

through the Ministry of Health, specifically the Maternal and Child Health Institute.

The CHAIRMAN. And your trips are funded through that?

Dr. DONAHUE. By ourselves and through that, yes.

The CHAIRMAN. Thank you.

Dr. DONAHUE. OK. But, as I said, let me shorten my comments and then turn to some critical issues. As my resume I think states, I've spent an enormous amount of time, energy, heart, money, everything, trying to account for my brother, who is missing in action in Laos since December 13, 1968. And there really is only one reason I have done this: because he and others in Laos were abandoned by their government; by the government which they willingly served in the belief that they were doing the right thing for their country.

It's very simple. How it happened was the POW's in Laos were abandoned through the mendacious conduct of foreign policy. Laos was the ultimate secret war, funded and operated by the CIA and its Thai mercenary army. In the rush to disengage from Laos and from Vietnam, the war which had torn this country apart, Messrs. Kissinger and Nixon swept the POW's off the board as if they never existed.

They did exist, and until they are brought home this country is not going to be whole.

Now, I have submitted statements, Mr. Chairman, and documents to the Committee from the Defense Department, the State Department, the Pathet Lao, the North Vietnamese, and everybody else, regarding American prisoners-of-war in Laos, held by the Pathet Lao during the Vietnam war. All affirm that Americans were alive and in the hands of the Pathet Lao.

Indeed, several of the documents from our own government not only gave the precise locations of POW camps in Laos, but also the number of Americans in those camps. For the proof of existence of U.S. POW's in Laos during the war and after the signing of the Paris Peace Accord is immutable. I think you can imagine my feelings and the feelings of my mother and father when we were watching Operating Homecoming on T.V., and no prisoners came out who had been imprisoned in Laos.

Sitting there praying and hoping that one of the pilots who came out—one of the servicemen who came out—the next one was going to be from Laos. Maybe it'll be Morgan, and we can run up and hug him and kiss him like all those other families who were hugging and kissing their returned loved ones, fathers, sons and brothers, who had come back from the two Vietnams.

No POW's came back who had been held captive in Laos. I think with that commenced a new dimension of human suffering for their families and a new erosion in the integrity of government.

I think beyond our suffering and loss of faith in our government is the greater and growing awareness by so many Americans based on the fact that servicemen were abandoned in captivity by their government. This goes beyond the polls, where some 70 percent of Americans believe that's the case, Senators. Because when we as a country lose faith in our government, then all is lost.

I think the country does recover a lot from its trials and tribulations. You know, and we move to a higher plane of economic and

political awareness. But that's not the case when we abandoned live POW's. And there is only downside for our country.

Now, importantly, I think that downside is not going to be transmuted into upside by the present process of normalization of relations with Vietnam. I would like to say a few words about that.

I would like to observe, and we can talk about this later though, that if you don't intervene as a Committee in the POW-MIA process to bring home the prisoners-of-war, I think then you'll have sanctioned their abandonment in the first place.

If we know that the POW's were alive during and after the war and unreturned, hopefully, some of them and possibly many of them are alive today. In that process, nothing is greater cowardice than for me to listen—not for me to listen, but for me to hear the cowardly statements of the Defense Department and State Department say, as they so often do, we don't have any proof that they're alive today.

To me, those statements are worthy of scorn, opprobrium and contempt, and just another way to obfuscate the truth of the POW-MIA issue.

With respect to normalization, I fundamentally believe that the process of normalization and, ostensibly, accounting for the POW's and MIA's as laid out by the State Department and Defense Department, the road map itself embodies the lie that the executive branch of government has perpetuated for so many years, that no Americans were left behind, nor are alive today.

The Defense and State Departments continue to perpetuate this lie so deliberately and so rigorously that it is incorporated into the road map such that, to me, no POW's will be brought home.

To affirm this, and I feel strongly that you should do so, you can investigate two questions with the Government, the executive branch. First, why are we not making normalization contingent upon a return of the POW's throughout Indochina? In other words, why are we giving up the great leverage we have to negotiate a return of the live POW's in exchange for normalization?

The Vietnamese are desperate for our investment, trade and diplomatic recognition. Are we not desperate for our missing men, for our POW's? Is this not the substance of negotiated deals, instead of give-aways?

To give the Vietnamese and Laotians everything they want in exchange for some undefined progress on the POW-MIA issue as is presently laid out in the road map is to forever abandon the POW's. Is that something this Committee and, indeed, the entire U.S. Senate wishes to endorse?

Second, why is the road map classified, and what are the judgmental elements of progress that are in it? The fact that they're judgmental was stated to me, including Mr. Sampley and others, in meetings with Messrs. Kenneth Quinn and Carl Ford this September. When I asked them what constituted progress on the POW-MIA issue, by which normalization would be implemented, they simply said, progress is a judgment call.

Ladies and gentlemen, that is not the way the fate of the POW's who were left behind should be negotiated. I beg you to seek the declassification of the road map so you and we, the public, may have input and, if necessary, change its direction.

The road map is not going to heal the great wound this country feels as a result of the abandonment of those who served it. You see, here the problem is but one thing. It is secrecy. The war in Laos was a secret war. The POW's in Laos were secret. The POW and MIA intelligence is a secret still classified. And the road map is a secret, highly classified.

Everything is a secret and is so only because of one thing. That is because some people are hiding the truth. For them, the truth is too powerful for this country, too destructive for the morale of armed forces, and too debilitating to our national honor for it to be told.

Thus, in the eyes of the individuals who have lied about this subject for so many years, the country is better off by the secret not being told, and by the POW's forever serving their country rotting away in Indochina.

To these incredibly morally bankrupt individuals, the secret and the lie must prevail, and the truth must never be told. But until the truth is told, ladies and gentlemen, I think that until the live POW's are brought home, there is no honor, no dignity, no morality, for this country.

The road map embodies the secrecy and the lie, and it is up to you all to change it.

Please, we cannot have an honest POW-MIA policy until we have honesty about the issue. The fact that live Americans were abandoned makes the blood boil of everyone I know, except the war policymakers involved in the secrecy and the lie.

I therefore ask this Committee to request the White House to defer normalization of relations with Indochina until you have finished your research and investigations and have issued your conclusions and recommendations. With the road map, the White House is running away from you and will persevere with the lie and abandon the live POW's.

I think this Committee is too distinguished for that. I think the POW's are. And I certainly think their families are. I would like to know, as we get into the questions and answers, what you think about that as well.

I tell you what. I'm tired. My parents are tired. My mother has a broken heart over this issue. We have spent 22 years trying to account for my brother. We have no faith in our government. And we're on the verge of losing it in our country.

I appeal to you to do the right thing and intervene in the POW-MIA process, and bring the live POW's home now. Please, help us regain our faith.

Now, I would like to close my opening statement by adding that, to me, solving the Indochina POW-MIA issue and bringing home the live POW's is an incredibly simple and straightforward process. The President puts the Secretary of State on an airplane and sends him to Hanoi and Vientiane with a mandate. Use our levers of investment, trade and diplomatic recognition, and negotiate with the Vietnamese and Laotians to bring home the live POW's.

To do so, you must also give the Vietnamese a face-saving way of giving the men back. It's that simple. And it's certainly consistent with the highest national priority.

Thank you very much.

Now, I can answer and make statements.

[Applause.]

Dr. DONAHUE. I can answer and make statements, as I would like to, very briefly, about the mandate for the Committee, the nature of the intelligence, the nature of the conspiracy of the coverup, and specifically, why the Vietnamese are holding live POW's. I can also talk about the Pathet Lao, because I have been going to Laos probably more than anybody in this room. Talk about live-sighting reports, because here's the latest pile of live-sighting reports on my brother.

[The prepared statement of Dr. Donahue follows:]

PREPARED STATEMENT OF DR. JEFFREY C. DONAHUE

Ladies and Gentlemen of the Committee: As the resume submitted to you shows, I have spent an enormous amount of my time, energy, heart and money trying to account for my brother, Maj. Morgan Jefferson Donahue, Missing-in-Action in Laos since December 13, 1968. There is only one reason why I have done this: because he and many others in Laos were abandoned by their government—by the government which they willingly and honorably served in the belief they were doing the right thing for their country.

Very simply, the POW's in Laos were abandoned through the mundane and mendacious conduct of international diplomacy. Laos was the ultimate secret war, funded and operated by the CIA and its Thai mercenary army. The Indochina War tore this country apart. In the rush to disengage from it, Messrs. Kissinger and Nixon swept the POW's off the board as if they never existed. They did exist, and they exist today. Until they are brought home, this country will not be whole.

I have submitted statements and documents to this Select Committee from the Defense Department, the State Department, the Pathet Lao and the Vietnamese regarding American Prisoners-of-War in Laos during the Vietnam War. All affirmed that Americans were alive and in the hands of the Pathet Lao. Indeed, several of the documents from our own government not only gave the precise locations of POW camps holding Americans in Laos but also the number of Americans in those camps. The proof of the existence of U.S. POW's in Laos during the War and after the signing of the Paris Peace Accord is immutable.

Thus, can you imagine my feelings and those of my mother and father and the families of so many servicemen lost in Laos while we were watching Operation Homecoming on T.V. and no prisoners came home who had been imprisoned in Laos? Can you imagine the intensity of my hopes and prayers, saying to myself, "O.K. God, the next one is going to be from Laos—maybe it will be Morgan and we'll celebrate as powerfully as those other families who are running to the aircraft to hug and kiss their fathers, sons and brothers who had come back from the two Vietnams.

No POW's held captive in Laos came back despite all the proof. With that commenced a new dimension in human suffering for their families and loved ones. And, there also commenced a new erosion in the integrity of our government.

Some of us have kept our lives moving even with our suffering; others have not. Oh, how I weep for them and for their loved ones left behind to face mean, cruel fates in the POW camps and jungles of Indochina.

Just as sadly, that suffering inevitably warped itself into a tragic twist which I believe *only you* by your actions can untie: *loss of faith in our country* and a firm perception that it cannot and will not do the right thing, which is to bring home the live POW's from Laos even at this late date. Indeed, loss of faith in our country over and above our government is truly heartbreaking because we all were among the most intense lovers of our country. We were as patriotic as could be.

And beyond *our* suffering and loss of faith is the greater and growing awareness by so many *other* Americans—based on the facts—that servicemen were abandoned in captivity by their government. This goes beyond the polls, Ladies and Gentlemen, because when we as a country begin to lose faith in government then all is lost. I think this country does recover from a lot of its trials and tribulations and moves to a higher plane of political and economic awareness, but that is not the case when our government leaves behind live POW's. There is only a downside for our future.

That downside, in addition, is not going to be transmuted into upside by the present process of normalization of relations with Indochina, and I would like to say a few brief words about this. I need to first note, though, that *if this Committee does*

not intervene to bring home the live POW's then you will have sanctioned leaving them behind in the first place. If, as we know, they were alive during and after the War, then some and hopefully many of them are alive today. Nothing could be greater cowardice than for someone to say (as the representatives of the State and Defense Departments so often do), "Well, we don't have any proof they're alive today." Such statements are worthy of nothing but scorn, opprobrium and contempt and are nothing more than another way to obfuscate the truth of the POW-MIA issue.

I fundamentally believe that the process of normalization and, ostensibly, accounting for the POW's-MIA's as laid out by the State and Defense Departments—the so-called "Roadmap"—itself fully embodies the lie that the Executive Branch of government has perpetuated for so many years: no Americans were left behind alive nor are alive today. The Defense and State Departments continue to perpetuate this lie so deliberately and so rigorously that it is incorporated into the Roadmap such that no live POW's will be brought home. Two questions affirm this to me, and I feel strongly that you should investigate them as thoroughly as you can:

(1) Why are we not making normalization contingent upon a return of the live POW's throughout Indochina, i.e., why are we giving up the great leverage we have to negotiate a return of the live POW's in exchange for normalization? The Vietnamese are desperate for our investment, trade and diplomatic recognition—are we not desperate for our POW's? Is this not the substance of negotiated deals rather than giveaways? To give the Vietnamese and Laotians everything they want in exchange for some undefined "progress" on the POW-MIA issue, as presently is the course laid out in the Roadmap, is to forever abandon the live POW's. Is that what this Committee and, indeed, the entire U.S. Senate wishes to endorse?

(2) Why is the Roadmap classified and what exactly are the judgemental elements of progress? The fact that they are judgemental was stated to me and others in meetings with Messrs. Kenneth Quinn and Carl Ford this September. When asked what constituted progress, they simply said, "Progress is a judgment call." Ladies and Gentlemen, that is not the way the fate of the POW's who were left behind should be negotiated. I beg you to seek the declassification of the Roadmap so we the people may have input and, if necessary, change its direction. Again, the Roadmap is not going to heal the great wound this country feels as the result of the abandonment of those who served it.

You see, here the problem is but one thing: secrecy. The war in Laos was a secret war; the POW's in Laos were a secret; the POW intelligence is a secret; and, the Roadmap is a secret. To me, everything is a secret only because some people are hiding the truth. And, to them the truth is *too powerful* for this country, *too destructive* for the morale of our Armed forces, and *too debilitating* to our national honor for it to be told. Thus, in the eyes of the individuals who have lied about the subject for so many years, the country is better off by the secret *not* being told and by the POW's forever "serving their country" rotting away in Indochina. Therefore, to these incredibly morally bankrupt individuals the secret—and the lie—must prevail and the truth must never be told.

Until the truth is told, Ladies and Gentlemen, and until the live POW's are brought home, there is no honor, there is no dignity, and there is no morality in the armed forces and foreign policy of this country. The Roadmap embodies the secrecy and the lie and it is up to you to change that. Please, we cannot have an honest POW-MIA policy until we have honesty about the issue. The fact that live Americans were abandoned makes the blood boil of everyone I know—*except* those warped policy-makers involved in the secrecy and the lie.

I must therefore ask this Committee to request the White House to defer normalization of relations with Indochina until you have finished your research and investigations and have issued your conclusions and recommendations. With the Roadmap, the White House is running away from you and will persevere with the lie and abandon the live POW's. I think this Committee is too distinguished for that. The POW's are, their families are, and so is this country.

I'm tired, Ladies and Gentlemen. My parents are tired and my mother has a broken heart. We have spent over 22 years trying to bring my brother back from Laos. We have no faith in our government and we are on the verge of losing it in our country. I guess in this latter regard we would join my brother. Does anyone in this room think that it is his faith in his country which has kept him alive? I dare say not; rather, it probably is his faith in his creator and his family, knowing that we would not abandon him as his country has. Please, please help us regain our faith in our country. Please do the right thing and intervene in the POW-MIA process and bring the live POW's home now.

I would like to add that to me solving the Indochina POW-MIA issue and bringing home the live POW's is incredibly straightforward process: *the President* puts the Secretary of State on an airplane and sends him to Hanoi and Vientiane with a mandate: using our levers of investment, trade and diplomatic recognition negotiate with the Vietnamese and Laotians to bring home the live POW's; to do so you must also give them a face-saving way of giving the men back.

It is that simple. I think he needs your encouragement to do it.
Thank you very much.

The CHAIRMAN. We are going to want to get into that. Why do we not proceed so we can have time to do that.
Mr. Sampley.

STATEMENT OF TED SAMPLEY, CHAIRMAN, HOMECOMING II PROJECT

Mr. SAMPLEY. Chairman Kerry and Smith, and all the Senators, I wish to thank you for the opportunity to address you today. I am Ted Sampley. I am a former U.S. Special Forces non-commissioned officer, with two tours of duty in Vietnam, during which time I had a top secret clearance.

During my tours in Vietnam and Cambodia I was decorated six times, which included four Bronze Stars, the Army Commendation Medal, and the Republic of Vietnam Cross of Gallantry, and a special citation from the anti-communist Cambodian government. This special citation was a result of my being part of a handful of Green Berets who secretly trained three battalions of Cambodian troops to overthrow the Cambodian government of Prince Sihanouk in 1970.

In short, many times I was in places that the U.S. Government was denying that I was supposed to be. The same as the war in Laos. The Green Berets that were serving in Laos and other people that served in Laos at that time, the American people were being told something other than the truth.

Currently, I'm chairman of Homecoming II Project. It's a civilian national POW-MIA organization, and I publish the U.S. Veteran News and Report, which is a monthly veterans newspaper. We have a readership of approximately 30,000. It goes all over the place.

The Homecoming II Project, by the way, has one of the largest collections of POW-MIA data outside the U.S. Government. We have spent years collecting it. You can take, say, someone in the United States that's wearing a POW bracelet. They can write Homecoming II, and we'll send them a bio, an accurate bio of what happened to this man. We'll give the American public information that the U.S. Government will not give about the case studies of these men.

We have spent a lot of time and a lot of money collecting this information. We're proud of it. We have shared it with the Senate Foreign Relations Committee. We have a computer network in which anyone can sign up. As a matter of fact, the POW Network which these bios are on, are represented in here tonight in the back.

Before I get into the thrust of my testimony, I would like to make a recommendation. I've been in the POW issue—I got started in 1971 through 1973. As a matter of fact, I worked very hard in a

little group called Americans Who Care in Fayetteville, NC, while I was still in the service.

I worked very hard to bring veterans like Senator McCain and others home, who we knew were being treated in a most harsh way. Sometimes, after I read about what happened to these folks, I wonder how they can even come home and survive. Only people who have walked in their shoes can know what they went through.

The Americans Who Care sold bracelets. They passed out information. And most of the—well, all of the income was given to the National League of Families. So, in those days, I indirectly worked for the National League of Families.

Today, Homecoming II has a number of projects. We operate a vigil down near the Vietnam Veterans wall. We are under a very heavy attack by certain folks represented in the U.S. Government to try to oust us from our location down there. I took over Homecoming II approximately 2 years ago. I was appointed chairman. It is a nonpaying job.

Senator McCain, I respect what you said and I believe it. If you want to be the devil's advocate, it needs to be done. Senators, you have someone in front of you that's one of those persons that has been accused of "making money on the issue." Bring it up. Ask me about it. Ask me about funds.

You have one of these folks in the issue that is accused of being a radical. I am an activist. We do things and have done things for a number of years to try to keep the POW issue alive in front of the American public. Again, the way I've been repaid over the years is with name-calling. We've been called worms, Rambos. I think Colonel Childress named us the North Carolina Crazies. The list goes on and on in an attempt to discredit us.

But let me give you an example of what we have been doing. You talk about the reward. This is a blown up copy of Vietnamese money, and you can barely see it, but written on this Vietnamese money is the reward offer with Capt. Eugene Red McDaniel's phone number on it, to where anyone that runs across this money—we spread this around inside of Vietnam, by the way. We send some people through there.

Captain McDaniel did not ask us to do that, but since he was representing the reward, we spread it around. This is a copy of the reward message that we floated down the Mekong advertising the reward. There it is in Vietnamese, quite clear that it is a reward for a living American POW, not a set of remains. It's clearly written here.

There's another one, I believe the Colonel held it up a few minutes ago. This is where it comes from. We spread it. This little bell tells a lot. This come out of Laos. This tells the story of the excavation that the U.S. is doing in Laos and Vietnam. This is made, gentlemen, from a downed U.S. aircraft. The Lao have been going in for years. They've been taking the metal out of these crash sites, everything they could find of value, stripping it, melting it down, and making little things like temple bells out of it.

These are pictures of that salvage coming across the Mekong River out of Laos—there's Vientiane—you can see it's quite clearly U.S. salvage. Quite clearly. You all can have these pictures. You can look at them. You can do what you like. The point is that this

crash site excavation is bull, because the Lao civilians have been going through this for years.

The CHAIRMAN. Can we have the clerk perhaps collect those pictures and circulate them among the Members.

Mr. SAMPLEY. Let me get into my testimony.

The CHAIRMAN. You mean you were not?

[Laughter.]

Mr. SAMPLEY. I turned in 40 copies of this. Senator Kerry and others, you asked for documentation. I hope you have this in front of you. It has a number of exhibits. Do you have my documentation? If you do not, someone has it in your office.

[See pps. 290-339 of the appendix.]

I am here today to inform this Committee and the American people that key U.S. Government officials, starting with some in former-President Richard Nixon's Administration and into George—President George Bush's Administration have conducted a program of misinformation, disinformation, discrediting, domestic spying, ridiculing against civilians, veterans groups and individuals who are concerned and believe that our Government has not been serious about resolving the issue of Americans unaccounted for and prisoners of war and missing in action.

During the Administration of President Ronald Reagan, I have good reason to believe that this activity was being orchestrated from the President's National Security Council which, as you Senators know, has no authority to engage in such activities—particularly domestic spying.

I am, therefore, respectfully urging that a special prosecutor be appointed to investigate this situation. I had an opportunity to learn first-hand the U.S. Government's methods of spying upon and dealing with the Vietnam veteran activists who are concerned about the POW issue, when I was approached in March 1983 by Col. Charles "Chuck" Allen, a retired Special Forces Lieutenant Colonel.

I was hired by Lieutenant Colonel Allen, of Fayetteville, NC, who at that time was head of operations for a specially organized group called the Center for POW/MIA Accountability. I was hired to infiltrate the veterans' group called the Veterans Vigil Society. The Veterans Vigil Society was operating a 24-hour POW/MIA "color guard" vigil near the Vietnam Veterans Memorial in Washington, DC.

Members of the Vigil had sworn to remain at the Memorial "until all of the Vietnam POW/MIA's are accounted for." As a matter of fact, an off-shoot of that group—I think it is called BRAVO—true to its word, still maintains a 24-hour vigil.

[See exhibit A p. 290 of the appendix.]

My assignment was to determine how much money the Vigil was taking in, where and how it was being spent, the names of its members, if they were "doing drugs", and if they had any connection to Lt. Col. Bo Gritz and to a man identified as Mike Babcock.

Allen told me that it was believed that members of the Veterans Vigil Society were helping to prepare a POW rescue mission into Laos. He said that the U.S. Government "disapproved of private forays" and if I could identify the people who were planning such a mission, their passports would be seized by the U.S. Government.

He took a small address book from his pocket and pointed to a list of names he said included FBI agents and National Park Police investigators that were also gathering information about the veterans. I wondered, in addition to being impressed by the information that he had in his hand, how a supposed civilian would have that kind of information. How does he have the names of the FBI agents that are investigating?

To infiltrate the Vigil for a week—which I did in April of 1983—I was promised \$500 in expenses, which was paid; then \$500 for the investigation which was never paid—I think because my investigation turned up nothing of significance about the Vet group. Allen told me the remainder of the money was to be paid through former Special Forces Lt. Col. Robert K. Brown, a member of the Center board of directors, and publisher of *Soldier of Fortune* magazine.

I later learned Brown had provided the Center with \$5,000 “start-up” money, and had at that time continued to be a major benefactor for the Center.

During either the first or second week in April of that year, I returned to Fayetteville and submitted to Allen a written report, detailing what I had found out about the Vigil. I was in Allen's office when he picked up the phone and called a man he referred to with familiarity as Dick Childress, and gave him a report about the information I had gathered.

According to Allen, the documents he provided me, the Center was an organization which was incorporated with non-profit status, and was based in—and may still be in Washington, DC. At that time, retired Maj. Gen. John K. Singlaub, a close associate of Brown, was head of the Center and its membership consisted mostly of retired senior military officers.

Allen told me that “the Center interacts with and maintains a working relationship with Government agencies responsible for POW/MIA affairs.” Allen went on to say that the Center had a close relationship with the White House, naming Dick Childress as the Center's principal contact—who I later learned was then-Lt. Col. Richard Childress, the director of Asian Affairs for President Reagan's National Security Council, who I also later learned had been sharing an NSC office with Lt. Col. Oliver North. I was also present at subsequent dates when Allen made several other calls and reports by phone to Childress.

On one visit to Allen's office in Fayetteville, I was shown by Allen a pile of several-hundred color slides taken by Gritz's team inside of Laos. These slides, according to Allen, had been obtained without Gritz's knowledge by bribing a disenchanted team member who had stolen the film from Gritz before it had been developed. It was my understanding that copies of these stolen slides had been or were subsequently provided to Childress.

I later learned *Soldier of Fortune* magazine was engaged at that time—at the time I was working for the Center—on a special edition trashing MIA activist Gritz, Scott Barnes, and Col. Jack Bailey and others. I believe it's interesting to note that the same people, including Singlaub and Allen—served on both the staff at the Center and are listed as contributing editors and/or advisors to *Soldier of Fortune* magazine. In fact, Center for Accountability officers Allen, Singlaub, Ret. Brig. Gen. Heine Aderholt, James P. Mon-

aghan, and Milt Copulos, were cited for their assistance in trashing the others in the magazine—cited for their assistance in trashing Gritz and others in the magazine's special edition.

[See exhibit B, p. 302 of the appendix.]

It is worth noting that while Childress and others at the White House were denouncing activists like Gritz and Bailey for their efforts in Southeast Asia, Lieutenant Colonel Brown and his soldiers of fortune were making armed military excursions across the Thai border into Laos, helping to finance and arm the Laotian anti-communist fighters. They even established what was known as a Forward Operational Base on Laotian territory—all in apparent violation of the U.S. Neutrality Act. Not one word was ever uttered by Childress or any Member of the Reagan White House about this, even after Brown detailed the operation in an edition of his magazine.

[See exhibit C, p. 297 of the appendix.]

Apparently, illegal acts by Brown and his associates to arm communist guerrillas were acceptable to the White House. But the efforts of private citizens—like Colonel Bailey and Colonel Gritz and others, and Col. Al Shinkel—are not. Why, Senators?

The entire Childress/Center for Accountability effort was, from beginning to end, designed to discredit some of the most vocal critics of the U.S. Government POW/MIA issue. I'm sorry, it was designed to discredit some of the most vocal critics of the U.S. Government's POW/MIA policy. From then to now, the pattern has continued, rather than focus all available resources on resolving the problem of our missing Vietnam veterans, much of the effort has been directed toward destroying the credibility and or reputation of the critics. As a result of my experience with Allen, the Center for Accountability and the Veterans Vigil Society, I became convinced that there was something about the live POW issue that required a closer look.

I became a member, and later an officer in the Washington-based National Vietnam Veterans Coalition. I believe you received testimony from them yesterday. In August of 1984, I went to the Republican National Convention in Dallas, where a veterans parade had been organized by the National Vietnam Veterans Coalition. The purpose of the Dallas event was an attempt to get a meeting with President Reagan, so that the coalition's evidence of live POW's in captivity could be handed directly to the President. I believe at that meeting, Colonel Bailey was present. The parade, which had been organized well in advance, came apart at the seams—when, as we later learned, Lieutenant Colonel Childress had made a series of telephone calls to scheduled participants telling them that we were nothing more than motorcycle gangs and rabble-rousers, and there was a great potential for a riot.

[See exhibit D, p. 302 of the appendix.]

During the summer of 1985, I filed a complaint about Childress' interference with private groups. The complaint was filed with North Carolina Congressman Walter B. Jones, who later told me that my complaint had been sent over to the FBI. To this date, I have never had a response from the FBI involving that complaint—although I have heard from them in other ways.

In September 1984, John Mead, an international businessman and former CIA associate, filed a lengthy complaint with the Justice Department accusing Childress and the Center of participating in an illegal political relationship. Specifically, Childress was accused of using the Center as his private, investigative force; abusing classified information; threatening blackmailing and carrying out character assassinations in connection with classified POW documents.

Mead filed his complaint with the criminal division of the Justice Department and Fred Fielding, legal counsel to President Reagan, and others, with no success, and no response to the allegations.

[See exhibit E, p. 306 of the appendix.]

In the fall of 1988, the National Steering Committee for American War Veterans, a Vietnam activist group of which I am Chairman—and it was before becoming Chairman of Homecoming II—we lost a campaign into Southeast Asia designed to advertise the existence of the \$2.4 million reward, put up by U.S. Congressmen, in hopes of persuading officials from Vietnam, Cambodia, and Laos to defect with at least one, living American POW. The plan was simple. We had generated approximately \$5,000 in funds, which we had converted into small bills, U.S. and foreign, and we stamped them with the reward message—similar to what is being passed around in front of you, Senators.

Each stamped bill, along with a reward flier, was placed in a zip-lock bag and made waterproof, so that it would float. In early October, team members Jim Copp, a Vietnam veteran and elementary school teacher, and Donna Long, a free-lance journalist and POW activist, entered Thailand—Donna is sitting behind me—and rented small boats for the purpose of placing the waterproof messages into the Mekong River, which is the boarder between Laos and Thailand.

The idea was to get the messages as close to the Lao side of the Mekong River as possible, so that they would float to the Lao side and be picked up by the Lao population. The further idea was then as they spent the money—which they would—they would read the message each time it was spent. We hoped to draw international attention to the reward. It was a publicity stunt also, which we did to draw Lao government officials attention to the reward offer, which was our primary purpose—also, which we did.

Jim and Donna, who were 2 days ahead of the other 4 members of the team—including myself—seized the opportunity, and actually entered Laos and began handing out the reward message, money to the Lao people. Unfortunately, in one of the villages, which they entered, they crossed paths with a Lao government official who placed them under arrest. Jim and Donna were blind-folded. Senators, they were handing out money. They weren't armed. They were handing out money, with a reward offer for American POW's that the Laos say do not exist.

The CHAIRMAN. Did they have a visa to enter?

Mr. SAMPLEY. No, sir—Jim and Donna were blind-folded. Guns were placed at their heads. Their lives were threatened. They were tortured by being kept in solitary confinement and refused sufficient food to live on. They were, at one time, physically assaulted, and there was at least one attempted sexual assault on Donna

during the captivity. Jim lost better than 30 pounds. He was very sick when he was released. He was kept for 41 days before being finally released.

And what is not in this written testimony, the release took place—

The CHAIRMAN. I need to ask you, Mr. Sampley, because I have given you a lot longer than almost every other witness has had for an opening—I do not want to be accused of cutting anybody off, but I do want to try to move you along.

Mr. SAMPLEY. 30 seconds—Senator, included in Exhibit F, p. 333, are classified U.S. cables which define the negotiations between Childress and the Lao government officials concerning the captive pair.

[See exhibit F, p. 317 of the appendix.]

The tone of the cables was clearly more a concern of how to use the incident to embarrass the Members of the U.S. Congress who were sponsoring the reward, rather than getting Jim—getting Long and Copp released.

I would like for this, and the rest of my testimony to be placed—along with the exhibits—into the records, sir.

[The prepared statement of Mr. Sampley follows:]

PREPARED STATEMENT OF TED SAMPLEY

Chairmen Kerry and Smith and Honorable Senators, I wish to thank you for the opportunity to address you today. My Name is Ted Sampley. I am a former U.S. Special Forces non-commissioned officer with two tours of duty in Vietnam during which time I had a top secret security clearance. During my tours in Vietnam and Cambodia I was decorated 6 times which included 4 Bronze Stars, the Army Commendation Medal and the Republic of Vietnam Cross of Gallantry and a special citation from the anti-communist Cambodian government. The special citation was awarded as a result of my being part of a handful of Green Berets who secretly trained 3 battalions of Cambodians troops to overthrow the Cambodian government of Prince Sihanouk in 1970.

Currently, I am chairman of the Homecoming II Project, a civilian national POW/MIA organization, and I publish the U.S. Veteran News and Report, a monthly veterans' newspaper.

Senators, I am here today to inform this Committee and the American people that key U.S. Government officials, starting with some in President Richard Nixon's administration and into President George Bush's administration, have conducted a program of misinformation, disinformation, discrediting, domestic spying, and ridicule against veterans, civilian groups, and individuals who are concerned and believe that our government has never been serious about resolving the issue of America's unaccounted for prisoners of war and missing in action.

During the administration of President Ronald Reagan, I have good reason to believe that this activity was being orchestrated from the President's National Security Council, which, as you Senators know, has no authority to engage in such activities, particularly domestic spying. I am therefore respectfully urging that a special prosecutor be appointed to investigate this situation.

I had an opportunity to learn first hand the U.S. Government methods of spying upon and dealing with Vietnam veteran activists, concerned about the POW/MIA issue when I was approached in March of 1983 by Charles (Chuck) Allen, a retired Special Forces Lieutenant-Colonel.

I was hired by Lieutenant Colonel Allen, of Fayetteville, NC, who at that time was head of operations for a specially organized group called the Center for POW/MIA Accountability, to infiltrate a Vietnam veterans' group called the Veterans Vigil Society. The Veterans Vigil Society was operating a 24-hour POW/MIA "color guard" vigil near the Vietnam Veterans Memorial in Washington, DC. Members of the Vigil had sworn to remain at the Memorial "until all of the Vietnam MIA/POW's are accounted for." As a matter of fact, an off-shoot of that group, true to its word, is still maintaining a vigil there. SEE EXHIBIT "A".

My assignment was to determine how much money the Vigil was taking in, where and how it was being spent, the names of its members, if they were "doing drugs," and if they had any connection to Lt. Col. Bo Gritz and to a man identified as Mike Babcock.

Allen told me that it was believed that members of the Veterans Vigil Society were helping to prepare a POW rescue mission into Laos. He said that the U.S. Government "disapproved of private forays" and if I could identify the people who were planning such a mission, their passports would be seized by the government. He took a small address book from his pocket and pointed to a list of names he said included FBI agents and National Park Police investigators that were also gathering information on the veterans. I wondered, in addition to being impressed, how a supposed civilian would have that kind of information.

To infiltrate the Vigil for a week, which I did in April of 1983, I was promised \$500 in expenses, which was paid, and \$500 for the investigation, which was never paid; I think because my investigation turned up nothing of significance about the vet group. Allen told me that the remainder of the money was to be paid through former Special Forces Lt. Col. Robert K. Brown, a member of the Center board of directors and publisher of Soldier of Fortune magazine. I later learned Brown had provided the Center \$5,000 "start-up" money and continued to be a major benefactor for the Center.

During either the first or second week in April of that year, I returned to Fayetteville and submitted to Allen a written report detailing what I had found out about the Vigil. I was in Allen's office when he picked up the phone and called a man he referred to with familiarity as "Dick" Childress and gave him a report of the information I had gathered.

According to Allen, and documents he provided me, the Center was an organization which was incorporated with a non-profit status and was based in Washington, DC. At that time, Ret. Maj. Gen. John K. Singlaub, a close associate of Brown, was head of the Center and its membership consisted mostly of retired senior military officers.

Allen told me that "the Center interacts with and maintains a working relationship with Government agencies responsible for POW/MIA affairs." Allen went on to say that the Center had a close working relationship with the White House, naming Dick Childress as the Center's principal contact, who I later learned was then-Lt. Col. Richard Childress, the director of Asian Affairs for President Reagan's National Security Council and who I also later learned had been sharing an NSC office with Lt. Col. Oliver North.

I was also present at subsequent dates when Allen made several other calls and reports by phone to Childress.

On one visit to Allen's office in Fayetteville, I was shown by Allen a pile of several hundred color slides taken by Gritz's team inside Laos. The slides, according to Allen, had been obtained without Gritz's knowledge by bribing a disenchanted team member who had stolen the film from Gritz before it had been developed. It is my understanding that copies of these stolen slides had been or were subsequently provided to Childress.

I learned later, Soldier of Fortune magazine was engaged, at the same time I was working for the Center, on a special edition trashing POW/MIA activist Gritz, Scott Barnes, Col. Jack Bailey and others. I believe it is interesting to note that the same people, including Singlaub and Allen, served on both the staff of the Center and are listed as contributing editors and/or advisors to Soldier of Fortune magazine. In fact, Center for Accountability officers Allen, Singlaub, Ret. Brig. Gen. Heine Aderholt, James P. Monaghan and Milt Copulos were cited for their assistance in trashing Gritz and the others in the magazine's special edition. SEE EXHIBIT "B".

It is also worth noting that while Childress and others at the White House were denouncing activists, like Gritz and Bailey, for their efforts in Southeast Asia, Lieutenant Colonel Brown and his soldiers of fortune were making armed military excursions across the Thai border into Laos, helping to finance and arm Laotian anti-communist fighters and they even established a "Forward Operational Base" on Laotian territory—all in apparent violation of the U.S. Neutrality Act. Not one word was ever uttered by Childress or any Member of the Reagan White House about this, even after Brown detailed the operation in an edition of his magazine. SEE EXHIBIT "C".

Apparently, illegal acts by Brown and his associates to arm anti-communist guerrillas were acceptable to the White House, but the efforts of private citizens to locate and rescue American prisoners of war were not.

Why?

Senators, this concludes my verbal testimony in the time allotted to me. Further information concerning my knowledge of these White House-directed activities are detailed in my written statement and its attachments, which I respectfully ask be made part of the record of this hearing.

The entire Childress/Center for Accountability effort from beginning to end was designed to discredit some of the most vocal critics of the U.S. Government POW/MIA policy. From then to now, this pattern has continued. Rather than focus all available resources on resolving the problem of our missing Vietnam veterans, much of the effort has been directed toward destroying the credibility and/or reputation of the critics.

As a result of my experience with Allen, the Center for Accountability, and the Veterans Vigil Society, I became convinced that there was something about the live POW issue that required a closer look. I became a member and later an officer in the Washington-based National Vietnam Veterans Coalition.

In August of 1984, I went to the Republican National Convention in Dallas where a veteran's parade had been organized by the National Vietnam Veterans Coalition. The purpose of the Dallas event was an attempt to get a meeting with President Reagan so that the Coalition's evidence of live POW's in captivity could be handed directly to the President.

The parade, which had been organized well in advance, began coming apart at the seams when, as we later learned, Lieutenant Colonel Childress had made a series of telephone calls to scheduled participants telling them that we were nothing more than motorcycle gangs and rabble-rousers and that there was a great potential for a riot. SEE EXHIBIT "D".

During the summer of 1985, I filed a complaint about Childress's interference with private groups. The complaint was filed with North Carolina Congressman Walter B. Jones, who later told me that my complaint had been sent over to the FBI.

I have never received a response.

In September, 1984, John Mead, an international businessman and former CIA associate, filed a lengthy complaint with the Justice Department accusing Childress and the Center of participating in an illegal political relationship. Specifically, Childress was accused of using the Center as his private investigative force, abusing classified information, threatening blackmail and carrying out character assassinations in connection with classified POW documents.

Mead filed his complaint with the criminal division of the Justice Department and Fred Fielding, legal counsel to President Reagan, and others, with no success and no response to the allegations. SEE EXHIBIT "E".

In the fall of 1988, the National Steering Committee For American War Veterans, a Vietnam activist group of which I am chairman, launched a campaign into Southeast Asia designed to advertise the existence of a \$2.4 million reward, put up by U.S. Congressmen, in hopes of persuading officials from Vietnam, Cambodia, and Laos to defect with at least one American POW.

The plan was simple. We had generated approximately \$5,000 in funds which we had converted to small bills, U.S. and foreign, and then stamped with the reward message. Each stamped bill, along with a reward flier, was placed in a zip-lock bag and made waterproof so that it would float.

In early October, team members Jim Copp, a Vietnam veteran and elementary school teacher, and Donna Long, a free-lance journalist and POW activist, entered Thailand and rented small boats for the purpose of placing the waterproof messages in the Mekong River, which is the border between Laos and Thailand.

The idea was to get the messages as close to the Lao side of the Mekong as possible, so that they would float to the Lao side and be picked up by the Lao population.

We hoped to draw international attention to the reward, which we did, and to draw Lao Government officials' attention to the reward offer, which we also did. Jim and Donna, who were 2 days ahead of the other 4 members of the team, including myself, seized the opportunity and actually entered Laos and began handing out the reward message money to the Lao people. Unfortunately, in one of the villages, which the pair had entered, they crossed paths with a Lao government official who placed them under arrest.

Jim and Donna were blind-folded, guns were placed at their heads, and their lives were threatened. They were tortured by being kept in solitary confinement and refused sufficient food to live on. They were at one time physically assaulted and there was at least one attempted sexual assault on Donna during their captivity. Jim lost almost 30 pounds in the 41 days they were held and was seriously ill when finally released.

Senators, included in Exhibit "F" are classified U.S. Government cables which define the negotiations between Childress and Lao government officials concerning the captive pair. The tone of the cables was clearly more a concern on how to use the incident to embarrass the Members of the U.S. Congress who were sponsoring the reward offer rather than getting Long and Copp released. SEE EXHIBIT "F".

Upon the eventual release of Long and Copp, no effort was made by any U.S. government official to debrief either of the captives. Instead, a State Department official told the U.S. media that there was no point in debriefing either captive and praised the Lao government for its treatment of them. Long had to demand through her Congressman (Rep. Martin Lancaster D-N.C.) that the U.S. debrief her, because during her captivity her captors discussed the POW/MIA issue with her and she had at one point seen and waved to a man she perceived to be a black American. In fact, a guard told her that the man's name was "Austin." SEE EXHIBIT "G" p. 332.

A Homecoming II Project team was later illegally arrested and fined by Thai police, who admitted that U.S. officials had asked them to harass/detain American citizens working on the POW/MIA issue. SEE EXHIBIT "H" p. 335.

These efforts to discredit POW/MIA activists started to evolve in 1969 as Nixon became the nation's new chief executive. As the new President was organizing his White House staff, various close relatives of the ever-increasing number of Americans held prisoner of war and missing in action in Vietnam escalated their demands that the United States do something to help their love ones.

Foreign films of U.S. POW's in Communist captivity were sufficient evidence for the families that their love ones were being treated in a most harsh and inhumane way. POW wife, Sybil Stockdale had been organizing POW/MIA families. The results were overwhelming. It was not long before the White House, as well as Congressmen and Senators, were being deluged with mail from family members and the mail was becoming increasingly angry in tone.

"It did not take the new Nixon administration long to figure out that here was one protest movement that could be used to its benefit," James C. Roberts of the Washington "think tank," the American Studies Center, wrote in his March, 1980, book, "Missing In Action."

Consequently, according to Roberts, in late 1969 the Nixon administration decided it should "go public" with the POW/MIA issue, to focus public attention on the terrible treatment of American POW's and MIA's by the Hanoi crowd.

Members of the White House staff of President Nixon arranged an organizational meeting in Washington DC, on May 1, 1970. On May 28, 1970, the National League of Families of American Prisoners and Missing in Southeast Asia was incorporated with an office in Washington, DC.

Faced with overwhelming disenchantment with the continuation of the Vietnam war Nixon had found a new mobilizing force: the maltreatment of American POW's by the "evil enemy."

Funding for the League of Families began with influential word from someone in the White House who touched the pockets of Defense Contractors to the tune of tens of thousands of dollars in contributions. Large donations from companies such as Grumman aerospace equipment manufacturers became common. Also in 1971, the League of Families was given the Republican National Committee contributors' list for its own use.

Technical advice was provided to the League by a wide range of experienced government officials, who kept a close eye on the POW wives, fearing that they may reverse their support of the President.

According to former League chairman, Col. Earl Hopper, a bank of about a half dozen 800-number, toll-free telephones mysteriously appeared in the League headquarters and free Air Force travel was given to POW/MIA family members whenever they wished to travel to and from Washington, DC.

The benefits to the Nixon administration were varied. For example, in April of 1971, when some POW/MIA family members, who were against the war, held a press conference in the Cannon House office building in Washington, DC, to denounce the war, pro-administration League members were flown to Washington for the purpose of having them disrupt the meeting. When the antiwar POW/MIA spokesmen got up to deliver their messages they were greeted by members of the League, who shouted about the inhumane treatment received by POW/MIA's. According to Roberts, this effort was orchestrated by White House aides.

The true intentions of the Nixon Administration toward the POW/MIA families were exposed during a meeting on April 14, 1971, between President Nixon and Senator Bob Dole, R-KS. A memorandum for the President on the meeting was drafted by an aide to presidential assistant H.R. "Bob" Haldeman. The memorandum states in part: "There was also some discussion of the Prisoner of War problems and the

Chairman [Dole as Republican National Chairman] made the point that this is a tender-box that is about to explode as there is a real danger of great numbers of POW wives reversing their support of the President. He suggested, therefore, a fairly major move for cosmetic purposes and the President asked that this possibility be explored." SEE EXHIBIT "I".

The Nixon administration used the League and the POW/MIA issue to enhance its own political agenda.

During the Ford administration, after the League of Families elected a more aggressive board of directors, the League's relations with the White House turned cool. Free Air Force transportation for POW/MIA family members to attend League functions in Washington, DC, abruptly ended. The bank at League headquarters of free 800-number telephones that had so mysteriously appeared during the Nixon administration just as mysteriously disappeared.

The Carter administration gave only patronizing lip service to the live POW/MIA effort while behind the scenes attempting to write off the POW/MIA issue by having all the missing servicemen declared dead. A memo was written by National Security Council (NSC) staffer Michael Oksenberg to NSC head Zbigniew Brzezinski in 1980, suggesting that Brzezinski write the League of Families indicating that he takes sightings of live Americans in captivity seriously. Oksenberg wrote "this is simply good politics; DIA and State are playing this game, and you should not be the whistle blower. The idea is to say that the President is determined to pursue any lead concerning possible live MIA's." SEE EXHIBIT "J".

Finally, during the Reagan administration, the White House worked hand in hand with its creation, the National League of Families, to espouse the official administration line on the POW/MIA issue and to trash any and all of those who dared to disagree.

The examples of this are so numerous that I would have to write reams to cover them. Rather than do this I am attaching to this statement some of the more blatant examples of this with documents that you honorable Senators will be able to judge for yourselves. SEE EXHIBIT "K".

The CHAIRMAN. It will be placed in the record.

I just want to give everybody a fair shot here. We do have Senators who I know want to ask you questions.

Incidentally, I am very sympathetic to being in places where you are not supposed to be, because I spent Christmas eve of 1968 in Cambodia, at a time when no one was supposed to be there, and made a couple of other incursions there with the CIA which we were not supposed to. And I am familiar with that. I am not going to question your comments there.

Most of your testimony, obviously, is not about the evidence of the live persons being there. It is evidence of interference with your activities that you presume to be indicative of a conspiracy to block information from coming out.

Now, those things have happened, and I am not going to doubt, and there is a record here, of people like Monika Stevenson and others feeling that kind of interference and sensing it, and so forth. The Committee is going to try to look at some of that. It is a lot harder.

I want to turn back for a moment, if I can, to Mr. Donahue's comments. It is a very broad and moving condemnation by a family, a family member, somebody deeply involved in this, whose bona fides cannot be contested. And you are really as critical as anybody we have heard about the government. You have said, point blank, that there has been a cover-up here that has been ongoing. And you are willing to document that.

Now, I have a number of questions about that. And these are sort of reasonable personal questions, if you will, and you probably have answers. But I want to ask them to you. Do you believe that when it comes to not coming forward with information that is

known about a live American, a fellow comrade in arms, that someone like a Bill Bell, who served years in Vietnam, who has dedicated his life to try to find somebody, is he not bona fide? Is he faking it?

Mr. DONAHUE. You and I, Senator, are talking about cover-up and conspiracy on entirely different levels. I believe the cover-up and the conspiracy is in the POW/MIA policy. And if you will let me hit five bullets we can address that, and it embodies exactly what you're saying.

The CHAIRMAN. OK.

Mr. DONAHUE. The policy is the cover-up—in other words, not the documents themselves.

The CHAIRMAN. All right, well let me come back, then. If the policy is a cover-up, President Reagan came into office. President Reagan deserves credit for having raised this to a level of concern publicly that President Carter had never given it, and prior presidents had not given it. Accurate?

Mr. SAMPLEY. I disagree.

Mr. DONAHUE. I don't know if that's accurate. I would disagree for factual reasons. He called it the highest national priority, and then let it die.

The CHAIRMAN. I believe President Reagan authorized a rescue mission, did he not?

Mr. DONAHUE. The Nomarat Raid—I don't know if he personally authorized it, but the Nomarat Raid took place, and I hope you all would review the intelligence behind it.

The CHAIRMAN. We are going to review the intelligence behind it. But what I am trying to get at is, I am having trouble understanding.

I mean let me tell you what I cannot understand—I can understand what happened in 1973 and 1974. I do not understand it in terms of liking it or approving of it, or being comfortable with it. But I can take it in as something that could have happened—that we were in a rush to sever the ties, and we wanted to get out, and we were pulling back.

It was unpopular. The agreements were made. Watergate was going on. The President's power was slipping. There were a lot of reasons that things could move that way. I can sort of intellectually and emotionally lock in to what might have happened in terms of the terrible process of ignoring some realities for inadvertent reasons, and overt reasons.

What happens, though, that would make President Reagan continue the cover-up—if there was one, begun by prior presidents, and officials? Why would he raise to a level of public consciousness, this issue, and make a commitment of it, and make a public political issue of it? And then, at the same time, want to be party to somebody else's deception? Why would he not be happier showing that others, in fact, had participated in this, but he was going to be the person to bring them home?

Mr. DONAHUE. Because I think he was convinced by the career bureaucracy, which has been involved in the issue, that the consequences for doing so was too high; that the consequences for the morale of the Armed Forces, our national honor, our integrity were so great, that even he made the speech—those who may still be

serving—and I'm quoting him—at the Memorial up in Arlington, and everything else—those who may still be serving, I take that to mean we consciously, deliberately leave them behind. They are serving their country. We choose to let them serve in captivity, rather than bring them back, because the consequences for this country of bringing them back are entirely too disruptive.

By this time the process had snowballed. Don't forget, it's the United States who had declared all the United States POW's dead. It was not the Vietnamese or the Laotians.

The CHAIRMAN. Now, you said to us, we should negotiate, correct, for their return?

Mr. DONAHUE. I said you have all the levers to do so, Senator.

The CHAIRMAN. First of all, let me say to you, that I believe there is an out for the Vietnamese if somebody is alive. Most people have stuck to the notion that the government might not have a rationale for holding them, they might not be in government control. And they, themselves, have articulated the possibility.

Maybe somebody out there in the mountain area, or in the Lao-tian border or something, might have had an ability to hold somebody without our knowing it, as a Government, but that they, themselves, were not holding somebody. So there is a window. There is an ability to find people who are in the hands of people not in their control.

But now, when I have gone over there, and I have met now, on three occasions, with their officials, and twice over there. On each occasion, I have gone aside, late at night—I think I have had a pretty good relationship with Foreign Minister Tach. I have said to him look, is there any way for us to create, to break this impasse? Is there any way to create—is there something you want? Does somebody control these people, and is there a way?

I think others have tried that—sort of opening this door, as you say, to negotiation. Now, with all the dues, sort of homage to the sensitivities of how you do it, and not allowing anybody to be held accountable, and saving face—all of that—and the answer is, Senator, I would like to. But there ain't nobody. I cannot negotiate with you and have a secret return of somebody who does not exist.

Now, countless people, I think have tried that approach. But you run into this stone door. So when you say negotiate, how do you do that?

Mr. DONAHUE. You send over the Secretary of State with a mandate from the President, if this is the highest national priority, that is what it requires. And he has the lever of aid, trade, diplomatic, commercial—whatever relations. And you say, Mr. Baker, use those levers and negotiate. The Vietnamese are telling you that is what they want. You are completely powerless to negotiate.

The CHAIRMAN. But what if they say to Secretary Baker, Mr. Secretary, we do not have anybody, but we sure want the relationship. What do you do then? Do you go on and on?

Mr. DONAHUE. I think you have co-opted that process by encouraging normalization of relations without pre-condition.

The CHAIRMAN. Let me be very clear.

No one, no one that I know of has suggested normalization without this issue being resolved. That has been said again and again in this hearing.

Mr. DONAHUE. How about pre-conditions, Senator? Why don't you encourage two things: one, the declassification of the roadmap; and two, the sending over of Secretary Baker.

The CHAIRMAN. Well, let me say with respect to the declassification of the roadmap. I am a little puzzled. I serve on the Foreign Relations Committee. I have worked a lot with Dick Solomon on this. I have talked to the Vietnamese about it, and so forth. I do not have a sense that it is classified.

Mr. DONAHUE. Sure it is, absolutely. Messrs. Quinn and Ford confirmed to me that it was. An American citizen cannot see the roadmap.

The CHAIRMAN. The conditions in the roadmap, as I understand it, concern, first, the Cambodia Peace Accords. And the second piece of the roadmap is POW/MIA.

Mr. DONAHUE. And subsequently, full commercial relations and normalization.

The CHAIRMAN. And the comment was that the pace and scope of the normalization process will be affected by cooperation on POW/MIA, correct?

Mr. DONAHUE. I think that.

The CHAIRMAN. Which means, I take it, that you cannot normalize unless you are moving down the road on POW/MIA.

Mr. SAMPLEY. They also said it was U.S. Government.

Mr. DONAHUE. You and I disagree on not the ends, we disagree on the means. The means are pure judgment call within the bowels of the Defense Department and the State Department as to what is progress.

I would like to know what the benchmarks are, and what the criteria are. Indeed, I think that is pretty much the realm of this Committee, to figure out what is going on with the roadmap, and request the White House to hold off normalization until—

The CHAIRMAN. So what you are saying is, because you do not understand exactly, in a very spelled-out fashion what the expectations are on POW/MIA, that you are saying, therefore, that the roadmap is secret?

Mr. DONAHUE. Well, we have been told it is classified, Senator—that the roadmap is classified. I cannot see the criteria. The American public cannot see the criteria. I guess you could if you subpoenaed it or something like that.

But that to me is not an acceptable standard in the sense that I believe that normalization is condition-precedent on full accounting by criteria this Committee establishes for accounting of prisoners and missing in Southeast Asia, with a roadmap ahead of this Committee. You have the cart before the horse. Indeed, if the roadmap goes through, and we normalize, indeed, we give full commercial and diplomatic relations to the POW's—I mean to the Vietnamese and Laotians—the POW's are dead. Period, full stop.

Let me make the observation that for years the Laotians and Vietnamese have been telling me and telling the United States public and telling the Government that they do not have the money or the manpower to search the remote provinces for missing Ameri-

cans. What they are really saying is look. Give us the aid, trade, diplomatic recognition that you promised us. Voila! Look what we found in the jungle out there in the remote provinces. There will be a great healing, but to—as I say—co-opt that process, by giving the Vietnamese and Laotians everything they want for some undefined progress is unfathomable to me. That is putting the nail in the coffin of the live POW's.

The CHAIRMAN. I have gone over my time. It is unfair to my colleagues here. In fact, let me stop and not go over my time anymore. I will yield my next round.

Go ahead.

Senator SMITH. Thank you, Mr. Chairman. Did you want to respond to a question?

Mr. DONAHUE. Yes, I will take the next question, and I would like to say 30 seconds about the nature of the cover-up, which I believe is in the policy, and is why we are operating on two levels here.

I think the cover-up is embodied in the policy, as we briefly stated. The U.S. Government says the POW/MIA issue is humanitarian and not economic. Baloney. Fundamentally, it is economic. It has always been economic. All you have to do is look at the testimony before the U.S. Congress of the Senators and Congressmen who went over to Vietnam in the 1970's after the war, and were unequivocally told by the Vietnamese that the two issues were linked, period, full stop. It's in the record.

The second component of the cover-up in policy is that the answers to the MIA/POW issue are in Hanoi, not Washington—well, it was Washington that sent my brother over to serve, it was Washington that abandoned him, and it is Washington that is keeping him there—dead or alive.

It is not anything else. It is Washington. My God, if I read in the newspapers or see on T.V. the issue of abandoned children in this country—we all see it—our worst emotions come up. The penalties are great for that. It is a heinous crime.

But what about abandoned servicemen left behind, knowingly and deliberately by their Government? There is abandonment going on here, and so the answers aren't in Hanoi. The answer is in Washington. Someone will be accountable for them.

We keep talking about an accounting for them, but nobody is accountable for them. I hope this Committee will change that.

The next element of the cover-up is well, when somebody brings up this live group or proof of a live POW, we will move heaven and earth to bring them home. That's fraudulent on two points, because it shifts the burden of proof to me, instead of the CIA which has all the data; and two, who is Donald G. Carr? He is not chopped liver. The proof is there.

Finally—or next-to-last—we have more intelligence resources than ever dedicated to this issue—classic, Executive Branch approach: let's put more bureaucrats in there; let's put up an office in Hanoi. I hope nobody on the Committee thinks that the U.S. servicemen walking through the jungles of Vietnam and Laos at the invitation of the Laotians and Vietnamese—I hope nobody thinks they are actually going to walk into an American prisoner. That's

ludicrous. That would be an international incident of the highest order. It's not going to happen.

Senator McCAIN. If they are allowed to do so then I have every expectation, Mr. Donahue.

Mr. DONAHUE. If they're allowed to do so, as in resolution of the issue, Senator—and finally, we have looked into our files. And we can't find any proof of any live POW's.

I don't know if anybody is aware, but the CIA doesn't serve on the inter-agency commission. The CIA data is classified, and the war in Laos was a secret war. Is anybody on this Committee going to go to the CIA and subpoena their data and bring it out of the woodwork? I mean, until we do all of the research?

Senator SMITH. We intend to see that data. We hope we will not have to subpoena it. We will also be reviewing the so-called secret war.

Mr. DONAHUE. But you see, the elements, the bullet elements I gave you as to the nature of the cover-up, to me it's in the policy. Because it completely obviates your responsibility and accountability for the Government of the United States. It's humanitarian, not economic. The answers are in Hanoi, not Washington. When somebody brings us proof, we will do something about it. We have more intelligence resources than ever assigned to this issue. We have looked into our files and we can't find any evidence. Boy, if that isn't the ultimate cowardice and the ultimate obfuscation—deceit and deception—I don't know what it is.

I just hope and pray that this Committee is going to intervene in the process, fellow chairmen, and set the record straight and get the process moving. But to stick with the roadmap, which is a giveaway, rather than the levers that we have to pull, wow. I mean then we have truly abandoned the men.

Senator SMITH. Let me respond.

Speaking somewhat as a Committee, but also personally regarding the roadmap, I believe that every Member of this Committee—some with different variations on it—but I believe every Member of this Committee believes that the issue of the POW/MIA should be resolved before any normalization. I do, and I will speak for myself on that point.

Mr. DONAHUE. However, would you request the White House to defer the roadmap?

Senator SMITH. Yes, I have discussed this with officials in the Administration in terms of my belief that it is very important that the Vietnamese understand very specifically—no vague generalities—very specifically, exactly what the roadmap is, and that there is a roadblock on the map. And that is POW's and MIA's. I have expressed that very clearly. I cannot speak for the Secretary of State. I hope that he believes that. I think that the intention here is to account for these people before any normalization. However, things can happen. Things get obfuscated, confused. But from our perspective, that is where I am coming from. I intend to fight for that.

However, beyond that, the scope of this Committee really is more investigative than into the policy end of it—although we may make recommendations on policy. I just want to make a comment and ask a couple of questions.

First of all, I do not know if it was said on the record—and I came in a little late, and I apologize—but I think it should be stated for the record, at least from this Senator, that no greater love could ever be expressed by any human being than what you have expressed, and what you have done over the past 23 years, as you have searched for your brother. I know, wherever he is, he appreciates it. And in a very strange way that I have never shared with anyone, really, I came across your story—although I knew about it to some extent—in the second trip that I made to Vietnam on this issue, when the flight attendant, your former wife, asked me—then Congressman Smith—she said nice things about you—Congressman Smith, where are you going? And I told her. And she said, well, I'm Jeff Donahue's former wife. And I can tell you that he is committed to the issue, which is one of the reasons why I am his former wife. [Laughter.]

Senator SMITH. I say that with respect, and she said it with respect. I think she has respect for you. But this is very difficult. My father died in 1945 after combat service as a naval aviator in World War II. He died in a freak airplane crash in the Chesapeake Bay. I did not know what happened to him for 22 years—not because the Government held anything, but because my mother did not choose to look. And she would not let me look. But I did, after I got back, after I got to Washington as a congressman. I could have done it before, but I chose to do it then. I found out the truth. It was not pleasant, but I found it out. But at least I found out.

So although I do not have a missing relative in Vietnam, I think that I have some appreciation for what you have gone through—not enough to really understand it—but a little bit. I know that you have done a great deal of personal investigation. I think I would just like your editorial comment, if you will. I would like to make my own, and then ask for yours.

And that is, no matter what one feels about what you have done, or whether I agree with you or disagree with you, or whether I agree or disagree with your conclusions, the truth of the matter is that you, as a family member, should not have had to do what you did over the past 23 years.

It should have been done by our Government. If you can get into Laos—how many times?

Mr. DONAHUE. Laos, once this year, I am going again in January; twice last year.

Senator SMITH. How many times in your lifetime?

Mr. DONAHUE. I was also invited to Hanoi in 1976.

Senator SMITH. The point is that I think others who are in charge of working the issue, could have gotten in there with a little more effort, but that is history. We have heard a lot of mea culpas expressed by a lot of people. And we accept those. But we want to move on to find answers. That is the purpose of this Committee.

I would just like you—and I assure you that that is the focus of this Committee, live American prisoners of war, we have our differences. And we have gotten a lot of different testimony, but our goal is live American prisoners. As others have said, we assume that there are. That is what we are working on. Everything else is secondary.

What did you—in your private meetings with the number of meetings you have had with various Lao officials, specifically, what have they told you about prisoners of war, in general, and about your brother, specifically—if you have such information—or what haven't they told you maybe would be better.

Mr. DONAHUE. Well, in meeting with Laos—and I cannot compromise who they are, but all the way through the ministerial level, because I have been doing this for years, Senator, and I have developed contacts that various congressmen and senators are still trying to establish. I enjoyed reading about Mr. Murkowski trying to find one. But I have been told that POW's in Laos are in three categories: the first category, and this must be the universal sign—they go like this—

[Indicating.]

Mr. DONAHUE. —which I would take to mean POW's who are non compos mentis—they have sort of cracked under the circumstances, and they are just living as essentially meeker people there.

Senator REID. What was that again?

Mr. DONAHUE. Crazy, just crazies. And the second category is—to use the Laotian words—POW's like Laotians, they are now Laotians. We have many sighting reports of my brother and other servicemen, where my brother is reported to be married and living with two children now in a camp, but fishing, farming, tending water buffalo, things of this nature.

Then the third category is, they say, the camps in the North. And they clam up. I would take that to mean the provinces of Laos along the Chinese border and things of this nature, which are even off limits to senior Lao officials, unless the entire Council of Ministers votes approval, so to speak, for them to go. I can't crack that nut. But I'm sure as hell trying.

Senator SMITH. My time has expired. I just want to ask two quick questions: one, has any Lao government official, or any Lao that you felt had knowledge, ever said to you—admitted to you in any way, that they had American prisoners, number one; and the second question is, have you ever, in your trips over there, seen any testimony or evidence to the fact that the Soviets may have had some control over American prisoners in Laos after 1973?

Mr. DONAHUE. To the first question, yes—exactly in the context I said. And the second question, no. I don't have any information on Soviet presence. But I have never specifically pursued that line with the Laotians.

Senator SMITH. Thank you.

The CHAIRMAN. Senator Reid.

Senator REID. Can we have that package of live-sighting reports of your brother?

Mr. DONAHUE. Yes, and I would like to mention one, if I may, right at the top, if I can read from it—I also have information about live prisoner of war named Jefferson Donahue—that is a phonetic spelling—date of birth, airplane number. And it gives the aircraft number, and it gives my parents' zip code in Florida, instead of the aircraft number. How did this guy in the jungles of Laos ever get my parents' zip code number?

Senator REID. Where did you get that?

Mr. DONAHUE. This was a live-sighting report, provided classified. This is the de-classified version provided by the Defense Department. He says, since my English is not yet very good, you can call my English teacher who helped me write this letter. Her name is, her phone, her address is—and of course, all of that is whited out. I cannot even talk to this Laotian.

Senator REID. What is the date of that?

Mr. DONAHUE. This is April 20, 1987 and I have sighting reports here which I will give you, as recently as 1991.

Senator REID. That whole pack relates only to your brother?

Mr. DONAHUE. Well, it has other names in it.

Senator REID. But each one, in some way, mentions your brother?

Mr. DONAHUE. Yes, sir, and there are other correspondences.

Senator REID. And the Committee has that now?

Mr. DONAHUE. I am not sure if I have submitted this. I haven't submitted this entire pack, because I just got it from my father. The Committee has some of it.

Senator REID. Could I ask, Mr. Chairman, that be made a part of the record?

The CHAIRMAN. Will you submit each of those to us? We will be getting all of them anyway, but would you submit those so we have them as a back-check to what we are going to get?

[See pps. 211-289 of the appendix.]

Mr. DONAHUE. Yes, sir, but at the same time I could appeal to you, if you could impose upon the U.S. Government to let me have the name of this Laotian so I could speak to him, since he claims to have been with my brother? The Government won't even give me the name of the English teacher who translated it for him—how tragic—which, to me, is part of the cover-up.

You know, until the American public sees honesty on the issue—

Senator REID. Mr. Donahue, I am running out of time. You have already told us how you feel.

Mr. Sampley, why do you think your reward offers have not produced any live Americans?

Mr. SAMPLEY. Information that has come back to us is that when either any of the indigenous folks—either the Lao, the Cambodians, or the Vietnamese—when they make inquiries about the reward, they think—and I believe Colonel Bui Tin said that earlier—they think that it's official Government reward. They go to these folks, these folks over here. The U.S. Government representatives tell them we don't offer rewards. We don't pay it. There is no such thing. And so the reward is stifled at that level.

What I don't understand, if a U.S. Congressman, which they have done, offers a reward that is costing the U.S. Government nothing—if the Charlotte Motor Speedway of Charlotte, NC offers a reward, what is wrong with paying it, if it's not U.S. Government money? Why does the U.S. Government shoot it down? And more importantly, if there are no living prisoners of war over there, why worry about a reward, want to say anything?

Senator REID. Mr. Sampley, it is my understanding from your testimony—it is my understanding from your testimony that you are not willing to share the data you have with the Government.

Mr. SAMPLEY. What data?

Senator REID. The data that you have that indicates there are live, POW's.

Mr. SAMPLEY. Everything that I have—sure, I mean I have five, six, seven filing cabinets full of files that Mr. Usury and Dan Parrin came and stayed a week in Kinston. They went through it. You can have the keys to my files.

Senator REID. As Chairman Kerry mentioned, our obligation is to make sure that we do not leave a stone uncovered.

Mr. SAMPLEY. I appreciate that.

Senator REID. That is why we are here at this time of night listening to everything that you want to say, and everything that Mr. Donahue wants to say, because I think we are all proceeding on this Committee as if there are live Americans in Southeast Asia.

If we are not proceeding on that basis, then we have a pretty ill-conceived result, and we cannot do that. The testimony that we have heard to this point indicates that it is 20 years later. If there are live POW's there, it is going to be—I do not want to use a miracle, but it will be—it will be very exciting if we find that there are live Americans.

So I hope that as you have indicated, you will supply whatever evidence you have with the Committee, and Mr. Donahue has indicated these live sightings and other information that he has, that he will share with us. Is that right?

Mr. DONAHUE. Yes, sir.

Senator REID. I would hope that you will not treat us with the scorn that you have treated what has gone on before.

Mr. SAMPLEY. Senator, up until this date to this Committee, I wouldn't give anything to the U.S. Government, period. Because when you give it to them, it disappears. Then you're called a name of some sort, sooner or later. At one point, I did give a document. I had quite a bit of association with Robert Garwood at one time. I brought him down to North Carolina and he worked for me for a while. And he was in Kinston for some time. I talked him into drawing a map to exactly where he buried Captain Eisenbrough, who died in captivity. He drew the camp. He drew the exact location. He gave the camp name and number, and he drew the exact location where Captain Eisenbrough is buried. I turned it over to the U.S. Government. But before I did, I turned it over to the Kinston Free Press. They printed it, and did a little story on it, so there is a record of it.

To this day, I have heard absolutely nothing back. They give no information in return. They don't like receiving it, and you have to cram it down their throat. Ms. Donna Long, sitting right here, when she was picked up by the Communists—or the Pathet Lao—for handing out the reward money, while she was in captivity, I believe it was Pak Se or somewhere in that general area—she saw what she believed was a black American. She saw him from where she was being held—she can tell you better than I can—on the second floor of a balcony. She waved at him. He waved back. And she spoke to her guards, and she said who is that? In my testimony, I said it's Mr. Allen, but I believe the guard said it's Mr. Allison. The problem is, she begged the State Department to debrief her. They would not debrief her. They did not want to ask her any-

thing. They made comic remarks about her, and so she went back to Jacksonville, NC, and demanded, through Congressman Martin Lancaster—which is a matter of record. Congressman Lancaster made sure that the State Department debriefed her.

Why did Donna Long have to demand to be debriefed?

Senator REID. My time is gone, but let me just say this—it has not been said yet, because they cannot say it, and I can—but not only do we, as Committee Members, want to get to the very bottom of this—

Mr. SAMPLEY. I believe you.

Senator REID. But we have Members who serve on this Committee that have given a great deal in Southeast Asia. The man seated next to me, as you are aware, spent 5½ years in a prisoner of war camp, under the most unpleasant conditions. The Chairman of the Committee is a highly decorated, Navy veteran also, from the conflict in Southeast Asia. And so these men—and there are other Members of this Committee who have military records over there—they have a very personal interest that I do not have.

Senator McCain, when we are talking about prisoners of war, he knows these people, the list of people that were with him. They had a network there. So this is something that we are going to do the best we can. I think it is important to you that you start cooperating. Because this is the same Government. We are going to do the best we can to get what the CIA has, and what the White House has, and do the best in the next year to get to the bottom of this.

Mr. SAMPLEY. Senator, I have been one of the biggest critics and most vocal critics of the U.S. Government policy as anyone. But I do see a pattern here, with this Committee, that makes me want to trust you. I do want to give you anything I have. Until I see something different happen, it's yours.

Senator SMITH. I think Senator McCain is up next.

Senator MCCAIN. Let me change the rules among the three of us here, a second, because we do not have a very long time. You interrupt me, and I will interrupt you. Because both of you, obviously, feel frustration for many years and want to get a lot out. But you interrupt me, and I will interrupt you. OK? We do not normally do this, but—and I thank you for your appreciation for the tough questions, Mr. Sampley. These look like CBU's to me, in fact they say on them CBU—on your pictures.

It says, Dispenser and Bomb Aircraft CBU.

Mr. SAMPLEY. I don't understand the point.

Senator MCCAIN. The point is, those are dropped off of airplanes.

Mr. SAMPLEY. What is that?

Senator MCCAIN. I think that's a temple bell.

Mr. SAMPLEY. What is it made from?

Senator MCCAIN. I do not know. I know they used to make cigarette lighters and cigarette cases out of crashed 105's.

Mr. SAMPLEY. But my point is, Senator, that that is an example of the salvage that is coming across the river out of Laos. Those folks are going out. And these guys will tell you they are going out with donkeys, or whatever they—you carry stuff out of the hills with. They are going through, just ravaging through these crash sites, and they have been doing it for years.

You go—

Senator McCAIN. But CBU's do not necessarily come from crash sites. CBU's are dropped off of airplanes.

Mr. SAMPLEY. But that is just part of the salvage. That is what we took pictures of.

Senator McCAIN. The majority of these I could make out, are—as designated—dispenser and bomb aircraft CBU. You and I know it drops off the airplane a certain distance above the ground.

Mr. SAMPLEY. Are you implying that the Lao would go out and pick those things up but they won't take and trash a crash site and bring the metal out of an airplane?

Senator McCAIN. I am not asserting that. I am saying that what you have, what I have seen in these pictures, and all I can make out, is a CBU.

Mr. SAMPLEY. I will agree with that.

Senator McCAIN. Mr. Donahue, real quick—I am in disagreement with Senator Smith. Because I believe that the roadmap does clearly state that there must be full cooperation from the Vietnamese. By the way, I understand we got the roadmap in a very round-about way. I agree with you, it should be made public to you and all of the American people—if, indeed, it says that, as I believe. I think the Chairman agrees, even though Senator Smith does not. If it does say that, that full cooperation must be extended, then do you still have a problem?

Mr. DONAHUE. Yes, sir, absolutely—I love cooperation, but all of this is entirely unnecessary. I think, in the context of what it would take to resolve the issue—

Senator McCAIN. What does it take to resolve the issue other than full cooperation?

Mr. DONAHUE. It takes Jim Baker getting on a plane to Hanoi and Vientiane, and using the levers of aid, trade, commercial relations and diplomatic relations.

Senator McCAIN. That's what Soloman did when he met with the Vietnamese Foreign Minister in New York?

Mr. DONAHUE. No, it was not conducted at that level with a mandate from the President of the United States, and the endorsement of the inner-circle—

Senator McCAIN. The roadmap clearly says that if the issue is resolve, then all aid, trade, et cetera—they have already done that.

Mr. DONAHUE. But the steps along the way, Senator, are judgmental lodged in the Defense Department and the State Department. And I have had nothing but 23 years of deceit and obfuscation from them.

Senator McCAIN. Mr. Donahue, you certainly do not believe that if there is no cooperation and a resolution of this issue, that the Congress would support such a thing?

Mr. DONAHUE. Well, you know, it seems—a lot of things coming out of the Senate these days, calling for normalization of relations to Vietnam, without what I would consider something the American public is entitled to, which are the criteria and the elements of progress along the way. So why is the roadmap classified?

Senator McCAIN. As you know, we have resisted that. I do not believe that the majority of the Congress would support such—

Mr. DONAHUE. Can I make one comment to you, Senator McCain—just a brief one—the subject of Laos and POW/MIA intelligence and everything else—here I will give this to the Committee, indeed, I have already supplied it, which is CIA document Mao Lao Hoc Sat, which, you know, is the Lao patriotic front—Weekly Bulletin Containing photographs and details of American prisoners captured by the Pathet Lao.

And, of course, that's all I'm allowed to see.

Senator McCAIN. And as you also know, Mr. Donahue, we did put an amendment on the Defense Authorization Bill—you heard it mentioned earlier—that all of this information must be made available to the American people—with the exception by a request from the next-of-kin that they not—

Mr. DONAHUE. They don't do it.

Senator McCAIN. What's that?

Mr. SAMPLEY. They don't share the information.

Senator McCAIN. It is in the bill. It has not been implemented.

Mr. SAMPLEY. Wasn't there a House bill?

Senator McCAIN. It was never enacted into law, and we are seeking to have that happen. If this authorization bill passes, it will be—and I will be very interested in your comments to the degree of their compliance—but you see, I am doing all the interrupting. You go ahead and interrupt.

Mr. SAMPLEY. What I don't understand for years, I have been pounded and hit at by people saying hey, the problem is not in front of the White House. Why are you chaining yourself to the White House fence? The problem is in Hanoi. OK, we are saying we've got Hanoi where we want them right now. Why do you want to let them up? They do not have the Soviets to lean on anymore.

Let's don't let them up until they give it up.

Senator McCAIN. We do not want to let up until they give it up. I think we are in a bit of a semantical problem here, Mr. Donahue. Because I think when we say the answer is in Hanoi, there are no Americans being held captive in Washington, DC, or in the United States of America. So what we are saying here, I think, is that when the answer is in Hanoi, that we need their cooperation and their forthcoming and their allowing us, for example, to go somewhere on a moment's notice—say if you land and you are in Vientiane, and you think your brother is somewhere in the southern part of the country, and you have a helicopter, you ought to be able to go there immediately and not 24 hours, not 48 hours, et cetera.

That is the kind of compliance that I think you and I are talking about. So when we say the answer is in Vientiane or Phnom Penh, we are saying that the full cooperation and the full disclosure of our archives, et cetera, is where the answer is. But I understand, the reason why I say semantic problem is that I see what you mean also. That "the problem is in Washington."

Mr. SAMPLEY. If I could make a suggestion—

Mr. DONAHUE. Let me interrupt you—I just wish to provide the inducement, which is the levers of aid, trade, and diplomatic recognition, giving the Vietnamese a face-saving way of giving the guys back. We haven't been doing that at the highest level of Government.

We have been doing it between generals who are retired from military; sergeants and colonels going over—

Senator McCAIN. Now he wants to interrupt.

Mr. DONAHUE. —the Secretary of State or the President need to do it. That's what is a highest national priority.

Mr. SAMPLEY. I would like to make a suggestion—

The CHAIRMAN. I just want to interrupt for the whole Committee, because I need to try to keep this on a process here.

Senator KASSEBAUM. I would be only happy to yield my time to anybody who wants it—

Senator McCAIN. I would just like to ask if you had finished—my point is that we may have a semantical problem here which may, I hope, in my vision of what the roadmap means, and maybe I am wrong. But my vision of what the roadmap means is we obtain exactly what you are seeking.

The CHAIRMAN. It may well be that you have articulated a way for the Administration to short-cut a lot of the folderol. And if Secretary Baker can achieve some kind of breakthrough in terms of this process that satisfies full cooperation, it may be that everybody's interest will be served.

Senator McCAIN. I thank both of you for your efforts.

Mr. SAMPLEY. Senator, let me try to get this in—and please bear with me for just right quick—this testimony that I brought up, I didn't bring it up just to dig at wounds or to hit at people in the U.S. Government. It's still going on.

But I would like to suggest that as long as this Committee is in session, and doing this investigation, that if we can do it through legislation or through the Executive Body that we pledge absolute amnesty to the Vietnamese, to any American official, to anyone involved in the POW issue about the POW issue, that they can do or say, let out any amount of information they would like, and that it would not be held against them. Let's get this information out there. Let's get these people home. Then go on about the business of normalizing, et cetera—just an absolutely amnesty plan for everybody.

The CHAIRMAN. That is an interesting idea that has, in fact, been discussed, and I think is under consideration in terms of some formulation. But it is not a bad idea.

Senator Kassebaum, do you have any questions?

Senator KASSEBAUM. No, thank you, Mr. Chairman.

The CHAIRMAN. Let me just say, as we wrap up this panel, Mr. Donahue, you are a very articulate spokesperson for what you have lived through and what you have observed. I just want to tell you that I am impressed by your capacity to articulate it. And I think you have a lot to say, and have said it well, and represented that point of view very well, clearly. There is a lot of substance to what you have said. I take it at face value. I know it, from having studied this and listened to it and so forth.

I think it is a question of how one kind of works through some of the—as Senator McCain says—semantical differences, nuances. But the bottom line is very real. I think we hear you very clearly, and I understand what you are saying.

We want your information. We need your information. This is—as I have said before, and I keep repeating—scratching the surface.

So I hope you will work with us in an effort to guarantee that we do, as you say, intercede correctly, and not insensitively and stupidly as we go along here.

Senator Brown, did you have anything more?

Senator BROWN. No thank you, Mr. Chairman.

The CHAIRMAN. Gentlemen, we will excuse this panel, and thank you very much for appearing here today.

Finally, I would like to ask all the members of the photographic panel, each of the families, if you would come forward please to testify? And Colonel Bailey, we will lead off with you. As this panel takes its place, let me tell you what we are going to do schedule-wise here.

Because of the length of these hearings, each day we have been going from about 9:00, 9:30, 10:00 in the morning until 6:00, 7:00 at night. It really makes more sense for the Committee to proceed with the two remaining portions at a separate hearing—Department of Defense has made it very clear to me that they are prepared to go forward today. And they are ready.

It is our choice, as a Committee, to defer them, not their choice. But I think it will be better if we do defer their presentation, because it will give Members a better chance to prepare some questions, and even to submit some to them that we would like to have them address when they do respond to the various criticisms that have been made. And finally, the same with Mr. Usury's return, that was requested earlier today. It will give us a chance to review some of that document and to prepare for that.

So I think both of those items will be rescheduled. We will announce publicly when that will take place. We will try to do it next week, if possible. And if not, it will be before we recess. I assure you of that.

Could I ask if all of you would dislocate for a moment? I apologize for your getting seated and comfortable. But if you would stand, so that we could swear you in?

[Witnesses sworn.]

The CHAIRMAN. Colonel Bailey, I know you have a plane to catch, and we appreciate that. So we are going to lead off with you if we can, and then proceed through the families.

EVENING SESSION

The Committee continued at 4:45 p.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry (Chairman of the Committee), presiding.

The CHAIRMAN. Identify yourself for the record and proceed with your openings.

And may I ask each of you if you could keep your comments to, is it an imposition to ask you for 5 minutes? Then we will draw more out in the questions. If it is, I want to be fair, and again, I will give you more time. But if you could try to stick to 5 minutes, I think that would be appreciated.

Is that difficult, Mrs. Fleckenstein?

Mrs. FLECKENSTEIN. No, I think I can pretty much do it.

The CHAIRMAN. If you can do it, that would be fine.

Senator SMITH. Mr. Chairman, can I just do a housekeeping thing while you are waiting?

Senator Mack has asked me to enter into the record a statement by him dated today. I would ask unanimous consent to do that.

The CHAIRMAN. Without objection, so ordered.

Senator SMITH. And also a written statement for the record of a Karen S. Miller regarding Maj. Donald Carr and a written statement for the record of Matthew W. Carr regarding Maj. Donald Carr.

The CHAIRMAN. Without objection. All of those statements will be placed in the record.

[The prepared statements of Senator Mack, Ms. Miller, and Mr. Carr follow:]

PREPARED STATEMENT OF SENATOR CONNIE MACK

Mr. Chairman, I am pleased to be an original co-sponsor of S. Res. 82, which established the Senate Select Committee on POW/MIA Affairs. In the past, numerous Senate committees have been involved in this issue. It is my sincere hope that the establishment of Senate Select Committee on POW/MIA Affairs will provide the coordinated process by which the Senate can review and assess the methodology and operations of the POW/MIA Division of the Defense Intelligence Agency to thoroughly investigate the case of Capt. Donald Carr, as well as other live-sighting reports.

I would further like to commend the Chairman and Ranking Member for the diligent work they have performed in setting the rules and agenda for the Committee in a timely manner. Today, the Committee will examine the POW/MIA Investigation Policy and Process. The witness list for today's hearing is impressive indeed.

Since this Committee was established, I have been in contact with the Members about recently publicized photographs which have surfaced involving U.S. Army Capt. Donald Carr. These stunning photographs were allegedly, and I use that word in the most positive sense, taken in February 1990, in Laos and smuggled out. Members of the Committee will have the opportunity to see these photographs today during Col. Jack Bailey's testimony. I strongly urge the Members to listen very carefully to Colonel Bailey's chronology of how he obtained these photographs.

Take his words seriously—the Department of Defense does. In an article from the September 20, 1991 Fort Myers Florida News-Press, Carl Ford, the Acting Assistant Secretary for International Security Affairs said, and I quote, "This (the photographs) is going at the top of our investigative list. Of all the photographs we have received, it is quite striking." This same article indicates that Pentagon officials believe the picture is no more than 18 months old.

Captain Carr's stepmother, Marie Barzen, lives in Fort Myers, Florida. The heartache and anguish she has been through since these photographs surfaced cannot be

adequately expressed by me. My thoughts and prayers are with her this morning, as they have been since the day Colonel Bailey brought the photographs to my office.

I again urge the Members of the Senate Select Committee on POW/MIA Affairs to listen attentively to Colonel Bailey. It horrifies me to think that any American is still being held against their will in lands abroad. When data surfaces which is as strong as that involved in the Carr sighting, it deserves the immediate and exhaustive attention of the U.S. Senate.

I thank the Chairman.

PREPARED STATEMENT OF KAREN S. MILLER

Mr. Chairman, Mr. Vice Chairman and Committee Members: I come before you today in search of answers that I believe this distinguished body has the power to resolve.

The Vietnam War is often referred to as the 10 Year War. For the families, and those still held in captivity, the Vietnam War is now entering its 28th year. For too long a time, the mystery of my cousin, Maj. Donald Gene "Butch" Carr's status as a Prisoner Of War in Southeast Asia has been shrouded in secrecy under the guise of the National Security Act. Over 1,400 live-sighting reports have been turned over to various government agencies throughout the evolution of the Southeast Asia POW/MIA calamity. In all but under 200 cases, these reports have been disproved through one means or another, yet these reports remain classified government documents, again, under the guise of National Security. I am not here to debate the fact or fiction behind these refuted reports; I am here to find out what my government knows about Major Carr, and why our family has been kept in the dark so long.

Our family and the families of all the POW/MIA's are supposedly represented here in Washington by the Congressionally Chartered "League Of Families". This organization, which receives over ONE HALF MILLION FEDERALLY FUNDED DOLLARS annually, whose members travel at Government expense to their annual meetings, has not been able to raise a quorum in 5 years. THIS IS MY REPRESENTATION?????. THIS IS MY FAMILY SUPPORT????? I am here to represent myself, and I will seek support from those who are ready and more than willing to give it.

This Nation's NUMBER ONE PRIORITY, THE POW/MIA ISSUE, is now passing through its third administration. The position of the Government has changed from "There are no live Americans being held against their will in Southeast Asia"; to "We can not rule out the possibility that there may be live Americans being held against their will in Southeast Asia; yet, after some EIGHTEEN YEARS, all our Government has managed to bring home is somewhere in the neighborhood of 315 sets of remains, and even some of those are questionable. Nothing has come from Laos, a Country where roughly 600 Americans were lost. At least the animal or Asian bone gimmick wasn't tried on those unfortunate families, one of which is mine.

The Soviet Union has finally admitted that it executed 9,000 Polish Prisoners in World War II. Will our Government have to admit that it was responsible for the loss of an untold number of American Servicemen by burying them along with the issue, through the endless formations of committees, until the men are all dead???? Or will this Committee not buckle under political pressure and once and for all, RESOLVE THIS ISSUE THROUGH THE RETURN OF ALL RECOVERABLE REMAINS AND THE REPATRIATION OF THOSE WE LEFT BEHIND?????

I said in the beginning of this testimony that I seek the answers to a few questions. The first is, WHERE IS MAJ. DONALD GENE "BUTCH" CARR???? Second, WHEN WILL YOU BRING HIM HOME???? Third, WHY IS IT TAKING SO LONG????

I ask you to consider all of the background information available: years of classified documents, eye witness accounts, activist's and family testimony. Please do not dismiss this information because it is contrary to present political policy. I ask you to be open minded and courageous, responding positively to the truth regardless of what agencies or political positions may be involved. This is not the time to assess for past injustices, but the time to remedy them. Return our men the freedom they risked—and lost—for their Country. Return them to the land of their birth. RETURN AMERICA'S HEROS TO AMERICA where they may spend their remaining years in the land they fought to defend.

DEPARTMENT OF THE ARMY,
WASHINGTON, DC 20314,
September 23, 1971.

Mr. MATHEW W. CARR,
5524 Wedge St.,
East Chicago, IN 46312.

DEAR MR. CARR: I am writing you concerning your brother, Capt. Donald C. Carr, who has been missing in Southeast Asia since 6 July 1971.

The report prepared by the board of officers who investigated the incident in which your brother became missing has been received. The report indicates that your brother was flying a visual reconnaissance mission over enemy held territory. The aircraft took off at 1:20 p.m., on 6 July 1971, with regular ground contact being maintained every 45 minutes. Last contact with the aircraft took place at 3:30 p.m. when Donald radioed that weather conditions were deteriorating.

A ground reconnaissance team reported hearing an impact or explosion at 4 p.m., in the vicinity where the aircraft very possibly could have been flying. They did not report sighting an aircraft, however. Rescue teams could not enter the area because of heavy enemy activity. All airfields where the aircraft could have landed were checked with negative results. Exhaustive aerial search efforts were conducted for several days afterwards with no results. Intensive search efforts are still being conducted in the area. Enclosed are copies of statements from the board report.

No report has been received indicating that Donald is a prisoner. The opposing forces do not abide by the terms of the Geneva Convention and do not furnish names of our personnel whom they have captured.

Inasmuch as your brother's status cannot be determined at this time, the Department of the Army is continuing him in a missing status while further efforts are made to obtain additional information concerning him. Under the provisions of the Missing Persons Act, a member who is missing may be continued in that status for a period of one year. If he is still missing after a year has elapsed, his case is reviewed at which time a decision is made as to whether there is any basis to assume that the missing person is still living. If he may reasonably be presumed to be living, his missing status is continued. If there is sufficient evidence available upon which to base a logical conclusion that the member is no longer alive, a presumptive finding of death is issued, and all of his accounts are settled.

Inclosed is an information sheet which will be of interest to you. Your completion and return of the form concerning the release of your name and address would be appreciated.

My continued sympathy is with you in this time of anxiety and uncertainty.

Sincerely,

VERNE L. BOWERS,
MAJOR GENERAL, USA,
The Adjutant General.

DEPARTMENT OF THE ARMY,
WASHINGTON, DC,
July 13, 1972.

Mr. MATHEW W. CARR,
5524 Wedge St.,
East Chicago, IN 46312.

DEAR MR. CARR: This office has just completed a further review of the records pertaining to your brother, Capt. Donald G. Carr, as mentioned in the letter of 23 September 1971.

Under the provisions of the Missing Persons Act, a member may be carried on the rolls in a missing status as long as there is reasonable doubt as to whether he is living or deceased. The law further provides that a review and determination of his status shall be made after he has been in a missing status for one year. As a result of this review, an official determination has been made in Donald's case to continue him in a missing status.

Please believe that I share your concern, and earnestly hope for a favorable resolution to this distressing situation. I will notify you immediately of any change in Donald's status.

Sincerely,

IVERNE L. BOWERS,
MAJOR GENERAL, USA,
The Adjutant General.

November 4, 1991.

The Hon. PETE J. VISLOSKY,
U.S. House of Representatives,
330 Cannon Building,
Washington, DC 20515.

DEAR CONGRESSMAN: Just a short note to inform you that I have written a letter to Maj. Charles Gittins USMC in relation to my status in my brother's case. Enclosed copies of information received while functioning as Primary Notification as designated by my brother Maj. Donald Gene Carr. I will be in contact with you if my letter is not successful in clearing up this situation of denial of access information or change of status.

Respectfully Submitted,

Mathew W. Carr.

October 31, 1991.

MAJ. CHARLES W. GITTINS, USMC,
Office of the Secretary of Defense,
International Security Affairs,
Room 4C839, The Pentagon,
Washington, DC 20301.

DEAR MAJOR GITTINS: On the basis of our meeting last Thursday and not fully prepared to cover the areas discussed I am presenting you with copies of information that should clarify my position in my brother's case (Maj. Donald G. Carr).

1. Assignment of Assistance Officer
2. Four (4) Telegrams from Department of Army
3. Two (2) Letters from Verne L. Bowers, Major General U.S.A., The Adjutant General
4. Copy of my adoption papers
5. Copy of Major Carr's Divorce Degree

Upon reading and review of the above listed enclosures I believe that you will rectify current misleading applications. Twenty years is a long time, perhaps some of my terminology is now outdated i.e. Primary Notification, as designated by my brother. It was my responsibility to notify involved family members, Mother, Father and Son of his Missing status to M.I.A. and K.I.A. initiated by his former wife in March of 1976 (you have a copy of that Casualty Report) on behalf of their son Donald G. Carr Jr. Points 4 and 5 are presented to indicate legacy involved parties. According to my attorney the applications applied in July of 1971 are still in effect today.

My intent is to insure that my brother, because of his possible mental problem, the best possible care and therapy. I still feel that I can be an asset to the forthcoming search and as an involved civilian debunk any talk of the overused term of cover-up or lack of effort. I am willing to assume all my personal expenses. Do contact me if there is the slightest possibility of this happening and any provisions I must meet to make it fly.

To a Successful Venture,

Mathew W. Carr.

DEAR LIL BROTHER: Well, it's been a week since you have been reported missing in action. One might wonder why I am writing a letter you may never read. It's like this, maybe I finally realized that it's alright for brothers to get sentimental over their lives together.

Since the news of your "missing in action," life has been one hell of tension, we all jump at the phone or knock at the door. My heart goes out to all those who have been suffering for months and even years with this situation.

Uncle Sam has provided us with a friend of yours as the "Survival Attendance Officer". You must be pretty important, they had two groups started on your case. When news first came, it was like a bad dream. I was hearing things being said; but they were not registering in my mind. Initially I was too busy assisting the Sargent, who gave us the first notification. Needless to say, Mom has taken the news very hard. We went and broke the news to Dad, he also was shocked but expressed confidence in your ability to survive. I also talked to Carol and assured her of your intentions toward your son Donny. Yes, Friday July 9, 1971 was a busy night for us all.

By now most of all our relatives and friends are aware of the situation. All have been great and sincerely hope for your safe return. The ironic thing is that you hardly find any front page news about the war anymore. As yourself said in one of your letters, the war seems to be ending. I want to tell you something I probably should have said before, I am very proud of what you are doing, the best way I can describe it is that you are a real "Pro".

I am sure you realize that you are no longer being hid by the shadow of what your big brother did. Many in our country do not appreciate the service and dedication of you and yours.

I hope you won't mind if I ramble around. Very often in life we take a lot of things for granted, there are times when a kind word or gesture would have made the day a little better. I think my writing this letter will enable me to better endure the passage of time till we receive news of you. All who know you have expressed confidence in you and that if humanly possible you will be OK.

I am writing this letter at 2 a.m., I went to sleep earlier however, the words you are reading were flowing through my mind. It is not intended to set any wrongs-right, however I do need someone to express my thoughts and feelings. I know I am expected to be a steady influence here at home and I know I have been. This is very difficult to do when you finally realize something you have taken for granted may be taken away forever. Let's face it Lil Brother, we grew up together through many trying times. Though 8 years separated our age I feel there was a closeness that few had because of our shaky family life. It isn't easy to find words to express a feeling of compassion between two grown men. You must read between the lines and realize that those expressions are there.

Well I am going to draw this letter to a close; before I sign off I want you to know that all of us are hoping and praying for your safe return.

Big Brother

P.S. Keep your ass down.

Mr. TURNER. Mr. Chairman, I would ask, if I may, if you would allow me to follow Colonel Bailey with my statement? I will keep it within your limits, I believe, because it is related to his testimony, sir.

The CHAIRMAN. That is fine. I have no objection to that at all. Are you ready, Mr. Bailey?

Mr. BAILEY. Yes, sir.

The CHAIRMAN. Now are these set up so that everybody can see them on the Committee?

[Referring to photo display.]

**STATEMENT OF JACK E. BAILEY, LIEUTENANT COLONEL, USAF
(RETIRED)**

Colonel BAILEY. Mr. Chairman, Members of this Committee—
The CHAIRMAN. Could you pull the mike a little closer? Thank you.

Colonel BAILEY. Mr. Chairman, Members of this Committee, I appreciate the opportunity to express my experiences and opinions about the conduct of the U.S. Government in the area of recovering American prisoners of war left behind in Southeast Asia.

This is a field in which I have had extensive experience. I have 26 years in the POW/MIA field. I served in the armed forces of this country during three wars. I flew 256 missions, combat missions, as a fighter pilot in the Vietnam War, during which time I became interested in the plight of aircrews shot down but not rescued.

After retirement from the Air Force I have dedicated my time and efforts toward the discovery of information about POW's who were left behind by the Government of this country almost 20 years ago to disengage with honor from the war in Southeast Asia they were unwilling or unable to win.

Since that time I have spent many years in Southeast Asia and I have cultivated hundreds of contacts with individuals who have given me intelligence concerning the fate of prisoners still being held by our former enemies. Some of that information was deliberately false, fabricated for the purpose of being sold for profit. Other intelligence is, in my opinion, inviolate and worthy of investigation by the governmental agencies supposedly created for that purpose.

In the past I have given valid information concerning POW's to appropriate governmental agencies. It is my belief that there was no investigation made in any of these cases. In the majority of instances, I have never received any sort of communications back from the agencies I had contacted, not even an acknowledgement that the information was received.

While there are numbers of cases worth discussing I will limit this statement to the facts of the case of Army Special Forces Capt. Donald Gene Carr, presently a matter of prime interest.

In 1989, I made contact with a source of information who indicated to me that he had contact with American prisoners of war being held in Laos. After numbers of meetings with this man, referred to as Mr. X, we devised a detailed operation to bring two American prisoners out of captivity and into friendly hands. A great deal of thought and coordination went into the creation of this plan involving the method of extraction, form of transportation, security, and the payment of a substantial amount of money from private sources for the delivery of those prisoners.

As a means of providing proof of the existence of these POW's, I sent Mr. X into Laos with a camera and articles of clothing. Mr. X gave the clothing to a prisoner and took this photograph, which most of you have seen. He returned the unexposed film to me. Among the pictures that resulted was one of a man we now know as Donald Gene Carr.

After receiving the film I didn't see him or hear from Mr. X again for almost 2 years and assumed that something had happened to him or had otherwise gone wrong to cause the plan to be compromised. It wasn't until last week that I discovered what the problem was.

Shortly after developing the Carr picture in 1990 I showed it to a senior DIA member of the American Embassy who I was informed was involved in POW/MIA affairs. I am aware of no action that was taken by the Government at that time.

After several months of investigation and a comparison with pictures given to us by family members we concluded that the man in the Laos picture was Special Forces Capt. Donald Gene Carr.

In July 1991, Judge Norman Turner, a former Air Force fighter pilot and I prepared a package of information concerning the Carr case. In conjunction with this I released the original negatives given to me by Mr. X to an investigator at the Senate Foreign Relations Committee who arranged to have scientific comparison of the photos made by forensic pathologist, Michael Charney, of Colorado State University. Dr. Charney also concluded that the man in the photo was Carr as did family members and men who has served with Carr.

The photographs were released publicly in July 1991. Within a week of that the Senate Select Committee was approved. At that

time the Department of Defense became interested in the case and asked me to brief them on the Carr matter. Against the advice of a number of friends involved in this issue, I agreed to do so, although almost anyone who has dealt privately in searching for POW's distrusts the Government in general and the DIA in particular in this area.

I felt that I should make an effort to cooperate with the Government one more time. I did so with misgivings.

At this first Pentagon briefing in August I gave to the DIA my original negatives of the Carr matter except for those pictures showing the face of Mr. X, the man that took the picture. I did not release the true name of Mr. X. And when interrogated by DIA concerning the location at which the photographs were taken I indicated the site of a position that I had been informed was a POW holding location, but I did not give them the true location at that time because I was not confident in their motives.

I was invited back to brief Secretary of Defense Cheney in October 1991. Although I was still uncomfortable with the record of the DIA in the area of POW investigations, I decided to cooperate fully since I felt that there would be integrity at that level of Government. My feeling was that we had to trust somebody, that we had to work together.

In that briefing, therefore, I released all of the remaining information available to me at that time concerning the Carr case including the remaining original negatives and the names of Mr. X. At this time I indicated to Secretary Cheney the true position of the site at which I was informed Carr was held at the time the photograph was taken. I was informed that the DIA would cooperate with me and that I was to be considered part of the team.

I told Secretary Cheney and others present at the meeting that based on information I had received I thought that Mr. X would be in Bangkok by the time I returned to Southeast Asia the next week. I was asked on several occasions by DIA personnel if Mr. X would submit to a polygraph test. I told them that it would be up to him.

Within a few days after the briefing, even as I made plans for a return trip as part of the team, I learned that negative information was being released about me and the Carr case by someone within DOD. I was told that people from DOD were saying that the pictures were probably taken in Thailand and that I was not cooperating with them. I was also informed that the DIA was investigating the case by looking into the Bangkok Zoo. I don't know if that is true or not.

I am now informed that earlier this week Secretary Dick Cheney testified that I told members of the DOD that I didn't know where the Carr photos were taken and that they might have been taken in Bangkok or somewhere else. Apparently he also testified that I promised him I had a witness in Bangkok ready to talk to his people when they arrived there. Both of these statements are false.

It is true that I was not able to produce Mr. X in Bangkok during the week that the DOD was able to dedicate to this highest priority in the land. I tried to make contact, but I have to point out that we are not dealing with livestock or retail goods here. It took me many hard years in Southeast Asia to cultivate the level of

trust necessary to obtain the evidence I have tried to present. Furthermore, people that are able to move across borders to obtain such information live and move in a shadow world at the edges of society.

The lines of communication in that part of the world are relatively primitive. The phone systems in Bangkok are approximately at the level of the United States in the 1950's. In the remote areas of Thailand they are almost non-existent. My primary method of communication into the up-country regions of Thailand consist of buying a bus ticket to a remote area and sending an agent there with an oral message and instructions to try and find a telephone to call back and answer.

Mr. Chairman, I find it appalling that after almost 20 years of inaction and only when it became apparent that members of the Defense Department would be compelled to testify before this Committee, interest has suddenly been stimulated to aggressively investigate a prisoner of war matter, in this instance, the Carr case.

During my latest trip to Thailand during which I was part of the team, according to Mr. Cheney, there was no question that a sense of urgency existed in the minds of those DOD/DIA personnel who traveled there at the same time.

Judge Turner and I were constantly reminded of the time constraints resulting from these hearings. We were repeatedly asked what could be done to make it happen. While these travelers from Washington enjoyed their lodging in the Imperial Hotel, we did our best in more spartan surroundings to make it happen at our expense. Monies were paid and bus tickets were bought, but in this instance, Southeast Asia was not ready to perform at the belated cue of the DIA within their self-imposed time constraints.

The single most important lesson anyone from the west can learn in dealing in Southeast Asia is that patience is a prerequisite to any sort of success to be gained there. This sort of ignorance of the ways of that part of the world is among the roots of our failure in the Vietnam War. Ho Chi Minh had patience we didn't have.

One individual connected to the Carr case was produced for questioning by the DIA. This man who we call Mario was one of our original points of contact with Mr. X. But I did not consider him to be a major factor in the Carr operation itself at that time. This turned out to be an error in judgment on my part.

After the photographs were developed the operation to bring out two American POW's was to proceed irrespective to any attempted identification of the subject in the picture. Mr. X left to continue the final stages of the plan and I waited to hear from him. Last week Mario told me what happened to cause the operation to be ended.

While I was waiting for the message from Mr. X to proceed with the mission, Mario was contacted by a man from the American Embassy in Bangkok. This man told Mario that I and my primary Thai contact in Bangkok had received a large sum of money for the operation, but that we had kept it for our use, not sharing it with the other people. This man from the Embassy told Mario that my Thai contact had bought a large and valuable piece of land north of Bangkok with the money, that we were cheating Mario, Mr. X and

the others involved in the plan and that we intended to cut them out entirely.

As a result of the false information provided to Mario he contacted Mr. X and the other members of the operation, telling them that everything was off and that they were being cheated by myself and my Thai contact. As a result of these actions I never received any further communication about the mission from Mr. X and concluded that something beyond my control had occurred.

While this is true, I was astonished by what that something was. After talking with my Thai contact and myself last week, Mario realized that the man from the Embassy had lied to him. Mario then became very apologetic, saying he was sorry and that he had misunderstood. Mario feels very bad about this occurrence now, but not half as bad as I do.

Mario told us that the man from the Embassy knew about the operation from some other source. He gave Mario the sum of 150,000 Baht, \$6,000; 50,000 one time and 100,000 another. And he said he wanted Mario to work for him and not for me. Mario stated that he gave the man some information, but refused to work for him further even though the man told Mario he would buy him a BMW automobile if he did, plus he had already been given that amount of money.

When Mario still refused the man from the American Embassy said that if Mario revealed the man's name, he could not be responsible for the fate of Mario, his daughter or his mother. Mario took this to be a threat against the lives of himself and his family. He believes that the man from the Embassy has friends in Thailand who are capable of carrying out this threat. The man from the American Embassy coerced Mario to swear an oath to Buddha that he would not tell the man's name. Mario told us that he has moved his daughter out of his house to another location to preclude her being kidnapped or killed. He is now in fear for his life.

This information was given in the presence of Judge Turner and myself and three members of the DOD/DIA who were questioning him. Mario was asked at the time what the name of the man from the Embassy was. He said he could not tell the name. No further questions were asked about this subject at all by the DIA men.

After the meeting with the DIA people—

The CHAIRMAN. Could I ask you to speak into the mike a little more, Mr. Bailey?

Colonel BAILEY. After the meeting with the DIA people was concluded, Judge Turner and my Thai contact and I took Mario out to dinner. During the meal we tried to convince him to tell us who the man was, and he broke into tears and said he couldn't tell us because the man's friends would kill him.

Just before I left to return to the United States to attend this hearing, we met again with Mario at his house. After extensive discussions, Mario did in fact reveal the name of the man from the American embassy to us, which we will give to you in closed session.

From this meeting with the DIA and DOD personnel, it appears certain that there was a deliberate sabotage of the Carr operation by the introduction of misinformation in the form of lies about me and my Thai contact. There is, in fact, land owned by my contact

north of Bangkok. There was an inheritance years ago from that person's father. There was no money received by me or by anyone else in the Carr case, except what I had paid out of my own pocket for the taking of photographs, period. No money was to be paid until there was a release of the POW. The statements made by the man from the Embassy to Mario are absolutely lies from beginning to end.

There are many pitfalls in any sort of operation such as the one planned for the recovery of prisoners in the Carr case. While it cannot be proved that that operation would have ultimately succeeded, it can be stated with certainty that this man from the embassy of the United States of America cut off any chance of the mission's success by a deceitful and arguably treasonous act to kill it by lies, robbery, and threats to a Thai citizen in his own country by a representative of the Government of the United States.

The final issue I would raise for the consideration of this Committee is whether or not American prisoners of war have died as a direct result of the actions of this agent of the U.S. Government in Thailand.

Thank you for taking the time to hear me, and to hear my statement.

[The prepared statement of Colonel Bailey follows:]

PREPARED STATEMENT OF JACK E. BAILEY, LIEUTENANT COLONEL, USAF, (RETIRED)

Mr. Chairman, Members of this Committee, I appreciate the opportunity to express my experiences and opinions about the conduct of the U.S. government in the area of recovering American prisoners of war left behind in southeast Asia.

This is a field in which I have had extensive experience. I have served in the armed forces of this country during three wars. I flew combat missions as a fighter pilot in the Vietnam war during which time I became interested in the plight of air crewmen shot down but not rescued.

After retirement from the Air Force I have dedicated my time and efforts toward the discovery of information about POW's who were left behind by the government of this country almost 20 years ago in their haste to disengage "with honor" from the war in southeast Asia they were unwilling or unable to win.

Since that time I have spent many years in southeast Asia and have cultivated hundreds of contacts with individuals who have given me intelligence concerning the fate of prisoners still being held by our former enemies. Some of that information was deliberately false, fabricated for the purpose of being sold for profit. Other intelligence is, in my opinion, valid and worthy of investigation by the governmental agencies supposedly created for that purpose.

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As a means of providing proof of the existence of these POW's, I sent Mr. "X" into Laos with a camera and articles of clothing. Mr. "X" gave the clothing to a prisoner and took his photograph. He returned the unexposed film to me. Among the pictures that resulted was one of the man we now know as Donald Gene Carr.

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The photographs were released publicly in July 1991 within a week of the time that the Senate Select Committee was approved. At that time the Department of Defense became interested in the case and asked me to brief them on the Carr matter. Against the advice of a number of friends involved in POW/MIA affairs I agreed to do so. Although almost anyone who has dealt privately in searching for POW's distrusts the government in general and the DIA in particular in this area, I felt that I should make an effort to cooperate with the government one more time. I did so with misgivings.

At this first Pentagon briefing in August I gave to the DIA my original negatives of the Carr matter except for those showing the face of Mr. "X". I did not release the true name of Mr. "X". When interrogated by DIA concerning the location at which the photographs were taken, I indicated the site of a position that I had been informed was a POW holding location but I did *not* give them the true location at that time because I was not confident in their motives.

I was invited back to brief Secretary of Defense Cheney in October of 1991. Although I was still uncomfortable with the record of the DIA in the area of POW investigations I decided to cooperate fully since I felt that there would be integrity at that level of government. My feeling was that we had to trust somebody. In that briefing, therefore, I released all of the remaining information available to me at that time concerning the Carr case, including the remaining original negatives and the name of Mr. "X". At this time I indicated to Secretary Cheney the true position of the site at which I was informed Carr was held at the time the photograph was taken. I was informed that the DIA would cooperate with me and that I was to be considered "part of the team". I told Secretary Cheney and others present at the meeting that based on information I had received I thought that Mr. "X" would be in Bangkok by the time I returned to southeast Asia the next week. I told him that I would bring him into contact with people from the Defense Department if possible. I was asked on several occasions by DIA personnel if Mr. "X" would submit to a polygraph test. I told them that would be up to him.

Within a few days after the briefing, even as I made plans for a trip as "art of the team", I learned that negative information was being released about me and the Carr case by someone within DOD. I was told that people from DOD were saying that the pictures were probably taken in Thailand and that I was not cooperating with them. I was also informed that the DIA was investigating the case by looking in the Bangkok Zoo. I don't know if that is true or not.

I am now informed that earlier this week Secretary Dick Cheney testified that I told members of the DOD that I didn't know where the Carr photos were taken and that they might have been taken in Bangkok or somewhere else. Apparently he also testified that I "promised" him I had a witness in Bangkok ready to talk to his people when they arrived there. Both of these statements are false.

It is true that I was not able to "produce" Mr. "X" in Bangkok during the week that the DOD was able to dedicate to this "highest priority in the land". I tried to make contact but I have to point out that we are not dealing with livestock or retail goods here. It took me many hard years in southeast Asia to cultivate the level of trust necessary to obtain the evidence I have tried to present. Furthermore people that are able to move across borders to obtain such information live and move in a shadow world at the edges of society.

The lines of communications in that part of the world are relatively primitive. The phone systems in Bangkok are approximately at the level of the United States in the 1950's. In the remote areas of Thailand they are almost nonexistent. My pri-

mary method of communication into the "up country" regions of Thailand consists of buying a bus ticket to a remote area and sending an agent there with an oral message and instructions to try to find a telephone to call back an answer.

Mr. Chairman, I find it appalling that after almost 20 years of inaction, and only when it became apparent that members of the Defense Department would be compelled to testify before this Committee, interest has suddenly been stimulated to aggressively "investigate" a prisoner of war matter, in this instance the Carr case. During my latest trip to Thailand, during which I was "part of the team" according to Mr. Cheney, there was no question that a sense of urgency existed in the minds of those DOD/DIA people who traveled there at the same time.

Judge Turner and I were constantly reminded of the time constraints resulting from these hearings. We were repeatedly asked what could be done to "make it happen". While these travelers from Washington enjoyed their lodging in the Imperial Hotel we did our best in more spartan surroundings to "make it happen" at our own expense. Moneys were paid and bus tickets were bought but in this instance "southeast Asia" was not ready to perform at the belated cue of the DIA within their self-imposed time constraints.

The single most important lesson anyone from the west can learn in dealings in southeast Asia is that patience is a prerequisite to any sort of success to be gained there. This sort of ignorance of the ways of that part of the world is among the roots of our failure in the Vietnam war.

One individual connected to the Carr case was produced for questioning by the DIA. This man who we call "Mario" was one of my original points of contact to Mr. "X" but I did not consider him to be a major factor in the Carr operation itself. This turned out to be an error in judgment on my part.

After the photographs were developed the operation to bring out two American POW's was to proceed irrespective to any attempted identification of the subject in the picture. Mr. "X" left to continue the final stages of the plan and I waited to hear from him. Last week Mario told me what happened to cause the operation to be ended.

While I was waiting for the message from Mr. "X" to proceed with the mission, Mario was contacted by a man from the American Embassy in Bangkok. This man told Mario that I and my primary Thai contact in Bangkok had received a large sum of money for the operation but that we had kept it for our own use. The man from the Embassy told Mario that my Thai contact had bought a large and valuable piece of land north of Bangkok with the money, that we were cheating Mario, Mr. "X" and the others involved in the plan and that we intended to cut them out entirely.

As a result of the false information provided to Mario he contacted Mr. "X" and the other members of the operation, telling them that everything was off and that they were being cheated by me and my Thai contact. As a result of these actions I never received any further communication about the mission from Mr. "X" and concluded that something beyond my control had occurred. While this is true I was astonished by what that something was.

After talking with my Thai contact and myself last week Mario realized that the man from the Embassy had lied to him. Mario then became very apologetic, saying he was sorry and that he had "misunderstood". Mario feels very bad about this occurrence now but not half as bad as I do.

Mario told us that the man from the Embassy knew about the operation from some other source. He gave Mario money in the sum of 150,000 baht (\$6,000) and said he wanted Mario to work for him and not me. Mario said that he gave the man "some information" but refused to work for him further even though he told Mario he would buy him a BMW automobile if he did.

When Mario still refused the man from the American Embassy said that if Mario ever revealed the man's name he "could not be responsible" for the fate of Mario, his daughter or his mother. Mario took this to be a threat against the lives of himself and his family. He believes that the man from the Embassy has "friends" in Thailand who are capable of carrying out this threat. The man from the American Embassy coerced Mario to swear an oath to Buddha that he would not tell the man's name. Mario told us that he has moved his daughter out of his house to another location to preclude her being kidnapped or killed. He is now in fear for his life.

This information was given in the presence of Judge Turner and myself and three members of the DOD/DIA who were questioning him. Mario was asked at that time what the name of the man from the Embassy was. He said he could not tell the name. No further questions were asked about this subject at all by the DIA men.

After the meeting with the DIA people was concluded, Judge Turner, my Thai contact and I took Mario to supper. During the meal we tried to convince him to tell us who the man was and he broke into tears and said that he couldn't because the man's friends would kill him.

Just before I left to return to the United States to attend this hearing we met again with Mario at his house. After extensive discussion Mario in fact *did* reveal the name of the man from the American Embassy to us.

From this meeting and that with the DIA/DOD personnel it appears certain that there was a deliberate sabotage of the Carr operation by the introduction of misinformation in the form of lies about me and about my Thai contact. There is in fact, land owned by my contact north of Bangkok. It was an inheritance years ago from that person's father. There was no money received by me or by anyone else in the Carr case except what I had paid from my own pocket for the taking of the photographs. No money was to be paid until there was a release of a POW. The statements made by the man from the Embassy to Mario were absolute lies from beginning to end.

There are many pitfalls in any sort of operation such as the one planned for the recovery of prisoners in the Carr case. While it cannot be proved that the operation would have ultimately succeeded, it *can* be stated with certainty that this man from the Embassy of the United States of America cut off any chance of the mission's success by a deceitful and arguably treasonous act to kill it by lies, bribery and threats to a Thai citizen in his own country by a representative of the government of the United States.

The final issue I would raise for consideration of this Committee is whether or not American prisoners of war have died as a direct result of the actions of this agent of the U.S. government in Thailand.

Thank you for taking the time to hear my statement.

The CHAIRMAN. Colonel, where are you taking off to? Do you have a plane? You just arrived.

Colonel BAILEY I have a serious illness in my family.

The CHAIRMAN. And you have to leave to go to where?

Colonel BAILEY. To Tennessee.

The CHAIRMAN. You will be here for a while so we can follow up?

Colonel BAILEY. I would very much like to answer your questions, yes.

The CHAIRMAN. No, I mean in the next few days will you also be reachable?

Colonel BAILEY. I am heading for Thailand the first of next week. But I would make myself available in any way that I can.

The CHAIRMAN. Colonel Turner.

STATEMENT OF NORMAN M. TURNER, LIEUTENANT COLONEL, USAF (RETIRED)

Colonel TURNER. Mr. Chairman, Senators, thank you for allowing me to address this Committee today. I am a former U.S. Air Force fighter pilot who flew combat missions in two tours of duty in Vietnam. I have been working with Jack Bailey primarily on the Donald Gene Carr case since the middle of June of this year. I have become familiar with the facts of this case, and I am convinced that—

The CHAIRMAN. Colonel Turner, can I just ask one quick question? Are you going to summarize your testimony?

Colonel TURNER. Well, I was going to read it, Senator.

The CHAIRMAN. It is about 15, 20 minutes long. That is the reason I ask. Am I wrong in judging that.

Colonel TURNER. Well, I'm used to reading jury instructions. I think I can get through it quicker than that.

I am convinced that the photograph is that of Capt. Donald Gene Carr. I will condense parts of it.

I will discuss the trip to Bangkok. I went to Bangkok with Colonel Bailey, and I will summarize parts of it in the interest of time.

From the time we arrived in Bangkok until the day we left, Jack Bailey had agents up-country trying to make contact with a man who had taken the Carr photos, whom we referred to as Mr. X, and to bring him to Bangkok. Both Bailey and I paid out of our pockets for the expense of sending people to various places in Southeast Asia. This sum was well over \$2,000. At one point I observed Jack leave one of his rings in a Bangkok hock shop to obtain more money to pay for expenses for one of his sources of information.

I am aware—and if you will read along with me, I will skip paragraphs and move on down to those I consider the most pertinent to this session.

I will make this statement under oath, that to the best of my knowledge, under penalty of perjury that I swore to, that the facts of this statement are true. I am aware that testimony has been presented that while in Thailand Jack Bailey stated that the Carr pictures might have been taken in Thailand or Burma instead of Laos.

I was present at Bailey's side every second that he was in the physical presence of people from the DOD or DIA. He never made any such statement to any of them that I heard. I am as aware of his views about the Carr case as any person on earth. He does not believe any such thing. When comment has been made by others that the pictures looked as though they might have been taken in Bangkok, I have heard him state words in frustration to the effect, well, if they were taken in Thailand, let's find out where in Thailand Butch Carr is and bring him home.

Whichever small-minded DIA minion made such a bogus report to his superiors knew full well that he was quoting Bailey out of context if at all, and he also knew that no such meeting was ever intended by Bailey.

The most significant event in the trip occurred when we made contact with a Thai man called Mario. He had been involved in Jack Bailey's operation to return American prisoners of war which you have just heard about. In the process of trying to get to Mr. X to bring him back to Thailand, we received information—and I am paraphrasing now—that there was bad feelings toward Jack and his primary source of information, an individual in Bangkok.

A meeting was made through a third party between Bailey, his Thai contact, and Mario. I was not at that meeting, but I was informed later that the facts were as you have heard—this false information, which I will address in a moment.

My first contact with Mario was on the evening we brought him to meet with the DIA people. We were concerned because Mario was very apprehensive about talking to anyone from the American Embassy. We asked Colonel Cole to bring only one other person with him to keep the environment from being too intimidating. Three of them showed up. The three men who appeared to meet with Mario were Col. John Cole, Bob Sheetz, and William Gadoury.

Mario was asked why the rescue mission failed, and he told us about the man from the American Embassy who gave him money

and told him how Jack Bailey and his Thai contact were cheating him. He also said that the man who told him had told him that if Mario ever told anybody his name, he couldn't be responsible for the safety of Mario, his daughter, or his mother.

One of the DIA men asked what the embassy man's name was, and Mario said he didn't want to say. Mario said, "He is very powerful. You all know him." The questioner, Bill Gadoury, dropped the whole line of inquiry.

It was apparent to me that there existed the strong possibility that actions by an agent of the U.S. Government had deliberately killed a viable operation to rescue American prisoners of war, and I wanted to find out what I could about it.

Jack and I took Mario to supper after the DIA men left, and I tried the best I could, as gently as I could, to get him to tell me the name. He looked pained, and kept apologizing to Jack, saying, I'm sorry, I misunderstood; I can't say his name because he has many friends who would kill me.

Finally, after I explained that he might now be in greater danger if he did not tell us, he said he was sorry, he broke down and began to cry, pressing his napkin to his face. At that point we ceased to pressure him further.

Several days later, the night before I left to come back, we went over to see Mario at his house with a video camera and tape recorders and still cameras. Basically what we did is pump him for information about the name of the man. That is what I wanted.

The CHAIRMAN. The name of the man from the embassy?

Colonel TURNER. The name of the man from the embassy who had talked—who had split the operation and ended it and threatened his life.

Mario finally admitted that he had told three other people the man's name. One was a connected friend of his upcountry who had associates who Mario said, "could protect him." The other two were Mr. X himself and another person called Dr. No, one of the original old Carr operation people.

Based on his years of experience in Southeast Asia, Jack had guessed who he thought the man would be. He gave me two names quietly. I wrote them in the margins of a Thai newspaper lying on the floor in Mario's house. I said, look at these names, Mario, if you were to cross out one of them, which one would it be. And I handed Mario my pen—this pen right here, as a matter of fact. He looked at the names I had written, and after a few seconds made an X by one of the names. I asked him, cross out this one. And Mario said, "No, that him." That is a quote. We turned the video cam back on and tried to get Mario to say the name out loud but he wouldn't.

Finally, we shut off the camera and I took my tape recorder out and put it up by his mouth and I said, Mario, it's—and I spoke the man's name. It's that man, isn't it. He hesitated for a while and finally he said, in my tape recorder, yes.

I am a judge in a criminal court. I deal with victims and perpetrators of crime. Every day of the week I have heard hundreds, if not thousands, of witnesses testify. I would not bet that every detail of what Mario told us is true and complete, but I am convinced beyond a reasonable doubt of the following.

One, Mario's loyalty is to Jack Bailey and the Carr mission were deliberately estranged by lies told him by a man who works for the Government of the United States.

Two, the mission was aborted because of the intervention of this man from the American embassy.

Three, Mario now regrets his actions in stopping the mission.

And four, Mario is terrified of the prospects of physical harm or death occurring to himself or his family through actions initiated by the man from the embassy, or that man's friends.

Mr. Chairman and Members of this Committee, you have in the span of the last 3 days been eyewitnesses to what I believe is a complete microcosm of the moral and ethical defects in governmental agencies that has plagued the conscience of this Nation since the end of the war in Southeast Asia.

You have heard testimony from at least two members of the DIA/DOD team that accompanied Jack Bailey to Thailand. Those two members were under oath to tell the truth, to tell the whole truth and nothing but the truth, so help them God, before testifying before you. It is my understanding that those team members were asked if there was anything else they know about any matter concerning the matter of POW's in Southeast Asia. Apparently none of them present at the time of the questioning of Mario bothered to mention the matter of Mario and the aborted Carr rescue mission to this panel.

I was horrified to learn of the allegations of such criminal acts by an agent of the U.S. Government. Apparently these investigators did not feel such information was even worthy of being reported to their superiors or included in their sworn testimony, even when directly asked.

The acts of the man from the embassy in aborting the Carr rescue mission by intimidation and bribery were recited by the victim of those acts in the immediate presence of Robert Sheetz, the Chief of DIA's Office of POW/MIA affairs at the Pentagon, Col. John M. Cole, Jr; the chief of the POW/MIA team at the embassy in Bangkok, and William R. Gadoury of the Joint Casualty Resolution Center at the Embassy in Bangkok. These are the very men who are most responsible for the investigation of reports concerning American prisoners of war being held in Southeast Asia. How could such individuals recognize valid information concerning prisoners, if they can't even see the relevance of the information just stated?

The CHAIRMAN. The relevance of which?

Colonel TURNER. The relevance of the fact, Senator, that an operation was deliberately interfered with, that a team was split and the mission canceled, and that threats were made.

The CHAIRMAN. But all of that was laid out to them. You are saying—

Colonel TURNER. To the best of my recollection, yes. Not in detail. I mean, there was no further questioning after about 5 minutes. But to the best of my recollection it was, it certainly was laid out that that is why the mission failed.

The CHAIRMAN. Is that accurate, Colonel?

Colonel TURNER. Is Colonel Cole here?

Colonel COLE. That is not accurate, sir.

The CHAIRMAN. Well, we will get to you later on that.

Colonel TURNER. When the statement was made that this had happened, Colonel Cole made the statement—and I am not going to mention the man's name—there was another man, who said, was that so-and-so again. And that is when Mario said, I can't say his name, he is very powerful; you all know him.

The CHAIRMAN. Did you give the name of this embassy official to the team?

Colonel TURNER. No.

The CHAIRMAN. Are you willing to share the name of this person with us?

Colonel TURNER. Yes, but in some sort of closed session. We will explain why in a closed session. We are concerned about the life of our man.

The CHAIRMAN. Privately, after this meeting?

Colonel TURNER. Yes, sir.

Colonel BAILEY. The man would be willing to come and testify before this Committee, sir. The individual himself, Mario, would. He would be very happy to come and testify.

Colonel TURNER. In the interests of brevity that you request, Mr. Chairman, I am going to skip just to a couple more parts of my statement, which is entered into evidence, and state just a couple of things that struck me recently.

In an incident reported locally on November 6, yesterday, the Vietnam Ambassador to the United Nations, Trinh Xuan Lang, remarked that his government could quickly settle the issue of missing American prisoners of war if Washington would just stop making it a condition for normalizing relations.

I am sorry to appear in levity, but my feelings were, upon reading that quote, reminiscent of the old joke, what's he mean, Mommy.

Senator McCAIN. He gave us a letter yesterday refuting that, saying that that is not what he said, that there was no condition.

Colonel TURNER. That is how he was quoted in the paper.

The CHAIRMAN. But he was disturbed by, apparently, the misinterpretation, and he submitted for the record a subsequent clarification.

Colonel TURNER. Very well. I would be interested to hear what the reporter recalls.

I am just going to make the last—

The CHAIRMAN. Let me just say, incidentally, that all of that, frankly, is meaningless anyway, because the bottom line is still going to be the performance and follow-through, so this is gloss in any respect.

Colonel TURNER. To conclude, I would just like to read the last portion of my statement. On a larger scale there seems to be a prevalent presumption in the hearts and minds of our governmental leaders that unless some individual can present some solid uncontrovertible proof of the existence of a POW, that POW doesn't exist. That constitutes a presumption of death which is patent nonsense.

In the law there are many presumptions. These presumptions were conceived over the years by a process of long and careful consideration of logic and public interest. In the case of war, a living,

breathing man is sent forth into combat and, barring some positive evidence of his death, there is no conceivable reason in logic to presume such a thing just because he is missing.

There are a number of alternatives to such a conclusion. In the majority of cases. That presumption, however, appears to be the rule in our governmental policy in this area. And I would like to point out that there is nothing—none of this is aimed at this Committee. This is all that has happened up to this time.

The CHAIRMAN. We understand. We are just looking forward to a few months from now when it is. [Laughter.]

Colonel TURNER. Well, I hope that—if I can just say briefly, I—

The CHAIRMAN. We are not going to give anybody any cause to aim at us.

Colonel TURNER. I heard Senator Smith's opening statement, and that was the best I've felt in a long time, after hearing that.

Who made the decision in our Government that out of sight constitutes a presumption of death? What gave our government the right to place the burden of proof to the contrary on the families of the missing men and private seekers of prisoners to prove beyond a reasonable doubt that a POW exists before the government will act? Nowhere else in our system of government does such backward thinking exist. Although our governmental spokesmen deny that this is their policy, there is a virtually unanimous opinion among the families of MIA's who have tried to deal with official agencies that such is the case.

In the undeclared war over Laos, in which I flew at least 50 strike missions, our country lost almost 600 men MIA. Not one single prisoner of war was ever returned by that country. For every 600 such losses over Vietnam, we could expect to have about 100 men returned. And my question is, what do you suppose happened to all those folks? Why is it logical to presume that they are dead without conclusive evidence to support such a conclusion?

Nowhere in the law could such logic long survive. Perhaps the difference in this instance is that there is—in the past—no one to speak for the interest of the prisoners except for those lonely voices of family members and private seekers acting alone, and without adequate means to refute the power and majesty of governmental agencies fixed in their internal agendas, who are both the investigators of the evidence and the judges of their own competence.

Mr. Chairman, Members of this Committee, thank you for your attention.

[The prepared statement of Colonel Turner follows:]

PREPARED STATEMENT OF NORMAN M. TURNER, LIEUTENANT COLONEL, USAF
(RETIRED)

Mr. Chairman, Senators, thank you for allowing me to address this Committee today.

I am a former U.S. Air Force fighter pilot who flew combat missions in two tours of duty in Vietnam. I have been working with Jack Bailey primarily on the Donald Gene Carr case since the middle of June of this year. I have become familiar with the facts of this case and am convinced that the photograph presented to the DOD and the press depicting a man held captive in Laos is in fact Capt. Donald Gene Carr.

I accompanied Jack Bailey on his first briefing of members of the Department of Defense and DIA in August, 1991. I also traveled with him to Thailand 2 weeks ago to help try to provide information requested by Secretary of Defense Cheney con-

cerning the Carr case. I will state my observations and conclusions of the conduct of the latter trip to the Committee.

I was aware that Jack Bailey was frustrated by the inaction of the DIA before the trip started. He had given them his original negatives from which the Carr photos were made. Although he had requested their return, that had not been done. Nor had he been repaid for his airline tickets for his travel to and from the Pentagon briefings as he had been promised.

From the time we arrived in Bangkok until the day we left Jack had agents up country trying to make contact with the man who had taken the Carr photos who we referred to as Mr. "X" and to bring him to Bangkok. Both Bailey and I paid out of our own pockets for the expense of sending people to various places in Southeast Asia. This sum was well over two thousand dollars. At one point I observed Jack leave one of his rings in a Bangkok hock shop to obtain more money to pay for expenses for one of his sources of information.

It was a frustrating time for both of us which was not helped by the numerous daily phone calls from the embassy asking if we had heard anything. On every occasion that we spoke to the DIA people they made mention of how short the time was before they had to return to Washington for the hearings. It was obvious to me that they were far more interested in providing information to their superiors about the Carr case than in actual investigations of POW's. On one occasion Colonel Cole asked, "what am I going to put into my report tonight?"

I am aware that testimony has been presented that while in Thailand Jack Bailey stated that the Carr pictures might have been taken in Thailand or Burma instead of Laos. I was present at Bailey's side every second that he was in the physical presence of people from the DOD/DIA. He never made any such statement to any of them. I am aware of his views about the Carr case as any person on earth. He does not believe any such thing.

When comment was made by others that the pictures looked as though they might have been taken in Bangkok, I have heard him state words in frustration to the effect, "well if they were taken in Thailand, let's find out where in Thailand Butch Carr is and bring him home".

Whichever small minded DIA minion made such a bogus report to his superiors knew full well that he was quoting Bailey out of context and he also knew that no such meaning was ever intended by him.

The most significant event in the trip occurred when we made contact with a Thai man called Mario. He had been involved in Jack Bailey's operation to return American prisoners of war held in Laos in 1990 which was to include Donald gene Carr. Jack had been talking to people close to Mr. "X" trying to get him back down to Bangkok. When Mario was contacted in this process the word came back to us that he had bad feelings toward Jack and his primary source of information in Bangkok.

Through the help of a third party a meetings was made by Jack and his Thai contact with Mario. I was not present at that first meeting but I was told that Mario had become alienated from the two of them because of information given to him by a man from the American embassy in Bangkok while the plan was in process. As a result of the statements of this man Mario became convinced that he and the other members of the team were being cheated out of money by Jack Bailey and his Thai contact and Mario convinced the others to call off the operation. After the discussion between the three of them Mario realized that he had been told lies by the man from the embassy. He became contrite and 'apologized to Jack and his Thai contact' for believing the worst about them.

My first contact with Mario was on the evening we brought him to meet with the DIA people. We were concerned because Mario was very apprehensive about talking to anyone from the American embassy. We asked Colonel Cole to bring only one other person with him to keep the environment from being too intimidating. Three of them showed up. This was consistent with the mode of operation I have observed in dealing with the DOD and DIA throughout my limited experiences with them. They always went at least one step beyond what they agreed to. The three men who appeared to meet with Mario were Col. John Cole, Bob Sheetz and William Gaudoury.

We asked them to sit down and talk a little while socially with Mario before starting to interrogate him in order to let him relax a little first. As soon as Mario sat down they whipped out their pads and started taking down everything he said. The first words addressed to Mario were that there was no credibility with his name because he didn't look like a "Mario".

The questioning was fairly inept at that meeting but there was one significant area addressed briefly. Mario was asked why the rescue mission failed and he told

us about the man from the American embassy who gave him money and told him how Jack Bailey and his Thai contact were cheating him out of his share of the money for the Carr operation. He also said that the man had told him that if Mario ever told anybody his name he couldn't be responsible for the safety of Mario, his daughter or his mother. One of the DIA men asked what the embassy man's name was. Mario said he didn't want to say it. Mario said, "he is very powerful. You all know him". The questioner, Bill Gaudoury, dropped the whole line of inquiry.

It was apparent to me that there existed the strong possibility that actions by an agent of the U.S. government had deliberately killed a viable operation to rescue American prisoners of war and I wanted to find out what I could about it. Jack and I took Mario to supper after the DIA men left. Mario, ordered the most expensive item on the menu which went on my credit card. After we finished eating I tried as gently as I could to entice the name of the embassy man from Mario. He looked very pained and kept apologizing to Jack saying, "I'm sorry. I misunderstood. He told me you were cheating us. I can't say his name because he has many friends who would kill me."

Finally, after we explained that he might now be in greater danger if he did not tell us the man's name he said he was sorry again and he began to cry, pressing his napkin to his eyes. At that point we ceased to pressure him further.

Several days later, on the evening before I left Bangkok, Jack Bailey, his Thai contact and I went to Mario's house. We brought a video camera, tape recorders and 35 millimeter cameras

After talking with Mario for a while we set up the video camera and proceeded to do an interview with him. I did the questioning. On several occasions I referred to the actions and statements of the "man from the embassy" and he responded appropriately.

He told us that he had been contacted by this man who paid him a total of 150,000 Thai baht. Mario said that this man told him bad things about Jack and his Thai contact and said they were cheating him and the others out of the money that had been paid for the rescue operation. He was told that the Thai contact had used some of the money to buy a big farm north of Bangkok. In actual fact that Thai contact inherited a larger parcel of land from relatives years before. Mario said that he had no money then so he took what was given to him. Afterwards he said, he refused to work with the man from the embassy but he was still angry with Jack, and his Thai contract at that time. Mario said he spent the money in 2 days in women and partying because it was "black money".

After a time we turned off the camera and the tape recorders and just sat talking. I again discussed the danger of his position noting that the embassy probably knew who the man was and if he would tell us he would be safer. Mario finally admitted that he had told three other people. One was a "connected" friend of his up country who had friends Mario hoped could protect him. The other two were Mr. "X" and "Dr. No", two of the old Carr operation people.

Based on his years of experience in Southeast Asia, Jack Bailey had guessed that the man involved was one of two people he knew. Jack quietly told me the two names and I wrote them on the margin of a Thai newspaper lying on the floor in Mario's house. I said, "look at these names Mario. If you were to cross out one of them which one would it be?" I handed Mario my pen.

He looked at the names I had written and after a few seconds made an "x" by one of the names. I asked him, "cross out this one?"

Mario said, "No. That him".

We turned the video cam back on and I tried to get Mario to say the name out loud but he wouldn't. Finally we shut off the video camera and I turned on my little tape recorder again. I held it up in front of him and said to Mario, "it's _____ isn't it?" He hesitated for several seconds and finally, quietly said, "yes".

I am a judge in a criminal court. I deal with victims and perpetrators of crimes every work day of the week. I have heard hundreds if not thousands of witnesses testify. I would not bet that every detail of what Mario told us is true and complete but I am convinced beyond a reasonable doubt of the following.

1. Mario's loyalties to Jack Bailey and the Carr mission were deliberately estranged by lies told to him by a man who works for the government of the United States.
2. The mission was aborted because of the intervention of this man from the American embassy.
3. Mario now regrets his actions in stopping the mission.
4. Mario is terrified of the prospect of physical harm or death occurring to himself or his family through actions initiated by the man from the embassy or his "friends".

I have always considered myself a loyal American. I have served my country as an officer of the U.S. Air Force and a fighter pilot who flew over 335 combat missions in Southeast Asia. I am a registered republican who has been a member of the establishment all of my adult life. To say my faith in the government has now been shaken now is a significant understatement.

Mr. Chairman, Members of this Committee, you have in the span of the last 3 days been eyewitnesses to a complete microcosm of the moral and ethical defect in governmental agencies that has plagued the conscience of this Nation since the end of the war in Southeast Asia.

You have heard testimony from at least two members of the DIA/DOD team that accompanied Jack Bailey to Thailand. Those team members swore an oath to tell the truth, the whole truth, and nothing but the truth so help them God before testifying before you.

It is my understanding that those team members were asked if there was anything else they knew about any matter concerning the matter of POW's in Southeast Asia. Apparently none of them present at the time of the questioning bothered to mention the matter of Mario and the aborted Carr rescue mission.

I was horrified to learn of the allegations of such criminal acts by an agent of the U.S. government. Apparently these "investigators" did not feel such information was even worthy of being reported to their superiors or included in their sworn testimony even when directly asked.

The acts of the man from the embassy in aborting the Carr rescue mission by intimidation and bribery were recited by the victim of those acts in the immediate presence of Robert Sheetz, the chief of DIA's office of POW/MIA affairs at the Pentagon, Col. John M. Cole, Jr., the chief of the POW/MIA team at the embassy of the United States in Bangkok, Thailand and William R. Gadoury of the Joint Casualty Resolution Center at the American embassy in Bangkok. These are the very men who are most responsible for the investigation of reports concerning American prisoners of war being held in Southeast Asia by our government. How could such individuals recognize valid information concerning prisoners if they can't even see the relevance of the information just stated.

The only alternative conclusion to a complete breakdown of judgment on the part of three of the most critical members of our government's primary POW investigation team is that they are willing to ignore or hide evidence that they know is relevant or were ordered to do so. When such conduct is done under oath it is called perjury or worse.

You have heard the testimony of Secretary of Defense Dick Cheney and principal Deputy Assistant Secretary of Defense Carl W. Ford, Jr., which was apparently based on information provided by members of the team just discussed. The "independent" statements presented to this Committee by these two most senior members of the governmental agency responsible for investigating POW reports are remarkable in their consistency. The words "lock step" seem anarchistic in comparison.

I pray that this Committee will look closely into the methods, procedures and philosophy employed by those governmental agencies and individuals who, in the last 20 years, have been entrusted with that most solemn and sacred trust of seeking the truth about our men left behind.

It appears to me that what you have seen is the presentation of a governmental agency that has a firm and solidly understood "party line" as expressed by its leaders. You have seen and heard from key witnesses from the operational level who saw fit to omit the information that appears to me to be one of the most dramatic allegations I have ever heard in the area of POW investigations.

Finally and most importantly it appears to me the strong possibility that a viable private operation to rescue American prisoners of war was aborted by the deliberate efforts of a member of the embassy of the United States in Bangkok, Thailand. Further it appears that this man did so by the deliberate intimidation of a Thai citizen in his own country. The specter of an employee of our government doing such an act is unspeakable not only for its impact on the lives and possibly the deaths of American prisoners but as an international crime which would certainly result in a justifiable complaint from the government of a friendly nation and an international incident if found to be true.

It would certainly take more than the unverified word of a single witness to prove such an allegation. Without doubt it warrants the singular attention of some official body of our government that doesn't have a stake in the outcome of the investigation. A key issue in such an investigation is whether or not the actions of this man were sanctioned by his supervisors and hence an official act of our government.

Finally I would like to address the statement I understood was made on November 5, 1991 by Secretary Cheney that there is no conclusive evidence of prisoners alive in Southeast Asia.

Before the latest trip to Thailand by the DIA people Cheney indicated to Jack Bailey that he was very interested in the Carr case and was going to do everything in his power to investigate the matter. He even put on a POW/MIA bracelet with Carr's name on it given him by Bailey saying he would continue to wear it.

Now, 2 weeks later he makes a public statement that there is no conclusive evidence of POW's and that none of the leads have panned out. I find it absolutely incredible that the government of the United States for which Cheney speaks can make such an about face concerning the "highest national priority" after a single week of non-investigation in Thailand. This is the equivalent of a local police chief stating that there is no evidence of a crime because his officers are unable to bring in a key witness within 2 or 3 days.

In the face of the evidence that has been presented in the Carr case Cheney's statement appears irresponsible at best. The above noted hypothetical police chief would soon be looking for another job but such thinking doesn't seem to be hazardous to a federal career. This sort of counter logic is beyond belief yet it appears to be the mind set of our government when the issue of POW's is raised.

In an incident reported locally on November 6, 1991, the Vietnam ambassador to the United Nations, Trinh Xuan Lang remarked that his government could quickly settle the issue of missing American prisoners of war if Washington would just stop making it a condition for normalizing relations.

My feelings upon reading that quote were reminiscent of a child asking, "what does he mean mommy?"

On a larger scale there seems to be a prevalent presumption in the hearts and minds of our governmental leaders that unless some individual can present solid, uncontroverted proof of the existence of a POW, the POW doesn't exist. That constitutes a presumption of death which is patent nonsense.

In the law there are many presumptions. These presumptions were conceived over the years by a process of long and careful considerations of logic and public interest.

In the case of war a living, breathing man is sent forth into combat and barring some positive evidence of his death there is no conceivable reason in logic to presume such a thing just because he is missing. There are a number of alternatives to such a conclusion in the majority of cases. That presumption, however, appears to be the rule in our governmental policy in this area.

Who made the decision in our government that out of sight constitutes a presumption of death. What gave our government the right to place the burden of proof to the contrary on the families of the missing men and private seekers of prisoners to prove beyond a reasonable doubt that a POW exists before the government will act? Nowhere else in our system of government does such backward thinking exist. Although our governmental spokesmen deny that this is their policy, there is a virtually unanimous opinion among the families of MIA's who have tried to deal with official agencies that such is the case.

In the undeclared war over Laos, in which I flew at least 50 strike missions, our country lost almost 600 men MIA. Not one single prisoner of war was ever returned by that country. For every 600 such losses over Vietnam we could expect to have over 100 men returned. What do you suppose happened to all those folks? Why is it logical to presume they are dead without "conclusive evidence" to support such a conclusion?

Nowhere in the law could such logic long survive. Perhaps the difference in this instance is that there is no one to speak for the interests of the prisoners except those lonely voices of family members and private seekers acting alone and without adequate means to refute the power and majesty of governmental agencies fixed in their internal agendas who are both the investigators of the evidence and the judges of their own competence.

Mr. Chairman, Members of this Committee, thank you for your attention.

The CHAIRMAN. Thank you very much. Let me just say, folks, that we began this panel half an hour ago. It was supposed to have been two 5-minute statements—what was supposed to be two 5-minute statements. It has been about 27 minutes. So I am trying to obviously keep the process moving and be fair to everybody.

The importance here is going to be the capacity to question and get at this a little bit. And so I do beg your cooperation, if we can.

Now, Mr. Bailey, you have to leave for a plane. Is that accurate?

Colonel BAILEY. I would like very much to stay and listen to what Colonel Cole here has to say.

The CHAIRMAN. Well, we want to be able to have a chance to ask some questions.

Colonel BAILEY. I will stay here until midnight to answer any questions you have, regardless.

The CHAIRMAN. Then could we proceed with the next testimony? I am not sure how—

Senator McCAIN. Mr. Chairman, I do have to catch a plane, and I promised Colonel Bailey that I would ask him a couple of questions, if you do not mind.

The CHAIRMAN. Be my guest.

Senator McCAIN. Thank you for your service to our country, both of you; we are very grateful. I will make my questions brief. Clearly there is a strong disagreement between what both of you have just testified to, and what Secretary Cheney testified to. So either one of you is correct or he is misinformed, one of the two. Would you agree with that, Colonel Bailey?

Colonel BAILEY. Definitely, sir.

Senator McCAIN. It says on page 22 of his statement, he says, "Senate staff mission," he says, "I provided several experts to go along on the trip because of purporting to have hot information. The individual"—is he talking about Mario—"subsequently provided the Senate staffer with a source who failed a polygraph test."

I take it the individual is you?

Colonel BAILEY. No, sir. I took a polygraph test on my own.

Senator McCAIN. I am talking about Mario.

Colonel BAILEY. That is not true, sir; that is absolutely false.

Senator McCAIN. Maybe I am talking about the wrong trip here that the Secretary of Defense is talking about.

Colonel BAILEY. If I could clear this up. They did ask if he would take a polygraph, and after, that evening, they asked if he would, and I said we would talk about it and ask him. And I believe it was the next day or a couple of days, we did ask him, and he said, I do not trust them, period. He said, I will not.

Mr. LUNDY. This is about a different trip.

Senator McCAIN. So Mario never took a polygraph test?

Colonel BAILEY. But I believe he would be happy to now, after all of this. I believe he would be happy to; he will come here and testify.

Senator McCAIN. Did the picture of Captain Borah come to either one of you?

Colonel BAILEY. No, but I was familiar with it, through the source, yes.

Senator McCAIN. Do you accept the alleged proof now that that is not Captain Borah, but that is a Laotian?

Colonel BAILEY. Sir, I would prefer not to comment. I think you should ask Mr. Gayden that question.

Senator McCAIN. OK. So the fact is that the whole mission was aborted, in your view, because of interference from someone in the American embassy in Thailand?

Colonel BAILEY. There is no doubt about it in my mind, sir. Definitely.

Senator McCAIN. The three individuals who Colonel Turner mentions in his statement basically did nothing about it? The three, Colonel Cole, et cetera. Is that right?

Mr. TURNER. I am not sure what they could have done about it as far as anything at that time. But I was surprised that it was not reported either in Mr. Cheney's report to you, testimony, or by themselves, when they testified before you. That is my comment. I could not believe they had mentioned, that they did not feel it was important enough to mention.

Senator McCAIN. In other words, how could such individuals recognize valid information about prisoners if they cannot even see the relevance of the information just stated? So you are accusing them of at least non-carrying out of their duties, failure to carry out their duties?

Mr. TURNER. Well, as kindly as possible I am questioning their judgment in not seeing that this is relevant information. If they did not understand the total picture there, they could have asked more questions. I thought that it was quite clear at the meeting they had there, after just a short time after he would not answer the question of the man's name.

Senator McCAIN. Obviously, Mr. Chairman, we need to get to the bottom of this. I have no further questions at this time. I, like Colonel Bailey, look forward to the responses. Thank you very much.

The CHAIRMAN. Colonel Bailey, just share with me what do you do?

Colonel Bailey: What do I do?

The CHAIRMAN. Yes.

Colonel BAILEY. I spend my time 100 percent working this issue, Mr. Chairman. I spend 8 to 10 months out of the year in Thailand working this issue, and have for the past 10 years solid—I started in 1965 on this, actually—on the POW-MIA's. I would like to discuss many more cases.

I did not want to get away from the Carr case, but there are many others that should be brought up and this Committee should be aware of.

The CHAIRMAN. Well, the Committee is going to. That is why I asked you how long you are going to be here. We do not want you to have flown so far at expense and everything, and not have the opportunity to talk to you. We want to review all the information that you have in all the other cases.

So that is why it is particularly important if you can make certain you are available in the next days so staff can spend time with you, and actually go through the deposition process and begin to build the record here. We need to do that.

Colonel BAILEY. I will be happy to cooperate with you, sir, and I assure you I am going to bring Mario to this country, and he will be available to testify. We also have more than 1 hour of videotape of this man's testimony.

The CHAIRMAN. We look forward to that. Now, who funds that operation?

Colonel BAILEY. Who funds it? I think he sort of funded the last trip with me. I funded the expenses of trying to find Mr. X out of my own pocket. I even hocked my ring at the time that I had to send the last man up.

The CHAIRMAN. Now you are living in Thailand, basically in retired status. Is that accurate?

Colonel BAILEY. I am Retired Air Force, yes, I am, Mr. Chairman.

The CHAIRMAN. That is how you support yourself?

Colonel BAILEY. That is right. Colonel Wallace Robinson from Kansas, my classmate, who is very close to the Senator here, and Senator Dole, has really funded me, and through other people who believe in what we are doing. While on the other side, the DIA and other people try to discredit what I am trying to do. I appreciate your good friend, Senator.

The CHAIRMAN. Did you express any concern to any of the DIA folks or to, either to Mr. Ford's DIA staff or to Pentagon staff that the CIA, you were concerned about going back because of the CIA?

Colonel BAILEY. Definitely.

The CHAIRMAN. You did express that?

Colonel BAILEY. Well, I did mention it, I believe, to Colonel Jordan, and Judge Turner was with me when we were briefed by the contact CIA person that gave us the information. We felt it was pretty reliable, and I think we could give you that in closed session.

The CHAIRMAN. So you have shared that with DIA?

Colonel BAILEY. Some of it I believe I did, with Colonel Jordan.

The CHAIRMAN. Did you tell Mr. Ford's staff that you were concerned about, that you had been told by some Congressman's staff that CIA would be following you in Bangkok?

Mr. TURNER. May I address that, Mr. Chairman? I received a phone call from the Carr family member from Florida who was upset, saying her daughter had received a call from, I believe it was Representative—or Congressman—Goss' secretary.

I then spoke to the daughter, a very level-headed person, and that daughter told me that she had, that when this woman—whose name I believe is Christie Hahn, a secretary/aide of Congressman Goss—called her, said she had just gotten off the phone from the DIA, the DOD, excuse me, and that they had told her that they thought that the pictures were taken in Bangkok or Thailand.

And that when they went back, which was just before this last trip, the DIA and CIA were going to be following Jack around; they were going to be hanging on to his coattails. I guess at that point, this daughter, loyal to our side, got into an argument with her. And she said, well, Jack will not know it because they will be in civilian clothes.

We talked to the folks here from the DOD, and they assured us no such thing had occurred; nobody was badmouthing Jack. But this is something that just did not come out of the air.

The CHAIRMAN. When you met with DIA in August, did you tell them you knew the locations for up to 14 camps that hold prisoners in Laos?

Colonel BAILEY. At our first meeting we had in August, the judge was with me; so was Col. Wallace Robinson. Yes, I did. We did give them information; I do not know the exact numbers, but we gave them quite a bit of information, yes, sir.

The CHAIRMAN. Did you tell them you would provide them those locations?

Colonel BAILEY. I did, sir.

The CHAIRMAN. Have you done that?

Colonel BAILEY. I do not think I provided them with 14, but I provided them with—when we met with Secretary Cheney, with two Congressmen, McCloskey from Indiana, I did give them the locations, the new camps, the updates that we had with POW's, the information, the latest that we had, even with the names of the camp commanders.

May I add, if I could at this time, I made it very pointed that these people were being held, including Carr, by the 379th Division, North Vietnamese Division, inside of Laos, and gave them the names of the people, of the camp commanders, even the pictures that I had, and the Carr pictures, the name of that Lieutenant Colonel, the Vietnamese, the major Pathet Lao.

I went further. I am sure that they would be happy to turn that information over to you; if they do not, I will. That was the first day. The second day, I was asked to stay over. No, this was the second trip; I am confused. The first 2 days we spent, Judge Turner was with me, Larry Stark, and Wally Robinson—Colonel Robinson.

We turned over everything to them on the Carr case, with the exception—we were talking negatives now—we gave the pictures, the negatives of everything but the picture showing the man that took the photos, Mr. X, and the Lieutenant Colonel, and the Pathet Lao major.

The CHAIRMAN. This Mr. X is somebody that has access to the camp?

Colonel BAILEY. Within the Laotian Government, Mr. Chairman, yes, sir.

The CHAIRMAN. Mr. X is within the Laotian Government?

Colonel BAILEY. Working with the Laotian Government at that time, yes, sir. Now, this information was given to them.

The CHAIRMAN. How many locations did you identify where the Carr photograph was taken at? Did you have different views about that?

Colonel BAILEY. Yes, I did, sir, definitely.

The CHAIRMAN. Was that by mistake?

Colonel BAILEY. The first one I gave them, the Senator here has a report that we gave to her through Colonel Robinson quite some time ago, that indicated where this camp was, to Senator Dole and to Senator Kassebaum. This was this last year.

Now, in the report that we gave to her was the same thing we gave to DIA, and then after I went back to Thailand we did have some updated information on some new camps, and the possibility where these 30 people might have been moved to, including Carr, which we gave at that time, even the names of the commander that was commanding these camps.

I would like to make this one comment, and we are talking about the Vietnamese; there is no one, I do not think, in Vietnam, because they have been moved into Laos, and some into Cambodia. Even the 379th Division people that we have a contact with want to assist and to help on the POW issue; they are being pulled out this month right after the monsoons.

Right now would be the time for the U.S. Government to try to negotiate this thing with them, and this is what we said. I believe the best way to bring them out now is diplomacy. But five Presidents have not done it; we have not done it from the private sector,

and we join forces with the Government here and look what happens. I do not have the answer.

The CHAIRMAN. What I want to make sure other Senators have a chance. Do you want to ask questions of Mr. Bailey now, Senator, and get the rest of the testimony? Could we then hear the rest of the testimony? I do not know who is next, and then we will come back. Why do we not go with—

Mrs. FLECKENSTEIN. Would it be all right if Mr. Gayden testified?

The CHAIRMAN. Absolutely, sure.

Mr. GAYDEN. I will not read my statement; I will just orally present the viewpoints that I wanted to present.

The CHAIRMAN. Your full statement will be placed in the record. I would remind everybody that their full statement is placed in the record as if you had spoken it, and it is under oath.

STATEMENT OF HAMILTON GAYDEN, TENNESSEE CIRCUIT JUDGE

Mr. GAYDEN. Thank you, Senator Kerry, Senator Smith, Senator McCain, Senator Reid, and Senator Kassebaum. My name is Judge Hamilton Gayden. I am a Tennessee Circuit Judge. I am graduate of Vanderbilt University and Vanderbilt Law School, and have been a judge for 17 years.

I am also an author of a book that was published in 1987 entitled, *To Circle the Cross*, which is a fictional story of an MIA retained in Laos after the war, predicated upon the sinful fact that we abandoned 600 American MIA's in Laos, and that they were not covered by any treaty.

I also introduce to you and have sent you my court officer who works for me during the day, and together we work at odd hours trying to prove that there are live American POW's in Southeast Asia. His name is Khambang Sibounheavang. Khambang is a 10-year veteran of the secret war in Laos. He is a 13th-ranked member of the Free International Lao.

I bring to you a little bit of a different viewpoint. I am not a Vietnam veteran; I have never been to Asia. I advise Khambang and his friends who are part of the freedom fighters internationally what to do with evidence that they have been able to procure from Southeast Asia. Khambang has many contacts, even in his family; even one family member is a ranking member of the Communist government today.

The bottom line is that I am convinced that there are over 300 American POW's. I am going to talk about Dan Borah in a minute. I do not back up from that, but I hear a message from you, Senators; you are tired, and I appreciate your patience. I want to start out at the top and then get off this and not steal the thunder of the Stevens, Lundy, and Robertson families.

As an American, I was part of this, the American end of an escape attempt 3 weeks ago which failed, on October 16, 3 weeks to this day, the gentleman who was interdicted on the shore of the Mekong River was Colonel Lundy. In the process, we were able to gain certain evidence, letters, for the third time, original thumbprints and handprints. These are copies.

We actually have matching handprints and thumbprints, although I will say parenthetically that our government cannot come

up with one single set of fingerprints or thumbprints of Col. Albro Lundy. I have come to learn through Albro Lundy, III, that Albro Lundy, was a UCLA basketball player, and having played under Coach Wootten as a sideline, has tremendously big hands and big thumbs. As you can see from this, he has abnormal hands; there is not a man in this building that can match this thumbprint.

Senator REID. That is this man right here?

Mr. LUNDY. No, he is talking about Maj. Albro Lundy.

Mr. GAYDEN. I am going to get on Dan Borah in a minute. Today I gave to the American Legion this morning root hair samples that they have taken, and they are going to run a DNA and report back to this Committee.

I have done this because I think the American Legion is a third-party; they have no interest in whether I am telling the truth. I have no interest in conflicting with Secretary Cheney when he calls us fraudulent and those kind of things. I am not going to get into name-calling.

The CHAIRMAN. A root hair sample on—

Mr. GAYDEN. On Albro Lundy. And we hope that that report will be made to you. We are told that—

The CHAIRMAN. But from where? You have got to help me out here.

Mr. GAYDEN. These hair samples came through the Laotian network across Mekong River, delivered to a freedom fighter, then to my court officer and then delivered to the American Legion this morning.

Senator REID. When was it delivered, John?

Mr. GAYDEN. This morning at 8.

The CHAIRMAN. It was delivered to the American Legion this morning?

Mr. GAYDEN. The hair samples were delivered to us approximately a month ago.

The CHAIRMAN. Now, how would a neutral person looking at this have any way of ascertaining the custody of this? I mean, you are a judge; you are both judges. And for evidence to be probative, you have got to be able to show the chain of custody. Now, how does anybody know where this really came from? That is all I am asking.

Mr. GAYDEN. Senator, you are right, and not to be argumentative, I do not know who all takes these hair samples. I do know, however, that hair samples can be aged; in other words, an expert can tell you whose hairs are 2 months old. That to me would answer the custody, the hair sample custody question, because we know that Colonel Lundy is not running around in the U.S. So to answer that, it can be aged.

The CHAIRMAN. I will get at that later, but it does not really answer my question, but that is all right.

Mr. GAYDEN. At any rate, if it is his hair, and it is 2 months old, I think the logical answer is that this hair, 2 months old, of Albro Lundy, Col. Albro Lundy, is somewhere in Southeast Asia. As far as to who handled it, it came through the network of the—through the network, and I cannot answer that. I am not going to steal their thunder, as I said. We have several handprints and fingerprints.

I will say parenthetically that we had, through a Senate investigator through the Senate Foreign Relations Committee, a free check on fingerprints of four individuals in March of 1991. We were told through an intermediary that the handprints and fingerprints of Colonel Stevens—excuse me, Commander Stevens—and Colonel Robertson were in the files of the Defense Department. And 3 weeks later these gentlemen say they cannot find any fingerprints.

At any rate, I am going to turn now to Mr. Borah. In July of 1990, Khambang, my court officer, received 23 negatives. He also received a message that this gentleman's name was D-e-c-a-e-k-o-s, or B-a-r-a.

We had the negatives developed; we also had other information, his wife's name, his son's name, his daughter's name, and a message that he wanted to come home, but only with his children and his wife, and also with this other man. He would be Bara or Decaekos, as they pronounced it to us phonetically. They handed to me, and I converted the Decaekos to a rather simple conversion. There was a guy, Col. Robert Disenkowski.

We contacted his wife through another intermediary we had in Arizona. His wife lives in Mesa, Arizona. She was interviewed; she could not recognize this as her husband. They gave the picture back to me, and through the process of elimination, and actually looking at this Life magazine that I see here, this one night I was able to identify Colonel Borah. We knew he was from Arizona, but we knew that Disenkowski was probably with this guy. I did see the picture of Daniel Borah, and I immediately thought that was him.

To make a long story short, through various correspondence and, to be as tactful as I could, I got the Borahs to send me pictures. In turn, after I saw the pictures of Dan Borah as a child and as a young adult, I called the Borahs in Illinois and asked them to come down to Nashville. Mr. and Mrs. Borah and one of the Borah girls came down to Nashville, and Khambang went out, and we went out and met them. I apologized to them for even intruding in their lives, because they had given up on their son.

And I told them, "I want you to tell us this is not your son, and we will go away; I do not want you to tell us this is your son." That is exactly the way I said it. And they looked at it and said—I noticed tears in the eyes of Mr. Borah, and I noticed a shock in Mrs. Borah.

Senator REID. Is this the picture right here? You are talking about the middle picture?

Mr. GAYDEN. No, we are talking about this. So they went back to Albion, Illinois, and called me up and said, Judge, basically, to paraphrase, this is our son. And they said, well, what do we do. I said, well, the first thing I want you to do is tell me about all the family members.

There were five children, and the mother and father. And I said, each of you must say 100 percent, each of you must be convinced. We actually made a video that I got them down in Nashville in my jury room. I was convinced—

Senator McCAIN. Judge, could you get to the part where we have now got pictures of a Laotian of French blood?

Mr. GAYDEN. The mountain man has been introduced, and of course we all want to believe; the government comes up with a picture of a mountain man and says, this is mountain man, and not Dan Borah. We all want to believe. And they have got that benefit working for them.

I will have to tell you that I gave to the government the picture of Dan Borah, trying to cooperate with them one more time, along with, in that picture, the man they call the business man. I sent a letter, and I will make an exhibit, on July 24, asking for two things to Major Gittins.

[The letter referred to follows:]

STATE OF TENNESSEE, TENTH JUDICIAL CIRCUIT,
502 METROPOLITAN COURTHOUSE, NASHVILLE, TN 37201,
July 24, 1991.

MAJ. CHARLES GITTINS,
Office of the Assistant Secretary of Defense,
Pentagon, Washington, DC.

DEAR SIR: Enclosed please find 1 of 19 photographs of Lt. Daniel Borah. As a comment, the individual alone with him is a Laotian National and his life is obviously presently in jeopardy. We are doing all we are able to protect him under the circumstances; I hope your department will use this photo advisedly even though it has been otherwise decimated.

As you know we have a map depicting where Larry Stevens, Albro Lundy Jr., John Robertson and an unnamed fourth individual were being held as of 6 to 8 weeks ago. Despite pleas from several quarters, Khambang and I have decided that the only useful entity that should be apprised of this fact is the Executive branch of our government in hopes that at least satellite surveillance would be considered.

In relaying this information to you and to Colonel Jordan, I don't pretend to be the beneficiary of forthcoming satellite photographs and interpretations, I am simply making a statement of believed fact that is of import. To reiterate the location of the place where these men are being held: Savoy Island, Vietnam, at the mouth of the Ladda River, completely surrounded by water with no bridge. There is at least one building and believe it is part of the Vietnamese Sea Survival School, and there exists military installations on banks on both sides of the island. Although the map doesn't tell we also believe Savoy Island is in a "Vinh . . ." bay, and is on the coast of Vietnam somewhere near the old DM zone extended. I have confidence others know of this location by map in the Department of Defense.

We are studying the best method to release to the Department of Defense the various affidavits surrounding the Borah photograph as it contains the name of our photographer, and others, and is astonishingly attested to by a certain local Pathet Lao Colonel with an official Pathet Lao Seal. We will contact your Department with a suggestion that we are presently working on through the U.S. Senate Foreign Relations Committee before whom we have agreed to testify.

Khambang and I are willing to cooperate with the Department of Defense circumscribed by other considerations. We are, for example, very concerned over the whereabouts, if not lost or destroyed, of the fingerprints of Lt. Borah; we know the family has been requesting them for sometime.

Regards,

Hamilton Gayden, Khambang Sibounheuang.

(This letter was hand-typed by Judge Hamilton Gayden and no other persons other than the reader is apprised of the location of Americans, by and through either Hamilton Gayden or Khambang Sibounheuang.)

I gave him a letter, I said, you can test it; it is a first-generation negative. I also mentioned, and I am going to come back to that, that Stevens, Lundy, and Robertson were on Savoy Island by way of a hand-drawn map, which is in possession of the Senate Foreign Relations Committee, which you are welcome to have. I asked them for a satellite photo—I am going to this story, and then I am going to get back to Borah.