larger question which the Committee cannot walk away from and which we need to work on together, and that is the question of how many of these cases exist like that. And I think what we are going to have to do for this Committee to be effective, and for families to have their questions answered, is we are going to have to look hard at this issue of what those classifications are, how they get there, and whether or not we need to do some reevaluating with respect to them and include them in this process as we go along from here. And I think an openness to that reevaluation process and so forth, will lend, again, a lot of credibility to this. I do not have the answer to this. It may be that you guys have evaluated the hell out of it, that you have got 25 different reasons why it was not recategorized, and that is precisely what I think we need to know now. Does that make sense?

Mr. TROWBRIDGE. Yes, sir.

Mr. SHEETZ. I might just note that each and every one of the 2,273 cases, the ones in Vietnam, are going to be made part of the 2-year work plan that CINCPAC is putting together for on-the-ground verification and investigation in Vietnam.

The CHAIRMAN. That is great to hear, that will help do it.

Mr. SHEETZ. If we have somehow made a mistake, not only will the review of this Committee be useful in going over those, but ev-

everyone needs to understand that the Defense Department plans to investigate on the ground in Vietnam each and every lost—every missing, unaccounted-for individual.

The CHAIRMAN. That is a very significant statement, and a very ambitious and significant project, and clearly the changes in Vietnam welcome that. And I think there will be an enormous opportunity to do it, and so the key issue then will be, obviously, sufficient assignment of personnel, so that Bill Bell and company are not going crazy trying to fulfill that obligation in changing circumstances without an ability to follow through on it. Senator Smith.

Senator SMITH. It is getting late, and you gentlemen have been very patient. Let me indulge you just for a few more minutes just to pick up just briefly in a comment on the line of questioning Senator Kerry was talking about, 1971, 1972, 1973. It is the intention of the Committee to call witnesses who were in the policy roles of that time to answer those questions which obviously I believe were more appropriate that they answer them probably than you.

The only connection might be, Mr. Trowbridge, was the fact that you were there at the time. You kind of transcend all of these administrations, and it just seems to me that if you had any feeling that there was no justification for saying everybody's dead, that considering the severity of the issue, it would seem like—and I am not saying you would have to make it publicly because soldiers do not do that, but you can do it through channels—and there was nothing that you felt had to be sent up through channels that would dispute the fact of that statement, based upon your intelligence where you were at the time.

Mr. TROWBRIDGE. That is correct, sir, but to say you had intelligence that would say everyone is dead, there is no intelligence that would say everyone is dead.

Mr. SHEETZ. Senator, could I please add something? It's really a critical point. It seems to be a point in the minds of the Committee here on what happened back there in 1973 and the incidents that occurred up to that point. I might add here that the loss incidents and the information that is reported, that is the basis for the making the decisions on last known alive, that is not even intelligence information, sir. That information comes from the operational community, so I would just point out that DIA wasn't the only organization and Chuck Trowbridge, though he is the last remaining analyst and manager from that period, that is not just intelligence information, that's operational information.

Senator SMITH. I understand that. I was just trying to see from your perspective, since you were there.

I mean, when you look back through the press reports, I mean, the papers, any of them, they're very credible—The Wall Street Journal, New York Times, Post—all the stories, as you well know, you've all seen the clips.

They just simply go along, prisoners, prisoners, prisoners, and then boom, everybody's dead, that's the end of it, and then it just seems to me that I don't know how—and I used to coach high school baseball. If I told my team to go out and lose every day, you guys make sure you lose this game, make sure you lose this game—I mean, it would seem to me if any mind set to debunk occurred, it started there.

If it's not there now, then great. But I certainly have not ruled out the possibility that it didn't exist at some point in time because of policymakers, not necessarily because of individual analysts. But I want to move off of that quickly with a couple of quick points.

Mr. Trowbridge, have you ever seen any intelligence from—and we're in open session here, but aerial photography or related matters that would give you any indication that there were American prisoners of war during the war or after the war in Laos or in Vietnam?

Mr. TROWBRIDGE. We had good indications that there were Americans in the reporting. Now, if you want to just talk about aerial photography, there were some individuals that thought we had good imagery of some folks in a location where there were some individuals located, and we looked at that very seriously and hard, and we looked at that with General Tighe, as a matter of fact, and the answer was no.

Senator SMITH. Now, you can—if you wish to clarify this now, fine, and if not we can do it in executive session, but I was told that the individual—and I won't mention his name, but you will know who it is—who was the expert on this type of imagery was absolutely convinced that the imagery that was presented was in fact caucasian, or were in fact caucasians, and that when the Tighe report brought that matter up, that another view then was offered which said that was not correct. Is that accurate, as far as you know?

Mr. TROWBRIDGE. There was a report relative to imagery that was in the Tighe report that did not make its way into the final report. That was an error. General Tighe and his group sat in on that presentation as to what our findings were relative to that, and the reason it's not in there is they bought off on it.

Senator SMITH. In other words, something that had stood there, an imagery analysis that had taken place that had stood there for a number of years was reviewed during the Tighe report and another view was taken that was different? I mean, I just want to establish that that is in fact what happened. Is that accurate?

Mr. NAGY. I think it would probably be better if we address this in a forum where we could talk this all the way through. I am concerned that Chuck may not be thinking of the same facts that you are.

Senator SMITH. I will accept that. We will do it there.

Just a couple more questions, and it seems like I've known you forever, Chuck. We have had our differences, as you know, over the years. We've had some things we've agreed on, but one of the things where we've disagreed is Garwood, and I just want to ask you a couple of questions, specific questions on Garwood.

To the best of your knowledge—and anyone else can answer this—did you know at the time, any time after 1973, after Operation Homecoming, did you have direct intelligence knowledge from any source that Robert Garwood was alive in Vietnam?

Mr. TROWBRIDGE. Do you mean, until the time he came home?

Senator SMITH. At any time between 1973, after Operation Homecoming, and 1979 when he surfaced?

Mr. TROWBRIDGE. In the 1973 time frame I would have to say no. We had indications that he had moved north, but actually where

he was, we did not know that, and I don't think we knew that, and I can't specifically say 1979, until he came home. I guess I would have to say I really don't know, but I don't think we had any information until just before he came home, or until the time he came home.

Senator SMITH. So you had—and I want to be very clear, and I'm not trying to trick you or anything. I just want you to be honest with your answer. You had no knowledge that you felt was good intelligence, good information, good evidence—whatever you want to call it—that Robert Garwood did exist in whatever capacity in Vietnam from 1973 until such time as we were informed that he wanted to come out via the note in Hanoi?

Mr. TROWBRIDGE. That is why I hesitated there, sir. We did start to get some boat people out, and in my mind I can't remember whether we had a refugee that may have come out and indicated that he was up in that reeducation area or not. I just can't recall at this point in time, but if it was it was very close to his coming out.

Senator SMITH. So nothing at the lower end of it?

Mr. TROWBRIDGE. No, sir, not to my recollection.

Senator SMITH. So we didn't track Garwood, we didn't know where Garwood was on a month-to-month or week-to-week or year-to-year basis?

Mr. TROWBRIDGE. No, sir.

Senator SMITH. We had no idea?

Mr. TROWBRIDGE. That is correct.

Senator SMITH. You indicated to me, and I believe to a couple of other Congressmen in a meeting, I believe it was, in—I can't remember which Congressman's office it was. I know he passed away, the Congressman from Alabama, a couple of years back, that after the debriefings with Garwood that you did not believe him. You used the term, fabricator.

Would you just state for the record, without—not a long explanation, just why you did not believe Robert Garwood's story about live Americans, and I would just qualify that by saying I think you will agree, and if you don't, say so, but based upon the 7 or 8 days that I sat in on numerous hours with you and Garwood, he did give you a great deal of information which I will not go into here in public session, but he did give you information that you felt was valid. Is that not correct, that part of the question?

Mr. TROWBRIDGE. Sir, as you well know, you were instrumental in making him available to us on two occasions. We spent extensive time with Mr. Garwood in those interviews. We have an agreement with his attorney, to the best of my knowledge, not to discuss that in public, and we will make all of that information available to this Committee. I think Mr. Ford said that to you the other day.

Senator SMITH. OK. That's all the questions I have. Thank you.

The CHAIRMAN. I presume that you're talking about his attorney at the time, Mr. Waibel?

Mr. TROWBRIDGE. During the interviews.

Senator SMITH. That was Vaughn Taylor.

The CHAIRMAN. Senator Grassley, do you have any more questions?

Senator GRASSLEY. I do not have any more questions, thank you very much.

The CHAIRMAN. With respect to the Garwood interview, when he was immediately—when he was flown out of Vietnam, were you folks part of the decision-making with respect to any debriefings, or how he would be met, greeted, and dealt with?

Mr. TROWBRIDGE. No, sir. We expressed our desire to get to Mr. Garwood as soon as possible. In other words, we wanted to get to him as soon as he stepped off the airplane. Our concern was what he may have known about anybody that may still be there.

The CHAIRMAN. Did you express that concern and put it in a request? I mean, did you try to see him immediately?

Mr. TROWBRIDGE. Yes, sir, we did. We were denied that access.

The CHAIRMAN. Who denied you that access?

Mr. TROWBRIDGE. I think it was twofold. His attorneys didn't want us to have access to start with, and then there were some policymakers. I think it was the Marine Corps.

The CHAIRMAN. Where was the decision made that he would need attorneys? I mean, I understand when he got on the airplane and was greeted by an Air Force crew, he was served champagne and treated very well. Is that accurate?

Mr. TROWBRIDGE. Sir, I can't address that.

The CHAIRMAN. I further understand that when he got off the plane, rather than being met with more champagne he was met with an arrest and reading of his rights.

Mr. TROWBRIDGE. I can't address that, either. I don't know.

The CHAIRMAN. So you have no knowledge of—well, when was the first time that you did get to debrief Bob Garwood?

Mr. TROWBRIDGE. After his court appeals went through the whole court system, and it was many years later. I think it was through the good offices of Senator Smith that we did get to him finally.

The CHAIRMAN. So it is fair to say that here is this person who came out of Vietnam, whatever his status was, who was not debriefed by United States officials for years afterward?

Mr. TROWBRIDGE. Well, I wouldn't say that, exactly. As you will see in the file, he was talked to by the Marine Corps. He was talked to by some Members of Congress that headed the POW/MIA task force from the House side very early on.

The CHAIRMAN. But not from an intelligence perspective?

Mr. TROWBRIDGE. No. They did ask the questions relative to the prisoner issue, though, and they are part of the record.

The CHAIRMAN. Would you say in retrospect that that is a gap, that that is a mistake, that this man should have been debriefed the moment he stepped off the airplane?

Mr. TROWBRIDGE. In my mind it is, or we wouldn't have been faced with the situation that we were many years later with Bobby Garwood.

Mr. NAGY. I think we've learned that lesson, in a sense. As you know, with the other returnees in other circumstances and situations, such does take place.

The CHAIRMAN. Well, every single one of the Operation Homecoming returnees were debriefed immediately upon stepping off, and so we knew the lesson before that, didn't we?

Mr. TROWBRIDGE. Yes, sir. We wanted to talk to him.

The CHAIRMAN. He was treated differently.

Senator SMITH. Excuse me, John, I think that is again—and it's not necessarily your area, but just to put on the record, I think that is what concerns me.

Garwood stated, contrary to what has been said in the press, that he had information on live Americans, but when he was arrested, charged with desertion, court-martialed and all that stuff, his attorneys at the time advised him not to talk.

But it just seems to me, if you wanted to put together some type of logical information, if you just, 6 years before, had declared everybody dead as a policy and somebody comes out alive, your policy doesn't look too good.

It just seems to me that when I think—now, you have to remember, knowing the Garwood case as well as I do, Robert Garwood couldn't speak English when he came out, No. 1. No 2, he was in a terrible mental state. No. 3, he was placed under arrest, received no psychiatric help, no offer of medical attention to speak of, of any kind, that the other people who came home got, so he was, to put it very bluntly, scared to death.

Now, I think these are mistakes, obviously, and we tried to correct some of those by interviewing Mr. Garwood, but we lost 6 years—12, actually, but 6, and his memory was pretty good, as—it had to be gouged a little bit, but I think there's a lot of misinformation out about Garwood, and I think that misinformation has contributed to his lack of credibility.

But the bottom line is that he was at one time a POW, he was a POW that did come out. Now, what he did—again, you have to start getting into the time frame of what he did when he did it. If he was a POW, and he wasn't let go, and he collaborated with the enemy in 1974, maybe you or I would have done the same damn thing if you thought your country left you, and so I think all of that, and—I'm going to end the discussion here.

The bottom line is, the thing that I'll never understand and nobody's ever explained to me, and somebody's going to have to at the policy level when they come in here, is why it was so important to court-martial Robert Garwood in a severe psychiatric and mental condition, in addition to not even being able to speak English. Why was that more important, that interviewing Mr. Garwood like we did, everybody else about possible American prisoners of war?

Somebody made a decision, and I haven't been able to find out who it is yet, but I'm going to try. Who made that decision? I think those kinds of decisions is what you guys look bad today and you ought to be mad as hell about it, and you ought to speak out about it. You ought to be not afraid to speak out about it.

If you know anything about it, you ought to put it on the record and say it, because those kinds of decisions dumped on you guys, you're taking a lot of crap today in the DIA, all of you, and I know how hard you work. I know because I've spent—how many days did we spend down at Ocracoke on Garwood?—and we weren't just fishing, either.

So we know this, but you ought to respond, and if there's somebody out there that deserves some of this heat for doing it, and that can take it off of you, then we ought to make them come forth.

The CHAIRMAN. Let me just say that as I have said previously, as a part of trying to understand how information has been treated and how we have got from here to there, we are going to go through all of that. And this has been an interesting day with respect to a lot of this.

Let me come back to the current status because a significant focus, obviously, of the Committee is on our capacity to do this now, on our ability to follow through now. And we all acknowledge that there were mistakes made and we are going to try to chronicle them as we understand it.

But are you satisfied that you have the resources today, the commitment today, the capacity today so that we do not have to go through a reevaluation of the intelligence evaluation process again? Are we where we have to be?

Mr. NAGY. Let me answer that, Senator.

In terms of the process as we saw it 2 months ago and we began to make the decisions with regard to increases in manpower, I think that here in Washington we have sufficient manpower allocated to the job according to that criteria. With the chartering of your Committee, with the other changes that we see coming, as they should, in our view with regard to relationships with the families, the provision of the material, of a variety of other actions which we all agree are necessary and appropriate, I feel that 58 here in Washington is probably too small a number.

The CHAIRMAN. So you think you need some more folks?

Mr. NAGY. I would think so in terms of this if we are to continue the normal analytic process and provide service to the families as they deserve it and to you, Senator.

The CHAIRMAN. I would concur with that. I think you do. And I think it has got to happen notwithstanding the expense because the expense of not doing it in terms of good faith and people's perceptions is just that much more costly. And obviously, the families are under the impression that this is a matter of the highest national priority. One day longer is too long. And we ought to be Desert-Storming the evaluation process here in order to guarantee we do not have to wait any longer.

If we can do it for that, if we can do it for the oil in the desert and so forth, we can sure do it for our fighting troops that we have questions about.

I hope you are going to put this in writing. And I hope it is going to be on the Secretary's desk or whoever is appropriate so that decision is made.

This Committee is going to be here. And I do not want to come back in 2 months or 3 months and say, well, what happened; we did not follow through on it. So I think that you need to think about what ought to happen for the data base, for cross-evaluation, for the ability to go through these cases, for the ability to support General Christmas and this new structure, and for the ability to support the people in Vietnam itself.

Mr. NAGY. I would only add that we are in a time of declining resources and DIA's resources overall have declined, particularly in the 1992 fiscal year.

The CHAIRMAN. I think you have to make the request for this. I am quite confident the Secretary of Defense did not come here yes-

terday to promise that this is a high priority without being willing to do that.

And I do not mean to be trite at all, but if we are able to find \$180 billion for the S&L's we can find the personnel to complete this task after 20 years.

With respect to the photographs, four of the five have been discredited. There is one photograph or two photographs that remain outstanding and in question, the Carr photograph and the Robertson, Lundy, Stevens photograph.

Mr. SHEETZ. There is a new Stevens photograph we have under investigation as well.

Mr. NAGY. That is still working.

The CHAIRMAN. What specifically can you tell us with respect to the three-person photograph? What is your evaluation of that at this point?

Mr. SHEETZ. After a lot of on the ground work this summer and continuing efforts on the ground now and in Vietnam, and indeed, around the world, we are unable to say where that photograph originated.

The families remain fully committed that their identifications are operative. I mean, those are their men in their view. And as long as they feel that way, we have to keep that as a number one priority.

The CHAIRMAN. Now when you say you have to keep it as a number one priority, several families have identified, have they not?

Mr. SHEETZ. Well—

The CHAIRMAN. I mean, you have competing families claiming these people.

Mr. SHEETZ. There have been two other families that have indicated that the middle individual appears to them to possibly be their missing family member.

The CHAIRMAN. Now you have, I take it, in the enhancement, these men carrying weapons. Is that accurate?

Mr. NAGY. Senator, if I might, you do not even need to enhance the photograph to see the possibility or what appears to be three rifle butts down in the lower left-hand corner of the photo, two or three. I mean, they appear to be rifle butts.

The CHAIRMAN. And the individual who provided the other photographs that have been since discovered in the Soviet magazines, provided this? You have not yet been able to locate him, is that correct?

Mr. SHEETZ. One of the key individuals is basically, he's unavailable and our information—

The CHAIRMAN. Colonel Cole, I think, has some input on this.

And Colonel, if you want to come up, that is fine.

Mr. NAGY. Would the Colonel still be under oath, Senator?

The CHAIRMAN. Yes.

Colonel COLE. Excuse me, Senator. The ceramic tile merchant in Kampongson who went underground after our initial investigation interview in late July, we believe is a key player in this. The Thai police are assisting us in locating this man. They believe they're going to find him, it's just a matter of time.

We think he's a key part of it, sir.

The CHAIRMAN. And has he been involved in prior supply of photographs?

Colonel COLE. Not that we know of, sir, just with this particular group.

Now there are his colleagues in Trat' in Thailand where you make the smuggling runs from Kampongson to Trat', back and forth. There are some known previous, if you will, scam artists involved there. There's an x-ray technician who has been involved on other cases.

The CHAIRMAN. Have Thai authorities agreed to bring charges against these people?

Colonel COLE. Sir, we have not asked for charges. We have not proceeded that far on the legal standpoint. We've only asked for their assistance in making this man available for questioning, sir.

That probably is a possibility. But we haven't gone that far, sir.

The CHAIRMAN. Is that advisable as a policy? I do not know if you want to comment on that.

Colonel COLE. Sir, I'm not prepared to comment now simply because I'm not sure it is a violation of Thai law. I haven't researched the legal implications yet. We can pursue that if it looks like that is our only recourse.

Mr. SHEETZ. I think we are just pleased that the Thai authorities are willing to work with us.

The CHAIRMAN. Well, let me express the gratitude of the Senate and the Committee, obviously, I think the Thai authorities are to be thanked for their willingness to be helpful here. And I also know the Cambodians were particularly helpful. And I think those are extremely promising signs and we are delighted with that kind of cooperation, obviously. And I think it makes a great deal of difference.

Well, gentlemen, the hour is late and it has been a long day. You are not, any of you, going anywhere, we hope, soon. And so we can pursue other matters as we will. And as you know, there are some matters we left unexamined here.

I want to say for the public record that the fact that the Committee leaves something unexamined at this point in time does not mean that it will not be public if appropriate at a later point in time.

I have said since the beginning that the Committee is committed to the notion of openness. Obviously, we are not going to help this if we start becoming part of the problem by secreting things away. But the Committee is going to try to guarantee, as Senators and members of one of the branches of Government, that we are not destructive of the process by seeing things released that do compromise national interest somehow. National interest in terms of sources and means and not in terms of prior defined interest 15 years or 20 years ago.

And I think the composition of this Committee is such that people can have a good sense of trust that the Committee as a whole is not going to operate contrary to that interest.

Do you have anything you want to add to clarify? I know Dr. O'Grady made some fairly strong comments. I do not know if you want to address any of those at this point in time, any of you.

Mr. SHEETZ. I think whatever comments we would want to make would probably be best saved for the wrap-up session tomorrow. The CHAIRMAN. Fine. We appreciate that very much. We are very appreciative to you for the time you have put into this and Mr. Trowbridge, a lot of years and a lot of effort. And we certainly respect that very much.

Thank you very much. We are adjourned until, I believe, 9:30 tomorrow morning.

[Whereupon, at 7:35 p.m. the Committee adjourned, to be reconvened at 9:30 a.m., Thursday, November 7, 1991.]

### POW/MIA POLICY AND PROCESS

THURSDAY, NOVEMBER 7, 1991

U.S. SENATE,  
SELECT COMMITTEE ON POW/MIA AFFAIRS,  
Washington, DC.

The Committee met, pursuant to notice at 9:30 a.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry, (Chairman of the Committee) presiding.

Present: Senators Kerry, Smith, McCain, Brown, Grassley, Kohl, Helms, Kassebaum, Reid, Robb, and Daschle.

#### OPENING STATEMENT OF HON. JOHN F. KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The CHAIRMAN. The Senate Select Committee on POW/MIA will come to order.

Mr. Usry, before you sit down, why don't you just save some time here, and raise your right hand?

Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. USRY. I do.

The CHAIRMAN. We are conducting today the third day of our initial hearings on the POW/MIA issue. And I repeat very briefly that the purpose is to set out the parameters and lay the foundation for this investigation.

I think we have had a very interesting and informative first 2 days. And today we hear from a number of those who are critics of the process thus far, and we will finally wind up with a return panel from the Administration to address some of the statements of concern and allegations that are made by those who are critics of the process. And then I will have a word to say about where the Committee goes from here.

Senator McCain, do you have any opening comment you wish to make?

Senator MCCAIN. No.

The CHAIRMAN. Mr. Usry, if you would identify yourself and share with us your opening statement, please.

#### STATEMENT OF TRACY USRY, CHIEF INVESTIGATOR, SENATE FOREIGN RELATIONS COMMITTEE, REPUBLICAN STAFF, POW/MIA ISSUE

Mr. USRY. Mr. Chairman, my name is Tracy Usry. I'm the Chief Investigator for the Senate Foreign Relations Committee, Republican Staff, responsible for the POW/MIA issue.

Mr. Chairman, Members of the Committee, let me thank you for the opportunity today to address you.

As I said previously, I am presently employed by the Minority Staff, U.S. Senate Foreign Relations Committee as an investigator. Since September 1989, I have been the chief investigator responsible for the legislative inquiry regarding the Prisoner of War/Missing in Action issue.

The investigative staff for this inquiry are highly trained professionals with a total of more than 68 years of investigative experience in the Executive Branch, including criminal investigative experience, as well as more than 17 years of experience in intelligence analysis. In addition to investigative staff, there are minority staff, as well as concerned individuals providing assistance in this inquiry.

This inquiry was initiated in September 1989 when Senators Helms and Grassley were concerned as to why a good portion of their constituents, as well as others, felt the Government's handling and position on the POW/MIA issue was suspect.

As one family member indicated, and I quote, "I don't trust the government. They lied to me in 1968 when my husband was declared missing and they have been lying to me ever since," unquote.

Our investigative effort resulted in the publication of "An Examination of U.S. Policy Toward POW and MIA's." Our conclusions in this report include that "any evidence that suggested that an MIA might be alive was uniformly and arbitrarily rejected, and all efforts were directed toward finding and identifying remains."

Further, we had previously found "the executive branch has failed to address adequately the concerns of the family members of POW/MIA's and has profoundly mishandled the POW/MIA issue."

Mr. Chairman, at this time I would like to request that this report that I reference, prepared by the U.S. Senate Committee on Foreign Relations, Republican Staff, be entered into the record.

The CHAIRMAN. Without objection, so ordered.

[The material referred to may be found on p. 106-226 of the appendix.]

Mr. USRY. The report was a result of interviewing in excess of one hundred people, reviewing in excess of 3,000 documents, which consisted of classified, declassified and unclassified government documents such as First-Hand Live Sighting Reports, both classified and declassified; the Defense Intelligence Agency's "Uncorrelated Live-Sighting Reports," published in 1978; classified as well as declassified Central Intelligence Agency reports; classified and unclassified Department of State reports; reports both classified and declassified from the various military intelligence organizations within the uniform services; unclassified internal memos from Presidential administrations, dating from 1972 forward, as well as individual casualty reports provided by families of those missing in action.

In most instances, when the staff requested assistance from the Defense Department, the assistance was belated and begrudging at best. It routinely took in excess of 30 days for the reply, when in most instances the reply was in the negative.

The most controversial example was access to the classified first-hand live-sighting reports. Access was initially denied on the grounds that it was a request to review classified documents. Yet the Senators, as well as pertinent staff, had clearances far exceeding the material to be reviewed.

Access became such an issue that Ann Mills Griffiths, the Executive Director of the National League of Families wrote a memo to the Defense Department stating that access to these documents should be denied.

It would seem strange for anyone to take such a stand since all that was intended was to ensure that the government was doing everything that it could on the issue. This is the stated purpose of the National League of Families.

Additionally, some of the critics of the government's actions on this issue are members of the National League of Families. I might add that Ms. Griffiths, although not a member of the government, has routine access to these documents.

When access was finally granted, the conditions of access were so restrictive that we were able to review the live-sighting reports only during a 4-day period. The Defense Department decreed that Senators and staff could review the documents only so long as the Senators themselves were present.

This is directly contrary to normal Defense Department procedures in which DOD staff normally review documents and prepare a report or identify pertinent information for their superiors to review at a later date.

The results of those live-sighting documents indicated the following: Analysis of live-sighting reports in many instances were closed prematurely when additional work could have affected the negative conclusion; the summary and conclusions prepared by the analyst in many instances did not always accurately portray the information in the raw intelligence; arbitrary conclusions were made, not based on the pertinent facts of the case; Congressional inquiries made on behalf of constituents were not accurately answered.

In some of the cases reviewed, the answer on the part of DIA had little resemblance to the available information in their files. Certain personnel within the POW/MIA office of the DIA reached conclusions on issues regarding live-sighting reports to which they were not qualified to do so.

Because of budget and time constraints, we were unable to investigate further certain relevant problems, which I'd like to add, or provide to you.

The first is, attempts by the administration to infiltrate private activist groups; illegal surveillance and investigation of individual activists of this issue by the Department of Defense; questionable identifications by the Armed Services Graves Registration Office; questionable liaisons between administration, activist and identified members of organized crime; the failure of DIA to address the MIA/POW issue for World War II and Korea; sanctioned rescue missions by the Department of Defense after 1973; problems with the operation of the Central Identification Laboratory, Hawaii, including the utilization of unscientific methods to identify remains, USACIL personnel lying to previous Congressional Committees;

and a premature closure of a criminal investigation by the U.S. Army Criminal Investigation Command concerning USACIL.

The substantiation of even a portion of the allegations would have been an embarrassment to the Department of Defense.

In summation, I would like to state for the record that I believe this issue can be resolved successfully. It is imperative that this Committee review what the government historically has failed to do or has done poorly; for in the past exists the answer to the question, "Did we leave men behind?"

Thank you.

[The prepared statement of Mr. Usry follows:]

PREPARED STATEMENT OF TRACY USRY

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I am presently employed by the Minority staff, U.S. Senate Foreign Relations Committee as an investigator. Since September 1989, I have been the chief investigator responsible for the legislative inquiry regarding the Prisoner of War/Missing in Action (POW/MIA) issue. The investigative staff for this inquiry are highly trained professionals, with a total of more than 68 years of investigative experience in the Executive Branch, including criminal investigative experience, as well as more than 17 years of experience in intelligence analysis. In addition to investigative staff, minority staff as well as concerned individuals provided assistance in this inquiry.

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Mr. Chairman, I request that this report, prepared by the U.S. Senate Committee on Foreign Relations, Republican staff be entered into the record.

The report was a result of interviewing in excess of one hundred people, reviewing in excess of 3,000 documents, which consisted of classified, declassified and unclassified government documents such as: First Hand Live Sighting Reports, both classified and declassified; the Defense Intelligence Agency's "Uncorrelated Live-Sighting Reports," published in 1978; classified as well as declassified Central Intelligence Agency reports; classified and unclassified Department of State reports; reports both classified and declassified, from the various Military Intelligence organizations within the uniform services; unclassified internal memos from Presidential administrations, dating from 1972 forward, as well as individual casualty reports provided by families of those missing in action.

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It would seem strange for anyone to take such a stand since all that was intended was to ensure that the government was doing everything that it could on the issue. This is the stated purpose of the National League of Families. Additionally, some of the critics of the government's actions on this issue are members of the National

League of Families. I might add that Ms. Griffith, although not a member of the government, has routine access to these documents.

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The results of the review indicated the following:

1. Analysis of live-sighting reports in many instances were closed prematurely, where additional work could have affected the negative conclusion.
2. The summary and conclusions prepared by the analyst in many instances did not always accurately portray the information in the raw intelligence.
3. Arbitrary conclusions were made, not based on the pertinent facts of the case.
4. Congressional inquiries made on behalf of constituents were not accurately answered. In some of the cases reviewed, the answer on the part of DIA had little resemblance to the available information in their files.
5. Certain personnel within the POW/MIA office of the DIA reached conclusions on issues regarding live-sighting reports to which they were not qualified to do so.

Because of budget restraints, we were unable to investigate further certain relevant problems, including the following:

1. Attempts by the administration to infiltrate private activist groups.
2. Illegal surveillance and investigation of individual activists of this issue, by the Department of Defense.
3. Questionable identifications by the Armed Services Graves Registrations Office (ASGRO) board.
4. Questionable liaisons between administration, activist, and identified members of organized crime.
5. The failure of DIA to address the MIA/POW issue for World War II and Korea.
6. Sanctioned rescue missions by the Department of Defense after 1973.
7. Problems with the operation of the Central Identification Laboratory-Hawaii (USACIL-HI) including:

Unscientific methods used to identify remains;  
USACIL-HI personnel lying to previous Congressional committees; and  
Premature closure of a criminal investigation by the U.S. Army Criminal Investigation Command. The substantiation of even a portion of the allegations would have been an embarrassment to the Department of Defense.

In summation, I would like to state for the record that I believe this issue can be resolved successfully. It is imperative that this Committee review what the government historically has failed to do, or has done poorly. For in the past, exists the answer to the question "Did we leave men behind?"

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

Let me just say that I think that everyone respects your commitment to this issue. You have certainly put a lot of time and energy into it.

One of the questions I have, having looked at the report, is, and I do not want to say this sweepingly about the report, but there are some statements that I think sort of leap to a conclusion that may be overly encompassing in nature.

Let me give you an example, for instance. On page 5-3 to 5-4 you talk about the issue of the prisoners left in Laos, and you make the following statement, quote, "Notwithstanding the fact that no U.S. POW's held by Pathet Lao forces have ever been repatriated." I believe that is on page 5-4, down in the last paragraph.

"These statements were made notwithstanding the 80 men cited by Henry Kissinger held by the North Vietnamese, and notwithstanding the fact that no U.S. POW's held by the Pathet Lao forces have ever been repatriated."

But, in fact, it is true, is it not, that nine Americans were turned over to the U.S. in 1973 from Laos, who were nominally Pathet Lao prisoners? Those were counted as repatriated from Laos.

Mr. USRY. Sir, it's my understanding that the nine people—the nine prisoners that were repatriated were, in fact, taken by Vietnamese military and then transferred to Hanoi for the release.

The CHAIRMAN. But they were nominally Pathet Lao. I mean, what I am saying is, you see, this is where the confusion enters into it. They were considered to be, I believe, held by Pathet Lao and were considered—I see heads shaking over here. That is not accurate?

Mr. USRY. Sir, those particular nine prisoners were taken—actually taken prisoner, it's our understanding, by the North Vietnamese in Laos, and therefore really were never in the hands of the Pathet Lao.

The CHAIRMAN. OK. Well, the larger point is that we have met with Ambassador Sullivan a few days ago. He will be testifying incidentally down the road here. But what he really said was that, quote, "The Pathet Lao were a figment of Hanoi's imagination, a Potemkin regime, just a few people who ran operations. The North Vietnamese really ran everything. The POW's shot down in Laos were transferred to Vietnam and nine were held just to say that the Pathet Lao had some. The border was really irrelevant."

Did you examine that perception of what really existed then?

Mr. USRY. No, sir. We didn't go into the in-depth specifics as to what political party was actually operating at the time in Laos. From the information that we reviewed, it indicated to us that although there were North Vietnamese Communists and Pathet Lao in Laos, those particular nine people were, in fact, prisoners of the North Vietnamese.

The CHAIRMAN. Well, see, I think there is a lot of confusion about it, which is what we have to sort through, and I think that without talking to Sullivan or without talking to other people, it just strikes me that there is an incompleteness.

I am not challenging the whole report at all. I think you have some very, very sound and good stuff in here and there is no question obviously about the relationship that has existed, sort of adversarially, in trying to get this information. But I think this raises some questions which the Committee is going to have to do further work on before one can really draw a conclusion.

I, at least, am confused about who held whom with respect to Laos and what the reality of the Pathet Lao was at that time, and I think the Committee is going to have to try to sort that out before we can make a declarative statement that X were turned over or none were turned over, because it is not clear to me that we really know yet.

Do you sense the disparity there? I mean, if Bill Sullivan, whom I am sure you recognize as pretty knowledgeable about the area, since he was over there and was part of the talks, et cetera, says these guys were not real and you are talking about a country of 70 million people versus 3 million people, and we all know the North Vietnamese had massive numbers of forces up there, and basically we are controlling the entire border area, there was really a fiction about the existence of Pathet Lao.

So I think that needs to be sorted out, is all that I am suggesting here.

Let me ask you if, based on what you heard yesterday and the day before, and based on what Secretary Cheney has set forth, Secretary Carl Ford has set forth, the DIA through Mr. Nagy and company has set forth, are you encouraged now that there is, in fact, a different relationship and that there is an ability to get the answers that you and others have been seeking?

Mr. USRY. Sir, I don't know if you're aware of it, but I'm a retired Army officer with 22 years in the Army. And, in those 22 years, I have seen repeatedly where the people at the head of the organization or the head of the command have routinely pledged undying support and cooperation in every way, and I'm sure that they greatly mean that.

However, when that gets down to worker level, sometimes that degree of cooperation is watered down. I certainly believe what Secretary Cheney said, what the Defense Intelligence Agency said, and what everyone else or anyone else that testifies here on the part of the Administration says concerning support.

However, when it gets down to the lower level, sometimes that cooperation is watered down and that has been our experience already in the past 2 years, when we die this inquiry.

The CHAIRMAN. So the proof will really be in the pudding, obviously?

Mr. USRY. Yes, sir.

The CHAIRMAN. But do you sense that the framework that has been put in place with General Christmas and the new command structure and the assignment of personnel is adequate to do the job at this point?

Mr. USRY. I believe that is a portion of what is necessary to do the job, yes, sir.

The CHAIRMAN. What more do you think is necessary?

Mr. USRY. Well, I think that the work set forth by this Committee, along with the cooperation pledged by the Defense Department and the Administration, hopefully, will be what's necessary to resolve the issue.

Without looking at what has come to pass, and what has dropped through the cracks, regardless of what is done now, that is not going to resolve those problems in the past which impact on this issue.

The CHAIRMAN. Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman.

Mr. USRY, one of the results of your review indicated that arbitrary conclusions were made, not based on the pertinent facts of the case. Is the case of Lt. J.G. James Dooley, one of the examples that you give in your report, what leads you to the result that indicates that arbitrary conclusions were made, not based on the pertinent facts of the case?

Mr. USRY. Yes, sir.

Senator McCAIN. Well, Mr. USRY, you just happened to have touched on a personal experience of mine and I can tell you you are way off base. You state in your live-sighting reports—as part of your rationale for saying that Lt. Comdr. James Dooley was alive—that there was an improper evaluation. For example, two Thai spe-

cial forces released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate.

Mr. USRY, are you aware of the fact that we were in constant communication with these two Thai special forces; in fact, they were with us at the end?

Mr. USRY. I don't understand what you mean by us, sir.

Senator McCAIN. By the other American POW's.

Mr. USRY. No, sir, I was not.

Senator McCAIN. You were not aware of that. Were you aware that if there had been any information concerning Lieutenant J.G. Dooley or then Lt. Comdr. James G. Dooley, they would have communicated it to us?

Mr. USRY. No, sir, I'm not aware of it.

Senator McCAIN. You were not aware of that. Well, if you were not aware of that fact, Mr. Usry, you did a very incomplete job, because you could have asked any one of the POW's, former POW's, or anyone who was involved in the issue, and learn that our primary goal was to keep track of all the names of anyone that we had any information about.

So your allegation that the two Thai special forces identified Dooley's photograph as a fellow inmate is false. "Finally, a propaganda photograph of captured U.S. pilots in Hanoi dated after Dooley was shot down shows a partial profile of a person that strongly resembles Dooley." What photograph was that?

Mr. USRY. Sir, if you would submit that question for the record, I would be more than happy to answer it after I consult my notes.

Senator McCAIN. You made a very serious allegation here, Mr. Usry, and I am surprised that you would not even know what photograph it is.

Mr. USRY. Well, I think the difference between your information and my information, sir, is, one, your information is firsthand and mine is secondary, dependent upon other people.

However, you have only brought in two examples concerning the Dooley issue and there are more than those that caused us to come to the conclusion that we did.

Senator McCAIN. "A U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi." Who was that POW?

Mr. USRY. That information has not been provided to us because the Department of Defense, at the time we were doing this inquiry, would not share any information concerning POW's with us unless there was a Senator present with us at the time we were going through the documents.

The Senators' schedules precluded us from looking at those documents for more than a 4-day period.

Senator McCAIN. So your allegation—

The CHAIRMAN. Will you yield for a minute? I'm confused by that.

Senator McCAIN. So his allegation basically, Mr. Chairman, has been relayed to him with no basis in fact.

Mr. USRY. I don't agree with that statement at all, Senator.

Senator McCAIN. What facts do you have to back up your allegation that a U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi?

Mr. USRY. Besides that information, which was provided to us by family members, there was additional information provided to us by the particular prisoner that the instance was accredited to, and in the interview with him, the circumstances described were so out of whack to what actually happened to him that what we're saying is that what was attributed to—I believe it was Commander Hickerson, could have very easily also have been attributed to Lieutenant J.G. Dooley at the time of his loss. The arbitrary conclusion was, based on JCRC or Defense Intelligence Agency who had indicated to Mr. Hickerson, when he shared some years later his experiences and said that it was not him as DIA had indicated, made the comment to Mr. Hickerson was, "Well, that may be, but we're going to attribute it to you anyway and it really doesn't matter."

Senator McCAIN. That has nothing to do with my question, Mr. Usry. That was very illuminating. It has nothing to do with my question. My question was: Where did you get the information that a U.S. POW, which you state as fact in your report, said he saw Dooley's name written on the wall of a prison cell in Hanoi?

Mr. USRY. That's in the information that's provided to the family members, and I would be more than happy to research that and provide you an answer for the record, Senator.

Senator McCAIN. In other words, you do not know at this moment?

Mr. USRY. I don't know every nuance of this report in my head at this particular time, since it was published in May, no, sir.

Senator McCAIN. I have now covered three or four of your allegations. You have no information about them, but you are willing to publish them as fact, when clearly you do not have a basis in fact.

Mr. USRY. Sir, I don't believe I said I did not have the information. I believe that I said I would be more than happy to research the information in our files and provide it to you.

Senator McCAIN. "The information that Dooley was alive began to surface. In 1973, a U.S. POW who had been repatriated said he saw Dooley's name written on," you do not have that information right now?

Mr. USRY. No, sir, because I have 10 file drawers full of information, and, again, if you submit that for the record, I would be more than happy to research that and provide it to you.

Senator McCAIN. You have 10 file drawers, but you have had enough information to make a report from the Minority Staff to the American people, alleging these as fact, and yet you have to provide the answers for the record, one, that a U.S. POW had been repatriated, said he saw Dooley's name written on the wall of a prison cell in Hanoi; two, Thai special forces soldiers released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate.

Do you have any factual information on that?

Mr. USRY. With me?

Senator McCAIN. Any knowledge of that fact.

Mr. USRY. Again, I will address the statement I made earlier.

Senator McCAIN. I see. And, finally, "A Communist propaganda photograph of captured U.S. pilots in Hanoi, dated after Dooley was shot down, shows a partial profile of a person that strongly resembles Dooley." Do you have any knowledge of that?

Mr. USRY. I have the photograph.

Senator McCAIN. You have the photograph?

Mr. USRY. I do.

Senator McCAIN. Where is that photograph?

Mr. USRY. It's up in my office.

Senator McCAIN. Yet neither the DIA nor any government agency has that photograph, according to them.

Mr. USRY. Well, that may very well be the case, keeping in mind that not all information concerning all missing prisoners goes to DIA because there's a lack of the faith in the way they have operated in the past.

Senator McCAIN. I see. It goes to you?

Mr. USRY. Some of it does on occasion, yes, sir.

Senator McCAIN. Like your trip to Thailand that you just took?

Mr. USRY. That's correct.

Senator McCAIN. Tell me about that trip, would you, Mr. Usry?

Mr. USRY. Are there any thing specific you would like to know or would you like to start from the beginning?

Senator McCAIN. I would like for you to answer the question. I said tell me about the trip. That is what I would like for you to do, Mr. Usry.

Mr. USRY. Sir, I would be more than happy to provide you the briefing that I provided to the Secretary of Defense which led to the trip, if you're interested.

Senator McCAIN. The Secretary of Defense says that absolutely nothing was gained from that trip.

Mr. USRY. Well, that's his opinion, sir. I don't necessarily agree with that. There is still a questioned photograph.

Senator McCAIN. That necessitated a trip to Thailand?

Mr. USRY. That's correct.

Senator McCAIN. What did you do there, Mr. Usry?

Mr. USRY. We contacted the individual who provided a photograph which, after forensic examination, indicated it might possibly be, or in the words of the forensic anthropologist, "was, in fact, Lieutenant Commander Stevens." The individual was polygraphed and the results were that he wasn't telling the truth about anything other than he had obtained the photograph from a Vietnamese.

Senator McCAIN. So at least according to Secretary Cheney, he was lying?

Mr. USRY. That's correct.

Senator McCAIN. I see. Mr. Chairman, the witness obviously, in my view, is acting in such an adversarial fashion that I am not really going to get any good answers from him, so I will not ask any further questions.

I thank you, Mr. Chairman.

Mr. USRY. Mr. Chairman, I'd like to make a statement for the record.

The CHAIRMAN. Absolutely.

Mr. USRY. I believe that I offered you the opportunity to have the same briefing that I had provided to Secretary Cheney to start the information concerning the trip to Thailand, and I'm prepared to do that. I am here presently just for that reason. So I don't understand how this is an adversarial comment.

Senator McCAIN. Who did you offer it to, Mr. Usry?

Mr. USRY. I just offered it to you, Senator McCain.

Senator McCAIN. You mean right now?

Mr. USRY. Yes, sir.

Senator McCAIN. I see. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Reid.

Senator REID. You make a historical case for the Soviet Union being involved in accepting American POW's from Vietnam. What evidence do you have to support this, because I have asked a number of the witnesses we have had the last few days if they have any information to this effect, and they say no?

Mr. USRY. Part of the information comes from statements made by a Mr. Gerald Mooney, who is a former NSA analyst.

Senator REID. What statements did he make?

Mr. USRY. He's provided affidavits off and on for the past several years that he tracked a group of prisoners that were, in fact, bound for Moscow and he made that—

Senator REID. Bound to Moscow?

Mr. USRY. Bound to Moscow from Southeast Asia, yes, sir.

Senator REID. What do these affidavits say?

Mr. USRY. Basically that he tracked a group of prisoners and that because of their particular skills they were transferred to Moscow. That same information has recently come out in an October 27 publication in the L.A. Times in their Sunday Section of the L.A. Times Magazine that again states the same thing, along with another individual who was at the time employed by the National Security Agency, and his name is Terry Minarcin and he makes the same statement.

Senator REID. These statements are that there were prisoners of war in Vietnam and because of their specialized skills, they were sent to the Soviet Union?

Mr. USRY. That's correct, sir.

Senator REID. How many prisoners were sent?

Mr. USRY. Right now I'd be pulling it off the top of my head. However, I believe that it was mentioned somewhat in excess of 200, but I'm not accurate on that, and I'd have to look at the documents again and provide it for the record.

Senator REID. This man worked for whom, did you say, that gave all these affidavits?

Mr. USRY. They were analysts in the military—

Senator REID. You mentioned one man's name.

Mr. USRY. That was Jerry Mooney. He was an analyst in the military, specifically the U.S. Air Force, and at the time he was assigned to various posts with the National Security Agency, both in Southeast Asia and then later at Fort Meade, MD.

Senator REID. Are any of these affidavits that he prepared based upon personal knowledge of these prisoners? Meaning, did he see any of the prisoners?

Mr. USRY. No, sir. They're based on the radio intercepts that he would be responsible to analyze, and those radio intercepts involved communications within the North Vietnamese military organizations.

Senator REID. Then you indicated that there was an article last month in the L.A. Times?

Mr. USRY. Yes, sir, on October 27, the Sunday edition.

Senator REID. That was based upon Mooney's information?

Mr. USRY. Mooney and Minarcin. Minarcin was a subordinate of Mooney, working for Mooney at the time.

Senator REID. They both agree?

Mr. USRY. Yes, sir.

Senator REID. Do you know where those two men are now?

Mr. USRY. I believe that Mr. Mooney is in Montana and Mr. Minarcin is in the State of Washington.

Senator REID. They're both out of government service?

Mr. USRY. Yes, sir, they're both retired—or I don't know whether Minarcin retired or just left the service, but Mr. Mooney did, in fact, retire from the Air Force.

Senator REID. Does Minarcin say anything different from Mooney or did they both say basically the same thing?

Mr. USRY. There is a little bit difference, and the reason for that is Minarcin ended up staying involved in the issue longer than Mooney did, but basically it's the same information.

Senator REID. Has there been anything done, to your knowledge, to follow up on whether or not these men are credible?

Mr. USRY. In what way? By our Committee, sir?

Senator REID. By anybody that you know of.

Mr. USRY. I'm not aware of anyone else, other than different activist organizations and the media interviewing either Mr. Mooney or Mr. Minarcin, besides myself.

Senator REID. Because the statement, as you know, is alarming. To think that there would be 200 prisoners of war shipped off to the Soviet Union of whom now some 20 years later we have no knowledge whatsoever, even though relations during the past 10 years have changed dramatically between the Soviet Union and the United States.

Mr. USRY. I would have to agree with you on that. Even more alarming, sir, is the fact that Vietnam is not the only time that the Soviet Union has received our prisoners of war. There is an overabundance of information concerning American prisoners of war being taken by the Soviet Union after World War II.

Senator REID. I have read that report. Of course, the charge of this Committee is not with what went on in the Second World War, it is what has gone on during the past 20 years in Southeast Asia, and I think that's what we have to focus on.

My question is that it is alarming, or for lack of a better word, startling, to think that, in effect, we would not be able to see, hear from, talk to any one of those 100 to 200 people who were in the Soviet Union, which is now a society that is not behind the Iron Curtain.

Mr. USRY. I agree with you, Senator.

Senator REID. So do you think that the Mooney and Minarcin statements are factual?

Mr. USRY. I have no reason to doubt what they have said thus far. I see no reason that they could gain anything personally from making that kind of statement, other than total embarrassment, if it were proved to be untrue.

Senator REID. How do you account for the fact that there is no independent evidence, or that no one has seen, talked to, or heard from these 200 plus people in the 20 odd years since that time?

Mr. USRY. Sir, I don't know that that's necessarily the case honestly. Not having seen what is available within the archives or in the intelligence communities within the administration, I don't know that, in fact, that has not occurred.

Senator REID. What motive would anyone working for this government, military or otherwise, have to subvert or conceal that information? What would be the reason?

Mr. USRY. If little else, certainly embarrassment, and the only reason to reach this conclusion is from looking at the information from the previous wars, specifically World War II, although this is not what the Committee is looking at.

It was quite apparent that there was an overabundance of information that American prisoners of war were taken at that particular time by the Soviets. Other than an occasional inquiry on the part of a Congressman due to a constituent's concern, little or nothing came of it. There certainly is an overabundance of information to indicate that.

So for that same thing to have occurred in Vietnam by our government is not unreal, because I would think that they have already established a historical precedent in the way they handled it.

Senator REID. I'll conclude, Mr. Chairman.

It is your statement that the only reason for concealing this would be some type of a conspiracy or silence because it would embarrass the government if any knowledge came out that there were prisoners in the Soviet Union?

Mr. USRY. I would certainly state that it would be an embarrassment to this government if that were, in fact, true. I would like to add that in that same Sunday Magazine printed October the 27th, there were interviews with KGB officials or former KGB officials that indicated they were, in fact, involved in the interrogation of American soldiers.

Again, I'd have to research it for the record, but I believe one of the KGB officials who is a former colonel, indicates that he was still interrogating American soldiers or knew of the interrogation of American soldiers in Vietnam as late as 1974.

Senator REID. Thank you, Mr. Chairman.

Mr. USRY. Thank you, Senator.

The CHAIRMAN. Thank you very much.

I might add, one of the great difficulties here is that here we have sitting next to me a former POW, who spent an awful long time there, who knows about as much about this as anyone from firsthand experience, and he was never interrogated by Soviets, nor were any of the people that he knew of interrogated.

Is that correct?

Senator McCAIN. Cubans, but not Soviets that we know of.

The CHAIRMAN. On the other hand, that does not mean that in certain areas there were not Soviets. I have read the article, it's a very interesting article, and the Committee is going to pursue that whole question of the Soviet angle to determine whether in those Laotian camps where the Soviets were present, because they were

across the border, there was not a capacity for some people there to have done it. It is a legitimate question.

I do not want to suggest—all I am saying is that it is a puzzle-ment that it was so reserved to a particular locale.

Mr. USRY. Excuse me, Mr. Chairman?

The CHAIRMAN. Yes?

Mr. USRY. I believe you will also find some of that similar information in the files of the Defense Intelligence Agency.

The CHAIRMAN. Senator Daschle.

Senator DASCHLE. I think there is an important procedural question that we have to consider here. We are charged, among all of our responsibilities, with trying as best we can to separate conjecture from fact, and I think that it is extremely important. We are already putting everybody under oath, and I think the second thing we ought to do for the record, with all of our witnesses, when they make statements that they present as fact, that we ask that all relevant data to support their statement of fact be entered as part of the record.

I think that it is critical, in this case, that it be done. I am not sure we have satisfied my desire to do that in this case. I would hope that all of the requests made for additional data and all the information volunteered by Mr. Usry, be made part of the record at the earliest possible date.

I always think of things as being put in the record at some date in the distant future. In fact, I would like to see it tomorrow. I would like to see it as soon as you can provide it, because it may have a lot to do with other questions that I may want to ask other witnesses.

So, to the extent that you can get us that information you say is in your office or wherever, I would like to be able to follow up. I think we ought to demand of all witnesses, when they say they have things available—I would tell them ahead of time, "If you think you have justification for the things you are saying, we do not want you to leave it in the office when you come before the hearing, we want you to bring it with you."

You were not briefed, I am sure, in that regard, so I am not faulting you for doing that, but I hope future witnesses, even if it takes a wheelbarrow, I want them to bring it to the microphone so we do not have to say, "Well, we have it in the office and we are going to have to wait to get it back."

I would like to see it brought and I would like us to be able to analyze it. I would like us to ensure that when things are said as a statement of fact, that there is some kind of justification for it.

The CHAIRMAN. Senator Daschle, your point is extremely well taken, and, in fact, it has been previously discussed by the Committee, and let me just inform you that it is because Mr. Usry works for the Senate and, in fact, he was in his capacity as working for the Senate that he has set forth this report, that it is being made part of the record now in this way.

However, this is why we have said that most of the work of the Committee will not be done in hearings; most of the work of the Committee will be done from this point forward through depositions, interrogatories, interviews and so forth, so that when people come to the hearing this Committee will have a story that it feels a

certainty about telling based on documentation that the Committee will have reviewed at that time.

What we are doing here is really setting out the parameters of this, but I think it is a fair inquiry.

Mr. USRY. Let me ask you this—

Senator DASCHLE. Mr. Chairman, could I—

The CHAIRMAN. It disturbs a lot of people that there are items that the DIA is not aware of or does not have or that there are things that have come through separate files that perhaps are not available elsewhere, so I take it that you will turn over to the Committee any documents or any supporting materials or any evidence that you have that would shed light on this issue as a whole?

Mr. USRY. Absolutely.

Senator DASCHLE. Mr. Chairman, my concern—

The CHAIRMAN. Senator Robb wanted an intercession. Let me just recognize Senator Robb. This will not come out of your time, Senator Daschle.

Senator ROBB. Thank you, Mr. Chairman. It again was a procedural question. It seems to me that it might be advantageous to excuse this witness and allow him to return when he has the material.

I think he clearly ought to have all of the information that Senator McCain asked for and any other information that is going to elicit the kind of questioning—

The CHAIRMAN. I think that is a good suggestion and I would be happy to do that.

Mr. USRY, since your materials are local, why do not we interrupt at this point in time, if all members are agreeable, you could—

Senator DASCHLE. Mr. Chairman, I have no objection. I think it is an excellent idea, but I have a couple of other comments I want to make in this regard.

The CHAIRMAN. The floor is yours.

Senator DASCHLE. My concern, frankly, is that if statements are made as statements of fact and they go unchallenged under oath, that lends even greater credibility to the statement. I think that we all have to be very concerned about this.

My experience in the past has been that, people come to various committees and subcommittees, under oath they say something and then that statement is used later on. "Well, he said it under oath, it has to be true. No one challenged him, there was nobody to confront that."

So, I think it is important that we have the opportunity to analyze this.

Mr. USRY, you made some other statements—and I hope when you do come back we can address them. There are two concerns here: One concern obviously is your deep dissatisfaction with the position by the government with regard to the status of POW's, MIA's, and I understand your concern in that regard.

You make a number of other statements that have far broader ramifications that I think also are important to discuss, and that is, the way the government has conducted itself in this process. You make several charges that I think, if they are true, have to be addressed.

Number one, attempts by the administration to infiltrate activist groups. That is a very significant charge. Second—

Mr. USRY. Excuse me, Senator.

Senator DASCHLE. Well, no, let me finish and then you can answer all of them, with whatever time I have.

Illegal surveillance and investigation of individual activists. That is a pretty significant charge.

Mr. USRY. I agree with you.

Senator DASCHLE. What I am asking, in the context that I have just stated my concern, is, we had better have ample documentation.

Third, and the one perhaps that troubles me the most here, is questionable liaisons between administration, activists and identified members of organized crime. I have to tell you, of all the things you have said, that one is perhaps most troubling of all.

Before we are willing to take any of this as fact, and I am not challenging your veracity at all—

Mr. USRY. I understand.

Senator DASCHLE. All I am saying is that before I am willing to say under oath that I accept what you have said under oath, that I just want to make sure you have ample documentation to make charges like that.

Mr. USRY. Sir, I would just like to make one statement concerning what you have just read to me. Keep in mind that those are the issues that we were aware of, that there was some degree of concern that that had, in fact, occurred, but we were not able to complete that during the time frame that we were running this inquiry.

Senator DASCHLE. But you are stating them as fact.

Mr. USRY. No, sir. I don't believe I'm stating them as fact. Let me readdress my statement. What I stated was, "Because of budget restraints we were unable to investigate further certain relevant problems including the following:"

Senator DASCHLE. But you call it a relevant problem. Now, that is a real problem.

Mr. USRY. I agree with you.

Senator DASCHLE. There is a difference between a problem, acknowledged to be a problem, and a charge that somebody may have made, an accusation, is there not?

Mr. USRY. No, sir, I don't believe so—well, let me rephrase that. I believe there is an extreme difference between stating that there is a problem and levying a charge. What I had indicated in my statement was that those were problems that had been brought to us, and that we had not had the opportunity to fully investigate.

However, some of what—

Senator DASCHLE. What you are saying is, they are accusations that may or may not be founded?

Mr. USRY. No. In some instances they have already been founded. I would address one in which I indicated infiltration of activist groups by the administration, and later this morning, I believe you'll hear testimony from Mr. Sampley, in which he was hired to do exactly that. Here is a copy of his statement concerning that.

Concerning No. 2, that's a documented occurrence that the Department of Defense Inspector General did, in fact, look at and

agree it had occurred. However, it was never further pursued by the Department of Defense because their indication was there was no harm meant or done.

Concerning No. 3, that, in fact, is a relevant problem. We have seen indications in which there are questionable identifications and there are family members readily available to provide you that information.

Senator DASCHLE. Since this is your testimony, I am hoping that you will provide the documentation.

Mr. USRY. That's not a problem here at all.

Senator DASCHLE. OK.

Mr. USRY. Now, the only question I would ask is that so far I have questions from Senator McCain and yourself concerning certain portions of this report. Considering that the entire documentation relevant to this report is about four file cabinets full, I need to know exactly what you're interested in seeing or would you just rather that I brought everything down here, because it is quite a bit of information.

Senator DASCHLE. You and I have been around files long enough to know that there is a lot of stuff that may not be as relevant as others. I want you to pick what you think to be the most relevant, the best supporting data that substantiates the charges and accusations that you have made in your testimony.

Mr. USRY. All right, sir.

Senator MCCAIN. We did not get to No. 4, Mr. Usry.

Mr. USRY. No. 4, questionable liaisons between administration, activists and identified members of organized crime. We have information and we have some documentation and know where further documentation exists to reflect on that particular problem, yes, sir, we do.

Senator DASCHLE. I am out of time, Mr. Chairman.

The CHAIRMAN. Is the Committee in agreement that it would be advisable to follow up on Senator Robb's suggestion and have Mr. Usry come back with the materials later in the day when we could review it?

Senator GRASSLEY. That's OK with me, except that for what I have to ask him now and to discuss with him, if there is any further information he cannot give me, I would rather have my response in writing, so I want to go through my series of questions before he leaves the table now.

The CHAIRMAN. Senator Grassley, that is your privilege. The Chair will recognize you now.

Senator GRASSLEY. First of all, I think the entire Committee needs to know how I first got acquainted with Mr. Usry. He was an employee of the Defense Department at a time when a report that was not supposed to be outside the Defense Department came to me, at least came to my attention.

It was a report on an investigation of Mark Smith, which is not relevant to this point that I am trying to make, but just so you know that over a period of 26 months now, 26 months, that eventually gets us around to a point where it is costing the taxpayers 1 and 9/10s million dollars to keep this Committee going.

I called up the Defense Department and said that I knew about this Mark Smith report and that Mr. Usry was involved in some of

the investigation of it, and I needed Mr. Usry to come to my office to do nothing more than tell me what was in a government report, that is all I wanted.

I just wanted somebody personally familiar with it to brief me on it, nothing more, because at that point I did not even know that I needed that sort of briefing to know where to proceed.

He was supposed to be in my office a certain morning and somebody called my office and said they are not going to let him come until they brief him first, which is—that may be bureaucratese, but I believe that that's their way of saying to me that he cannot talk to me until somebody in the Defense Department says what he can tell me about the Mark Smith report.

So I sent word back that if he is not in my office by a certain time, I am going to go out there and I am going to meet with him. He was not in my office by that time, so I went out to get him.

The General had absented himself from his office and I talked to some low level person—I should not say low level person—I talked to a colonel.

I thought that I was going to have a big battle with the colonel, but I said, "I am in pursuit of my legislative and constitutional functions of seeking information and all I want is some information, I want nothing more, and I think Mr. Usry can contribute to that information."

I said, "I want him to brief me in my office. Can he come with me to my office?" I was shocked that they said he could, because, you know, back in 1983 I had this same problem with Chuck Spinney, and DOD was not going to let him come and talk to me, or just brief me in his office. So eventually we had to have him before two committees and eight television cameras to get the information that could have been given to me in the privacy of my office.

So I am not unfamiliar with dealing with the Defense Department on just getting basic information. Mr. Usry came to my office and briefed me and then we got into a lot of other matters and eventually Mr. Usry ended up being detailed, I believe—am I right—to the Senate Foreign Relations Committee or is there something in between there?

Mr. USRY. That's correct, sir.

Senator REID. Just so I can understand it, at the time you were asking him to come to your office, was he in the Army?

Senator GRASSLEY. Yes.

Were you in the Army or a civilian employee?

Mr. USRY. I was in the Army.

Senator GRASSLEY. Anyway, I didn't know anything about Tracy Usry before then and I am not saying that I know a lot about him now. I am just saying that that is how we got acquainted and I want that to be known for the record, because that is just one example, another example, of the Defense Department just not wanting to share information.

Then, of course, I related yesterday how it took 6 weeks to get to view files in the Defense Department that they usually are willing to bring over to S407, for us to view here in the Hart Building or in the Capitol Building. We had to go over there.

Mr. Usry was one of four people, cumulative, that had 68 years of investigative and intelligence analyzing experience that was over there those 4 days I went through the files.

Mr. Chairman, can I continue, since I am the only one that wanted to question him?

The CHAIRMAN. How long do you think you are going to be in the questioning?

Senator GRASSLEY. I would say 7 or 8 minutes.

The CHAIRMAN. Well, technically we really have reserved time of 5 minutes, which other Senators have been adhering to.

Senator GRASSLEY. Then what I would like to do is go to my second round then. In other words, whatever time I use now, I will not use when he comes back before the Committee. I am not asking for more time than other members have, I am just asking for—

The CHAIRMAN. The Senator is recognized.

Senator GRASSLEY. OK. In regard to what Mr. McCain asked you, yesterday the Chairman raised the Dooley case before the panel of Mr. Nagy, Mr. Sheetz and Mr. Trowbridge. Neither of them knew any of the details of the Dooley case, even though they are responsible for such a case, and even though the report has been out for 6 months, and they are not unlike Mr. Usry, in response to Mr. McCain. They asked to provide details for the record and I do not think this is an unreasonable request. But on the other hand I think that matter is taken care of by the fact that the Committee is going to have Mr. Usry bring all of these materials to the Committee.

So I think that that will be satisfied.

Mr. Usry, you have a unique perspective of this issue compared to most of us here, because of your background as a criminal investigator. Now, of course, you are not conducting a criminal investigation; is that right?

Mr. USRY. That's correct.

Senator GRASSLEY. You were simply using the methodology of criminal investigation, as I understand it?

Mr. USRY. Yes, sir.

Senator GRASSLEY. You have now been in the political world for 2 years since you were first detailed to the Foreign Relations Committee staff. Given your experience and given your impressions of politics and how Congress investigates issues, I would like to know what advice or recommendations you would give as we embark upon this 1 year investigation.

Mr. USRY. Well, I would like to start by saying that the Senate—and I would have to limit my comments to the Senate side, because that's basically where I work, is not unlike any other large bureaucracy. Certain things take a little bit longer than maybe they should, but that's understandable, given the large and diverse responsibilities that this particular House has.

The one thing that I would urge more than anything else, and one of the things that I have seen in the past, and it's certainly not meant to in any way, shape or form embarrass anybody or speak ill about anybody or diminish an individual's capabilities, but the one thing that I would state that is most necessary in this issue for a 1 year Committee is that you must ensure that you have the best people available to do the work.

This is not a Committee in which people need to learn how to do research or to be educated in the investigative process, because if that's the case, their education will certainly be worthwhile, but it will diminish the effectiveness and the timeliness of this Committee. The greatest statement that I could make and assistance that I could offer is to ensure that the people that are on the Committee, the staff personnel, have that requisite experience in order to go through this issue, which is very, very complex, as well as voluminous, in what needs to be reviewed, so that at the end of your year you'll be able to answer the questions that are the reason why you are in existence.

Senator GRASSLEY. In your testimony you state that one of the conclusions of your May report is that the DIA rejected information about live MIA's and that all efforts were geared toward returning remains of lost ones.

I would like to have you elaborate on that and how widespread is the evidence of that conclusion.

Mr. USRY. In the 4 days that myself and others reviewed the live-sighting reports, one of the overriding problems that I noticed was an incompleteness in the files, a failure to have an organized file, and as such, be able to methodically go through and determine what needs to be done to resolve a live-sighting case.

Above and beyond that, I saw conclusions reached which had no basis in fact from the raw intelligence provided. I might add that that was not the case in every instance. However, that certainly was the case in many instances and my concern was we were not talking about somebody losing money or property not being recovered.

In this instance, when there is a mistake, and when they're perpetual and they're the same mistakes all the time, and they affect the possibility of an individual being alive and being left in Southeast Asia, that is a legitimate concern.

It seemed to me that wherever there was a possibility of either being positive or negative on an issue, whether a glass is half full or half empty, the attitude taken was that it was a half empty glass and therefore was not relevant to an actual live-sighting report.

In other instances, I saw just plain ignorance of the facts provided in the raw intelligence and a conclusion reached that in no way was supported by the intelligence at hand. I'd like to give one example, if I can, without going into specifics that might violate any clearances.

There was information provided by a source who had seen six what he felt to be live Americans left over from the Southeast Asian war, somewhere in Laos, and he saw them for about a 3 minute period of time, if my memory serves me correctly, and they were poorly dressed, emaciated, gesturing for help. They were bound, and he indicated that he had seen these people for the duration of driving in front of them and then passing them and then watching them in his rear-view mirror.

The analysis and conclusions reached at that time were that these people were either Soviet advisors or they were volunteers, probably from the Mennonite Church in Laos. I asked—by the way, these people were being guarded, and I asked why, in effect, would

volunteers or Soviet advisors be guarded by Laotians, and I was told that the reason for that is there's some hard feelings concerning basically Caucasians in that part of the world and that it was for their own protection, which seems to me to make a lot of sense, except that they were emaciated, they were poorly dressed, they were gesturing for help and they were manacled or bound in some way.

The particular analyst at that time told me that the individual who had provided this information withdrew that portion of his statement in which he said they were bound. There was no original statement that I could see on the part of the individual that had made the report.

There was simply a summary of information provided by whom-ever talked to him. I understand in many instances that these people are illiterate and therefore cannot read or write, but if you're dealing with something of this magnitude and you are professional enough to maintain the proper type of documentation in order to resolve an issue, certainly at a minimum you would have tape recorded this individual's information so that you could refer to it later.

When I asked the individual and he said he reneged on that portion of the statement, as the analyst had indicated to me, I asked him where in the report it said that, and it was not there.

Yet based on that information, they said that that particular individual did not see live Americans that could possibly be left over from the Southeast Asian War.

In another example, an individual passed a polygraph on three separate occasions as to what he had seen. Yet his information was arbitrarily ignored, simply because the analyst at that time, who had no understanding or training in the polygraph field, stated that since this man was a marijuana user he passed the polygraph.

Certainly that is a contributing factor, if, in fact, he had smoked or ingested marijuana at the point in time just prior to the examination. However, it's been my experience in the past 18 years that when a polygraph examiner administers an examination, he ensures that that has not occurred or can tell by what the particular instruments can reveal as far as heart rate, breathing and galvanic skin response.

Yet based on those conclusions and that individual saying that the only reason this man passed a polygraph examination is that he's a known drug user, the information that that individual had was disregarded.

In my 18 to 20 years experience in the investigative field, very rarely do you have people of high morale, high moral concerns, and people in good positions that provide that type of information.

The type of information that would normally be provided concerning live Americans routinely will come from refugees, truck drivers, known drug users, probably child molesters in some instances. That does not negate the validity of their information. In this case that was arbitrarily ignored.

Those are only two instances and I saw many more.

Senator GRASSLEY. My last question; whether or not DOD has ever issued a formal response to the Senate Foreign Relations Minority Report?

Mr. USRY. If they have, I'm not aware of it.

Senator GRASSLEY. Your judgment as to why you think they have not or have been reluctant to?

Mr. USRY. It's my feeling that if they ignore it, they feel it will go away. The less mess or action you take with it, the quicker it will be forgotten and therefore not something you will have to address later.

Senator GRASSLEY. Mr. Chairman, thank you very much.

The CHAIRMAN. Thank you very much.

Mr. USRY, before we excuse you temporarily until later, let me just emphasize why Senator Daschle and others of us are concerned and why it is so important, and I think you understand this importance.

Mr. USRY. Oh, yes.

The CHAIRMAN. There are a lot of families, a lot of people listening, a lot of folks who hang on every nuance of every single assertion with respect to this issue. Now, in your report here, which I read yesterday incidentally, it says, and I read from your report, "In 1973 a U.S. POW who had been repatriated said he saw Doo-ley's name written on a wall of a prison cell. Two Thai special forces soldiers released from North Vietnam custody identified his photograph. Finally, a Communist propaganda photograph shows a partial profile," and so forth.

I have information here on the actual debrief of Captain Hicker-son. While you assert that he was not swimming and so forth, let me read to you from it.

He told debriefers, quote, "He collapsed his parachute, he found himself face to face with about 100 civilian personnel. He immediately separated from the parachute and started running out into the shallow water. After going a short distance, he detached his seat back and commenced swimming seaward."

Now, in your report you assert that he was dropped near the land and was not near the water, but here in his own report he says he was swimming seaward. "About this time rifle shots started splashing in the water around him. At this point Hickerson saw he was about to be captured, so he pulled out his survival radio and sent the message to his wing man. He then stopped, put up his hands and surrendered to the DRV swimmers."

In his debrief he goes on to describe how he was stripped of his clothing, blindfolded, hands tied behind his back, put on the fender of a motorcycle, taken to the fishing village. Later that day he was also moved in the sidecar of a motorcycle, during which time he was seen by crowds of people who threw rocks and sticks at him.

So, in point of fact, you have asserted certain things of fact that do not correlate to his own debriefing. Now, that raises the whole question before this Committee of trying to follow up on each and every one of the assertions that come to us at a later point in time, and I think it underscores why it is so critical to have what Senator Daschle said, and to be able to verify these kinds of items.

Mr. USRY. I agree with you.

The CHAIRMAN. So with that in mind—excuse me. I think Senator Kassebaum had one question.

Senator KASSEBAUM. Sorry, Mr. Chairman, I came in late and I would just agree. I think it is terribly important, as a matter of

fact, today to be able to have some of the documents that I guess are there to kind of back up the assertions on the infiltration and the ties to organized crime. The sad thing is this is all being played out on television, and once those statements are made, unless there is something concrete to go on, it is out there and I think that is just a problem. I would back that up.

But I have a question, Mr. Chairman, on the results of the review that you gave concerning the fact that the live-sighting reports were closed prematurely, that arbitrary conclusions were made not based on pertinent facts of the case and so forth. There are five there, the results that you found, but you did not give any real reason why you think this was so.

I would be curious why you believe that files were closed prematurely and so forth. What was your evaluation of this? Is it that there was a mindset to debunk the whole question of concern about whether there were live prisoners still there?

Mr. USRY. I think that there were several factors that impacted on that. As I had indicated earlier, one of the problems was I believe that those personnel responsible for the analysis of information, in some instances, were just not capable of understanding what leads might need to be pursued in order to resolve an issue rather than just close it out prematurely.

Above and beyond that, I believe that the attitude again, as I had indicated earlier, between a half full and a half empty glass was that, in fact, they looked at things as a half empty glass. Therefore where there was a choice, the choice was that this did not, in fact, apply or relate to live Americans that possibly were from the Southeast Asian War.

In the 4 days that we reviewed the documentation we looked at approximately 400 live-sighting reports, give or take. Because of the constraints placed on us by the Defense Department in the review of the documentation, which were: no notes, nothing would leave this office, the only time you could look at these was when you were in the presence of a Senator, and those notes that we made stayed at the Defense Intelligence Agency POW/MIA office.

Above and beyond, what we were looking at initially were cursory examinations for the most part, to see whether there was any indication that analysis was incorrect or premature in reaching a particular conclusion. A great many of those cases that we would have looked at again in depth, we were unable to do so.

However, as always when you review this type of work, there are those that interest you right away and therefore you read through them before putting them in another pile, and I based my conclusions on those particular cases that I reviewed in depth. I would say there were at least a hundred of those that I reviewed in depth.

I would also add that not in every instance was there bad analysis. In many instances there was relatively little information or it was a very cut and dried situation that was easy to analyze.

One of the additional reasons I say that cases were closed prematurely is there was one situation in which a refugee had provided information and then subsequently was moved from one relocation camp to another and settled in a foreign country.

This particular refugee went amok at a particular point in time in this other country and attacked some other people. Therefore he

was jailed. The analyst indicated that the individual was no longer available for interview or subsequent polygraph examination, yet there was nothing in that file to indicate there had been any cable, telephone conversations or correspondence with the appropriate authorities in this foreign country to see whether or not that individual could be made available for further interrogation or interview.

So that again is one of the reasons why I said there were premature closures.

Senator KASSEBAUM. Do you believe, Mr. Usry, as you have quoted a family member saying that they don't trust the government and that the government has been lying?

Mr. USRY. Having been an employee of the government, either as a military member or civilian since 1969, I would have to tell you there are many instances in which I have seen the government make mistakes, and rather than admit that mistake, do more to cover up what eventually becomes a lie, yes, ma'am.

Senator KASSEBAUM. Sad commentary, I think, and it is one that I think we have a real responsibility, Mr. Chairman, in making sure that we have every bit of documentation that we can to back up those statements. Thank you.

Senator GRASSLEY. Let me comment on that.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. That should not shock you, Mrs. Kassebaum, that people in government lie. Politicians lie all the time. We are part of the government, too, and we do not set a very good example. If we would all follow the rule that if you always tell the truth, you never have to know what you told somebody else, there would not be any lying, but we do not set a very good standard for the rest of the government employees ourselves.

Senator KASSEBAUM. But we are adding to an atmosphere here where we are designated to try and bring the very best conclusions that we can and get to the bottom of this, which I believe that we can. You have made that statement yourself, but somewhere we have done a disservice if we do not address this loss of trust.

Senator GRASSLEY. It has to start with us.

The CHAIRMAN. Well, if I can interject, I think both Senators are correct. I think Senator Grassley is accurate. This Senator has had the sad experience of having three individuals plead guilty or be indicted in the last couple of years for lies that they made before the Senate Foreign Relations Committee, and I am referring to Claire George, Elliott Abrams and Alan Fiers, and the lies were in answer to questions that were asked by this Senator.

So, indeed, I am not surprised, I do not think anybody here is surprised that that happens. On the other hand, what Senator Kassebaum said is absolutely true. It is a sad commentary. I think that is what she was saying. This Committee has an obligation to guarantee that we are not going to be part of the problem, that we are not going to sit here and simply accept something as a fact if it is not or if it is not shown to be, and that the purpose of this Committee is to separate fact from fiction, and that is why, Mr. Usry, I do not want you to feel that you are being picked on.

There is not any witness coming before this Committee for whom we are not going to have to do research and so forth, and as I say,

and I repeat it, these 3 days of hearings are really an exception to the way in which we will be presenting evidence.

The hearings are designed to set out the parameters of this issue for the Members of the Committee and for the public and they will establish the foundation from which we will proceed. After this, our staff is going to have an extraordinary amount of work, to sit down, to correlate, to establish the data base, to do the cross-tabulations, to begin to go through the 2,273 cases, which is precisely what the Defense Secretary, through Mr. Nagy and Mr. Ford, have said they are going to do, that each and every case is now going to be subject under General Christmas' new structure to a reexamination. We are going to have to separate fact from fiction here, and that is precisely what the effort is going to do.

I guarantee to you that I do not want this Committee, at the end of its tenure, to have people pointing fingers at it that suggest that we did not do that or that we have simply added to this problem.

So Senator Daschle is correct and I think everybody feels that very strongly. There is no desire by any of us to become the next tar babies on this issue.

We have a vote on.

We will return in a few minutes from the vote to hear Colonel Bui Tin, but before we do, Senator Robb.

Senator ROBB. Thank you, Mr. Chairman.

Just a brief note, I want to take exception to a comment just made by my colleague from Iowa. I do not think he meant to impugn the integrity of all people in government, saying that everybody lies, either on the elected side or the other side, but to accept that standard or to accept it by silence, I think would be a big error. There are too many people that have spent a lifetime trying not to be in that position to be tarred by those who have fallen into that particular trap. I do not think that my colleague meant to impugn those—but I think it needs to be said.

The CHAIRMAN. I think the Senator's point is very well taken and a good note on which to recess for the vote. We will be back in about 10 minutes and we stand in recess.

Mr. USRY. Thank you.

[Recess.]

The CHAIRMAN. The Hearing will come to order.

Colonel Bui Tin, could I ask you, please, to stand and take the oath?

Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. TIN. I do.

Mr. LONG. I am an interpreter and I need to be sworn.

The CHAIRMAN. I am going to swear you in, also.

You are accompanied by a translator, Dr. Pho Ba Long. And he has been secured by the Committee. Doctor, do you swear that you will translate fully the truth to the best of your ability so help you God?

Mr. LONG. Yes.

The CHAIRMAN. Colonel, would you bring the microphone close to you?

Let me say at the outset that we are very pleased to have you here. I know you understand English and speak pretty well, be-

cause we have had a conversation. If you want to try to do your testimony yourself in English, obviously, we would appreciate that. And, if you have any difficulties, the translator can assist.

Your being here to testify is, in itself, an historical occasion because of the role that you played in the war and because of your knowledge of the full history, if you will, of the 1970s and transition period.

It is also significant in the respect that it is my understanding that, during the war, you were one of, at one point, John McCain's, Senator McCain's, interrogators. Is that accurate?

Mr. TIN. (Shaking head.)

The CHAIRMAN. So it is a rather remarkable event now to be sitting here. And I know Senator McCain has met with you and you have talked, and that is, in and of itself, an extraordinary meeting.

As you know, Colonel, the effort to get to the truth in this matter is of deep concern to all Americans. And whatever you can do to help us shed light on this matter would be of great importance and much appreciated.

We will be talking with a number of Vietnamese people who took part in the war over time. And I think that is another thing that will make this inquiry somewhat different from previous ones, is the breadth of the inquiry. You are really here today as a beginning of that.

Let me, if I may, simply turn to your statement, because I know you are going to explain some of your history and background and rather than spend further time doing that myself, we would like to hear from you.

Mr. TIN. Thank you, Mr. Chairman.

The CHAIRMAN. Could you bring the microphone very close.

Mr. TIN. Yes. Yes.

The CHAIRMAN. Thank you.

**STATEMENT OF BUI TIN, VIETNAMESE DEFECTOR, FORMER COMMUNITY PARTY MEMBER AND EDITOR; ACCOMPANIED BY DR. PHO BA LONG, TRANSLATOR**

Mr. TIN. Mr. Chairman, Senators, ladies and gentlemen, I wish to thank the Committee, the U.S. Government, and most importantly the American people for your kind invitation and for the honor of appearing before you to testify on this extremely important subject.

As you know, I am Bui Tin, a 64-year-old former Senior Colonel in the Vietnamese Peoples Army. I was the former deputy editor of the Vietnamese Communist Party's daily newspaper, Nhan Dan, and also the editor in chief of the Sunday Nhan Dan.

Forty years ago, when I decided to devote myself to fight for independence and freedom for my country, I was then happy to join the Vietnamese Communist Party. Today, those who want to pursue this same goal should leave the party or, as in my case, be expelled by the party.

My individual story was told in detail in my article that appeared in the Sunday Washington Post in October 1991. I want the Committee to know that I have not applied for political asylum. I have just asked to prolong my stay in France.

Furthermore, I am determined that I will return home to work for democracy in Vietnam. I am very glad to be here, and let me state categorically, before the Senate Committee and all present that, firstly, there are not any MIA's or POW's alive in Vietnam today, and, secondly, I call upon Americans to support full diplomatic relations with Vietnam as soon as possible to encourage democratic reform.

Although I was expelled from the party and I am now regarded as a traitor by my government, my position is the same with Hanoi—Hanoi government on these 2 issues. However, my motivation is far different.

Regarding normalization, I believe that it will help to promote democracy in Vietnam. It will also encourage a democratic movement from the people and reform from the party. More importantly, normalization will create opportunity for our people, especially the Community Vietnamese, to learn about an America that is far different from the one that they knew during the war years. Only the hardliners and the stubborn security in Hanoi want to prevent the normalization with the U.S.A.

The U.S. policy of isolation toward Vietnam will strengthen the hardliner position and put them into the Chinese camp. The Chinese use of Vietnam card is a dangerous threat to us all, and it will interfere with democratic development. Above all, it is against the aspiration of the Vietnamese people.

Regarding the MIA issue, I am a soldier for 37 years. I have experienced the pain and sadness of seeing my comrades disappear without any information about their tragic end. In Vietnam, there are 200,000 missing in action, and we have never found their remains. In my own family, 2 out of 5 are still missing.

Being a soldier and also a member of an MIA family, I would like to take the opportunity to share the sadness and pain of the American POW and MIA families. One of the first actions I did when I came to the U.S. was to visit the Vietnam Memorial and pay my respects and pray for those young men.

However, about this emotional issue, I believe that the Hanoi government wants to cooperate and are being honest enough. However, because they have lied many times on many issues, this time they are not trusted regarding this issue. In reality, Vietnam is a closed society. People live by rumors and speculations.

Many in Vietnam still believe that once they find remains or give information about live Americans they will get a visa to go to the U.S. and receive a \$1 million reward. A number of peasants go out every day to—

Mr. LONG. Dig.

Mr. TIN. Yes.—every day to dig at cemetery or anywhere they believe they can find MIA remains, with the hope that they would find American bones.

One woman—one woman in the Delta stored hundreds of bones in her house, but they turned out to be either animal bones or Vietnamese bones. People have provided fake information to America. Some even said that they know about live Americans. But, in reality, no one has told us they themselves have seen with their own eyes or spoken with these Americans.

During the war years, I was a full member of the Four Party committee in Tan Son Nhat Air base and also the spokesman of the North Vietnamese army. At that time, I had the right to read all the documents and the secret telegrams from the politburo on this issue.

In addition, I had special authorization from the General Vo Nguyen Giap, then Defense Minister, to go to any camps, to meet with any officers, and to interview any POW's and read their files. My rank, then Lieutenant Colonel, required the officers of the camps to consider me their boss. Therefore, they had to cooperate with me at all times.

This is to say, the government or any leaders could not hide any information on MIA or POW from me. In 1964, by the instruction of Chairman Ho Chi Minh, each province had its own flag in a campaign. On the flag, there are 2 numbers: The number of all American planes shot down, and the number of all Americans captured.

And each prisoner and plane shot down must be reported to the Cuc Dich Van, the Center for Propaganda for Enemy, belonging to the Defense Ministry's Political Department. The local unit chief officers must send a report of every captured prisoner to this center every day, and the total every week and month.

Once a POW is put in jail, he then had his own file in which detailed information was kept, such as what he had to eat, if he was sick, what medicine he used. The cadre had to report his behavior and thought process. And I believe that the files are still in Vietnam.

About this issue, I can say that I know as well as any top leader in Vietnam and, in my opinion, I state categorically that there is not any American prisoner alive in Vietnam.

There is the only single case of Robert Garwood who lived freely in South Vietnam in Hanoi and returned to the U.S. Some people may argue that if there is one Garwood, there would be many Garwoods. And, if there were some French left over after Dien Bien Phu in 1954, there would have to be some Americans left over after 1975. In my unit after the Japanese withdrew in 1945, there were 2 Japanese who volunteered to help Vietnamese resistance. All of them, Japanese and French deserters, returned home later after their governments ordered clemency.

As a journalist, and a curious man who had much interest in this issue, if there were any American alive and willing to live in Vietnam, I would have known about them, and people would have speculated and spread rumors. I would have gone there and talked to them and written an interesting article for my paper. I believe the Japanese and the Chinese could live with the Vietnamese, but it is very hard for the American to do so, because of the visible appearance.

Not only under oath, but more importantly, on my honor as an officer, I categorically state that there is not any MIA's or POW's alive in Vietnam today. As for Laos and Cambodia, I do not know the situation as well as in Vietnam. But I trust that the Laotian and Cambodian governments are not interested in keeping any Americans.

I have heard that some Cubans and Russians interrogated some American prisoners and treated them badly. But I do not know any information about Russia and Cuba keeping Americans.

I want to include as an attachment to this statement my three point proposal to the U.S. Administration, the Congress and other organizations concerned with the issue to consider. Last week, for the purpose of reconciliation, I gave my diary to the Pentagon. In this diary were all my personal notes of the conversations held in the Hanoi Hilton with about 150 POW's.

The war is over 16 years for the Vietnamese and 18 years for the American and we have never ended the last chapter. Let us forget the past and work for the future together. Let us put aside our own interests to work for the interest of our two peoples. Let the two people embrace each other.

I want to end my statement by calling upon those in Vietnam, if they are honest, to fully cooperate on this issue. They should open the door widely and welcome any delegations to enter Vietnam to search for the truth. To those in the USA who still believe that Vietnam still holds MIA and POW's, work for quick normalization, and go freely to Vietnam to search for the truth.

Those who want to use this emotional issue for their own purpose either political or for their own benefit are criminal in front of the souls of the American and Vietnamese who died for the cause in which they believed. This is why I am here today.

Thank you for your attention.

[The prepared statement of Mr. Tin follows:]

#### PREPARED STATEMENT OF BUI TIN

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Forty years ago, when I decided to devote myself to fight for independence and freedom for my country, I was then happy to join the Vietnamese Communist Party. Today, those who want to pursue this same goal should leave the party or, as in my case, be expelled by the party. My individual story was told in detail in my article that appeared in the Sunday Washington Post in October 1991. I want the Committee to know that I have not applied for political asylum, I have simply asked to prolong my stay in France. Furthermore, I am determined that I will return home to work for democracy in Vietnam. I am very glad to be here, and let state categorically, before the Senate Committee and all present that (1) there are not any MIA's or POW's alive in Vietnam today, and (2) I call upon Americans to support full diplomatic relations with Vietnam as soon as possible to encourage democratic reform.

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Regarding the MIA issue: I am a soldier for 37 years. I have experienced the pain and sadness of seeing my comrades disappear without any information about their tragic end. In Vietnam, there are 200,000 missing in action, and we have never found their remains. In my own family, 2 out of 5 are still missing. Being a soldier and also a member of an MIA family, I would like to take the opportunity to share the sadness and pain of the American POW and MIA families. One of the first actions I did when I came to the U.S. was to visit the Vietnam Memorial and pay my respect and prayers for those young men. However, about this emotional issue, I believe that Hanoi government wants to cooperate and are being honest enough. However, because they have lied many times on many issues, this time they are not trusted regarding this issue. In reality, Vietnam is a closed society, people live by rumors and speculations. Many in Vietnam still believe that once they found remains or gave information about alive Americans, they will get a visa to go to the U.S. or receive a one million dollar reward. A number of peasants go out everyday to dig at cemetery or anywhere they believe they can find MIA remains, with the hope that they would find American bones. One woman in the Delta stored hundreds of bones in her house, but they turned down to be either animal bones or Vietnamese bones. People have provided fake information to America. Some even said that they know about alive Americans. But in reality, no one has told us they themselves have seen with their own eyes or spoke with these Americans. During the war years, I was a full member of the Four Party Committee in Tan Son Nhat and also the spokesman of the North Vietnamese army. At that time, I had the right to read all the documents and the secret telegrams from the politburo on this issue. In addition, I had special authorization from the General Vo Nguyen Giap, then defense minister to go to any camps, to meet with any officers, and to interview any POW's and read their files. My rank, then Lieutenant Colonel, required the officers of the camps to consider me their boss. Therefore, they had to cooperate with me at all times.

This is to say, the government or any leaders could not hide any information on MIA or POW from me. In 1964, by the instruction of chairman Ho Chi Minh, each province had its own flag in a campaign. On the flag, there are 2 numbers: the number of all American planes shot down, and the number of all American captured. And each prisoner and plane shot down must be reported to the Cuc Dich Van—the Center for Propaganda for Enemy, belonging to the Defense Ministry's Political Department. The local unit of chief officer must send a report of every captured prisoner to this center everyday, and total every week and month. Once a POW is put in jail, he then had his own file, in which detailed information was kept such as what he had to eat, if he was sick, what medicine he used. The cadre had to report his behavior and thought process and I believe that the files are still in Vietnam.

About this issue, I can say that I know as well as any top leaders in Vietnam and in my opinion I state categorically that there is not any American prisoner alive in Vietnam.

There is the only single case of Robert Garwood who lived freely in Hanoi and returned to the U.S. Some people may argue that if there is one Garwood, there would be many Garwoods. And if there were some French left over after Dien Bien Phu in 1954, there would have to be some American left over after 1975. In my unit after the Japanese withdrew in 1945, there were 2 Japanese who volunteered to help Vietnamese resistance. All of them, Japanese and French deserters returned home later after their government ordered clemency.

As a journalist, and a curious man who had much interest to this issue, if there were any American alive and willing to live in Vietnam, I would have known about them, and people would have speculated and spread rumors, I would have gone there and talked to them and written an interesting article for my paper. I believe the Japanese and the Chinese could live with the Vietnamese but it is very hard for the American to do so, because of the visible appearance.

Not only under oath, but more importantly, on my honor as an officer, I categorically state that there is not any MIA or POW's alive in Vietnam today. As for Lao and Cambodia, I do not know the situation as well as in Vietnam. But I trust that the Laotian and Cambodian governments are not interested in keeping any Americans.

I do know that some Cubans and Russians interrogated some American prisoners and treated them badly. But I do not know any information about Russia and Cuba keeping Americans.

I want to include as an attachment to this statement my 3 point proposal to the U.S. administration, the Congress and other organization concern with the issue to consider. Last week, for the purpose of reconciliation I gave my diary to the Penta-

gon. In this diary were all my personal notes of the conversations held in the Hanoi Hilton with about 150 POW's.

The war is over 16 years for the Vietnamese and 18 years for the American and we have never ended the last chapter. Let us forget the past and work the future. Let us put aside our own interests to work for the interest of our 2 people. Let the 2 people embrace each other.

I want to end my statement by calling upon those in Vietnam, if they are honest to cooperate on this issue. They should open the door widely and welcome any delegations to enter Vietnam to search for the truth. To those in the USA who still believe that VN still holds MIA and POW's work for quick normalization and go freely to Vietnam to search for the truth.

Those who want to use this emotional issue for their own purpose either political or for their own benefit are criminal in front of the souls of the American and Vietnamese who died for the cause in which they believed. This is why I am here today.

Thank you for your attention.

The CHAIRMAN. Thank you very much, Colonel Bui Tin. That is a remarkable statement and, obviously, an important one in the context of what we are trying to do here today, but it is also an important one historically.

When did you leave Vietnam? When did you decide that you had to break with the government there?

Mr. TIN. I left Vietnam last September.

The CHAIRMAN. Last September?

Mr. TIN. Yes.

The CHAIRMAN. And is it not true—

Mr. TIN. 1990.

The CHAIRMAN. And, Colonel, in 1975, is it not true you are the person, who in the Presidential Palace in Saigon, received the surrender of the government, of the fall of Vietnam?

Mr. TIN. Yes. At that time, I am the highest ranking official.

The CHAIRMAN. The highest ranking person who was in the south?

Mr. TIN. Yes. Yes.

The CHAIRMAN. Now, unfortunately, we are just at the point of another vote. I apologize for that. We are going to recess and come back and pick up the questioning. So we stand in recess for about 10 minutes.

[Recess.]

The CHAIRMAN. The Hearing will come to order.

I commented earlier on the historic aspects of Colonel Bui Tin being here. And in deference to that reality, I am going to yield my time, and I think colleagues will agree to yield, to Senator McCain to lead off.

Senator MCCAIN. I thank you, Mr. Chairman. And I appreciate the opportunity of seeing Colonel Bui Tin again. I was informed by him at our first meeting when he first came to the United States a short time ago that he had visited me a couple of times back many years ago, so it is very nice to see Colonel Bui Tin under different circumstances than our last, or previous meetings.

Mr. Chairman, I won't take a lot of time, because I would like to hear the questions from the other Members of the Committee. But I also agree with you. I think this statement is a very powerful and important one that, frankly, to some degree transcends the POW/MIA issue. I think it is a statement for freedom and democracy for the Vietnamese people. It is a statement of unfulfilled promises of

the Vietnamese when they reunited their country of letting the Vietnamese people determine their own future themselves.

And, frankly, it gives me some hope and optimism that freedom and democracy will come to that country for which I think a case can be made that the Vietnamese struggled for many centuries.

So, Colonel, we welcome you. And I will not take too long, maybe with the second round.

Colonel, how close was your relationship with those who were conducting the POW affairs; in other words, that had direct supervision over the American POW's?

The CHAIRMAN. Colonel, would you pull the microphone close, again, please?

Mr. TIN. Yes. Yes.

I am a journalist. And from 1963, I have the intention to write out one book on the prisoners of war, American prisoners of war, because it is very, very interesting for the public in Vietnam. And so, in 10 years, I have very close relationship with all four camps of prisoners around Hanoi.

And I have, at that time, special authorization as deputy chief editor of the Sunday Nhan Dan, it's the daily newspaper of the People's Army. The officers of those four camps is Major. Myself at that time I was a Lieutenant Colonel.

And also the department in charge of the POW is belonging to the Department for Political Affairs in the Defense Ministry.

Senator McCAIN. In other words, the party part of the army?

Mr. TIN. Yes. Yes.

And so I have a very close relation. And plus this department and the place of the newspaper is very near by. They are only some 100 meters. I go every week at those camps and just visit the special department to collect the news on that.

Senator McCAIN. Do you know of any effort or any plan or any proposal or any action that was either contemplated or carried out that would entail taking American POW's and sending them to the Soviet Union or any other country?

Mr. TIN. In my knowledge, there is some prisoner of war to be—was being interrogated in Hanoi by some Russian and Cuban. But not any to send abroad, to send in any—another country, to send in the Soviet Union.

Senator McCAIN. Do you have any knowledge of any American who left—

Mr. TIN. Yes.

Senator McCAIN. To go to another country?

Mr. TIN. No.

Senator McCAIN. You have no knowledge?

Mr. TIN. No.

Senator McCAIN. Do you believe that you would have known if any American prisoner was transferred to the Soviet Union or China or any other country?

Mr. TIN. No. No any—not any American prisoner was transmitted abroad in another country.

Senator McCAIN. My question is: Would you have known if it had taken place?

Mr. TIN. I think that if any would be sent abroad, I would be allowed to know that, because I am very near by the red department, political department of the Defense Ministry.

Mr. REID. I didn't understand that.

The CHAIRMAN. I think he said that he thinks that he would have been in a position to know because he was very close to the political department that had responsibility for that. Is that accurate?

Mr. REID. Thank you, Mr. Chairman.

Senator McCAIN. This may be slightly off the subject, but why did the Russians want to interrogate certain prisoners?

Mr. TIN. It is very simple. It is very simple, because the Soviet was very interested in the new world, electronical world. And so I think that is very interested to know what is on the war—on the war, specially, in the electronical.

Senator McCAIN. Well, this leads us to the B-52 involvement near the end of the war. Were the Russians interrogating those people that were captured at the end of the war?

Mr. TIN. Yes. I think this is so.

Senator McCAIN. But, to your knowledge, there was never anyone who was kept apart because of any special qualifications that they had?

Mr. TIN. I don't know that. I don't know that.

Senator McCAIN. Mr. Chairman, the reason why I asked that question is because there were electronic warfare officers who were crew members of the B-52's, for the record, and there is some question about the whereabouts of some of those who had that special skill. And that's why I am pursuing this particular line with Colonel Bui Tin.

The CHAIRMAN. I understand that.

Senator McCAIN. But you have no reason to believe that these officers with special qualifications in electronic warfare were treated any differently, except that they were interrogated by Russians?

Mr. LONG. Not only the Russian, but also the Vietnamese are very intent to know about this electronic knowledge.

Senator McCAIN. I understand. But to have the Russians be so interested that they personally interrogated American POW's I think is an important point.

Mr. TIN. Yes, yes.

Senator McCAIN. My time has nearly expired. If there were Americans who were kept prisoners in remote parts Vietnam or in Laos—

Mr. REID. Mr. Chairman, I would like to give my time to Senator McCain.

The CHAIRMAN. We will give him extra time. There is no problem with that.

Senator McCAIN. If there were prisoners in, say, the Central Highlands or in Laos, is it possible that those POW's could have been kept without the knowledge of your government, say by hill tribesmen, Hmong, others?

Mr. TIN. I don't think that, because the discipline in the army is very high at the war time. And also the kind of emulation between all of the provinces to shoot down American planes and to capture

American pilots. So all the news is directly, very quickly transmitted to the Defense Ministry, to the general staff.

Senator McCAIN. This brings me to my next question.

The CHAIRMAN. Colonel, could you bring the mike down a little lower. It is very good when you get close to it. We can hear better. Thank you.

Mr. TIN. And in the remote jungle area, I think that there are many American pilots who parachute in this area. But they are very, very difficult to search that, because on my knowledge, about 10 years ago there was one helicopter, military helicopters of Vietnam, who is excellent in the sky in the southern Lao, there 10—about 10 military men on it. And of this 10 military men, there about 5 Russian officials and the—They met to search, but not—they not find any trace, any sign, of helicopters or any man of those.

Senator McCAIN. You brought with you when you came from Paris some documents which were given to the Pentagon which you think can help us resolve this issue; is that correct?

Mr. TIN. Yes.

Senator McCAIN. And this Committee will receive copies of that; is that correct?

Mr. TIN. Yes. I have—I have with me—I have with me one book I have written and printed in 1975 in Hanoi by the publishing house of the army on the pilots in the Hilton Hanoi. And also I have with me about 12 note, special notes, that I have written out when I interviewed American pilots in Hilton Hotel Hanoi.

Senator McCAIN. And those will be turned over to the Committee; is that correct?

Mr. TIN. Yes.

The CHAIRMAN. Senator, the Pentagon is translating those currently and they will be made fully available to the Committee.

Senator McCAIN. Good. And I would suggest, Mr. Chairman—in fact I know it is redundant for me to say, that we will make these documents available to the interested parties as rapidly as possible.

The CHAIRMAN. Absolutely.

Senator McCAIN. I want to assure our friends who are here.

But isn't it also true, Colonel Bui Tin, that there is a lot of information that the Vietnamese government still has in the form of documents from the provinces, documents by the Army units, anti-aircraft units, documents that the Vietnamese air force has that they could provide us, the United States, with which could help us resolve this issue? Isn't it true that the Vietnamese government still has very important documents in archives that they have not provided us with that they should provide us with if they are going to cooperate? Is that a true statement?

Mr. TIN. Yes. I have suggested a three point proposal. The firstly is to allow missions, Americans in this mission, to go anywhere to meet with everyone in search of especially 62 case, it's expensive to reach a conclusion for each case. And, secondly, I propose that the Vietnamese government allow the American side to be in touch with the archive of the Defense Ministry, the archive of the Department of Political Affairs, the archive of the Department in charge of the POW, Cuc Dich Van, and the file also of many military hospitals and many provinces, because now, after the war,

each province have issue, written out, one history on the—against the American war, history, each history, very concrete history, and so including many pictures. And so I think that is very helpful. And, in plus, I ask that the Vietnamese side allow American side to be in touch, in contact, with several Colonels in charge of the Cuc Dich Van, in charge of those camps of prisoners and also many translators at that time, because each camp, there are a translator. And these translator know very, very well each case: When they arrive, what is the state of—his is representative of where, when is his—he declare and so on. And once those Colonels will be contacted by American side.

The third point is, that by the means of media, mass media, in Vietnam, by example, by television, by radio, by newspaper, to make clear to the public in all of the country that to propose our people in search of the news about American lives and especially on American remains. Because in my knowledge there are several peasants who collect the remains of Americans, but they don't meet with the government, because they was afraid that reward coming from American is not give him all. So—

The CHAIRMAN. They are afraid that the reward would not be given to them.

Mr. TIN. Yes.

The CHAIRMAN. They think there is a reward that would be coming.

Mr. TIN. Yes. Yes. But all know that. And so I think that there are some original malice at the time of war, they was to brought some American died in somewhere, they can remain in search of those remains.

Senator McCAIN. I thank you, Mr. Chairman. Just a comment. I think that Colonel Bui Tin's suggestions should be passed on to the Vietnamese government and I think it would be very interesting to see their response, because if they do agree to his conditions, I think it would go along way.

Colonel Bui Tin, I am not looking forward to meeting some of those people that need to be interviewed. In fact, I think I will decline. But I certainly understand why they should be.

And, Mr. Chairman, I appreciate the very great indulgence that you and the rest of the Committee have shown now. I could make one more comment, because I understand you may have to leave in a couple of minutes.

We are not done with the first 3 days of hearings, but, in my view—in my view, Mr. Chairman, we have gotten off to a very good beginning. I think it has been balanced. I think the staff is to be congratulated. I think you and Senator Smith are to be congratulated. And, obviously, we have a long way to go. That's why we are in business for a year. But I think we have made a very, very good beginning. I know that I speak for a lot of people in expressing my appreciation to you and Senator Smith. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator McCain. I appreciate that, and I know Senator Smith does.

I want to thank all of my colleagues. I think the attendance and the interest has been superb. And I think it has been an important part of helping us get off on the right foot.