

hard labor on road and bridge construction crews. No foreign nationals were reported in detention at any of these camp sites.

D. In 1981, the Attopeu Province Seminar Camp system was reorganized. A 160-man production group was formed with inmates from the 979th and 402nd Seminar Battalions. As of 1981, the 402nd Seminar Battalion held about 500 RLG civilian inmates, and the 979th Seminar Battalion had about 400 inmates. The 1st and FAR inmates, and the former FAR military headquarters in Attopeu Township were relocated to the former FAR military headquarters in Attopeu Township where it was known as the "municipal construction unit;" the 2nd Company ship was relocated from the Houai Phok Camp (1448N/10653E) to the Ban Hom Camp (XB 9824); and the 3rd Company was relocated from Ban Hat Liang Village (YB 0636) to the Attopeu Airport area where 150 inmates grew crops, cut timber, built housing, and did road construction and repair work. The 4th Company was reformed with inmates from the 979th Seminar Battalion, and was colocated with the 1st Company. As of September 1986, the 402nd Seminar Battalion still held about 300 inmates with no plans for release. No foreign nationals were reported in detention at any camp sites.

E. The Attopeu Province Public Security Office Prison had a 25-man guard force and held about 50 prisoners in three cells. One cell held civil criminals, another held seminar camp inmates, and the third cell held a mix of civil prisoners and reeducatees. The Attopeu Province Public Security Office also had another prison (YB 6525) in Sansai District near the Tri-border area of Laos-Cambodia-Vietnam. The Sansai District Prison, which also had a 25-man staff, held 26 RLG police and FAR officials and former ethnic Lao local USAID employees under maximum security detention until late 1981 when 24 survivors were transferred to the Attopeu Prison. No foreign nationals were reported in detention in these facilities.

23. In the case of Champassak Province, about 1,000 military and police NCO's from FAR MR-4 were assigned to "production" camps which performed agriculture and road repair work in the Paksong (XB 3278) area, Champassak Province. Otherwise, no permanent seminar camps were reported in this province, because of its immediate proximity to the Thai border. On 4 July 1985, Champassak Province authorities established a camp for returning Lao refugees at Nongsip Village (WB 9685), Bachiang Chaleunsouk District. MOI Order 1-553 (1 June 1985) stipulated that Lao residents with homes in Champassak, Saravane, Attopeu or Sekong Provinces would be concentrated at this camp. No foreign nationals were reported in detention at these camps.

Senator SMITH. Go ahead, finish your presentation, but I would like to have that answered.

Mr. SHEETZ. Yes, sir.

[Slide.]

Major SCHIFF. Having briefed you on the all-source analytical approach, I will now turn the discussion over to the Captain Chambers, who will talk about U.S. losses in Indochina and discuss our best candidates for possible prisoners of war, if any in fact were held past the time of Operation Homecoming. Captain Chambers.

Captain CHAMBERS. The idea that live American prisoners could have been left behind in Indochina after the war continues to haunt the American consciousness. Currently there are 2,266 Americans who are unaccounted for from the Vietnam War. When we say unaccounted for, we include all those whose fate is still unknown as well as those who are known to be dead, but whose remains have not yet been recovered.

The difficult task of identifying who might have survived and remained a prisoner after the war, began even before prisoners were released during Operation Homecoming in 1973 and continues today.

After 1975, when our access to Indochina abruptly declined, we continued to press the Indochinese Governments to give us answers about our missing. In some cases, the known circumstances of an individual's loss made it clear that the Indochinese Governments had knowledge about these people that they had not yet shared.

[Slide.]

Captain CHAMBERS. Knowledge of the fate of men like Ron Dodge, who did not return during Operation Homecoming, but whose photo in captivity appeared in the September 1967 issue of *Paris Match*. Commander Dodge's remains were returned by the Vietnamese 14 years later, in July 1981, but no explanation regarding the circumstances of his death was provided. Our Government's demand for an explanation was deemed a "hostile act" by the Government in Hanoi.

Vietnam's refusal to provide information about this man is typical. Again and again, we have pressed the Governments of Indochina for information on all of our missing, without results. Over time, sometimes an unbearably long time, we are able to obtain some answers. Regrettably, these answers have not yet led to a live American, but only to the resolution of cases by the return of remains.

[Slide.]

The CHAIRMAN. What was the date of the photograph, the date of captivity, last known alive in captivity?

[Slide.]

Captain CHAMBERS. Sir, Commander Dodge went down in May 1967, and the photo appeared in the September 1967 issue.

The CHAIRMAN. So in 1967 he was captured, and the remains were returned—

Captain CHAMBERS. His remains were returned 14 years later.

The CHAIRMAN. Thanks.

[Slide.]

Captain CHAMBERS. In 1988, the U.S. Government began investigating the cases of those individuals who had the best chances for survival. These investigations, which are underway as we speak, are carried out by the Joint Task Force, Full Accounting.

[Slide.]

Captain CHAMBERS. The investigators like the one pictured here, start on the ground in Indochina where individuals were last known to be alive, and track them until we are able to confirm their fate. This approach requires identifying which of our missing could have survived.

[Slide.]

Captain CHAMBERS. This computer-generated map shows the loss locations of all Americans who are still unaccounted for in Indochina. Those killed in action are represented by the blue dots. Missing in action are in red. The distinction between killed in action and missing in action is critically important.

[Slide.]

Captain CHAMBERS. Of the total 2,266 unaccounted for Americans, 1,095 were killed in action, leaving 1,171 Americans missing in action.

The CHAIRMAN. Let me stop you there for one quick minute if I can, because Mr. Sheetz and General Clapper, this is a very important point that needs to be, I think, fully articulated.

You are saying that the unaccounted for, there is a total of 2,266, but in fact 1,095 of those were KIA.

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Now, if you are saying that 1,095 were KIA, well, they have not been returned. Are they not accounted for?

Mr. SHEETZ. The fullest possible accounting has three levels of evidence, if you will. Number 1, the most ideal outcome would be the return of a live American prisoner. Level 2 would be, for those who perished, recovering their remains and repatriating those remains to the United States. The third level of outcome is for those who perished, where remains cannot be recovered, to develop sufficient documentation as to confirm the fate of the individual and to present that information to the families so that they can know what happened to their man.

The CHAIRMAN. These 1,095 fall into the third category, correct?

Mr. SHEETZ. At the present time, they do, but the JTF has built into their 3-year work plan the requirement to visit on the ground the locations of the loss locations, or in the case of the last-known-alive cases, the last-known-alive locations for each and every one of 2,266 cases such as we can do so. Obviously, for the over-water cases we are not going to be able to do, and there are some that are off the scope that we are not going to be able to do.

The CHAIRMAN. I understand that, but what I am trying to get at is, when you present to the committee the last, and it says KIA, 1,095, you have so informed those families, have you not?

Mr. SHEETZ. Yes, sir, they have been given all the information that the Defense Department has collected through the years as well as the original operational report filed at the time of the loss incident by the squadron, or whatever.

The CHAIRMAN. And the person is listed as KIA in that particular category based on first-hand reports from people within a unit or aircraft, or whatever, is that correct?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. And you have reviewed those cases over the course of these past several months, have you not?

Mr. SHEETZ. We have reviewed them ever since their losses took place.

The CHAIRMAN. So what I am saying is that in the case of almost 100 percent of those 1,095, there are sufficient multiple reports of the incident to permit you to draw the conclusion you've drawn, are there not?

Mr. SHEETZ. Yes, sir. Our last-known-alive discrepancy cases come from another body of reporting.

The CHAIRMAN. So I ask you again the same question I asked you a moment ago. Is it not fair to say, and even more appropriate to say, that there ought to be, maybe, a new category that in the case of those 1,095, while their body has not been returned, in some cases based on the report it is clear, is it not, that a body will never be returned?

Mr. SHEETZ. That is true, sir.

The CHAIRMAN. Correct.

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. So that person is in effect accounted for.

The family has accepted the accounting, and in point of fact it does not belong on a POW/MIA list. It is not POW, it is not MIA, it is KIA, body not recoverable.

Mr. SHEETZ. There will be some of those 1,095 where bodies will be recovered as a result of the Joint Task Force, Full Accounting's work.

The CHAIRMAN. Correct.

Mr. SHEETZ. But we will not know which ones those are until we do the field work, except for the over-water losses that are extremely unlikely and some other reports that we have.

For example, we have one that was in an ammunition dump that suffered a direct hit, and he essentially was vaporized through an explosion, yet that individual is still on the list of 1,095.

The CHAIRMAN. I understand—and this is obviously hard stuff to deal with in cold terms like this, and there is no coldness in it, and I assure everybody of that, but we still have to try to deal with the reality here. I mean, I keep hearing on television 2,266 MIA/POW. It is not true.

Mr. SHEETZ. I think the more useful focus is on the discrepancy cases, and within those the last-known-alive cases, because clearly those have a bearing on the live prisoner issue, and then at the second level down, recovering whatever remains we can of those who perished, and those outcomes do apply, as the Senator says, to different groupings of cases, and all 2,266 cases are not alike.

The CHAIRMAN. I think it is critical. I said this several months ago. I do not know how much closer we are to it, but I must tell you, we must get closer to it in the next month-and-half, 2 months, and that is the appropriate categorization, the appropriate application of this list.

This committee has an obligation to clarify this, and part of the clarification is to understand that.

Now, part of the clarification is also to make very clear the state of the evidence with respect to those people about whom we have discrepancy cases today. We will get into those as we move along. I do not want to interrupt here, because we want to get into the clusters.

Senator SMITH. Right. I just want to make one point on that, Bob. I personally looked at some of those KIA cases, especially the ones in Laos, about 220 or so, as I recall, that I looked at, and some of those KIA reports are exactly as you say. There is testimony to the fact that the person is killed, eye-witnesses, et cetera, and that is placed in the files. I agree with you.

But in some cases—in several. I was surprised at the number. I did not take a running total—there is no determination made whatsoever as to the person being dead or alive, or no testimony whatsoever saying the person was killed, no testimony saying the person survived, yet the conclusions were drawn as KIA. So I would challenge you on that, based on the reviews that I have done personally.

That does not mean you are wrong in the sense of the result, but it does mean that conclusions were drawn without the facts to support those conclusions, at least based on what were in the files that we saw.

If there is other information out there that I have not seen, or that is not in the files, that may be, but there are many files, if you review them, that simply do not have the evidence there, or the in-

formation there, to draw any conclusion. It simply is not there. There is nothing there.

Mr. SHEETZ. I would agree with the Senator, some files are more compelling than others in terms of the outcome that is described. I guess what I would also say is that that goes to the importance of the JTF's field work and the need to follow up on each and every case, and that is what we are doing.

Senator SMITH. Right, and I would just add another point. With that kind of information, I get a little nervous about sub-categorizing the unaccounted for into KIA/MIA. I mean, in response to Senator Kerry's questions, he was trying to get you to be specific on this figure of 1,095, because obviously, if that is accurate, the field of missing in terms of unaccounted for, missing in action or POW's, is in fact 1,171, but as I say, and you basically confirmed what I asked you, is there are some cases where the evidence is not there to draw that conclusion. I think we have to be very careful about keeping that category that firm in drawing conclusions.

General CLAPPER. Senator Smith, Senator Kerry, just a couple of points, I think, to reinforce to some extent what Senator Smith has just said. I need to make clear as well that the determination of status as to whether someone is or is not KIA is not totally an intelligence call. There are others that play in this, and obviously not all the families or next-of-kin would necessarily accept that categorization of 1,095 were killed in action, body not recovered.

The CHAIRMAN. Well, I'm troubled, you know, folks, if there isn't sufficient evidence to put them on a KIA list, they don't belong on it. I mean, this is part of what lends so much controversy to this issue.

Now, it shouldn't be very hard to read through 1,095 files and find out which ones permit you to make that determination and which ones don't, and if they don't, they shouldn't be on the list. They ought to be on the MIA list.

Captain CHAMBERS. Senator Kerry, that 1,095, those individuals were declared by the services to be lost and to be KIA.

The CHAIRMAN. So it doesn't mean that they are in fact, is that what you're saying to the committee?

Captain CHAMBERS. No, sir. What I am saying is that the immediate commander made a determination on an individual's fate and then declared those 1,095 individuals dead at the time they were lost.

The CHAIRMAN. Does the evidence show that they are, in fact? Captain CHAMBERS. Yes, sir, and in fact if you'll let me continue a little, I will talk about that in the next few moments.

The CHAIRMAN. We'll let you continue, and then we'll come back. Senator SMITH. Just one quick one. I apologize, but what I hear are two different things here. I'm confused now.

General Clapper and Mr. Sheetz said that in some cases, in response to my question, the evidence did not necessarily conclude that. Now you're saying it does. I realize it's coming—I know it's stuff that comes to you from the services. I understand that.

The CHAIRMAN. Do you want to answer that, Mr. Sheetz? Mr. SHEETZ. What I think I said in response to Senator Smith's question was, some of the KIA cases, the descriptions that you read are more compelling than others, but having reviewed each and

every one of them, we do not find that there are fatal flaws in the documentation and the judgments that were reached by the field commanders who were responsible for reporting the status of their lost men.

The CHAIRMAN. So are you sticking by the number 1,095? Mr. SHEETZ. I think those figures are accurate as far as the information that we have available describes it, but that's not the end on those cases, as I tried to bring out. We're going to go on the ground.

We're going to follow up on each and every one of those, but in terms of there being the possibility that significant numbers of Americans could still be alive from that group, I would just say that the information that's in the files that we've reviewed indicates that that is not the case, and in fact the last known alive discrepancy cases that we have selected out, to us, represent the most likely group of cases where someone could still be alive.

Senator SMITH. Mr. Chairman, the committee has requested of the Secretary of Defense a case-by-case review of each of the—not only the KIA but all 2,266 cases, and I would just say again, not to beat it to death here, but in some of the files that I have seen, a large number of the files that I have seen, there is nothing in the file that we were provided that would conclude death in any way. That is, a report from an officer in the field.

There is nothing, and I would just ask you to take a look at that. I mean, I've made the point, but that's the only point I'm making. I'm not saying that the person is alive. I'm just simply saying, there's no conclusion of death that can be drawn from the data in the file.

Mr. SHEETZ. As in each of these situations, we'd be pleased to work with committee staff to look at any cases that the committee would like to have us look at, as we have in all the other analyses.

The CHAIRMAN. It was my understanding that a review of that was underway based on one of the earlier hearings we had. I was told that a complete review of these, in order to determine whether any were inappropriately categorized—

Mr. SHEETZ. We have done that.

The CHAIRMAN. That has been done?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. So the complete review has been done.

Now, to follow up on Senator Smith's question, you've done the review and you have just now said that there is no information to indicate a contrary designation, is that correct?

Mr. SHEETZ. We have not ordered the services to change, or we have not suggested that the services change any of those.

The CHAIRMAN. Is there any file or folder which upon review would suggest to somebody that there is not sufficient evidence to draw the conclusion the person was KIA?

Mr. SHEETZ. Well, our primary purpose in reviewing those files—perhaps our tasking was misunderstood, but our primary purpose was to determine if there were potential last-known-alive discrepancy cases that could have been misclassified.

The CHAIRMAN. Is there a difference between those two, Bob? In other words, if somebody is on the KIA list today and you review the file, would there be a different standard applied to bringing

them out and putting them on a last-known-alive discrepancy case versus whether or not there is sufficient evidence in the file to show that in fact they are killed? Would those be two different standards?

Mr. SHEETZ. Well, it's certainly two different responsibilities. It's DIA's responsibility to focus on the live prisoner issue, to identify last-known-alive cases, to highlight those cases for policymakers, to build those in as priority cases for our field work in Vietnam.

The CHAIRMAN. And you have done that.

Mr. SHEETZ. It is the service Secretary's job to determine the status of unaccounted for people.

The CHAIRMAN. But it would be your testimony today that in that grouping of 1,095 you have reviewed it and there is no potential of any other case being placed into a last-known-alive category, is that accurate?

Mr. SHEETZ. I would only say, based on the information that we have today, I would not preclude the possibility that one of our field people could come across some information that brings out a new aspect on a case, but we have reviewed all those cases. Every case that has the potential for there being a last-known-alive discrepancy has been identified. They're on the list that has been given to the committee.

The CHAIRMAN. And that is on the list of 269?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Let's try to get through, because we want to get into the cluster, and we'll come back to this a little bit later. Thank you, Captain.

Captain CHAMBERS. The Defense Intelligence Agency, as we were just discussing, reviewed all 2,266 cases to identify those people who had the best chance for survival. Our analysis indicated that with few exceptions if a live POW was found after Operation Homecoming he would not have come from among those people declared killed in action by the services. This leaves 1,171 individuals whom the services declared missing in action.

However, our investigation of the loss incidents revealed that not all of the 1,171 were likely candidates for survival. Shown here is the range of loss circumstances for those listed as missing in action. First and foremost are the people we call last known alive, and I will expand on that category in a moment. Although alive, some of those servicemen are known to have been gravely wounded, with little chance of survival.

We also have cases where information on an individual's fate is mixed, or evidence of their fate is lacking. For example, off the radar scope cases, those cases where aircraft simply disappeared into a cloud bank, are in these categories. These are the most difficult cases, because it is almost impossible to know where to begin an investigation unless more information becomes available.

In some of the 1,171 cases, we know the individual didn't survive, even though he wasn't declared killed in action by his commander, and I think Mr. Sheetz mentioned that there are cases where all identifiable traces of an individual were eliminated by the sheer force of an explosion.

Finally, there are those who are known to have died in captivity. To identify those people who could have survived and become

POW's, the U.S. Government established a definition of last-known-alive cases which is shown here.

[Slide.]

Captain CHAMBERS. A review of all cases determined which individuals met the last-known-alive criteria. Their cases are among those designated as the highest priority for investigation.

[Slide.]

Captain CHAMBERS. Private First Class Donald Sparks is one of the individuals last known alive. He was captured during a fire fight on June 17, 1969. We have letters which PFC Sparks wrote describing his foot wound and his first 10 months of captivity. We also have reports from released POW's that their prison camp guard mentioned a POW named Don whose foot was healing. We don't know what happened to Donald Sparks. Those answers are held by the Indochinese Governments.

[Slide.]

Captain CHAMBERS. As shown here, the 269 individuals for priority investigation are drawn from Vietnam, Laos, and Cambodia, and have been the focus of our field investigations that began in Vietnam in September of 1988. As opportunities have presented themselves, the investigations have extended into Laos and Cambodia. However, not all 269 individuals are likely candidates for survival and possible captivity.

[Slide.]

Captain CHAMBERS. Based on our field activities in Vietnam, 61 of these people are known to have died. An additional 78 cannot be considered as possible POW candidates for one of the following reasons:

They are known to have died but happen to have been lost in the same incident with a last-known-alive person.

They are known to have died in captivity, but are incorporated as priority cases because at one time they were carried by their respective services as a POW or they do not meet the criteria for a last known alive designation but are included as discrepancy cases because we believe the Indochinese Governments are withholding information concerning their fate.

And finally, there are remains still under analysis at the Central Identification Laboratory in Hawaii that we expect will lower this number further once they are identified.

There are also several cases where we have information that points strongly but not conclusively to death at the time of loss.

[Slide.]

Captain CHAMBERS. This leaves us with 100 to 125—

The CHAIRMAN. Could you go back to that slide a moment?

[Slide.]

The CHAIRMAN. What's the 269 total? Why? Those became a priority, why?

Captain CHAMBERS. Sir, the 269 total are the individuals who were likely candidates for survival and possible captivity, but within that sub-category there are several groups.

The CHAIRMAN. So when you have 269 total, what date in time did you arrive at the 269 total?

Captain CHAMBERS. Sir, after we scrubbed through all the cases and took out those cases that we had information that indicated

that they were not in the priority categories, these 269 are the number which are the priority category.

Mr. SHEETZ. If I could add a little bit—

The CHAIRMAN. Help me to understand exactly what the 269 priority is.

Mr. SHEETZ. Sure. That number is a number, first, I'd like to say that has the possibility to change as we develop more information on the ground.

The CHAIRMAN. What is it to begin with before it changes?

Mr. SHEETZ. It is the number that DIA feels represents discrepancy situations most of which, a very high percentage—90 percent plus—are last-known-alive discrepancy cases.

The CHAIRMAN. So you have 269 that as of the moment of their capture now—

Mr. SHEETZ. No, as of right now.

The CHAIRMAN. As of right now, you have a legitimate question mark about.

Mr. SHEETZ. Right.

The CHAIRMAN. So in fact you have got more question marks than this committee has.

Mr. SHEETZ. Well, that is the starting point. 61 of those—

The CHAIRMAN. Were known dead.

Mr. SHEETZ. Have been resolved thus far through what has been called the Vessey process.

The CHAIRMAN. Well, let me ask you, the 61 that are now known to be dead are outside of the 111 that we identified by virtue of the briefings, debriefings of prisoners when they came back, is that correct?

Mr. SHEETZ. I have got that number here somewhere. What the overlap is between the 111.

The CHAIRMAN. Well, the 111 were all in 1973.

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Are some of these 61 known dead more recently arrived at?

Mr. SHEETZ. Yes. It has been as a result, a fair number—

The CHAIRMAN. The Vessey effort.

Mr. SHEETZ. Yes.

The CHAIRMAN. So really this is outside of that 111.

Mr. SHEETZ. It should be.

The CHAIRMAN. So there are another 61 you have learned are dead out of the 269, bringing you down to 208, correct?

Mr. SHEETZ. Yes.

The CHAIRMAN. Then the 78 that are subtracted are what?

Captain CHAMBERS. Sir, some of those are people who were killed in action but they are listed because they are with a last-known-alive case. It all happened in the same incident, and of course you can't investigate the last known alive without taking into consideration the others who were involved in the incident, so their number is carried because they're part of a case of the last known alive. So that's part of the 78.

Then there are general discrepancies among that 78, and there are those individuals who were carried as POW's at Homecoming who did not return.

The CHAIRMAN. How many of those were there?

Captain CHAMBERS. Sir, there's 21 who were POW at Homecoming and they did not return.

The CHAIRMAN. According to your list.

Captain CHAMBERS. Yes, sir.

Senator SMITH. Weren't there people—correct me if I'm wrong. Weren't there people that were listed that we carried as KIA that came out at Operation Homecoming?

Mr. SHEETZ. Yes, sir. Ridgeway was one.

Senator SMITH. Just one.

Mr. SHEETZ. I think so. Yes, just one, sir.

Senator SMITH. I mean, I realize that mistakes are made. I didn't mean to imply, but it might be interesting, if you know it, if you have it at your disposal, to give an indication as to just what went wrong there, to how that kind of discrepancy—obviously, he wasn't KIA, so what was in the report, just as a case in point.

Mr. SHEETZ. We'll have to provide that for the committee.

Senator SMITH. One is too many.

Mr. SHEETZ. Yes, sir.

[The information referred to follows:]

DIA was unable to determine the circumstances by which Ridgeway was given the status of KIA.

The CHAIRMAN. So you then come up with last known alive, 130 people that are still on your discrepancy list.

Captain CHAMBERS. That is 130, and then you have the 5 that are still awaiting identification, and then you have a number who we have some information about that points strongly, but it's not conclusive, to death at the time of loss. So then what we end up with is 100 to 125 individuals from the 269 priority investigation cases.

The CHAIRMAN. Of the 61 known dead, were you able to learn the time of demise?

Captain CHAMBERS. Sir, I don't have that information. That would be something that—

The CHAIRMAN. Do you know?

Mr. SHEETZ. If the Senator is trying to get at the question, is there any information that any of those were alive past Homecoming—

The CHAIRMAN. Correct.

Mr. SHEETZ. I don't think that's the case, but when we get through the briefing my analysts that worked up this list and are familiar with each and every one of the cases will be at the table.

The CHAIRMAN. Please keep going. Thanks.

Captain CHAMBERS. As I said, this leaves us with 100 to 125 individuals.

[Slide.]

Captain CHAMBERS. If POW's remain in Indochina, they are most likely to come from this group. Because the number can change based on the receipt of new intelligence, it should be viewed as dynamic, falling within a range. There are simply too many unknowns to support a single figure, and the priority of individual cases can be raised as we get new intelligence. In fact, the United States recently raised the investigation priority of six missing servicemen based on new information from Vietnamese records.

[Slide.]

Captain CHAMBERS. Vietnamese records such as the one shown here often contain information previously unavailable in U.S. files. As you may recall, I spoke earlier of off-the-scope cases and how difficult they were to investigate. Vietnamese records have given us valuable leads to investigate on some of these cases. We have been actively pressing the Vietnamese for more records, but this continues to be an uphill battle.

[Slide.]

Captain CHAMBERS. As I have explained, our analysis sets an upper limit on the number of MIA's who could possibly be POW's. It does not suggest that there are POW's, or that any POW's were in fact held past the time of Operation Homecoming. What we are talking about here are those MIA's who potentially could have survived. We do not know if they survived. I cannot overemphasize this distinction.

[Slide.]

Captain CHAMBERS. Having briefed you on our efforts to determine who might have survived, I will now turn you over to Lieutenant Maguire, who will discuss what post-war reporting tells us about the possibility that live Americans were held after Operation Homecoming. Lieutenant Maguire.

[Slide.]

Lieutenant MAGUIRE. The countries of Indochina have not been totally closed to westerners since the war. Although official American access has been limited, other nations have maintained a diplomatic, economic, and humanitarian presence. Asian and western diplomats, businessmen, aid workers and journalists have crisscrossed Indochina, and many have reported their observations.

In fact, some have mistakenly been reported themselves as U.S. POW's, but none have ever corroborated reports of American POW's being held after Operation Homecoming. So far, the largest body of post-war intelligence about missing Americans is refugee source reporting.

[Slide.]

Lieutenant MAGUIRE. Over 15,000 source reports have been received since 1975, and that number grows every day. Over half of these reports are a direct result of a comprehensive United States Government effort to screen over 2½ million refugees from Southeast Asia.

Source reports fall into four major categories:

First-hand live sighting reports are based on eyewitness experience, and have proven to be the most accurate and useful of the source reports, primarily because first-hand witnesses have greater knowledge of the details and circumstances of a sighting. Additionally, information from first-hand sightings is easy to verify, investigate, and follow up on.

Hearsay reports contain information second- and third-hand. None of these sources have ever seen live POW's, and they are potentially important but in many instances, because of their lack of detail, are not as useful as first-hand reports.

Crash and grave reports claim to know where American aircraft have crashed or where the remains of American servicemen are buried. They are particularly important to the mission being conducted by Joint Task Force Full Accounting.

The largest body of reporting is called dog tag reporting. These reports contain information normally found on U.S. military ID's, commonly called dog tags. The reports give names, blood types, religious affiliation, or other personal data, but 97 percent of them are not about missing Americans. In fact, many are not even about people. However, each report, regardless of source, is individually evaluated.

This graphic depicts the locations of all first-hand live sightings of American POW's.

[Slide.]

Lieutenant MAGUIRE. The reports cover a large part of Indochina. To date, we have received almost 1,600 first-hand reports. DIA evaluates these reports and our results are reviewed by an independent channel made up of representatives from other U.S. intelligence agencies.

The CHAIRMAN. Now, is that particular slide you have up there, is that your equivalent of this cluster file, or not?

Lieutenant MAGUIRE. No, sir. This is just a portion. This doesn't include the hearsay reports. That is later on in the brief.

The CHAIRMAN. So those are exclusively—

Lieutenant MAGUIRE. First-hand sightings.

The CHAIRMAN. First-hand.

Mr. SHEETZ. Approximately 1,500 points are shown.

The CHAIRMAN. There are 1,500 points there. So when you talk about the 15,000 reports, those are the reports that you have just broken down.

Lieutenant MAGUIRE. Yes, sir.

The CHAIRMAN. Dog tag, live sighting, hearsay, et cetera.

[Slide.]

Lieutenant MAGUIRE. This pie chart shows the results of DIA's analysis of first-hand reports. Many people believe DIA calls these reports fabrications. Actually, we have concluded that about 70 percent are true.

There is also a belief that DIA only correlates these reports to accounted-for people. This, too, is a misconception. DIA has correlated 43 first-hand reports to 33 unaccounted-for Americans. None of the reports that have been correlated to unaccounted-for Americans tells us that anyone lost in wartime was held past the time of Operation Homecoming. In most cases—

The CHAIRMAN. You've got to explain that. What you're saying is that the ones that you've found did in fact refer to somebody, referred to somebody who subsequently was returned, is that correct?

Lieutenant MAGUIRE. No, sir. For unaccounted-for people—there are 43 reports that correlate to 33 individuals who we have not—

The CHAIRMAN. Who are unaccounted for now?

Lieutenant MAGUIRE. Yes, sir, and the reports of those individuals that we have, for the ones that were not civilians, occurred during wartime, so they're wartime sightings of the individuals—

The CHAIRMAN. Of those individuals.

Lieutenant MAGUIRE. And not post-Homecoming sightings of the individuals.

The CHAIRMAN. So you have no post-Homecoming sighting of an individual that is unaccounted for.

Lieutenant MAGUIRE. That's correct, sir.

The CHAIRMAN. That you have given veracity to.

Lieutenant MAGUIRE. Yes, sir, that's correct. In most cases the first-hand reports that we get—

The CHAIRMAN. So in effect, if I can just follow up, when you defend DIA and say there is a misinterpretation here, you are really distinguishing the interpretation by pointing to the veracity given reports pre-Homecoming, but post-Homecoming, out of the 1,500 reports which are reflected in the flags up here, the 928 flags, there is not one report that has been given veracity, is that accurate?

Mr. SHEETZ. Well, first I'd like to correct one point. That map that your staff has put together has predominantly hearsay reporting on it, and secondly, it also has reporting on it that's first-hand that we judged to be fabrication, but your staff does not agree.

The CHAIRMAN. We're going to dig into that. We're going to dig into all of that. We're going to dig into that very closely, but they've acknowledged that there are 713 hearsay reports up there and there are 215 live sightings.

Mr. SHEETZ. But a fair number of those are ones that we have previously judged to be fabrications.

The CHAIRMAN. That's what we're going to get to a little later, but let's keep going.

Lieutenant MAGUIRE. I think the point you're trying to get at is, there's a misconception here. On the pie charts for the first-hand sightings, the majority of first-hand sightings relate to people who returned at Homecoming, or returned subsequent to Homecoming, or we've accounted for by the repatriation of remains.

The CHAIRMAN. So somebody gets out of Vietnam in the 1970's or the 1980's, they come back, and they say, gee, I saw an American here, but the time and place of the here was during the war.

Lieutenant MAGUIRE. Yes, sir.

Senator SMITH. Well, that's not true of Mr. Garwood, is it? You have first-hand live sighting reports of Robert Garwood after 1973, between 1973 and 1979, and those reports turned out to be accurate, isn't that correct?

Lieutenant MAGUIRE. Yes, sir.

Senator SMITH. Then what you said is inaccurate.

Mr. SHEETZ. I believe Garwood's reports are still under investigation.

The CHAIRMAN. No, no, no, no, no. Hold on a second. Hold on a second.

Mr. SHEETZ. Well, they are for us, because we just had an investigator over there who followed up on five separate reports.

The CHAIRMAN. Well, it was my understanding—correct me. I think I asked this question earlier today, that there were some 300 Garwood reports, and you said yes.

Mr. SHEETZ. That's correct. Those are sightings of Robert Garwood.

The CHAIRMAN. Correct.

Senator SMITH. You misunderstood me.

The CHAIRMAN. The sightings of Robert Garwood, some of them were sightings of Garwood that were made by people who came out of Vietnam post-Homecoming, correct?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. And some of those sightings were sightings of Garwood that saw him post-Homecoming, correct?

Mr. SHEETZ. That's correct.

The CHAIRMAN. So in effect there are people that have come out of Vietnam post-Homecoming who saw an American and were accurate.

Mr. SHEETZ. That's correct.

The CHAIRMAN. So the question that leaps out at us, I guess, at any lay person, is why is it that of 728 reports, much screened down, some—I don't have the exact number, but multiples of tens applied to Bob Garwood during that period of time but not one applies to anybody else? Do you follow my question?

You have 728 live sighting reports. For Bob Garwood during the post-Homecoming period, someone's reports were found to be truthful, but for anyone else allegedly seen during that same period of time by the same kinds of people who accurately reported on Bob Garwood, there isn't one that has been found to be truthful. Doesn't that run up against the law of statistics that Senator Grassley was talking about earlier?

Mr. SHEETZ. You can say that, but we have to evaluate each and every report on its own, as well as taking a look at reports that are concentrated in geographic areas, and when we have evaluated each and every report on its own, we have not found one that's compelling that someone is still alive post-Homecoming, other than Robert Garwood.

Senator SMITH. How many of the Garwood 300 sightings were second-hand or third-hand reports?

Mr. SHEETZ. 120.

Senator SMITH. So 120 second- or third-hand reports on Garwood were determined to be correct, since Garwood was in fact there. Yet, as I understand it, you don't put a lot of credibility in—you don't put a lot of focus on second- or third-hand reports. As a matter of fact, for the most part you're investigating the first-hand ones and not the second- and third-hand ones, correct?

Mr. SHEETZ. I would not agree with that characterization. We use hearsay reporting, second, third, no matter what hand. We use it as part of our database that is worked into every analysis that our office undertakes.

Senator SMITH. I would agree with that. I know you do, but when I've looked at some of the reports, some of the conclusions that were drawn in the summaries of these live sightings say, second- or third-hand report, and pretty much use that as a reason for debunking it, because it is a second- or third-hand report which you can't substantiate.

But I just want to make one statement. As I listened to what you say—and maybe you could just respond to it, because this is what's difficult for all of us to understand. What you have said, I kind of sense what I would call a distortion alert, for want of a better phrase, but you say 100 percent of live sightings in captivity are wrong. That's the bottom line.

You haven't gotten—you don't put any credibility on them. You say nobody, none of these reports account for anybody, so 100 percent of them are wrong in captivity after 1973, but 1,171 might sur-

vive, and you don't rule out the possibility that people are alive, so I don't understand the logic there.

Mr. SHEETZ. Well, we have in our active investigative inventory as of this moment 110 first-hand sighting reports.

A fair proportion of those, I think it's 60 or so, are people who were alleged to be in a captive situation.

Those reports are the active, investigative inventory, and I can't tell you at this point in time whether one of those reports, two of those reports, ten of those reports or all of those reports might turn out to be live American prisoners, but it's our job to investigate those.

Senator SMITH. Well, we know for a fact, and it has been given here by everyone, that on 300 times and 300 occasions, an American was sighted post-1973. It was Robert Garwood and those people told the truth. We know that.

And there are also numerous cases—and I will point out and ask for your response on it and then I will let you proceed. In the case of the infamous mortician, the mortician testimony to DIA over the years regarding his sightings, regarding preparation of remains and so forth—that story is pretty common knowledge—was determined to be accurate and valid in terms of what he told the DIA regarding preparation of remains and so forth.

And he also said that he saw two Americans alive, POW's, who were in some way related to loading those remains or whatever it was at the time of the sighting. But he saw them, and the conclusion—I assume what you are saying there is that the conclusion there is that you do not have a conclusion on that sighting. Is that one of the ones that is still open ended?

Mr. SHEETZ. Yes it is, sir.

Senator SMITH. But when you say there is no evidence, and I mean you just added up on the overhead no evidence, I cannot for the life of me understand your definition of evidence. When you have a witness that you have determined who is credible, you have 300 people who said they saw an American who turned out to be an American who was there, you now have a person that you believe—and frankly, we have proven most of what he said regarding the remains—he also said I saw two American POW's.

And you say that is open ended. Why is that not evidence? What would have to be added to that particular case, and just to that particular case, to make that evidence in your definition?

Mr. SHEETZ. I believe what the mortician said, sir, was that he saw two Westerners, and that he had been told that they could have been POW's. I don't believe he knew them from his own personal knowledge.

Senator SMITH. He said he had seen them under guard, because he told me that himself.

Mr. SHEETZ. Yeah, but we don't know for sure that they're American—they were American POW's. I don't know whether they were or whether they aren't. And those reports are—

Senator SMITH. Well, why is he believable in one category and not in another.

Mr. SHEETZ. I'm not disbelieving him. I'm not disbelieving him.

Senator SMITH. Well, then is that not evidence then? I mean I am not—

Mr. SHEETZ. It is.

Senator SMITH. Well, then why should you say it is not evidence.

Mr. SHEETZ. The notion is do we have compelling evidence that we can point out to the President, or to this committee, that we know where there is an American prisoner right now who is being held in captivity, and I don't have that information. I don't think this committee does either.

Senator SMITH. I understand that. But I am just saying, when we say that there is no evidence, I just think that really causes a lot of anguish out there when we get into a debate on evidence. And that is one of the things I have been saying and have been criticized for and taken to task for by some in the agency publicly, is that I believe there is evidence and I believe I just gave you an example of it.

Mr. SHEETZ. My staff just points out to me that what the mortician said was that there were not guards and that they were not POW's, but he thought they could be stay-behinds.

Senator SMITH. That is not what he told me, and I talked to him myself and we had him deposed on the record. I would urge you to read that deposition.

Mr. SHEETZ. I'd be pleased to read it.

Senator SMITH. And he also said—you said there were no POW's after Homecoming. You did not say right now; you said no POW's after Homecoming.

The CHAIRMAN. Lieutenant, are you wrapped up or were you interrupted?

Lieutenant MAGUIRE. I'm interrupted.

The CHAIRMAN. Okay, let us get back to the track here.

Lieutenant MAGUIRE. If I could just quickly finish up on my original point about unaccounted for and firsthand correlations. In most cases, we have information that goes beyond the firsthand sighting that's accounted for to that person. So we have additional intelligence. Also, those firsthand sightings confirm a lot of the intelligence that we have on those individuals.

I'd just like to quickly follow up. As of today, over 100 reports are still under active investigation, as we've just discussed.

[Slide.]

Lieutenant MAGUIRE. Altogether, firsthand live sighting reports have been correlated to 137 separate incidents involving 237 people, both accounted for and unaccounted for. This graphic depicts all hearsay live sighting reports. Hearsay reports come from people who get their information second and third hand.

An example of a hearsay report: my friend told me, I heard it at the market, a friend of a friend. Hearsay reports vary by country. In Vietnam, hearsay reports account for about half of all live sighting reports, and they tend to echo the details and descriptions of actual firsthand reports. However in Laos, hearsay reports account for almost 80 percent of the live sighting reports, and in many instances they are vague in detail.

Like off-the-scope cases discussed earlier by Captain Chambers, hearsay reports are difficult to verify or investigate. One of the problems in investigating firsthand and hearsay live sighting reports is the large number of people in Southeast Asia who look like

Americans and are reported as U.S. POW's. We call this group of individuals look-alikes.

This group includes Amerasians, Afroasians, Eurasians, Russian advisors, Western diplomats, missionaries, drug traffickers, and tourists. For instance, Johnny King, an Asian who often passed himself off as a United States POW.

[Slide.]

Lieutenant MAGUIRE. Or this Eurasian, photographed at the Fatima Drug Reeducation Center in Ho Chi Minh City.

[Slide.]

Lieutenant MAGUIRE. Here is a young Afroasian who has been identified in numerous reports as an American POW named Walter T. Robinson. The real Walter T. Robinson is a caucasian living in the Midwest. He was never listed as a POW or a MIA.

Senator SMITH. Is there not also a Walter Robinson who is a black man missing?

Mr. SHEETZ. There is not. Not an American from the war, not an American military.

Senator SMITH. There is a Robinson, black man, who is missing. Is that not correct?

Mr. SHEETZ. Yes, from the Glomar.

[Slide.]

Lieutenant MAGUIRE. I'm sure everyone here is familiar with this photo, which was alleged to be Daniel Borah, Jr., and later found to be a Lao tribesman named Ahrao.

[Slide.]

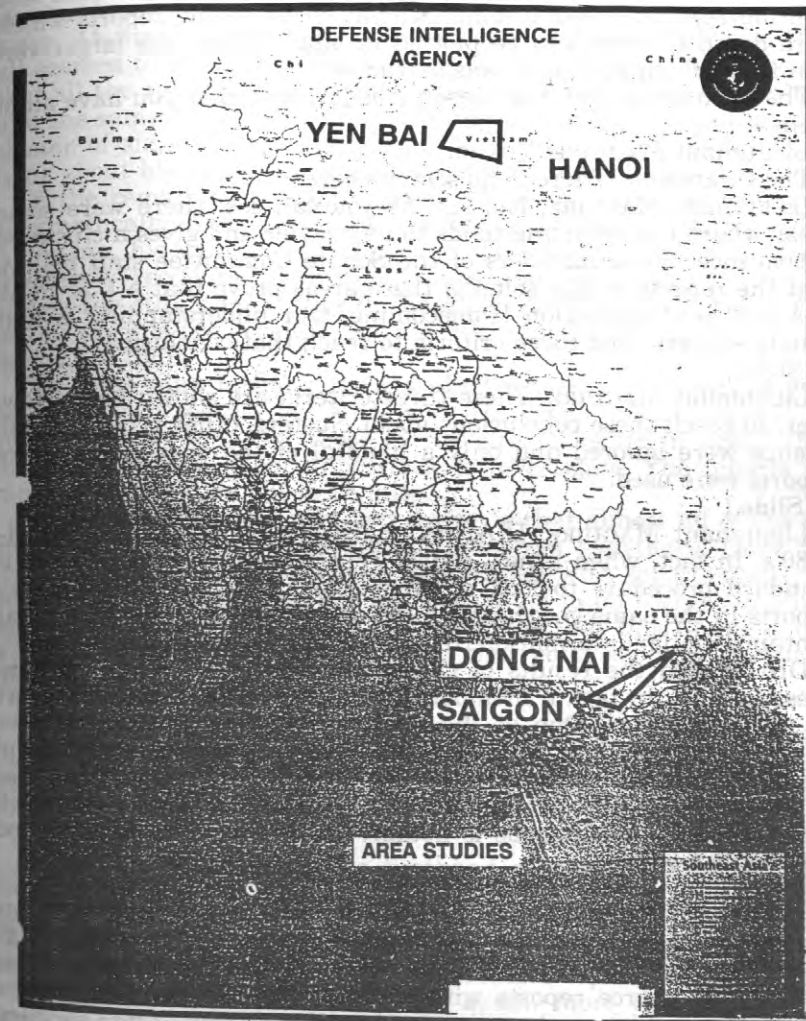
Lieutenant MAGUIRE. And this photo of Gunther Dittrich, which was purported to be former U.S. Army Captain Donald Carr.

[Slide.]

Lieutenant MAGUIRE. And this photo, which was identified as missing Americans John Robertson, Albro Lundy, and Larry Stevens, is an altered version of a photo which came from a 1989 Cambodian version of Soviet Union Magazine. In the magazine the original photo appears in a story about collective farming in the Ukraine in the 1920's. And as you can see, none of the individuals in the original have a mustache.

The subjects of all of these photos have at one time or another been reported to be U.S. POW's, or have been passed off as U.S. POW's, or have passed themselves off as U.S. POW's. Investigating these reports is important, but it is also extremely difficult and time consuming. These photos are a vivid example of why more than a single picture or a single report is required to verify a POW's existence.

[Slide.]



Lieutenant MAGUIRE. This graphic represents all firsthand live sighting reports in red, and all hearsay live sighting reports which were detailed enough to be plotted in blue. This is the larger version from which your map was extracted.

The CHAIRMAN. And the reason it is larger is that you have all of them.

Lieutenant MAGUIRE. Yes, sir.

The CHAIRMAN. There is no screen there.

Lieutenant MAGUIRE. No, sir. As you can see, there were some areas where the reporting tends to be heavier and gives a clustered appearance. Some members of the Senate Committee staff believe that the reports within some of these areas prove that a U.S. POW was held past Operation Homecoming. Our understanding is that Senate staffers used three criteria to reach that conclusion.

[Slide.]

Lieutenant MAGUIRE. These three criteria are shown here. However, to reach these conclusions about clusters, other types of intelligence were ignored and only a handful of the over 1,500 source reports were used.

[Slide.]

Lieutenant MAGUIRE. DIA has analyzed clusters since the mid-1980's. In fact, when a new source report is received at DIA, it is standard procedure to look at all previous firsthand and hearsay reports in the same geographic area, and to look at any report that contains similar information, regardless of source or location.

DIA briefed the results of cluster analysis to Members of Congress in 1987. In fact, a member of this committee's staff took part in those briefings. One of the great benefits of our own cluster analysis has been the wealth of knowledge about the handling of prisoners that we have acquired. Additionally, we have found that in real clusters the percentage of firsthand live sightings which turn out to be fabrications is notably lower than among firsthand reports as a whole.

[Slide.]

Lieutenant MAGUIRE. Senate investigators identified 12 clusters which met their 3 criteria, and where they believe reporting indicated live POW's. DIA looked at these areas, but we didn't just look at the source reports within these clusters. We used all the information which we have in our database as well. After conducting our all-source analysis, we couldn't find information to support the Senate staff's claims. In fact, we found that four of the areas identified by the staff were not clusters.

I will briefly go through two of the areas that were identified by the Senate, to demonstrate what DIA's analysis showed.

[Slide.]

Lieutenant MAGUIRE. One of the areas identified was near Dak Chung in Laos. DIA looked at the 16 live sighting reports from that area. Two were firsthand reports that had nothing in common with the hearsay reports. The firsthand report, one of which was an accurate description of an accounted-for American moving up the Ho Chi Minh Trail. The source of the second firsthand report admitted lying.

[Slide.]

Lieutenant MAGUIRE. Senate investigators called Dak Chung a cluster because of six hearsay reports that recounted the same story. At first glance, these reports looked promising because they all seemed to corroborate each other. But in-depth analysis showed that all the reports were similar because one of the six sources had told the same story to the other five. What we are left with is not a cluster of six, but a cluster of one. And that one source admitted lying about his original story, so now we have no cluster.

Of the remaining hearsay reports, three were too vague to plot geographically, and one of these recounts the story of a free-living American, his wife and two children. This hearsay story has been frequently recounted throughout Laos and Vietnam, particularly among the ethnic minorities in those two countries. All that varies in the story is the location given for where the American and his family are living.

The remaining hearsay reports are from ethnic minorities who heard a story second- or third-hand from their uncle, nephew, or brother-in-law. Many of these stories are so vague in detail that they are difficult, if not impossible, to investigate. The reports we can investigate turn out to be false.

Additionally, another common theme is that almost all of the reports are coupled with requests for monetary assistance. Once the cluster of one source is removed, you are left with reports scattered over a large area that do not have anything to do with each other and are vague at best. So DIA has concluded that Dak Chung is not a cluster, but we could only reach that conclusion by carefully reading and investigating each report.

[Slide.]

Lieutenant MAGUIRE. Another area identified by the Senate as a cluster is Kham Keut in Laos. Let me say first that Kham Keut is a cluster. The cluster is centered around the only four firsthand reports in that area.

[Slide.]

Lieutenant MAGUIRE. These firsthand reports are all true, and they all concern the detection of a U.S. civilian and a foreign national in that area in 1975. This goes back to what I said earlier. The percentage of true firsthand reports within real clusters is higher than the percentage of true firsthand reports on the whole.

Among the hearsay reports, once again, more than half come from people who got their information from a relative, and most are too vague, again, to investigate. Almost all come from people who asked for money to finance the POW's rescue, or to assist them in obtaining further proof of his existence.

Four of the reports were based on information which came from flyers or handouts distributed throughout Laos. These flyers contained personal information about an unaccounted for pilot. Reports echoing the flyers come from all over Laos.

Three of the hearsay reports are about the detention of foreign nationals in the area. The remaining six reports are either too vague to plot, including another story about the free living American and his family, or they are still under investigation.

[Slide.]

Lieutenant MAGUIRE. After careful analysis, we did not find a single report or group of reports within any of the 12 areas identi-

fied by the Senate which would confirm that a U.S. POW was held against his will after the war. But in summary, our analysis indicates that source reports, particularly live sighting reports, remain the largest and most accurate type of post-war intelligence on POW's and MIA's.

However, it cannot be stressed strongly enough that relying on this one source of intelligence or any other single source of intelligence can be dangerously misleading. Responsible analysis requires input from a variety of intelligence sources.

[Slide.]

Lieutenant MAGUIRE. We conclude with the following assessment. After years of post-war searching, thousands of reports evaluated, and every available means of intelligence collection employed, no single report or combination of reports has ever been able to confirm that American prisoners of war remained in captivity after Operation Homecoming in 1973.

Nonetheless, the many unanswered questions that remain continue to bring us back to the United States Government position on this issue, which precludes ruling out the possibility that Americans may remain captive in Indochina. For that reason, we will continue our investigations using every intelligence resource that the U.S. possesses to achieve the fullest possible accounting for our missing Americans. Thank you.

The CHAIRMAN. Thank you very much, Lieutenant. Mr. Sheetz or General, do you want to add anything to your briefers, who have done a good job here in giving us an overview, before we get into some of the particulars on the clusters?

Mr. SHEETZ. No.

General CLAPPER. What we'd like to do, sir, is change places here and bring some of our experts up to address the specific questions, if that's all right with you.

Senator SMITH. Could I ask one specific question before you go.

Lieutenant, in the briefings that you had up there on the clusters, it is my understanding from our staff that Dak Chung was not clustered. We did not do an analysis of that, so I do not know where that information came from.

Lieutenant MAGUIRE. Sir, I have a report that was forwarded to us where that was identified as a cluster.

Senator SMITH. Well, we did not do the analysis on it at the committee, so I would be interested in doing that.

The second point—and I will not ask you to go back and put the slide back up there—but you said that—I believe your slide said since the early 1980's, that this technique was used. Then I would ask, maybe, General Clapper to respond to this one before you guys leave.

The statement that was made in the 1985, 25 September 1985 Brooks report said:

We note that DIA has never employed some of the most basic analytical techniques such as plotting all sightings on a map to look for patterns and concentrations.

So that statement is inaccurate by Admiral Brooks, is that correct?

General CLAPPER. Well, that was in 1987. I was speaking to what—the analytic practices that are followed now.

Senator SMITH. So then your testimony is up until 1987, you did not do analysis by pattern concentrations, and you did after 1987. Is that your testimony?

General CLAPPER. I can't testify specifically what was or wasn't done, in 1987 or before.

Senator SMITH. Well, I would like somebody to. Who can?

Lieutenant MAGUIRE. It's my understanding that we began doing it in 1986, and I don't know if that was in response to criticisms made about our analysis prior to that, or if it was something that was developed in the office.

Senator SMITH. So pattern analysis was not done. Your testimony is that pattern analysis was not done until 1987, so that Admiral Brooks was correct.

Lieutenant MAGUIRE. No, 1987 it was actually briefed to Congress. They actually had been doing it for awhile, and brought the results of that in to Congress.

Senator SMITH. So you are saying Brooks is wrong, then.

Mr. SHEETZ. Admiral Brooks' report was in 1985.

Senator SMITH. That is right.

Mr. SHEETZ. The office started using the technique, as clearly as I can determine, in depth in 1986. And in 1987 was the first time we brought forward the results of computer-generated plottings, as part of briefs that we brought up to the Hill to oversight committees.

Senator SMITH. I guess I am not clear on your answer. You are saying to me, then, that for 12 years after the war we did not analyze through patterns of concentrations of sighting reports based on the content, but you did it after the Brooks memorandum was critical of that. Then you are saying—I am just trying to clarify it; I am not trying to give you a hard time. Is that when you started doing it, in 1987?

Mr. SHEETZ. No. Our database has always been accessible by geographic search. So when analysts would go into the database, whether they do it now or did it back then, they could retrieve reports that related to a geographic area. We're much better at it now than we used to be. We've got more sophisticated query structures than we used to. But we had the ability to isolate out reports by geographic area.

I don't think we started doing computer plots of data points until the mid-1980's. You know the PC's really weren't developed and didn't get into the Government until 1982-83. So, ideally, it would have been nice if we would have had a PC in 1973-74, but they weren't even invented back then and weren't there to use as an analytic tool.

Senator SMITH. I would just say that is correct on the PC's, but it is certainly not correct that those things could not have been plotted on the map without a PC. It would have been a little more effort, but it certainly could have been done.

And your testimony is that it was not done; that Admiral Brooks was correct that this technique was not used, as I understand it, until 1987. And that is your testimony, which contradicts what was

up on the chart which said in the early 1980's you used these techniques. That is all I am saying.

The CHAIRMAN. I think, Bob—I am not sure, was there a chart that I missed? The chart that I saw up there said that in 1987 the cluster briefing was made to Congress.

Mr. SHEETZ. That is correct.

The CHAIRMAN. And I think that is exactly what the testimony was just now. Was there a different chart?

Senator SMITH. I would like to see that chart.

The CHAIRMAN. I think the chart says—can we show the chart. I think the chart said 1987.

Senator SMITH. But there was another chart that also referred back to the early eighties. I do not want to take the committee's time. I do not remember which chart it was.

Mr. SHEETZ. I think the right people to ask that question of are going to be the next group of people that are going to come up. They have been doing the analysis for the longest time at DIA, and they can tell you from firsthand experience.

Senator SMITH. I believe there was a statement in the chart that said we always did cluster analysis or pattern analysis. I am only going by memory. I would be happy to be corrected, but that is the way I recall it.

Lieutenant MAGUIRE. My text reads the mid-1980's in regard to cluster analysis.

Senator SMITH. Do you say on there somewhere in the text that you always did pattern analysis.

Lieutenant MAGUIRE. No, sir, I did not say that. I said that DIA has analyzed clusters since the mid-1980's.

Senator SMITH. So you did not do it before the mid-1980's.

The CHAIRMAN. That is what he testified to, that in 1986 they began doing it, or 1985-1986. That the first cluster briefing was in 1987, but that prior to that there was none done. I think that is the testimony.

Senator SMITH. Okay.

The CHAIRMAN. Why do we not move on to—first cluster, so-called, is the Hanoi Cluster. And what we will turn to now is the information with respect to downtown Hanoi, The Citadel. If you could ask those people who will be briefing on this to come up, that would be helpful.

If I could ask each of you gentlemen who are new to the witness table if you would rise so I could swear you in, please. Would you raise your right hands. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God.

Mr. SYDOW. I do.

Mr. DESTATTE. I do.

Mr. GRAY. I do.

The CHAIRMAN. Would you identify yourselves, please, each of you, for the record.

Mr. GRAY. Sir, I am Mr. Warren Gray of POW/MIA DIA. I'm chief of the current operations branch.

Mr. SYDOW. I'm Gary Sydow. I'm chief of the analysis branch.

Mr. DESTATTE. I'm Robert DeStatte, senior analyst.

The CHAIRMAN. Could you just say, each of you, how long you have been at DIA and working on the POW issue.

Mr. DESTATTE. I worked on a brief assignment with this office in 1978, and I joined it full time in 1979 and have been with it since. Mr. SYDOW. I've been with DIA since January, 1985.

Mr. GRAY. I've worked the POW issue starting in 1973 with the Joint Casualty Resolution Center in Thailand. I arrived at DIA in 1984.

The CHAIRMAN. Now gentlemen, as you heard earlier, the staff took a number of live sighting reports, hearsay and firsthand, and has plotted them on this map. The screen, as you heard, has been fairly extensive; i.e., there are no Garwood plottings.

Single reports were not used. No smugglers, none where you said there was fraud, none where—only a condition of captivity has been reported, not anybody living freely. Missionaries have been eliminated and so forth. So what you see there refers to folks who have been reported to be—or instances where people have been reported to be held in a prisoner status.

The 70 sightings in Hanoi City include 22 firsthand sightings from 20 separate individuals and 48 hearsay sources. We understand that you have evaluated 13 firsthand live sightings as fabrications. There are a number that are not fabrications, and we have a list of those.

But what I would like to do is ask you with particularity now, if you would refer to the live sighting reports that are plotted for Hanoi and help us to understand this in a more detailed fashion. We have had the broad picture from you. Now I would like to get you to sort of look underneath a little bit, and help us to look at the process by which you have determined that a report is not, in fact, what it purports to be.

Let me direct your attention specifically to number 7591, which is a live sighting report. I might, for the record, ask you—there is a very large distribution of this report, and I was struck by the breadth of distribution. Do you have that report in front of you? [Pause.]

The CHAIRMAN. Mr. DeStatte or Mr. Sydow, do you have that now? You do not have those reports.

Mr. SYDOW. No, sir.

The CHAIRMAN. Folks, these are the reports that have been identified to you. These are the foundations—

Mr. SYDOW. This is not one of the cases that was identified for us.

Senator SMITH. It is or it is not?

Mr. DESTATTE. Is not.

Mr. SHEETZ. We were told to focus our preparation work on the 43 high-interest cases, and that's what we have brought up here prepared to discuss today.

The CHAIRMAN. You are not prepared to discuss the foundation of the Hanoi cluster?

Mr. SHEETZ. We'll be prepared to talk about the cluster in general, but we have detailed information, as the committee indicated to us to be ready for, on the 43 detailed cases. And if that case is not on the list that was passed to us previously, I doubt that we're going to have that ready.

Mr. DESTATTE. Mr. Chairman.

The CHAIRMAN. What about 8621. Do you have live sighting report 8621?

Mr. DESTATTE. Mr. Chairman, on 7591, earlier I believe Mr. Smith described that case in summary. And if I'm not mistaken, that's the source who talked about an underground prison near Ho Chi Minh's Tomb. I could make a few general observations about that.

The CHAIRMAN. Well let me read it to you. I mean you guys have dealt with this stuff, and it will not hurt to kind of go through it. Let me just ask you first of all, on your live sighting reports do you have live sighting report 8621? You have a live sighting report 8621, correct?

Mr. DESTATTE. Yes, we do.

The CHAIRMAN. Turning just to the heading on that, because I was, as I said, struck by the distribution on these; tell me if you will, or tell the committee, who this live sighting report was distributed to? 8621, do you have that in front of you?

Mr. DESTATTE. Yes, I have it.

The CHAIRMAN. In the heading I see that it goes to CNO Washington; CSAF, Washington; CMC, Washington; AFIS, Bowling Air Force Base. It goes to the Secretary of State. It went to—I am not familiar with all of the titles here—but CMCCC, Washington. It went to Fort Meade, another grouping to Fort Meade. Is that correct or not?

Mr. SYDOW. Yes, sir, it is correct.

The CHAIRMAN. Those are all people info'ed on this. Is that correct?

Mr. DESTATTE. Either action or info.

The CHAIRMAN. The reason I ask this is it goes to JCS, Sec Def—Secretary of Defense—U.S. CINCPAC, CIA, JCRC Commander. I mean for those who have been harping about conspiracy in this, it just strikes me that that kind of breadth of distribution sort of denies the concept that anybody was keeping very much from anybody. It is a pretty broad distribution. You would have to have every low-level code reader and everybody in the entire Government sort of sworn to some secrecy here to avoid this stuff being talked about.

Mr. SHEETZ. If I could add something to that, sir. You'll find essentially two separate lists there. There will be—in the middle of that list there will be dates. And the addresses below that list were the original addresses. Then above that, there will be another list that are mostly Washington area consumers.

And then another date at the top; that's the date the JCS message re-addressal system essentially routed that report, that was not originally going to that list, to essentially a very wide consumer base here in the Washington area. So you get two lists of addresses with each message.

The CHAIRMAN. And it is indeed fairly broad, as I have described it. Is that correct?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Now, having said that, help us to evaluate it. Here is a report which on its face says the following: The source, a Vietnamese staying at the refugee camp in Pusan, Korea, who ac-

quired the information from his friend. Reliability of the source has not been established.

Until 1985 an underground detention facility located adjacent to the Ho Chi Minh Memorial in Hanoi, the Vietnamese—it had possibly been used for American prisoners of war. In 1970, the Vietnamese Government constructed—it goes through the construction process.

The Vietnamese Government constructed the underground detention facility at the same time Ho Chi Minh's Tomb was constructed. The construction of Ho Chi Minh's Tomb began in 1969 and was completed circa 1970. The civilian construction workers selected by the government went through a thorough background investigation. The rumor—I underline rumor—concerning the underground detention facility was started by some of the construction workers who participated in the construction, and it goes on.

This is one of the flags that is represented up here, correct. Is that correct? Where is our team of people here?

Mr. LEGRO. That's correct.

The CHAIRMAN. This is one of the flags represented up here. Now explain to me how should we think about this particular report? It says many of the Vietnamese general populace believe some American prisoners of war are still detailed in a very secret place, and here is the report.

How do you evaluate it? What did you do with it? How should we look at that today?

Mr. DESTATTE. Sir, let me address that first. I spent approximately 10 of the last 18 months in Hanoi. And while I don't have that report in front of me, some general observations, I think, might be helpful.

I had freedom of movement throughout Hanoi and the surrounding area. I am very aggressive in seeking out a wide variety of contacts, formally and informally, throughout the city. I traveled around the city every spare moment I had. One of the things that I have looked into is the possibility of an underground facility of some sort. I can't find any evidence that there is even a basement in any building anywhere in that country.

As a matter of fact, I spoke to one French engineer who's in charge of a major remodeling project there, and he explained to me that even swimming pools have to be placed above ground, or only partially submerged, because of some idiosyncracies with the water table. I'm not an engineer, construction engineer, so I can't recite this perfectly—what he said perfectly, but he finds it incomprehensible that there would be an underground facility. And here's a man whose business is doing that sort of thing.

I have looked around the city, and with one possible exception, every swimming pool that I can find in and around that city is an above-ground facility; again, an indication of problems there. Also, the tallest building in the city is 10 stories high, and I understand informally that it required an exception to get a building that high. And I am also told informally by residents of the area that, again, this is a restriction that is imposed by some of the soil conditions there. And, again, relating to the unlikelihood that there would be an underground facility of any sort in that area.

Now that does not prove that there was not an underground facility there. I am simply saying that what I have been able to pick up in my informal inquiries around the city in 10 months suggests that there is not.

Also, that particular area is open to the public. It is an area that is the major park. The communist headquarters is across the street or, pardon me, right on the edge of the big plaza there. The government headquarters is across the street. Two major tourist attractions are to the left of the memorial, and the left rear of the memorial, the Ho Chi Minh Tomb, you have thousands of people in that area every day. The likelihood that they would be holding American prisoners in an environment like that, I would hold is low.

Now I concede that that is not proof that there are none. But we have been unable to come up with any indication, any evidence, that suggests that that particular story is true.

The CHAIRMAN. What was the classification given to that specific report?

Mr. DESTATTE. Sir, I don't have the report in front of me. I don't know.

The CHAIRMAN. Does anybody have a copy of that report? I do not know how it did not get there. It is on the list, 7591.

[No response.]

The CHAIRMAN. Well, let me turn your attention next to 8621: live sighting report 8621. The source came from Thailand. It was a December 1986 report as follows: The sighting is firsthand and hearsay. And in December of 1986 the source, who practiced herbal medicine, visited a PAVN general officer in Ly Nam De Street to treat the general for kidney stones.

From a room in the general's quarters, the source observed four to five caucasians in striped (reddish stripes on tan background) uniforms through a barred iron gate in an adjoining wall. The general's 30 year old son told the source that those were Americans and that 30 were being kept in an underground prison in the compound.

The source later told that he had worked on an underground facility under Ho Chi Minh's Tomb, and that there was a tunnel from under the mausoleum to The Citadel. He believed Americans were being held in the facility.

And that is supposedly under analysis. Now query: what does the committee think of that? What should the committee think of that report?

Mr. SYDOW. As you noted, Mr. Chairman, that report is still under analysis. We would reflect that reporting from other reporters who we've had go through the Ministry of National Defense Area. As Mr. DeStatte has pointed out, that's not a closed or denied area. We have talked to people who walk through that area. There's no reporting that would corroborate the construction of any underground facility in this time period.

Mr. DESTATTE. I might add that I have walked and ridden my bicycle down that street, around the perimeter of the Citadel area several times over the past 18 months. I've stopped and chatted with the guards at various entrances. I've chatted with people who work inside that compound. I've talked to civilians who run soup

stands and other business establishments around the perimeter of it, and just people who are passing through the area.

I have yet to find someone who was not aware that American POW's were held across the street at number 17 Ly Nam De Street during the war. I have yet to find anyone who has not scoffed at the idea that American POW's were held there after the war. And given the nature of neighborhood gossip or rumor mill and so forth, if there was indication—if there were any POW's in that area, I'm quite sure that it would be of general interest in the neighborhood.

And a couple of comments that might give some perspective to that. Here when we leave work we go home, we turn on the TV set, we go out and work in the garden, we have a number of—we go to the movies, go out for dinner, all sorts of pursuits like this. Because of the economic situation in Vietnam and for other reasons, that's not the common practice there.

And I've talked to a lot of folks—we'll take 17 Ly Nam De Street which is in this—is mentioned in this report here. Abutting that is an elevated railroad trestle, and it's common practice for the kids in the neighborhood—or during the war it was common practice for the kids in the neighborhood to get up on that trestle and watch for the American prisoners, to make faces at them, to call to them, and hope that the prisoners would call back.

The kids would go home and tell their friends about it. I mean you should see these guys. They're so big. They're blond. They're blue eyed. It was really quite an exciting adventure for them. And, of course, the other kids in the neighborhood, then they want to get their chance at it.

And word spreads very very rapidly of anything unusual in the area. If there had been American prisoners in that area, with the extensive efforts that we've made over the years to confirm that, we sure as the devil would have confirmed it. And the fact that we've been unable to find one citizen in that neighborhood who is not convinced that all American prisoners were released in 1973, I think is a strong indication that this particular story is not true.

The CHAIRMAN. Now let me—before I come back to that answer, you are aware that there were tunnels and air raid shelters in that vicinity. Is that correct?

Mr. DESTATTE. Tunnels, no. There were air raid shelters there; we're aware of some of them. The only thing that would qualify as a tunnel in that area is the sewer system, which I am told by people in Hanoi resembles the sewer system of Paris, not surprising inasmuch as the French were the ones who designed the city. But tunnels, per se, no.

The CHAIRMAN. Well the sewer system—I do not want to get—I mean if it resembles the catacombs of Paris, that is a pretty serious tunnel.

Mr. DESTATTE. I'm not sure that I would describe it as resembling the catacombs. All I know is they—I am told that it looks—it resembles the sewer system in Paris. And much of that—I suspect that some of the speculation about a tunnel derives from a newspaper of a few years ago when they were renovating the Dong Xuan Market, the main market in northeaster Hanoi city.

Some of the excavation work that was going on attendant to the reconstruction or the renovation, they had to go into one of the

sewer lines. And they, according to the newspaper report, found the remains of a communist soldier who had died—for some reason had been down in there and died during the war against the French. It's only a guess on my part, but I suspect that the kernel of truth in some of these stories about a tunnel are rumors that have grown from that one particular newspaper report.

The CHAIRMAN. Let me help you out a little bit here. Subsequent steps that you took, in fact, indicated that U.S. prisoners were held at something called the Alcatraz Camp in the rear of the compound at number 4 Ly Nam De. Is that accurate?

Mr. DESTATTE. That is correct, sir. That was simply a building that was converted to that use: not a prison camp per se. They've also constructed—there is a new building under construction at that site as we speak, based on personal observation.

If I could add a comment about the prisons. We talked about the prison camps in Hanoi. When the war started, when Commander Alvarez was captured in August 1964, the PAVN did not have a prison camp system. So the military organization that was responsible for POW's borrowed space from the ministry of interior in its prison in Hanoi, what we've come to call the Hanoi Hilton.

As the number of prisoners increased, it became necessary to find other facilities. So the military then tasked various elements of the military that had facilities that could be suitably converted to a detention or temporary facility, to do so.

The POW camp the U.S. POWs nicknamed "The Zoo" had been a film studio operated by the Military Film Institute, which was subordinate to the General Political Directorate of the Ministry of Defense. Likewise, the POW camp we know as number 17 Ly Nam De Street had been a film studio operated by the same element of the General Political Directorate. The POW camp U.S. POWs nicknamed "Alcatraz" was located behind the Army Publishing House offices at number 2 or 4 Ly Nam De Street. The Army Publishing House also was subordinate to the General Political Directorate.

The Enemy Proselyting Department of the General Political Directorate was responsible for handling U.S. POWs. Thus, we can see a pattern here. As the need increased for space to house U.S. POWs, the General Political Directorate tasked various of its subordinate elements to vacate their spaces and allow the Enemy Proselyting Department to use the spaces as detention camps for POWs. This partially explains how the General Political Directorate selected some sites for use as POW camps.

The CHAIRMAN. In point of fact, did you not make a determination that neither camp had underground facilities?

Mr. DESTATTE. That could be used as detention. There was a large air defense shelter inside the compound at number 17 Ly Nam De Street, but I would not characterize that as an underground facility or detention facility.

The CHAIRMAN. Well what is—let me turn you now. Let us hold 8621 in abeyance for a moment and let me direct your attention to number 1054. Number 1054 was a report as follows:

It is a sighting report from a former PAVN truck driver who said that while trimming trees in Ly Nam De Street—so we are in the same street, different time period—he saw four Americans standing outside a building on a porch. This occurred in January

1974. In September 1978, he saw six people outside what appeared to be a meeting house. In both cases he thought there were more people inside.

Now the resolution of that case. He provided excellent drawings of Ly Nam De Citadel area. In that case you found it to be a fabrication, saying that the source could not have sighted, as claimed, in 1974, because he would have been in a highly restricted area and his view would have been blocked by trees and buildings. The 1978 sighting was probably in an area in which Soviets worked and were commonly present. He did provide excellent drawings of the Citadel area, nonetheless.

Now here is the very same area. A different timeframe, but the same observation. You say it is a fabrication.

Mr. DESTATTE. Yes, sir. As a matter of fact, I'm the person who interviewed him and I participated in a polygraph examination; and something that apparently is not brought out here is that he failed the polygraph examination.

But I think his response to our discussions following the polygraph examination might be instructive. As you noted, he had two sightings: one in the interior of the Ministry of Defense Headquarters area, which some refer to as the Citadel, and the other on the edge of it, on 17 Ly Nam De Street. The polygraph examination showed his story to be a—showed him to be deceptive.

The CHAIRMAN. On what question was he deceptive?

Mr. DESTATTE. The relevant questions concerning the sightings. Okay, we asked him for clarification. He insisted that well the polygraph doesn't work on Asians or he had two or three explanations, I don't recall accurately from memory what they were. But he denied that they were valid.

I happened to have a pamphlet on one of the POW camps in that area that had an excellent aerial image of that area taken during the war. I simply opened that fanfold, pointed to it, and I said here's an aerial image of that Citadel. I folded it again and I said now our imagery experts have taken a look at this and they have informed us that it's impossible for you to have climbed a tree in the compound where you say that you were at and to have been able to look over the walls and see into the courtyard where you say you saw the Americans.

He smiled and said, well, yes, you're right. I fabricated that. I made that up because I was afraid that you would not believe unless I said that I had seen them at least twice. And he smiled even more broadly and said words to the effect, however, you cannot say that I couldn't see into the compound adjacent to number 17 Ly Nam De Street because there's no fence there. And then he defied me to prove that was wrong.

And the man was perfectly willing to admit the fabrication when he had no out. But he took some delight in showing that we had a dilemma; we were unable to prove, other than with the polygraph results, that the other sighting was not true.

But again, as I pointed out earlier, I have been up and down that street several times. I've talked to people in the neighborhood. I've talked to shopkeepers in the neighborhood. I have looked into that compound myself. If there were American POW's held in that compound any time after 1973, I am confident, totally confident, that I

would have uncovered some indication of that in my conversations with the local residents.

The CHAIRMAN. It is a fact, is it not—and having visited there three times in the last year I certainly would sense this—that it is pretty hard to walk around anywhere as a caucasian without attracting significant attention still. Is that not true?

Mr. DESTATTE. That is very much true. And particularly if you're an American. And I know this is off the topic a little bit, but one of the heartwarming aspects of my 10 months in Vietnam since the beginning of last year is to learn that wherever I go in that country, north or south, city or rural, as soon as people realize that I am an American, there's an outpouring of warmth. There is a genuine and deep affection for America. And I would say profoundly favorable memories of America, even by our adversaries. There was a respect that few of us are aware of.

The CHAIRMAN. In pursuing your inquiry of this particular area, have you had free access and been able to go there on your own at any time?

Mr. DESTATTE. That's correct, sir. I've had absolutely no restrictions. I'm not followed. I'm not escorted. And the local residents there are not at all reticent about chatting with me. As a matter of fact, just the converse. As soon as they realize that I'm an American and I speak Vietnamese quite well, crowds gather. People are interested in America.

The CHAIRMAN. So even in Hanoi, in the vicinity of Ly Nam De Street, is it accurate to say that if you are there, kids come up to you, a crowd gathers fairly quickly, does it not?

Mr. DESTATTE. Yes.

The CHAIRMAN. And you have asked those people spontaneously whether they have ever seen any American in that vicinity?

Mr. DESTATTE. Yes. And let me give you one anecdote that I think might be helpful. A few weeks ago I was taking a colleague who was visiting Vietnam around that very area; he had an interest in that area. And we stopped at the—near the railroad trestle at the southeast corner of number 17 Ly Nam De Street. I positioned my friend in the middle of the street with his back towards 17 Ly Nam De Street, and I took a couple of photographs.

A couple of the—there were several local open-air shops that were selling agricultural products and so forth, vegetables, but there were some other shops. Well, two or three people came up to me and wanted to know why I was taking a picture of that area. And I simply responded I have some friends who used to live over there. And they laughed and they knew exactly what I was talking about. They said oh your friends must have been American pilots, and they chatted about the American POW's who used to be there in 1973 or prior to 1973. They used to go over there and try to catch glimpses of them.

And I asked them how many Americans were held there after 1973. And as this conversation was taking place the crowd is increasing, and it must have been—I don't recall how many, but several people by this time gathered around. And in unison they scoffed at the idea that Americans were held there after 1973.

The CHAIRMAN. May I ask a question of our own staff here. This particular live sighting report that I have referred to now, number

1054, where the source failed a lie detector test and recanted, is that flag represented up there?

Mr. MCCREARY. No.

The CHAIRMAN. It is not here.

Mr. MCCREARY. No, it is not on this map. This was a separate series of analyses that we pulled together.

The CHAIRMAN. I am not sure I understand.

Mr. MCCREARY. We did analysis on several levels. In other words, the map was our first analysis and then we have continued to investigate as we have received materials, to follow up on other relevant data. This one was not on there. It was not selected because it was posted to the map; it was selected because of the analytic challenges that it posed.

The CHAIRMAN. Do you accept the recantation and fabrication, per the lie detector test confirmation?

Mr. MCCREARY. The file does not contain enough information for me to know what precise questions were asked, first of all. Secondly, the file says that the man was confronted all afternoon, and I do not understand that. If the man failed a polygraph, I do not understand the purpose of confrontation.

The CHAIRMAN. Let me ask if there is any explanation of that?

Mr. DESTATTE. We're puzzled by that, because it's our recollection that the file contains a complete list of questions that were asked on all three tests.

The CHAIRMAN. When did the source recant?

Mr. DESTATTE. Well a question was just asked behind me; what did we do to make him recant? I repeat, the reason he recanted was I showed him a piece of aerial imagery and pointed out that our experts told us that it was impossible to make the sighting that he described from the location he said he was at. Without hesitation he acknowledged we were correct; acknowledged he had made up that part of his story.

So it was during the polygraph or immediately following the polygraph examinations that he recanted. As I said earlier, he recanted one of the two sightings.

The CHAIRMAN. Mr. DeStatte, were you able to get any sense of what his motivation was for doing that? Did he tell you why or did you ever inquire?

Mr. DESTATTE. We would like to have inquired, and as I recall the polygraph operator was keenly interested in that. But our policy then was that we were not to challenge the source, we were not to get into confrontational conversations. We were simply to—and oftentimes we didn't even tell the person that he failed the polygraph examination. We went to those lengths to avoid even the appearance of being confrontational.

The CHAIRMAN. Okay, now here we have the first hearsay report that we dealt with. We have the second one that is not represented as a flag up here. Now let me direct your attention to live sighting report 1542.

This is—the sighting is a firsthand sighting in 1978 and again in 1982. The source was visiting friends who were sons of general officers residing in a compound at Ly Nam De Street. He saw American prisoners around a cistern in a yard, bathing the first time and

just talking or sitting the second time. He provided a fairly detailed description of the area and he passed two polygraphs.

Resolution: determined to be a fabrication. Your analysts claim that the reconstruction of the site demonstrated that he couldn't have seen what he claimed to have seen, and you found him reticent and uncommunicative. Can you explain to me how, if he passed two polygraphs, where his testimony fell down? Help us to understand that?

Mr. DESTATTE. Yes, sir. Again, my opening statement will be heresy I suppose for some people, but the polygraph examination—the polygraph is an instrument. It's not—it's a supporting technique.

The CHAIRMAN. Let me just say to you right up front so you understand at least where the committee is on that. The committee, I think generically, is accepting the notion that a polygraph is not dispositive. Liars can pass polygraphs and people are capable of passing polygraphs and not be telling the truth. We accept that notion; the fact that he passed the polygraph is not dispositive. It is a tool, and more often than not eliminates somebody who is lying rather than confirms that someone is telling the truth. And I think that is our attitude about it.

The question is, though, what other things? I mean given that he passed. Okay, that does not eliminate it. What is it that makes it dispositive that it is, in fact, a fabrication?

Mr. DESTATTE. Okay.

The CHAIRMAN. Particularly, obviously, the committee—what is of interest to the committee is weighing this against these now multiples of reports, one hearsay, one firsthand. The guy recants, but there is a similarity to the time and place and location.

Mr. DESTATTE. Okay. Again, you did a better job on the explaining of the polygraph than I could have, thank you. And the polygraph is the only thing that is going for this source. All the evidence goes away from him.

[Chart.]

Mr. DESTATTE. We have a graphic over here, and we have some drawings. Now I might add that I personally toured these compounds in June, late June.

The CHAIRMAN. Of this year?

Mr. DESTATTE. Of this year.

The CHAIRMAN. Were you given unfettered access to these compounds?

Mr. DESTATTE. Yes, I was.

The CHAIRMAN. And what kind of notice prior to your arrival?

Mr. DESTATTE. I think—well, I'm not sure. Our schedule was rather hectic. I'm not quite sure how much advance notice the people in the compound had before I arrived there. But I held discussions with personnel at both 23 and 25 Ly Nam De Street, which is the army publishing house, which is the compound that Mr. Smith and his colleagues visited a few years ago where the infamous cistern is in existence.

The CHAIRMAN. This is where the cistern is.

Mr. DESTATTE. Yes. And I would say on the cistern—and for anyone who's interested I'll be more than happy to show you the photographs—the cistern is completely visible to passersby on the

street. It's not concealed, and people in the cistern can watch passersby coming out. And, again, I have photographs. And less there be any question about it, I think we also have it on videotape for anyone who doubts the veracity of that comment.

And again, that ties back into the neighborhood. The back side of that compound is the railroad trestle. Anyone travelling past there on the railroad looks directly down into that compound. Okay, you'll notice on the—let me try to talk you through this graphic a little bit here.

You see the covered cistern here. Okay, if you look down it goes straight down towards the street. You can look—there's a passageway between those two buildings, and you can look right straight through there and you can see passersby on the street and people passing by on the street can look in through that passageway and see the cistern.

Now there is a small privacy wall that is on this side of the cistern, such that passersby will only see people from perhaps the shoulders up, but if they're on the other side of the privacy wall. The reason for the privacy wall is that one of the purposes that that cistern provided was it was a bathing facility. There's a couple of changing rooms just to the left of it as you're looking at the photograph, on the left side of the little red box.

There's a couple of changing rooms back in there, and some of the people who were in the compound at the time that Mr. Smith and his colleagues visited were quite excited, in telling me the story about the visit. One of them said that he was actually in there bathing when these guys showed up, and he was quite taken aback by it.

Then you see the water tower and cistern. There's another cistern over there. This building to the immediate right of that red box—yes, that building there—served as sort of a mess hall or dining facility. From what I've been able to determine talking to people who worked there and people in the neighborhood, throughout the war and for several years after the war, that dining facility was open to military personnel throughout the area and to the local residents of the area.

They have closed it as a dining hall, and they are now using it to store publications for the army publishing house, and the dining hall has moved across the street and down a couple of doors.

The CHAIRMAN. Who is working in there now? What sort of movement and activity is in there today?

Mr. DESTATTE. Okay. Today—we're looking at imagery that was current at the end of the war. We tried to find imagery that would be as close to the date of the claimed sighting as possible, and also it had the added value of being declassified so we didn't have to be concerned about who we showed it to.

Again, the building used to serve as a mess hall, if you'd point to that. Okay, the building that adjoins it at the other end, at the right end, that is gone and they have constructed in that area a two story dwelling. It's a duplex and the people that are responsible for the warehouse for the army publishing house now live in that duplex. We had a chance to observe them. I didn't chat with the residents of the duplex, but I chatted with several other people in the compound.

The CHAIRMAN. You were freely moving around in the compound.

Mr. DESTATTE. Yes. Yes, I was. As a matter of fact, they even helped me to pick out the right places to climb out on a railing and up on another cistern in order to get good shots of the interior of 21.

The CHAIRMAN. What is it that all of this does to help you draw the determination with respect to this source's statements?

Mr. DESTATTE. Well, the free access to information about what's in the interior of that compound. Westerners visited this facility frequently.

The CHAIRMAN. That is today. That is today. The source says he saw something in 1978.

Mr. DESTATTE. 1978 or 1979.

The CHAIRMAN. And in 1982, correct?

Mr. DESTATTE. And 1982.

The CHAIRMAN. So what is it that tells you that the source did not see what he tells you back then.

Mr. DESTATTE. What the source claims to have seen—and if you will bring this other graphic around here, please.

[Chart.]

Mr. DESTATTE. This is what the compound looked like at the time of the sightings and the time he claimed to have made the sightings. You can see the roof that is partially colored in red. He claimed to have made the sighting from the balcony at this end of that particular building. He claimed that looking north towards the blue-shaded building, that he saw a large prison which is depicted in these two drawings over here.

[Chart.]

Mr. DESTATTE. Guard towers, barbed wire, searchlights, high masonry walls. Those things simply did not exist.

The CHAIRMAN. Had he described those things?

Mr. DESTATTE. He described those in great detail, point by point. This is not something that is subject to some slight misunderstanding of what he saw. You either have guard towers with searchlights and barbed wire around them, or you don't.

In fact, what he could have seen is depicted in this drawing here in the center. Yes, in that drawing right there. Now, you'll see this little porch at the end of the building in the foreground. Now move over—right there, that little porch. I climbed up on there; took some photographs in both directions from there. This balcony no longer exists. It's all bricked in to extend the quarters that are in there. In fact, it's used as housing for military officers, then and now.

I spoke to some of the people who work in number 25 Ly Nam De Street, and they claim that some of their staff in fact do live in that compound. Again, here I was talking with lawyers. It's a military court, the officers for the military supreme court in number 25 Ly Nam De Street. But my observations confirm what our imagery people provided here in this artist's sketch. This is what he could have seen; this is what he described he saw. The prison features he described simply did not exist.

And as I pointed out before, the local residents had complete freedom of movement in and around that area. Any Americans

who had been held there would have been common knowledge for the entire neighborhood. And I am confident that with the number of times that I was down there, the number of people that I spoke to and as often as I did so, if there had been any truth to the story, we would have found that also.

Also, I point out that at the time we were investigating this particular case, we made an effort to find people here in the States and elsewhere who were residents of that general area and we interviewed them. And we were receiving the same stories then as I was getting when I was in Hanoi more recently.

The CHAIRMAN. How many people did you interview here in this country?

Mr. DESTATTE. I don't recall offhand, sir.

The CHAIRMAN. Approximately?

Mr. DESTATTE. Mr. Sydow informs me it was 14.

The CHAIRMAN. 14 people.

Mr. DESTATTE. Yes.

The CHAIRMAN. Who had lived in that vicinity about that time.

Mr. DESTATTE. That's correct.

The CHAIRMAN. And they all denied it.

Mr. DESTATTE. Not only that, but several of them claimed that as kids they used to go up and down that railway there looking for American POW's. The only place they had them was number 17, during the war.

The CHAIRMAN. Okay. Let me let my colleagues get in on this. There are some further live sightings that apply to Hanoi, but I want to spread this around.

Senator SMITH. Thank you, Mr. Chairman. You covered so many things there, Mr. DeStatte and Mr. Sydow, that I do not really know where to begin. Let me start this way.

First of all, you said that you had unfettered access to the area, correct?

Mr. DESTATTE. That's correct.

Senator SMITH. Did you get inside The Citadel?

Mr. DESTATTE. Well what do you call The Citadel? If you're referring to the Ministry of National Defense Headquarters?

Senator SMITH. I am referring to the area that I asked to have the overhead sent up here so that I could explain it, which you did not provide me. The document in which you had the overhead—could someone please put the picture up there of Ly Nam De Street again. And I am going to challenge you on a few things. Not to be hostile, but just to point out how misleading information can be.

First of all, that is not The Citadel underneath the term Ly Nam De Street, correct?

Mr. DESTATTE. The POW camp at number 17, Ly Nam De Street was dubbed The Citadel by POW's who lived there.

Senator SMITH. I am just asking—

Mr. DESTATTE. Now some people refer to the Ministry of National Defense Headquarters area, which is on the opposite side of the street and covers a rather large area, as The Citadel. That's a term of convenience that means nothing to me.

Senator SMITH. Did you go in there, that area from the other side of Ly Nam De Street? Unfortunately, I do not have the chart here

that I wanted. The other side of Ly Nam De Street, which proceeds about half a kilometer—

Mr. DESTATTE. That area you get into only with an escort.

Senator SMITH. So you did not have unfettered access in that area. Is that correct?

Mr. DESTATTE. I fear there is a danger you may be putting words in my mouth; so to avoid any misunderstanding I wish to state I did not, I am not, and I will not say that I had unfettered access to the Ministry of National Defense Headquarters area. I had unfettered access to Ly Nam De Street and adjoining areas outside of the Ministry of National Defense Headquarters.

Senator SMITH. I am talking about an area that—if you were to go on the other side of Ly Nam De Street, as you were showing there, an area somewhat rectangular, approximately half a kilometer on either side with a wall around it that goes all the way over to the mausoleum and the war museum. The area inside of that area; all those sightings that you refer to which are outside of what I am calling The Citadel, that area from Ly Nam De Street over to the mausoleum and to the war museum—not counting the mausoleum or the war museum, which I have been in both and you have too.

What about the area between? Have you been inside that area and walked around with unfettered access inside the area that I have just described?

Mr. DESTATTE. No, I have not. I have been able to walk around the perimeter of it and view large segments of it from the outside. By the way, I've also chatted with the guards at the gate.

Senator SMITH. For the purpose of the record, the area that we are talking about is the area inside The Citadel. This is the area of what we call The Citadel. This is the area of the cluster that we are talking about here; not the area outside The Citadel, not Ly Nam De Street, not the cistern where I was and where others who have visited there have been, although that is in the general vicinity and there have been sightings there which you correctly identified. That is not the area that I am focusing on.

What I am trying to establish—as I pick up on some of the questions that Senator Kerry asked, what I am trying to establish—we are now into, again, source analysis, which you have done for a number of years. I do not have the facts—

Mr. DESTATTE. If I could make a point here. Yes, it's correct we are talking about source analysis. The sources that we were addressing a moment ago were all sources who described sightings outside The Citadel.

Senator SMITH. Outside The Citadel, right. And that is what I wanted to establish. Correct, outside of The Citadel. Now what I am trying to establish now is to take those sources, those sources that you have analyzed inside The Citadel. Not the ones outside, but inside that area we call The Citadel. And we are also saying—I am not saying anything, I am saying what the reports, what the sources are saying are that this is not something in The Citadel, it is under The Citadel.

Now let me just indicate to you the difficulty that we have as we try to establish whether or not there is such a facility under that area known as The Citadel, which is the focus of our cluster analy-

sis on this particular point. In a response to a question of Mr. Codinha's, Mr. Sydow, in—I do not have the date here, but it was when you gave your deposition.

You said we do not—5633, which is sighting, a source who describes an underground tomb and tunnel system which leads up to or incorporates an underground prison facility underneath the Ho Chi Minh Mausoleum. Your quote: We don't find the corroborating of this kind of reporting of an underground prison to be sufficient to find this report credible. Do you stand by that statement?

Mr. SYDOW. I stand by that statement.

Senator SMITH. All right. Now let me now—and I would ask you to respond to this. Source number 5633, which these are all sources that you have all of these—I am not referencing any documents that we did not ask you to bring. Source 5633 is an ethnic Chinese fisherman, et cetera. He was an acquaintance of a PAVN captain who told him a small number of American pilots had been moved to Hanoi.

I am not interested in this particular—I am very interested in this, but in this particular case I am not focusing on what he said about American prisoners. What I am focusing on is what he said about a prison. And he said, quote: The captain said the entrance to the prison was inside a residential dwelling next to Ho Chi Minh's Mausoleum. The captain said there were three echelons of security guards around the underground prison, and only field grade officers were allowed.

So there is one sighting, a source—one source response to a prisoner. Number two, this is another source, 1101 for your reference. The father told his wife that over 50 American POW's at The Citadel were being moved that evening into an underground facility there because a U.S. delegation in Hanoi at the time was scheduled to visit the Citadel area the following day. He adamantly stated that the time frame was July and the record does show that there was a U.S. delegation—it was, I believe, a press delegation or something, they were there.

Second, again referring to a prison. The third one—the date was July/August 1980. Source 8682, on the morning of September 12, 1984, the source and the other Lao and Vietnamese officials left a Hanoi central party committee office. They drove for about 15 minutes—that is the source speaking—with their eyes covered and then they entered an underground prison where their blindfolds were removed. The source estimated the prison size was about 100 meters by 100 meters.

Number four, 7591. This source stated there was an underground detention facility adjacent to Ho Chi Minh's Tomb which was holding American prisoners of war. The facility, according to the army officer, was constructed in 1970 as the Ho Chi Minh Mausoleum was being constructed; Ho Chi Minh died in 1969. The civilian construction workers who built the facility had to undergo extensive background checks. He described the security at the tomb as being very tight.

And then—and I will ask you to respond, give you an opportunity to respond to that, Gary. Just one—let me just finish one more point, and then we will do that. Later on in the same deposition with Mr. Codinha he asked you about an analysis of this tomb,

whether we had done any analysis of the tomb area, the question was along those lines.

And you said: No, we haven't. I must say that when I visited Ho Chi Minh's Tomb, I didn't see any signs of an underground system. Well I also visited Ho Chi Minh's Tomb, and you are aware of the 45 degree angle where the coffin or the body rests, there is a 45 degree angle with doors that go down into an area underground at the end of that tomb. You are aware of that?

Mr. SYDOW. The tomb is raised above the ground level. When you go down to see the tomb, you are actually still above ground.

Senator SMITH. But there are doors that are leading somewhere off that.

Mr. SYDOW. Right. You walk up a ramp, and then you descend to the remains.

Senator SMITH. So anyway, what I am trying to establish here is when you say there is no corroborating reporting, and I cited, I think, four of five, how can you say that?

Mr. SYDOW. I can say it in two ways. First, the reports that you have cited mix several locations. 1101 deals with the 17 Ly Nam De area called The Citadel. As Mr. DeStatte pointed out, there's a confusion in terms here. So let's take away 1101.

I would say, looking at this issue in general, that there are only a handful of reports which mention, in one instance, an underground facility, or in the other instance the mausoleum. When you compare our knowledge of a time period when an American was active in Vietnam, Robert Garwood, and you have 280 firsthand reports and you have 120 hearsay reports all going to this one individual. When you have less than a significant level of reporting, just a handful, that does not corroborate.

Each of these five reports refers to a different location, with the exception of the Ho Chi Minh Mausoleum, which is a hallmark point in that MND area.

Third point, we have talked to individuals when we were denied that area who knew the area well and travelled throughout it.

If we could look at the map again, you will see that the city of Hanoi has a very high water level. Anyone who has been in Hanoi after a half-day's rain will find the water level covering the streets. To propose that there might be an underground facility in Hanoi, means to propose that you have to have a water evacuation system that would entail a great deal of construction; certainly something that we would have been aware of with the coverage that we had of that area. I don't consider this report plausible.

The CHAIRMAN. Just for the sake of the analysis, why do you not go up to the map and point out the environment of Hanoi and the water and where the museum and the Ly Nam De Street falls with respect to that. It is the red river over there on the right.

Senator SMITH. Mr. Chairman, while he is doing that, I will certainly, in the interests of time, accept the premise that the water table is high in Hanoi. The water table is high under the Pentagon, is it not? Is it not?

Mr. SYDOW. I don't know, Senator, I don't know.

Senator SMITH. You do not know. Well, I know.

Mr. SYDOW. This is what is generally referred to as The Citadel area, the Ho Chi Minh Mausoleum is here. This is, in fact, a public

area. The Citadel is closed to access to civilians along one of these roads. This is the Ly Nam De area that we're discussing. The POW camp called The Citadel was at 17 Ly Nam De.

The report, 1542 report, was actually at 23-25 Ly Nam De here. Several of your reports talk about an underground facility here or here or here.

[Indicating.]

Mr. SYDOW. It may sound, to the distant observer, as though they're talking about the same area. We, in fact, know that not to be the case.

Senator SMITH. I understand that. Again, all I am trying to do is make some determination as to the method of analysis here. I have not been in The Citadel. I have not been down to see a tomb or an underground prison facility, obviously. And neither have you, apparently.

So what we are getting at here is—what I am trying to establish is that everybody understands that if, in fact, there is an underground prison facility under that Citadel, that there is credibility—more credibility given to those individuals who said there were. That is all I am saying. And I think it is misleading to state in a deposition that there is no corroborating reporting that is credible on an underground facility.

Now let me just also say that we have checked—

The CHAIRMAN. May I have a response to that? I just want to hear if there is a response.

Mr. SYDOW. Mr. DeStatte described a number of sources who have come to us to describe their view of this same area. We have dealt with these kinds of sources over the years. They set up the level of refutation. They tell us there are no POW's in the area; there are no facilities in the area that hold POW's. When you have three or four or a handful of reports that contradict that, they have to be convincing enough, credible enough, to go through this threshold of refutation. This is not a significant level of reporting.

Senator SMITH. Well it may be, it may not be. But I do not think it is significant to talk to shopkeepers outside of The Citadel compound or kids on the street while you are riding your bicycle, and ask them whether or not there is a prison underground or underneath The Citadel. So I do not think that is credible either.

Mr. DESTATTE. If the stories that you're citing were, in fact, true, one of the criteria for truth should be that we could replicate it. We should be able to replicate those sightings in some way.

Now we've talked to residents in the area personally. There have been many people who have come out of Vietnam who—we're not riding our bicycle down the street to talk to folks who are in New York or California or San Francisco. Also, some of these people who come out of Vietnam have been former government or military officials who have been more than happy to talk to us.

I think that the level of refutation of these stories is quite high. Now, if some choose to believe two or three unsubstantiated sources as corroborating each other, then so be it. Or as your staffer just pointed out, seven. I would challenge the accuracy of that, but in any event we can find no evidence that will sustain the belief that there's an underground prison in Hanoi. We'll continue to look.

Senator SMITH. Let me focus on that. That is fair enough. I am challenging you because I think we owe it to the American people and to the families to challenge your analysis here. And that is why I am doing it; not to be hostile, but just to challenge it. Let me challenge it just a little more.

Mr. DESTATTE. I serve the same people; let's not forget that.

Senator SMITH. Pardon me?

Mr. DESTATTE. I serve the same people.

The CHAIRMAN. Let me interrupt here to say that we should all serve our hunger now and take a break, which we will do for—

Senator SMITH. Well as long as I can pick back up on the questioning, Mr. Chairman.

The CHAIRMAN. Absolutely.

Senator SMITH. Because I am right in the middle of something here, and I would have liked to have finished the point. Let me just say this—

The CHAIRMAN. I do not want to cut you off.

Senator SMITH. Let me finish the point here, and then I would like to pick up when I come back. Some of your counterparts in CIA reference a prison, now. Again, what I am trying to get at here is whether or not there is a prison underneath the facility known as The Citadel. That is what I am trying to establish in this line of questioning.

I am not going to establish it because we do not know, but in terms of analysis some of your counterparts at CIA say they dispute some of what you have said in terms of the analysis, and they have told us that. They have told us that there are underground structures in Hanoi. That they are old, and some of the old aerial photography that we have does, in fact, show entries to underground bunkers in what is now The Citadel.

Now where those lead and what they lead to, we do not know. But when we come back, I want to get on that and I want to ask you some specific questions as to what you have done to establish whether or not there is or is not a facility underground.

Mr. DESTATTE. We addressed that a few moments ago. And, again, you mentioned The Citadel. In this case I presume that you're discussing—you're referring to the POW camp at number 17 Ly Nam De Street, which is also known as The Citadel. And I further assume that you're referring to the underground structure that was in the center of that compound.

And as I pointed out earlier, that underground structure is a bomb shelter and it needs to be only deep enough—and it had a domed roof on it, and it needs only be deep enough that people can crouch in there for safety during an air raid. That is not an underground facility in the sense of a facility capable of holding American prisoners.

Senator SMITH. Let me clarify a point that happened back a while ago, before we leave, Mr. Chairman. In response to the Navy lieutenant's question over here, I forget the gentleman's name, but in terms of—I challenged him on the cluster of Dak Chung. The reason I did that was because there were two groupings in the same cluster of sightings. One was Ban Kadon, if I pronounce it correctly, and Dak Chung together, not just Dak Chung, number one.

And number two, apparently information was sent over by the committee staff to the DIA which was not briefed to the Senate, to the Senators, and nor was it intended to be classified as a cluster. You did receive it however, and therefore when your man said that there was a cluster, he was half correct in the sense that part of that was in there and that you did receive that information. But that was not part of the briefing today, nor was it ever briefed to the Senators, nor was it ever analyzed as a cluster. So I just wanted to clarify that point.

Mr. GRAY. Sir, at the last meeting we talked about Ban Kadon and the source that had come out of there who said that he had not seen live American POW's. And we agreed, based on all the reporting that had come out of there, that that was a cluster of one at Ban Kadon. We did discuss that.

Senator SMITH. It is not a cluster that we are going to talk about today. It is not on the list of clusters today. It is not one that we are doing today.

Mr. GRAY. Not of the four, exactly.

Senator SMITH. Right.

Mr. GRAY. But you are saying it's part of the Dak Chung cluster.

Senator SMITH. But what I am saying is our people have not analyzed that cluster as a cluster.

Mr. GRAY. We discussed that last time, though, as to why that was a cluster itself, yes, sir.

The CHAIRMAN. Let me—so far this underscores the complexity of these particular reports. I mean what you have here is something being referred to as The Citadel, but you also have evidence here that it is three to four different locations and you also have different quality, obviously, with respect to the particular reporting in each case, one of which there is a recantation, another of which for other reasons is discerned to be of questionable credibility.

Measured also against a large set of criteria which have applied by DIA, for instance measuring a whole host of other people talked to and the sort of conglomerate of all of those other people and other circumstances, measured against the handful of live sighting reports, all of which—caution does not mean that one of those reports does not, in and of itself, carry some weight.

I mean one of the—I gather the person that I just referred to in 1054 is now the publisher of kids' cultural items in England. Is that accurate? He is also the publisher of a magazine in England and he never asked for a reward, correct?

Mr. DESTATTE. To the best of my recollection, no.

The CHAIRMAN. So what do you think his motive was in passing on what he saw?

Mr. DESTATTE. I would prefer to refrain from speculating on that at this point. I think there were some comments that might have been made for the record, but they may still be classified.

The CHAIRMAN. Well, would you check that between now and our reconvening after lunch. And then we would like to pick up. There are a number of questions, further, obviously, on Hanoi. And then we have tomorrow for still further examination on these.

But I also want to announce that the live sighting reports that the committee is examining both today and tomorrow are available in this building, Hart Building 705. And they are on a first come,

first served basis, and then they will be made part of the hearing record, so they will be available to the public, obviously.

We will reconvene at the hour of 2:15 p.m. to pursue this issue. We stand adjourned until then.

[Whereupon, at 1:04 p.m., the hearing adjourned, to reconvene at 2:15 p.m., this same day.]

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order please. Thank you very much. Gentlemen, let me just remind you that you all have been sworn and you continue under oath from this morning's session. We need to move through the Hanoi Citadel cluster, and two other clusters if we can today. Maybe at least 1½, hopefully two others, reserving for tomorrow another cluster plus an examination of DIA current procedures and approaches, and an analysis of the 1980's-1992 live sighting reports. The most recent ones, in other words, which is what we want to look at in order to make some assessments about current evidence.

Let me just try, if we can, to pick up the pace of questioning a little bit. But I would like to begin by going back where we are at the Citadel. It is my information that we may be talking about two different places and I want to try and pin this down. Mr. McCreary, let me just ask you, you were referencing one of the reports. Do you know which one that is?

Mr. McCREARY. Yes, sir. It was 1542.

The CHAIRMAN. All right, 1542. At what page?

Mr. McCREARY. I don't think I have a page number.

The CHAIRMAN. It is 1542, is that correct?

Mr. McCREARY. That's correct.

The CHAIRMAN. Okay, 1542. Can you point the language out to me that you were concerned about?

Mr. McCREARY. In the cable that's attached, the telegrams.

The CHAIRMAN. Right.

Mr. McCREARY. You should be back about three pages behind the summary.

The CHAIRMAN. Okay, what page?

Mr. McCREARY. It's a cable from U.S. DAO, Bangkok, dated 16 April 1983, and it's the second page of the cable, the first column. I can show it to you here if you like, Senator.

The CHAIRMAN. The housing compound consisted of eight buildings situated in two rows of four each; the two outside buildings near the wall which ran along Ly Nam De Street, the two innermost buildings next to the small subcompound.

Now, what you have debriefed us on here may, in fact, be a totally different place from that which is referred to. Is that possible?

Mr. DeSTATTE. No, sir, that's not possible. What is the case is that either the way in which this source described the housing area or the way in which it was translated to the original debriefer made it appear to be a compound with several buildings in it. In fact, it's the compound that we have here that says apartment buildings. There's absolutely no question about that.

The CHAIRMAN. Okay. Do you have any question on that?

Mr. McCREARY. I don't know how you would make a determination.

The CHAIRMAN. Can you explain to us how you make that determination?

Mr. DeSTATTE. Okay. I don't have the file in front of me right now, but this fellow gave great detailed description of the location and, as I recall, one of the details was that it was housing for—family housing for military officers. That's the only compound in the area that fits that description.

Also, it happened to be the compound immediately adjacent to the offices for the military court, senior military court and, in fact, this is immediately adjacent to the offices for the senior military court and there's absolutely no other address anywhere in Vietnam, let alone Hanoi, that matches that description. And if Mr. McCreary would like to spend some time later, I will be happy to take him through that evidence.

The CHAIRMAN. Do you have any other questions?

Mr. McCREARY. No, we just looked at the file and the information that has been provided to us doesn't contain those details, nor does it contain detailed descriptions of barbed wire and fences. The file that we have does not contain that.

The CHAIRMAN. Well, do you have the file here, because this is one of the files that you were supposed to be prepared to debrief on.

Mr. McCREARY. Yes, we have the same version that you have. Please give me a moment.

The CHAIRMAN. Well, I am reading from the refugee report where it says: The housing compound consisted of eight buildings situated in two rows of four each. Now what you are showing me there, I do not see eight buildings in two rows of four each.

Mr. DeSTATTE. No, you're—it's two buildings and each of these buildings has two floors, and each of the floors has several apartments in there.

The CHAIRMAN. Well, why is there a difference?

Mr. DeSTATTE. The difference is linguistic rather than factual and I think—I think that the problem arose in translating when the original report was made in Hong Kong.

The CHAIRMAN. What you are saying to us, Mr. DeStatte, is there is no other possible building that this could be?

Mr. DeSTATTE. Absolutely not, positively without question.

The CHAIRMAN. Okay. Senator Smith.

Senator SMITH. I know we need to move on to the other clusters. But I want to follow up on Hanoi a bit here. Just in the way of summary on what we are talking about in terms of the cluster—in terms of the analysis, excuse me, on the area known as the Citadel. I think you would agree with me that you have done a tremendous amount of source analysis on a number of reports that are in or around that facility.

We took those reports, not determining whether or not—not using your determination of fabrication, but just simply plotting them on the basis of the content in them where they said they were. Would you agree with me that if we could get into the Citadel and have total access to the Citadel, and we could look at every building or possible building or opening in the ground or anything

in there that may lead to an underground facility, if we could examine that unfettered, would you agree with me that we could resolve at least this portion of the live sighting reports that we have?

Mr. DESTATTE. I agree.

Senator SMITH. I would agree too and I think it would basically give us some—it would essentially look at your analysis, it would look at ours and if we were both wrong or both right, or in this case, if we were both wrong then that would rule that out and that would be over with. The question is have we asked the Vietnamese for access to that facility?

Mr. SYDOW. As a demonstration of your thesis, one case that was mentioned here this morning, 8621, has been visited by the live sighting investigator as of yesterday. Colonel Cole may be able to elucidate on that when he talks tomorrow.

Senator SMITH. Visited the individual or visited the site?

Mr. SYDOW. Visited the site.

Senator SMITH. Inside?

Mr. SYDOW. I don't have the details. They were investigating the case at issue earlier this morning.

Senator SMITH. Let me just make a couple more points on this. I would just say in terms, again, of an overview comment, it's hard to follow for those who are not perhaps immersed in this stuff when we talk about one location as we have up there, versus another location, two entirely different locations, although there are reports in both locations, you are correct.

But there are seven reports that talk about an underground facility in the vicinity of the Ho Chi Minh tomb and the Citadel west of Ly Nam De Street, that being the facility you have there is east and if you look at the top of that map which says Ly Nam De Street, it would be the west.

I think I am correct on my directions on the map because I do not have the other map, but if that were the case then, then there are six sources or six reports that I understand—now correct me if I am wrong, because my information is that there are six of these reports out of the seven that are either unresolved, this is by your analysis, unresolved, under analysis, or have received no analysis. And one of them, the seventh one was, in fact, determined to be a fabrication.

Now let me just quickly state those sources, those six sources. Number 7591, the Vietnamese officer who described the source information about the construction of a detention facility which was adjacent to Ho Chi Minh's tomb. Number 10675, describes a former lieutenant in the ministry of the interior who describes through a source, the existence a detention facility for POW's in the tomb.

Number 8621, the one just referred to, involves a doctor who was treating a PAVN general and he claims to have seen four POW's and was told by the general's son that there were at least 30 in an underground facility at the Citadel. And 5633 involves a Vietnamese police captain who tells a source about a secret underground facility next to Ho Chi Minh's mausoleum that is holding American POW's. Number 1101 involves the son of a PAVN colonel telling a source that 50 American POW's were being moved to an underground facility at the Citadel.

Number 4989, the last one, involves a foreign diplomat who passed information about 200 American POW's in an underground facility. The common thread that I am weaving here is not the POW's they saw, but the fact that they saw a facility, and you have not—or said they saw an underground facility, and all I am getting at is, it just seems to me if that kind of data comes up that we ought to investigate it and what you have said and what Mr. DeStatte said, I believe, that we have looked at this on the basis of the fact that it is swampy or wet and, therefore, we cannot build—an underground facility could not be constructed there.

Mr. DESTATTE. No, sir. I think that's taking it a little further than what I stated. What I said was, the informal inquiries that I've made with people in Hanoi, including one French engineer, construction engineer, lead me to believe that it is not possible to build an underground facility of the nature that you've described. I have also noted that I am not an engineer and that I don't have definitive evidence of that. That's something that could be acquired, however.

Senator SMITH. I will accept that. Let us just take it one step beyond. Let me go back to the question that Mr. Sydow answered. When I asked you if we have asked the Vietnamese if we could go in there. You indicated we have in the case of 8621. We are going to go in and investigate that one specific site. But I mean, what about asking them for a thorough examination of the facility, and I am going to end the line of questioning on that point by simply saying, if, in fact, we can get in there and review that, if the Vietnamese will allow us to do it, one way or the other it is going to resolve this if they let us do it.

If they do not let us do it, then we have to be somewhat concerned about labeling them cooperative and so forth. Is that not fair? Have we asked them to look at this entire Citadel site for the purpose of establishing if there is an underground facility there?

Mr. SYDOW. No sir, we haven't. But we have asked to investigate 8621, and that's happened.

Senator SMITH. But that is a source. I am just trying to clarify for the people who are trying to understand what we are doing here—and I do not disrespect what you are doing. I am just saying that is the point about a source. What I am trying to establish is several sources which you have by your own admission not ruled out as far as being fabrications. Six or seven have said there is a prison there, and that is all I am saying.

It seems to me logical that the next question ought to be of the Vietnamese, is there a prison there and can we look in there and I just make that—let me just quickly finish up on—

Mr. DESTATTE. Sir, if I could. We have asked the Vietnamese that. We have asked the Vietnamese that several times and each time they said no. We have not only asked the Vietnamese officials that, we have asked Vietnamese residents of that area that, they've said no. We've also visited both of those compounds and we've asked people who worked in those compounds back through the mid-70's and they have said no, and we find no evidence to sustain a belief that there was a prison there, and certainly the prison that this fellow described never existed.

Senator SMITH. Again, I do not want to—we have got a lot of work to do and I do not want to argue the point other than to say, I just recited six reports that you have not determined to be fabrications which said there is a prison there. That is what I am saying. You are saying there is no evidence. I do not want to argue the term because we have done that before.

Let me go to another area of the same issue. We had a lot of aerial photography during the war. Have we ever looked at any of that in terms of construction? The tomb was allegedly started in 1969, 1970—1969—1970, do we have any aerial photography from the war?

Mr. SYDOW. Yes sir, this graphic we see off to the side is aerial photography from the war. It's unclassified drone photography.

Senator SMITH. So we have aerial photography of the construction of the tomb?

Mr. SYDOW. We have aerial photography of this whole area.

Senator SMITH. When you were asked that under oath on the 27 July, the answer was no from somebody from the DIA. I do not have a name. The answer to the same question was no.



DOCUMENT NO. SF-20907-92

COPY # 1 OF 2



25 September 1992

## MEMORANDUM FOR DIA/PW

SUBJECT: Underground Facilities - Hanoi Area

We have reviewed the DATA MT furnished by DIA of the Hanoi area for the vicinity of the DATA MT the Ministry of Defense (MOD). The MT furnished covered MT

As in the DATA MT furnished, the ongoing work for the DATA MT can be reasonably MT and is consistent with the analysis and conclusions detailed in our 21 August 1992 report, QUICK LOOK HANOI UNDERGROUND FACILITIES. While the features of the MOD are less MT than those of there were no construction MT relating to underground construction noted in the vicinity of the MOD for the time period of 7 May 1973 through 30 July 1975.

Due to the MT of the MOD for the period, it was not possible for us to develop any significant details of the MOD surface structures or surrounding ground.

NAME  
DATA

HANOI AREA

PLEASE REPLACE PAGES 2, 4, AND 6 OF DOCUMENT NO. SF-000802-92. DESTROY THE REPLACED PAGES.

THANKS,

Jennifer,

Please make sure that Col Joops knows that these pages have been replaced.

CO'D  


MARGARET

HAGEMANN

A preliminary survey of available geologic literature indicates that Hanoi is located on the upper portion of the Red River delta within the Red River rift depression. Subsurface materials at Hanoi consist of a thick accumulation of Quaternary and Late Tertiary fluvio-deltaic sediments deposited in an evolving dynamic rift system. The geology of the region is shown on Figure 1. These sediments consist of gravels, sands, silts and clays. Included in the lower portions are mudstones, argillites and soft coals. These alluvial materials were deposited on older (Mesozoic/Paleozoic) geosynclinal sedimentary rocks and vary in thickness from 500 to 3500 meters. The "Hanoi Rift" is a location of earthquakes of moderate to high intensity, and the Red River depression is attributed to the "pull-apart" movement. It is believed that the fault system is spreading at a rate of about 10 to 15 mm per year. Surface cracking has been occurring in the Hanoi delta in recent years and is attributed to tectonic movement related to the Red River rift.

Soils of the Red River alluvial plain are developed on recent alluvium derived from intermediate to basic parent rocks. These soils are more or less stratified and consist of sands, silts and clays. Most are poorly drained although better drained soils are to be found on levees. Organic content is moderate to high. Surface soils become more clayey toward the ocean and may be similar to soils of the Mekong delta which are more than 90% clay.

Specific information was not found on water table depths in the Red River delta in the Hanoi area. However, the general geologic setting and examination of MT and maps indicates that the depth to the water table should be two to four meters but may vary seasonally. Drainage (related to permeability) is generally reported to be poor, indicating that clayey soils predominate.

Underground and below water table surface excavation in the Hanoi area would require "soft ground" excavation techniques. Relatively deep surface excavations would have to

techniques have been routinely employed since the 1960s. The former Soviet Union expertise in soft ground tunneling is well known; there is no reason to believe that this expertise was not available to the North Vietnamese. Construction of an underground facility employing standard techniques would not have disrupted existing facilities such as utility and water lines and sewage and storm sewers. In terms of technical feasibility, the North Vietnamese could have constructed either underground cut and cover facilities or a tunnel system in the environs of Hanoi during the time period of interest.

### 3. Analysis of Available Intelligence Reports and MT

MT was provided approximately 18 IRs relating to possible "underground" facilities in the Hanoi area utilized to incarcerate MIA/POWs. With the exception of one IR which identified a tunneled facility located in the mountains approximately 120 km NW of Hanoi, all the possible "underground" facilities described in the IRs can be categorized as shallow-buried or semi-buried facilities such as building basements or sub-basements, built by cut-and-cover techniques. None of the IRs reviewed gave any indication of substantial tunnel activities or deep underground facilities constructed by tunneling methods.

DATA analysis of MT was confined to one site, the DATA and DATA MT covering the construction period from December 1972 through December 1975 and one MT of the completed site.

DATA consists of three cast-in-place and pre-cast concrete panel buildings, a central structure containing DATA and annex buildings located on each side of the main building. The annex buildings have a stepped facade over the front half of the structure and flag pole stanchions over the rear half and are connected to the main building via underground corridors (Figure 2). All three structures were built at the same time in an excavated area which

be dewatered and supported. Support could be by either "tied back" or braced excavation techniques. Underground excavation (tunneling) would be performed with "shields". These was later backfilled, burying portions of the buildings and completely covering the passageways connecting the annex buildings to DATA.

In addition to the three buildings, there are three smaller rectangular surface structures. Two of those structures are connected to the back of DATA via underground corridors. The third small structure is connected to the north annex building via underground corridors.

Analysis of MT indicated a below grade infrastructure far more elaborate than what one would expect from simply DATA. This infrastructure includes the approximately 30 ft and 20 ft wide interconnecting buried passageways between structures, facade type annex structures which are actually windowless buildings, matching square structures which may be or not be part of a ventilation or emergency egress system, and what appears to be alternate entrances to the facility. It is interesting to note that the public is not allowed on the backside of DATA where the majority of these ancillary features are located, and the MT indicates that this rear area is still secured by fences, walls and foliage and controlled by guard houses.

### 4. Follow-on Definitive Assessment.

The conclusions from this quick look assessment are: (1) that it was entirely feasible for the North Vietnamese to have constructed underground facilities in the environs of Hanoi, (2) portions of DATA ancillary structures are buried, and (3) the function of certain features at DATA are unknown and warrant further investigation. No MT of other possible underground facility sites was available from DIA during this quick look.

## QUICK LOOK

### HANOI

## UNDERGROUND FACILITIES

21 August 1992

### 1. Background.

The Defense Intelligence Agency (DIA) is investigating the possibility that the Vietnamese government continues to hold Vietnam War Missing in Action/Prisoners of War (MIA/POWs) in underground facilities in Hanoi, Vietnam. On 7 August 1992 Mr. Art Zuehlke (DIA/DIO) requested that the MT in consultation with DIA DATA and DIA/PW, perform the following tasks.

- a. Make a preliminary determination of the possibility of constructing underground facilities in the Hanoi environs.
- b. Perform a quick look at available intelligence reports and historical and current MT for the purpose of identifying and underground facilities MT
- c. Provide a scope of work for a follow-on definitive assessment of the existence and function of underground facilities in the environs of Hanoi.

### 2. Possibility of Underground Construction.

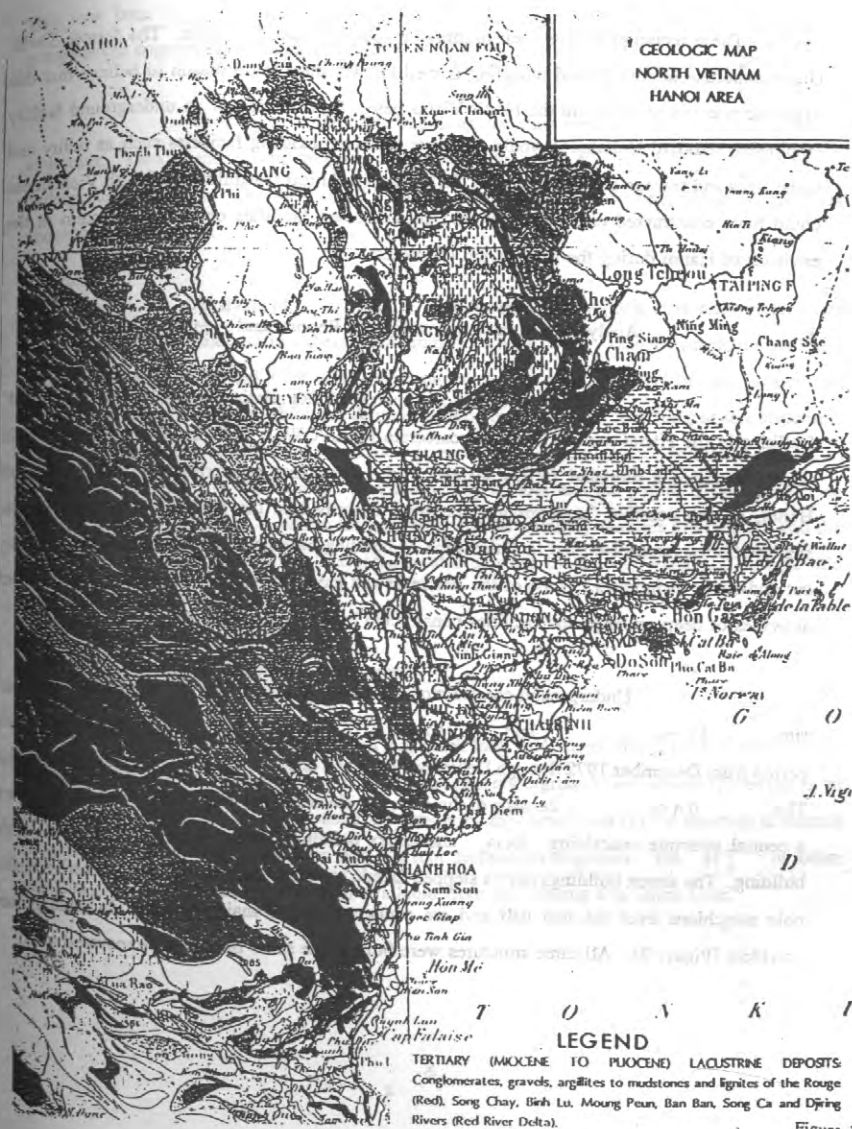
For the purpose of this paper the term "underground facility" is defined and as either a shallow-buried structure or a deeper structure placed in a mined excavation. Underground facilities are constructible in virtually any environment under the earth's surface to reasonable depths. Major factors that control the cost of and ease with which an underground facility can be constructed are required depth, geologic conditions, and the amount and location of existing infrastructure.

A preliminary survey of available geologic literature indicates that Hanoi is located on the upper portion of the Red River delta within the Red River rift depression. Subsurface materials at Hanoi consist of a thick accumulation of Quaternary and Late Tertiary fluvio-deltaic sediments deposited in an evolving dynamic rift system. The geology of the region is shown on Figure 1. These sediments consist of gravels, sands, silts and clays. Included in the lower portions are mudstones, argillites and soft coals. These alluvial materials were deposited on older (Mesozoic/Paleozoic) geosynclinal sedimentary rocks and vary in thickness from 500 to 3500 meters. The "Hanoi Rift" is a location of earthquakes of moderate to high intensity, and the Red River depression is attributed to the "pull-apart" movement. It is believed that the fault system is spreading at a rate of about 10 to 15 mm per year. Surface cracking has been occurring in the Hanoi delta in recent years and is attributed to tectonic movement related to the Red River rift.

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In order to make definitive statements concerning the existence of underground facilities at specified locations in and around Hanoi, the following activities are recommended.

a. Obtain and analyze all available historical data to include the following.

1) Examine all available **MT**  
 the Hanoi area. Perform detailed examinations and **MT** which **MT**  
 excavation or **DATA** activity **MT** associated with existing  
 underground structures.

2) Expand the collection and analyses of geologic/geotechnical information. Determine the engineering properties of subsurface materials in order to predict the most likely excavation methods, water handling and surface and underground excavation support techniques.

3) Analyze historical construction activities. Catalog visible construction that occurred during the period of interest. Analyze construction practices to include foundation excavation/construction methods, dewatering methods and excavation support practice. Attempt to determine if the North Vietnamese procured critical suites of underground excavation or construction equipment in the period before or during suspected construction.

4) Analyze any as built construction drawings, design documents, and geotechnical data for the areas of interest which has, or may be, obtained by the intelligence community.

b. Develop criteria for and perform current local and remote data collection to include the following.

1) Develop a list of questions for interviews of local personnel and conduct such interviews.

2) Deploy personnel knowledgeable in underground construction to Hanoi to examine the locale.