

two Congressmen. I was present, Secretary Wolfowitz was present, others were there, and during this meeting Jack presented some of the information that he had been unwilling to provide over several months of intensive efforts to try to get him to share with us, and we thanked him for it.

He also provided the name of this notorious Mr. X. In fact, it was done—he was so nervous about providing the name that he only told it to me, not to the Secretary, not to the Congressmen. There was this writing on a piece of paper and he was showing it only to me. I did not speak Laotian, and so I just simply took it at face value. After all of this rigmarole and mystery to get the name, it was sort of like giving us Smith, and it's someone in the New York phone book. It was not even spelled correctly and was absolutely of no help to us.

But beyond that, the most important aspect of the meeting was that we thought that there was a reconciliation between Jack and the Defense Department and that we got up from that meeting believing that Jack had volunteered to make all—not one, all of his sources available to us, not only on the Carr case but on other cases. He mentioned a Lao general and various other people in Thailand and Laos that he would make available to us and agreed that they could also be polygraphed.

We indicated that just having the information without being able to sit down and talk to the sources directly for some extended period of time and getting the details we would not be able to really do much with the general information that we had been getting from him up to that time.

He agreed to all of this, and I thought that here is the man that has the only real leads that we know of to the Carr photograph, the most compelling of the photographs that I have seen, where our experts that have looked at this photograph suggest that it could very well be Carr, and here is our primary access, and he has agreed to work with us and bring the sources in and give us their telephone numbers and let us talk to them, polygraph them.

He indicated in a general way that he was going back to Thailand soon. He then mentioned to the Secretary that he had one major concern. He felt that the whole operation and his sources were going to be undermined by our efforts to investigate using the Thai police and Thai intelligence services.

Let me just mention that the reason that we had to go to the Thai police and Thai intelligence service is because Jack Bailey would not give us any more information.

We had a compelling photograph, the requirement to move with urgency, and nowhere to go. So we were putting together all the bits and pieces we had, and sharing it with Thai intelligence, and saying, "Have you seen this person? Do you know where we can find him, where we can talk to him?"

But, because of Jack's great concern, and because he was the real source of where these people were, I walked out of that meeting. I went back and ordered that all investigations by the Thai police and Thai intelligence cease; if they were going on, stop them.

We also wanted to make sure that the opportunity that Jack was providing us wouldn't be somehow undermined or interfered with,

by his being fearful that we were somehow involved with the wrong people.

I will have to tell you that I got a lot of advice that I was making a mistake. Our only credible leads, at that point, were trying to take the bits and pieces we had and let the Thai police and others help us try to find people.

I have to admit that I thought about it, and, in the end, my judgment was that Jack has the best information so far, and he actually talked to the people that took the photograph, or know who took the photograph, and so I called it off.

We then, and Bob Sheetz can go into this in greater detail after the meeting, turned over Jack to my staff and DIA to talk to him in more detail about the information he was providing.

Because of the urgency of the case, and the compelling nature of the case, and because I had turned off our only other investigative efforts, I was obviously concerned about when Jack would be going back to Thailand. He had promised the Secretary very soon, and he suggested it would be the next week.

When he did not appear to be interested in going back quickly, we began to call and suggest, "Why can't you go? I thought you said you were going back to Thailand. We are holding things up for you, Jack."

Finally, it turned out that part of the problem was money, and so we bought him a ticket. When he finally got ready to go, we were prepared to help him as much as we could. We saw this as a cooperative effort.

We sent one person from our staff, a very senior person. Bob Sheetz went, and Col. John Cole, who was already in Thailand, who was there to help with working Jack's information, and helping move forward on the Carr case.

I do not know, other than second- and third-hand, what happened after that, and I will let Bob Sheetz finish the story from there.

Let me just simply go over, in very general terms, that instead of producing all these sources he had talked about, these telephone numbers, this Lao general, we had one person who refuses to be polygraphed who spins a yarn that appears to be untrue.

Then, when they cannot come up with the assurances they have given to me, to the Congressmen, and certainly to the Secretary of Defense, all of a sudden there is this mysterious American that is threatening lives and paying \$50,000 for this, that and another thing.

If I have ever seen a cover-up, this is it. The fact is that what is being covered up, for whatever reason, is that Jack Bailey went to Southeast Asia with our assistance, with our hopes, with our prayers, and came up empty.

I am not going to be blamed for that, and I am not going to let my people be blamed for that. If there is an American, mysterious or no, that is threatening lives, we will get to the bottom of it.

If we get a name, we will check it out, but the fact is, that my judgment is, that every time we go and try to pin people down for detailed information, when they do not produce, we get blamed.

They are the ones to blame. They either put up or they shut up, continually coming back and saying, well, it was not my fault, or

we were duped, or we had people following us down the streets of Bangkok, I am sorry.

We went the extra 1,000 miles. We went the extra 6,000 miles, and I do not think that Defense, the Secretary, or anybody at this table, or anybody on this committee should be blamed for the failures of Jack Bailey to provide what he promised he was going to provide.

The CHAIRMAN. Were you not informed, Mr. Secretary, who that individual was that is alleged to have interfered?

Mr. FORD. I have been given the name that, I think, was passed on from your staff, and I was shocked. I was shocked that is who they said this American was. We have contacted him, he denies it categorically.

The CHAIRMAN. I was just curious whether there had been a contact there. Was Mr. Bailey at any time polygraphed?

Mr. FORD. No. Not to my knowledge. Certainly not on this particular operation. Sir, that is the end of my formal and informal statement. Thank you very much.

[The prepared statement of Mr. Ford follows:]

PREPARED STATEMENT OF CARL W. FORD, JR.

Mr. Chairman, Senator Smith, members of the Committee, I would like to thank you for the opportunity to return to comment on issues that have arisen during the 3 days of historic hearings that you convened last week on the POW/MIA issue.

First, I would like to clarify a point that came up in last Thursday's testimony concerning the "last known alive" discrepancy cases. The definition of a discrepancy case is:

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

The term "discrepancy case" includes not only individuals who were "last known alive, but also individuals who were known dead, but for whom the Indochinese Governments should be able to provide information or remains. As you can see, the definition is broad. Within this broad definition, we have identified three subcategories of cases. We did this because over the years a great deal of confusion has developed over what precisely we were talking about—the terms "discrepancy case," "compelling case," "last known alive case," "Vessey case," all meant different things to different people.

The three subcategories of discrepancy cases are:

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

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

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

With this background, now I will shift to the 119 individuals who have been discussed in the testimony here, called variously "Vessey cases" and the "Vessey discrepancy cases." The first point to make is that, from the beginning, the list was not

meant to be all-encompassing. In 1987, DIA, JCRC, General Vessey and the Office of the Secretary of Defense worked together to develop a list of most compelling last known alive cases, as well as other discrepancy cases, i.e., cases of individuals for whom the Vietnamese should have knowledge of the fate of the individual and remains if the individual is dead. *The list was not exhaustive, merely illustrative.* The primary purposes were to give the Vietnamese cases on which responses could be readily provided and to shed light on the live prisoner issue by asking the Vietnamese to help us solve cases in which there was either hard evidence or a strong possibility that the individual survived the incident of loss, but did not return at Operation Homecoming, and for whom, as of 1987, there had been no accounting. So far, despite our investigative efforts, we have not returned any live Americans or uncovered proof that unaccounted for Americans are alive in Vietnam.

There are additional cases, beyond the 119 individuals, which fit into the discrepancy case definition. Again, not all of the "Vessey" discrepancy cases involve individuals who were last known alive. Some of them involve individuals who are known dead—but the Vietnamese should be able to provide information or remains.

In addition to the 119 individuals whose cases were presented to the Vietnamese by General Vessey, we determined that there are 64 other individuals who meet the "last known alive" definition as well as 13 other individuals who were classified by their respective Service Secretary as a POW at Operation Homecoming in 1973, and who are not included in the "Vessey" cases who are otherwise not accounted for. This group of cases will be the focus of the full time efforts of the Hanoi Office under the USCINCPAC Joint Task Force earlier described to this committee by General Christmas.

DIA AS FAMILY OUTREACH ORGANIZATION

Next, I would like to address an issue that has been implicit in the testimony you have heard from many family members regarding DIA. The issue of family members and DIA analysts meeting directly to discuss individual cases has proved problematic. DIA is an intelligence collection and analysis agency. Their personnel are not trained for family outreach and the function of family outreach is not an appropriate one for that agency. The families' primary point of contact for discussion of their cases is the designated Service Casualty Affairs Office. Those offices are staffed with personnel trained to perform the family outreach role. In the case where a family is dissatisfied with the service received from the Service Casualty Affairs Office, the proper place to redress that problem is with my office.

The problems experienced within DIA that resulted in the changes made by the Secretary's Management Inquiry related to functions assumed by the POW-MIA Office that were not within their mission. Those functions have been removed and placed within my office.

ALLEGATIONS BY DR. O'GRADY

We certainly understand the grief felt by Dr. O'Grady over her family's loss. We have reviewed the O'Grady case file and we believe that Dr. O'Grady's family has been properly served by our casualty affairs process. The O'Grady case is one in which we believe that the family has been promptly and accurately notified about investigative activity and information relating to the case.

Dr. O'Grady's sweeping allegations of Government nonfeasance, malfeasance and misfeasance are without factual basis. For example, Dr. O'Grady states that her family was advised from the time that her father became missing that he was dead. That statement is quite simply wrong. From immediately after his incident of loss, the Air Force believed there was a good possibility he survived. He was seen to eject from his aircraft. He was seen with a good parachute, and his chute was seen on the ground, but he was not in it. All indications were that he survived his ejection. Colonel O'Grady was carried in a missing in action status until 1977 when his status was reviewed, at the express request of his wife, and his status changed to deceased and a Presumptive Finding of Death was entered in his case.

A second, most serious allegation was made by Dr. O'Grady which requires discussion. She alleged in her testimony that "identifications were made with teeth and teeth fragments but when independent forensic anthropologists were consulted, there were no dental records to be compared to. Again, this is absolutely false. There has never been a dental identification rendered by the U.S. Army Central Identification Laboratory without benefit of dental records. In every case, either a ante-mortem dental X-ray or a dental chart was available to provide the factual predicate for the dental identification. No other forensic laboratory in the world has as many independent procedural safeguards as has the Central Identification Labo-

ratory. Should you have any further questions on this point, I have the Commander, U.S. Army Central Identification Laboratory available to respond.

I have a detailed written response to the other allegations made by Dr. O'Grady in her testimony that I would like to submit for the record.

#### ROBERTSON, STEVENS AND LUNDY RESPONSE

As dissatisfied with the Department's performance as the families clearly are, the Department of Defense has vigorously pursued the investigation of the photo. I have personally made myself available to the families to answer their questions and respond to their concerns, as has my staff and the Director of the DIA Special Office for POW/MIA Affairs. We have been unable to either confirm or disprove the identifications of the subjects of the photo made by the family members. We are continuing to investigate the photograph. Any intimation by the families that there has been less than an honest effort to investigate and locate the source of the photo is disingenuous. The facts establish otherwise. We have requested assistance from the Vietnamese at the highest levels of Government. We have sent three separate investigative teams to Cambodia to follow-up information and attempt to locate the source of the photograph. We have requested all of our Defense Attaches, worldwide to search for the photo in Eastern-bloc magazines. We have tasked national technical means to obtain information on reports associated with the photographs and have established all-source collection requirements to obtain additional information about the photo, the individuals or the associated reporting. We are continuing to investigate vigorously, however, without some new leads, we may not be able to solve the mystery of this photo.

Finally, and this is an important point, Colonel Robertson's case is not closed. It is still under active investigation and any preliminary judgements made have been set aside pending further investigative activity and information.

I would like to submit a brief written response to the specific allegations contained within the testimony of the families for the record.

#### DONAHUE ALLEGATIONS

Mr. Donahue stated in previous testimony that he has information about his brother, Captain Morgan Donahue, lost in Laos on 13 December 1968, and relates the fact that the presence in intelligence reporting of his father's zip code is proof that his brother is still alive in Laos, because only his brother could know the postal zip code of his father. In fact, the postal zip code of Major Donahue's father was contained within a widely circulated flyer that the family prepared and distributed throughout Southeast Asia. It is not unusual that information contained in such flyers later shows up in intelligence reports about American POW's.

#### LOST RECORDS

There have been allegations made that fingerprint and other records have "mysteriously" disappeared from DOD files. There is no conspiracy to purge records. The Department of Defense does not maintain fingerprint records. The FBI is the sole agency with that responsibility. I request that this letter, from FBI Director Sessions to Congressman Solarz explaining "lost" or purged fingerprint records be entered in the record.

To prevent a recurrence of this problem in the future, I have tasked the Service Secretaries to examine possible alternatives to establish a redundant, independent source for military fingerprints separate from the FBI records. I will report to the Committee and to the families when we have implemented a solution to this problem.

#### SENATE FOREIGN RELATIONS COMMITTEE MINORITY STAFF REPORT

Mr. Chairman, Mr. Tracy Usry of the Senate Foreign Relations Committee Minority staff came before this Committee to defend the minority staff report, *An Examination of U.S. Policy Toward POW/MIA's*, authored in large measure by himself. That report is replete with factual errors. I would like to take just a moment to discuss a few of the most glaring examples of poor research and error.

On page 5-8 of the Report, the staff states:

In fact, only 591 U.S. POW's were repatriated by the North Vietnamese during Operation HOMECOMING, which is 12% of the figure of 5,000 U.S. POW's held by the North Vietnamese reported by the New York Times.

The original New York Times article, the primary source material, appeared on the front page of the 6 March 1973 issue. The number "5,000" appeared only once in

the entire article—quoting an American source who stated at a meeting of the Joint Military Commission the previous day, *North Vietnam* had demanded the release of 5,000 Communist prisoners held by Saigon.

This 5,000 number cited incorrectly in the report has been oft-quoted by POW activists and is used within the report to lend credence to the allegation that 85% of American prisoners of war were withheld by Hanoi after Operation Homecoming.

A second glaring inaccuracy is found in the Prologue to Part II, page i. The report states:

"In spite of 1,400 unresolved reports of first hand live-sightings, the Department of Defense, remarkably, still believes it has "no credible evidence." How does it dismiss these reports?

In fact, there are numerous inaccuracies in just that simple statement. First, while there have been cumulatively over 1,400 first-hand live sighting reports, only approximately 100 are *unresolved*. Second, live-sighting reports have not been dismissed. In over 75 percent of the first-hand live sightings received, DIA analysts have been able to establish that the report is true. These reports involve POW's who returned at Operation Homecoming, or have been correlated to other Americans or Westerners, such as missionaries or individuals stranded in South Vietnam when the Communists took control. Almost 300 relate to Private Garwood, who returned from Vietnam in 1979.

There are numerous other factual inaccuracies throughout the report. To catalogue the inaccuracies would require a document of equal length and would be beyond the scope of my testimony here today.

A more important issue that this Committee should address of Mr. Usry is why he and other staff members of the Senate Foreign Relations Committee staff have withheld from the Department of Defense information relevant to the investigation of the Stevens case and the Borah case. Not only has Mr. Usry withheld information that would have assisted the Department of Defense in more expeditiously investigating these cases, but he has stood by while Senate staff members directed sources not to provide their information to members of my staff, the DIA, or others within the Department of Defense investigating these cases.

Mr. Chairman, I hope that you will question Mr. Usry about how long he had the Borah information before July 1991. When the Department of Defense finally received the information, we resolved the case in less than 2 months.

#### RESPONSE TO JUDGE GAYDEN'S ALLEGATIONS

The Borah and Carr families have been the losers as a result of the allegations made by a number of individuals before this Committee. Family confidence in their Government has been further eroded by the unsubstantiated and specious claims of Government conspiracy. Mr. Sheetz will later discuss the Carr case in detail, however, I would like to spend a moment on the Borah case and the allegations made by Judge Gayden before this Committee.

Judge Gayden's allegation that the Department of Defense would knowingly provide to the family, the Congress and the American people altered photographs of the meeting between our investigator, Bill Gadoury, and the individual is ludicrous. Even more disturbing is the fact that Judge Gayden, an officer of a court, would allege that he had obtained a photo analysis of the photos of the meeting and then assert that the DOD photos are frauds. This Committee can not stand by and let these gross distortions of fact go unnoticed. If Judge Gayden's photo experts believe the DOD photos are a fraud, he should produce their reports, or their testimony, or an affidavit or other suitable evidence.

With the help of the Lao, our investigators made direct contact with the individual photographed in Laos and identified as Lieutenant Borah. *The individual is not Lieutenant Borah.* The Borah family has been convinced by Judge Gayden's bailiff, Khambang Sibounheuang, that the individual is Lieutenant Borah, and Khambang has accompanied the two Borah sons to Laos. Khambang's blood relative in Laos passed the roll of film containing the Borah photos to Khambang in the United States. Khambang has a long history of providing POW related materials, from as early as 1985; and none—not one—of his leads has ever proven valid.

I have a fact sheet on Khambang that I would request be entered into the record. The Judge Gayden/Khambang connection needs to be thoroughly investigated. I hope that this Committee will undertake that task.

#### BAILEY COOPERATION

Finally, I would like to clarify a point raised by Lieutenant Colonel Bailey in his testimony. *I would like to make clear for the record that the Secretary of Defense did*

*not misspeak nor was he mistaken in any of the testimony he provided to this committee relative to Lieutenant Colonel Bailey.*

Bailey's promises of cooperation were made to the Secretary of Defense in the presence of myself, and Congressmen McCloskey and Visclosky in the Secretary's office. The Secretary's testimony correctly reflected who and what Bailey stated he would make available to our investigators. It also correctly reflected what Bailey told our investigators in Bangkok about where the photograph may have been taken. We have a chronology of our conversations with Bailey which I would like to make a part of the record. I have with me the individuals who were involved in the Carr investigation with Colonel Bailey and who will provide you the facts about their investigation. Mr. Bob Sheetz, the Chief of the Special Office for POW/MIA Affairs will address the specifics of the conduct of the Carr investigation of which Bailey was a part.

Thank you Mr. Chairman and Senator Smith. I am prepared now to respond to your questions.

The CHAIRMAN. That is an important statement. Thank you very much. Mr. Quinn, do you want to go next?

**STATEMENT OF KEN QUINN, DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND PACIFIC AFFAIRS, CHAIRMAN OF THE POW/MIA INTERAGENCY GROUP**

Mr. QUINN. Mr. Chairman, Senator Daschle, I, too, would like to say that I welcome the opportunity to come back.

The CHAIRMAN. Why not just identify yourself for the record?

Mr. QUINN. Certainly. I am Deputy Assistant Secretary of State covering Southeast Asia and Indochina, Kenneth M. Quinn.

Senator I think I have watched an awful lot of it on C-SPAN and some of it at about 4 or 5 in the morning, but I think having this available in such detail for all the American people to see, and have everything laid out, is very, very beneficial.

As a citizen, I sort of grieve over the fact that we have this problem so long after the war. It still is a sore that has not healed and has not been dealt with. I think that what you and the committee are doing is going a long direction in letting our citizens know exactly what is involved.

I would like to respond to some of the statements and allegations that were made during the week. First of all, there was one witness, the author of the book, *Kiss The Boys Goodbye*, who indicated that the Vietnamese official had made an offer to return 160 U.S. prisoners to the Woodcock Commission in March 1977, while the Woodcock Commission was in Hanoi.

I was a junior officer then. I was on the Woodcock delegation as an interpreter, somebody who is familiar with Vietnam.

I can tell you that no such offer was made at any meeting in which I participated, and I participated in all of the formal meetings. Nor was any such offer ever mentioned or discussed in any delegation staff meeting, or among the delegation staff when I was present. Nor was it included in any of the reports that were sent to the President of the U.S., which I helped draft, encrypt, and translate.

So I just wanted to be extremely clear that there was never any discussion mentioned of anything like that at any time during the period when we were in Hanoi. I assume that you would also be able to talk to members of the Woodcock Commission.

If there was some additional evidence, or suggestion of where this happened or when it happened, I would be happy to try to comment on that.

But just to assure you that this never came up in anything where I was present, and I was present for most all of the talks—

The CHAIRMAN. We intend to reach out, obviously, to all members of the Commission, and to others who were involved in that.

Mr. QUINN. Second, I would like to talk about the charge that Mr. Burch made about the destruction of records. I know you already have a letter from Assistant Secretary Mullins about this, the charge being that the Secretary Baker ordered, and the Department participated in, the massive destruction of POW/MIA records.

We got that charge. The first thing we did was to call Mr. Burch several times to try to find out more detail about this, because we were astounded by it. We thought we would answer this for him.

We have not been able to get any further information from him, so we ordered that a search be made, and that this be investigated.

We went through this once; I got the results, and said, I am not satisfied with this. I want to go back again and be signed off again by a senior official in every bureau that was named, including several others that were not named by Mr. Burch as having participated in this.

We have found no information that would corroborate this charge. The Secretary issued no such order, and no one we checked with participated in or knew of a massive destruction of POW/MIA records this year, or any other kind of destruction.

I can assure that, if such an order would be given, it would come to me—at least in our Bureau. I absolutely received no such order, nor did our people, or I, participate in any type of destruction of POW/MIA records.

Again, if Mr. Burch has some other information he wants to make available to us, we will, of course, pursue that.

There was also a charge, a criticism, of our overall policy, particularly the State Department's role in the POW/MIA effort, that we are at the behest of commercial interests, that we are rushing to normalize relations with Vietnam.

I doubt that those who would charge this have heard from the American businessmen and businesswomen who see me almost every day, and who leave, for the most part, disappointed.

I tell them that we will not have the domestic support system necessary for Government or a business to move ahead with Vietnam until we resolve the POW/MIA issue.

I add that there is hope for the future, because our policy appears to be working; but the embargo will remain in place until the proof is in.

American economic interests have high standing in our foreign policy, but in the case of Vietnam, these interests are weighed against even higher priorities.

It is true we are in a rush, a rush to obtain the fullest possible accounting for the 2,271 American POW/MIA's from the Vietnam War.

The uncertainty has gone on far too long. We are doing our best to energize the process and elicit the cooperation we need from the governments in the region.

We have had some notable success in the past year, but more must be done. As we get results, we will take the commensurate steps that will help put the past behind us.

The response from Vietnam is slow and begrudging. So, too, will be the pace and scope of normalization. At every opportunity, we remind Vietnam of this fundamental reality.

The steps Secretary Baker announced in Paris last month are not, as some have implied, the first moves in an effort to sweep the POW/MIA issue under a rug. Our motive is exactly the opposite.

These steps are being taken to elicit further cooperation on issues of great import to the United States, most particularly, that of POW/MIA's.

In April, when we presented the roadmap, we told Vietnam that if it took certain actions toward meeting our concerns, we would not, in turn, give evidence of our willingness to meet Vietnam's concerns.

In view of the signing of the Cambodian peace agreement, progress on POW/MIA's and other humanitarian issues, we took steps to assure the Vietnamese that we would be true to our word.

We acted, in short, to build the credibility necessary for further cooperation in resolving this issue. We judge the Vietnamese on actions they take, including their response to our requests.

For example, when I visited Hanoi this summer with the photos in which families identified their relatives, Vietnam provided new information and witnesses, publicized the photos, agreed to another excavation of the crash site, and gave us access to prisons for the first time.

Since then, they have agreed to streamline access for our live sighting investigators, approved visits we have requested in the Hanoi area and to offshore islands to investigate live sighting reports.

I read this morning the first report back from our office there about an investigation in the Hanoi area that had just taken place. They provided us additional information from a very useful, but apparently classified military record of aircraft shootdowns, and agreed to a new joint investigation beginning tomorrow.

We also asked Vietnam to agree to try lateral cooperation with Cambodia and Laos. All three countries have now agreed to this. We are working to arrange such meetings for the very near future.

There is a lot more they could do. For example, we expect the Vietnamese to insure that our live sighting investigator can follow up expeditiously on all credible reports, work out with us an agreement on increased helicopter support, once we have proposed a plan; agree to an extended plan for greatly expanded joint activities, including a live sighting plan; and recover and turn over for our review all available remains.

These actions could be done very quickly, and they would do a lot to solidify the base for expanded cooperation and accelerated normalization.

But what the leadership in Hanoi has so far failed to grasp, or at least, failed to act on, is that it could enormously improve the cli-

mate for normalization through an all-out effort to help us acquire the information we need to resolve the POW/MIA issue.

It is our task, our challenge to sustain and increase the momentum. We encourage, we prod, we stick to our principles, we point out shortcomings, and we will continue to do so.

In Laos, as you know, President Bush announced this week that we will be upgrading our relations to the ambassadorial level. This decision is made in recognition of increased cooperation, on POW and counternarcotics issues, and in the belief that upgrading will lead to further progress.

This same week, we have seen some positive developments in our POW/MIA effort in Laos. The Lao Senate sent a team up to Xiang Khoang province to pursue a report on the Carr photo, and a joint U.S./Lao team should join them shortly.

The Laos have also agreed to arrange a meeting between—

Senator McCAIN. What was the result of that?

Mr. QUINN. I do not have the results yet. They have also agreed to arrange a meeting between the Borah family and the subject of the photo previously identified as Lieutenant Borah.

We were able to interview Soth Petrasy, the former Pathet Lao representative, who made a number of statements about American prisoners during the war. And here, Senator McCain, I do have the results.

Petrasy said he never had any first-hand information on POW's, but relied instead on news reports and messages from Pathet Lao headquarters. Citing the communications problems they face, he expressed doubt that even the Pathet Lao leaders knew how many Americans had been captured.

Petrasy said his wartime statements that the Lao were holding numerous American prisoners were nothing more than propaganda designed to boost morale. He insisted that the Lao had released all prisoners at the end of the war, and that none were alive in Laos today.

Of course, his recent statements in no way diminish the very highest priority we continue to give to the live prisoner question. I am not saying we take his statement at face value, but we have had access, and I will report to you what he has told us.

On the Soviet connection, I want to say something else about our efforts to take advantage of the changing circumstances there.

The most recent example of our vigorous pursuit of the Soviet connection is that we immediately instructed our embassy in Moscow to dispatch an officer to try and confirm a Soviet press report that an American pilot shot down over Vietnam in May 1967, was brought to Alma Ata in September of that year, and then moved to Saryshagansk, Kazakhstan, where he allegedly still lives.

Our embassy was also asked to attempt to contact the Soviet citizen who was quoted in the article as having been involved in the transportation of American POW's out of South Vietnam in 1962.

Over the past few months, we have raised the issue of American POW's at the highest levels, Soviet and Russian Government officials, requesting any information about American POW's, and access to appropriate files.

President Bush raised the issue during the August summit meeting with President Gorbachev, and Secretary Baker reiterated our

information request during his September visit to Moscow, and his October 23 meeting with Foreign Minister Pankin in Paris.

Given the new political realities in the Soviet Union, we have urged officials of the Russian Federation to provide any information that may be available to them, and in meetings I have held with senior Soviet diplomats who were stationed in Vietnam during the past decade.

They have separately, categorically stated that no information ever reached them during that period, indicating that there were live American military men in Vietnam.

This morning, we have gotten a cable back from Moscow, which indicates that our staff has spoken with the journalist who wrote the story. The journalist suggested that the English language version and the Russian version were slightly different in that the ordering of paragraphs was different, and that the English language version gave more certainty to the statements that the American was living in Saryshagansk.

The journalist indicated that this was a second-hand source, and he was not certain that the source that he was getting the information from was indicating that this person was still there.

We will endeavor to pursue it, and have somebody go there. There is not an airfield at that town, we will have to fly into someplace nearby. My understanding is that this town is in an area which has been considered militarily sensitive, and so we will have to ask permission.

I will assure you that we will pursue this; we have been in communication with our embassy in Moscow, and we will keep the committee informed through the staff of all of this as it proceeds.

Finally, I would like to take this opportunity to discuss another charge laid before the committee, that when I went to Hanoi this summer, I provided the Vietnamese Government classified documents pertaining to the Robertson case, documents that were not available to the family and which contain sources of U.S. information.

Let me state categorically that all information I provided the Vietnamese was sanitized; that is, all source information was removed, and this was cleared with the Defense Intelligence Agency, representatives with whom I worked in doing this.

The CHAIRMAN. That does not mean that it was not a classified document. In other words, the fact that you sanitized it means you took a source out, or you took the means out; but the information you gave them still would have been in a document under the title classified, which is not available to people here, correct?

Mr. QUINN. At that time, the whole document was classified. What we did was extract the information, and we made a judgment at that point that the information would be declassified.

The CHAIRMAN. I agree, Ken, and I understand what you are saying. I would concur that it would no longer be classified; but the point is, to the person who made the allegation, the document still was a, quote, classified document not available to that person.

Mr. QUINN. The documents which I—

The CHAIRMAN. You did not sanitize it and give it to the family, correct?

Mr. QUINN. I do not know.

The CHAIRMAN. But you did give it to the Vietnamese sanitized. Mr. QUINN. That's correct.

The CHAIRMAN. So what the Vietnamese got was sanitized according to you, they got something that was not available to the family. That is the only point the family is making.

Mr. QUINN. The Defense Department is the agency that provides information.

The CHAIRMAN. The allegation that was made is that the Vietnamese were given classified information. And on the face of the paper that they were given might it have been they were classified because of the sources?

Mr. QUINN. I'm not—I don't know what documents were given to the three families or not. But let me make a point. It is my understanding that the Defense Department provides the information that can be attributed to a particular case. The most specific information which I gave to the Vietnamese about the prisons in Vietnam had absolutely no reference to Robertson, Lundy, or Stevens by name in that report. Now, I don't know if that is the reason that perhaps the family didn't see it.

We, in fact—I spent, as I told you the last time, hours and hours with Warren Gray and John Cole, who are both here, and their staffs in Bangkok, poring over all the reports, and we—through this work—identified the report about the prisons, because it originally was not included in the analyses that were done, in the briefing that I had here, as relevant to the case. And, yet, when we read that, we found that it was very specific information. It was about prisons, and it described the photo. Now, perhaps, you can argue it should have been, but it wasn't, and we then acted on that and, of course, got access for the first time ever to prisons in Vietnam as a result of it.

The CHAIRMAN. I understand that and I appreciate that, and I am just trying to draw the distinction between—and I just want to intercede very quickly. I think it becomes the family's perception problem and the question of the communication process. It is not inappropriate to you, I think, to be giving that information. I think it is essential to the resolution of this process and nobody would say you should not have done that. It is a question of their perception that they also somehow could not get it.

Mr. FORD. Even their perception in this case is correct. We had not provided them with that document, and when they received it—

The CHAIRMAN. And I think that goes to what the committee has been trying to say.

Mr. FORD. There are explanations for that, but the fact is that their view is correct. They had not received that document from us. As soon as we realized that it should be, we did. But that doesn't make up for it. The fact is that—

Senator McCAIN. But you did give it to them?

Mr. FORD. Yes, sir.

The CHAIRMAN. Mr. Ford, I think that what this underscores, and this is not the first time it has been said, but we talked about this. We had a staff meeting of the committee a day or so ago, and I think one of the most important things that could come out of the early days of these hearings is a new structure and a new relation-

ship process with the families. I think you have agreed to that and, therefore, I think the sooner—within the next week or so—that we can get that relationship renewed, so that there is no longer this sense that they cannot get things or whatever, and my advice and counsel would be, since those families that want it—they sit with you and they deal with the realities of the information, whatever it is, and you walk them through it and you make it all available. Is there a problem with that?

Mr. FORD. No, sir. And, in fact, we clearly realize this needs to be done and we are going to do it. Whether we can do it in the next week, I hope, but I think that we will begin, and begin to talk to you on this committee. And talking with family members and talking among ourselves, to come up with not just a solution to this problem, but the solution or a better solution to how we interface with the families on everything. And my instructions, my marching orders from the Secretary, basically what needs to be done, we'll do it. And so if that means rather dramatic changes about the way we do business, those will be considered and, if necessary, we will do them.

The CHAIRMAN. I appreciate that. I am sorry to interrupt you.

Mr. QUINN. No, no. I think it is again important to emphasize that on that particular report, that these names were not mentioned in the report at all, and it's quite a long extensive report, and it took a lot of reading to get to the end to where the photo was a very small part of it. And it was only in reading all of this that sitting in Bangkok, at that time, that we made the connection and put the pieces together.

So up until the time I went to Hanoi, there wouldn't have been any reason to connect it to any of the three men involved. In fact, it was at a—it had another name, a different name in the report. It was not a report associated with those three men and was only, in our analysis, and here—credit to Warren Gray and John Cole for their work and bringing it to my attention, and the three of us working together—only because of that analysis, that we put it together and were able to go there and pursue that lead.

I also think it's important that you know that I stayed in touch with Shelby Quast throughout my mission. I phoned her regularly. I phoned her from Beijing, from Bangkok. I briefed her over the phone. When we came back, she came to my office. We spent an hour and 15 minutes together. Members of my staff were there with me. I went through—I told her what the Vietnamese told me. I told her of our approach.

I did not give her the documents, because I didn't think it was appropriate for the State Department to be a source of the documents. That should be done through the Defense Department. So there was an extensive effort, obviously not satisfactory, but on our part to keep them informed and I asked Shelby would she please be the conduit to present the information to the other families, since she was readily available in Washington, DC, and she said that she would on that.

So I—we felt that we were making every effort to do that. But I want to be clear, and I—I have the documents we handed over. I'm happy to give them to you, Senator, and to the committee. Even though they are unclassified, we think handling them sensitively

was the right way to do it. There was a cooperative effort, again, building credibility with the Vietnamese on this.

They took us out to the prison. We provided them information about why we wanted to go. When they saw what we had on this, they made the decision—all right, we'll take you—on that, so we saw it as a way of getting access, of following up, of making every effort that we could to try to investigate this.

Now, I guess, just in summary I would say we handed over these unclassified documents with one purpose in mind. To obtain the cooperation necessary to resolve the fate of a missing American and put his family's mind at ease, and that, multiplied by 2,271, is our mission. The Department of State, in full cooperation with the Department of Defense, intends to continue doing all it can to achieve the fullest possible accounting for our POW's and MIA's from Southeast Asia. And, in this way, achieve the reconciliation with the countries of Indochina that's long overdue. So thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Secretary. Mr. Sheetz, do you have an opening statement?

Mr. SHEETZ. I do not. But I came prepared to discuss the Carr investigation. If I could have an opportunity, I'd like to amplify a bit on the topic that was just discussed with Deputy Assistant Secretary Quinn.

The CHAIRMAN. That will be fine, and if you want to share with us any observations on the Carr allegations that were made, we would certainly appreciate it.

Mr. SHEETZ. Surely.

The CHAIRMAN. And then we will proceed. I know members have a lot of questions and we do want to get into those.

Mr. SHEETZ. I would just want the committee to know that I was surprised myself to find out just this last week that the report that Mr. Quinn has been talking about did not get transmitted to the families, up to that point.

That report came in in August 1990. It did not mention Robertson, Stevens, or Lundy anywhere in the report. At the time it came in, it was the first time the photo of the three men had come to the Defense Department. There were no names associated with the photo. Ultimately, as Mr. Quinn has mentioned, we did receive that name correlation thanks to the families' identification of the men in the photo.

Somehow, in the rush of business, and there's been a lot of very frenetic activity on this case, that particular report did not get transmitted to the families. I had Debra Bardsley and Shelby Quast in my office last week. Mr. Kolesnik, an aide to Senator Grassley, accompanied them. I used that opportunity to share that report with her. The reason that we did that was, I have an FOIA request that has been passed to me by Shelby Quast.

The request is rather narrowly drawn, but I asked my staff to consider that request to be for any and everything, without regard to the definition that's in her request. In the context of doing that FOIA review, the report came to my attention. I should have known it before. I will take responsibility for the fact that the report—it was the first time I had seen that particular report, did not have name correlation to the case. As soon as I saw it, I said,

my gosh, we've got to get this to the families. So I had it sanitized on the spot and I presented the appropriate part of that report to Shelby when she was in my office last week.

So there clearly was a slipup there. I will take responsibility for it. I'm the manager of the office. Although the report was in, as I said, in August 1990, once we did have a name correlation to the case, which we ultimately did, that report should have been provided to the family and it was an oversight.

For the committee's information, I'll summarize what the report says. Basically, a source provided the photo of the three men that we've come to know as Colonel Robertson, Albro Lundy, and Larry Stevens, and a second photo, that is the Federico Gonzales photo. The source says that his subsource, who passed him the photographs, said that he was given access to the prison camp west of Danang. He said he personally took both photographs, that four men were brought out of a confined location.

Three of them ultimately were grouped together with a banyan tree in the background, and he took their picture and that was the picture that ultimately became known as the Robertson/Stevens/Lundy picture. And the other picture that the subsource said he took was Federico Gonzales, and both those pictures came in to us. Federico Gonzales, as the committee well knows, is one of the fake pictures that came out of Soviet Military Review. It's actually a picture of a lieutenant general in the Soviet airborne forces. They drew a fake mustache on this man, and put a phony collar tab on his collar that says Federico Gonzales.

I have no idea if the source did take the Robertson/Stevens/Lundy photo, but I know for sure that he didn't take the Federico Gonzales photo, because that photo is a fake, unquestioned.

I assume the committee wants to know about where we are with the Carr investigation and I'd like to start out by saying I think there are a couple of Jack Baileys. There's a Jack Bailey who talks to the press and talks about how open and cooperative he's being. There's a Jack Bailey who talks with the Secretary of Defense and makes promises and doesn't fulfill them. And there's a Jack Bailey that I deal with, who bears no resemblance to the first two.

Since August, when I first met Jack Bailey, I have heard him say time after time, after time, in response to very detailed probing questions, "you'll have that information. I'll get it to you. I promise to give that to you. As soon as I get back to Bangkok—that information is over in Bangkok." When our people in Bangkok ask him for the information, he says, "well, that information is in California." And let me give you some specifics so that you can get your arms around this.

When I met with Jack for the first time, it was for 2 days of debriefing in the Pentagon in August of this year. Jack turned over copies of the Carr photos, and some of the negatives. He said that he had information on 16 prisoner-of-war camps in Laos. As soon as I heard that, I sent my staff downstairs to break out a 1:50,000 map. We laid that map down. I said, Jack, help us. Where are these camps? "I don't have those locations with me today. I'm coming in tomorrow, I'll bring them in tomorrow."

Jack came in the next day. We got the map out. Jack, come on, we've got to plot these locations so that we can get investigations

rolling. "I wasn't able to bring that information in today. I found out I left it back in Bangkok. As soon as I get back to Bangkok, I'll get it for you." I got with Colonel Cole, who is the chief of Stony Beach. After those 2 days of debriefings we spoke with him, to alert him that as soon as Jack gets back to Bangkok, we've got to get the locations of these camps that he says he has so we can start the investigation. Jack never provided those camps.

On this last trip to Bangkok, in pursuing Jack's promises made to the Secretary in October, after Jack was unable to follow through or failed to make any sources available, and didn't reach any of the agreements that he said to the Secretary, I went back to that prior promise about the camps. "I'll get that for you," and Jack said, "I'll show you a videotape." Well, we saw the videotape. There was no specific information in the videotape, and when pressed to bring forward information that he—says he has about—16 locations where Americans are being held in Laos, we are still waiting.

I'd like the committee to realize how far the Government went in trying to work with Jack. After the October meeting, the day after he met with the Secretary, Jack promised to return to Bangkok promptly. I told Jack that I would personally come to Bangkok, along with Warren Gray and Colonel Jordan, from Deputy Assistant Secretary Ford's office, and that we would form a team and investigate the leads. Jack promised to get over there quickly and get things ready for us.

Well, Jack's departure was delayed. Ultimately, we got on the phone with him out in California, and convinced him he needed to get over there. We went out to California to meet him. The day prior to the flight out Jack informed us that he wasn't going. And why? "Well, I don't have any money to get over there." I said Jack, that's not a problem. I took my personal credit card out of my wallet. I called a travel agency, ordered a ticket and had it hand-delivered to Jack's address so that Jack would not have an excuse not to go over to Bangkok.

Later that day, Jack called and said, well, I have an illness in the family and I can't go. We reminded Jack of the commitments that he had made to the Secretary, of the importance of investigating this case. The most promising of all the photo cases that I have seen in my time in that office, since August. Jack said, "I don't think I can go."

The next morning we called him and said, Jack, please, you have the key to this investigation. You have all the leads. You have all the sources. Our investigative effort has been ordered to be stood down while we wait for you to provide your information, and until you connect with us on the ground, we're basically stymied. Well, Jack told us that his sister had died over the night and we expressed our sorrows to him. He said because of that he had some family arrangements to make and he would make those and join us in Bangkok in a day or so.

So we proceeded on to Bangkok. Jack did show up a couple of days later and, it's a very disappointing tale from that point on.

Over a period of 6 or 7 days he did not provide any leads, he did not provide any sources. The day before I was due to go back to Washington, other members of the

ue to work with Jack, but I had to get back to help get ready for last week's hearings, and I told Jack that I was going to have to go back and other people would stay here and work with him.

I was saddened to have to carry back to the Secretary essentially a very disappointing message that we had not been able to make any progress, and I felt bad about that. Jack said well, he felt bad about it too and that he had pulled out all his stops and done everything he could and he felt poorly that he had not been able to come forward with any of his promises.

About an hour or two later at the embassy we got a phone call from Jack. Suddenly, Jack said, "I have got something for you. An individual who works with me," who he called Mario, had now been found. Mario was a critical link because he was the guy who says he introduced Jack to Mr. X, the fellow, if you remember the story, who Jack says actually took the pictures and was given access to the prison camp where Donald Carr is held. That really excited us.

So Jack said we will try to make some arrangements for you to meet Mario before you have to go back to Washington. I had a plane that was leaving at 5:30 in the morning, but nonetheless we ended up meeting Jack in one hotel and then it was like some sort of a cheap spy movie. He said, no this is not really where we are going to meet him. We are going to go somewhere else now, I just wanted to make sure that you did not have CIA guys tailing me.

I assured Jack that we did not, which we did not. But we went to another hotel location. The place where Jack wanted to have this interview take place was in the cocktail lounge of this very nice, modern hotel on the outskirts of Bangkok. It had a typical cocktail lounge, and band that you would never buy the record, but sitting there you will listen to them. The band played very loud. They got us a table, kind of close to the band. It was not sort of the arrangements that—I mean I spent 10 years as a Federal criminal investigator and I know how to do interviewing and I know there are certain environments that are good for it and certain ones are not, and I knew I was in one that was not all that good, but this was their show.

And so I said, well, can we move to a table that is at least a little quieter, and we moved. Mario was introduced to me. I went through a line of questioning to try to bring out Mario's name. And that was made light of the other day during Judge Turner's testimony, but in any case they did not provide Mario's name.

We started into the discussion and I said, well, Mario, I understand from Jack that he dispatched you, up country and into Laos to try to find Mr. X. "Yes, that is right. I looked for Mr. X." I said, "well, how did you do that, Mario?" Mario said, "well, I went to Laos and I went to places where I know Mr. X hangs out and I went to talk to people who know him and I went other places and asked people if they had seen him." And I said, "well, did you have a photograph or something that you could show people and say have you seen this man?" And he said, "no, I did not have a photograph. I described him to people."

And I said, "well, describe him to me, Mario." And Mario, gets this extremely worried look on his face and he looks over at Jack and he kind of goes like this, and Jack starts to talk and I said,

Jack, please we are here to talk to Mario. Let us let Mario tell his story. I said, Mario, please, would you describe Mr. X to me? And Mario started rocking in his chair and you could see he was deep in thought and he said, "well, he is a Lao." And I said, Good, Mario, some specifics. And he said, "he is older than I am." Good. "He weighs more than I do." Good. I said, but Mario, if you are going to describe someone to someone who does not know a person, you are going to describe their face. Did he have long hair, or short hair, a long thin face, a round face, did he have a big nose, a thin nose, a fat nose, big ears, little ears, thin lips, fat lips? I said, did the guy wear glasses, and he said, "oh, no, no glasses." Every picture that Jack Bailey has given us of Mr. X he is wearing prescription glasses.

And I said, well, Mario, was Mr. X, did he have a beard or a moustache or was he clean shaven? "Oh no, he is clean shaven." Well, every picture we have of Mr. X, he has got a small moustache. It is not a very full one, but it is definitely a moustache. And we went on then to discuss with Mario how he conducted his search. I have to tell you, as someone who conducted investigations for some period of time in the employ of our Treasury Department, I know an evasive witness when I see one.

Mario was totally unable to provide any kind of embroidery or substantive detail to give me a comfort that this guy had really gone on a search mission. After 15 or 20 minutes I turned the questioning over to Bill Gadoury from JCRC, who was along with Colonel Cole. Bill Gadoury talked to him for about 15 minutes, well maybe half an hour, and basically, we got nothing from Mario; Mario knew nothing.

Mario did relay the story that was testified to last week by the other witnesses, Judge Turner and Jack Bailey, about this mysterious threat against Mario's life and against the life of his family and that large sums of money were offered by people in the U.S. Embassy to convince Mario not to work with Jack Bailey. They would not tell us. We did ask questions, well, what is this all about. And Mario said, I cannot tell you, they will kill me.

He would not give us the identity of this person. Basically we were told to drop that line of questioning. I have to tell you I came away from that period in Bangkok a very frustrated investigator. We went over there with high promise. Promises were made to the Secretary. Jack did give us a phone number that we could perhaps reach Mr. X at in upcountry Thailand. We called that phone number and there was no such working number.

Now, I do not know how other to describe it to you than as a very frustrating experience, without substantive detail. Jack Bailey showed us, he made a very, very excited lead-in to a videotape that he said would provide us substantive detail on U.S. prisoners. We invited him to the embassy to show us that videotape. And the videotape starts with something like this—we asked for a copy and he said we would get it, but like everything else, after numerous follow-ups we still do not have it, but the videotape starts like this:

It is shot from behind the individual who is alleged to be Mr. X. You never see his face. The camera never moves. It is on a tripod and Jack says, "well, I understand you have some information about prisoners in Laos. Will you share that with us?" And they

fold out a map. It took them about 15 minutes to get oriented on the map. Where is Bangkok, where is Vientiane. Finally they got oriented on the map.

And Mr. X puts his finger on the map. They do not show you where it is because the camera is back here. And Mr. X says there are 168 prisoners here, and there are 33 prisoners here. And Jack goes, "168 prisoners, boy, that sounds a little preposterous." I am not sure the word was preposterous. I do not want to put that word out but he said, "that sounds a little high to me. Let's not talk about that one. Let's talk about the 33 that are over here."

And then they went through this incredibly long-winded dialogue totally devoid of any substantive detail. Jack says that videotape was shot in 1988 and that information ultimately developed into what we have come to now to know as the Carr case.

We have a memo for the record in the files of Stony Beach in Bangkok, dated March 1989: a phone call from Jack Bailey to Colonel Miki, then chief of the office. "I have some photographs," he called them the Carr photographs. "I am going to bring them in to you"—and he never came in.

The follow-up calls from the people in Stony Beach to Jack were basically like this; "well, I am trying to put together some more information. I want to give you a complete package. I will be in next week." And Jack never came in. The first time we saw those photographs was in July this year when they showed up on national television.

When we interviewed Jack in August I said, Jack, what have you been doing with these photographs? Why are we now just hearing about them, now, on television? "Well, I gave them to the Government over a year ago." Who did you give them to Jack? "To the Senate staff on Foreign Relations." I said, good, this is the first time we have seen them, so let's talk about them. In the interview in October, after the Secretary's visit, I said to Jack, we are kind of frustrated here, you are holding all the cards. You have got all the leads. If we are going to get to the bottom of this you have got to help us and Jack holds up the photographs and says, look, I am frustrated too. I have had these damn photographs over 3 years now and I have not been able to get anywhere with them.

Well, I will tell you why I am frustrated. How am I supposed to be in charge of the office that is conducting investigations, trying to find people, if private individuals are hoarding information and if it is turned into the Government and it is not given to me? I find that very frustrating. I find this whole case frustrating.

But at its core, we are left with the most compelling photographic evidence that the U.S. Government has seen. And there is one more thing that I have to tell you and I know I am being long-winded. But I think the committee needs to know this, and I think the American public needs to know exactly what is going on here.

When we met with Jack in October, he identified the location of this camp where Carr, and he told us 4 to 16 other Americans are held. He said, it is right here, in the northeast corner of the Plain of Jars between Ban Ban and Kon Kai, along where Route 7 runs. We had given Jack a map. At about 25 kilometers, apart, those two towns. The Senator knows this very well because I have been up here on the Hill briefing this information all summer long, telling

people what we are doing and trying to get to the bottom of this case. Telling people all the intelligence assets that we have targeted against that location.

In October Jack tells us, "Well, that really was not the location," he said. "I felt like I could not trust you. The relocation is over here on the Burma border, 22 kilometers." So I have spent all summer, according to Jack, in wasted effort because he gave us the wrong location. He told the Secretary a location 22 miles from the Burmese border.

The next day, when we were sitting down talking, Jack says, "well, you know, I really not sure that he has been moved. I think he has been moved. When we get to Bangkok, it is not even the location 22 kilometers from the Burmese border. It is in the next province down, which is another 60 or 80 miles from the border, on a farm that is supposedly owned by one of the former royal princes of the Lao Government."

Through means available to us, intelligence means, we have been able to determine that neither one of the royal princes ever either lived or had a farm or any kind of a vacation or getaway location in that part of Laos. That part of Laos is an extremely hilly, mountainous area, very inaccessible, very poor, it is basically a place that time has forgotten.

One of the royal princes lived in Dien Tiem and one of the other royal princes lived in the eastern part of Laos. Neither of them lived in the western part, near the Burmese border. I do not know where to tell you, if Donald Carr is alive, where he is held. I have now got three locations that I have got to task all the available intelligence assets of the U.S. Government against.

We have made requests of the Lao Government to go in to allow U.S. investigators to come in and personally, physically observe these locations. Well, the only location we knew at the time which was the Plain of Jars, which Jack tells us now is not a real location. Maybe other people would have been more fortunate in getting information from Jack Bailey. Maybe the Senate has had better luck with him than we have, but it has been a very frustrating experience and I do not know how else to characterize it.

The CHAIRMAN. Well, I think, Mr. Sheetz, your testimony is very valuable and important and I do not think it long-winded. It was long, but not long-winded. It was and is important for the committee to get the full texture of this.

I do not think a lot of people have a sense of the full texture of it. I have no doubt that Mr. Bailey and others would have a different view. We are going to sweat all of that out in public. We are going to sweat all of it out. And it is going to require some time and energy of sitting down with both of you present and working at it but in a sense also your testimony underscores the extraordinary nature of this issue today.

When you think about the Secretary of Defense assigning an aircraft, personnel, and people flying over personally, a Government official pulling out his own credit card and getting a ticket and traveling that distance and putting all of his intelligence assets on the line and going the route, if you will, and then at the end of it being told, well, I did not trust you. Those months of effort were

are in this process 20 years later. Now it is vital that we continue to air this in this way and I think it is very positive, frankly, for people to begin to make some judgments about who is doing what here and how.

Before we begin the questioning let me just say to you that I do not want to diminish how I am sure you feel sitting here and some of the folks behind you. It is no fun, as a Federal official, having your bona fides questioned and the committee is not questioning them in a way that I think some are. The committee is trying to sort out who knows what.

But I want to say to you and others behind you that we are sensitive to that. It is no fun. We get it every weekend or when we go home or wherever we are, but we ask for it. Except you are public officials and the system has come to a grinding gridlock of lack of credibility and we have got a requirement here to sweat it out. You understand that, but I just want you to know that I think there are a lot of extraordinarily dedicated people who are committed to this issue who are working day and night to try to find if somebody is alive and to bring them home and regrettably we are, where we are, because there is a then and there is a now to this issue.

To a certain degree Secretary Cheney, in his testimony here acknowledged this by saying, look, I think some mistakes were made, but it was not on my watch. And I certainly took it as a very significant demarcation point here, which is saying, we are doing our best. We are confident of what we are doing. But we understand that some things have happened in the past.

To the degree we can sort out what happened in the past and understand it, we are going to help to understand this issue today. And that is what I want to begin to get at a little bit here in the beginning of my first round of questioning.

You said we are seeking a full accounting and we begin with this number 2,273. But frankly, I do not know as I listen to testimony and I look at different numbers that are in front of us, what the real numbers are and we have got to ascertain that as to Vietnam, particularly as to Laos and cross check where we are. Now you say that we are still dealing publicly with this magic 2,273 POW/MIA's, but in point of fact, there are not 2,273 today, are there?

Are there not at least 1,000 of those that we could say, with certainty to families, that they are now known to be deceased. Is that not accurate?

Mr. FORD. In fact in just the last day or so we've changed the number to 2,271. Two families have been notified. But you're right, the list is made up of an assortment of different classifications of individuals. And there are a large number of people on the list that were reported by their commander, or someone in the field, that they were killed in action. But their body was not recovered.

And that these people, earlier on, were separated out into a different category. And at some point it was decided that we wanted to account for all of these people. If we couldn't determine and get the family an answer about what happened to the body or what happened the day they died, that they ought to be also included in this list. So they were merged with those that were missing in action. Also with those that were killed in action, body not recov-

ered. And so that about half of the 1,000 figure is fairly accurate, or listed in our files as killed in action.

The CHAIRMAN. And are there not—I mean some of these reports that I have seen, at least to me as a former combatant—seem pretty valid. I mean they have a texture of two to three people in the unit saw somebody get hit, or there was a significant explosion and somebody was underneath it, and nobody could be recovered by virtue of that. And there were enough witnesses, whatever, that you could really—can you not say with a certainty what happened, as reasonable people look at it?

Mr. FORD. Senator, I'm not sure of all of the background. It was before my time, but my understanding, and I understand it now, is that it was a matter of credibility. This issue has not become a cause celebre or an issue that people were concerned about last year, or the year before. It is through this entire period there has been concern by the families and others about POW/MIA's. And so that at some point people began to question, well, did you really know they were dead? Was the report accurate?

In fact we know—well on the other hand, there were some commanders thinking they were doing the family some good—would know someone was killed in action and had very good evidence of that, and would leave them MIA or POW. And so that these lists were not all that black and white. There was some confusion at the time during the battle, and whatever.

So that as an act of mercy for people with all this uncertainty I think, quite rightfully—the people that still would like to find out what happened to their son, or their husband, or their father on the day he was killed. We also owe them an accounting.

The CHAIRMAN. I understand that, and I am not suggesting they should not get the accounting. What I am suggesting is that in many of those cases, at least to this Senator's reading, there is an accounting available. And I am uncertain as to why it has not been laid out in that way. I am going to come back to that.

I also, to take the other side of it, believe that for a significant portion of those numbers on the other side of that ledger, there are some huge questions. Now I am not going to abuse my time here. I want to come back to that in my second round. But there are some very significant questions about Laos and the correlation of people in Laos to those who returned. And we need to get to that.

I want this committee at this hearing, hopefully today, to get some base numbers from you. Some realities about the numbers of deserters alleged, and some realities about where we are in terms of Laos and Vietnam. My time is up, let me turn to Senator Smith.

Mr. FORD. Could I just respond briefly? We would be happy to provide you with the numbers as you request. But I also point out—and just don't want to overdo the issue but the fact is that there are a number of cases in which we have very convincing evidence from a forensic examination, dental and various other things, in which the families are unwilling to accept our judgment. And that we have remains back, we have a story, we have an explanation.

It seems to me understandable that there would be many families out there who at some point or another in the last 18 years or 20 years said, I'm not sure that my son died. Even though—and

maybe in their head they know what they remember hearing and reading—but in their heart they don't accept it anymore. Now those numbers, as far as we're concerned, we have to deal with. An accounting for those people is just something that we feel obligated.

The CHAIRMAN. Well, that is part of the tragedy of what has happened here, and obviously the review of all 2,273 and the recommunication process is going to be critical to dealing with that. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman. Just one question that I would like each of you to answer, if you could, and you can do it with a yes or no if you like. Have you seen, or do you know of, any information, good information, that would indicate that any American was alive? Any American who may have been a POW was alive after 1973. Mr. Quinn.

Mr. QUINN. I have seen information that there was a man named McKinley Nolan who was alive in North Vietnam.

Senator SMITH. I am not talking about hearsay. I understand that. I mean good solid stuff.

Mr. QUINN. I think this was good solid stuff that he was alive. All the reports indicated that he had in some way—was not a prisoner—that he had somehow had—and I don't want to use the words that might characterize him—but that he was somehow in a different status and was moving about more freely, and had some type of different relationship with the authorities in North Vietnam.

Senator SMITH. And so it is yes in the case of Nolan.

Mr. QUINN. Yes, and there was one other report that was attributed to the mortician, who said that he saw some people with Mr. Garwood. And I think DIA and DOD is better to do that, but that report struck me as indicating—I mean it had a lot of detail and he apparently—the mortician was able to identify Garwood. And so I've seen those two that are reports that really ought to be followed up, and that there were some Americans that there is—that are possibly alive after that time.

Senator SMITH. Nothing else.

Mr. QUINN. I can't think of anything else right now.

Senator SMITH. Carl.

Mr. FORD. I have not seen anything that would convince me that there are not some Americans still alive.

Senator SMITH. Anybody alive after 1973.

Mr. FORD. The reports that I have seen suggest that there were. How many I'm not sure, but I think that the reports suggest that there was one for sure, that the Vietnamese didn't tell us about until much later. That was one, but there are also some reports suggesting that people might have been alive we didn't know about. We didn't know where they were—and probably died afterward.

I think that the evidence is not real compelling, but it certainly causes me to pause. The more important question for me—and I accept the importance of the question in 1973 as an important point of saying well, why did it happen? We have focused most of our efforts on are there any alive today and can we find them? And that as we accumulate evidence and as we go through that process,

we are able to begin to piece together a little bit better, what happened back in 1972, or 1973, or 1975. And the evidence, as we accumulate it, more and more suggests that there are probably some left alive in 1973.

Senator SMITH. I am trying to get a quicker answer because I want to ask you a couple other questions.

Mr. FORD. I understand. We're here as long as you want us.

Mr. SHEETZ. As Senator Grassley well knows, DIA did a compilation of reports that were received in the period after Operation Homecoming. It is our assessment at DIA that those reports are not definitive—they are not firm, credible evidence. They were reports—they were evaluated at the time.

And one thing the committee might do is, in its future deliberations or investigative efforts, call in the commander or the then commander of the Joint Casualty Resolution Center, which had the responsibility for checking those kinds of reports on the ground. Warren Gray who was on my staff was part of that JCRC in 1973, 1974 time frame.

Senator SMITH. Excuse me. We cannot go into a lot of detail here, but let me just phrase it this way and just ask for a yes or no. You have seen the information that Mr. Bell provided us. Based on having seen that information, do you agree with him or disagree with him—that based upon the information that he provided, that he discussed—that that would indicate that there was some indication of somebody alive other than Garwood. Somebody alive after 1973, not necessarily alive today. Do you agree that that was evidence, at least, that was presented?

Mr. SHEETZ. DIA has held all along that the report of the mortician that he saw three Caucasians who were identified to him by another person as probably being Americans—that that report stands. That there is validity to that report.

Senator SMITH. I want to ask a couple of quick—and I know my time is almost up. Mr. Sheetz—back on the committee, staff and myself, and I am not sure who else was there—did talk to Mr. Bell as well. And we are also trying to sort that out and I think you gave a pretty good analysis of what happened on your end. Just trying to follow up on a couple of points that he made with us. Did he show you photographs that he alleged, or was led to believe—one or the other—of the alleged facility where Carr may have been held. Did he show you photographs?

Mr. SHEETZ. Yes, he did.

Senator SMITH. And in one of those, without being too particular—in one of those photographs was a building—pretty obviously distinguishable building. Do you know where that building is?

Mr. SHEETZ. I do not.

Senator SMITH. So we do not know where that building is.

Mr. SHEETZ. That's true.

Senator SMITH. Are we making an effort to try to find out where it is?

Mr. SHEETZ. Every effort that I know how to make. And generally, we are employing all of the many and varied assets of the U.S. intelligence community, and when we get into closed session I will be happy to brief you at length on that, sir.

Senator SMITH. Finally, a couple of quick points on Bailey. Was there any prior contact by the U.S. Government with Mario, the source that you interviewed in Bangkok with Bailey? Was there any prior to that meeting—was there any prior contact by the Government with Mario?

Mr. SHEETZ. I have no personal knowledge of that. As I understand his allegation—and he was not specific with me—that this contact involved—possibly involved, U.S. Embassy personnel who are working the POW/MIA issue. I have not spoken to them and, to be honest, I've heard two possible names mentioned. I have no personal knowledge of that.

Senator SMITH. Because he did allege that an individual from the U.S. Embassy, as you stated, paid Mario money.

Mr. SHEETZ. I think Jack told us the sum was \$6,000.

Senator SMITH. That is what he told us, but you do not have any knowledge of that?

Mr. SHEETZ. I do not.

Senator SMITH. And you tried to check that out.

Mr. SHEETZ. I have not had the opportunity to speak with the two individuals whose names, I think, may be candidates. I would like an opportunity to get to the bottom of that too. I would be happy to work with you on that.

[The information referred to follows:]

The allegations were investigated and found to be fabrications.

Senator SMITH. Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCain.

Senator McCAIN. Thank you Mr. Chairman. Mr. Quinn, I hope that if some other allegations arise, or information about the whereabouts of an American POW you will notify the committee. We were not happy to read about the information concerning an American in the Soviet Union in the newspaper.

Mr. QUINN. Well we will certainly keep the committee informed, Senator. But I will point out the day after I testified here, I testified on the House side and was asked a lot of questions about the Soviet Union. And I gave a full briefing of everything that we knew at that time. So there is certainly no hesitancy on our part to withhold any information.

Senator McCAIN. I was not implying that. Ms. Monika Jensen-Stevenson alleged that the Vietnamese offered 260 prisoners to the Woodcock Commission for a sum of money. I believe you were a translator for the Woodcock Commission. Is that true?

Mr. QUINN. Yes, sir, and I addressed that in my opening remarks, Senator.

Senator McCAIN. And you have no knowledge of any offer.

Mr. QUINN. Absolutely not.

Senator McCAIN. You would have had knowledge of such an offer.

Mr. QUINN. Unless this was something that was whispered to one person, and that person didn't share it with anyone else. I would have had knowledge of that. I was in all of the meetings. I heard everything that was said, and I was in all the discussions afterward. I was part of writing, encrypting and transmitting Mr. Wood-

cock's personal messages to the President of the U.S. And there was absolutely no discussion, at any time, of anything like that.

Senator McCAIN. Mr. Quinn, do you know—or do any of the witnesses know of any of the liaisons between administration officials and identified members of organized crime?

Mr. QUINN. No, Senator.

Senator McCAIN. Mr. Ford.

Mr. FORD. Senator, I've heard the allegations but I've not seen any evidence yet.

Senator McCAIN. Mr. Sheetz.

Mr. SHEETZ. No knowledge.

Senator McCAIN. Mr. Quinn, do you know of any sanctioned rescue missions, or missions by the Department of Defense, after 1973?

Mr. QUINN. No Senator, I don't.

Senator McCAIN. Mr. Ford.

Mr. FORD. I have been told that there was one mission.

Senator McCAIN. That there was one mission. Mr. Sheetz.

Mr. SHEETZ. The same information that Mr. Ford has.

Mr. QUINN. Senator, if I could—there was a mission that was described to me after the previous hearing which I had never heard of before—which was described as reconnaissance mission but not a rescue mission. I make that differentiation, but I have no information about any rescue attempts.

Senator McCAIN. Thank you. The trip that Mr. Usry made in August—that was as a result of information provided by Mr. Khambang—is that correct?

Mr. FORD. That is correct.

Senator McCAIN. And at the time—

Mr. FORD. There may have been others, but that was the major source of information.

Senator McCAIN. And Mr. Khambang was along on the trip, and he was going to provide additional information to corroborate the fact that Americans were somewhere alive.

Mr. FORD. He was going to bring in the people that had provided him the information.

Senator McCAIN. And at the time, did you know that Mr. Khambang—according to the assistant Secretary of Defense for National Security Affairs—Mr. Khambang passed bogus dogtag information to his superiors in the Arlington Police Department where he worked as a clerk? And that turned out to be fabricated. In the fall of 1990 passed a roll of film and other information—the purported Borah photograph—you knew all of that when you decided to have that trip proceed.

Mr. FORD. The details had been accumulated and put into that particular document for the record. At the time, I was aware that Khambang had been very much involved, for a number of years, in this, and that we had considered his information to be unhelpful—incorrect.

Senator McCAIN. Have you or anyone else in your department—the Department of Defense—falsified any photographs?

Mr. FORD. Absolutely not.

Mr. SHEETZ. No sir.

Senator McCAIN. Mr. Sheetz, what was the result of Mr. Gadoury's trip back with the individual to meet the individual in Laos?

Mr. SHEETZ. The Laos Government did make Mr. Ahroa available. He was interviewed by Mr. Gadoury from JCRC, and Mr. Eddie Smith from Stony Beach. Once Mr. Ahroa's story was gotten—a written statement was taken.

Senator McCAIN. Mr. Sheetz, I am talking about the follow-up trip with family members.

Mr. SHEETZ. It's happening right now.

Mr. FORD. The details that I have are incomplete, but Mr. Gadoury met up with two of Mr. Borah's sons in Tokyo and they flew to Bangkok. There was some delay in getting the arrangements made for the individual in Laos to be made available. My understanding is that that, in fact, is now in process, and I have not heard what the results of that meeting are.

Senator McCAIN. You will let us know.

Mr. QUINN. They're going into Laos tonight.

Senator McCAIN. You will let us know the results. Have you been able to receive any of those affidavits that the judge said proved that the pictures were tampered with?

Mr. FORD. We have not received any, to my knowledge. I am hoping that the committee has and will share it with us.

[The information referred to follows:]

We have determined that the individual in the 1990 photograph is not LT Borah, but a Lao highland tribesman named Ahrao. To assist the family in overcoming their doubts, the Department of Defense facilitated the meeting of the Borah brothers with Mr. Ahrao in Savannakhet, Laos. Mr. Ahrao identified himself in the original widely publicized 1990 photos. He explained the circumstances under which the photos were taken, and he displayed for the two brothers the jacket that he was wearing the day the original 1990 photos were taken. Also present for the meeting was the second individual in the 1990 photo, the individual first identified as "LT Borah's guard." These individuals are obviously the two individuals pictured in the original 1990 photographs purported to depict "Borah and his guard."

We consider the "Borah" photo issue, and the 1990 photos purported to depict LT Borah, resolved. The case of Lieutenant Borah is, however, an unresolved discrepancy case, and is still under investigation by the Department of Defense.

Senator McCAIN. I do not think we have. Mr. Quinn, I hope that we will continue to exhaust every effort as far as the Soviet Union is concerned. And perhaps from our embassy level—with particularly KGB and Russian defense personnel, we could ascertain—

Mr. QUINN. We have—the embassy has begun that effort and has had several conversations. But obviously there is more to be done and we would like to have access to those records.

Senator McCAIN. If I could slightly refine Senator Smith's question, do you believe there were any American prisoners of war alive in Southeast Asia—or do you have any evidence of that, or do have a belief in that—after 1973?

Mr. QUINN. The reports that I saw—McKinley Nolan wasn't being treated as a prisoner of war. The other report, which is the one that Mr. Sheetz also referred to, is that there were two Caucasians who were with Garwood in 1979, who seemed to also be moving about freely. And these people were identified to the mortician by Vietnamese present as being other American pilots. But the mortician himself didn't know whether they were. But I've not seen any reports of people actually being held in captivity.

Mr. FORD. Senator, when you refine it that way, it certainly makes me answer much more guarded and cautious. I would still have to say that the evidence that I have seen suggests that there could be. But I do not have any evidence that there were.

Mr. SHEETZ. I am unaware of any firm credible evidence that Americans were held against their will after Operation Homecoming.

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

The CHAIRMAN. I want to come back to that, but I will wait until my time. Senator Brown?

Senator BROWN. Thank you, Mr. Chairman. Secretary Quinn, can you give us a brief summary of what the State Department has done in follow-up on the wire stories, reports of a POW being in the Soviet Union?

Mr. QUINN. Yes, certainly, Senator. As soon as we saw that, we sent an instruction to our embassy in Moscow to immediately follow up on that. Our embassy has sought the journalist who wrote the story as being the first source of information and has had an interview with that individual.

I don't know if you were here before when I made reference to that. Let me repeat that for you. We have just literally gotten this morning the report of that interview, the journalist was a little difficult to find, in which the journalist said that the story carried by this journal, *Kommersant*, ran in the Russian-language version and an English-language version and that there were some changes to the story in the two languages.

And that, in the Russian version, which the journalist said is the authoritative one, the paragraphs were ordered differently and the meaning conveyed in the Russian-language version was much less certain that any American continued to reside in that city.

In the Soviet Union, a small town in the Soviet Union, where it was identified that an American was living in the English-language version, it is more certain. The journalist told our embassy representative that the Russian version is what he was conveying, that he was not certain. Nonetheless, we are going to send an officer to this town, if we can.

The reason I say if we can is that one, there is not an airfield there. We will have to fly into an area nearby and find a way to get there. We can do that. But it also is in an area which is a Soviet testing range or testing area and therefore is considered militarily sensitive and so we are not certain that we will be allowed to go.

But of course we are going to do everything and push in every way to get there. Now, we are also following up several other approaches with the Soviet Union. We have had conversations with Soviet officials about access to records, and some of this has to do with POW/MIA's from Korea and World War II, which is not an area of my responsibility.

But you mentioned President Bush raised it with General Secretary Gorbachev. Secretary Baker has raised it twice with the Soviet foreign minister. I have had several conversations with senior Soviet diplomats who lived and worked in Vietnam in the period after the war was over.

In one case, one man was there before the war and after the war. And they said to me in two separate conversations that they had never seen any information coming to the Soviet Embassy, and they were in senior positions, indicating that any American remained alive in Vietnam. And they pointed out that the Soviet Union had a very close relationship with Vietnam and there were Soviets all over Vietnam, workers, technicians, assistants, officials. And they felt with a very high degree of confidence that if there was such an American or Americans being held in captivity, that they would have heard about it, that they would have found out about it.

Now they qualify this always to say, well, there always could be something that we did not see or did not hear about, but they were very certain in their judgments and they passed this to us. They said in the spirit of the new relationship which exists between our two countries.

And they also came in conversations where we discussed other issues that relate to Cambodia and the Cambodian settlement, in which we felt that they were being very forthcoming and providing us assessments and information about the current situation there, which we strong reason to believe were accurate. So I judged, in these conversations, that they were giving me a straight answer. That was my impression.

Senator BROWN. Can you give me an idea of what we have done in the way of requests to the Government of Laos and Cambodia for access and where that stands?

Mr. QUINN. Access to?

Senator BROWN. Access to follow-up on live sighting reports to send personnel in?

Mr. QUINN. Yes, sir. Of course in July, I raised the photo cases and well as the Borah and Carr cases at that time and they have been willing to follow-up on these immediately and unilaterally and then to work with our investigative teams and to take them to meet with individuals who are associated with these live sighting cases in Cambodian.

An investigative team from Stony Beach and Bangkok went into Phnom Penh in July and was taken around and actually met and interviewed people who were associated with the handling of the Robertson/Stevens/Lundy photo.

And you know from Mr. Ford's testimony that we also received access to the individual who was the person who was identified in the photo as Lieutenant Borah. And right now we have a mission that is underway in Laos to go to Xiang Khoang Province to follow-up on the Carr case.

Senator BROWN. What about all the other sightings we have had that are located in Laos? Is that something we have made a request on or where does that stand?

Mr. QUINN. We have a number of the other discrepancy cases in Laos and we have had, in the past year, continued increased access to these. And for the first time, we are in Pua Pang Province which contains the site of where the old Pathet Lao headquarters was. We have never been able to get there before.

We have also had cooperation in expanding the number of investigations that we can do each year. I do not want to leave the im-

pression that I think it is perfect. We would like to be able to go out ourselves and not have to ask anybody and just get in our own helicopter and fly out there and investigate without asking anybody's permission or agreement. That is the ideal. That is what we strive for in Vietnam, Cambodia and Laos. But in the context of continuing—

Senator BROWN. They have turned it down but they have been willing to go with advance notice of where you were going?

Mr. QUINN. What has happened in Laos and Cambodia is when we have particular requests and Vietnam, in the case of the photo case, when we have particular request with information, we are able to get out there, but with them to go and follow it up.

Senator BROWN. I am sorry, I do not mean to be rude, but let me take you back so that I understand. We have asked for, from them, the ability to go through the countryside without a guide and without advance notice and they have turned us down on that request.

Mr. QUINN. I am not sure that we have put the question to the Lao that way, Senator, in those terms, and they have said no, you can not do that, but you can do it this way.

We have, in Vietnam, made the point that we want to have it for our investigators to be able to go out and we have told them that is the ideal. I am not sure that they have said, no, you cannot do that, either.

We have conveyed this. We certainly—I do not think there is any misunderstanding on their part that that is what we would like to do but I do not think it has been done in that we want this and no, you cannot do it. Usually the answer, the Asian style, is never to say no, no, you cannot do that. It is not the way business is done. The way you get the answer back is that you get some other type of increased cooperation.

Let me check, if I could.

Senator BROWN. Would you? I have found over the years that it is difficult to get the answer you want if you do not ask the question.

Mr. FORD. If I might, I think we may not have phrased it exactly as you did, but in Vietnam we have asked to do this and we have been told that we have to submit a request in advance. When we have done that, we have had trouble even getting permission after having requested it. In the case of, obviously what we are concerned about is that if the report we have is of an American in captivity, either by the Government or private sources, that if we tell the Government we want to go and look for somebody in a particular area that it will tip off the people there so that they will move them.

There are other cases in which there are reports of Americans living free and we have been trying to test the system with those cases. But because one, we wanted to test it, and two, we thought it was safer to do it that way, rather than trying to do the cases. Where we have reports of captivity, we have not had much luck.

Now I am concerned and upset about that. I am not particularly surprised. Vietnam is still a Communist country. They do not even let their own people travel freely. And so that what we are asking them is extraordinary. It is an extraordinary situation. And I think that they have indicated to members of this committee and certain-

ly to other people that they are going to, and we just simply think that they ought to let us have the access we need.

Mr. QUINN. I have checked with people who have a better understanding of the full record of our dealings with Laos. And the situation is basically as I said to you, Senator, that we have made the statement that this is what we want. We want unfettered access. They do not say yes, they do not say no. They take note of it and we then get back some other answer and some other, we make some movement.

We have discussed with them the possibility of our own kind of transportation or having U.S. transportation in there, which would be something that if you then had it and you controlled it, you could get out and move. And in both the case of Vietnam and Laos, the indication is that they would be favorable to such an arrangement, but with their pilots, indicating that they want to maintain a degree of control.

Senator BROWN. Thank you.

Senator SMITH. Senator Grassley?

Senator GRASSLEY. Thank you. Secretary Quinn, before I ask a line of questioning, I want to ask, I would like to ask about Bill Bell. I had a conversation through staff with Bangkok, the Bangkok embassy, and I understand that he was given a visa in Bangkok but it was not approved by Hanoi. And I guess I would like to have you tell me, if you can, the status of Bill Bell's return to Hanoi.

Now this is 24 hours ago that I had this information.

Mr. QUINN. Well, I had a call last night at 10 from our DCM in Bangkok, who told me that Bill was scheduled to go back, I guess tomorrow morning, that he had his visa. He has his ticket and that the embassy, which has had conversation with the Vietnamese Embassy about this was told that there was no problem of his going back.

Mr. FORD. The information I have is essentially the same but Senator Grassley, what we had heard earlier and I am sure that what you and your staff have heard earlier, is that a middle-level official whom Bill deals with on a regular basis in their unit, that those POW/MIA's indicated to us that they were not going to let Bill back in or give him a visa until he provided certain information, the transcript of testimony, and then not until Christmas. When our official on the ground heard that he said, what are you talking about, you have got to be crazy. Our representative said, well, we would like this in writing and he said, well, this is unofficial but you should understand this is the case. I know Secretary Quinn and I just about exploded when we heard this. And the fact is that the committee was very much involved and we were waiting to see what would happen.

But it looks like it was not official and that it was some mid-level official who was out of sorts with the testimony or whatever and was trying to take it out on the people there in the office.

Senator GRASSLEY. Well, your response, as you have stated, you were outraged about it, would be very appropriate from my point of view. If you were not outraged, I would expect you to be outraged.

Because this is some bit of evidence of whether or not the Vietnamese evidence is going to fully cooperate with us. And so we want to make sure that there is obviously no retaliation.

Secretary Quinn, when you were questioned by Senator Kerry about divulging classified information on Vietnamese, I am not sure we are all talking about the same document, so I would like to have a clerk give you a couple pages that I have here and have you take a look at that. And I would like to go back to the Secretary's line of questioning, but I would like to start from a different point.

Now this is no effort on my part to just get some basic information. And if you cannot give the information now, if it is just a case of your willingness to provide the information.

On our first day of hearings last week, I asked you the following question and received the following response. And I would read from the transcript of our hearing.

I asked you, we heard this morning that the U.S. and Vietnam have agreed to certain procedures to investigating live sighting reports.

My question to you, does this include our government turning over classified file information on POW's like sources and methods.

Your response, a partial response, certainly not turning over anything about sources and methods. I couldn't imagine a situation in which we would do that.

And then, skipping a sentence, in the case of the Robertson/Stevens/Lundy photo, we did provide information to the Vietnamese Government, the Cambodian Government and the Laotian Government, which we expect them to investigate wherewith and we asked them to provide us answers. But we certainly didn't turn over anything.

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

Well, 2 days later then we had Debra Robertson Bardsley testify that she had recently returned from Hanoi and was told that she was the first family member to have met with Vietnamese officials. She stated the following. Either during or after her testimony, number one, a Vietnamese official whom she described as a Mr. Dich, and I spelled that D-i-c-h, and whom she said is the head of Vietnam MRA office, gave her a list of sources and a memo describing locations of live sightings pertaining to Colonel Robertson.

Ms. Bardsley says that Mr. Dich expressed a desire to punish the sources on the list. These lists were provided to the Vietnamese by an American official, according to Mr. Dich. There was a corroborating witness with Ms. Bardsley who heard this. Mr. Dich said that the American official who provided this information was Mr. Ken Quinn.

The name of K. Quinn, as you can see, is written at the top of each page and it is in Vietnamese style script, along with a date of July 26, which I believe is when you traveled to Vietnam.

If this is bona fide live sighting intelligence and if Mr. Dich's statement is true regarding how he received this information, then your statement on November 5 would appear to be erroneous. On

the other hand, no one has yet made such an allegation and this committee expects to determine the truth in this matter.

But I wanted your response to that, please.

Mr. QUINN. The two documents that you sent down to me are indeed the two pieces of paper which I gave to Vietnamese officials in Hanoi on the 26th of July of this year. These two pieces of paper were prepared by me, Warren Gray and Colonel Cole in Bangkok. They are not documents that exist any place else in the U.S. Government. They are extracts and I went through information with Cambodian officials and with Vietnamese officials about what we knew and where we wanted to go and why and I spoke that information.

Actually, I spoke it in Vietnamese, in Vietnam and then, gave them this as an aid for them to remember because there was a lot of information going no place on either of these documents. And there is a third document which I gave to the Cambodians which is different than this and which I am happy to provide to you.

On no place on here is there any name or person, or method from which we gained information. This is information about people who were in some way involved with the photos that we wanted to investigate. This was all worked on and cleared by the representatives of the Defence Intelligence Agency who were with me and it also was shown to Mr. Bell before we presented it to make sure, triple check, that there was no problem in doing this.

The reason we did this was that we had the photo. The family members said, these are our loved ones. They had a date on it, 1990, and we had other reports suggesting that the reports in this photo could be alive. We wanted to go and see. We wanted to go and try to find them any way that we could. We could not do that alone. We are not able to go into any of these countries and move around alone by ourselves. Therefore, we can only do it with the Government's assistance. Particularly in the case of Vietnam, they did not take these photos seriously at first. They considered it to be some type of propaganda, operation, misinformation, what you will. And so we wanted, and I wanted to convince them that this was serious and so Mr. Gray and Mr. Bell and I sat down with them for 2 hours and walked through what we knew. This is not all that we know about this. When you see the full report you will see that there is a great deal more information, but this is where we told them we want to go.

Here is why we want to go and we want to go there as fast as we possibly can and it is of crucial importance to the United States of America that we get there. I made the judgment that in doing this that we could accomplish that, and in fact we got into the prisons that are in that area and were able to look and see for ourselves. And we also got access to other information about the Robertson case, as a result of that.

In Cambodia we got to go and talk to many but not all of the people on this list. We got to go, Colonel Cole is here, he can tell you that we actually went to the places where Robertson and Stevens and Lundy were supposedly held. This had never happened before. We had never been in the prison before. We had never been in Cambodia before. We never got to go around and actually go to the places where they were being held and so that is why I did

that. In retrospect, if it is considered to be a misjudgment, I take the blame for that, not Mr. Gray, or Mr. Cole. I do not consider it was, I consider it a real advance and frankly, the Vietnamese and Cambodians considered us to be acting in a serious way with them, in a cooperative way and that is important because tomorrow we get another report, another photo, that says here is an American who is alive and well so Cambodia or Vietnam are going to face the same question.

How do we get out there and find out for ourselves. We are not at a point where we can go alone. We can only go if they let us go and we want to do that as rapidly as we can. That is not the best situation. That is not the way I would like it to be. That is not the way that we are working to have it be but to get there. It is, unfortunately, a step by step process.

I consider what we have done a big step, but, I am sorry to go on for long, Senator, but I wanted you to understand.

Mr. FORD. Can I add one brief comment to this. I had a brief conversation with, as I recall, at least the representatives, of the Robertson family and the Lundy family during this period when the photographs and identification of that photograph had just been made.

And one of the subjects that we talked about, because they were urging, not only Ken, but me and others, Go out there. Talk to the Chinese. Talk to the Vietnamese. Talk to the Soviets and I had a discussion about the risks involved and did they understand what they were asking us to do. That if, in fact, these governments were holding back, were holding their loved ones, that this was a certain risk that we were going to have to take and that we were trying to do it more indirectly than they were suggesting.

And they said, you understand the quandary we are in and the pressure we are feeling. And they both—or the people there understood, that we would have to be taking some extraordinary steps. And so, that while in the best of all worlds we would have tried to have done it differently, everyone was aware that this was pushing the envelope way far out and we thought there was good cause.

Mr. QUINN. And I did not take the step of going to work with the Vietnamese on this without consulting the families. I spent 2 hours on July 12, with all families assembled and told them that there were these two choices. And they concurred in our going and working with the governments involved. I wanted to be, sure, I did not want them to come back later and say, you have gone out and messed it up. You should not have done it that way.

I wanted it to be a consultative process, and as I mentioned earlier, Senator, all along and afterward I kept Shelby Quast informed of this. I had an hour and 15 minute debrief in my office about the results. I told her—I did not give her the documents, but I told her what had happened and I told her what the Vietnamese had said.

Senator GRASSLEY. Could you comment for me on the point that has been made to us several times about what I would call the mentality that is presented by the Vietnamese that give us a name so we can punish the sources, punish the people. Now you are looking like that has never been expressed to you.

Mr. QUINN. No that was expressed to me.

Senator GRASSLEY. Well, just comment whether or not that is something that is a real fear out there that we have to be overly cautious about, protecting sources.

Mr. QUINN. Obviously, if we have a source who is giving us information the last thing we want to have is the Vietnamese or Cambodians or Laotians or anybody else to know who that is. That has to be protected. I would make the point that these people involved are not sources from whom we got information. They are people who we have information that they would know something about, the photos, or were actually involved in holding the Americans.

Senator GRASSLEY. In this specific case—

The CHAIRMAN. Senator, I need to try to get to Senator Kohl.

Senator GRASSLEY. Well, this is in regard to the same point. The people on this list, you see, Mr. Dich stating to Debra that we want to punish these people. You see the people on the list. That was what was expressed to Debra.

Mr. QUINN. I understand, I mean, the Vietnamese do not accept the photo as legitimate and they have said publicly and privately that they believe that people are doing this to impune them and their reputation on this and to thwart better relationship between our countries or they are doing it as a way of just a scam to make money. And so they are concerned about that. So you have to make some judgments if you want it investigated. You have to give them something so you can go out and investigate it. If we want to talk to the only people would know about this, we have to go through them to get to them.

So, in there, we try to separate out anybody who is a source so that they would not come in for any type of punishment but to name the places or the individuals so that we can go and try to find them—

The CHAIRMAN. Let me just say to the Senator that one of the things the committee is going to gain from our trip in February will be an opportunity to really confront some of those things firsthand and to have a sense of some of the difficulties that are being worked with. I mean we tend to forget that this really is a closed society, a Communist country, and I know you do not forget but the reality is that I think a lot of progress has been made in the last months in overcoming some of those problems.

Mr. QUINN. Could I make one last comment on this and I apologize. I had information in a case we thought the Americans would really be alive. My judgment call along the way was, What is it that is going to get us the maximum ability for our country to find out about these people. That was the bottom line decision making and that was always in my mind. What is it that we should do here on the ground and in an evolving situation that will get us the best chance to find out about this photo and these men in it.

Maybe somebody else would come to a different judgment. This is the judgment that I came to. And we got certain results, which I think were clearly things which we had never had before and access we had never had before and was to me, that is a good result.

The one other factor in this case, the Federal case, to keep in mind is that the photo was publicized. I do not know by whom, here in the U.S., the day after the families gave it to us. Certainly

not by us and that which put the case into a very different kind of public perspective. We had already made our decisions. We had already approached the Vietnamese Government on this investigation, but in publicizing it like that, we had not provided any of this information where we thought anybody was or who might be involved, called great attention to it in Vietnam before we ever got there and I think probably, in the end, it was not helpful.

The CHAIRMAN. Senator Kohl, thank you for your patience.

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

Gentlemen, I would like to talk just a little about POW's in the Soviet Union, and specifically I would like to talk about a Lt. Robert Reynolds who was shot down while piloting a Navy surveillance plane in the Baltic Sea in 1950. Apparently we were aware that this crew was shot down and that there were some survivors. That and other stories were written up in the Los Angeles Times earlier this year. I wrote a letter to you, Mr. Ford, about this case and you responded very courteously and very promptly and I appreciate that very much.

What you said is that we inquired back in 1950 when it happened and were told that there apparently were not any survivors, but made no further inquiries until 1991. I ask the question: How is it that between 1950 and 1991 we did not go back? The evidence was that there was some indication that some of these people were there and that they were alive. What happens in 41 years that we do not go back and reinquire and ask whether or not there is some information that would be useful.

Mr. FORD. I do not know, Senator. I was not even aware until this particular issue came up that we had made the original inquiry or that there was this person, or there was this information about a person in the Soviet Union. As soon as we knew something about it, we tried to respond to it in various ways in terms of asking and pressing the Soviets for more information and we continue to do that in this case. But why, for 41 years we did not. I think it was simply the people that originally checked it out and were concerned about it did not pass that concern on to others and somehow over the years, we forgot that it even existed.

Senator KOHL. Again I would just make a comment. During this time we inquired about many, many people in the Soviet Union about whom we were concerned: Soviet Jewry, rightfully so, Raoul Wallenberg and many others. Why were we not at the same time asking consistently asking about POW's and missing POW's in the Soviet Union that we did not have any information on or inadequate information on? If your answer is, We did not, and I understand that. But is there some reason? Is there something I am missing here?

Mr. FORD. No, Senator, I think that the organization which has been looking at this issue in the Defense Department, DIA, and in my office and also in Hawaii, we have been focusing on Indochina POW's and it is only in the past year as concerns were expressed, as people's interest on this issue widened.

For example, Senator Smith has been very interested in Korea. We have not really done much on Korea and so that we are widening our scope from my office to these other areas for the first time and in our new organizational structure we are going to have

people here for the first time focus on Soviet Cold War POW issues. We are going to have somebody who focuses on Korea and World War II issues, but why was it, why it was not done before I do not know, but we are going to do it now and we have got my office, my office has put out or is in the process of putting contracts to people like Rand to tell us how to do that. How do we go back 41 years and begin the search over again and most of the records either have not been kept or destroyed and a researcher is in fact on his way shortly to the Soviet Union and begin the process of what we might be able to find. So that, it is a small step, but it is at least we have listened and we understand people's concern and we will try as best we can to do something about it.

Senator KOHL. I am very happy to hear that. I was going to ask you if we are now prepared to handle in a systematic, professionalized manner and you are suggesting we are doing that.

Mr. FORD. Yes, sir.

Senator KOHL. I would like to ask again about Lieutenant Reynolds. Could your office help me to get information to his family and to get the release of whatever was formerly classified as top secret or anything like that 41 years ago? Can you see to it that we get all possible information that we have to the family of Lieutenant Reynolds?

Mr. FORD. We will do whatever we can to help them Senator.

Senator KOHL. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman. I will be very brief. I had to go preside over the Senate the last hour, and I do not want to repeat any of the testimony that these witnesses may have given to the committee. I will review it later on, but I wonder maybe—and I assume you are about to wind up with this panel and go into the next panel.

The CHAIRMAN. Actually, not yet. We are going to have another round.

Senator ROBB. Well, let me just ask a general question. But in light of the information that was being elicited toward the period just before I left, I got the feeling that anyone who has any official responsibility for the handling of any reports or dealings with POW/MIA families is now prepared to give virtually all information—with the exception of those sanitized pieces that might relate to something that could still be regarded as legitimately needing classification—to the families if they request it.

Is that too much of a generalization? Would families of those who have unresolved cases be able to count on virtually all of the information, with the possible exception of very precise information, that might not be available to them at this point?

Mr. FORD. Senator, the current practice—or the practice certainly in the past—has been to provide the families with information that has been correlated specifically with their loved ones—as opposed to all the information that happened in that year, or that area in which their loved one was lost. And so part of that was privacy concerns—of giving information out about other families cases—and partly it was sources and methods.

And I think that over the years, the families have grown dissatisfied with that, and they understand that there is more information

there that certainly is not associated directly with their loved one. But they would like to be able to look and see if we missed something. They would like to look back over our shoulder and see if—because they're more personally involved—they would do something a little bit differently than we did.

And, quite frankly, we've got to find a way to satisfy that requirement. And we have got to find a way to give the families more confidence that they're seeing everything that we've got. And if there are some things that are so highly classified and sensitive that we can't show it to them directly—that they can have the committee, or someone with a security clearance—check for them.

And we would like to try to eliminate that as much as possible. We haven't gotten that answer yet, but DIA and DOD and ISA—and we will be working with others. We're going to find in the very short term some sort of an answer for information for the families. We need to do better, and we just simply have to find the answer and do it as quickly as we can.

Senator ROBB. Are you in a position at this time to reassure them in response to any particular question that they might have that either you are giving them all the information you have, or you are giving them all the information sanitized to protect methods and sources, whatever the case may be?

Or there is another body of information that does not relate directly to their particular loved one's case that, for whatever reason, is not available—but so that they have some sense that they are getting as complete an answer and an explanation for why any missing pieces are not provided for them at this time.

Mr. FORD. I can't give you that assurance. That is our goal and objective—that we try to provide them with every piece of information that we can that comes to our attention and that we correlate to their family member. It is then sanitized and provided to the families through their service contacts, the casualty officers. In some cases we have been able to demonstrate that we have done that quite well. In other cases, things have gotten misplaced or weren't done quickly enough.

And some family members are missing bits and pieces. We wanted to go back and make sure that every family has everything they were supposed to have some time in the past—and if they don't have it, get it to them. And second, we want to expand the definition of what family members are allowed to see, so that they have more confidence that they are seeing all of the relevant information. They know we've put this restriction that has to be correlated directly to your family.

That limits, quite frankly, a lot of the information that is available to us—that is not available to families. We've made a judgment that it is not relevant to their case. They would like to test that for themselves and over the years—because of suspicions and reports coming out of Southeast Asia—they don't really believe that we're giving them everything. So we've got to find a way to give them that confidence that we are.

Senator ROBB. But is there not—I mean if there is no rationale for protecting methods or sources—or some other sensitivity or classified reason for prohibiting the release of certain portions of the information. Is there any general reason, other than—I under-

stand the desire not to give everyone increased expectation from the way they would interpret other facts as it might apply to their loved one. But I mean, just simply to make relevant information—tell them we do not think it is relevant for this reason to their loved one, but simply to make it available to them.

If you would make it available to someone who presented an argument that it was relevant to their particular loved one, why will you not give it to some other person who would make a more generic argument about a time, or period, or whatever the case may be?

Mr. FORD. You are right, and what we're trying to look for is a way that gives them some more say in determining what is relevant for their case. And we simply are committed to try to find that. I don't have the exact answer today, but we have already begun to think about it and how we might do it. And I have been trying out ideas on my people, and various others. And hopefully we will have a better way of doing this in the not too distant future.

Senator ROBB. It would seem to me—and this is just straight off the top of my head—it is always dangerous. But a relevant chronology of all of the types of information that are available, that would have some historical purpose, that they could simply go through at length.

Because this is obviously an emotional matter with families and they want to have access to all the information that they think just might be relevant. And I do not see any real harm—other than perhaps their own increased expectations based upon the availability of it—to come from it.

Mr. FORD. Yes, sir.

Senator ROBB. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Robb.

With respect to the Soviet issue, the translation of the text says—what happened to the Americans brought to the USSR is unknown—and it says their total number. Which seems to speak with a kind of definitive notion that people were brought there. Do you agree that seems to assert that, Mr. Quinn?

Mr. QUINN. That would be the way that, I think, a reasonable person would read it.

The CHAIRMAN. Are you satisfied—I do not want to go into the detail, but that is the text and so that is a matter of public record. I do not want to go into any of the confidential aspects of the State Department communications, but are you satisfied that all aspects of that particular case—and the other information—are now being followed up with the Soviets?

Mr. QUINN. I am satisfied that is in process. Certainly, that is not complete and I would think as part of this—just beyond this story is the question of access to files, archives, and records, which could affect a great many other individuals. So this is part of a much larger process which has started, but which still has a considerable ways to go.

The CHAIRMAN. Was any of the information that Colonel Bui Tin gave this committee with respect to this Soviet interrogation a revelation to you?

Mr. QUINN. I have to admit I didn't see all of that part and I'm not familiar.

The CHAIRMAN. He acknowledged there were Soviets—particularly along the Laotian borders and in Laos—where that kind of interrogation might have taken place. And there are indications, obviously from the Soviets, that it did.

Mr. QUINN. I guess I'm not familiar with having seen reports earlier that would confirm for me that it did take place. But I always suspected that Soviets somehow would be getting information.

The CHAIRMAN. Does it not stand to reason? I mean, if the Soviet Union is supporting Vietnam to a significant degree, as it was, and they have personnel in the region. And their number 1 enemy is the U.S. and an American electronic plane goes down and they capture people alive. I would assume we are going to think that they are going to interrogate them.

Mr. QUINN. They are pros. They would be out after that as fast as we would be out after it.

The CHAIRMAN. Let me come back to the numbers again for a minute. The 2,273—did that include Bob Garwood?

Mr. FORD. Mr. Chairman, I don't know for sure. I will have to check and see.

Mr. SHEETZ. He was—at the time he was unaccounted for when he came out. He came off the list.

The CHAIRMAN. So as of—let us go back—as of 1973 the accords are signed, our formal involvement terminates, correct? What was the number of unaccounted for POW/MIA at that time?

Mr. SHEETZ. I will have to provide that for the record. I don't have that figure in front of me today.

[See p. 932 of the appendix.]

The CHAIRMAN. Do you Mr. Ford?

Mr. FORD. No.

The CHAIRMAN. What were the number of people shot down in Laos?

Mr. SHEETZ. I think it is roughly 1,300. I don't have the exact number. That can be provided for the record.

The CHAIRMAN. I thought it was about 500.

Mr. FORD. 526, but when you say shot down, those are all of the ones—the total number of POW/MIA category people. The KIA—we have a body recovered.

Mr. SHEETZ. If I could clarify my number. As I understand it, 1,300 aviators were shot down and roughly 800 were recovered through search and rescue mission efforts, leaving the unresolved number that are on the list of unaccounted for.

The CHAIRMAN. Added to people on the ground.

Mr. SHEETZ. This number includes people on the ground and aviators.

The CHAIRMAN. And does not people on the ground include all clandestine personnel lost?

Mr. SHEETZ. To the best of my knowledge, the numbers we're working with—2,271—would include all personnel lost by all means.

The CHAIRMAN. So all personnel lost during the so-called secret war are included in that number.

Mr. FORD. They are now. That was not the case early on, and the reason was because of the security and the fear that those people might be killed because of the type operations at some point. They were added to the list.

The CHAIRMAN. Do you know when they were added, because it is very important?

Mr. FORD. I would have to get the exact date for you. It was in the late 1970's.

[The information referred to follows:]

The Department of Defense is in the process of conducting research on the question. There were employees of the Department of Defense that were operating in another capacity that were added to the list. (This would involve somewhere between 5 and 10 people.)

The CHAIRMAN. So that really sheds an extraordinary—I mean that is in and of itself a very significant kind of disparity that exists here. That is one of reasons people are saying—wait a minute guys, we are not getting the right numbers. Am I accurate?

Mr. FORD. That is correct. That is why people still believe that there's a secret list and—like many stories—there is some truth to it. There was at one point—as all covert action operators and special forces—they were not initially put on the list. But in fact, they have been now and so all of those people are accounted for, and a number of people have been accounted for in terms of remains.

The CHAIRMAN. That is very significant because, in fact, an EC-47 was shot down after the Paris accord, after Operation Homecoming, is that not correct?

Mr. FORD. I do not know that specifically. I take your word for it.

The CHAIRMAN. What about the Cressman case, Peter Cressman? Are you familiar with the details of the Cressman case?

Mr. FORD. I'm not.

The CHAIRMAN. I mean, did we not have information that personnel were taken alive from the EC-47 that was brought down? And Mr. Trowbridge, you are shaking your head.

Mr. SHEETZ. I have an analyst here—our senior analyst for the whole office.

The CHAIRMAN. Do you want to bring him up to the table?

Mr. SHEETZ. This is Robert De Statte. He was the first person in the Hanoi office.

The CHAIRMAN. Mr. De Statte, would you raise your right hand, please.

[Witness sworn.]

**STATEMENT OF ROBERT De STATTE, SENIOR ANALYST, DEFENSE INTELLIGENCE AGENCY**

Mr. DE STATTE. My name is Robert De Statte. I'm with DIA, a senior analyst.

The CHAIRMAN. How long have you been with them?

Mr. DE STATTE. I've been with the office since September 1979.

The CHAIRMAN. Can you just help me understand this, because this is one of those cases where a lot of people have questions and it keeps arising as an issue. It is my understanding that an EC-47 was shot down. Evidence was found that five people survived that crash. Is that correct?

Mr. DE STATTE. The aircraft was shot down, sir, on the 5th of February, 1973. Over the years there has grown the impression that we had evidence that some members of that crew survived. In fact, a careful analysis of the information that led to that impression reveals that the information did not pertain to that crew.

There never has been any evidence that any members of that crew survived. And I have unclassified summaries of the incident that we prepared back in 1987, and which have been released to the House task force. And we also provided that to Senator Smith back in 1989.

The CHAIRMAN. We will make those part of the record, and you can just give me the summary quickly, because my time is up. But I actually want to pursue these numbers issues because they really leap out as a major component of people's misunderstanding—or real misunderstandings here.

Carl Ford has stepped out, but I would like to ask that this committee have, by next week if we can, a full listing, chronologically, of all those people, as of Operation Homecoming, that we listed POW, MIA, body unrecovered, and so forth—in the appropriate categories.

A cross accounting of all of those returned during Operation Homecoming measured against that list, and a subsequent addition of any personnel now listed known to be lost and not accounted for in the course of that process. And a separate listing of those people known to have been captured in Laos and whether or not they were accounted for in the repatriation process with Operation Homecoming, and if not, what accounting there is for them.

Mr. SHEETZ. We will be pleased to provide that.

[The information referred to follows:]

A total of 16 Americans are known to have been captured in Laos.

Fullname	Loss RK	Serv- ice	IDATE	Ctry	Remarks
DeBruin, Eugene H.....		V	630905	LA	Reported died in captivity
Klusmann, Charles F.....	03	N	640606	LA	Escaped
Shelton, Charles Ervin.....	03	F	650429	LA	Reported died in captivity
Hrdlicka, David Louis.....	03	F	650518	LA	Reported died in captivity
Brace, Ernest C.....		V	650521	LA	Returned at homecoming
Dengler, Dieter.....	02	N	660201	LA	Escaped
Stischer, Walter Morris.....	04	F	680413	LA	Returned at homecoming
Leonard, Edward W.....	03	F	680531	LA	Returned at homecoming
Long, Stephen G.....	02	F	690228	LA	Returned at homecoming
Bedinger, Henry James.....	02	N	691122	LA	Returned at homecoming
Gotner, Robert A.....	04	F	710203	LA	Returned at homecoming
Butcher, Jack M.....	02	F	710324	LA	Returned at homecoming
Mattix, Sam.....		V	721027	LA	Returned at homecoming
Riess, Charles F.....	03	F	721224	LA	Returned at homecoming
Kay, Emmet James.....		V	730507	LA	Released
Dean, Charles.....		V	740910	LA	Reported died in captivity

The CHAIRMAN. That will be very helpful in giving us the baseline to begin to determine what numbers we are dealing with and who is really accounted for or not in that process. Now were codes broken—radio codes—in Laos, between the period of 1969 to 1973, which allowed us to track prisoners in Laos?

Mr. DE STATTE. Sir, if I could answer that question. I think that topic should not be discussed in open session. And I think it should be more correctly addressed to a different agency.

The CHAIRMAN. Is there a security reason why—I mean, we now know we broke the Japanese code in World War II. Is there a problem in saying we know we broke the Laotian code of the Pathet Lao, if we did?

Mr. SHEETZ. Sir, that work is all done by another intelligence agency.

The CHAIRMAN. I am just asking whether you know—do you know whether it was broken?

Mr. SHEETZ. I have no personal knowledge of that.

The CHAIRMAN. Do you, Mr. De Statte?

Mr. DE STATTE. Sir, I have only generalized knowledge, and I wouldn't feel comfortable answering.

The CHAIRMAN. I am not putting you on the hot seat. Is it your generalized knowledge we did break some codes, do you know that? Yes or no. And what is the problem here, guys, this was 20-some years ago? Can you articulate it to me?

Mr. SHEETZ. You really need to have a spokesman here from the other agency that does that work.

The CHAIRMAN. But you guys are the Defense Intelligence Agency—you are analyzing this with respect to this issue.

Mr. SHEETZ. And we are given their reports and entrusted to work with their reports under what is called the third agency rule. One agency is not allowed to declassify information from another agency. I mean, it's a law. I'm not allowed to disclose another agency's intelligence. That agency, as you well know sir, very jealously guards their capabilities.

The CHAIRMAN. We have met with that other agency and they have told us they are going to provide everything. But I am having—well, okay, look—if that is the rule, and you cannot break the rule, then we are going to have to get somebody who is going to.

I am going to put this committee in the position of asking you to break the rule. So we will deal with the appropriate people to see that you, in the appropriate circumstances, can answer the question. As I know the Secretary said, and I am not going to put you on the spot for that, you have to follow the rules and I understand that.

Mr. DE STATTE. Sir, if I could just add, speaking on a personal basis on this, I used to do that kind of work, and I had the experience—very early in my career of seeing first hand the expense and the amount of recovering from the compromising of that type of information.

The CHAIRMAN. I understand that.

Mr. DE STATTE. I fear I appeared evasive, and I didn't want to appear so.

The CHAIRMAN. I support covert activity. Some people do not like me because I do, and I think we need them. And it is a fact and reality of modern political and modern life. But there is a difference between telling us how we broke the code and whether we did, and there is a difference in just the level of knowledge here. Now you feel that that's a compromise—I am not going to put you

on the spot. But I am going to put you on the spot privately and otherwise, and we are going to find out where the reality is of what we did then, and what we knew then. Fair enough.

Senator Smith.

Senator SMITH. Let me just follow up on that just briefly by asking the question this way. Do any of you have any information or knowledge of any American service personnel, whether they be intelligence personnel, military personnel or any other type private citizen personnel, any type of American personnel, lost in Laos after the final shipment of POW's came home in 1973, yes or no?

Mr. FORD. Yes.

Mr. SHEETZ. Yes.

Senator SMITH. So the conclusion—I do not want to put words into your mouth, but we will get into some of this in executive session, but the conclusion therefore is that American military, and if I am wrong, say so, American military personnel were lost in Laos after 1973, after the Paris peace accords were signed and after all of the POW's had come home, correct.

Mr. SHEETZ. My staff reminded me of something I should have remembered myself, that those individuals who were lost after the period that you referenced were civilian employees of the U.S. Government and not uniformed military personnel.

Senator SMITH. Let me ask another question. Did the United States of America or anybody directed by the United States of America, conduct any type of operations in Laos after the last shipment of American prisoners in 1973 came home, any type of operation at all, either directly put on by the United States sponsored by the U.S. or indirectly or any other way? Is there any activity that this country was involved in in any way after 1973 in Laos?

Mr. FORD. I don't know, but we will get that for the record.

[The information referred to follows:]

During a closed session on Monday, 25 November 1991, the subject of operations was discussed at length between members of the Committee and DIA, CIA, and NSA representatives. Since the closed session provided the answer to this question and due to the sensitive nature of this subject, further response is not necessary.

Senator SMITH. I cannot believe that you do not know. Please do not embarrass yourself. You guys are in charge of investigating whether or not there are live Americans in Southeast Asia. Please, yes or no?

Mr. FORD. Senator, the answer, the honest answer is I don't know. I will get you the answer.

Senator SMITH. Do you know, Mr. Quinn?

Mr. QUINN. When I was asked this the other day, I did not—had never heard of any such operation. Mr. Bell then gave his testimony which caused me to ask questions of people who were operating and involved back then who told me that yes, there was.

Senator SMITH. Mr. Sheetz?

Mr. SHEETZ. I don't have personal knowledge. I wouldn't be surprised if such things occurred. I have not been briefed and don't have personal knowledge.

Senator SMITH. So the conclusion, and I am just trying to get stuff for the record, I am not trying to beat on you, but the conclusion here is that the individuals directly responsible for seeking and finding American military personnel in Laos do not know

whether or not, except in one case, do not know whether or not there were any military operations or any type of U.S. Government-sponsored operations in Laos after the accords were signed and after the last POW's came home.

And the point is, if we conducted operations in Laos, we can assume you have already stated the personnel were lost, so that first point, we conducted operations, the second point is, personnel were lost. That does not mean anybody is alive but it does mean that you ought to know something about those operations and at least, in two cases, you do not even know whether there were operations.

I want to get into that later. A couple of other questions. Mr. Quinn, I just want to follow up briefly on Senator Grassley's line of questioning and again, this is for clarification only in my mind.

I understand sources and methods. We all do. And I have the list of individuals and I understand your explanation, but it has always bothered me that whether they are called sources or whether they are called information or individuals or secondary sources or whatever they are, that the families who are going over there and looking on their own cannot have the same information.

And I am not going to mention names on the list in public session, but in a couple of occasions, people on the list, one is listed as a General who commands an unidentified prison; another is a General's son who commands an unidentified prison and they name the site of the prison; and another is identified as somebody in the Cambodian Ministry of Foreign Affairs.

I have seen reports that have been gleaned where names of the refugee has been stricken from the report with a conclusion being drawn at the bottom was this guy was a fabricator, but we still keep that individual classified as a source. I do not understand. Please give me an explanation as to why an individual who might be in the Cambodian Ministry, who says he knows something about a photograph, whether that photograph is bogus or not, why is that person less important in terms of protection than a refugee who comes and you have concluded is a fabricator. I do not understand that. Explain that to me, please.

Mr. QUINN. Because the reason the person's name was on here is one, this individual in the Cambodian Ministry of Foreign Affairs nor anybody else on the list, has told us anything. Whereas the refugee who goes into the camp and tells us is the source of our information and therefore we want to protect that person.

The reason we gave these names to the Cambodians is these are the people we wanted to talk to. So to find them, since we couldn't go ourselves, we gave them the names and said, we want to talk to these people.

Senator SMITH. But if, in fact, any of these individuals on this sheet of paper that we have here that was provided by one of the family members, if in fact, any of those individuals deliberately provided bogus information, I could care less what the Vietnamese do to them and the sooner the better. No question about that.

But if they did not and it was accurate and you do not know that, when you provide these names to the Vietnamese, if these people, by any stretch of imagination, any of these individuals here are in fact valid in terms of the information provided and in fact,

they did take a photograph, see a photograph, see the individual in the photograph as is alleged, they are dead.

And I do not understand the logic with the way you folks protect stuff and I know how much you protected over the years from me and from others. I do not understand why you feel, I mean, we had testimony this morning from people from CIL-HI, that they contradict a lot of you folks have been saying. They say that we are not, the Vietnamese are absolutely not forthcoming in the information. No way are they forthcoming, as a matter of fact, maybe deliberately providing misleading information in the help of identifying remains.

Yet, when you provide this kind of information to them, I understand your motive for it, I am not questioning that. I understand you are trying to do your job there. But when you provide that information to them, you are kind of assuming, really, in your mind, in your own heart, that it is bogus and we are going to get these guys for doing that.

And you are saying these guys are leveling with me because otherwise you would not provide the source or investigate the source. And these are sources.

The CHAIRMAN. Could I just say one thing. I think in this morning's briefing the assertion was, with respect to the past.

Senator SMITH. That is true. That is true.

The CHAIRMAN. Although, with respect to, but there is an inquiry outstanding in fairness. There is an inquiry outstanding that they still do not get an answer to and we can talk about that privately.

Mr. QUINN. I would like to answer the question. I don't consider these bogus names on the Cambodians at all. They are real and they have the photos and they know something about the photos. And they know where the photos, where they got the photos from and maybe they had a hand in them.

And they, more than anybody else that we know of, could give us the lead.

Senator SMITH. Let me just ask one last question.

Mr. QUINN. If I could finish my point, with all respect. The choice is talk to them or not talk to them. Pursue the only leads that we have to American military men who might be alive in some form of captivity or some state or not to do it.

That's the choice.

Senator SMITH. And if you are dealing with a totally trustworthy, honest government who is sincerely providing information which we have got statements to the contrary, then I can certainly agree with you very much.

And I am not trying to give you a hard time. I am trying to clarify. You mentioned a General and you said, in the information you gave to the Vietnamese, that he commands a prison and you give the site of the prison and you also say that this prison holds, according to the reports, 20 American prisoners and that this photo was taken there.

Now if the Vietnamese are not telling the truth and if the Vietnamese are holding prisoners they are certainly going to have something to say to this General whose name you provided them. Now, I mean, for God's sake, and if he's bogus and he is not provid-

ing information, then who cares what happens to him? But you are making that assumption when you provide the information. I think I have made my point.

Mr. QUINN. I would just make the point in return and I take your question in the spirit, Senator, that you have said. Is, that we have to, if we're going to try to get out this, get in touch with, talk to the individuals who are involved. We don't know in the case of the General whether he's a real General or not. The Vietnamese have given us information about how their prison system runs and the rank of people who would be involved in it and the nature of the report would raise questions, I think, in your mind or my mind as to whether this was really a person involved.

But what was important, what was really important, was to get into the prison. If these men are being held in that prison, if the Vietnamese knew in advance, they have the photo, they're not going to leave them there.

Senator SMITH. But you did not get in there.

Mr. QUINN. Yes, we did.

Senator SMITH. They did not allow you to look everywhere in the prison. I know that for a fact.

Mr. QUINN. What is important is to be able to go in and to look and see the descriptions of what's involved, to see if this facility matches up in what it's location was.

Senator SMITH. Did they let you look everywhere in that prison?

Mr. QUINN. I did not go in the prison cells. Bill Bell was the man who went in there himself. But it is important information that we obtained.

The CHAIRMAN. Again, that just underscores the dilemma here. I am sure that nobody is going to be fooled into believing they are going to let you look in a prison where they are holding people and find them.

Mr. QUINN. I think it would be very helpful, Senator, if the committee or members of the committee would give us your best advice as representatives of the American people. What should we do? In that kind of situation, how should we proceed?

We have a name, somebody who has information about, possibly about live Americans. We want to talk to that person. We can't get to him by ourselves by any means that we have. Obviously, if we did have means to get to them by ourself, directly or indirectly, we would do that and we would never provide the name. But when you can't, what should we do?

Should we go to the Vietnamese, the Cambodians and the Laos and say, we want to talk to this person because of that or should we not and do nothing? I think it would be very helpful for us to have your advice.

The CHAIRMAN. Since you are on the lawn, it is fair for us to go out on the lawn. And I will answer that. I think you did the right thing in that situation. And I said that, I said it previously and I do not fault it.

But I think the thing I faulted was the family relationship seemed to be breached and there was a distinction. But I do not, in God's name, know how you can begin to do this process, unless we will trust some people on the ground in Vietnam to build some relationships and make some judgments about those relationships.

And somewhere along the line here, somebody has got to begin to believe that not every American working for the U.S. Government is going to become part of some process to hide Americans in Vietnam. And I am willing to trust that some people are not going to do that, obviously.

I just think somewhere we have got to have a basis of rationality that enters into this and what the committee I hope will do is have the guts to make some choices that are based upon reasonableness and rationality. But again, to do that, we have to have base figures and some basic understanding.

I am a little disappointed that you folks do not have at your fingertips those numbers and the ability to tell me, Senator, here is how many went down. Here is exactly how many were unaccounted for. Here is how many, I mean, this is basic, to be able to put the full story out on this thing. And I just think, look, we are dealing with a different phenomenon than any of us ever wished or thought we might be dealing with.

I think it is 67 percent of all Americans believe that people might be there alive. I mean, you are in a sense, under siege here. And you are going to have to come back with the Desert Storm mentality on this one in order to deal with that. And I think you are beginning to see that and recognize that, that this is not, as I said at the outset of the hearing, something that anyone of us wished upon anyone of us, or this committee or the U.S. Senate.

But it exists because it has this tenacious life of its own. And the only way this committee can avoid becoming tarred by this process is to guarantee that we are opening it up and I think you sense that is what we are trying to do. But my advice to you is that you have got to go at it to a degree but do a better job of bringing people into the process and letting them know they are part of it. I do not know what else you could have done, Ken, and I think you have to do that.

I may have spoken out of turn and alone on that.

Where are we here? Senator McCain?

Senator McCAIN. Thank you, Mr. Chairman and Mr. Quinn. Will you make the details of the road map public, so the families can know it?

Mr. QUINN. We have treated the road map as a confidential document because it is a negotiating document with the Vietnamese and we wanted them to know it was a serious document.

And so, as a result, we have brief extensively on it to the public and to the Congress. We have not made any decision to declassify it.

Senator McCAIN. I would appreciate it if you would, particularly since the Vietnamese have given it to everybody. It is not exactly a secret anymore. We would appreciate that, if you would give that serious consideration.

[The information referred to follows:]

U.S. DEPARTMENT OF STATE,  
WASHINGTON, DC 20520,  
December 10, 1991.

DEAR SENATOR KERRY: During Deputy Assistant Secretary Kenneth Quinn's November 15 appearance before the Senate Select Committee on POW/MIA Affairs, he took questions and promised responses on whether the Department would declassify

the "roadmap" with Vietnam and on whether French POW's were held in Vietnam after 1954. I am pleased to provide you with the Department's responses.

We recognize the Committee's need to understand clearly the role the POW/MIA issue plays in the process of normalization with Vietnam. As a result, we have decided to provide the Committee with a copy of the roadmap. That copy is enclosed with this letter. Because it is an essential element of our diplomatic exchange with Vietnam, we have decided that it should remain classified. We believe keeping the roadmap classified will increase the likelihood that the Vietnamese will treat it as a serious expression of the U.S. Government's views, particularly with regard to the need for progress on the POW/MIA issue.

We would appreciate it if the Committee would treat the roadmap as a classified document. I hope access to the roadmap will assist the Committee in its study of the POW/MIA issue and its role in our relations with Vietnam.

As for the French experience in Vietnam, the French Government informs us that the Vietnamese repatriated all French POW's prior to the end of 1954. No French POW's remained in Vietnam against their will, though some stayed behind voluntarily and returned to France sometime later. Some 6,900 soldiers from the French Expeditionary Corps, including 2,200 ethnic French, were unaccounted for in 1954, but the French say these men were lost under uncertain conditions and, in most cases, were thought to be dead. They were not prisoners. The French have told us that the Vietnamese have cooperated in the repatriation of remains of French soldiers.

Please let me know if I can be of further assistance.

Sincerely,

JANET G. MULLINS,  
Assistant Secretary Legislative Affairs.

[See p. 1 of the appendix.]

Mr. Ford, are you familiar with a procedure called computer superimposition?

Mr. FORD. I have to admit, again, I'm not.

Senator McCAIN. Employed by Mr. Michael Charney, a forensic anthropologist at Colorado State University, are you familiar with that?

Mr. FORD. One, I'm not a forensic expert. That term is never, if I heard it at one point, I've forgotten it. I do know a little bit about Dr. Charney's work and what the FBI and what Sandia and Los Alamos think about it.

Senator McCAIN. What is that?

Mr. FORD. They don't think it is scientific and they have disagreed with every—every time we send them one of Dr. Charney's reports, they say they don't think it is very professional or scientifically done.

It certainly would not be used, for example, the FBI report, as evidence in a trial. It would just be thrown out as insufficient evidence.

Senator McCAIN. Would you provide in writing for the record some of those responses and views about Dr. Charney's work. Because we are presented with that as evidence that is rather compelling and I think it is important to clear that up.

[See pps. 475-498 of the appendix.]

Mr. Sheetz, did you want to comment?

Mr. SHEETZ. Senator, I might add, some of the American public might not know that Dr. Charney had a photograph of the photo that was alleged to be Daniel Borah before such time as the U.S. Government was able to identify the individual as the 77-year-old Lao ethnic hill tribesmen. And Dr. Charney performed his analysis and in the report it says, absolutely, positively, this is Daniel Borah.

And within a matter of weeks, we found the individual.

Senator McCAIN. Dr. Charney did state that according to using his procedure that that was, indeed, Captain Borah?

Mr. SHEETZ. Yes. And we can provide that to the record for you.

Senator McCAIN. Thank you very much.

Mr. Ford, did the Department of Defense destroy any of the fingerprint files of the 271 missing Americans?

Mr. FORD. Not to my knowledge, Senator.

Senator McCAIN. Would you please research that and give us a more complete answer? There are allegations, as you know, that fingerprints have been destroyed by the Department of Defense. The response we have gotten from the Department of Defense is that that was done by the FBI. I would like an unequivocal statement about that, if you would, please.

Mr. FORD. Yes, sir. Senator, you're referring to the letter from the FBI suggesting that they were the ones responsible for the fingerprints.

Senator McCAIN. Yes.

Mr. FORD. If you're talking about malicious destruction, the answer is no. Since we're not responsible for fingerprints, what people did with them—officially, I think the answer is still no. But we'll double-check.

Senator McCAIN. I would like you to double-check, and even if it was not malicious, we should know because there is suspicion out there that needs to be resolved. Finally—because we have run way over time, Mr. Chairman, I not want to take up too much more time—is it true, Mr. Quinn, that the French Government has maintained that the Vietnamese repatriated French prisoners from the first Indochina war, as they agreed to? Do you know the answer to that?

Mr. QUINN. I don't know the answer to that.

Senator McCAIN. Would you have the State Department provide that for the record? As you know, there are significant allegations—in fact, most of us believe it is true—that the Vietnamese held back French prisoners of war after the Indochina war, and the counter idea, or statement by the French Government is that those that were left behind, such as those observed by Ms. Monika Stevens' husband, were those who voluntarily stayed behind and did not wish to return. I think it is a kind of an important point in the historical context, if you would provide us a response.

Mr. QUINN. Certainly.

[See letter on p. 669.]

Senator McCAIN. I thank you very much, Mr. Chairman.

The CHAIRMAN. I think that is a very good request, Senator.

Senator Reid.

Senator REID. I apologize for not being here for most of the morning, Mr. Chairman, but I have been involved in a supplemental appropriation markup and also the Holloway conference which has been time consuming. I do have just a few questions, though.

One of the questions I have developed, in reviewing this material is, why have we not had, for lack of a better word, assets on the ground—people on the ground, spies, whatever we want to call them, wandering around trying to get information. It seems like

everything we are doing is, here we come, if you have anybody in prison, show us the prison. Do you understand what I am saying?

Mr. FORD. Yes, sir. But that, quite obviously, any discussion of spies and espionage ought to be done in closed session.

Senator REID. OK. That will be fine. Mr. Chairman, I would like either the staff, when he has gone—I will just tell you myself. I would like next week, someone to come by that knows what has or has not gone on, and I assume that it could be either, and give that to me sometime at my office.

Mr. FORD. I would be happy to do that.

Senator REID. I look forward to that. What would it take, Mr. Quinn, to declassify the so-called road map? Would it take an act of Congress, would it take a Presidential order? What does it take?

Mr. QUINN. I will put this to people who are my superiors at the State Department and it would be their decision.

Senator REID. Their other classified things, how do we unclassify them or declassify them?

Mr. QUINN. The person who classified them in the beginning would make a judgment that the material is—no longer needs to be classified.

Senator REID. Who classified the road map?

Mr. QUINN. The senior most person who worked on it in the State Department at that time was Under Secretary Kimmitt. So he would probably be—

Senator REID. Kimmitt and/or his—is he still there?

Mr. QUINN. He's not. No.

Senator REID. So Kimmitt's replacement could declassify it?

Mr. QUINN. I presume so. I assume there will be a discussion with the Deputy Secretary and the Secretary about that.

Senator REID. That is why it is tough to declassify things. You never know where to go to declassify them. Right?

Mr. QUINN. Well, normally, the documents have an originator, who will be the person responsible for that.

Senator REID. I guess, Mr. Quinn, my question is as Senator McCain—and I think he speaks for the committee—we would like to have that road map be declassified, because everybody knows about it anyway, and there are people who think we are holding it back because there is some secret, conniving, deceitful stuff in the road map, there is not. At least that is my understanding.

So the question that I have and Senator McCain has—we want to get it declassified—how long is it going to take, what does it take?

Mr. QUINN. As soon as I go back, I will raise this issue to my superiors.

Senator REID. When can we expect to hear back from you on that issue alone?

Mr. QUINN. I would hope in a couple of days.

Senator REID. And that is whether or not it is going to be declassified, and if it is not, what would it take to declassify it?

Mr. QUINN. Right.

The CHAIRMAN. Senator, just in answer to your other request on the DIA briefing, we have a briefing set up for next Wednesday, at 2:30, which will be a closed session, secret briefing from CIA. Mr. Gates will be there and other relevant people.

Senator REID. We will cover this issue.

The CHAIRMAN. We will also have NSA and DIA, and we will cover the—at least begin to cover the surface.

Senator REID. I have no further questions. Thank you.

The CHAIRMAN. Thank you. Before we move to the next panel—and gentlemen, I would like to ask you—this stuff kind of percolates out there and so, rather than let it percolate too much longer, what I want to do is have you remain here while Mr. Usry reports back to the committee, and if there are glaring inconsistencies or problems that you see right away, as they come up we are going to deal with them right away, so we can kind of sift through everything.

A couple of quick housekeeping issues here. On the declassification of records in the POW/MIA cases, in the past you have said you do not want to declassify a lot of those, based on the need to protect the families. Clearly, a lot of the families do not feel they are being protected by it and they want it. Is that changed now or changing? What will happen in the next few days with respect to their requests and to declassification of those records?

Mr. FORD. Senator, to the best of our knowledge, and where we find it's not the case, we change it, we believe that the families have been provided every bit of information that we have in our files that has been sanitized, that pertain to their particular family member.

There is considerably more information available that is not correlated with their particular cases. It may have been 5 years before, 6 months afterward, whatever, but because it doesn't mention their loved one, it's not been provided to them in the past. We are trying to work out a system that gives the families more confidence they are seeing all the information that's relevant to them.

We do not have the details worked out. We are going to try to do that as soon as possible. I would suggest to you that we are thinking more in terms, at least at this point, in terms of keeping things classified, but with greater access than declassifying and providing it in unclassified form. We think that it probably answers their questions about confidence if they see the real material. We've just got to work out the details. Mr. Gates will be here.

The CHAIRMAN. What would you anticipate as a schedule for that?

Mr. FORD. The only schedule that I can give you—and it's not very good—is as soon as possible.

The CHAIRMAN. Will you keep the committee apprised of that effort, No. 1, and No. 2—

Mr. FORD. And before we make a decision, also I will be consulting with you, members of this committee to get your thoughts about it. If we're going to do something, let's do it that everybody, the families, the committee, the intelligence community, everybody feels comfortable with what we're going to do, and so we will not do anything precipitously that you don't know about.

The CHAIRMAN. Now, if, as we proceed along here—as I think you have heard, a number of the committee members say in private meetings with you and publicly, that there is a feeling by the committee that a large amount of this information needs to be made public in order to deal with the questions people have and the doubts they have.

What would be the process, specifically, should the committee feel that there is information that must be made public, because we think it answers certain questions and the committee, as a whole, makes a judgment that we do not view something in there as compromising an interest? Who would we put that to and who will make the decision?

Mr. FORD. I'll have to find out for sure. I mean, the place to start would be to notify me, and then I would find whether it's Duane Andrews, who is the Assistant Secretary over at C3I or whether it's Mr. Gates, or whether it's NSA's director. Ultimately, the DCI is the one responsible for this material, and responsible to the President for its protection, and so that in many cases, we at Defense can't just simply, on our own accord, do that. And so, that—this is going to require discussions among the intelligence community and with us involved in POW/MIA.

I am confident that there is an awareness on the part of all officials that this is an issue that you're very concerned about and that we need to find some answers that resolve the families' concerns and your questions. We hope still that we can do that and, at the same time of course, protect sources and methods.

Our ability to continue to collect information for the families and for other intelligence projects require us to try to keep our sources and methods protected. We've used that more time than I would like to admit as an excuse, rather than as the real answer and I'm just simply telling you that we're going to—that's over. We're going to find a way to do this.

The CHAIRMAN. I understand that. I appreciate that and I take that at face value. Let me make a formal request though, on behalf of the committee, that you could let us know, perhaps next week, if there is going to be the interagency review. Whatever is going to happen here, can we have a very specific statement to the committee of who will be part of that, and what we can anticipate as a protocol between us for that to happen, because we do not want to get trapped into where you have got to talk to them. Oh, well, it is fine by us. You have got to go back to them.

I think everyone on this committee has been through that before and the committee does not have time to do it and the process will not sustain that kind of process. So if you could tell us, Senator, if you have a request for declassification, it must come to me and I will process it through four or five people, and it will be returned to you and we know what is happening.

Mr. FORD. Yes, sir.

The CHAIRMAN. I think that will be helpful.

Senator McCAIN. Mr. Chairman, could I just mention again in passing, if the DOD authorization bill is signed by the President, most of those impediments will be removed, because of the amendment concerning the requirement to declassify all possible information.

The CHAIRMAN. I am sure he will sign it. The new position of Deputy Assistant Secretary for POW/MIA Affairs was first announced in July or August. It is now November, and we do not have one. This issue is a high priority. When will we have one?

Mr. FORD. The names of people that are being considered, are being checked and people are commenting on them. A decision is

expected soon. We have not waited for him or her. We have, in fact, begun the job of staffing that organization with the people that are also supporting me in our efforts in Southeast Asia and with this committee, in terms of requesting the personnel, getting people office space, office equipment. So it's not a matter of—four people are already assigned to the office. It's just a matter of getting all of that finalized. I wish—by the way, Senator, I wish it had been last week, or the week before. And I say that from the bottom of my heart.

The CHAIRMAN. Have you made the determination with respect to the person alleged to be Mr. Stevens, in the two different photos of him at different times?

Mr. FORD. Do we have a definitive answer?

The CHAIRMAN. As to whether or not those two photos are alleged to be Mr. Stevens. Correct?

Mr. FORD. That's correct.

The CHAIRMAN. Are those photos the same person?

Mr. FORD. I'll let Bob speak for himself. But my indication—the information I've received suggests that they are not the same person, other than the family's identification of them.

Mr. SHEETZ. And Mrs. Fleckenstein, Larry Stevens' mother, says that both are pictures of her son. Our experts that we've had look at it are unable to say conclusively whether it is or whether it isn't. The investigation continues nonetheless, as it has ever since the original photo was identified by the family members and the new photo came forward this summer. The investigation is continuing.

The CHAIRMAN. Let me just say to Mr. De Statte also, we did not take in the full evidence with respect to EC-47 and we want to do that, and the record will reflect the summary that you have. But in addition to that, I would like to be able to just follow up on that so that is part of the record. We do not need to deal in that now completely. But we do need to go back to that particular area.

With respect to the Soviet issue, does DIA routinely debrief Soviet defectors, to ask them about the possible presence of American POW's?

Mr. SHEETZ. I can't honestly answer that question. I've not been personally involved in debriefs of Soviet emigres.

The CHAIRMAN. This is not a matter of the protocol of the office, I mean, you do not do this automatically?

Mr. SHEETZ. We have not.

The CHAIRMAN. Is there any reason you have not? Do you take the Soviet issues seriously?

Mr. SHEETZ. I do.

Mr. FORD. To be fair, Senator, Mr. Sheetz's office is focused on Indochina and not the Soviet Union.

The CHAIRMAN. Well, what about the allegations that people went from Indochina to the Soviet Union? Is that not being treated under the POW/MIA category?

Mr. FORD. Yes.

Mr. SHEETZ. And, indeed, we have done quite a bit of work with other intelligence agencies that have information on that topic. That might be another topic that we can get into at next Wednesday's session at 2:30.

The CHAIRMAN. We would appreciate it. I hope you will be prepared to bring us up to speed on that. That would be very helpful.  
Mr. SHEETZ. Yes, sir.

The CHAIRMAN. This will be my last question. The then and now issue. We have a huge apparatus operating now on the POW/MIA issue. We have a lot of intelligence assets devoted to it. We have personnel devoted to it. The Secretary of Defense has personally interceded to fly people over to try to bring somebody back and so on. Bob Garwood did show up, after the fact and so, I guess, the question really is—and it is on a lot of people's minds—to what degree do you now state that the Defense Department's policy of 1973 was either in error, or a misstatement of one kind or another, that everybody was dead and they are all home?

I mean, if that policy were accurate, then why are we doing what we are doing today? It seems to me you cannot have it both ways. Either we say the likelihood is not only good, but it is real that we left some people behind and that is why we are doing it today, or this is a charade. It is one or the other.

Mr. FORD. Mr. Chairman, I think that the history of this issue suggests that in the late 1970's, early 1980's, there was a clear—even then, there had begun to—evidence appear, that we had not, in hindsight, done all the things that we probably should have done at the time. And there was a new focus put on POW/MIA in the early 1980's. That the basic assumption of it was that there were, in fact, people alive in 1973, after Homecoming. And that—

The CHAIRMAN. What do you base that less than doing all we should have on? Was that exclusively America's desire to put it behind us, or was there more to it than that?

Mr. FORD. Now, that part of it I, personally, have not looked at. And the fact is that that is very important and relevant for this committee to look into. It is obviously a very historical interest.

The fact is that our efforts today are focused on are there still any alive Americans? And as I said earlier, as we go through the countryside—remember, we did not have much access to Indochina, directly, really prior to 1987. There were bits and—there were times when we had a little bit. But sustained since 1987 we have had considerably more access than we had before, both in Vietnam, and also to Laos, and now, more recently, Cambodia. As we have been able to get more information, talk to more people, begin to put the pieces of the puzzle together with 20/20 hindsight, each time, each year, more information becomes available it looks like there was, in fact—the evidence suggests that there were people, probably alive in 1973.

And it is certainly whether or not there were or not, we have, since the early 1980's, operated under the assumption that there were. And that since we cannot know for sure—although the evidence may lean one way or another—we operate that there could be Americans there. And if that is the case, they were left after 1973. And we are going to continue to do everything we can to find if that is the case.

In fact, for most of us, of course we hope it is—despite all the hardships that they may have—lived through.

The CHAIRMAN. Now if that is true—and I accept—I mean we are all operating under that presumption—should not the Secre-

tary of State or somebody be sitting down with the Laotian Government and saying hey, folks, you know, give us an opportunity to fly over—to have a—I mean join us in this—they want something for it. Is there not a capacity here to put some kind of a negotiation on a higher level, and a more urgent basis that resolves this for America?

Mr. QUINN. The Secretary of State has done just that, Senator. In my testimony on the first day of hearings, I tried to go through and list all of the meetings that he has had with the Vietnamese Foreign Minister, with the Laotian Foreign Minister.

The CHAIRMAN. Well, particularly with Laos is what I am saying. Because Laos seems to be the bigger question in many people's minds.

Mr. QUINN. The other side of that is that we are still viewed with very considerable suspicion by the governments in Laos and Vietnam. And particularly what has happened to Communist states in Eastern Europe, and, indeed, in the Soviet Union itself, is attributed by some of the leadership of those countries to actions by the United States of America—I mean that we somehow caused that to happen.

And so we find when we push for more access and to do those kinds of things—to fly around and fly over—a hesitation which I believe comes from many of the security agencies—this is my personal assessment—from the security agencies in those two countries, who would see, taking steps like that as being very dangerous for the survival of their party and control of the country.

The CHAIRMAN. I appreciate that. I just wanted to lay it out for you, to give you a chance to answer what everybody asks as a question here. And we are obviously going to try to sort out that earlier part, and emphasize again there is a then and there is a now. And we are going to try to make judgments about both pieces of it, to the degree that we can.

Senator Smith, do you have anything else?

Senator SMITH. I think the conclusion that we all have to draw here, excepting your willingness, and I believe you to work with the committee to try to provide answers. As we move along, we also have to, I think, to do that. And picking up on what Senator Kerry said, if, in fact, statements were made by then-Government officials in 1973 that in some cases some people who were around then are still here. So there is some continuity still working the issue.

But if Government officials said that in 1973 that everybody is dead, and then we are now taking the position that we are not making that assumption. We are assuming some may be alive. Or, we are operating under that impression. Then I think all of you have to recognize in your position that there may be some who have a great deal at stake.

And I am not saying that people are alive today or not. But I am saying that they would have a great deal at stake, or a great amount of embarrassment to suffer if, in fact, they were wrong in 1973.

We already know they were wrong, because Garwood came out. But if we have to prove it again and again by having more people,

at least, whether they are discovered dead or alive after 1973, there would be some type of embarrassment obviously, to say the least.

And I think you should all keep that in mind as we proceed through this. And let me just, again, to tell you how I experienced it first-hand when I went to North Korea last summer. The first American of Senator or higher rank to set forth in North Korea, to the best of my knowledge. Government official, Mr. Kong, said to me, where have you been for the past 41 years? We have information on your missing.

He then turned over 11 sets of remains, and gave us—as I have already briefed both State and the Defense Department—he gave us substantial other information which you are moving on, and you are. And I give you credit for that.

But I think it is very important that we understand. And I think the question that Senator Kohl asked regarding the pilot, I think it is important to look back. I think we are going to have to do that. And the committee is going to have to do it. And I think you are going to have to do it. And I realize it is a big task. But I think that is going to have to be done.

Just a quick question, and it is meant only in terms of trying to show some spirit of cooperation—one of the things that Colonel Peck said, and again, it kind of refers to what you said, Mr. Quinn—he said one of his points was that we were divulging sources to the Vietnamese.

Is it not reasonable to assume that based upon the kind of answers and information that Mr. Grassley gave, and that I also asked you about, is it not reasonable to assume that reasonable people could conclude that that was, perhaps—that they were perhaps sources, even though under the definition as you have explained it, and I understand what you said, that they would not be sources under your definition?

But is it not reasonable to assume that that conclusion could be drawn by reasonable people; that that difference could be seen?

Mr. QUINN. I do not know what other information Mike Peck, or Colonel Peck could have been referring to. He, of course, had left the job by the time—

Senator SMITH. He simply said sources were provided to the Vietnamese.

Mr. FORD. If he did that, it was his responsibility. If source information was released to the Vietnamese today, this man right here, at least in a management sense, would be responsible for it. And he holds Colonel Peck's job. So that if Colonel Peck says sources and information were passed, he was our expert on deciding to make sure that did not happen.

Senator SMITH. Well, Mr. Quinn testified he did that on his own and accepted responsibility for it. So I do not think you can blame Colonel Peck for that.

Mr. FORD. That was after Colonel Peck left.

Mr. QUINN. Just real quickly, if I could say, I did not give one word of information to the Vietnamese that the Defense Intelligence Agency people said I should not. Every word that was given to them was cleared with the DIA.

Senator SMITH. I understand that. You made that clear, and I agree with you.

I have two, quick points. I want to touch on the fingerprints, but I just want to ask Carl Ford one question.

You said on September 3, that no information from U.S. intelligence sources indicates that a movement of POW's from Vietnam to the U.S.S.R. occurred. Subsequent to that date, there have been a number of dramatic revelations, I guess, if you will. Whether it is true or not, we still have to determine.

But Terry Minarcin said a former national security analyst is being—is saying that he—that they tracked 22 Americans taken from Hanoi to the Soviet Union between December 1977 and January 1978; Jerry Mooney has made similar statements; the Soviet POW story in the Washington Post this week; the L.A. Times story about the KGB connection; comments from former KGB; and the fact from Bui Tin that Russians did interrogate.

So are you moving toward taking another look there?

Mr. FORD. We already are, Senator. We are taking a look, in fact. I tell my colleagues, this is one that is very personally important to me. My wife has recently read the Charm School and she does not even believe me anymore when she asks me about this. And so this is one that we definitely are following up—every particular lead that we get.

At the time I made that statement, that was my belief—that there was no information that demonstrated that to be the case.

Senator SMITH. A final point on that, and my final question of the afternoon to this panel is the issue of fingerprints.

You entered into the record a letter that came to Congressman Solarz from Bill Sessions of the FBI. And I have read that. And you offered it as a kind of an explanation of what happens in fingerprints. And I asked some questions at the last hearing about fingerprints.

It would seem to me that if we have 2,200 roughly, missing people, some are listed as KIA/Body not returned; some are POW's—there is only one, actual POW, but they are missing. And we are operating under the assumption that they may be alive, some of them may be alive.

Why would it be a policy—and I know this happened before your watch, but I am asking—and you did not do it, and I want to make that very clear, you did not do this—why would it be the policy of any of your predecessors to turn over fingerprints to the FBI for the purpose of keeping them 7 years and then destroying them on people that are missing? I mean what is the rationale for that?

Mr. FORD. There is no credible explanation, other than human error.

It was done—some of this was that we probably never did have all of the fingerprints simply because, as has been explained to me, some of them were not good enough. And when they were not good enough, they were not entered into the computer.

There are other cases that they may have made mistakes because they were KIA/Body not recovered. They may have said well, we do not need them anymore. I cannot, as far as I am concerned, every way I have looked in this I cannot find an explanation of why anybody would ever even think about destroying these fingerprints.

Senator SMITH. And again, I know you did not do it. And I want to make it very clear, and I want to talk—and I plan to talk to the FBI about this as well. And I will be very brief here, Mr. Chairman.

In the letter from Bill Sessions, he indicated that the 2,483 names furnished to the FBI by DOD in 1984—and they were identified to DOD as being—by DOD as Americans unaccounted for in Southeast Asia.

Those records were provided in 1984. Assuming they did not break the law and stuck with—the FBI, that is—and stuck with the law of destroying those fingerprints in 7 years, that means that those fingerprints were destroyed in 1991—which is as the height of all of the controversy on photographs and people. And I guess I would ask if you know whether or not the FBI did, in fact, destroy those 1984 files. If you do not, fine. We will take it up with the FBI. That is—

Mr. FORD. I do not know exactly, Senator. We will ask the FBI. But my staff points out that last year over 700,000 fingerprints last year were rejected by the FBI, that they were not legible.

Senator SMITH. That point is so interesting, and again, it has to be taken up by the FBI. But they are sending the fingerprints back to you because they are illegible fingerprints that they plan to destroy in 7 years. So they are not legible enough to destroy.

Mr. FORD. My understanding is that these should not have been destroyed after 100 years. I mean the fact is that these were people that were clearly unaccounted for, and would be in a crucial part of the identification process. If they were destroyed, it seems, my guess—not knowing all the details—that there were a number of these, unfortunately, fingerprint cards that were not legible. And they did not get entered into the computer.

Senator SMITH. A final point, I guess I just do not understand whoever made that decision in 1984.

Mr. FORD. We would like to find it, whether it is in Defense or wherever, we would like to find that, too.

Senator SMITH. As I understand it, what happened—I mean what would have happened—what would have had to have happened is that somebody would go through, assuming these files were all sent over there, 2,100-and-some files, personnel files, and literally, leaving everything else out, just pick up the files and saying look. Where are the fingerprints? Let us see. And then taking them out, taking the fingerprints out and destroying them, or at least identifying them to be destroyed 7 years hence.

It just seems to me a bizarre thing. I mean to me, a fingerprint is just as important as some other data that may be in the file.

Mr. FORD. Even more important.

Senator SMITH. Exactly. So I will take this up with the FBI. And I appreciate your candor on it. I just do not understand the rationale. But I assume it is not being done now, correct? We are not sending them any fingerprints to the FBI? Well, we have already done it, so you do not have any more.

The CHAIRMAN. Thank you, Senator.

As sometimes trivial as some of the areas may seem to some, they are the stuff that has given credence to people's sense of

either wrongdoing, or conspiracy, or confidence, or whatever it is people may feel about this.

And again, I think if the committee is going to be true to its charter to try to leave no stone unturned, we are going to spend the time to go through that, and ultimately, hopefully, be able to just show what is appropriately debunkable, and what is human error, and what is not. And those are the judgments we are going to have to try to make.

My final comment as we break with this panel is a reiteration of what I said previously. I know it is unpleasant. I know that all of you and the people that work with you sit here and say this is, you know, kind of crazy to be going through this 20 years later, and to have to make your credibility a certainty to people.

But I want you to know that I think it is important. We all understand why we are here. And I think the process will be strengthened by virtue of it.

So as uncomfortable as it may be, I think it will ultimately contribute to people's faith, hopefully, depending on the job we do, and the judgments that we make, that we have put this thing back on the level that it ought to be.

So I appreciate it. And I want to thank you for that. I do ask you to stay, because we have allegations and perceptions that are going to be forthcoming. And we want you to be able to respond to those. And I think it is very important to the committee to try to sort that out also. So if you would—could we call Mr. Usry back? Tracy Usry, and if you gentlemen could just stay, because if we come to the point here we would like to ask some questions, we would like to be able to.

The reporter has been going for hours. I have almost—and we have gotten so carried away with this we have not even broken for lunch, and we have barely even had a moment for people to have a personal moment. So why do we not take a 5-minute recess here while the reporter changes tapes and people have a chance to take a breather.

We will stand in recess for 5 minutes.

[Whereupon the committee recessed for 5 minutes.]

The CHAIRMAN. The hearing will come to order. Will you raise your right hand?

[Witness sworn.]

The CHAIRMAN. Mr. Usry, welcome back. We are glad to have you back and appreciate your responding to the committee's request and Senator McCain's request for additional detail.

I must say I do wish on the committee's behalf that we had had your statement before 10 this morning so that we could have perused it a little more. Obviously, each of us has been here at the podium the whole time, so none of us will have read it and had a chance to really go through it.

Notwithstanding that, we will try to do the best we can, and I have asked—I do not see them here at this moment, but I take it they are out there and they will be here for your testimony so that we can have some response, and so do you have an opening statement that you want to make today?

Mr. USRY. Yes, sir, I do.

The CHAIRMAN. Fine. Go right ahead.