

Mr. DESTATTE. Sir, if I can clarify. We, the greater we?
 Senator SMITH. Pardon me?

Mr. DESTATTE. The greater we, the Department of Defense at one time had the complete collection of this, what's sometimes referred to as air-breather imagery, this drone imagery. I know that some years ago there was a program to go through that and winnow out stuff that was of no longer of any value. That was something done outside of—of our office. Whether or not we could recover unclassified imagery from that era, this particular type of imagery from that era, I don't know. I'm confident, however, that some type of imagery remains available.

Mr. SHEETZ. Senator Smith, I'd be pleased to make a commitment to try to pull together everything that exists and see if there is anything that can be learned from looking at—

Senator SMITH. I understand. I appreciate that, but understand, I am just saying that the counsel has provided me a copy of the question and the answer, and the answer is no, we have not. From you, Mr. Sydow, you said no when asked a question about photography and I just—

Mr. SYDOW. Sir, if I could just correct you.

Senator SMITH. Let me just finish this point and I will hear you out. The problem that we have is Senator Kerry and myself, other Senators on the committee, we do not have the time to do all the analysis here. We have to take you at your word when you provide something under oath in a deposition. When you say, no we have not, if you take that literally—

Mr. SYDOW. You're misquoting me, Senator, and you're misquoting the question.

Senator SMITH. I am quoting from the deposition.

Mr. SYDOW. Mr. Codinha's question as I interpreted it was, have we ever looked at imagery of the mausoleum for construction of an underground facility. My answer remains no, we have not looked for the construction of an underground facility at the mausoleum. That is precisely as stated. He followed the question up and said, why haven't you? I said, based on the reporting that we have in the area, this would not be my first priority for finding a POW.

All the reporting we have from this area doesn't suggest to us that there are POW facilities of any kind within the MND. We will look. He asked me if I had a better alternative. I suggested the facility you visited at Bang Liet during your recent trip to Vietnam was a better place to look.

Senator SMITH. Well, I guess what I am trying to establish here is that—okay, I will accept your explanation on the deposition there, but if you—we have six unresolved reports. They all, by your analysis are unresolved, are all saying there is a prison there.

You say that based on the technical experts, that there probably would not be, because of whatever, water table and et cetera. We have asked the Vietnamese and they said, no way, you cannot look and we have not really done—and I do not want to get into some of the means of collection, but we have not done an analysis—a continued analysis that we could have done in that regard.

Have we talked to foreign construction people? Have we looked for—have we talked to the Soviets about prisoners? Have we

searched for people who visited the Citadel or who may have visited the Citadel? Have we done any of that type of thing?

Mr. SYDOW. We have talked to individuals as we stated this morning who traveled in the Citadel. I don't know that we interviewed them on the basis of an underground facility. Our question to them as it always is, can you provide us with any information that relates to American POW's? Our business here is to find POW's, underground facilities notwithstanding.

Senator SMITH. Well, the point is, sure that is our business too. But again, if somebody says there is a prison and it turns out there is a prison, obviously that is a good place to put POW's, in an underground prison.

If there is no prison, that does not necessarily mean there are not, that does not mean that there are POW's, but the point is, we have a consistent pattern of reporting that says there is a prison and what I am hearing is, that we have not put the resources that we could put into making that determination, both at the policy level in terms of the meetings we have eyeball to eyeball with the Vietnamese, nor at the collection level. That is what I am trying to get at.

I mean, for example, we could evaluate prison administration, we could study that. We could—has anybody done a study of underground detention facilities in Hanoi and Haiphong, in other areas? I mean, there are ways that we need to put the resources to make a determination as to whether or not that prison is there. That is all I am saying. And you say POW's, of course, POW's.

I am just trying to show in my questioning that pattern analysis regarding a specific location or some content in the report which was not done until 1987 on these things, according to what you have told us, is, in fact, the complementary analysis that may, in fact, rebut source analysis. It may, in fact, complement source analysis, but it is a good procedure and process that has not been used.

What I am trying to establish here, I am not challenging you on whether or not there are POW's there at this point. What I am challenging you on is whether or not there is a prison there, and all that I am saying is we have not put all the resources that we have at our disposal to make that determination. That is my point and I think that we ought to be working together on this.

We could help a lot in the understanding of the American people on this one thing if the two of us, instead of arguing with each other could get together and face the Vietnamese and make a determination that we want to go in and see that facility, the Citadel. If we get in there, and I mean not just go in and look at site 8621, but let us get in there and see the whole facility. Let us ask them to see it and let us make a determination if there is a prison there.

Mr. DESTATTE. Sir, I will be going back to Vietnam in the next several weeks. Do I have your commitment to use your office and your influence to get me into the Citadel?

Senator SMITH. I do not know how much my influence would work, but I do not know if my office is appropriate.

Mr. DESTATTE. Well sir, you have a lot more power and influence than I do. If I can be assured that you will do everything in your power to assist me to get in there, I will do everything in my power to get in there.

Senator SMITH. Let me put it this way. If the Vietnamese give me permission to go into the Citadel, I will be there.

Mr. DESTATTE. Sir, am I reading you correctly, that you will go to the Vietnamese and ask them to help me to get in there?

Senator SMITH. Yes.

Mr. SHEETZ. That's positive.

The CHAIRMAN. I am a little amused by this in a sense, because there is something wrong with you sitting here asking a United States Senator in his committee capacity to get you into the Citadel. If this is a priority, it should have happened a long time ago.

Mr. DESTATTE. Sir, I agree with you, but in my judgment—

The CHAIRMAN. Why, in all my visits over there, three of them in the last year, have none of your people said to me, Senator we cannot get into the Citadel and we want to do it. I would have asked them on any one of those visits.

Mr. DESTATTE. In my judgment, we have adequate evidence to make, with good confidence, a judgment that that underground facility doesn't exist. Now—

The CHAIRMAN. Okay, let me ask you this?

Mr. DESTATTE. Well, if I could tell you one other thing. Obviously others are not satisfied, and it's my job to, I think, to try to come up with the information that will satisfy those who are not yet convinced. Now, from experience, I believe that it will be difficult to get into the Citadel because it's comparable to our—to the Vietnamese asking us for permission to have an unfettered access to the interior of National Security Agency headquarters.

I doubt very seriously if the commander of the National Security Agency would look kindly on such a request, so just trying to be understanding of the dynamics at work here, the Vietnamese understandably are going to be reluctant to grant us that access and it's going to be—

The CHAIRMAN. I am very sensitive to that and I understand those difficulties. But let me point out something to you. You have got a group of reports that refer to the Citadel, correct?

Mr. DESTATTE. That's correct.

The CHAIRMAN. How many in total, seven?

Mr. DESTATTE. I don't recall offhand.

Mr. SYDOW. Less than 10.

The CHAIRMAN. Less than 10 reports refer to the Citadel. Only one of those reports has been deemed to be a fabrication, is that accurate?

Mr. SYDOW. I believe that's accurate.

The CHAIRMAN. So the others are unresolved. So you are sitting with a minimum of nine reports unresolved, all of which talked about underground location, the same place, some of which comes from people who are outside of Vietnam, currently relocated and living quite comfortably in other countries, correct?

Mr. SYDOW. Correct.

The CHAIRMAN. No known motive, they did not ask for money. They did not offer a reward, I mean, they did not look for a reward. Is that correct?

Mr. SYDOW. That's correct.

The CHAIRMAN. And notwithstanding the similarity of these reports, we do not know to a certainty that there is not an underground detention facility of some kind. Is that accurate?

Mr. SYDOW. It's accurate.

The CHAIRMAN. So if we do not know to a certainty what is the level to which you are capable of saying I believe it is there?

Mr. SYDOW. I would say at the moment, I don't believe it's there. I would make this point which I made earlier. There are higher priority targets in the Hanoi area. You and your fellow Senators visited one of those. We have 15 reports, perhaps confused by your staff in their cluster analysis with Hoa Lo Prison. It's an annex to Hoa Lo Prison which is called in the reporting Hoa Lo. You know it as Bang Liet. That would have been first priority.

You were able to visit that without consulting with us or coordinating it. You visited that prison. You were lied to by the Vietnamese officials there. You got a chance to film and look around. There were a couple of areas I would have looked in that you did not. That's a higher priority for me than will-o'-the-wisp reports that there is an underground facility in an area of Hanoi that we know very well. That's not a priority.

The CHAIRMAN. What is it that makes you characterize those reports as will-o'-the-wisp?

Mr. SYDOW. They are scattered in several different locations in the MND. It is not a consistent location. It is not a consistent description of the underground facility. We have in our briefing this morning explained why it's very unlikely that 200 POW's would be kept underground. We've explained that we've got a water environment there. We have looked consistently at imagery of this area, photographs. We don't find unusual construction. In fact, the construction in this area hasn't changed much since wartime. Mr. DeStatte noted a couple of changes that he's observed since going back in.

The CHAIRMAN. Well, let me give you an example here. This is a 1979 report from a refugee. Status is under analysis, citing an ethnic Chinese who relocated to Hon Gai in 1979. This is hearsay, heard from an acquaintance, that a small number of American pilots have been moved from Sontay to Hanoi, where they were detained in a secret underground prison. This informant told the source that the entry into the prison was in a residential building in the neighborhood of Ho Chi Minh's tomb.

There were three separate echelons of security and only senior officers could cross the lines. Now, your resolution, that is unresolved. You call that will-o'-the-wisp. Is that will-o'-the-wisp because it is hearsay?

Mr. SYDOW. Because it's not sufficiently corroborated by other reporting.

The CHAIRMAN. Now, is it not corroborated to some degree by virtue of other reports of an underground facility in the same vicinity?

Mr. SYDOW. To some degree and that is the question. To what degree do these reports mutually corroborate each other? Senator Smith mentioned source number 1101 as reporting on a visit by congressional or American delegation to a facility.

I believe the House task force led by Congressman Lester Wolff went to Vietnam in the period cited, July 1980, and demanded to see the inside of the 17 Ly Nam De facility in order to see a storage facility of U.S. remains.

He was denied entry to that facility. We believe that facility to have held remains at that time. When U.S. officials and others were allowed to visit the facility in September 1982, the remains were removed from there. I believe that 1101 is reporting on the visit of the Congressman Wolff delegation to the area. It is not a facility that was in the MND area, the Citadel area.

The CHAIRMAN. What about 1162? 1162 says sighting hearsay. Source and the neighbor talked often and the neighbor was a 22-year old braggart dedicated to communism, son of a PAVN colonel. This person heard parents talking and father said 50 plus POW's were held at the Citadel and were being moved that evening to underground bunkers because a U.S. delegation was scheduled to visit the next day.

Mr. SYDOW. That is precisely the report I was talking about.

The CHAIRMAN. So that is 1162, the one you are referencing, not 1101?

Mr. SYDOW. Yes.

The CHAIRMAN. Now, that is stated as being unresolved.

Mr. SYDOW. It is unresolved.

The CHAIRMAN. Okay. It was 2 years later that you made the determination that remains may have been there.

Mr. SYDOW. That is my determination, my reading of the report at the moment. I believe he is referring to a process which we believe went on.

The CHAIRMAN. I'll come back to it. Now, it is my understanding that 1101 talked about the visiting U.S. delegation so there are two separate reports that refer to this delegation. Originally, this report was debunked on the basis that DIA was not able to find any evidence of a delegation visit. Subsequently, that evidence was forthcoming and, in fact, there is reference to a visit to the Citadel by a group of American journalists conceivably in 1980 also.

But leaving that aside, the reason you found this a fabrication was because there was no information that a delegation had visited the Citadel at that time. Now, since then, you have learned that a delegation did visit it. So does that change the evaluation?

Mr. SYDOW. Presumably, it should be reviewed as the reports are routinely reviewed. When we submit an evaluation on a report, it remains in our database and as analysts track through questions such as the ones you're raising, they look at each of those reports again and again. I believe you're speaking of hearsay reports. I'm sure they have been reevaluated.

The CHAIRMAN. Well see, the reason this gets difficult—we are going to move on to the other area in a moment, Senator Smith. But according to the source, during one conversation, the topic of news reports and the release of prisoners of war was broached and the source stated that not all U.S. POW's had been released. That the SRV had kept a number of important prisoners to use as hostages to acquire war reparations or attain other SRV objectives.

The source indicated that on another occasion when he visited this person at his home that that person pointed out the location

where U.S. prisoners of war were being held and during the interview with your representative, the person initially said that the location was in the Citadel, somewhere between the east gate, but then they changed the location several times, I guess.

Now, how did you wind up evaluating that? Did you suggest that that was discredited because of the changes in location, or was there some other reason for discarding it?

Mr. SYDOW. The description as between the east gate and Phan Dinh Phung Street places it on Ly Nam De Street, that our analysis of Ly Nam De Street would lead one to the 17 Ly Nam De facility. Again, we know that remains were stored in that facility up to and including 1979. And we believe they were only moved out of that facility after the visit of the Congressman Wolff delegation.

Mr. SHEETZ. If I might add something to that, Senator Kerry. That report says that a group of prisoners, as I heard you read it, was segregated prior to Homecoming and moved into a separate facility. Where did that group of prisoners come from, because through the debriefings at Homecoming, we accounted for everyone who was known to be in captivity. So if there was another group of prisoners who were somehow culled out and segregated separately, where did they come from?

They didn't come from the knowledge base that was reflected in the debriefings of the prison and to give that credence—

The CHAIRMAN. Let me ask you this question. There were groups of prisoners brought together for the release who only learned of each other being alive by virtue of the process of being brought together, correct?

Mr. SHEETZ. There were prisoners that were consolidated toward the end.

The CHAIRMAN. And some were held in different locations, perhaps 10 people in one location. Is that not accurate?

Mr. SHEETZ. That's accurate.

The CHAIRMAN. Then it was only in the course of those 10 people who were held together saying I saw so and so, or I didn't see so and so, that you could pull the information together, correct?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Is it not possible, however, that a whole group of 10 held somewhere were never brought back to the main group and therefore held back in some other circumstances? That is possible?

Mr. SHEETZ. That is possible.

The CHAIRMAN. So, the mere fact of debriefings not showing that somebody was not accounted for does not in and of itself dispose at all of the notion that somebody else could have been elsewhere?

Mr. SHEETZ. That's true, but my reading or at least as I was hearing you read the report, it sounded like a source indicated that they were sort of culled out at the last moment and treated separately.

The CHAIRMAN. I don't think that is the way I read it. But, let me check it. No. It just says that they kept a number of important ones as hostages. It did not say they pulled them out or anything. It just said that not all of them had been released.

Mr. SHEETZ. Well, as this committee knows, the existence of a separate prison system or other groups of prisoners kept at satellite locations has been one of the central themes that has kept ana-

lysts busy on this problem since wartime days and if we had information to give that credence—

The CHAIRMAN. Well, I take it that all of this—I mean, these are some of the strongest cases, correct? I mean, this is the grouping as we have been told, these are the strongest cases of indicators. Is that accurate?

Mr. McCREARY. No, Senator, it really isn't. If I can—

The CHAIRMAN. I thought that is what the memo said we were doing. We were pulling together the four strongest clusters or groupings, is that not the strongest cluster?

Mr. McCREARY. No, this is not necessarily.

The CHAIRMAN. We have a cluster stronger than this?

Mr. McCREARY. This is the tightest. In the agenda, we talk about some other clusters.

The CHAIRMAN. No, I am asking you which cluster is stronger in evidence than this?

Mr. McCREARY. Well, I think the two in Laos are actually stronger.

The CHAIRMAN. We are going to do those. We have four, and two of them are in Laos and two of them are in Vietnam. My question is, is there any cluster in Vietnam stronger than this group?

Mr. McCREARY. I think there is, but—

The CHAIRMAN. Which one?

Mr. McCREARY. I think there's one at Hon Gai that merits more attention.

The CHAIRMAN. But why are we not giving it attention then?

Mr. McCREARY. Because this is simply the one we prepared for analytical purposes because of the challenges in the analysis primarily, Senator. That was our future—that was part of our future work plan.

Senator SMITH. I do not think there was ever an intent to prioritize them in terms of, as you indicated, when you said there were other priorities. It was at least my understanding to try to analyze these things so that we can look at the analysis to find out if there are any flaws in the analysis on either side of it. That was the intention. While Senator Kerry is looking at that, let me ask you one question.

When you did the interviews on these sources, many of those sources that related to those prison compounds, when you interviewed them, did you ask—they all maintained they worked on the prison, not all of them, but many of them said they were construction workers. One guy said he worked as an air-conditioning expert, for example. Did you question those people in terms of their technical knowledge to see if they had a thorough understanding of what they said they knew how to do? I did not see that in any of the debrief materials.

Mr. SYDOW. Insofar as it would be relevant to their POW report that would be our line of questioning. Was the person really as he stated that he was?

Senator SMITH. Well, if a guy comes in. He says, I saw four POW's in the Citadel, some being led into a building which took them underground into an underground facility which I know is there because I saw it, or I worked on it and my job was to work on the venting system, and I know all about that because that was my

job. Did you then say, well, tell me about that. How does the venting system work?

Mr. SYDOW. I assume that that is a hypothetical report.

Senator SMITH. Yes.

Mr. SYDOW. We would ask the man to show us that he really had the capabilities and experience that he was stating.

Senator SMITH. Well, I think it was 8621, Senator Kerry asked—I might be wrong, 8621, the guy said he was an herbal doctor.

Mr. SYDOW. That's correct.

Senator SMITH. Was he?

Mr. SYDOW. Was the fact that he was an herbal doctor relevant to his report of POW's? Not at all. He stated that he had a reason to visit a general within the MND compound. We took that at face value.

Senator SMITH. Sure, but if you asked the guy a few questions, technical questions about herbal doctors, whatever their technical expertise is, he should be able to answer those questions. If he cannot answer them, then it would certainly be one way to debunk him, would it not?

Mr. SYDOW. Mr. 0475 said he was an expert at ESP and he had conversations with dead people. We did not interrogate him as to his expertise on ESP.

Senator SMITH. Wait a minute.

Mr. SYDOW. If the characteristic is relevant to his POW report, we will explore.

Senator SMITH. Time out, time out. Relevant—okay. Talking to dead people, ESP, I really do not see what that has to do with prisoners in an underground prison. This man in the case of the herbal doctor said he was in there and he did treatments and so forth. You had guys who said that they worked on the construction of a prison that housed POW's. That is relevant, and all I am asking you is did you ask him questions, technical questions about that sort of thing to establish their bona fides in that regard?

Mr. SYDOW. Number 8615, if I have the number right—8621, I think we're talking about, is that correct?

Senator SMITH. Yes.

Mr. SYDOW. Stated that he was visiting the general to provide him treatment for a kidney disorder. He looked out the window and saw three or four Caucasians whom he assumed were Russians. That was the sole content of his observation. He was told about the underground facility by another person who stated that he himself was related to the general.

This man's relevance to underground facilities, I'm afraid I don't see it, Senator. It was the hearsay reporter, the second source who stated to him that he had experience with underground facilities that would be at the center of my questioning.

Senator SMITH. I understand, but I am just looking at it—I am not trying to hone in on one particular case. I am just saying in a generic sense, you have six out of seven sources who say they were in some way working on a prison underground, or in some way doing something to do with an underground prison. They are still unresolved. These people determined that they had certain technical talents, if you will, regarding the construction of that prison. We had their names during the war, and I will not comment after

the war, to determine whether or not there was construction going on there.

It would just seem to me that it would be very simple to ask these very specific questions. However, I can understand why you would not, and this is the reason that we are talking about this type of analysis, which is a cluster analysis based on location of information, because you may not have connected it. You may not have connected these things because you were looking at independent sources, and that is my point.

When you put the sources together and you look at what they said and where they said they saw what they saw, you come up with a pattern of a prison. It does not mean there is a prison. It means they said there was a prison, that is the pattern.

So then, you get alert and you say, wait a minute. They are asking if seven or six of these guys say there is a prison and we have not determined that they are fabricators yet, maybe we ought to start asking about their technical expertise and ask them about their construction knowledge of prisons in terms of venting, building, or moving dirt, or whatever it is that they do.

That is all I am saying, and I do not think that was done, and I do not mean to slam you. It just means that I think we need to look at these things from a different perspective which is the reason why the whole concept of cluster analysis was critiqued by people inside the agency that we have already been discussing. That is all.

Mr. DESTATTE. Sir, we have been using, I personally have been using what you call cluster analysis since I joined this office in 1979. Now we didn't assign it a catchy phrase name like cluster analysis. We just called it something like common sense, and that's when you have a report in a particular area, you find out what other reporting you've had on the same area. And when we have what you call a cluster of reporting, we start looking for answers.

In most cases, we started looking for answers long before a cluster appeared, and when you talk about a cluster of reporting in the Hanoi area, you focus on the six or seven reports. And to focus exclusively on those six or seven reports who have come to us for whatever reason they've come to us with stories about live POW's in an underground facility, is to ignore the dozens and probably tens of dozens of people that we've talked to who lived and worked in the same area over the years and who say there is no facility there.

So I am not at all convinced that a focus exclusively on the six or seven reports obviates all the other intelligence that we have.

Senator SMITH. I would agree, except I have not seen anything in the files that would indicate that you asked anybody about an underground facility outside of those individuals. There is nothing in the files. If you did, you did not provide it to us. I have not seen it. I have one final point and then I am finished on this round.

Mr. SYDOW. Senator, I think there is an additional response that we should consider. As we explained in the classified brief, we have taken seriously the prison systems of the Indochinese countries for many years and we have asked sources who have spent up to 22 years in those prison systems and our question is, do you know of prisons in the Hanoi area where American POW's might be held?

Now, we've gotten some really expert answers and their answer has been no, and their answer has never included an underground facility in the Hanoi area.

Senator SMITH. We do not have those prison studies. I asked for those for this meeting today. I do not have those prison studies. I have not seen them. To the best of my knowledge, our investigators have not seen them. Now, we need to see that sort of information to be able to put the information together.

[p. 42 prison studies]

One final last point. You were talking about the lie detector test, polygraphs. A lot of people fail them and usually are debunked for failing them, but when somebody passes one, they are usually given another one and sometimes they pass two.

It is my understanding that an individual source, and I do not know that it relates to the Citadel, but an individual source was polygraphed and passed and he indicated that it was his information that the communists, under the direction of Ho Chi Minh in his last will and testament, were to hold American remains for dollars, and also to hold American POW's.

That was a source who provided that information to you and passed a polygraph. Is that correct?

Mr. SYDOW. I'm not aware of that report.

Senator SMITH. Is anybody aware of that report?

[No response.]

Senator SMITH. Nobody is aware of a report to DIA that says that an individual who passed a polygraph indicated to your agency—

Mr. DESTATTE. Sir, we have well over 15,000 sources.

Senator SMITH. You would not remember? You do not remember that?

Mr. DESTATTE. Well, I have seen copies of Ho Chi Minh's last will and testament, or what is purported to be that in various publications in Vietnam and there is nothing in any of that that suggests that that was a part of his last will and testament. On the other hand, maybe this guy knows more than has been published.

Senator SMITH. I do not know what he knows. I am just saying he said it, he said it to you and he passed a polygraph in saying it. That is the only point I was making.

Mr. DESTATTE. I doubt very seriously that we polygraphed him concerning what may or may not have been in Ho Chi Minh's last will and testament.

Senator SMITH. Well, I will provide the information which we got from you, by the way.

Mr. DESTATTE. We may have polygraphed him. He told us many things, whoever the source was.

Senator SMITH. So you did talk to him?

Mr. DESTATTE. But we don't polygraph an individual on every statement he makes. We polygraph him on the relevant questions concerning the live POW sightings.

Senator SMITH. Mr. DeStatte, you did talk to him then, do you remember it now?

Mr. DESTATTE. I will say again, we have 15,000 sources, in excess of that, and none of us recalls every detail of every source statement. I am taking you at your word that we debriefed this fellow and if what you have told us is accurate, that he in fact said that,

then I doubt very seriously that we would have polygraphed him on that particular statement.

We would have polygraphed him if he said he saw American POW's. That we would have polygraphed him on. Something he may have heard of, we wouldn't polygraph him on hearsay information.

Senator SMITH. Well, I understand. I do not know the specifics of what you asked him in the polygraph, but I will look the report up. Thank you.

The CHAIRMAN. Gentlemen, I want to go through a little bit more of the Hanoi reports in a detailed and thorough way and then I am going to move on to Son La. Senator Grassley was going to present some questions on Viengxay. Turning your attention to live sighting report, 5862, this is an individual, it is a 1981 and 1985 report.

This individual states on two separate occasions—and I want to get into a little bit of depth here, I want you to really give the flavor as to why and how a particular live sighting report is or is not accurate. I am not challenging you, I just want the record to show more completely how you do that. This fellow said that in September of 1981 and 20 April of 1985, he was an inpatient at a hospital in Hanoi.

He says he saw a caucasian in a particular hospital room. He heard from a doctor that the first of the men was an American and had come from a prison facility for health reasons. Both times, the room of the men were guarded at the door.

The source was unable to learn anything further about the second man. Apparently he did not provide an accurate location for the hospital. He underwent a polygraph examination with a different agency than yours. He indicated deception on the issues tested, but those were not directly related to the POW/MIA issue.

Now, help us to understand this. Here you have got a guy who comes forward. You list this as unresolved as of April of this year. This fellow says he saw an American under guard in a hospital on two occasions. What should we believe?

Mr. SYDOW. Senator Kerry, that case is still an open case. It is still under investigation. We have been told recently by the field investigators that they have visited that hospital, conducted an investigation. I surmised that Colonel Cole will be able to tell us about that. It has not been reported.

The second point, we often are criticized for allowing the polygraph to rule the day. This is an example of a case where a man failed his polygraph, but as it says, it was tangential to this POW information. We pursued this source.

He gives a credible story. We are continuing to pursue it until we resolve it.

The CHAIRMAN. So, here is something that you would deem outstanding then?

Mr. SYDOW. That's right.

The CHAIRMAN. This is a live sighting report still under examination.

Mr. DESTATTE. Sir, if I could add a comment about the hospital. This fellow was saying that American POW's were treated at this hospital during the war, 108. Last month, I had occasion to visit

two of the hospitals including hospital 108 which is the senior hospital in their military, their armed forces, comparable to our Walter Reed or Bethesda, and attending that meeting was the deputy director of the hospital, a Brigadier General.

When I visited Hospital 108, I met with a previous Director, who is now retired; a retired doctor and medical professor who had been a member of the hospital staff at various times during the 60's and 70's; and several other doctors. I am satisfied that these doctors gave me a factual, honest information. They said that any American POW in the formal prison system who needed hospital care, received the hospital care at Hospital 108. According to the doctors I spoke with, Hospital 108 was given this responsibility because it was capable of providing the best medical treatment.

The CHAIRMAN. The sighting was in 1986, and in 1981.

Mr. DESTATTE. They have assured me also that any foreigners after 1975 who received treatment in military hospitals in Vietnam have received the treatment only at 108. When I visited hospital 354, which is a hospital that serves PAVN personnel in the Hanoi area, they gave me independently the same story and that any westerners who would be treated at a military hospital would be treated at 108 and nowhere else.

The CHAIRMAN. Is that, therefore, a reason to leave this open or how do you pursue this further then?

Mr. DESTATTE. Well, I believe we want to go out and chat with the people at 108, and there may be some other things that the analyst in charge of this case may have in mind.

The CHAIRMAN. Now, in 1984, a Cambodian official was undergoing training in Hanoi and he reported that the Premier, Pham Van Dong permitted him and other officials to visit a prison. They were blindfolded, driven from Hanoi central party committee office to the place where the prisoners were held, about 15-minutes ride. They entered an underground prison where their eyes were uncovered.

It appeared to be 100 meters square with about 38 cells. He saw three—I do not know what that means—three each for the 100 Americans dressed in blue civilian clothes. They were shown these prisoners to demonstrate the bravery of communist troops and the power of communism and its victory over the Americans.

This is September 1984. It was deemed to be a fabrication. He was given a polygraph and I gather acted erratically. Now, is that the sole reason for having dismissed that report? This is number 8682.

Mr. SHEETZ. Just as a sanity checkpoint, I would raise the general red flag here that an underground prison 100 meters square would be roughly—would be greater in size than 2½ football fields. That's an awful, awful large underground facility for a place like Germany during World War II, let alone Vietnam today. The amount of dirt that would be moved from a facility, an underground facility—

The CHAIRMAN. Well, a 100 square meters would be 10 x 10.

Mr. SHEETZ. I thought you said 100 meters square.

The CHAIRMAN. It says 100 meters square. I mean, I do not know—is interpretation—

Mr. SHEETZ. 10 meters x 10 meters—

The CHAIRMAN. I do not know what it would be.

Mr. SHEETZ. You would be hard-pressed to put 38 prisoners in there, or 38 patients in there.

The CHAIRMAN. So is that the sole reason it was debunked, or is there another reason?

Mr. SYDOW. Number 8682 is not on our list of cases to be examined today.

The CHAIRMAN. Are you familiar with it, does it ring a bell?

Mr. SYDOW. I am remotely familiar, I'm not familiar enough to talk about it.

The CHAIRMAN. It does not ring a bell? Maybe you could check it out and we could go over it tomorrow just so I could understand it, because it is part of this Hanoi grouping. It is number 8682, if you could check that. Let me turn your attention—

Senator SMITH. I think that is in the list, Gary. Number 8682.

Mr. SYDOW. It may be it's listed under a different number on the page. Okay, I'm sorry.

The CHAIRMAN. If we could check that one, let me direct your attention to—

Mr. SYDOW. It's not on the 15 July memo from Mr. CODINHA.

The CHAIRMAN. What about number 10675? 10675, under analysis. This is March 1986, a hearsay sighting. In early 1985, the source visited an acquaintance in the MOI general department of security who told him there was in the works the transfer of custody of American prisoners from MND to the MOI.

The acquaintance told him that he had participated in an inspection of potential sites to hold the prisoners.

The locations selected were in an underground facility, under the MOI institute of criminal science and under Ho Chi Minh mausoleum. A year later, there were still Americans being held in these places. So yet again, you have yet another report of an underground facility near Ho Chi Minh—more people. What happened to that report?

What is the DIA explanation for all these different people hearing about a transfer or referring to an underground facility? I mean, is there not a high level of curiosity sparked by so many different people from different places, Cambodia, somebody over here, out of harm's way referring to an underground facility?

Mr. DESTATTE. Sir, if I could just posit one possible explanation. There have been several questions today about motive. It would be nice if we could go into motive with each of these people, but that sometimes is not possible, but it's common knowledge—

The CHAIRMAN. Sir, excuse me for interrupting you, but there is no reason not to express a motive here. If you have a sense of motive, it would help shed light on part of your analysis as well as on reality here.

Mr. DESTATTE. Exactly. I'm saying that by way of saying this is not something—this is not a conclusion that is arrived at scientifically. But it's my impression—it's more than an impression. My discussions with people of all walks of life in Vietnam, it's common knowledge there that the United States uses satellite imagery among other techniques for verifying information.

And if you're going to be telling a story, particularly if you're not a very sophisticated storyteller, one idea that might come to mind

is that you describe your POW facility as being underground, confident that American intelligence cannot confirm or refute that with their aerial imagery.

The CHAIRMAN. What other motive would there be for somebody who is a publisher of a children's magazine? I mean, I can see some motives, I do not know. You have not discussed them at all, but it would seem to me that somebody who hates the Vietnamese Government would love to stir up the waters and put the word out, hey, they are still holding your people and go at it. That is one motive, is it not?

Mr. DESTATTE. Yes, that's a possible motive. But to the best of my recollection, the best of my ability to recall, the only people who've had angry words to say about—the only sources who have had angry words to say about the Vietnamese Government are people who had been affiliated or apparently were affiliated in one way or another with the Vietnamese Government for some period of time. And in my personal judgment, there's some question as to whether they've ever severed that tie.

But other motives which—one case that I had several years ago, was a woman who had come to the States. Well, she left Vietnam by boat with her children. Her husband was still in reeducation. Well, in the Philippines and having been in the Philippines, as I recall, for a prolonged period of time, as I recall, in excess of a year, she responded to—she approached one of our debriefers when he visited the camp and she described how she had observed a group of American prisoners of war on a work detail near the prison where her husband was in reeducation.

Later her husband—she came to the States. Later, her husband got out. He also came to the States and I went out to interview her and was accompanied by a polygraph operator and she failed the polygraph. But this was one of those cases where we did try to make an inquiry into motive and the woman was quite tearful. But she didn't acknowledge that the polygraph had accurate—was accurate, but she—I asked—I forget exactly.

Well, I phrased the question along the terms, why would someone wish to tell us a false story on POW's, and her response was to the effect that, well, she couldn't speak for others. But one thought that comes to mind was you might find refugees stranded in the refugee camp somewhere in the Pacific for a prolonged period of time. They see their children growing older without schooling. They're living in very poor conditions and you know, they may become desperate for a way to get their file to the top of the processing list and it might occur to them that if they were to say that they had knowledge of POW's, somebody would have to pull their file and when they pulled their file, and when they put the file back they would put it back on top of the stack.

I think she was telling me that that's what she did and yes, you're correct. There are many motives and some of the motives are, I think, in most cases, the motives are not sinister. They are motives that are easily understandable and it's easy to sympathize with the person if you know enough about the person in the present circumstances at the time they tell the story. But that doesn't change the fact that the story is false.

The CHAIRMAN. But let me say that the record will show a greater amplification than we have had time to go into here of your background analysis of some of these people. I find some of them more extensive than others, obviously, and in some cases, you went back two or three times and you had considerable cross-checking of things they said and that has not really come out as clearly here.

At the same time, I find that the Citadel issue is a disturbing one. I just think it sorts of hangs there and it ought to be resolved by going in there and by getting the answers, if you have got seven or eight reports that are sitting there outstanding.

Mr. DESTATTE. Sir, I agree. But I think the thing that concerns me about that is that I wouldn't want us, the committee, the people in our office and the public to get unrealistically high expectations that we will get into the ministry of national defense headquarters.

The CHAIRMAN. Well, I think the key here is offering them the reports themselves and saying this is why these—refer to these cases. This is very clearly why, I think, that the live sighting reports that we communicated to the Vietnamese are a first order of priority with respect to the committee and there are 109, is that correct, that are unresolved?

Mr. SHEETZ. As of today, 110.

The CHAIRMAN. 110 unresolved. And we said it to the Vietnamese Ambassador very recently that these 110 reports are critical, a very important part of the resolution of this process. Senator Grassley is now here, so what I would like to do is turn to Viengxay and let Senator Grassley present some questions with respect to Viengxay.

Senator SMITH. May I ask one quick question while Chuck is getting ready?

The CHAIRMAN. Yes, go ahead.

Senator SMITH. A final point on it. Analytically, tell me, or explain to me from an analytical viewpoint why it is that something like a prison facility, an underground prison facility would appear in that many reports, whatever it is, seven or eight reports or more over a period of about 15 years without any correlation to each other in terms of the sources? In other words, we don't know or we don't have any evidence that the sources knew each other, talked to each other, or worked with each other?

From an analytical viewpoint, why would that happen? Why would it happen that they are talking about an underground facility—prison facility in that location? Why did they turn up in that many reports, that specific point? They did not say they were in a cave in Timbuktu, they just said here is where they are and they all said it independently of each other. Give me an analytical reason why that would happen?

Mr. DESTATTE. We sought out many sources over the years who lived and worked in that area. Those sources that we've sought out have no knowledge of an underground facility there and, in fact, believe that there is no such thing. Now, seven people, I believe, using your figure, have chosen for one reason or another to tell us that story. Now why they would tell us that story if there is no prison there, I don't know.

I would suggest that one possible reason is as I mentioned earlier. If you believe that the United States is going to use satellite imagery or some other type of overhead imagery to check out your story, it's best to put the prison underground. That makes it more difficult for the U.S. to deal with the information.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. Yes. Mr. Chairman, before I get—

The CHAIRMAN. Before you go on to Viengxay, let me just finish one other thing I have.

Senator GRASSLEY. Also, I have got three general questions I want to ask before I get into that myself.

The CHAIRMAN. John, the total number of reports that are contained in the Citadel are what, seven?

Mr. MCCREARY. Within the area we've been talking about, 13 source numbers.

The CHAIRMAN. 13 source numbers.

Mr. MCCREARY. That's what we've counted up.

The CHAIRMAN. For the Citadel?

Mr. MCCREARY. For yes, the ministry of national defense compound area.

The CHAIRMAN. Now outside the Citadel and Hanoi as a whole, how many flags make up the cluster?

Mr. MCCREARY. 70—70 source files.

The CHAIRMAN. 70 source files for Hanoi itself. Now, my question to you is, dealing with Hanoi and with these 70 reports, and with the 13 as to the Citadel, do they have a consequence? Do they have weight in terms of your analysis? Do they mean something to you as a grouping or are they meaningless as a grouping? What is your analysis?

Mr. SYDOW. I would like to look back at the Hanoi cluster and in general. Once we've established that Hoa Lo can be two and not one facility, we have 16 reports on the main facility, that we knew as Hanoi Hilton. We have 15 reports on the Bang Liet facility which you visited in April.

The CHAIRMAN. You mean of the 70?

Mr. SYDOW. I'm not talking your numbers. I'm talking, looking at our database in toto.

The CHAIRMAN. Looking at your database, you have 15 that refer to the prison that we visited?

Mr. SYDOW. That's correct.

Mr. MCCREARY. Those are very close to our numbers. We are aware of the annex to Hoa Lo prison, yes.

The CHAIRMAN. And the other place is the Hanoi Hilton?

Mr. SYDOW. That's correct, sir. The next place of interest is the Ly Nam De Street which we know very well and we've discussed earlier this morning to exclude the MND area. When you get down to the MND area, you get a variety of reporting in the Hanoi cluster.

The CHAIRMAN. MND area meaning what, for those who are unaware of it?

Mr. SYDOW. Well, if it will not confuse everybody totally, the Citadel, that location, the Vietnamese Pentagon.

The CHAIRMAN. The MND area.

Mr. SYDOW. We have a variety of themes in the Hanoi area: that there's a location where there are stored remains; POW's have been transferred from Hanoi to Sontay; indeed, an underground facility; indeed tunnels; indeed, that there's a black American freely roaming the city, two or three. In all of that reporting is a handful of reports that a POW was transferred to China; that a POW was transferred to Russia, only at the level of two or three reports as we see in our database.

I have looked at some other issues that the cluster theorists have raised throughout Indochina, chains, 10 reports in some areas of North Vietnam. I would say characterizing it as a lead, that it's a lead that's down the scale of priority. I find higher priority targets to look at in the pursuit of POW information.

The CHAIRMAN. Can you share those with us?

Mr. SYDOW. Bang Liet is certainly at the top of my list.

The CHAIRMAN. So Bang Liet which we visited is a higher priority area.

Mr. SYDOW. Indeed.

The CHAIRMAN. Are you satisfied now that Bang Liet has been adequately visited?

Mr. SYDOW. No, sir.

The CHAIRMAN. That is because you believe there are other areas there yet to investigate?

Mr. SYDOW. You were specifically lied to. I have not received confirmation that you visited areas that might provide additional information. We know for instance that a couple of yachtsmen were in Bang Liet in the early 1980s. You were told that that was not true. You were told that there were 10 U.S. POW's held there during wartime. There were, in fact, about 50 POW's held there during wartime. I assumed that you were given freedom of access to the place. I noted the handwriting that you discovered and I look forward to the evidence that you were able to uncover.

The CHAIRMAN. You are aware that the individual who said 10 was the lower-level person in charge of moving us around in the prison?

Mr. SYDOW. Yes, sir.

The CHAIRMAN. I mean, in fact, I think they contradicted themselves. I did not look at it as being lied to. I frankly looked at it as—you have different levels of information because I did not think they knew particularly what was going on. One person said to us there were about 15 to 20 people. Another person said there were only 10 or so people in the prison.

We counted more than that in the prison very quickly, so I am not trying to protect anybody. I just do not particularly feel I was lied to. I just thought they did not really know at that level very much about what may have been history of what was going on.

Mr. DESTATTE. Sir, if I could make a note on that.

The CHAIRMAN. I might also add, if I could just say to you that we were initially denied access to a certain portion of the prison, and it was only through 2 hours of negotiation and telephone calls to Hanoi that the other area was opened up to us.

I might add that no guards and nobody left our vicinity while we were there and when we went into the further area of the prison, Senator Smith, myself, Senator Brown and Senator Grassley, we

were given permission to open any cell we wanted to at random and we did and, in fact, people were in there, but all of them were Vietnamese.

So we, in fact, thought we had even a fresher visit than one might normally get because the initial denial meant they did not expect us to go to certain areas. We wound up going to them anyway, and I was fairly impressed by that aspect of it. There was no building there that we did not look at. There may have been something underground, but I'll tell you, there was not much indication of the capacity for it to have existed either.

Now, Senator Grassley.

Senator GRASSLEY. Yes, Mr. Chairman. First of all I want to start out with a request that cannot be answered right now, but I would like to have somebody with the Department of Defense look into it, and maybe get an answer back today or tomorrow. This is in regard to a file that is not in this room 752.

The CHAIRMAN. 705.

Senator GRASSLEY. 705. It is the case of Robert C. Borden, Jr. The number is T-90. We have T-89 and T-91 files there, but we do not have the T-90 file. Dash 551180848Z. I would like to know what the situation is on that file.

And, if there is some reason that the family cannot see everything that our Government knows about that case, I would like to know why. Because I hope that there is not any reason that the family cannot see everything that our Government knows about that case.

I want to start out before I get to Viengxay with a question that the chairman was asking that deals with this subject of motivation because I want to get into it just a little bit deeper. It has been said here today that no alleged sighting of U.S. prisoners has been determined to be valid, is that correct?

[Information on Robert Borden was provided to the Committee.]

Mr. SHEETZ. I think we would say—

Senator GRASSLEY. At least after Homecoming.

Mr. SHEETZ. We have not found it compelling. There are pieces of information, but we have not found them compelling.

Senator GRASSLEY. Well, that means that 1,584 alleged first-hand witnesses and 2,754 second- and third-hand witnesses are, for some reason, giving us bogus information. And I know that that is a very generalized statement, but it is close to accurate I hope.

Mr. DESTATTE. No, sir. I think there is a misunderstanding of the statistics. The pie chart there was put up here this morning. The largest portion of that pie chart was, I can't recall the exact percent.

Mr. SHEETZ. 70 percent.

Mr. DESTATTE. 70 percent of those 1,500-odd reports have been correlated to specific individuals or groups of individuals. I think also this morning there was a misunderstanding that the only reports, post-Homecoming reports, that have been correlated to an individual, were those correlated to Robert Garwood.

That is not the case. There were approximately 70 Americans who were stranded in Vietnam at the end of—in 1975. We have received many, many reports concerning those. There was the gentleman who tried to sneak in to Vietnam after the communists took

over to pick up his family. We have a number of reports on him. We have yachtsmen who inadvertently wandered into Vietnam territorial waters and found themselves in jail. We have many reports on them. We have drug smugglers who found themselves in Vietnamese territory.

Senator GRASSLEY. Then let me narrow it to alive persons held against their will.

Mr. DESTATTE. Okay, then we are talking about, since 70 percent are people that are accounted for, another 3 percent we have correlated by name to unaccounted for persons, that leaves us with 27 percent. 27 percent of that 1,500-odd reports have any potential of referring to a prisoner of war, and none of those 27 percent have been found to describe a prisoner of war from the Vietnam War.

Senator GRASSLEY. None of them.

Mr. DESTATTE. None of them.

Senator GRASSLEY. So, what you are saying is, none of the live sighting reports of an American held against their will, are valid.

Mr. DESTATTE. I am saying that none of the 27 percent that have not been correlated to specific individuals correlate to an American POW.

Mr. GRAY. Senator, after Homecoming in 1973, American civilian pilot, Emmet Kay, was captured. We have many, many reports of Emmet Kay in captivity. He was held against his will. In 1974, two tourists in southern Laos were captured by the Pathet Lao and held against their will. We have many, many reports of those individuals so people were seen in captivity.

The CHAIRMAN. Would my colleague yield just for a moment.

Senator GRASSLEY. Yes.

The CHAIRMAN. What is interesting to me is, and it hits me as you answered his questions, that where you have live people, Garwood, Emmet Kay, and so forth. You have had many reports, is that accurate?

Mr. SYDOW. That is correct.

Mr. DESTATTE. That is correct.

The CHAIRMAN. In each where somebody has turned out to be alive and these are all identifiable circumstances, there were many reports. But in these other cases you really do have only a sprinkling in comparison.

Mr. SYDOW. That is correct.

The CHAIRMAN. Analytically, is that taken into account? I mean, does that begin to say to you there is pattern also with respect to where there are live people? That because of the nature of the society—I mean, I must tell you that I am not looking for ways to undo this. I am looking for ways to understand it.

But given my knowledge of the country and my visits back there, I am always—you know, you cannot walk into a village without the entire village knowing you are there like that. And half of them coming to greet. And, in Hanoi, even where it is a little more sophisticated and there are more travelers and foreigners, there is still, you know, there is a communications network, verbally that, I think, passes fast in these things, is that accurate?

Mr. SYDOW. Yes, sir. I think we can even develop this thesis further. You start with Robert Garwood. We have approximately 400 reports not only of the Yen Bai area, but also throughout the coun-

try. 90 percent to 95 percent of those reports give us enough specific detail to identify the activities of the man, his name, the clothing he wore, his sandals.

If you look throughout the war, and since wartime, you will find that all reporting mimics that. We have a shootdown incident that involved two of our planes shot down by a MiG, REFNO 919 and 920. That was reported from the south of Haiphong area. We have a total of 16 reports. One hearsay, all correlated to this incident.

In 1972 we had another incident that had some particular characteristics in the Haiphong area. That was reported by 16 first-hand observers and 4 hearsay observers. I am sure there may be additional hearsay reports which mimic that report.

After 1975, when American civilians got swept up in the takeover of South Vietnam, there was a group of pastors and medical missionaries who were captured, taken to North Vietnam and examined. We have 33 first-hand reports, 3 hearsay.

That is a high level of reporting. Whenever you have an individual out in the open among the Vietnamese populace, we are going to get reporting, significant numbers of reporting. One might even say, clusters, if one were not to misuse the word, which reflect the activities of those people who were captured.

We have another individual who is somewhat like the aforementioned Garwood who lived with his wife in the lower delta. And after the public security service began looking for him he hid in a church. We have 32 first-hand and 28 hearsay reports of that. A level of about 60 reports.

I have mentioned Garwood and the 1975-79, principally 1975-79 period. In the 1983 period, we had two adventurers, one American and one British, who thought that Captain Kidd's treasure could be found on Phu Quoc Island. These men were arrested, they were taken to—one of them was taken to Saigon. They were interrogated over a period of time. We have 11 first-hand and 5 hearsay reports of those two individuals.

In the 1989 period, a topic that was addressed in the brief this morning, we have an alleged drug trafficker who pops up on the South China Sea. To date we have possibly 2 first-hand sightings and 5 hearsay sightings. When you look at the clustering of reports of real people in real locations with real details, it tells you a story.

The converse is, when you have vague reporting, scattered in a variety of locations or times, implies that there is no such reality there.

The CHAIRMAN. Thank you. Senator Grassley.

Senator GRASSLEY. I thank you for helping that to be clarified. You remind me of the Robert Garwood situation and the Garwood reports. Were Garwood reports considered valid before he walked out? Didn't DIA claim that no American was in captivity in Vietnam when clearly there was?

Mr. DESTATTE. I was in the shop when those first reports started coming in. My recollection is that the analyst that was responsible for those cases was convinced that they dealt with a real person. He was also convinced that it would probably turn out to be Robert Garwood, although he had no specific evidence to support that. And it ultimately proved to be Robert Garwood. And I would also correct—many people refer to Robert Garwood as being a POW.

The—I have talked to several people over the last 5 months who had either direct or hearsay knowledge of Robert Garwood's activities while he was in North Vietnam and they described him as a person who has complete and total freedom.

He had a ration card. He used his ration card to purchase consumer items and sold them for profit. He was a notorious womanizer and was regarded as eccentric by some Vietnamese. And they strove for quite some time to persuade him that he would be happier going home and eventually he asked to come home, in writing, and they approved it. Now that is what the people that I am talking to in Vietnam tell me about Robert Garwood.

Voice: Well, isn't it accurate also, if I can just interrupt, that in his first interviews he denied that there were any Americans there.

Mr. DESTATTE. To the best of my knowledge. To the best of my recollection, sir. From 1979 to 1984, Robert Garwood steadfastly maintained that he knew of no American prisoners of war. One family member, actually a couple, told me that he had confided in them that he was aware of a couple of other Americans who had chosen to stay there like himself, but he had given them his promise not to divulge their identity.

Senator GRASSLEY. Is it your desire to continue?

VOICE. I think if we can go into Viengxay. Do you want to do that, Senator?

Senator GRASSLEY. I have one more general question that I would like to ask Mr. Sheetz.

The CHAIRMAN. It is your floor, Senator.

Senator GRASSLEY. Okay. But if you want to break up before I get to my part of it, I will defer to you, however you want to do it. You have got to make sure we get our job done.

The CHAIRMAN. Well the key is, we have got to go more into Viengxay to get our job done. So, if you want to do that now, that would be helpful then we can get a sense of how much we have left for tomorrow.

Senator GRASSLEY. Okay. Mr. Sheetz, this is in regard to the three-pilot photo. I understand the source of that photo in your view was a December 1989 issue of a magazine. This committee has received information recently that the three-pilot photo was given to a U.S. official at refugee campsite 2, in Thailand, in 1988. This was of course a year in advance of the issue of the magazine.

The individual who gave us that information is a U.S. official who received it from a refugee in 1988. Do you have any comment on that?

Mr. SHEETZ. I do not, but Warren Gray, who has worked this case straight through, perhaps may have.

Mr. GRAY. In all the folks I talked to in Site 2, there was never any indication that that photo was available in 1988. Not at all. We also talked to the sources in Cambodia who sent that photo out and the sources in Thailand who received it and made distribution. They all indicated that the first indication of that photo, in their hands, was mid-1990 and after.

Senator GRASSLEY. Okay. Well, all I would ask you to do at this point, because—would be to take a look at what we have received and give us a response as soon as possible. And I want to make very clear that I am not trying to debunk your analysis. The infor-

mation will do that if it stands. Nor am I trying to suggest that the photo is or is not a fraud.

But I am sure that we can all agree that we should get a response from you so I want to turn that information over and share it with you and ask you to respond to it.

Mr. Chairman, I will move on now to the portion that I assumed responsibility for here. One of the areas to examine is in northeast Laos, specifically the area called Viengxay. The wartime headquarters of the Laotian communists. Viengxay is located in the remote and rugged mountains of the Houaphan Province in northeastern Laos.

During the war the Laotians and their communist leadership lived in caves to avoid allied bombing attacks. The region was a major supplier for Vietnamese forces operating in Laos. U.S. intelligence reports during the war indicated that pilots lost in Laos were not always taken to Hanoi for imprisonment. Some of them remained in Laos.

Since the war, over 90 sources have reported that they saw or heard about Americans in captivity in Houaphan Province. So, the reports group around the locations of six known prisons in that province. These all fall under the Houaphan provincial prison administration. 35 of these reports were obtained from people from Viengxay. 13 of the reports are alleged eye-witness sighting and 22 are second- or third-hand, or hearsay reports.

In examining the sighting reports, some patterns emerge. The sighting reports are fairly evenly distributed among and between those dated in the 1970's and those dated in the 1980's. The number of persons observed in the reports vary. Between Homecoming and the Chinese invasion of Vietnam in February 1979, the up limit of sightings is six.

In the 1980's, after tensions between Vietnam and China began to ease, the upper limit and most commonly reported numbers in the sightings range between 10 and 12, about double the number held in the previous decade.

The most recent firsthand live sightings received from Viengxay are dated 1986. The sources have been consistent in reporting that the alleged POW's are held apart. One source said they were kept in a forbidden zone in a part of the camp. Most often the prisoners are reported to be held in caves. Just over half of the sightings in Viengxay are made by persons providing services to the prison, including guards and trustees on work details.

About half the time the alleged POW's are seen while the alleged POW's are on work details, or bathing, or otherwise outside the caves. Sightings in medical clinics also occur. The descriptions of the prisoners vary. Most often they are in some kind of prison uniform and under armed guard in conditions of captivity, even if not shackled or manacled. These are some of the apparent patterns that one might interpret from the reports.

Now I would like to turn to the resolution of these files by DIA. Of the 13 firsthand live sightings, DIA has judged 8 as fabrications, 2 are tentatively fabrications, 2 are judged to be caucasians, but not Americans, and one was judged to be a returned American civilian pilot. I understand that none of the hearsay reports was evaluated.

Moreover, DIA analysts have not found any alleged sightings of Americans in captivity in Viengxay to be credible. It is that position which needs to be examined against the apparent patterns that I referred to which DIA does not recognize. The DIA determination that all of these sources were either mistaken or fabricated, seem inconsistent with other information from this region. This blow-up of a declassified report, indicates that on 15 November 1979, the Lao government authorities moved 400 captured Thai irregulars and 3 U.S. prisoners to Vientiane.

From there these 403 persons were to be moved to southern Laos to work in the mines. Other sources have reported the movement of prisoners in 1979 from Viengxay to other parts of Laos. Thus at least two separate intelligence media have reported that American POW's allegedly were held in captivity near Viengxay as recently as 1979.

I think, Senator Smith, you were going to carry on from this point, or Mr. McCreary.

The CHAIRMAN. The total number of flags in the Viengxay cluster is how many?

Mr. McCREARY. The total number of reports that we prepared for this presentation is 35. We posted fewer than that in the Viengxay area. We posted a total of 42 for that province on the map.

The CHAIRMAN. 42 on the map and 35 were in preparation.

Mr. McCREARY. The 35 includes reports we have added since we first posted them.

The CHAIRMAN. How many are firsthand?

Mr. McCREARY. We have 13. Of the 35, 13 firsthand and 22 hearsay.

The CHAIRMAN. Now, gentlemen, referring to the Viengxay Province set of live sighting reports which you have, without yet turning to them individually which we wanted to do, to a certain degree, as we did in Hanoi, I would like to ask you generally for your responses to the Viengsay issue, Mr. Gray.

Mr. GRAY. During the war, back in 1965, American POW's were being held in Viengxay. In November 1985, the Pathet Lao admitted that they had held American prisoners at Viengxay. The Pathet Lao position in 1985 was that no prisoners were held after 1973, after Homecoming; that everyone in their custody had been moved to Vietnam and were returned home. They were referring to the nine Americans, the Lulus that came out of Laos.

So American POW's were held in Viengxay. Now with regard to the other POW's who were captured throughout Laos, none of those people were moved through Houaphan Province, the Pathet Lao headquarters.

The CHAIRMAN. The nine that were returned?

Mr. GRAY. The nine that came back were captured in either Southern Laos or Western Laos. Ernie Brace in Western Laos, the others in Southern Laos. They were not moved to Viengxay. The Pathet Lao as of the last two years state that it was their position to turn over American POW's to the Vietnamese.

Now, the nine people captured and returned were captured by the Vietnamese. The people that went down in the area of Houaphan Province, Viengxay, Samneua, in that area, were captured by the Pathet Lao and held at the Pathet Lao headquarters, so their

statement that captured American POW's were turned over to Vietnamese is not quite true. They did hold Americans at Viengxay.

After Homecoming in February, March, April 1973, Ernie Brace was captured, an American civilian pilot captured off the Plain of Jars in May 1973.

He was captured and moved into Vietnam through Hanoi and back to Viengxay and held at Viengxay until September 1974. There is a large body of reporting that Emmet Kay was in captivity and some of the reports you have here correlate to Emmet Kay in captivity during that period May 1973 through September 1974.

When Emmet Kay was held in Viengxay and he was held in the caves, he had his own special cave. He was interviewed by Soviets, Cubans and Chinese while he was held there. So there were other Caucasian groups, other foreign groups in the area.

After Emmet Kay was released, there were—obviously, Soviets were already there—and in 1975, Soviets started arriving in the Houaphan Province. They set up at the Samneua air field. Groups of them went out to Viengxay. They worked throughout the province. They brought in medical experts, agricultural experts. Many, many Soviets were observed throughout the area and account for a lot of the clustered reporting with regard to Viengxay. Soviets were there throughout the area. They were seen by folks coming out of the area.

Now, in the last several years, we have been able to identify and interview hundreds of refugees or residents of Houaphan Province. The majority of those folks say there were absolutely no live American POW's being held in Viengxay or in Houaphan Province after 1973. That is their position, the negative reporting.

Those are the reports that we have obtained, close to 200. When you consider the negative reports coming from the Joint Casualty Resolution Center, talking to refugees in Thailand and coming from our Stoney Beach team, the number of negative reports is probably over, well over 600, probably close to 1,000. People who were in that area after 1973 who say there were absolutely no American POW's in that province.

The CHAIRMAN. Let me turn your attention specifically to begin with live sighting report source 447. This is an affidavit given in Washington State, United States, 18 August 1980.

It is a taxi driver who had worked at the USAID club. His live sighting was of December 1975 and January 1976. It is a first-hand live sighting. The source was arrested in South Laos in December of 1975 for having a U.S. ID card and was sent to a prison camp east of Viengxay. The camp could hold about 100 prisoners and had a cave in which the source observed 5 Caucasians.

A guard told the source that they were American pilots. During the month that source stayed in this location, he underwent interrogation about helping the Americans. The source swore that the Americans wore a light green uniform that appeared to be a Soviet uniform. They wore pieces of car tires tied on their feet for shoes. Americans had red rash on their ankles, were skinny and always guarded by armed guards.

The source first volunteered his information in December of 1979 during a refugee interview. Source was resettled in Washington State and again volunteered his information. On 30 October 1980

and 1 November 1980, the source passed polygraphs in a Washington State interview.

On review, the polygraph results affirmed by the U.S. Air Force Office of Special Investigations. The resolution was, nationality not determined and not U.S.

Apparently there were some discrepancies in the source's story as he was interviewed and reinterviewed over a period of 5 years after he first volunteered the information. Other internees in that province did not confirm the source's sighting, so it was judged that he saw Soviets who were in the area.

It is also a possible suggestion there might have been Mennonites or a U.N. development program team. So clearly, here is a guy, he passes two tests, he is in the United States. What is it about his testimony that made you determine? Is there something later on that appears that is not on the face of what I read that should help us judge why he would not be credible?

Mr. GRAY. Well, I think he's credible and I think he's reporting that he did indeed see Caucasians. We think the Caucasians he observed were Soviets who were in that area at that time.

The CHAIRMAN. Now what makes you say that? He says they were Americans. The guard told him they were Americans.

Mr. GRAY. He says he was told that they were Americans.

The CHAIRMAN. So, you just—that is it? He is wrong. He is right about everything else, but he is wrong that they were Americans?

Mr. GRAY. Well, this source, in three separate contacts, changed his story three times. The first time—

The CHAIRMAN. Well, that is what I am getting at. Is there something that makes you question him?

Mr. GRAY. I would question the discrepancies in the story. The first story—

The CHAIRMAN. Could you be more specific?

Mr. GRAY. He says that he saw five American pilots in a jail near Viengxay, and says that he was told by the jailor that these were American pilots and they were going to keep them to work on machines.

The CHAIRMAN. Well, let me come back for a minute. Where does it say in the report—can you direct me to the report?

He saw five American pilots in a jail.

Mr. GRAY. That's in the initial letter that he wrote to a member of the National League of Families.

The CHAIRMAN. Correct. That is the letter to Mrs. Dorothy Vohden, correct?

Mr. GRAY. Yes, sir.

The CHAIRMAN. And in that letter—let me just read it, so people know what we are talking about—it says, Dear Mrs. Dorothy Vohden: Seen your letter of 6 August 1979 that you have send to Mr. Tongme village, that you keep looking for your son. That is the reason why I write you this letter.

I was in the jail in Viengxay, Samneua Province, since December 1975 to July 1978. On 30 December 1975, I had seen five American pilots, unknown names, in the jail, which is 15 kilometers in the north of Viengxay.

The said jail is just 400 meters from the jail where I was. I cannot know the five American pilots because we were not in the same jail. The American jail is in the hole of the foothill.

Now, the hole of the foothill does not indicate to me that it is a jail. It indicates it is a hole in the foothill, cave.

Mr. GRAY. Well, he says jail.

The CHAIRMAN. Well, he uses the word jail. If you are held in it, it is a jail.

Mr. GRAY. He says 15 kilometers from Viengxay, which is in the area of Samneua.

The CHAIRMAN. Correct. That is where we visited. This committee went there. There are many caves. In fact, one of the caves that we walked into, which was apparently the one where Shelton might have been held or so they think, was an extraordinary cave. It had a stage in it. It had steps cut into it. It had—it could have housed 200 people, probably did at one point. That was Viengxay.

So now when he says here, the American jail is in the hole of the foothill, does that still say to you it is a jail or is it a hole in the foothill?

Mr. GRAY. Well, he was talked to later to try to clarify that.

The CHAIRMAN. Well, show me where—can you give me any specificity as to what confuses that?

Mr. GRAY. The next time he was interviewed, he indicated that he had seen five Caucasian prisoners in a cave 3½ hours east of Viengxay, sometime in early January 1976. He says cave during the next interview.

The CHAIRMAN. Can any of this have to do with problems in English? I mean he does write in here, a hole. He says jail. In the same sentence as jail, he says the jail is in the hole of the foothill. So I see jail and cave as interlocked. You do not?

Mr. GRAY. As being the same. Sure. Absolutely. During the second contact, he indicated that he was actually held at a camp and he observed these Caucasians in the cave nearby.

During the third contact, he indicated that he was on the back of a truck, he was riding by—they went through an area there, Viengxay, and near the caves, saw five Caucasians. He says he was told by the guards that those were American pilots. So it appears the sighting occurred in or near the caves near Viengxay.

The CHAIRMAN. Well, how many Soviets were under guard?

Mr. GRAY. Sir, all Soviets that moved throughout Houaphan Province had armed escorts.

The CHAIRMAN. They were under guard?

Mr. GRAY. Yes, sir.

The CHAIRMAN. All Soviets were—

Mr. GRAY. Well, you say under guard. They were escorted by armed escorts. That's a normal practice today; when Mennonites move throughout Laos, they have armed escorts.

The CHAIRMAN. So it would not be unusual for a group of Soviets to be under armed guard?

Mr. GRAY. Not unusual at all, no, sir.

The CHAIRMAN. And what about—let me just run through this a little more.

Senator GRASSLEY. What about wearing rubber tires for shoes?

The CHAIRMAN. Do you have a comment on that?

Senator GRASSLEY. If they are Russian and they are there moving around freely in the country with armed guards, what about the report of wearing parts of tires for shoes?

Mr. GRAY. That is not unusual, sir, in southeast Asia.

Senator GRASSLEY. For Russians?

Mr. GRAY. Those kinds of shoes are in the market, made of tires.

The CHAIRMAN. I beg your pardon.

Mr. GRAY. Made of tires.

The CHAIRMAN. You are suggesting that Soviet soldiers would have resorted to that?

Mr. GRAY. He could have seen Soviet soldiers, and then the source could have embroidered upon the story to make it sound like prisoners. You can accept 100 percent of what a source tells you. You can accept none of it. You can evaluate it as part of it being accurate and part not being accurate.

Mr. DESTATTE. Sir, if I could comment. These shoes made of tires are the traditional, what is called in the States the Ho Chi Minh sandal. It was popular among U.S. troops when we were there. You'll still see people today, Westerners in Vietnam, who wear it. Some think it's cute. Some think it's comfortable. But it's not an uncommon sight.

Mr. GRAY. He also says the prisoners wore green uniforms. The Soviets, according to reports, wore either blue or olive drab uniforms, which may account for the green uniforms.

The CHAIRMAN. Now, I gather in your report, you subsequently said that during 1980, the source frequently went hunting along the highway. While hunting there he frequently traveled to the area of kilometer marker 62. Local visitors there reported the presence of a Soviet communications facility to the east of that marker, which they stated was associated with satellite communications.

The villagers also reported the presence of as many as 10 Soviets at this site. Is that accurate?

Mr. GRAY. It's my understanding that it's accurate.

The CHAIRMAN. Well, was that part of what made you draw this analysis?

Mr. GRAY. You're saying kilometer 62. I thought that was near Vientiane as opposed to Viengxay.

The CHAIRMAN. That's correct.

Mr. GRAY. But there was a Soviet communications unit at Samneua?

The CHAIRMAN. I don't know. I am simply reading a report here that came from JCS, Washington, D.C. to CIA, Bangkok, Sec Def, a whole group of the distributors. This is document 000447. This is in the same source grouping that we have just been discussing. And this is your message. Do you have it there?

Mr. GRAY. The number again, please, sir?

The CHAIRMAN. Well, it is number 447 message. Why would this message about Vientiane and the presence of Soviets in Vientiane have anything to do with Viengxay?

This is a report from your folks on the ground, I believe. This Lao immigrant—incidentally, this Lao immigrant, was he a member of the Hmong group or was he a supporter of the Free Lao movement?

Mr. GRAY. I don't know, sir.

The CHAIRMAN. You do not know?

Mr. GRAY. I don't know.

The CHAIRMAN. Would that not affect, conceivably, a penchant for veracity here?

Mr. GRAY. As being a member of the Hmong?

The CHAIRMAN. Sure. Would that not have some bearing on whether he would be more believable or less believable or whether he was coming out of there as a member of the Free Lao group that was disappointed? Do you see what I am saying?

Mr. GRAY. Yes, sir.

The CHAIRMAN. It is like an ex-ARVN major might have a slightly different view of something than someone who is a refugee, having been part of the revolution and left because it turned on him or something. But you do not know?

Mr. GRAY. I do not know about this.

The CHAIRMAN. How about this report? What does this report mean to us? Look, I want to try to get at this a little bit. I have got a report here about Vientiane Province and Soviets being there. And it is in this report and it is stamped with the same number as the live sighting report that refers to Viengxay Province.

Now, is this a sort of generalist notion that if they are in the south, they are in the north? Or is this precise?

Mr. GRAY. Not at all, not at all.

The CHAIRMAN. Why is it there?

Mr. GRAY. I really don't know.

The CHAIRMAN. So it is not relevant? So that does not help us decide why there are Soviets there. Is that correct?

Mr. GRAY. Not in Viengxay.

The CHAIRMAN. Now, will you tell me, please, how many Soviets were supposedly viewed in a cave under armed guard?

Mr. ROSENAU. In this particular report, sir, five.

The CHAIRMAN. Generally speaking, how do you settle on the fact that these people are Soviets in a cave under armed guard?

Mr. GRAY. Because the Soviets were in the area of the caves. They were seen by hundreds of other people who were there at that time. They all knew of Soviets throughout the area. It was not uncommon. Viengxay is famous for its caves. It is not uncommon for Soviets to be in the area of the caves. It's not uncommon for those Soviets to be escorted by armed guards.

This individual was riding by on a truck, sees five Caucasians in the area of a cave with armed guards nearby; says he's told by the guard, someone on the truck, that these are live American POW's. We think he saw Soviets in the area of Viengxay.

The CHAIRMAN. Despite the fact that he says they were Americans.

Mr. ROSENAU. He was told they were Americans, sir. When he was given a polygraph, he was not asked if they were Americans. He was asked if they were Caucasians, and Soviets would fit into that category.

The CHAIRMAN. Well, he says here, I have seen five American pilots.

Mr. GRAY. That's in his initial letter to Mrs. Vohden.

The CHAIRMAN. Where is it that he only says he was told? What I read is he says I had seen five American pilots.

Mr. GRAY. That's in the letter. When he was interviewed—

The CHAIRMAN. It says here, the American jail is in the hole of the foothill. The meals and others that the Communists give to prisoners of war are better than the Laotians. I wonder why the Communists do not send them back to their country because the war has already ended. According to the chief of the jail, he said that they would keep five American pilots here to work at the manufacturer because they have a good background of the machine. Pretty straightforward stuff.

Mr. ROSENAU. In his signed affidavit, sir, he says, I saw five Caucasians being held in a cave. I was told by my guard that these prisoners were American pilots.

The CHAIRMAN. Where is that?

Mr. ROSENAU. That's on his signed affidavit, the typed version, sir; on page number 2, about halfway down, sir.

The CHAIRMAN. Okay. I have got it. I saw five Caucasian prisoners being held in the cave. I was told by my guard that these prisoners were American pilots. All five of the prisoners were quite tall, approximately 6 feet in height.

One of the prisoners was slightly shorter than the others. This prisoner had mixed white and dark hair. Three of the prisoners had light brown hair. The last prisoner also had whitish brown hair. I noticed a gold ring on one of the prisoner's hands. This was one of the prisoners with light hair.

I stayed at this prison camp for approximately 1 month. During this time, my hands were tied and I was kept a short distance away from the cave. When I was interrogated, I was brought down to the cave approximately 10 yards from the entrance and interrogated in bamboo huts that were located about 10 yards from the cave.

During the interrogation, the guards would point to the American prisoners and asked me if I had helped Americans. They would also question the American prisoners while they were questioning me. I could see the American prisoners shaking their heads when they pointed to me. I could not hear any of the questions being asked of the American prisoners and I don't think the American prisoners could hear the questions being asked of me.

Mr. GRAY. In his statement, he says he was there for a month. You notice back in his letter to Mrs. Vohden, he says he was there 1975 through 1978.

Mr. ROSENAU. He also claims to be an employee of USAID, which subsequently it was determined that he was not. So he changes his story on a regular basis, sir.

The CHAIRMAN. That is kind of interesting. He says, I am a Laotian national that has emigrated to the United States.

Mr. GRAY. This report, all in all, raises some question as to why this individual was in the Viengxay area. He says that he was arrested down in Takhek, which is down on the Thai border in southern Laos, moved all the way to Viengxay. He says he was arrested because he had in his possession a U.S. ID card.

He later admitted that that was not his ID card, but belonged to someone else.

The CHAIRMAN. Well, is there not a memo for the record which is in the file in which a USAID employee recalled that the source was an employee at the USAID club in Savannakhet?

Mr. GRAY. There was an individual who recalled—

The CHAIRMAN. Let me reference this. It is again in the file here. In regard to source—this is Mr. Sanford Stone, a USAID employee. He was interviewed concerning his knowledge of the source.

He said that he recalled, although vaguely, that the source was employed as a waiter at the USAID club in Savannakhet. It sounds like he works for the USAID to me. I mean, he could say he did and not be wrong.

Mr. GRAY. The DIA spent many, many hours trying to determine if indeed this individual worked for USAID. He could not find another single person who could confirm the employment of this person with USAID. That was the refugee's original story, that he was an employee of USAID, he had a U.S. ID card in his possession. His taxi that he was driving was stopped. He was arrested for possession of that ID card, and moved 400 kilometers north to the area of Viengxay.

This, at a time when there were prisons in southern Laos. He says he was held in Viengxay for 1 month and then moved all the way back down south, 400 kilometers, and put in a seminar camp for 2 more years, then released.

The CHAIRMAN. Has there been any kind of confirmation effort made as to whether he was, in fact, held in seminar camps or is there any record of him in Laos itself?

Mr. GRAY. We have no access to those records, but he indicated he was moved to Ban Angkham, which is just north of Tchepone. That's probably true.

The CHAIRMAN. Well, I do not know about my colleagues, but I am having difficulty understanding—I can see what may raise some questions. I need you to persuade me of what disqualifies this. I mean, I do not feel persuaded that this is somehow disqualified as an observation.

Now, I understand you say, well, there were some Soviets in the region. Well, okay. But, I mean—

Mr. GRAY. We also talked to 157 sources who were in that area who say there were absolutely no American prisoners there. They say to a person there were Soviets and Cubans and other foreign groups, United Nations development program personnel.

The CHAIRMAN. What period of time? When were these people talked to?

Mr. GRAY. When were they talked to? In the last 7 years.

The CHAIRMAN. In the last 7 years?

Mr. GRAY. Yes, sir.

The CHAIRMAN. Now, this is helpful. Folks, I do not want to drag this out of you. I want you to tell me why this is not something that is supportable or rational.

What else, is there anything else that convinces you of it? 100 some people, right. 140—

Mr. GRAY. 157 sources. These are sources that DIA talked to through our interview process.

As I mentioned earlier, there are probably triple that number that were interviewed by JCRC from the Viengxay area.

Probably triple that number interviewed by our Stoney Beach team in Bangkok.

All of these negative reports together collectively indicate that American POW's were not held there.

The CHAIRMAN. Excuse me just one second. I'm sorry. When you say that you talked to 150 some people, how many of those 150 were there in the region when this sighting took place in 1975?

Mr. GRAY. I'd have to go back and check the numbers. But probably all of those people, because they were all moved into Houaphan Province into seminar camps in the area of Viengxay.

The CHAIRMAN. So you are saying, that the vast majority of those—

Mr. GRAY. Yes, sir.

The CHAIRMAN [continuing]. Were from that same period of time.

Mr. GRAY. Absolutely. A lot of those people held in seminar in Houaphan Province and in the area of Viengxay were free to move about. They were under loose detention. They moved throughout the province. They report that there were no American POW's out there.

The CHAIRMAN. Any questions, Senator Smith?

Senator SMITH. On the same general area, then it is your position that he was not an employee of USAID. Is that correct? He was not? That is your position?

Mr. GRAY. Sir, there is a report from an American who says he thought that this individual was an employee of USAID.

Senator SMITH. Right, that was in the memorandum.

Mr. GRAY. Yes, sir. There are many other reports in the file of other Americans who were interviewed who were there at the time who say they didn't know this individual, they had no idea that he was a U.S. employee. So we don't know.

Senator SMITH. Well, then, what was the point of the extensive tracking that you have done on this individual?

Just using a kind word rather than tailing him, if you want to put it that way, but I mean, you have kept up with this guy.

What are you so interested in him for?

Mr. GRAY. Sir, he hasn't been interviewed since 1984.

Senator SMITH. You have not had any contact with him since 1984?

Mr. GRAY. No, sir. After 1984, he refused to be interviewed.

Senator SMITH. Well, in the period from 1980 to 1984 then, what was the purpose of staying on him as closely as you did? I mean, basically, he almost used—well, you could say from his perspective, harassment, in the sense that he was polygraphed and repolygraphed, I believe. One polygraph. But he was—did you ever tell him that you did not believe him, you did not believe his story?

Mr. GRAY. No, sir, no one ever told him that.

Senator SMITH. Then why the future interviews between July 1980 and 1984, excuse me, 1980 and July 1984, why so many interviews with the guy, I mean telephone interviews. What was the purpose? I mean, I do not understand why you were so interested in him in that 4-year period if, in fact, you established that he was not, as he said he was, a USAID employee. I am just trying to get some understanding of your source analysis here.

Mr. GRAY. My understanding, he was only interviewed twice in 4 years, in 1980, then in 1984. And he was polygraphed in late 1980.

Senator SMITH. Any telephone interviews in between?

Mr. GRAY. I'm not aware. It may have been a telephone interview in the beginning.

Senator SMITH. It has been a day or two since I went through that particular case. But there were inconsistencies. You felt there were inconsistencies in his story and you questioned him pretty hard. I remember. I think this was one of the cases where you briefed this. If I recall, I think this was one of the cases that we briefed on when you met with us up in the intelligence room recently. But I might be wrong.

He said, for example, the number of inconsistencies in the source's testimony to me, as I read it, seems to be somewhat exaggerated by you in the sense that—for example, he said he saw the Americans when he entered via truck at a cave near a mountain. That is what he said.

DIA said these were discrepancies but ignored the fact that the source said he saw the Americans during the course of a month and not just once. I mean, are these fatal inconsistencies to what he is saying? I mean, are they that big a deal?

You said that you believed him.

Mr. GRAY. We believe he saw Caucasians, yes, sir. And he passed the polygraph to the effect that he saw white people or Caucasians.

Senator SMITH. And you had at least one witness, Mr. Stone, who indicated he thought, at least he thought that he worked for USAID, yet you doubted him on that. Why would you believe him on the fact that he saw Caucasians and doubt him, even though you had one witness who said he worked for USAID?

Mr. GRAY. We were concerned with the live sighting report. We were looking for live American POW's. We believe this individual saw Caucasians in the area of Viengxay, not American POW's. That's why we're interested in this individual and that's why we have checked out this report. That's why we've interviewed another 157 people from the same area.

Senator SMITH. I just want to be sure on the record. Because I will tell you, the information I have here in front of me is different and I just want to—if you say so, then let us just clear that up.

You are saying that you have had no contact with the guy since 1984, that you have not kept in contact with him, you have not maintained a tail on him, you have not done any of that. You have not been interested in this guy—

Mr. GRAY. Sir, we haven't put a tail on anybody.

Senator SMITH. Have you contacted the guy, watched him, or in any way maintained contact in any way, shape or form with this guy since 1984?

Mr. GRAY. Our records indicate that he was—refused to be interviewed further after 1984. We have not been in contact with him.

Senator SMITH. Well, you are aware of the fact that he moved between Washington State and California five times during that period.

Mr. GRAY. Yes, sir.

Senator SMITH. Well, then, you must have been watching him somehow. I do not usually—

Mr. GRAY. No, sir. We were calling trying to find him to do further interviews.

Senator SMITH. So you were interested in him, then? You wanted to do further interviews?

Mr. GRAY. We're always interested in the source, absolutely, because of the first-hand live sighting report.

Senator SMITH. What am I missing here? [Laughter.]

Mr. GRAY. Same question here.

Senator SMITH. I am serious. I am not—excuse me for the outburst there. But you said you were not interested in him after 1984, yet—

Mr. GRAY. No, sir. I'm sorry. I said he refused to be interviewed further after 1984. We were interested in the source.

Senator SMITH. Okay.

Mr. GRAY. We tried to find him. We contacted neighbors.

All the people who know him said he had moved five times after 1984 between California and Washington.

Senator SMITH. There were a lot of refugees who left that camp system. I am thinking of Emmet Kay, for example, for one. Emmet Kay, who left that camp system in Houaphan that said that they had never heard or seen Americans, as you know. But Emmet Kay is quoted as saying there were no Americans in Viengxay when he was in prison there in 1974.

The relevance of that would seem to me to hinge on the access that those other people had. Now this guy, number 447, saw Americans held apart from other inmates is what he said, as contrasted to those who said they did not see anybody, and was interrogated because of his association with the Americans, the ID card.

That is a unique set of circumstances, is it not, that you have here with this witness?

Mr. GRAY. Yes, sir, absolutely.

Senator SMITH. Was he asked whether other inmates were interrogated in front of the Americans? Was he asked that question?

Voice. No, sir, he was not.

Senator SMITH. Why? Did they have the same access? Why would you not ask him that?

Mr. GRAY. Which individuals were you asking were they interrogated in front of?

Senator SMITH. The witness 447, the individual. Was he asked whether or not other inmates were interrogated in front of the Americans? Was he asked that question?

Mr. GRAY. Apparently not, no, sir.

Senator SMITH. And did those individuals have the same access?

Mr. GRAY. Those individuals being the sources that we talked to?

Senator SMITH. Right.

Mr. GRAY. They had access to Viengxay and Houaphan Province, yes, sir.

Senator SMITH. What about those rebutting it, the rebuttal sources that were interrogated by the Pathet Lao, for example? Were they given polygraphs to see if they were lying because they rebutted his—

Mr. GRAY. Those that said there were no American POW's?

Senator SMITH. Right.

Mr. GRAY. No, sir. They were not polygraphed.

Senator SMITH. You said there were a number—just a couple more questions on this guy and then I want to go to one other quick point.

You indicated that you had a number of sources that there were Soviets in this province. Anybody in particular that was particularly helpful?

Mr. GRAY. No.

Senator SMITH. Anybody in particular that was helpful in that regard in making that determination or was it just a large number of reports?

Mr. GRAY. That there were Soviets in the area?

Senator SMITH. Right.

Mr. GRAY. There was a large body of reporting.

Senator SMITH. You made that determination on the basis of the large body of reporting, not by one individual?

Mr. GRAY. They said that there were Soviets in the area.

Senator SMITH. In the file that you provided to us, there are two documents that purport to describe Soviet involvement in Laos. And there are a couple of sources in there. One is an engineer and here we go again, but here is another herbal medicine doctor, this time a Lao.

Did the source of the information on the Soviets, did either of these sources take a polygraph? There were no polygraphs issued for any of these?

Mr. GRAY. No, sir. No polygraphs at all.

Senator SMITH. So it is a different herbal doctor, I assume. I do not want to cause confusion here. One is a Lao and the other guy is a Vietnamese.

Mr. GRAY. Yes, sir. I suspect he is not the Vietnamese herbal doctor.

Senator SMITH. Let me just finish on this witness this say. As I understand it, the source of the Soviet information stated that Soviet ground crews arrived in Samneua somewhere in the vicinity of mid-1976 and that there may even have been some technicians there in 1975. Obviously, they would have to get there before the ground crews. What about the ability of Lao prison inmates to distinguish American POW's from Soviets? How would they make that distinction in your mind, the Lao prison inmates now?

In other words, what would you use as a criteria to determine whether they were Americans or Russian Soviets?

Mr. GRAY. I'm not sure what criteria they would use to determine. I suspect they were told or talked to these people as they moved about, as they encountered these folks, they were told that they were Soviets.

Senator SMITH. I am sorry.

Mr. GRAY. I suspect in their encounters with these Caucasians, in their discussions with other people who were knowledgeable about Soviets in the area, that they learned and determined that they were Soviets as opposed to Americans.

Senator SMITH. Okay. I just want to clarify one more time for the record, so there is no confusion.

In the discussion of the Citadel, we were talking about an herbal doctor who was different, separate and different from the herbal doctor that we are talking about here in this Laos example, cor-

rect? I just want to make sure we are clear on that. These are two different people?

Mr. GRAY. Sir, we need to go back to the records. I assume they are. It doesn't make sense that the Vietnamese herbal doctor would be over in Viengxay. But we can check it out.

Senator SMITH. I am not going to pin you on that. It is a little unclear. You do not usually talk about an herbal doctor and there are two of them here and I just wanted to be sure that we know that.

Mr. GRAY. It is common practice in Laos, but we can check him out.

Senator SMITH. I just have a question and then I will be glad to yield. On the message that is up there—it is blown up in large size—that Senator Grassley referred to, that is a radio message. Why is that not accurate in your professional evaluation? We do not have to get into the technical aspects of it. I am not asking you to do that.

But, I mean, it is a radio message. You have it. You have taken out the—you have blocked out the source and so forth, which is fine. We do not need to get into that.

Why is that not an accurate message when it says, the message says, directing them to follow up on a report that on 15 November 1979 the Democratic People's Republic of Laos moved 400 tiger hunters, that is, former Thai special guerrilla units and three U.S. prisoners from Viengxay to Vientiane and then on to Muong Attapeu to work in the mines? That was a radio message. Why is that not an accurate message? It is dated 25 November 1979.

Mr. GRAY. Sir, I have no idea. I don't know the background of that message. That could be easily checked out. Where did it come from, who was the source, what was the follow up done on that message?

Senator SMITH. Right. Well, that is what I am asking. I do not mean to pick on Warren here. Does anybody else know the circumstances of that message?

To me, I am surprised. Because here is something that is very significant. It is not a human source in the sense it is an individual. It is a radio message. Somebody heard it. Somebody reported it to our intelligence people in November—November 25, 1979, and you guys do not know anything about it.

I do not understand that. I mean, to me, if I am doing the research on this stuff, I see a message somebody pops up there in the files, I am pretty interested in it.

Mr. GRAY. So you are asking if this message is true or not. I am saying if we go back to the files, we can find out if this message is true or not. I just can't relate that based on looking at that message out of context. But in context, this would probably give an answer to what that's all about.

Senator SMITH. Okay. Fair enough. Is anybody familiar with it, anybody at all familiar with it?

I will yield to my colleagues for questions.

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. No.

The CHAIRMAN. I wanted to try and go through a few more of these. I think what we are going to try to do is finish this up if we

can before 5 p.m., then pick up the other two tomorrow morning, beginning at 9 a.m. and get those done in the morning and finish up in the afternoon on current efforts.

Leaving aside source 447 for a moment, turning your attention to a subsequent report, 67. This is a late December 1973 sighting, first-hand live sighting. A university student who was imprisoned in Viengxay for violating Pathet Lao rules, was in training in Viengxay.

Source saw two foreigners in a police office, asked his group leader at the time if they were Russians or Cubans. He was told they were American pilots. The Americans were kept apart from the other sources.

Source underwent several interviews, was rejected for entry into the U.S. by the INS. Resolution was fabrication. DIA considered serious inconsistencies in the story. Can you point those out to us?

Mr. GRAY. This individual was interviewed twice, in October 1977 and I think in October 1979. The first interview he said in 1973, observed two foreigners from a distance of 100 to 150 meters for 1 minute. October 1979, said he observed two American pilots and he had gotten no closer than 500 meters.

In the first report he indicated they were observed in an open air police office in Viengxay. And the second report, he indicated he was held in the same camp with the two American prisoners.

The CHAIRMAN. So your determination was that there just was no credibility. Is that accurate? There is no reason not to find that. I mean, if you find the discrepancies. Personally, I have read through this and I would have some serious questions about this source. Are there any other discrepancies?

Mr. GRAY. There were about five. We also tried to interview this source in January 1980 and he fled the scene.

The CHAIRMAN. What is the relevance of the entry of his rejection for INS approval?

Mr. GRAY. The file only indicated that he had been rejected because of fraud.

The CHAIRMAN. Fraud with respect to this issue or another issue?

Mr. GRAY. Another issue, probably as to his background.

Okay, here are the five discrepancies. October 1977, claimed the sighting occurred in the 12th lunar month of 1973; October 1979, unable to provide an exact date for the sighting; October 1977, claimed the sighting occurred at Nakoi—did not mention this location in October 1979, but stated that the sighting was in the prison south of Bon Nakoi. These are all in the area of Viengxay.

October 1977, says he's undergoing special training; October 1979, indicated he was in prison at that time; October 1977, claimed the group leader told him the two individuals were Americans; October 1979, claimed he heard this information from other prisoners; October 1977, claimed the Americans were shot down at Hang Louang he believed to be in the area of Nakoi or Viengxay.

The CHAIRMAN. I am satisfied. I have it as part of the record here. In other words, there was sufficient reason for you, based on his interviews, to simply find him not credible.

Mr. GRAY. Yes, sir.

The CHAIRMAN. Okay. Turning your attention to 5528/9003, October 1986, sighting, first-hand. Lao resistance fighter, in an attempt to find out more about missing Americans of whom he had heard, traveled with another Lao and 30 soldiers by truck to Viengxay where he met Taoi, a clan of the Bru ethnic minority, soldiers that guarded the detention facility. 300 to 400 Vietnamese soldiers also were stationed there.

The source was taken to a long wood building which housed several hundred prisoners, including 10 Americans and 20 other foreigners, including 10 blacks. Source obtained the signature of one of the Americans, but was afraid to bring it across the border with him, fearing trouble from the Thai police if they found the paper on him.

Resolution, found to be a fabricator. Can you inform us more about that?

Mr. GRAY. This individual was a frequent reporter to the Joint Casualty Resolution Center in the period 1986, 1987, and 1988. In every instance, he indicated he was totally out of money. He asked for rewards for working the POW issue. He wanted his family resettled to the United States for information that he provided.

When he came in and said that he had seen POW's and obtained a signature, he was asked to go home immediately and get the signature. He never returned with a document that contained the signature of an American POW.

He did return with a document that has been distributed throughout southeast Asia by the United Vietnam Veterans Organization, which has a signature across the bottom of Bo Gritz. This may be the signature that he thought he had of an American POW. We don't know.

The CHAIRMAN. So, in other words, you found a number of different reasons based on his background and involvement that, together with what his story was, did not check out.

Mr. GRAY. Yes, sir. He simply could not produce that signature of the POW.

The CHAIRMAN. Now, turning your attention to source 5182. This document, a CIA document, has not been declassified. It represents one of our flags up there. Is there a reason it cannot be declassified?

Mr. GRAY. The summary of that document is declassified.

The CHAIRMAN. I don't have a summary of it.

Mr. GRAY. It can be declassified, absolutely.

The CHAIRMAN. So you can make that available to us?

Mr. GRAY. Yes, sir. I have a summary of the document that's unclassified.

The CHAIRMAN. Would you submit that to the Clerk and we can put that into the record?

Mr. GRAY. Yes, sir.

[The information referred to follows:]

NOVEMBER 17, 1992

Memorandum for Central Documentation Office
Subject: Senate Select Committee request for information—Source 5182

First, source 5182 was a member of the Lao resistance at the time of report. On 11 March 1986, Source reported to U.S. Government representatives in Thailand that he had firsthand knowledge of American prisoners in Houa Phan Province, Laos.

According to the source, he observed the five American prisoners from a distance of five or six meters in a camp identified as Pha Daeng. Sighting occurred in 1983. The source further stated that the camp commander had told him that the prisoners were Americans who had been held since 1969. Since a polygraph examiner was available at the time, Source was given a polygraph test with regard to his alleged sighting. The results of this polygraph examination were inconsistent, and the examiner recommended further testing.

Second, in a follow-up report dated 26 March 1986, additional information relative Source's sighting was provided. Briefly, this report summarized several interviews with Source which took place on 11, 13, and 14 March 1986. During the final polygraph session, Source admitted that he had not seen any American POWs in Pha Daeng Prison. Instead, he claimed that a friend had told him about the five American POWs. Polygraph testing, however, reflected deception to this response as well.

Third, it should also be noted that DIA POW-MIA's Lao analyst has personally spoken to over 30 inmates of the Pha Daeng seminar camp in Houa Phan Province. The individuals spoken to were all incarcerated during the time frame specified by Source. None of these former inmates saw any Americans or other individuals who could be mistaken for Americans in the camp.

D. WARREN GRAY,

Chief, Current Operations Branch.

The CHAIRMAN. Turning your attention to 6434, this is a 1973 sighting, firsthand. "The source lived in the area of local communist headquarters in Viengxay from 1969 to 1973, observed tall individuals under armed guard dumping rock from a large cave entrance in a karst hill about a kilometer away. The figures were noticeably larger than the guards. Source believed they might have been Americans. Americans had been held in Viengxay from the mid- to late sixties," so forth. Resolution: They weren't Americans. Rationale?

Mr. GRAY. There were American POW's held in Viengxay, as we indicated, but no evidence that anyone was there after 1969 or up until 1973. We did some analysis through imagery and determined that he may not have been able to see the karst that he was claiming.

There was a small hill in the area. No indication that anyone had been working on that hill.

The CHAIRMAN. What's the difference between a karst and a hill in this setting?

Mr. GRAY. I think the size of the mountain.

And he was a teenager at the time. That's no problem. He saw someone, he says, working on the mountain or the karst.

The CHAIRMAN. What is it, again, that—he says he observed several foreign prisoners, correct?

Mr. ROSENAU. From a kilometer, yes, sir.

Mr. GRAY. From a kilometer away.

The CHAIRMAN. So you just said no way, there's no way to determine that they were really Americans?

Mr. GRAY. No, sir, not based on what he told us. Now, when we went back to him, it was determined that he had returned to Laos and was no longer available for interview.

The CHAIRMAN. So it was an incomplete capacity to follow up on it?

Mr. GRAY. Yes, sir.

The CHAIRMAN. Directing your attention to—incidentally, in your original report you did say that the source never saw any of the foreign prisoners close up and never heard anyone talk about

them. So I take it that there was conjecture on his part; is that accurate?

[Pause.]

The CHAIRMAN. Hello? Is that accurate?

Mr. GRAY. Yes, sir.

The CHAIRMAN. Number 6976, a 1987 report, hearsay. The source reported that there were American POW's held in at least three different locations in northern Laos, totaling 22 at three specific locations and another 65 at five other locations throughout Laos.

Eighteen of these were held in the Tham Nam Kai caves, Samneua Province. The senior POW was a captain, an American pilot who was the son of an American general in the U.S. and has an older brother in the USN in the Philippines.

Your resolution was no prisoners. And I take it this source just simply didn't pan out; is that accurate?

Mr. GRAY. Yes, sir.

The CHAIRMAN. Can you explain to the committee just how he didn't pan out?

Mr. GRAY. This is a hearsay report and he said he had obtained it from others, I think is what he reported. He also claimed he was a leader of the resistance. He claimed he was a behind-the-scenes general officer of the resistance—that just could not be proven—talking to the leaders of the resistance.

He claimed that he could bring out American POW's if we would promise to help the Lao resistance. This offer was not accepted.

The CHAIRMAN. Is there anything else?

Mr. ROSENAU. The individual captain that he's describing is one of the individuals whose next of kin circulated a flyer out in the country. So the information he's providing is—

The CHAIRMAN. Taken directly from a flyer that had already been distributed?

Mr. ROSENAU. Very possibly, yes, sir.

The CHAIRMAN. Then there were a number—I'm not going to go into them, but there were a number of reports that you thought to be Emmet Kay, is that correct?

Mr. GRAY. Yes, sir.

The CHAIRMAN. And those are all flagged also to reflect those?

Mr. MCCREARY. We do not flag Emmet Kay.

The CHAIRMAN. Why is it in here, number 7102?

Mr. MCCREARY. Because the details of the sub-source who was talking to the source—the source was being treated by a doctor and the doctor said that the source saw two Caucasians. The doctor told him they were two F-105 pilots who crashed at a time that was inconsistent with the dates of crash of Emmet Kay, who crashed.

The CHAIRMAN. Can you respond to that, Mr. Gray?

Mr. GRAY. Sir, this source says he was in a seminar camp in Viengxay and he was hospitalized during the period November to December 1973 for 15 days. He observed on three occasions a Caucasian sitting at the entrance to one of the caves smoking a cigarette.

He was told the man was an F-105 pilot captured in Houa Phan Province in 1972. Emmet Kay was there in November-December 1973 and would account for this sighting.

The CHAIRMAN. Well, how do you know automatically? I mean, this is 1973. Emmet Kay wasn't captured until 1974, correct?

Mr. GRAY. No, sir, captured in May 1973.

The CHAIRMAN. May 1973.

Mr. GRAY. Yes, sir.

The CHAIRMAN. But he's not an F-105 pilot.

Mr. GRAY. No, sir.

Mr. MCCREARY. He did not crash in Houa Phan Province. He crashed in the Plain of Jars, and he crashed in 1973 rather than 1972, Senator.

The CHAIRMAN. So doesn't the observation of crash site make it very difficult to say that's Emmet Kay?

Mr. MCCREARY. No, sir.

The CHAIRMAN. Well, what is it that says it's Emmet Kay, except for the fact that he happens to be there.

Mr. GRAY. Well, he was there. He had his own cave. He sat outside and smoked cigarettes. That's known from his debrief. This individual saw a large Caucasian sitting there smoking a cigarette. We think that was Emmet Kay.

He says he was told by someone else about the F-105, that he was captured in Houa Phan Province in 1972. His sources probably lied to him.

The CHAIRMAN. Emmet Kay stated that he was the sole American being held at Viengxay; is that accurate?

Mr. GRAY. Yes, sir.

The CHAIRMAN. And he knew of no other American prisoners in Laos?

Mr. GRAY. That's correct.

Senator SMITH. But Kay indicated that he was told that there were other POW's; didn't he say that?

Mr. GRAY. No, sir.

Senator SMITH. He never said that?

Mr. GRAY. He never said that in his debrief. And in the last couple of months we went back to him about that statement and he said he never said that.

The CHAIRMAN. Directing your attention to—all right. There was a considerable amount of follow-up on this Emmet Kay one; is that correct?

Mr. GRAY. Yes, sir.

The CHAIRMAN. And this fellow was questioned for sketches, et cetera, is that right? And you've documented his search for financial reward for his knowledge; is that accurate?

Mr. GRAY. We've got to check the file, sir.

[Pause.]

The CHAIRMAN. This appears to be one of those mysterious types who kind of walks around with promises of things to come, but they never produce; is that fair to say?

Mr. GRAY. Yes, sir.

The CHAIRMAN. I mean, as I read through the file that seems to be what comes out. Anybody can read through it and make their own judgment if they want afterwards. But he was given a number of opportunities, I take it, to come through, but didn't.

Mr. GRAY. Yes, sir.

Mr. ROSENAU. He also refused a polygraph.

The CHAIRMAN. And he refused a polygraph.

Directing your attention to 8323, this is under analysis apparently. It's an early 1984 hearsay sighting. A former Royal Lao captain was in reeducation seminar in Tham Nam Kai, Viengxay area, for three months in early 1984. A friend was on mess detail. Included in his duties was preparing and delivering rations to a cave where French and American prisoners were held.

From the rations documents, the friend could tell that there were 225 Americans and 35 French prisoners. The friend's supervisor told him that the Pathet Lao were responsible for only 60 of the Americans; the balance were prisoners of the Vietnamese who had been transferred to Tham Nam Kai, Vietnam, in the late seventies so Vietnam could deny holding U.S. prisoners.

And it goes on further. I must say, I remember reading this and going through this with you previously and I find great difficulties in this report.

But would you share with us your interpretation of it?

Mr. GRAY. Sir, this was a hearsay report in which the individual talking to a friend of his in the Lao resistance obtained all of these details. Of course, we wanted to go back to the original source to discuss the information. He indicated that his friend had been killed and was no longer available.

The CHAIRMAN. Isn't there something that strains credulity, talking about 225 Americans with 35 French prisoners in 1984?

Mr. GRAY. Yes, sir. Yes, sir, absolutely.

The CHAIRMAN. Not to mention the sort of balance of only 60 prisoners being the responsibility. Is it comprehensible that there'd be that kind of division of responsibility, so to speak, in any articulated way?

Mr. GRAY. Not at all.

The CHAIRMAN. It just seems to me word for word to strain credulity, unless I'm missing something. Am I missing something, John?

Mr. McCREARY. We posted a flag there because there were three sources in a similar time frame that made the similar observation and it struck us as an anomaly that merited investigation.

The CHAIRMAN. The other observations reflected what specifically?

Mr. McCREARY. 200 prisoners in the same location in the same time.

The CHAIRMAN. Mixed with French under the same situation?

Mr. McCREARY. No, the numbers were less precise.

The CHAIRMAN. Would you not find it somewhat disconcerting to hear about 35 French prisoners in Laos in 1984?

Mr. McCREARY. The DIA testified on 27 July that there were places in Vietnam, as an example, where French prisoners who had been allowed to stay after the end of their term remained in Vietnam. A Frenchman in Laos is not incredible.

The CHAIRMAN. French prisoners. Was there any further analysis of that or was that something that the person was dead and there was no capacity to go further?

Mr. GRAY. There was no capacity to go further, and then the available reporting from other sources in the area just do not substantiate over 200 prisoners in that area.

The CHAIRMAN. Is there any way—I mean, we're talking about Viengxay. We've been there. We went there. You guys have been there many times. I find it hard to understand how 200 people could conceivably—please correct me. I don't mean any disservice to this concept, but some people could be held in small numbers, but the notion of 200. There wasn't any food, let alone any capacity to manage 225 people.

The number of guards on a day to day basis to manage 225 people, let alone feed them, in that country is extraordinary. Is that wrong or is there analysis here that is missing?

Mr. GRAY. That's exactly right. Just last July, talking to Laotian officials in Vientiane, Laos, they said: There are absolutely no American prisoners anywhere in Laos because we simply cannot pay to feed them or to clothe them.

The CHAIRMAN. Let's not take anything they say at face value.

Mr. GRAY. Absolutely.

The CHAIRMAN. Let's just make our own judgments. I don't want to hear you saying what they say in any of these countries, but what we learn and we can discern.

But in the hours that I was there, in the few sort of stilted huts and people in bare feet huddled over a little fire with a snake they happened to catch, boiling it fresh, it seemed pretty hard for me to imagine 225 people being supported by these folks.

Mr. GRAY. Exactly.

The CHAIRMAN. Now, isn't there some hard analysis that can be really crunched to kind of really be definitive with respect to this capacity? And isn't there also some kind of satellite and listening and observation capacity we have with respect to 225 people?

Mr. SHEETZ. I would say the chances of 200 people being held without us being able to observe it in some fashion is pretty slim. But I would also hearken back to our briefing this morning, where in one of the segments we talked about who could have survived and we went through the discrepancy cases.

And if there was even the slightest possibility of erring on a situation where someone was seriously wounded, at the time we thought they could have been captured, or when we knew they were last known alive, we included them in our analysis. And by backing out cases that are unresolved and cases in which we've been able to gather sufficient information to show the person did not survive in captivity, we are left with right now the highest number that is substantiated by our analysis as somewhere between 100 and 125.

Now, do I know who those people are or where they are or whether they're actually alive? No, I do not.

The CHAIRMAN. But that is spread out between Laos, Cambodia, and Vietnam.

Mr. SHEETZ. That's correct. That comes from starting with 269 discrepancy cases, most of which are last known alive, over all three countries.

The CHAIRMAN. That is one of the most important points that's been made today, and we have to come back to it and take it into note. It goes to the foundation of the universe that we've been narrowing down and trying to focus on.

Unless somebody can show us that there is data within the case file of any of those listed as KIA or data in the MIA file that somehow suggests they should more readily have been in that last known alive status or POW status—and I will say publicly today that there is nothing to indicate that today, although we allow for the fact that there could be a small number that could transition conceivably as information is learned, but I mean, the number of them might fall on two hands conceivably—there is no indication at this point of serious question marks of potential captivity extending beyond the 100, 225, is that accurate?

Mr. SHEETZ. That's our analysis as of the information known right now.

The CHAIRMAN. And I believe that our analysis to date concurs with that and the work that the committee has done on its lists; is that accurate? So that is another indicator when you start getting reports that try to deal with 225, 300, and 400 numbers, is it not?

Mr. SHEETZ. Yes.

The CHAIRMAN. Senator Smith.

Senator SMITH. Just to respond quickly to that point, there are, though, 1,000 people that we really don't have any idea what happened to still in terms of exact reporting. So I think we should bear that in mind when the numbers come out.

I want to come back to witness number 6976 just a second. I'm told, John, that you did the deposition of Emmet Kay?

Mr. MCCREARY. Yes, sir.

Senator SMITH. Did Emmet Kay indicate to us in his deposition that he believed or had any reason to believe or had any information or evidence that would indicate that there were American POW's there when he was in Laos? I know he said he didn't see any, because he told me that. But did he say anything differently than that in the deposition?

Mr. MCCREARY. Yes, sir, he did. He said at one particular time after a Soviet AM-12 made a delivery a Pathet Lao came up to him and told him that: You're the best American we ever had. And I don't recall the number, but it was over 100.

Senator SMITH. In other words—

Mr. MCCREARY. The Pathet Lao source said that they'd had over 100 at that time.

Senator SMITH. Was that information provided in a deposition to you guys, what he said?

Mr. GRAY. No, sir. He maintained the same statement he made when he came back in 1974 when he was debriefed, that he had not seen nor heard of any American prisoners in Laos.

Mr. SHEETZ. And we confirmed that with Mr. Kay this year, a couple months ago talking face to face.

Mr. MCCREARY. Senator, if I could clarify. Mr. Kay was very careful to distinguish what he'd heard and what he said he personally witnessed, and he made it very clear that he did not see and he did not hear of as a matter of his own initiative anybody, any other Americans there. We asked him that several times.

But then he also said—we asked him the question, did anyone tell you? When we asked that question, we elicited the information about the incident with the Pathet Lao officer.

Senator SMITH. Thank you.

To wrap up here, in the first panel this morning the issue of the prison system came up and they deferred to you when your panel came up. When the charts were up there, it kind of downgraded Laos as a black hole. It indicated that the prisoners—I forget the number, 85 percent, 70 percent, whatever the number was—were in the hands of the North Vietnamese when they were shot down and subsequently were transferred up to Vietnamese prisons.

Can you tell me what we know of the prison system as it existed as of that time, in the early, mid- to late seventies, at the end of the war? What did we know about the prison system in Laos? Was there one? How elaborate was it?

Mr. GRAY. There was not a prison system in which American POW's were moved through. There were prisons, obviously, throughout Laos. There have been three studies done on the prisons and I'm told that during wartime there were 167 prisons, post-war 33 Lao prisons or seminar camps.

Senator SMITH. 167 prisons.

Mr. GRAY. Wartime.

Senator SMITH. Oh, during wartime. But I assume they're still—at least as a facility they still existed at the end of the war, correct? We don't have any evidence that they were knocked down or destroyed?

Mr. GRAY. Yes, sir.

Senator SMITH. So I guess what I'm puzzled by is the very definite statement that was made that, A, this is not a black hole, and B, that we know that these folks went into the prison system.

We know for a fact that there were approximately 600. I think we've gotten about 50 sets of remains, 500-some that were not accounted for in Laos. We know that they didn't come back through Vietnam. So we don't know what happened to them, and we know that we have 167 prisons. I think the number is larger than 167.

I did ask you at the end of the war. I think now, from what I understand, there's over 200 prisons, based on your own, maybe 220 or so, based on what your own analysts have come up with.

Now, how many of those prisons have we been in?

Mr. GRAY. To my knowledge, we have not been in any of those prisons. We have talked to people who were in those prisons who have come out, sources.

Senator SMITH. After 1973?

Mr. GRAY. After 1973, yes, sir.

Senator SMITH. And they indicated they have never seen any Americans in any of those prisons?

Mr. GRAY. That's correct, yes, sir.

Senator SMITH. Let me just quickly swing back to one or two quick points on 1969-76 sightings. I'm curious about something, because when we went to Laos we had the opportunity to go up in that area and visit the caves. The source there was the Lao resistance person and he basically said that there were American POW's held in at least three different locations, and he gave you a written report on that. Was that written? He provided a written report on that?

Did he provide anything in writing to you on that?

Mr. GRAY. It's my understanding, sir, that came in in a letter from the source.

Senator SMITH. Okay, so it's a letter. How have you determined Lao resistance people? Have they been good or bad sources in the past?

Mr. GRAY. In the past overall they were poor sources, because there was a tendency among the Lao resistance to use the POW issue for money. They all wanted to sell us dog tags and bones and remains.

Senator SMITH. On that particular source, let me just ask you this. This source said that there were 18 POW's located in a cave called—I'm not good at Lao pronunciation here, but—Tham Mat Bai. Have you gotten any other sources about a cave of that name, number one?

And number two, is there such a cave to your knowledge in Laos?

Mr. GRAY. I don't remember any previous reports that indicate or that refer to that same name. "Tham" means cave, so it's Mat Bai cave. So we could check that out easily.

Senator SMITH. I think one of the sources—it may have been two—but source 7102 used the name Tham Phan Mai, which is a little bit different. But he used that cave as a source and actually drew a map showing where it is.

Do you know, is that the same cave from those two sources?

Mr. GRAY. I don't know, sir. We can check it out.

Senator SMITH. I would just, in conclusion, just like for my own, I would like to ask John McCreary. What we have not done here, and it will only take a minute, I would like to just see the connection? We have really looked at individual sources. We have analyzed, gone back and forth analyzing the source information that you have on these cases.

However, we did cluster them. Our investigators clustered them. Can you just briefly relate what the significance of this cluster is here? Why are these clustered and what is the common thread? What is the common bond that clusters them among these reports?

Mr. McCREARY. The primary common bond that we found is the geography, is that we have something of an anomaly. And I respect DIA's judgment that there are hundreds of sources that have come out of this province that said they have not seen Americans. I believe they have not.

But we have sightings since 1985 in an area that is visited by people and the date of the sightings run through 1989, and that's the anomaly, that this is an area that is open, there are people, and yet the sources come out, have continued to come out, firsthand live sightings as well as hearsay, about having seen alleged American prisoners of war.

The time separation doesn't really allow for an echo effect. The sources are distinctive in what they see. And there are peculiar characteristics of most of the sightings. The Americans are isolated, as Senator Grassley briefed. There are unusual circumstances in most of these sighting reports, and the resolution of them is simply not persuasive.

As to those that seem to have passed a polygraph or are resolved as non-U.S., Soviets or other Europeans, we were not persuaded as we read the file that those would withstand careful scrutiny.

The CHAIRMAN. Now, let me just ask you there. This afternoon I have asked some questions on a number of these. There was one that I feel unsatisfied about clearly. I think it was 447. A couple of others, question marks.

But a number of them clearly to me it seems like you could make a judgment that these are explainable. Now, do you take those away, or you still sit there because of the anomaly?

I mean, if somebody has lied and the mere fact that in lying they include the geography or something that belongs elsewhere, does that give the credibility or are they still lying?

Mr. McCREARY. We didn't post on our map admitted fabrications. In other words, we erred on the side of—

The CHAIRMAN. We have some up here, we've been analyzing ones that are on the map today.

Mr. McCREARY. By and large, that's correct.

The CHAIRMAN. DIA has given me explanations or given this committee some explanations which suggest that some of those that we have flags up there for are not legitimate, is that correct?

Mr. GRAY. Yes, sir.

The CHAIRMAN. So my question is, if you accept their analysis in the number of these where they say the person was not credible, the person had inconsistencies, we don't believe that source, the person wanted money, relocation, other things, plus the inconsistencies, we discard it.

My question is, if you have decided that a person is not telling the truth, but by happenstance or by rumor or just by the nature of the terrain they have included what falls into what you call an anomaly, are they a liar or is the anomaly somehow credible outside of their other lies? What is the answer?

Mr. McCREARY. We agree, with fabrications we didn't post the flags.

The CHAIRMAN. But they're saying some of these things that are posted about which I've been asking are fabrications.

Mr. McCREARY. And on the record that we have, we don't agree with that.

The CHAIRMAN. You don't agree with that?

Mr. McCREARY. Excuse me?

The CHAIRMAN. You don't agree with that? You personally, you and others who have looked at it don't agree with that?

Mr. McCREARY. The live sighting investigators that work for you, Senator.

The CHAIRMAN. Right. Your judgment is that you don't agree with their judgment?

Mr. McCREARY. We need to see more information than the record contains. There are a lot of incomplete things.

The CHAIRMAN. And in some cases I agree with that. But I'm not talking about all here. I'm trying to get specific. Where DIA—that is why I wanted to go through some of these. Let's go back here for a moment.

Let's just take this one right here that we're asking about, a 1984 sighting report with respect to 225 American and 35 French prisoners. You feel that needs more explanation still?

Mr. McCREARY. Another source in your package talks about 200 prisoners in the same year and in 1986. And there is yet one other

report that has not yet been declassified. So we consider that to be an open case situation, rather than trying to resolve it.

The CHAIRMAN. Let me just get at this. Do you think it's resolved, the 225/35? You call it unresolved, as a matter of fact. It's your own designation. You say it's unresolved.

Mr. GRAY. Well, we're still talking to people from that area. We will always check on reports like that. That's a hearsay report.

Mr. McCREARY. Senator, if I could add, we're not confident at all by any stretch that there are 200 people in Viengxay right now, as reported by the sources. But within a relatively short period of time we received three reports that indicated what I would call a spike in the intelligence reporting that has no explanation, which justifies leaving it open.

But we didn't find as we looked at the three files that the three files were ever compared to each other.

The CHAIRMAN. Is that accurate, they were never compared to each other?

Mr. GRAY. I'm not aware of it, sir. We'd have to check it out.

The CHAIRMAN. Let me ask you another question. Number 12117, this is a hearsay sighting. A CIA informant, a former first lieutenant in the Lao People's Army, says there are 14 American POW's being held at Xiang Louang in the Viengxay district in Laos; 14 American POW's are being guarded by a 26-man police company commanded by Police Lieutenant Sitha. The POW's grow rice and vegetables for a living, but they're not allowed to wear shoes.

Status, unresolved. Should that be open? Is that a legitimate flag? Is that a legitimate flag, a question mark, a hearsay report?

Mr. GRAY. The case is open because it is a hearsay report, and it will be compared to maybe the firsthand reports that come out of that area.

Senator SMITH. Why is that? Because you don't pursue hearsay reports?

Mr. GRAY. We do pursue hearsay reports. In this case we will check it through.

The CHAIRMAN. Yes, Mr. McCreary.

Mr. McCREARY. Not professing to have done any thorough analysis of this report, but we did find other sources that refer to Xiang Louang as a cave just outside Viengxay. So we found correlation with another cave that really exists, which suggests that there's something to look at in this report.

We did find other reports about someone's practices of holding prisoners in a cave near a residence, or at least allegations to that effect, and there are some more in some attached material. But in summary, we found some things consistent with some of the reporting that were contained in this. We didn't find that in the file as we examined the file.

Mr. SHEETZ. Senator Kerry, if I could add something here. When we briefed the committee in secure spaces, we indicated to the committee that the caves at Viengxay and that entire area has been a high interest target analytically ever since the days of the war. It remains so to this day.

As the committee knows from the briefing that we prepared and gave in a secure setting that day, there are several means of intelligence collection that unfortunately we cannot describe here in

open session, but nonetheless are intensely focused on this area of Houa Phan Province and Viengxay.

I know that sounds like a very convenient thing to say, because I can't give you specifics on it. But that area remains for us what we call an area target. In addition to specific sighting reports and more general hearsay reports in the area, that is an area target for us. And I am sitting here and feel confident in telling you and members of this committee every means of intelligence gathering that's available to the U.S. Government that could develop information on whether or not anybody is held in Houa Phan Province in the caves at Viengxay is being exercised, and we did go over that in closed session in a secure setting.

The CHAIRMAN. With respect to live sighting report number 6976, this is the one where the hearsay report on the three different locations, the person who claimed to be a resistance leader. You have basically debunked that. You've said it's a non-prisoner and that's gone.

Mr. McCreary, let me ask you, do you accept that that is gone?

Mr. McCREARY. Senator, you have to give me a moment.

The CHAIRMAN. Number 6976.

Mr. McCREARY. The point that wasn't analyzed in that report was the correlation of the cave with the cave that was reported by another source, as I recall. This has to be left open until the correlations between these two sources are explored in greater detail, and we didn't find any evidence of that examination or explanation.

The CHAIRMAN. What do you mean? Neither of these is so descriptive of the cave that you can really correlate them.

Mr. McCREARY. One source describes the cave and another person drew a map of the same cave that seems similar.

The CHAIRMAN. Have you guys not cross-tabulated your cave reports?

Mr. GRAY. Sir, they have been cross-tabulated.

The CHAIRMAN. Well, is there any correlation between this report by this resistance leader, so-called, and the other cave reports?

Mr. GRAY. I'm not aware of any connection or correlation between these two.

The CHAIRMAN. Well, assuming there isn't such a correlation, do you concur that this resistance leader is highly questionable?

Mr. McCREARY. Absolutely, Senator.

The CHAIRMAN. You do.

Mr. McCREARY. The fundamental basis for this analysis is the fact that it's the same cave, it's the same name.

Mr. DeSTATTE. Sir, if I could make a comment about what I believe you referred to as a spike in reporting. The indication was that if this spike is otherwise unexplained it therefore raises a strong possibility that there must be some kernel of fact here: Where there's smoke, there's fire.

There are in fact any number of factors that could account for this spike, things that would never come to our attention. For example, there could be one of the private POW-MIA hunters out there looking for information, which would generate it. As soon as the word passes in the resistance community, every person that

was out there in the resistance community seeking to make a buck off the issue would seek out somebody to tell his story to.

And there can be other explanations for these spikes. There are too many variables for us to conclude, since there's a spike in reporting, it means there's some fact behind the story.

Mr. McCREARY. May I respond, Senator?

The CHAIRMAN. You have, have you not, gone to most of the caves in the Viengxay area, have you not?

Mr. GRAY. Yes, sir, absolutely.

The CHAIRMAN. So it's not as though this report is sitting there. The cave has been visited. Is there anybody who was reported in that vicinity, any American at this date in the cave, or any foreigners in a cave?

Mr. GRAY. No reports at all of American prisoners, no, sir.

The CHAIRMAN. Any people being held in prisons, period, in caves at this point?

Mr. GRAY. No, sir.

The CHAIRMAN. Are there in fact people being held prisoner in prison camps?

Mr. GRAY. In the seminar camps, there are still a very small number of Lao who are being held.

The CHAIRMAN. Are there not also some local prisons, one particularly in Samneua?

Mr. GRAY. Absolutely, yes, sir.

The CHAIRMAN. And there are people being held there?

Mr. GRAY. Yes, sir.

The CHAIRMAN. But not in the caves?

Mr. GRAY. That's correct. The indications are that the bars on the caves have now rusted, the weeds and grass have grown up in front of the caves. Indications are they're not being used at all and they haven't been used for years.

The CHAIRMAN. Do you want to make a comment?

Mr. McCREARY. Only as regards Mr. DeStatte's statement. One of the things—all the staff has said is that one of the options is that the person is telling the truth.

The CHAIRMAN. Well, is there a point with that option—

Mr. McCREARY. He was saying, he was providing information, where a bone-hunter or a dog tag purveyor would fabricate a report, that's certainly true. But also one of the options is the truth, that the source is telling the truth.

Mr. DeStatte. I think we have a responsibility to follow common sense rules here also. I believe you yourself acknowledge that when you start talking about 200, 250 American prisoners and 35 French prisoners in this location that that strains credulity beyond what's reasonable.

But on the other hand, simply because there were three reports that mention similar numbers in a similar area in what you refer to as a spike, therefore we should keep these open, simply it defies good sense, to say nothing of good analysis.

The CHAIRMAN. Why? Explain that? Give me something more to hang a hat on here.

Mr. DeStatte. I'll refer back to what Mr. Sheetz said a few moments ago and what you have referred to several times today, this province of candidates, this province of what is possible. When we

look at the totality of evidence, the province of possible is so small that when we look at figures like 200, 250, and then when we plug in the French—the French were satisfied as early as 1958 that all of their people had been released.

I'm not quite sure why we should, 40 some years or 30 some years later, be questioning the French government's judgment on that. But they were satisfied their people were released.

So again, 35 French in this location strains credulity.

The CHAIRMAN. Any French prisoners that are in there have got to be 75 and 90 years old, aren't they, somewhere in that vicinity? If they were 20 years old, so 40—60 years old.

Mr. DeStatte. Late 50's, early 60's.

The CHAIRMAN. Late 50's, early 60's.

Mr. ROSENAU. Sir, there's a reason why you get reports on areas. In this particular area, first of all, if somebody is going to fabricate and tell a story, if he's got his ducks in line he's going to put a little truth behind it to give us something to hold onto.

We know that Viengxay, that area was Pathet Lao headquarters. Everybody in Laos knows that. There were known prisoners. We know prisoners were held there. Not all of them came back.

There are numerous seminar camps up there, so everybody knows there are seminar camps up there. We know there were Russians, Cubans, and numerous other individuals up in that area wandering around, for whatever reason. There's a lot of reasons why somebody would report seeing things in that particular area.

That does not necessarily mean they are American POW's.



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DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

25 SEP 1985

[] 1109/DC

MEMORANDUM FOR BGEN SHUFELT (VO)

SUBJECT: The POW/MIA Issue (U)

1. [] I was not at all pleased with the situation I found when I took over responsibility for the POW/MIA issue. The deeper I looked, the less professional the operation appeared. It appeared to be particularly sloppy in the late seventies, but it is by no means a squared-away operation today. As a professional intelligence officer with a significant portion of my career spent as an analyst, I found the following to be particular problems:

a. Case files were incomplete, sloppy (all mixed-up, loose papers, undated scribbled analyst notes, misfiled papers, etc.) and generally unprofessional.

b. There were no action logs in the cases or where there were logs, entries had not been made in a long time.

c. Follow-up actions had not been pursued. In some cases, obvious follow-up actions were called for but were never taken and years had passed.

d. There was no tickler system to ensure that we followed up on our own tasking. []

e. []

f. We had never employed some of the most basic analytic tools such as plotting all sightings on a map to look for patterns, concentrations, etc.

2. [] Thus, there is a great element of truth in General Tighe's statements that we have done a sloppy job. I come to the same conclusion after having looked into the issue probably in somewhat more detail than General Tighe, but not for as long a period of time.

3. [] With regard to the allegation of "a mindset to debunk", I must conclude that there is an element of truth to this as well, although probably not as much as has been publicly stated. In fairness to DC-2, a good measure of this is attributable simply to human nature. The analysts have seen so many fabrications for so long that their first subconscious reaction is "this is just more of the same garbage". And most of it is. But some may not be. Frustrating as it all is, they have got to run all the leads to the ground. They have not been doing this as faithfully as they should. Thus, the "mindset to debunk" charge and

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the "sloppy analysis" charge are closely related. The former causes the latter. The leadership of DC-2 (the O-6, Deputy, and senior analyst) must be the conscience of the organization to preclude this mindset taking hold and to closely monitor the work. This they definitely have not done well over the years.

4. [] I am not persuaded that enough assets are being dedicated to this problem if it is the top priority problem we claim it is. In particular; I wonder if JCRC is adequately manned. []

I would encourage you to do this early in your time here so you can draw conclusions regarding the adequacy of our level of effort in the field. Without firsthand exposure, my observations in this area fall into the category of gut feelings rather than researched opinions.

5. [] A key area which requires attention is DIA's image -- how we are perceived to be doing our job rather than (or in addition to) how we really are doing it. We need to portray an image of open-minded, objective professionals who take this business very seriously. []

6. [] I see the most important thing we must do right now is to be cementing relationships on the Hill. We have not done as well there as we should. It is clear that Congressman Hendon will be using our files to discredit us (and he will have lots of ammunition there). We need to ensure that we have formed the necessary alliances with HPSCI and the Asian-Pacific Affairs committees, their staffers, and their chairmen that we receive support in our efforts to damage-limit Congressman Hendon.

7. [] I am afraid we are in for some troubled times. We have not done our job as well as we should have in days passed and we will not withstand scrutiny very well. Yet we will receive plenty of scrutiny in days to come. We must make all preparations to minimize the criticism this scrutiny will bring. I have attached a list of action items which I believe are required to accomplish this. I have already tasked DC-2 in these areas, but close monitoring and some personal involvement will be called for. I stand by to help in any way I can.

Very respectfully.

Thomas A. Brooks
THOMAS A. BROOKS
Commodore, USN
Assistant Deputy Director
for Collection Management

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ACTIONS TASKED TO DC-2 (NOT IN PRIORITY ORDER)

Get together with Tom Latimer of HPSCI and ultimately perhaps Congressman Hamilton to line up their support vis-a-vis Congressman Hendon. Do the same thing with the Asia/Pacific Affairs staff and personally with Congressmen Solarz, Solomon, and Gilman.

Set up a periodic review process to ensure necessary action is being taken on all cases.

Hire a returned POW as an analyst. (This gives Ann Hills Griffiths some problems and will have to be discussed with her.)

Put a Reservist to work doing a study on the backgrounds/common denominators of the couple of dozen MIAs who were known to have been captured alive but who never showed up in the prison system.

Get an extra intel clerk aboard (action pending-RS).

Get ADP help (action pending-RS).

VO travel to CIL, JCRC, and camps at earliest convenience.

Prepare unclassified précis of intelligence provided by Smith and McIntire.

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

Senator GRASSLEY. No.

The CHAIRMAN. Senator Smith.

Senator SMITH. No, I have no further questions. I just have two requests for tomorrow. Baron 52, Mr. DeStatte, is not on a cluster that we're looking at tomorrow, but I do have a couple of brief questions on that. I just want to alert you to it for tomorrow.

The second thing is, Mr. Sheetz, would it be possible to change the redaction on the Brooks report that refers to this type of analysis? You've redacted that out. I made that point in the opening statement. I will just make a formal request that that redaction be put back into the document because it's germane to the hearing, so germane to the hearing, one. Number two, I don't see any security reasons for having it out.

Mr. SHEETZ. There's a representative of the Central Documentation Office here today and I will get with that representative after the meeting.

Senator SMITH. Okay. Thank you.

Senator GRASSLEY. Mr. Chairman, if I could take 30 seconds. I would just simply want to compliment you for—this is a lot of hard work, what you've gone through to bring the committee together and bring the Department together with our staff.

I think that the process has been helped by the exchanges that we heard today. I think the public is going to be well-served and well-informed from this. That's my viewpoint.

I think also it's very important to make sure we get the additional materials that we have requested, so that we can resolve some of these issues.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, I appreciate your comments on a personal note and I concur that it's very important that we have the materials for tomorrow.

And I'd like to ask, Mr. Sheetz, if you can make certain with Mr. Codinha and Frances Zwenig that you're in agreement as to what's needed for tomorrow. We've got to do the two other clusters tomorrow, and what I would like to do is for the record make certain that for those reports which are flagged where we have not necessarily vetted them publicly here that there will be a record where you have answered some questions in writing or at least submitted, so that our record shows what you have with respect to those reports, so that each of these are in fact analyzed, if you will, publicly for these purposes.

A couple more questions. I just want to try to get the record a little more extended on this. You showed us two maps today in which you had all these plots on the maps, so you put your clusters on a map in both forms, so to speak. Our investigators have reviewed a lot of these live sighting reports and have put their own sort of purged clusters, not the full 1500, but a diminished number, the 928.

Those 928, as Mr. McCreary has stated, evidence anomalies. They evidence sort of this unity of the Citadel, if you will, in Hanoi, the unity of caves being mentioned, et cetera.

Now, my question to you is: How should this committee in your view interpret that? What is the meaning of the anomaly or anomalies that they have identified which have created these clusters? Is there any meaning? Or is it still imperative to look behind the cluster, at each and every individual report, and make the judgment about the individual sources?

Do you need to do both? Does one have meaning without the other? Where do we go?

Mr. SHEETZ. I would say that both are useful, and any means of trying to get at the facts is a useful exercise. In looking at clusters, it makes sense to see where a reporting falls geographically. As we said this morning, we do it ourselves.

Every time we get a new report in, the first thing we run is in our computer data base either a circle search or a UTM grid square search, where we have the analysts take a look at all the reporting for that immediate geographic area, including reports that have been closed out years and years ago.

But we keep relooking at old information as new information comes in. So there is value in looking at things in the context of other reporting in the area.

But by the same token, on the other hand, you must look at each individual report. Does the information make sense? Was the source placed to have actually seen or heard or gathered the information that he or she says that they were privy to? Is there a consistent story?

All this work needs to be done. It's painstaking, it's hard, it's difficult. It takes longer than we would like. It forces us in many cases to go back out, to task people on the ground in Southeast Asia, Stoney Beach assets and others.

I sense the committee's frustration and I am frustrated and I know the families are. We want to know what the facts are. But it's a difficult process and it's not neat and clean. And when you're done, when you've done everything you do, in some cases you're still left with sort of an uneasy feeling that you wish you knew more.

But that's the nature of this business.

The CHAIRMAN. Do you interpret any of the live sighting reports that you have in front of you today as evidence that an American is alive inside Southeast Asia today?

Mr. SHEETZ. That kind of clearcut statement I cannot make, and I don't think there's a Member on this committee who can make such a statement. We have 110 reports. It was 109 when I last briefed you and there's been a new one come in. We have 110 reports right now that are in active inventory, and as we go into the areas where those 110 reports are located, we take a look at other reporting that's in that same geographic area.

Until we run those to ground, I can't tell you. That's not a cop-out. I cannot tell you. If I tried to tell you, then I would be debunking, because we just flat-out don't know what the status of those 110 are. But those are open reports.

When you pull up closed reports—we wouldn't have closed them. In fact, as you'll find out tomorrow in the second panel, we don't close them. The review board closes them, and there will be people

not from DIA, from State Department, who can attest as to how that review board operates.

The CHAIRMAN. When you analyze these, do you also measure them against political or other rationales for people being held? I mean, do you somehow weigh this against what you understand is the current policy of the government?

Mr. SHEETZ. I think that is a matter worth thinking about in sort of a generic sense.

The CHAIRMAN. But you don't do that?

Mr. SHEETZ. I don't think that comes into play when we're looking at an individual report. We have to deal with a report as being possibly the one that represents someone being alive, and whether or not we can from our perspective justify or rationalize—

The CHAIRMAN. Let me tell you why I ask that. In certain parts of the country, one thing may be more likely than another, may it not? If the government of Laos has said as a matter of policy, we don't have anybody, people say to me: Well, Senator, it's kind of incomprehensible to me that the government of Laos is ever going to be able to produce anybody if that's their public position.

Is that not accurate?

Mr. SHEETZ. In a sense, they've painted themselves into a corner.

The CHAIRMAN. So what is the rationale for which the government of Laos would be holding 10, 20, 200 people, whatever it is? What's the rationale if nobody's ever willing to cut a deal to get them back?

Mr. SHEETZ. Well, with Laos it's even harder to rationalize.

The CHAIRMAN. I mean, is there a rationale?

Mr. SHEETZ. None that I can grab onto.

The CHAIRMAN. Any that anybody in DIA grabs onto? I mean, is there any of this in your analysis?

Mr. DESTATTE. Sir, if I could make a few comments on that. And again, this is a general overview, not something that would really go to a specific case. But if we go back to the early sixties, 1961, I believe the 20th, 22nd of December 1961 was the first American prisoner captured during our war, a fellow named George Fruyette.

And there was this spurt or spike of POW captures in the next few months, and they were released or some of them were killed. But when they picked those prisoners up—and I was there at the time and I recall seeing some of the reporting on it back then. The communists were attempting to use these prisoners as a device for forcing the United States Government to give de facto recognition to the communist movement in the south as a legitimate political entity there.

And they have consistently from the beginning, when they have had POW's, used those POW's in such a way as to further their political, diplomatic, and strategic goals. If they still have those POW's, I believe they would continue to act as they have in the past, use them, not deny that they have them.

Also, we ask would they have a reason to keep POW's? And that's usually the way the question is phrased, and I think we might benefit from looking at the question a different way: Did they have something to lose by keeping POW's? Back then, I can't recall exactly when, but 1979 or the early eighties, we had a source come out who is confirmed to have been a staff level officer in the

South Vietnam Liberation Army for B-2 Front, and his staff responsibilities gave him access to all policy matters concerning POW's that were held by B-2 Front.

B-2 Front comprised all of South Vietnam from approximately the 12th parallel south, approximately the southern third of South Vietnam, and the Cambodian border area. This fellow told us that as the negotiations leading up to the signing of the Paris Accords were reaching the denouement stage B-2 Front Headquarters received instructions from the high command in Hanoi to release all U.S. POW's.

His commander, who I believe at the time was General Tran Van Tra, but anyway his commander, sent a message to Hanoi with the request asking the authorities in Hanoi if they may wish to reconsider that order in the event that the Americans failed to honor their obligations under the Paris Accords.

The instructions that came back from Hanoi were, to paraphrase, not only no, but hell no; you release everybody. Now, he could not say from his firsthand knowledge that the same instructions applied to other regions of Indochina, but it was his belief it had.

That belief was based largely on his belief that, had there been a different policy applied elsewhere, he would have known about that.

Now, growing out of that discussion and discussions with other people familiar with what was happening at that time, it occurs to me that the Vietnamese high command—the reason for that order was that they had everything to lose and nothing to gain if they kept the U.S. POW's. They viewed—and this was amply documented in their literature and anecdotally with just about any Vietnamese that you speak to. They viewed the Paris Peace Accords as guaranteed reunification under their control, a guaranteed military victory.

And as a matter of fact, they began immediately to reorganize their armed forces to develop mobile corps that were no longer tied to military regions, that could sweep through military regions without having to change command and control arrangements, to make it more efficient. They were reorganizing for the final offensive that came in 1975.

The only thing that would prevent or delay that guaranteed victory from their perspective would be the reintroduction of U.S. combat forces. And anyone looking at the U.S. scene at that time would have to conclude that there would be no way that an American administration would win approval from the American public and from the Congress and Senate for reintroduction of U.S. combat forces unless there was some powerful emotional reason for it.

And the only—in my judgment, the only rationale, the only cause, that could have mobilized public support for reintroduction of U.S. combat forces and the delay or prevention of communist victory there would be to discover that they had failed to release all U.S. POW's. They were not so ignorant or naive as to think that we lacked the means to discover those POW's if they in fact kept them.

I would point out also, as to our means, during the war we gathered information from a whole host of sources. We captured several million documents. We had a quarter of a million, approximately, prisoners and rallyers, all of whom were debriefed. All documents were reviewed for information about POW's and the POW system.

We had our clandestine human intelligence collection system. We had the signals intelligence, all of the American POW's who were released. All of the South Vietnamese POW's who were released, and there were many, many more of those than there were others, everyone who escaped, and there were quite a number of South Vietnamese who escaped and some Americans who escaped; also from Lao—there was a massive defection of Pathet Lao in 1972—they were all debriefed.

There were also the Royal Lao Army servicemen who were captured and later escaped or released. They were all debriefed.

Nowhere in all of that information do we have the slightest hint that there was a separate evacuation system, a separate POW detention system, or anything that would sustain a belief that there were POW's in captivity other than those who were released in 1973.

The CHAIRMAN. But my question to you is, you accept the notion that the very discrepancy cases you're looking at today are there because there wasn't full accounting back in 1973, correct?

Mr. DESTATTE. There is always the possibility of error.

The CHAIRMAN. But more than error, there was evidence, was there not, that some of those people unaccounted for who make up current cases were last known to be alive and in captivity, correct?

Mr. DESTATTE. There's a long history to that, and there are people that are familiar with the history of our efforts to account for our people.

The CHAIRMAN. No, I understand that. But what I'm saying is, you sit there and say everybody came home, but in fact the very dilemma is the question mark as to whether or not they did, and there was not accounting for that. So I mean, it is possible that some were held, correct?

Mr. DESTATTE. There are a number of people, and I can't cite from memory the precise number, there are a number of people that we had reason to believe and still have reason to believe were or could have been alive and captured.

The CHAIRMAN. And should have come home?

Mr. DESTATTE. If they had been moved to a formal POW camp, should have come home. We do not have an accounting for those folks. The Vietnamese I believe, primarily the Vietnamese and to a far lesser extent the Lao, could provide us, should be able to provide us, definitive answers on the fate of most, if not all, of those individuals.

The CHAIRMAN. We're really down now to a question mark about 43 people, aren't we? That's what we're dealing with, or am I wrong? There are 43 questions.

Mr. DESTATTE. I think that's accurate.

The CHAIRMAN. Is that correct, Mr. Sheetz? How many cases, 60? 62 on the Vessey list?

Mr. SHEETZ. Yes, plus some additional last known alive discrepancy cases that were not in the original Vessey list, plus some

POW's, some people the services held as POW's, who did not come home at Homecoming. The total that we're working with is right around 130, 135 that are unresolved discrepancy cases in all of Vietnam, Laos, and Cambodia?

The CHAIRMAN. You know what I'd like you to do, if I can? I hope this doesn't put you to too much task, but it ought to be pretty much available. Would you bring in to the committee tomorrow your list of this 133?

Mr. SHEETZ. Yes.

The CHAIRMAN. With a little precis as to each.

Mr. SHEETZ. That was provided to the committee in that review of the committee's list of the 133, where you asked us to compare that against our discrepancy list.

The CHAIRMAN. Right, right.

Mr. SHEETZ. There was a package of that. I can dig it out and bring it in again.

Senator SMITH. That would be helpful.

Mr. SHEETZ. Sure.

The CHAIRMAN. On the subject that we were on, Mr. DeStatte, let me just get back to this for a minute. The position that the Vietnamese or Lao are in today with respect to a rationale is different, is it not, from the position they were in in 1973 or '4?

In other words, while it's hard today to find a rationale for why somebody might be held, absent a ransom offer or a deal on aid or something in exchange for recognition or whatever, none of which has ever been forthcoming—every time you say to them, hey, we'll ante up some billions of dollars, they say: Hey, we'd love the money, but we can't produce anybody.

I mean, there seems to be no capacity to find a rationale. The question, however, is different for 1973. There could have been a rationale then in the context of guaranteeing aid, making sure that the terms were met, you know, before the whole emotions shifted on this thing, notwithstanding what you said about the last thing in the world they'd want is for somebody to find it out, because we were left with these discrepancy cases. Those were an issue.

We could have turned around one month after Operation Homecoming and President Nixon could have said: Hey, wait a minute, folks; I don't have everybody. Could he not?

He could have. That's what we're here for. 20 years later we're struggling to get the answers that should have been provided then. Isn't that accurate?

Mr. DESTATTE. Yes, it's accurate. And it is correct that the perspective from Hanoi today is different than the perspective from Hanoi would have been in 1973. And in my judgment, if we put ourselves behind the desk of a fellow making decisions in Hanoi in 1973, I think we would have to conclude that we have everything to lose, everything to lose, and nothing to gain by keeping U.S. POW's.

Now, that's not to say that there was unanimity of opinion about that in Hanoi. As evidence, this one source said that his commander in fact went back to the high command and asked them to reconsider their decision to release everybody. And I am quite certain that he was not alone in that.

The CHAIRMAN. So it's possible you might have had a government policy with others doing something on their own?

Mr. DESTATTE. No, sir, I believe not. They have a chain of command that's a dual chain of command, party and military. The military is responsible for the handling of the POW's, and anybody who failed to follow central policy would have paid a penalty for that.

The CHAIRMAN. Well, we're going to pursue—this is not really the issue for today. It's one that we're going to pursue in the future, during the course of the 1973 accords and looking back in history a little bit. Tomorrow we're going to go into the two other areas of live sighting reports that are part of clusters, whatever you agree with staff tonight was necessary for today but for some reason we didn't conclude.

Then finally, we will look at, in the afternoon session, we will look at the current efforts, what the current reports show, where we are in terms of live sighting reports today in 1992, so that we can measure, if you will, both the effort, but also the possibility with respect to anybody being alive in 1992. And that will be a very important part of the analysis, obviously.

Senator SMITH. Mr. Chairman, I just want to make a quick response to Mr. DeStatte. You presented a long explanation and I realize that it was opinion and theory. But what you don't discuss is the fact that all of that would be fine except for one major and very significant matter, and that's live sighting reports over the past 20 years or so, plus some satellite imagery, plus radio traffic, which says otherwise.

Mr. DESTATTE. 73 percent of those reports have been conclusively, definitively correlated to accounted-for people. We're looking at 27 percent. The realm of possibility is 27 percent of that 1600.

Senator SMITH. As I listen to you, and I'm not saying you don't give a very thorough analysis, but as I listen to you it seems to me that you talk yourself out of a job. Why do you want to stay and continue in the collection of data if you feel that way? I think that's one of the questions.

Mr. DESTATTE. Are you suggesting that I don't have any obligation to the missing man or the missing man's family because he's dead? I believe we have a commitment, not only to these people who are still missing; we have a commitment to every man and woman who will be asked to serve in the future, every young lieutenant who's going to lead a group of people up a hill.

We have an obligation to them to demonstrate that we will not forget, and to suggest otherwise I think would be wrong.

Senator SMITH. And all I'm saying to you is that when we have information in the form of imagery and radio traffic and live sighting reports, which by the testimony today we've established has not been debunked. There is some of that information which is still open-ended by your own investigators' testimony.

I believe that you need to pursue that with an open mind and not draw any conclusions about some theories about why the Vietnamese wouldn't hold anybody. I mean, I could sit here for half an hour—I'm not going to do it, but I could sit here for half an hour giving theories about why they would.