

But frankly, they don't like us too much, if you want my opinion. And I think probably, if they were holding people, they would probably be laughing at the fact that we're going through this situation right now and the fact that I don't know how many Congressional delegations have clamored over there and run around the countryside, in buildings, and looked everywhere else, looking for somebody that they know where they are that we don't.

I mean, there are all kinds of theories that I could throw out to you. The point is that in order to have the enthusiasm and the focus on this thing you have to keep your mind open and continue to stay focused.

Mr. DESTATTE. Sir, if I did not have an open mind and if I didn't have enthusiasm, I wouldn't be sleeping in beds infested with bed bugs and skin diseases and the other things that we've been doing for the past 18 months over there. I don't need a lecture on the need for commitment to my fellow servicemen.

Senator SMITH. We need to stop here. I don't need a lecture, either. I'd like to say this in conclusion: I don't think there's anybody alive that has suffered worse conditions over a long time—

[Applause.]

Mr. DESTATTE. I have an obligation to be forthright and truthful.

The CHAIRMAN. Could we have order, please.

I'm sorry, I missed your statement. What did you say?

Mr. DESTATTE. Sir, I said I have an obligation to be forthright and truthful on this issue, and that's what I tried to do.

The CHAIRMAN. I appreciate that. I think you have. This is obviously not going to be resolved here in the next few minutes. There's a lot more work for this committee yet to do.

I do think that we need to prioritize more. We said this to General Christmas and we said it a number of times. These live sighting reports it is my impression ought to be a higher priority in terms of the relationship. As I talk to them, I get a sense that they're just looking at the Vessey list and that the live sighting reports somehow are viewed as something separate or outside of that.

It seems to me that the Vessey list, part of which is contained in the main search, not really live sighting reports, ought to be an on-going process, obviously. But the highest priority of all has got to go to resolving each and every live sighting report, looking backwards from the freshest and the ones with the most potential and going backwards from there, which is what we want to get into tomorrow as we analyze what is currently being done.

But I think, I really do think, it's unfair to question the dedication and commitment of any of the people who are going out there month after month and working on this. I want you to know that I'm not questioning your commitment on it. I think you have tried to be forthright.

You may not share a set of inputs that other people share with respect to this issue, but it doesn't mean that you're any less committed to getting the answers to it. And I certainly accept that you are as committed as anybody to doing that.

Senator SMITH. Mr. Chairman, I want to say I didn't say that and I resent any implication that I did. What I'm saying is that I simply responded to a long theory that Mr. DeStatte said. I didn't characterize that in any way at all. I just simply said, in order to

get the job done why don't you guys stay focused and keep an open mind. That's what I said.

The CHAIRMAN. Well, I appreciate that. I don't want to get into an argument about it, but I do remember hearing you say that he was talking himself out of a job, and I don't think he was doing that at all, and I think that did characterize something about his answer, because he wasn't talking himself out of a job; he was simply telling what he saw as the situation. And he's obviously committed to continuing the job.

So my sense is it was read differently by different people.

On that note, I think tomorrow we'll convene at 9:00 a.m. to complete the task of the next two cluster areas and, finally, to do the afternoon piece on the current status. We stand adjourned until tomorrow.

[Whereupon, at 5:59 p.m., the committee was adjourned.]

[Additional information requested by the committee:]

MEMORANDUM FOR THE CHAIRMAN, SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

From: Gary Sydow, Chief, Analysis Branch, Special Office for POW-MIA, Defense Intelligence Agency

Subject: Follow-up questions based on transcript of testimony in 4-5 August Hearing before the Committee

Reference: Committee letter of 31 August 1992

Question. 1. In response to the Vice Chairman's question: "So we have aerial photography of the construction of the tomb?" Please provide copies of that photography to the Committee.

Answer. Yes, we have aerial photography of the construction of the tomb. When I was interviewed on 27 July by Mr. Codinha, Chief Counsel and Minority Staff Director, I was asked if I had ever reviewed aerial photography on the construction of the Ho Chi Minh Mausoleum. I answered: "No, I have not." When asked at various points if we had aerial photography of the Mausoleum, I replied: "yes." I am herewith forwarding under separate cover classified aerial photography of the construction of the Mausoleum as of January 1974 and December 1974.

Question. 2. Based on my following response to a question, "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", I am now requested to "Please provide the prison studies requested by the Vice Chairman."

Answer. My reference to "expert answers" indicates the reports of experiences of a group of prisoners who spent up to 22 years in the Socialist Republic of Vietnam's prison system. I am unaware that any of these men has ever published a "prison study". However, to meet the Vice Chairman's demand, I am herewith requesting that the CIA forward, under separate cover, additional copies of their prison studies of Laos and Vietnam, which I had understood had already been provided to the Committee.

Question. 3. In response to Senator Smith's assertion that "a 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 POWs", I have been requested to "Please identify the source and provide a copy of the file."

Answer. I have conducted a computer-assisted search through the DIA data base of the more than 15,559 (total as of 10/07/92) reports possibly pertaining to Americans in Southeast Asia and failed to identify the single one which the Vice Chairman is referring to. If the Vice Chairman could assist us with the name of the source, date of sighting, date of report and originating agency, I could hopefully refine the search and identify the report in question. Once successful in that search I would be happy to provide the file and analysis of the report.

In the interim I am herewith forwarding a copy of Ho Chi Minh's last, i.e. 1968-69 Testament. I find no direct allusion therein to either the holding of American POWs or the exchange of American remains for dollars. Of course one would have to place the source assertion in its proper context in order to evaluate it.

Question. 4. Concerning source 8682, please provide the evidence and reasoning behind the debunk of the source, as requested by the Chairman.

Answer. As the Chairman suggests, this source is not credible. Rather than debunking him, however, one need only look at the facts reported in three of his six or seven sightings, two alleged to be firsthand and one hearsay, to gauge their credibility:

A 10,000 square meter underground facility 15 minutes by vehicle, say 3-7 miles, from the Ho Chi Minh Mausoleum area is uncorroborated by other reporting from this urban area, the source of many of DIA's reporters; to assert that the Socialist Republic of Vietnam (SRV) constructed, currently supports and provides security for such a large and densely populated facility undetected by other sources in the local, Hanoi context strains credulity; I note the peculiarity of the 100 POWs per room report and the overall total numbers it implies;

The source states that in 1984 SRV Premier Pham Van Dong told him of a total of 2516 prisoners, some 900 of whom had died in captivity and some 1616 of which were in some form of captivity; these numbers are outside the realm of the possible. Even if source's inability to provide plausible numbers, or based on a cognitive "looseness", some source exaggeration of factual small numbers is allowed, Pham van Dong's purported actions in this scenario invite disbelief as well.

The source claims to have "been with" many women POWs; an implausible fact which may be another example of the unstable and erratic behavior which reflects the general source demeanor exhibited during his interview. In the opinion of the polygraph examiner who observed this behavior at the time, the source was fabricating POW and other claims.

I agree with the Chairman and the polygraph examiner that the source fabricated his information. My reasoning and a description of the evidence is above; I provide herewith a copy of the report under separate cover.

Question. 5. Question 5 does not appear in any of my three copies of the questions.

Question. 6. In response to "Please substantiate the testimony that source 1072 reported seeing prisoners wearing striped uniforms, as requested by the Chairman."

Note. Rather than take something out of context, I would suggest for this question that we reference August 5 transcript pages 19-24, which pages cover the Chairman's questioning and my responses to the Chairman on case 1072. The Chairman's original question (p. 21) was, "Can you just help me out and say where it said they wore prison clothes? I didn't read where it said they were striped." My response (p. 21) to this question: "The prison clothes thing was pretty informal in that whole reeducation system. The fact that he highlights it suggests that there was some special prison clothing that didn't exist. Chairman: "You're saying there was no prison clothing." Sydown: "I would say it doesn't bear the hallmark of a uniform."

Answer. The Chairman's question was apparently directed at the following quote in the transcription of the original sighting report, "[Source] said he saw what appeared to be six Caucasians in prison clothes about 200 meters from where he was standing . . . he had a fairly good view of them for four or five minutes." The discussion between the Chairman and me, and especially my contribution to it, may have moved too far afield too quickly and needs to be restated. The source's statement on "prison clothes" was also used as given in the undated evaluation of the report, as "prison clothes," as a descriptive detail the source could pick out at 200 meters. When the chairman later asked me for the basis for the evaluation of "fabrication", I asserted that it was principally the source's claimed ability to see such details as race, age, health, activity and type of clothing through 200 meters of bamboo forest in four or five minutes that was the basis of implausibility for the evaluation of "fabrication".

My assertion that the source, in his use of the term "prison clothes", may thus by implication have been referring to the standard, maroon double striped prisoner uniform worn by our POWs in the 1960s was an additional factor which I noted at this point was often the hallmark of such fabricated reporting. I did not intend to imply by association that this source said anything explicit about striping, and thus would like to clarify this confusion by correcting the record to read, on p. 20, line 11, as follows: "He stated that they wore prison clothes and were themselves engaged . . ."; and on p. 20, line 21, to read as follows, "This man seems to be purporting that somebody is still wearing . . ."

The logic trail too quickly passed over is as follows: The man could not have seen the details he claimed at the distance cited; If he was to have really seen prison clothes at that distance as he claimed, he must then be referring to some standard, patterned prison uniform, something detectable at 200 meters (since there was no "standard uniform" during this time frame and since there was no other, differently patterned uniform extant, and since the ordinary prison wear was variable and

without pattern, it would not have been discernible at the distance, then this source must have been talking about the maroon striped uniform). The striping that I brought into the discussion was as a hallmark of fabrication itself, and not something that the source explicitly reported. I am herewith forwarding copies of the source's original statement substantiating his "prison clothes" statement.

Question. 7. In response to "Please answer the question posed by the Vice Chairman and explain the contradiction between the testimony at page 21 and that at page 38."

Answer. There is no contradiction, real or perceived, between the testimony at page 20 and 21 as amended above and that at page 38. Senator Smith's statements on p. 37 summarize the whole issue as follows: "So you did not refute this source because of a striped uniform." An: "No sir. The elements of his observation are more important—200 meters and 4 or 5 minutes through a cluster of bamboo trees." These two statements, plus the Chairman's statement on page 38, to the effect that dress was casual here, seem to place any seeming contradiction in its proper context. Senator Smith's statement, p. 37, line 16-17, that the source had talked about "prison uniforms" is also not completely accurate, and similarly leads the discussion down the confusing path described in Question 6 above. The source talked only of "prison clothes", and the discussion in question 6 above raised the question of "standard uniforms" and "striping", as a widely noted attribute of fabrication rather than as it relates to the judgment of fabrication on this case itself. I attempted to explicate that above. I repeat that explanation here:

Answer to Question 6.

Note. Rather than take something out of context, I would suggest for this question that we reference August 5 transcript pages 19-24, which pages cover the Chairman's questioning and my responses to the Chairman on case 1072. The Chairman's original question (p. 21) was, "Can you just help me out and say where it said they wore prison clothes? I didn't read where it said they were striped." My response (p. 21) to this question: "The prison clothes thing was pretty informal in that whole reeducation system. The fact that he highlights it suggests that there was some special prison clothing that didn't exist. Chairman: "You're saying there was no prison clothing." And: "I would say it doesn't bear the hallmark of a uniform."

Answer. The Chairman's question was apparently directed at the following quote in the transcription of the original sighting report, "[Source] said he saw what appeared to be six Caucasians in prison clothes about 200 meters from where he was standing . . . he had a fairly good view of them for four or five minutes." The discussion between the Chairman and me, and especially my contribution to it, may have moved too far afield too quickly and needs to be restated. The source's statement on "prison clothes" was also used as given in the undated evaluation of the report, as "prison clothes," as a descriptive detail the source could pick out at 200 meters. When the chairman later asked me for the basis for the evaluation of "fabrication", I asserted that it was principally the source's claimed ability to see such details as race, age, health, activity and type of clothing through 200 meters of bamboo forest in four or five minutes that was the basis of implausibility for the evaluation of "fabrication".

My assertion that the source, in his use of the term "prison clothes", may thus by implication have been referring to the standard, maroon double striped prisoner uniform worn by our POWs in the 1960s was an additional factor which I noted at this point was often the hallmark of such fabricated reporting. I did not intend to imply by association that this source said anything explicit about striping, and thus would like to clarify this confusion by correcting the record to read, on p. 20, line 11, as follows: "He stated that they wore prison clothes and were themselves engaged . . ."; and on p. 20, line 21, to read as follows, "This man seems to be purporting that somebody is still wearing . . ."

The logic trail too quickly passed over is as follows: The man could not have seen the details he claimed at the distance cited; If he was to have really seen prison clothes at that distance as he claimed, he must then be referring to some standard, patterned prison uniform, something detectable at 200 meters (since there was no "standard uniform" during this time frame and since there was no other, differently patterned uniform extant, and since the ordinary prison wear was variable and without pattern, it would not have been discernible at the distance, then this source must have been talking about the maroon striped uniform). The striping that I brought into the discussion was as a hallmark of fabrication itself, and not something that the source explicitly reported. I am herewith forwarding copies of the source's original statement substantiating his "prison clothes" statement.

Question. 8. In response to the following "Please answer Senator Grassley's question. The evaluation states, 'It is likely that the camp leader's comments were

prompted by his knowledge of the presence of Mr. (Name) at Yen Bai, which was part of the Doan 776 Camp Group. Mr. (source)'s claim to have seen six Caucasians at Son La is a fabrication, which may be based in part upon his knowledge of hearsay reports of Mr. (Name) or on the camp leader's braggadocio." "Please also provide the evidence to support both allegations in the final sentence of the evaluation." The question that Senator Grassley asks on page 46 is "Can you explain how six guys can all be Garwood in your analyzing this?"

Answer. This question was covered with the Senator during the testimony, and is held in the transcript on page 46. Senator Grassley maintains that the evaluation reduced the six individuals purported to have been seen down to one, Garwood. This is not the case. The evaluation states: "Mr. (source's) claim to have seen six Caucasians at Son La is a fabrication. . . . Hence my statement: 'The sighting was deemed to be a fabrication, sir. It's not correlated to Garwood.'" Senator Grassley: "It's not correlated to Garwood/?" AN: "No, sir." Senator Grassley: "Your evaluation talks about Garwood." Here Senator Grassley is correct, in that the evaluation goes on to attempt to explain the motive for source 1072's fabrication. In other words, why would the source have made up this story out of whole cloth; perhaps there is some kernel of reality that it is based upon. I can see how Senator Grassley became confused with the sentence. It might more explicitly (and clearly) be rendered as follows: "Mr. (source's) claim to have seen six Caucasians at Son La is a fabrication. A potential motive or his fabrication of this sighting, when placed against the backdrop of the large, aggregative body of reporting at this camp that confirms that only one American, a non-POW, lived and worked in this area, is that he may have based it on some hearsay knowledge of that American, or alternatively, on the comments of the camp leader apparently alluding to that same individual." From the hindsight on ten years, I would recommend we change the original analyst's words to read as above. The analyst's final statement (which may be what the call above for evidence refers to) concerning this motivation is speculative, and the only evidence for it could be the following judgements: the source could not have seen what he said he saw at that distance; there is no corroboration of similar reports at this time and location.

The final sentence of the evaluation reads, "A copy of this report and evaluation will be maintained in the DIA data base for future reference." As evidence of this I herewith forward a copy of the report and the evaluation from the DIA data base.

Question. 9. In response to, reference Senator Grassley's question: "What did the writer mean when he wrote on a note that 'this one fell through the cracks'?", "Please identify the writer and provide an explanation of the note."

Note. I believe Senator Grassley has misquoted the informal note: "Joanne, This one slipped through a crack somehow. I guess it's a new case. Start a file & I'll call these guys. Tnx [i.e. 'Thanks'] AN"

Answer. This is a note from AN, at that time 12 years ago the analyst/investigator, to AN at that time intelligence technician, data base administrator and file builder, both Special Officer for POW-MIA, as a possible [note: my interpretation after all these years] apology for delaying the administrative paperwork involved in setting up of the referent paper file and data entry of the case material a few days. Since the initial source information came to the Department of Defense on 29 November 1981, and several analysts (neither of the above two individuals were involved at this point) had begun to evaluate and act upon it by 3 December 1981, I see even at this distance that proper actions were already underway when the note was written. I also see a note that a manager had intervened by 7 December 1981 and assigned it to a responsible, senior analyst to take charge of the pursuit. In the hindsight of looking back at this hearsay sighting after the intervening 12 years as Senator Grassley has, I suppose we should be more critical, but it appears to me to be the normal striving of the POW office to get the job done quickly. Remarkably this was as much in place then as now.

I am herewith forwarding copies of the note.

Question. 10. Reference "Please provide written evidence substantiating that DIA attempted to correlate the names provided by 1243, but found no correlation exists. DIA's publication, U.S. Personnel, Southeast Asia, contains names that appear to correspond to those provided by 1243. Alternatively, please correct the testimony)

Answer. The evidence that DIA researched the names is provided on the initial action log. My statement on page 51 is inferential; I stated: "No correlation was made." One can infer this from the data base entry, and other actions apparent in the progress of the case. Note: This is an intelligence analyst's working file, and not a legal case file; the fact that "written evidence" i.e. some form of audit trail does not exist, neither proves nor disproves that a standard procedure was or was not followed. As a matter of fact however an informal record of an analyst's attempt to

correlate is readily available in the file; he was unable to make a correlation. It should also be noted that names "that appear to correspond" do not necessarily make a correlation; that apparently is what the original analyst decided. I forward herewith photocopies of the "evidences" requested.

Question. 11. Response to "Please substantiate the analysis of the letter, as requested by the Chairman. Alternatively, please correct the testimony."

Answer. The substantial elements of the analysis at the time are documented in the handwritten explanation of the alleged varying numbers of alleged POWs and their movements. I forward herewith photocopies of that analysis, and copies of the data entry sheets that indicate the results of that analysis. In retrospect, the analyst might also have pointed out the routine nature of the movement experiences through known reeducation camps alluded to, and the writer's familiar use of "pig latin" codes for alleged POWs i.e. "the white water buffalo". A more pertinent analysis might be of the aggregative non-corroboration of the numbers of alleged individuals involved. That is, the source's report on potentially 40 POWs are not corroborated. He does of course mention "Nam", the stay-behind Garwood, who is the only American known to have resided in this "Son La" Camp. The movement that the source alludes to from Quang Ninh and elsewhere down to Thanh Hoa Province, is the normal, southward flow of Army of the Republic of Vietnam reeducatees, who were eventually released in the South and came out to report the movement and the camps to us. They do not corroborate POWs at the Son La, Thanh Hoa, or other camps. I forward herewith photocopies of the original documents as substantiation of analysis done at the time, some twelve years ago.

Question. 12. Response to "Please provide documentary substantiation that this letter was analyzed, as requested by the Chairman."

Answer. The substantial elements of the analysis at the time are documented in the handwritten explanation of the alleged varying numbers of alleged POWs and their movements. I forward herewith photocopies of that analysis, and copies of the data entry sheets that indicate the results of the analysis. In retrospect, the analyst might also have pointed out the routine nature of the movement experiences through known reeducation camps alluded to, and the writer's familiar use of "pig latin" codes for alleged POWs i.e. "the white water buffalo". A more pertinent analysis might be of the aggregative non-corroboration of the numbers of alleged individuals involved. That is, the source's report on potentially 40 POWs are not corroborated. He does of course mention "Nam", the stay behind Garwood, who is the only American known to have resided in this "Son La" Camp. The movement that the source alludes to from Quang Ninh and elsewhere down to Thanh Hoa Province, is the normal, southward flow of Army of the Republic of Vietnam reeducatees, who were eventually released in the South and came out to report the movement and the camps to us. They do not corroborate POWs at the Son La, Thanh Hoa, or other camps. I forward herewith photocopies of the original documents as substantiation of analysis done at the time, some twelve years ago.

RESPONSES TO REQUEST FOR ADDITIONAL INFORMATION FROM MR. ROBERT SHEETZ,
CHIEF, SPECIAL OFFICE FOR POW/MIA, DEFENSE INTELLIGENCE AGENCY

This is in response to materials requested by the Select Committee in follow-up to the hearings of August 4, 1992.

1. The date recorded for the referenced "cluster analysis" briefing was actually 19 June 1986. At that time we used the term "pattern analysis" to describe the process of geographical comparison of sources, something which our senior analyst, _____ tells me was common practice among analysts in the special office throughout the 1970s. In fact, my current chief, analysis branch, _____, relates to me that his first assignment in the office in January 1985 (from _____ was to do pattern analysis on the reporting in the areas On Hon Gay, Quang Ninh Province, Socialist Republic of Vietnam. He notes that neither Commodore Thom. Brooks nor Col. Kimball Gaines ever availed themselves of information on this common procedure during their reviews. The referenced briefing, led by BG James Shufelt, was presented to the House Task Force on POW-MIA under Congressman Solomon B. Sedgewick, D. Tourism and _____ Task Force members such as Congressman Gilman and ex-officio members such as the vice chairman and former Congressman Billy Henderson were attendees, among others. In fact Senator Smith asked the question: how does the reporting of Robert Garwood himself fit into the Yen Bai pattern as described; the answer was that that reporting is uncorroborated by the aggregate of reporting found in this area.

I am herewith forwarding a copy of the briefing board used for this informal briefing.

2. Prior to my response, allow me to correct the testimony given in support of the request. The vice chairman's statement of previous testimony needs clarification. When [an] was interviewed on 27 July by Mr. Codinha, chief counsel and minority staff director, he was asked if he had ever reviewed aerial photography on the construction of the Ho Chi Minh Mausoleum. He answered: "No, I have not." When asked at various points if DIA had aerial photography of the construction of the mausoleum. He replied; "Yes." I understand that such imagery has been forwarded to the committee.

DIA has pulled together all materials currently in its files that relate to construction of Ho Chi Minh's Tomb. While most of these documents are classified and cannot be included as part of the unclassified hearing record, they are enclosed in their entirety. Note that DOD still is awaiting a copy of the blueprints from Russia. Upon receipt of the detailed construction plans for the monument, DOD will be in much better position to conduct a thorough, detailed search of the building.

3. Materials relating to the case of Robert C. Borden, Jr., have previously been made available to the committee.

4. A revised redaction of the so-called "Brooks Report" has already been provided to the committee.

5/6/7. The properly oriented imagery requested by the committee has been previously forwarded. Note that there is a very straightforward explanation for the reversed prints originally provided to the committee. As the committee now knows, the imagery in question was taken by [method] system. This system, no longer in operation, is unique when compared to other currently used systems in that the light path passed through a reversing prism. When prints are developed from negatives obtained through this system (called buffalo hunter imagery), the negatives must be reversed in the developing process in order to obtain properly oriented prints.

Unfortunately, DIA provided these prints on an overnight basis during the August hearing in order to be responsive to a personal request made by Senator Smith. In our rush to provide the requested material, the photo lab personnel, who had never previously worked with the unique buffalo hunter material, neglected to properly orient the negatives before developing the prints. In short, inadvertent error was the cause of what turned out to be a very embarrassing incident.

8. During the hearing Senator McCain asked whether DIA can commit to completing all live sighting report investigations before the committee finishes its work. Because of time constraints, this question could not be fully discussed during the hearing. What Mr. Sheetz would have said if given the opportunity is as follows:

First, less than 25 percent of live sighting reports require field investigation in Vietnam, Laos, and Cambodia; most can be resolved by DIA through the analytic process. Secondly, although we are working live sighting reports as rapidly as we can, we continue to receive new live sighting reports every week.

Having just resolved 47 live sighting reports, the number of open cases under active investigation and analysis stands at 86. The next review board should be held in mid-December when more reports will be resolved. While additional cases will be received in the interim, it is DIA's aim to aggressively work these cases until we are down to a minimum open inventory level, which will probably stabilize at somewhere between 25 to 50 reports.

ANALYSIS OF LIVE SIGHTINGS

WEDNESDAY, AUGUST 5, 1992

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

The committee convened, pursuant to notice, at 9:03 a.m., in room SH-216, Hart Senate Office Building, Hon. John F. Kerry (chairman) presiding.

Present: Senators Kerry, Daschle, Smith, Grassley, McCain, and Brown.

OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

The CHAIRMAN. The hearing will come to order.

Good morning. We continue today the hearing into the live sighting reports and live sighting process, and this morning we will continue with the Son La area of Vietnam and the Oudamsai area of Laos.

Let me see, is there any member of this panel who was not sworn yesterday?

Mr. GRAY. No, sir.

The CHAIRMAN. I remind you that you are sworn, and you continue to give testimony under oath as per yesterday. What I'd like to do is move right into the next cluster area to discuss the live sighting reports from those areas, and then this afternoon we want to be able to have plenty of time to talk about the current live sighting status and the current live sighting reports.

On the original cluster map that was presented to you some weeks ago, staff had posted some six flags, six different sightings in an area in Vietnam, North Vietnam, of Son La. Since then, staff have discovered apparently an additional 13 sightings in that vicinity, 9 first-hand and 10 hearsay, for a total of 19 sightings in this particular area in the north of Vietnam.

Most of these sightings—I think all of the first-hand sightings were judged by DIA to be fabrications except for one that is still under analysis, and I would remark that this is the only person in Southeast Asia for which all of the sightings have been deemed to be fabrications as opposed to mistaken observations.

I just want to ask Senator Grassley—I want to move ahead, but did you have an opening or any statement you wanted to make, Senator?

Senator GRASSLEY. No. I was just going to speak on this cluster. You're bringing up Son La?

Senator GRASSLEY. Yes.

The CHAIRMAN. Son La, as it is referred to by our staff, is actually a grouping of camps, of prisons. It is not far from the prison system where Robert Garwood was kept, but about 100 kilometers west of Yen Bai, which is where Garwood spent most of his time.

A number of the resolved sightings from Son La have been correlated to Bob Garwood. Six of the DIA evaluations of sightings in this cluster refute the sources by making the statement that no other reporting has been received on American POW's in the Son La area.

Notwithstanding that, staff has found 19 reports in the DIA files, all of which we have available here, which relate to Son La sightings, so we need to discuss these and try to understand the Son La sightings and issues.

Most of the sightings were in the late 1970's. In 1976, someone heard about U.S. POW's. In 1976, one U.S. person was apparently seen cutting bamboo. Again in 1976, 60 to 70 were allegedly seen on a soccer field. Again in 1976, six U.S. POW's were allegedly seen working.

In 1977, someone heard that U.S. POW's were being moved. Again in 1977, 24 foreigners were allegedly seen under guard. Again in 1977, some 40 to 50 U.S. POW's were apparently seen in a camp.

In 1978, someone heard about 40 U.S. POW's, referred to them as white water buffaloes, and referred to their being kept in the context of buffaloes. In 1978, someone was apparently told about many U.S. POW's. Again in 1978, someone allegedly saw 30 Caucasians in trucks.

In 1979, someone allegedly saw 40 to 50 Caucasians bathing.

Then they tail off fairly significantly, most being hearsay in the eighties, with one 1991 report of an American pilot in Son La, but otherwise most—about five reports during the eighties, all of which were hearsay.

Now, these are resolved in various ways. The 40 U.S. being moved from Son La to the Delta was action required on 40 to 50 POW's, unknown prison. It was evaluated as a fabrication, and so forth, and we can go through each of these. Before I turn to the first live sighting report for your analysis, let me ask if Senator Grassley has anything he wants to add to that.

STATEMENT OF HON. CHARLES E. GRASSLEY, U.S. SENATOR FROM IOWA

Senator GRASSLEY. Yes, Mr. Chairman, I'd like to go into some detail on that. Some of it covers things you've already said, but also some other points of view and observations on what to make in regard to the Son La area. Son La is one of the largest and one of the most remote mountain provinces in Northern Vietnam. Its population is almost entirely ethnic tribal peoples. On the southern border is Laos, and its northern reaches stretch nearly to China.

Inside its sister provinces are Nghia Lo and Yen Bai, also very mountainous and rugged. Next to Hanoi itself, these provinces have been the center of a huge volume of reporting on POW's and

MIA's, including hundreds of reports associated with Robert Garwood.

Americans captured as South Vietnam was overrun by Vietnamese regular troops were detained here from 1975 prior to release. The reporting history is rich and complex, especially heavy in the mid-1970's.

We have centered our attention on a group of 20 sightings, and these are by 18 individuals, of Americans in captivity after 1975 in Son La Province in general and in the Son La prison complex. Twelve of these reports are eye witness accounts and 8 are hearsay, or second- and third-hand accounts. The earliest post-war sightings is dated 1976, and the most recent is December 1991.

One of the reasons that we chose this cluster is because of the pattern reflected in reporting and some potentially consistent themes in the evaluation of reports. For example, every first-hand live sighting report in this cluster has been judged a fabrication except for one, and that one is still under analysis. Moreover, this is the only cluster in Southeast Asia where such a high percentage of reports are judged to be a fabrication instead of just mistaken observations.

The high fabrication rate is symptomatic of other patterns as well. For example, 13 of the sightings, which involve the largest number of prisoners, all occurred from 1976 to 1979. This suggests that this prison system might have been quite active prior to the Chinese invasion of Northern Vietnam. The numbers sighted in this period range from 30 to 60. After 1979, the numbers drop off significantly.

Many sources have reported on the closure of prisons in the North, and on the southward movement of prisoners, both South Vietnamese and others, during the period of severe tension between Vietnam and China, but as the cluster map indicates, most of those prisons remain open. No more sighting reports came out after that.

That's not the case for Son La, where reporting picked up again in the mid 1980's, but the numbers are much smaller, involving sightings of single or pairs of men in captivity.

Another interesting pattern is that 11 of the sightings were reported by former ARVN officers who were prisoners. I understand DIA analysts have often cited the interviewed ARVN internees who never heard nor saw American POW's, but there are also many ARVN inmates who did claim to see American POW's, but these sources are all fabricators, according to DIA, including one South Vietnamese Lieutenant Colonel who is a personal wartime associate of one of our staff investigators.

Over half of the Son La sightings involve special circumstances. They are usually brief, at odd times, often involving work details and movement to or from work by either the observer or the POW. Over half the sources, whether inmates or not, are engaged in providing some service to the prison, a few are casual observers who happen to be in a position of access from which to see the alleged prisoners.

The alleged POW's are seen in prison garb under armed guard. They're invariably reported as being kept apart from the Vietnam-

ese inmates, so that the sightings are by chance, not by routine association in the general population of the prison or the camp.

So in short, the intelligence sources are consistent in providing indicators that the alleged existence of these POW's is meant to be a secret. If the sources are not all fabricators, then obviously the secret leaked. The staff analysis of the content of the information indicates that the prisons in this area may have been quite active prior to the Chinese invasion of Vietnam in 1979.

For the first few years in the 1980's, the prison in this area appeared to close, but around 1983 a trickle of new sources and sightings began to provide information of possible POW's once again being held in this remote region.

The December 1991 date of a hearsay report from a Vietnamese citizen makes this area one of the most recently reported to be active.

Mr. Chairman, that's the end of my statement. I'm going to absent myself for about 7 or 8 minutes for a previous commitment I have, and I'll be back to participate.

The CHAIRMAN. Thank you very much, Senator. I appreciate your helpful summary of the Son La area.

Senator Brown, do you have any opening comment?

Senator BROWN. No.

The CHAIRMAN. Well, let's try to proceed right into this if we can, Mr. DeStatte. We've got a lot to try to cover. This is an obvious area of interest, with the frequency of the reports.

What I'd like to do is ask you if you have a general comment with respect to both my framing of the Son La area and Senator Grassley's, and then I'd like to become specific.

TESTIMONY OF ROBERT SHEETZ, CHIEF, SPECIAL OFFICE FOR POW/MIA AFFAIRS, DEFENSE INTELLIGENCE AGENCY, ACCOMPANIED BY GARY SYDOW, CHIEF, ANALYSIS BRANCH; WARREN GRAY, CHIEF, CURRENT OPERATIONS BRANCH; AND ROBERT DESTATTE, SENIOR ANALYST, ANALYSIS BRANCH

Mr. SYDOW. I would like to make a general comment, Mr. Chairman. Once again, we see the analysis on this area, its cluster analysis, to be very misleading.

Just as we saw yesterday in the Hanoi area, where your investigators confused Hoa Lo, which is actually represented in the reporting, clearly identified in the reporting as two different locations, here we are confusing at least three different locations under the guise of cluster theory.

The CHAIRMAN. So in other words, you're saying that when you refer to Son La you're really not dealing with one area, is that correct?

Mr. SYDOW. That's correct, sir.

The CHAIRMAN. Can you show us on the map? It would be much more precise.

Mr. SYDOW. I'd be happy to. The source of much of the confusion lies in the fact that Son La is also a term used by reeducatees to cover Camp Group 2 of the Group 776 Wong Re Son Reeducation System. You'll find that camp—

The CHAIRMAN. Let me ask you a favor. If you could just stand a little bit back and point, give us a sense of where—

Mr. SYDOW. This camp would be found in the area following along here, right here [indicating].

The CHAIRMAN. Which camp?

Mr. SYDOW. This is Camp Group 2 of the Hoang Lien Son System. Let me describe that system in general.

The CHAIRMAN. Can you show where Yen Bai is relative to that?

Mr. SYDOW. Yen Bai, which is a town about 70 miles to the Northwest of Hanoi, lies right here on the Red River. The camp group system included at its height, largest population, seven camp groups. Camp Group 1, the one where the American stayed, lived 4 or 5 years, spread along river valleys along here. Camp Group 2—

The CHAIRMAN. When we refer to Yen Bai and Bob Garwood, that is the area you just pointed to.

Mr. SYDOW. We have established that Garwood was able to visit in his time there each of the camp groups at various times, doing various duties. He rode around the camp system in a jeep, performed various electrical or film projection duties for his 5-year stay there. He lived in Camp Group 1.

Camp Group 2, down this road—

The CHAIRMAN. How far away would this be?

Mr. SYDOW. Probably 60 kilometers to the South, Southwest, comprised some nine sub-camps hidden among the valleys.

The CHAIRMAN. So you're talking 40 miles away, approximately.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. Through the mountains.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. How long a trek would that be?

Mr. SYDOW. I would say it's probably 4 to 6 hours by jeep.

The CHAIRMAN. By jeep?

Mr. SYDOW. Yes. Camp Group 3 was a smaller camp system, three or four sub-camps around the town of Nghia Lo.

Camp group 4 was north of this large lake here, which was a hydroelectric reservoir centering near but some distance from the town of Ham Yen, covering about 20 sub-camps north of the lake.

Camp Group 5, which was slightly to the northwest of Yen Bai, had only a short existence. They suffered a plague there. Some 200 prisoners died of some sort of plague, and they moved that camp.

The CHAIRMAN. When was that?

Mr. SYDOW. That would have been in the early part of the system development, 1975-76.

Camp Group 6, associated with the small town of Ba Khe, was in the mountains around the Tran Phu State Tea Farm. Their duties, the reeducative duties in that camp was to pick tea leaves for export.

This whole system comprised this area. It just so happens that one of the camp groups was called Son La, Camp Group 2. Much of the reporting that you have in your so-called cluster deals with Camp Group 2, or Son La. You need to distinguish where, precisely, the source, when he reports, is talking about.

The town of Son La, like the Province of Son La, is down in this area. This is Son La Province capital town. You'll note that it is

approximately the same 4- to 6-hour drive away from Camp Group 2.

When I do a circle search of sources concerning the provincial capital of Son La, which is what we really want to deal with here today, I find that there are only nine sources that deal with that particular area, independent of the reporting from the Hoang Lien Son system.

Once again, I feel the cluster sort of misleads the casual interpreter of the data. Son La is a province which also covers a good deal of this territory.

The CHAIRMAN. Well, that's a good explanation, and I appreciate that. Now, have you isolated the nine reports that you believe refer only to Son La?

Mr. SYDOW. Yes, sir.

The CHAIRMAN. All right, so as we go through it, you will say to me, that particular report is not one we consider Son La, but you could explain it nevertheless.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. Now, in this area as a whole, were these, what four or five camp areas?

Mr. SYDOW. Yes.

The CHAIRMAN. How many, five?

Mr. SYDOW. In all there was a total of seven. One of them disappeared because of the plague. The other two were collapsed, so there are five in total.

The CHAIRMAN. Five, but even in the total area of all of them, there were reeducatees who were put into those camps, is that correct?

Mr. SYDOW. That's correct. The camp system was built around a former prison system. The prison at the Camp Group 2 was an old French prison which still exists. The camps, the reeducation camps, were spread out around that. The camps around Camp Group 3 was built around the old prison of Nghia Lo.

We have looked—this camp system arose some time in 1975. The reeducatees began to arrive sometime in 1976. We know that Mr. Garwood was there from 1975 through 1979. The camp system was taken down sometime around 1979, and does not now exist. The former prisons do, however, continue in that area.

The CHAIRMAN. How many prisons are there in that area?

Mr. SYDOW. There are at least three prisons in that area.

The CHAIRMAN. And those prisons are in the same sort of geographic area that the camps were?

Mr. SYDOW. That's correct, sir.

The CHAIRMAN. Now, it's true, is it not, that over the course of the last 15 years many of the reeducatees who went into those camps post-1975 have fled Vietnam, is that accurate?

Mr. SYDOW. Yes, sir.

The CHAIRMAN. And many of those people have been talked to, is that true, by your people?

Mr. SYDOW. Yes, sir.

The CHAIRMAN. How many would you estimate have been talked to?

Mr. SYDOW. It's in the thousands. I would say 2 or 3,000, prob-

The CHAIRMAN. And of those 2 or 3,000 who were in there, do any of them say they were there with Americans?

Mr. SYDOW. Yes, sir. We have a fairly clear view, and we've often asserted this view. In fact, this was the subject of our initial presentation to the Congress of cluster theory. In 1987 we presented this as a cluster.

The CHAIRMAN. Who did you present that to?

Mr. SYDOW. To the House task force. Senator Smith was in attendance. Former Congressman Billy Hendon was in attendance. It was chaired, I believe, by Congressman Solomon.

The CHAIRMAN. What did you assert at that time?

Mr. SYDOW. At that time, we asserted the same picture that I will this morning. The reporting is quite consistent. If you look at the first-hand and hearsay reports, of which I number about 400, you will find in that set, they virtually all correlate to Robert Garwood.

You will find 30 exceptions. We have fabricated 18 reports and we have correlated 12 reports to the other—

The CHAIRMAN. What you mean is, you have 18 reports that were fabricated.

Mr. SYDOW. Yes, sir. I'm trying to speak as quickly as possible.

The CHAIRMAN. I just didn't want to leave you saying you were fabricating.

Mr. SYDOW. Okay. In effect, the reports have been fabricated.

Also, we have correlated 12 reports to other individuals who happened to wander through the system. There were Swedish development workers. This is a highly forested area. Swedish development workers in support of the Swedish paper mill project at Viet Tri wandered through this area assessing lumber. Soviet security advisors wandered through this area for purposes of their own. We have identified 12 reports that correlate to those—those activities.

But as I stated yesterday, 90 to 95 percent of this reporting is correlated to one man, and to one man only. That's Robert Garwood. It is consistent. It shows him to have freedom of activity through the system. He drove a jeep. He rode in a jeep. He rode a bicycle. He dressed in a white shirt with dark trousers.

He often carried a monkey on his shoulder. He projected films and gave propaganda lectures to the internees and reeducatees. He also fixed wire lines, as in the Tran Phu State Tea Farm. We have a fairly clear picture of all of his activities.

From those same reporters, we have a fairly clear picture of the whole reeducation camp system. In regard to your Son La cluster, this is not the Son La that your cluster refers to.

The CHAIRMAN. Now, come back to my question. Out of those several thousand, apart from Bob Garwood and apart from the Caucasians who were not American POW's, are there reports in which you place credibility of American POW's being held?

Mr. SYDOW. No, sir. There is no evidence of POW's being held in this system.

The CHAIRMAN. Mr. DeStatte.

Mr. DESTATTE. Yes, sir. I'd like to add one comment. We shouldn't forget that those 300-plus sources who accurately described Robert Garwood, encounters with Robert Garwood there, also said that they had no knowledge, personal or hearsay, of any

other Americans living or being detained in that area, and if these folks were acknowledged reporting accurate on that, why should we question their accuracy on the other?

The CHAIRMAN. So, let's just be very clear on that. The 300 people whom you were able to ascertain with certainty were referring to Bob Garwood, correct?

Mr. DESTATTE. That's correct.

The CHAIRMAN. Those same 300 people never reported any other American, is that what you're saying?

Mr. DESTATTE. I think I recall one source. He is a former Republic of Vietnam Armed Forces General, and there may be a couple of others who, in addition to reporting accurately about Robert Garwood said that they also knew of some Americans, other Americans who were being held there, but there again, we're looking at a minority, and again I believe we need to apply some common sense there.

If we have 300 people who say there was one and only one person, and out of that we come out of perhaps 6 percent or less who say there were additional Americans there, and then we begin looking at these additional reporters and their information and we find that—then we have to scrutinize that small percentage and see if there is some explanation for how they knew something that others didn't know, and when we approach it from that point of view, we cannot sustain the judgment that these folks somehow knew something that was concealed to others.

The CHAIRMAN. Now, out of the 300—you have 300 who reported on Garwood.

Mr. DESTATTE. That is an approximation.

The CHAIRMAN. Right, and you're saying that 5 percent of the 300 who reported on Garwood—in point of fact, if you take the totality of those people who reported but saw nothing, you're in the thousands, are you not?

Mr. DESTATTE. That's correct.

The CHAIRMAN. So your percentage in fact is much lower.

Mr. DESTATTE. Drops below 1 percent.

The CHAIRMAN. You have below 1 percent that are in fact conceivably reporting something.

Now, let's look at those specific reports and try to understand them, and those are the reports that are part of the current analysis.

Turning to live sighting report 1072, this is a reeducation camp inmate. This would be sort of one of that 1 percent that you're talking about. Date of sighting was August 1976. The status that you deemed was fabrication.

The person asserted that 5 kilometers from Son La prison camp in a bamboo forest this person had a first-hand sighting of six U.S. POW's cutting bamboo under guard. They were in prison clothes, thin, weak. He watched them for 4 or 5 minutes. They were not held in his prison camp.

Now, how do you arrive at the notion that that is in fact a fabrication?

Mr. SYDOW. Once again, you need to reflect this report against the fabrication that you have in reporting in the system.

was viewing the reported six POW's through bamboo forest. He stated that they had a prison uniform and were themselves engaged in some sort of bamboo cutting activity, and that this took 4 or 5 minutes, this observation.

We would note there has been no prior reporting of such a group of individuals working through the Camp Group 2 area. We would also note that the standard striped prison uniform, which is a hallmark of some fabricated reporting, went out of use even with the U.S. POW's that we knew to be in the Hanoi prison camp system and who returned. It went out of use in the late sixties. If this man is purporting that somebody is still wearing the maroon, double-striped prison uniform in 1976, it's an additional factor against him.

The CHAIRMAN. And you're saying that all of the debriefings of those prisoners who returned debunked the notion that that was what they were wearing. That was not in fact the prison uniform.

Mr. SYDOW. Yes, sir. I would give the credit for the development of this analysis to one of your staff who covered this issue with our foremost set of prison experts, a group of men who went through all the prisons in the system, the commandos, and who detailed the wearing of these type of prison uniforms.

The CHAIRMAN. Can you just help me out and say where it said they wore prison clothes? I didn't read where it said they were striped.

On your evaluation you say, during the 4 to 5 minute period observing, the Caucasians were watched by one public security guard. Other than reporting that the men wear prison clothes, he said the distance and dense nature of the bamboo forest precluded his providing detailed descriptions. I don't particularly see the stripes.

Mr. SYDOW. The prison clothes regimen was pretty informal in that whole reeducation system. The fact that he highlights it suggests that there was some special prison clothing that didn't exist.

The CHAIRMAN. You're saying there was no prison clothing.

Mr. SYDOW. I would say it doesn't bear the hallmark of a uniform.

The CHAIRMAN. Is there any other rationale which added to the judgment that this was a fabrication?

Mr. SYDOW. The distance of observation. The man stated that he was able to pick up details at 200 meters through bamboo forest.

Mr. DESTATTE. If I could provide a little contextual information, it might help.

The CHAIRMAN. Sure.

Mr. DESTATTE. The inmates in this reeducation system were former officers in the Republic of Vietnam Armed Forces. The civilian population there, while Senator Grassley correctly notes that the majority of them—the majority of people in that area are ethnic minorities, there was also a fairly large population of lowland Vietnamese who had been resettled—I think it would be accurate to say forcefully resettled in that area after 1954, following the communist ascension to power in North Vietnam.

The inmates in these reeducation camps had frequent contact with the civilians. They were on a variety of work details outside of their reeducation camp. The reeducation camp in this case, it's also

important to note, it's not a formal—most of them were not formal prisons.

The Son La complex or group of prisons, or what we call Camp Group, what the Vietnamese call Camp Group 2, included a couple of formal prisons that date back to the French era that were renovated by the inmates during their tenure there. I believe one of them has since been converted into a historic museum. Some of the key figures in the Vietnamese Government spent some time there as guests of the French there.

But anyway, the prisoners in this system had frequent contact or interaction with the local civilian populace. They discussed a variety of things. They bartered handicrafts for food items, for clothing items, for medicines, whatever they could get, but there was a good deal of interaction there.

There was a very active rumor mill, if you will, or informal communication system there. Had there been Americans in that area, it certainly would have been an item of considerable interest in an area where there is very little of interest going on, and it would be a topic of frequent conversation, and it should have come to the attention of the inmates there.

But in fact the inmates who were there, with those rare exceptions, are aware only of Robert Garwood in that entire system.

The CHAIRMAN. In fact you—in the debriefing here it says that scores of former inmates in this particular camp were interviewed and none of them reported anybody except Garwood, is that accurate?

Mr. DESTATTE. I think I would say it a little differently than that. We have to keep in mind that that statement does not take into account, again, that very small percentage of people who in our judgment have made false claims that there were people other than Garwood there, but in my judgment there is no credible source who has reported on anyone other than Robert Garwood, so I would insert the word, credible.

The CHAIRMAN. Turning your attention to live sighting report 1117, this is another reeducation camp inmate. He was a former ARVN lieutenant colonel, was a graduate of the National Military Academy at Dalat. He did the U.S. Army Engineering Officer Course at Fort Belvoir, and so forth.

His date of sighting was in 1977, he says near the Ba Khe Market, between Yen Bai and Nghia Lo, which I guess Route 601 connects Nghia Lo with Son La. His sighting was hearsay. He said, while working in the rice fields near the Ba Khe Market the source spoke to passing villagers who said they'd seen a group of U.S. POW's being moved from Yen Bai to Son La. Two of the POW's had Vietnamese wives.

Now, this information came from the Office of the Chairman of the Joint Chiefs of Staff to you. Can you tell me how you evaluated it? I gather this gentleman—I've read his debrief. He gave a very long and detailed debrief, but he says, point blank, he did not ever observe any Americans. That's his personal statement. So this is pure, rank hearsay. How do you evaluate it?

Mr. DESTATTE. Let me preface my comments by pointing out that the Ba Khe intersection, or what is referred to there as the Ba Khe Market—most Vietnamese refer to it as the Ba Khe intersection—

is not part of the Son La group of camps, but is part of a greater—the organization that was responsible for that whole complex was the North Vietnamese Army, or People's Army of Vietnam organization called Group 776, and Ba Khe intersection is closer to Group 1. It's not part of Camp Group 2.

The CHAIRMAN. So, to begin with you assert this should not be part of a cluster.

Mr. DESTATTE. Yes, if we're keeping this cluster to Son La.

The CHAIRMAN. Point made. What's the next point with respect to the evaluation? How do you decide whether that hearsay is accurate or inaccurate?

Mr. SYDOW. You balance that against the reporting. I would say that's inaccurate reporting. Let me illustrate.

Since you've raised a new case here today, I'll raise another. We have another reporter who was at Ba Khe Market. It sets in the middle of the Hoang Lien Son system. He was enjoying a cup of tea in a little cafe at the side of the road when he observed a jeep to pull into Ba Khe with, I believe, four white foreigners in the back of the jeep. It parked, and they walked into the public security office.

He was able to observe that the men were wearing shorts, khaki shorts and shirts with a football number on the back. We've correlated that report to Swedish development workers, who would naturally come into Ba Khe, register with the local public security, and then go about their business.

This area is covered thoroughly. The men went out—the reeducatees went out each day, worked in the fields, worked in the tea plantation, cut bamboo, did such things. They also shared with each other information on strange occurrences that happened in the reeducation camp system so that they all knew what each other knew, or they shared hearsay information, and none of this reporting corroborates each other in supporting large groups of Caucasians moving around within the system. This is an inside-the-system report.

Mr. DESTATTE. I would add that first, this is a hearsay report, as I understand it.

The CHAIRMAN. Let me just add, before you do, this is Son La Province, correct?

Mr. DESTATTE. No, sir. This is outside. This is in Hoang Lien Son Province.

The CHAIRMAN. Well, in your Joint Casualty Center letter to JCRC, to the commander, it says subject, possible American POW's in Son La Province.

Mr. DESTATTE. That's a clear misstatement.

The CHAIRMAN. Concerning the alleged sighting of American POW's in Son La Province in Vietnam, 1977.

Mr. SYDOW. This is the same confusion that your committee staff has fallen into. When one of the camp groups is called Son La, people expect that name to spread out over an area of land, without reference to the province boundary.

The CHAIRMAN. Let me read you, during blank years of confinement at Lon Geo, Tan Laph, Yen Bai Camp 7, Camp Hoang Son La, Camp 2 Ba Khe, and Camp 4 Hoang Lien Son, this source did

not ever observe any Americans. Now, I happen to find that significant.

I mean, I think if the source is saying he heard something and he's got all of this background, but he says in all these camps he never saw an American, to me that's interesting. But I don't think you can have it both ways.

If you accept the notion that—I think you probably do. You accept that somebody might have said to him that they saw Americans. You just don't accept that there were really Americans there, is that correct?

Mr. DESTATTE. Sir, I think in this particular case the source apparently is giving us a good faith rendition of what he heard, and I think it's significant. The point I was going to make, the next point, is that he refers to two Americans with wives.

We know that Bobby Garwood was there. Bobby Garwood also lived with a Thai national who sometimes was mistaken by inmates who observed the two as a dark-complected American. As rumors pass from person to person, I think it's quite possible, and in fact probable, that the story that this fellow heard was in fact based on the presence of Robert Garwood and the Thai national.

The CHAIRMAN. Well, let me read so the full passage is in the record here. The source did not ever observe any Americans during 1977 while working in the rice fields near Ba Khe Market, and you're saying Ba Khe Market, per se, is not in Son La Province.

Mr. DESTATTE. That's correct.

The CHAIRMAN. Okay, I accept that.

He talked with villagers passing by who claimed that they had observed a group of American POW's—did not say how many—who were being moved from Yen Bai to Son La Province. The villagers stated that two of the Americans had Vietnamese wives. The source asked the villagers, how could American POW's have Vietnamese wives, and the villagers speculated that the two men had decided to join the communists. The villagers gave no further details concerning the Americans.

Now, you have not deemed this to be a fabrication. In fact, the status is not indicated. What does that mean? What is the status of that report?

Mr. SYDOW. I would say the report is left open. As in many cases where we find hearsay reporting that tends to confirm our knowledge of the particular area, we let it lie in the database in the hope that maybe—or the fear that maybe some day later it will be corroborated to other reporting and lead to a significant theme, the sort of themes that we were looking for yesterday in Hanoi.

In this case, as Mr. DeStatte alluded to, we have in this camp two individuals, two stay-behinds, collaborators with the Vietnamese, both of whom have been reported as having local wives, so there's a basis in reality, perhaps, for this man's story, which is otherwise fairly well corroborated.

The CHAIRMAN. So you knew of more than one collaborator.

Mr. SYDOW. The other individual is a Thai national not of concern to us. He adopted a Vietnamese name, as did Garwood—Nguyen Viet Son. He is reputed to have been a Thai air pilot who strayed into Vietnamese air space and was kept in the reeducation camp system for, lo, 20 years.

The CHAIRMAN. I want to keep moving through these Son La sources, because I want to divide this morning into two halves, if we can.

Let me turn to my colleagues, if I can, and see if we can keep moving through. Senator Smith.

Senator SMITH. Thank you, Mr. Chairman.

Of course, the position of the Vietnamese, Mr. Sydow, has always been that there are no stay-behinds, correct?

Mr. SYDOW. Yes, sir, that is their position.

Senator SMITH. That is their position.

Mr. SYDOW. That should be modified.

Mr. DESTATTE. Now, I believe they published a white paper in 1980 in which they devoted a paragraph to Robert Garwood, in which they described him as a person who voluntarily crossed over to their side.

Senator SMITH. Well, Garwood came out in 1979, so I guess we can say that anybody that's sighted after 1979 is not Garwood, can't we? He gets credit for a lot of sightings, but he can't be credited for sightings after 1979 when he came out in 1979, correct?

Mr. SYDOW. Other than for a minor confusion of dates, that's correct, sir.

I will say that we have heard the latest Vietnamese position on this in May of last year, in Hawaii. Their statement was, they are not aware of any Americans living in Vietnam, stay-behinds.

Senator SMITH. Some of these sources you're attributing possibly to people who may be behind, so you're taking issue with the Vietnamese statement. Do you have any evidence that you haven't shared with this committee of stay-behinds in any capacity in Vietnam?

Mr. DESTATTE. I don't understand what point we are taking issue with.

Senator SMITH. Well, you're saying—you're talking about the possibility that there may be, quote unquote, stay-behinds.

Mr. SYDOW. The period that we're covering here, Senator Smith, is 1975 through 1980 sightings, in which we did have two stay-behinds. We are not beyond that period.

Senator SMITH. Picking up on some of the points that Senator Kerry made on the same two sightings, the difficulty that I have in dealing with this, and have had the same difficulty for the past 8 years, is I read the intelligence. I think I have all of it. I'm told I have all of it. But I can't get out of it what you guys have out of it.

For example, source 1117, he said that—you guys make the point that the sighting was in another province. It was not in Son La, it was next to it, true, but what did the source say? The source said they were going to Son La, correct?

Mr. DESTATTE. That's correct.

Senator SMITH. So it's not that much—it's not that outrageous, is it, to cluster that to say these POW's are en route to Son La?

Mr. DESTATTE. Refresh my memory, but I believe he said that—do I recall correctly that he said that these folks were being moved to Nghia Lo?

Senator SMITH. I don't think so.

The CHAIRMAN. He said—in 1117 he said—I read that into the record a moment ago—they are being moved from Yen Bai to Son La Province.

Senator SMITH. I mean, the point is, the purpose of this cluster that is drawn, I think you all know in terms of cluster analysis, there are many things you can cluster. You can cluster the fact that people had rubber tires on their feet, that the prisoner everybody saw had that. There are many ways you can cluster. You can cluster by location, you can cluster by prison system, which is what we've done here.

We went through this in the preliminary meeting that we had a couple of weeks ago on this thing, so you're aware of that, so I think it's misleading. Son La is a single province prison, correct?

Mr. SYDOW. No, sir. The confusion that we're getting into, we have described completely this morning a reeducation camp system which existed in an area bordering on Son La Province. We have yet to address any issue of prison in Son La.

Senator SMITH. Isn't it a prison system in Son La, an administrative prison system?

Mr. SYDOW. Sir, I would expect a provincial jail to be in the provincial capital of Son La, but what we're addressing this morning through the first two reports raised is the Hoang Lien Son People's Army of Vietnam Group 776 Reeducation Camp System, something totally different, not a prison system.

Senator SMITH. That's not what I'm addressing. What I'm addressing is, who controls the camps? Are you saying that all those camps at Son La are all totally isolated, or were totally isolated, had no connection with each other?

Mr. DESTATTE. During the period 1970—I should say, during the period 1976 through late 1978, the prisons—and prisons is somewhat of a misleading term. The detention camps in that region which held former officers in the Republic of South Vietnam Armed Forces were all under the control of People's Army of Vietnam Group 776.

They were not under the control of Son La Province. Some of the camps may have coincidentally been geographically located either in or on the border of Son La Province, and some of the inmates and others refer to them as a matter of convenience as the, quote, Son La camps, they are in no way administratively or otherwise connected to the province administration of Son La.

So we're talking about these reports. We're talking about reports that were received from former inmates of the camp system that was administered by Group 776.

Senator SMITH. Well, the purpose of us analyzing it this way is to try to get a different reading, other than simply independent source reviews. We talked about this yesterday. You understand that. What you just said, though, that it is a system—

Mr. DESTATTE. I think we've been saying that quite consistently.

Senator SMITH. This is where I really have—if it's a system, that's all I'm saying, that Son La prison system, it doesn't matter how many jails or how many admin buildings or whatever there are in the system. What I'm asking you is, is there linkage between these units, for want of a better word, in the system in Son La Province?

That's the question I'm asking, based on your intelligence.

Mr. SYDOW. Senator Smith, at issue here is to seek to find POW's, wherever they might exist. What we have tried to define in our briefing this morning is a reeducation camp system on which we have reporting that is 90 to 95 percent accurate. It doesn't add intelligence to the issue of hunting for POW's.

Now, if you want to talk about Son La as a province, as a province capital, away from this system, away from this time period, I would agree that that should be the focus of our efforts, but we have a historical phenomenon here. It came up in 1975 and went down in 1978, 1979 or 1980. The reeducatees were all transported back to the South, where they emigrated to the United States and other countries. We've learned a lot about this system. But to hunt for POW's, this is not a place I would look.

Senator SMITH. Well, what I'm trying to establish here, as we did yesterday with the Citadel, we have—I believe I'm correct. I'm not certain—I think it's nine sources in a single prison jurisdiction. To me, that's a significant number of people.

Now, what you're saying is, that's spread out all over the province, and I understand your point, but what we're trying to say is, you have to take another look at that and you've got to say, if this is a system, and you basically have said that it is, we don't probably know the specifics of how much contact there is, but we know it's a system, and if it is a system, administratively, then there's got to be contact.

There should be contact, then, between those units, and if there's contact between those units, then nine sources in that system makes that a cluster, and that gives you another perspective, another perspective on those nine sources who come out that you source-analyzed as being, I believe, fabrications, or most of them. That's all I'm saying.

Mr. DESTATTE. You raise a very important point, I think. If this is a system, it is a system with a chain of command. They are linked to each other. Not only were the camp administrators, or the system administrators, I should say, talking with each other, but also the camp population was talking to each other.

The camp populations were mobile. People were transferred from one camp to another for a variety of reasons. There was a centralized distribution system for food, medicines, and other staples. Individuals from a given camp were sent on work details up to the central distribution point. There was always interchange between people there. There was a medical treatment system that was in place.

People that needed—people that were suffering from severe medical problems were evacuated to a hospital that was in Camp Group 4. There was a whole host of doctors there who were all South Vietnamese, some of whom we spoke to.

There was a tremendous flow of information there. None of these camps existed in isolation, and while you point out accurately that there was a small number of people who said that there was a number of POW's, of Americans other than Robert Garwood, I would point out that a tremendous number—a tremendously larger number of people were in that same system who were exposed to the same information flow. They say no.

And if we can bring it back to source 1117, whom we were just discussing, I think it's significant that here an apparently reliable source telling us that he personally had never seen nor heard of any American POW's, other than this one rumor, and we do not know how many minds, how many persons, this rumor had gone through before it finally reached him. We don't know what distortions entered that story before it got to him.

We do know—everyone who has gone through a grammar school class in the United States has gone through that little exercise where they give a student at one corner a piece of paper. They read the little note, and then they verbally transfer it to the person behind them. By the time that information flows to the other end of the classroom, it does not resemble the original statement.

Senator SMITH. Let me—and then I'll yield to my colleague. Let me just touch two specific areas regarding the two sources, one a general question and one on the source that Senator Kerry just discussed with you, 1072. I read the source file. I've read every word that we have in that case, and I listened to your responses to Senator Kerry's questions.

There's nothing in the source file that I can find that says anything about stripes on prison uniform. The source talks about prison uniform. That's all I can find him saying, and now we've evolved from refuting what the individual said because you didn't find anybody that saw prison uniforms with stripes. He didn't say stripes, so where do we get stripes? What document?

Mr. DESTATTE. I believe Mr. Sydow just explained how he came up with that, the basis of that statement.

Senator SMITH. Well, I don't understand how we got to the prison uniform with stripes.

The CHAIRMAN. I think what he explained to me when I asked him that question last time as I came back at him was that the original uniforms, when you refer to prison uniforms, the original uniforms were striped, and he was saying that in that particular area they didn't have a sort of set prison uniform, that the dress was fairly casual—whatever people had. I think that's what you said.

Mr. SYDOW. That's correct. That's correct.

Senator SMITH. So you did not refute this source because of a striped uniform.

Mr. SYDOW. No, sir. The elements of his observation are more important—200 meters and 4 or 5 minutes through a bamboo cluster of trees.

Senator SMITH. All right. Just two other final points on this. I think you said, Mr. Sydow, that the reporting from this area, did you use the term—I might have missed. Did you say 95 percent accurate?

Mr. SYDOW. I said 90 to 95 percent. The simple figures are approximately 300 reports correlated to Garwood, 18 reports have been fabricated, and 12 have been correlated to other individuals. That excludes from consideration a group of crash-grave airplane incidents that happened in these very provinces during wartime.

Senator SMITH. So regarding Garwood, do we determine that the 300 reports on Garwood are accurate because Garwood came back, or did you determine that they were accurate before he came back?

Mr. DESTATTE. We didn't begin receiving those reports in any volume until after he came back. When we first began receiving the reports, we accepted them as accurate reports, but we hadn't confirmed precisely who they were. As I mentioned yesterday, the analyst who was responsible for those cases at that time, it was his judgment very early on in the process that the subject of those reports was Robert Garwood, but it took us some time to confirm that.

Senator SMITH. So we've confirmed that they were Garwood, basically, because Garwood came back and was able to confirm that.

Mr. DESTATTE. We confirmed it through hard work and the determination to find out who it was.

Senator SMITH. And following up on that, on that point, then the 5 percent that are inaccurate, if it's 90 to 95, taking the figure 95, if 95 percent are accurate, then the 5 percent that are inaccurate are the ones that claim they saw American POW's.

Mr. SYDOW. I don't know what the specific claims were of the 30 other reports. There were a variety of claims. There were claims of Caucasians who indeed were Swedes, or who, indeed, were Russians. There are a variety of stories. We'd have to examine those one by one, as we do every case.

Senator SMITH. I'm just taking what you gave me. You gave me some numbers, and you said Garwood, you said fabrications, and you said other Americans.

Mr. SYDOW. Other correlations.

Senator SMITH. Other correlations. I just assumed from that that the fabrications are those that are live POW's, sighted live POW's.

Mr. SYDOW. In fact, fabrications are lies. They're not based on any reality at all.

Senator SMITH. The final point, the point I am making is, 90 percent of the people, 90 to 95 percent of the people who stepped up to the plate and said they saw something, Garwood or something along those lines, were correct, and based on source analysis alone, you determined that the other 5 percent were not correct, and what we're trying to do is show you that there are other ways to look at this in this prison complex cluster which, based on the accuracy of the 95 percent, I think deserves another look. I'm not a professional analyst—

Mr. DESTATTE. We have done that, but let's take that 95 percent that described Robert Garwood. These folks also said that he was the one and only one. Now, how do we deal with that? Do we say that they were fabricating the claim that he was the one and only one?

Senator SMITH. Very good point. I agree with you. 10 percent of the people, though, in that area, only 10 percent by your own admission, saw Garwood.

Mr. DESTATTE. I don't believe I said that.

Senator SMITH. Well, only 10 percent. Somebody said that.

Mr. DESTATTE. Ten percent of the people who have reported on that area.

Senator SMITH. That's right. Only 10 percent of them saw Garwood, and according to you, he was running all over the place on a bicycle, on a jeep, walking the streets with a monkey on his shoul-

der, and only 10 percent of the people saw him that reported to you, so I don't see that as a factor.

Mr. SYDOW. If we allow you to set the statistics, yes, of course, we have interviewed or had contact with over 2½ million reporters, refugee reporting, and in that case it is an infinitesimal percentage who reported Garwood. I think the salient point here is that 90 to 95 percent of the reporting in that system is accurate.

When we look at the source reporting over all, 70 percent of it, 70 to 75 percent of it is accurate, so we can say in this particular system that we have a 20 percent greater accuracy than we do in the system at large.

Now, that would suggest to me that this, just like an underground facility in Hanoi, is not a lead that we want to pursue. We want to pursue the highest priority lead we can get, and it's not to be found in this system.

The CHAIRMAN. Let me, if I can, point out, we've got a number of these I want to get through, but we've gone through two of these live sighting reports so far, one of which is, according to you, not specifically in Son La but in a marketplace intersection, correct?

Mr. DESTATTE. Yes. As Senator Smith correctly pointed out, it is part of that greater system that was under central management.

The CHAIRMAN. But the first one was through the bamboo forest at 200 meters, hard to identify. A person couldn't identify anybody specific, didn't hear anything, wasn't close enough to identify, correct?

Mr. SYDOW. Yes, sir. That's within the system as well.

The CHAIRMAN. I understand.

Mr. SYDOW. I would like to hallmark—

The CHAIRMAN. The second one is hearsay. Somebody said they saw a group. Two of them had wives, and they speculated that the reason they had wives is that they had gone over to the communists, so those are the two. That's the quality of the two reports we're dealing with so far. I just want to keep moving through these.

I also want to point out that if nine—if a grouping of nine, some of which you've deemed to be fabrications, is deemed to be an important number quantitatively, that there is really another cluster.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. And the other cluster are the thousands who said they didn't see anything.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. So in point of fact, if you're trying to weigh here—I mean, if we're trying to weigh, and we're looking at this accurately, you can't just look at the 300 reports of Garwood, and the 300—because those are the ones who happened to say they saw something, but you have to take the whole universe which are the many people who didn't see anything, and then work backwards from those who say they saw something and see how many of those in fact correlated to something, and then you are left with a much tinier percentage, correct?

Mr. SYDOW. Yes, sir.

The CHAIRMAN. So in point of fact, when you take a cluster of nine, you're taking a tiny little bitty piece of paper off of here and

holding up against a cluster over here [indicating] and that's the true cluster. It's all the people you talk to.

Mr. SYDOW. Yes, sir. I would like to hallmark the point that Senator Smith established. It seems to me that there are three types of cluster analysis. Some we will call proximate, which is the kind of reporting that we're looking at here, things that are in the vicinity of real occurrences, and it tends to group geographically. Your staff first elucidated that.

The second kind is thematic clustering, as you said, Senator. It has to do with a prison system, and we're trying to divide that in this case, the prison system that may exist apart from this reeducation camp system.

I would say there's a third level of cluster analysis, if we can use a bad term, and that would be substantive. That's your point, Senator Kerry. If you look at the Garwood reporting, it's 20 percent of the total, first-hand reporting. You have a situation where you have an American living in a locality for 5 years. That takes up 20 percent of the reporting. That implies in the converse that there is no other such situation there.

The CHAIRMAN. I follow that, because if any other Americans were living in the same situation, you ought to have a 20 percent increase or more in your reporting.

Mr. SYDOW. Indeed, sir.

The CHAIRMAN. And indeed, if large numbers of people were being held, you're asserting that the system, through all of these people who come back, many of whom hated the guts of the people who put them in there, the first thing they'd like to do is report what they saw, but in fact they didn't report anything.

Mr. SYDOW. Yes, sir.

Mr. DESTATTE. Yes, sir, and just to cite one recent person that I spoke with, he's a former colonel in the South Vietnamese Armed Forces. I had an opportunity to go on an operation with him once in 1967 up in the highlands, when he was at that time a lieutenant colonel.

In 1971, he was a commander of the Third ARVN Paratroop Brigade. He was captured in Southern Laos when his position was overrun.

In 1973, at Operation Homecoming, the communists chose not to release him and many of his staff, along with the other ARVN officers. He remained a prisoner of war for several years. He was moved out to Son La Province, to that, what became Camp Group Number 2, the very location that we're talking about, in 1975.

When they closed those camps down in 1978, he was moved to one of the Ministry of Interior prisons in the interior, or in the lowlands of North Vietnam, eventually relocated to South Vietnam, and finally released in the late seventies, now lives in Australia.

He heard of Robert Garwood, and that's it. He hasn't heard, see, or has any other knowledge of any other Americans in that system. Here's a man whose dedication to his armed forces and to his men is unquestioned, and a man whose friendship towards the United States, his former ally, is unquestioned, and certainly his access is unquestioned.

The CHAIRMAN. Senator Grassley, do you want to pick up on some of these?

Senator GRASSLEY. I have one question on source 1072, and then I want to go on to source 1243, but in regard to 1072, it's fantastic for me to think in terms of six sightings being all resolved to be a single person. I guess that single person is Garwood. Can you explain how six guys can all be Garwood in your analyzing this?

Mr. SYDOW. This sighting was deemed to be a fabrication, sir. It's not correlated to Garwood.

Senator GRASSLEY. It's not correlated to be with Garwood?

Mr. SYDOW. No, sir.

Senator GRASSLEY. Your evaluation talks about Garwood.

Mr. SYDOW. Then we're not talking about 1072.

Senator GRASSLEY. Let's go on to 1243. Okay. Well, then, let's resolve this. It does talk about Garwood. 1072 does.

Mr. SYDOW. What is the bottom line? John, is there a bottom line summary there?

The CHAIRMAN. In your evaluation, in paragraph 3, it is likely that the camp leader's comments were prompted by his knowledge of the presence of Mr. Nam—Mr. Nam was Garwood—at Yen Bai. So the sources claim to have seen six Caucasians as a fabrication, so in fact, based in part upon his knowledge of hearsay reports of Mr. Nam, so in effect you're both correct.

It cites Garwood, but it doesn't say that this specific sighting was Garwood. It says that because of their potential knowledge of Garwood, or the general knowledge of Garwood, they may have fabricated this, but the bottom line is they deemed it to be a fabrication, not that it was Garwood.

Mr. SYDOW. Yes, sir, and I believe the source specifically says he was not influenced by that statement by this section chief.

Senator GRASSLEY. On source 1243, the letters are from relatives dated 2 September, 3 November, 22 December 1981, sent to the JCS by an American citizen in Atlanta, forwarded to the DIA, translated, ARVN Lieutenant Colonel, former inmate in a reeducation camp, date of sighting, 1978. Location, Son La prison. Hearsay, that 40 U.S. POW's were kept in the camp until Chinese invasion threat, then they were moved to the lowlands, were very thin and weak.

He included two American names in these letters. These were redacted in unclassified versions. He saw American graves and American writings on the wall inside the prison. He saw the Americans, referred to as white water buffalo, referring to that, and then he said they were called stork water buffalo in Son La.

How did this information come to DIA's attention?

Mr. SYDOW. I believe this source wrote a number of letters to various agencies, including the National League of Families and collection agencies. There is a great deal of variability between his letters. You have correctly described the first letter that we received. I think there were subsequent letters.

I would say there's some difficulty in getting to ground with what exactly this source has to tell us. The bottom line is, when you look at all of the letters and try to reduce the variability to a minimum, he states that there were 40 or 50 POW's within the Hoang Lien Son system. He states that there was a mixture of Australian and Lao POW's, and he states a location in a different province as being of interest.

It should be noted that this source is well-known to us as a man who in a foreign situation in Denmark went berserk.

Senator GRASSLEY. Let's make clear here that the letter was not written to our Government. The letters were written to his family, and he was in jail or camp at the time.

Mr. SYDOW. Yes, sir. This is case 1243.

Senator GRASSLEY. This case is—yes, 1243. My staff says you're referring to 2638 in your analysis.

Mr. SYDOW. That's correct.

Senator GRASSLEY. I am talking about 1243.

Mr. SYDOW. And the question was?

Senator GRASSLEY. The question is, first of all, how did this information come to the DIA's attention?

Mr. SYDOW. He wrote letters to the family.

Senator GRASSLEY. Then they were passed on to the Chairman of the Joint Chiefs of Staff. What did the DIA writer mean when he wrote on a note that, quote, this one fell through the cracks?

Mr. SYDOW. Who was the writer?

Senator GRASSLEY. We don't know.

Mr. SYDOW. Nor do I.

Senator GRASSLEY. But it's in your files. I mean, when you say this one, somebody says this one fell through the crack, it seems to me that that's pretty significant, and we ought to know. It would signal that there's something inadequate in the processing of these contacts.

Mr. SYDOW. What page is the comment?

Senator GRASSLEY. You have the file.

[Pause.]

Senator GRASSLEY. It's been redacted. It was in the original file that we saw.

Mr. SYDOW. We brought the redacted files.

The CHAIRMAN. Who was this letter written to? Was this letter written to Le Thianh.

Senator GRASSLEY. It was written to his wife.

The CHAIRMAN. Why does it say, to Le Thianh?

Mr. SYDOW. And cousins. We haven't identified the receivers.

The CHAIRMAN. I'm just curious. Do we have the answer to that, John, on one page?

Mr. SYDOW. Senator Grassley, may we see the note? We brought the redacted files.

Senator GRASSLEY. We saw it in the unredacted form in Senate Security, and when we got the file back it was taken out.

Mr. SYDOW. I have no knowledge of either of those events, Senator.

Mr. DeSTATTE. If I can just offer a point that's admittedly speculation, we don't know who made the marginal note, but my guess is that the simple explanation is that somebody probably was going through their in box and found out that here was one that had sat in there a few days too long, and he made the note just as a key to the person who it was assigned to to get moving on this one quickly, because we were behind the power curve.

Senator GRASSLEY. Yes, well, your response is based upon speculation, and I think it's legitimate for us to speculate otherwise.

Mr. DeStatte, did you work on the file?

Mr. DESTATTE. Not that I recall. I don't recall the specific. I may have.

Senator GRASSLEY. The letter written by this source mentioned some alleged POW's by name. Has the DIA researched these names, and are they genuinely accounted for?

Mr. SYDOW. We have researched the names. No correlation was made. Both the names are last names. The rank designated is incorrect for anyone who is unaccounted for.

Senator GRASSLEY. What happened when you followed up by contacting the original writer of the letter?

Mr. SYDOW. We were never able to recontact the original writer. He remains in Saigon.

Senator GRASSLEY. But you have tried to contact him?

Mr. SYDOW. We have no indication of that in the file.

Senator GRASSLEY. Would you agree that he has no motive to lie?

Mr. SYDOW. I don't know that, based on the information that we have. I would say someone writing his—

Senator GRASSLEY. Well, he's still in jail.

Mr. SYDOW. He's out of re-ed camp. He's writing to a family who have already emigrated to the United States. I would suspect that he might wish to join his family.

Senator GRASSLEY. Do you know where the source is now?

Mr. SYDOW. In Saigon, Ho Chi Minh City.

Senator GRASSLEY. Have you tried to contact him?

Mr. SYDOW. No, sir, we have not. We would be exposing this source to the security forces of the Socialist Republic of Vietnam in order to do that.

Senator GRASSLEY. Then I think implicit in your statement is that this source is unresolved.

Mr. SYDOW. We should note that the source also reports on Mr. Nam, so again we're dealing with the same reeducation system. We're dealing with a Garwood report to which is added two names—I can reveal the name Johnson—that are basically generic and do not correlate to any of the unaccounted for men.

Senator GRASSLEY. We don't have anything about Mr. Nam in our file. This guy has written about 40 different people that he's seen. It seems to me to be significant that somehow we should be following up.

Mr. SYDOW. My description is, while at an unidentified reeducation camp in Son La in 1979, the lieutenant colonel said that he heard about 40 POW's who had earlier been there, maybe 1978. He said communists said POW's were there voluntarily, but he wasn't so sure. He saw American names written on the wall, and he heard that a top POW was Mr. Nam.

Senator GRASSLEY. Mr. Chairman, I'll yield the floor.

The CHAIRMAN. Well, let me ask you, I'm trying to make sense out of this letter, or letters. Can you help us? Did you evaluate the letters themselves?

Mr. SYDOW. Undoubtedly the analyst looked at the letter originally.

The CHAIRMAN. So there was no determination made with respect to this report. What is the status today of this report?

Mr. SYDOW. This is a hearsay report that falls into the reporting—the aggregate reporting from the Hoang Lien Son system.

The CHAIRMAN. This one just sits out there.

Mr. SYDOW. It is in our database. It will be raised each time an analyst looks at the area, if there is a correlation. In particular, if these names were corroborated by another report, it would be raised in significance. Various aspects of this reporting is raised each time an analyst looks at the geographic locality. Again, this is a report which is attributed to the Son La cluster and is not—

The CHAIRMAN. I understand. What is the theory here of this letter? Have you been able to figure that out? I mean, as I read the letter, the first letter is dated September 2, 1981. It says, Dear Paternal Aunt, Uncle, and Cousins, and it kind of goes on, then at one point it says, the things T asked about raising cattle and water buffaloes H is sympathetic to 100 percent.

Now, I gather T and H are obviously referring to a couple of folks. I don't know if you know who they are. Do you know who they are?

Mr. SYDOW. I speculate that the letter writer is trying to hide the names of relatives and friends who are known to both parties.

The CHAIRMAN. Well, asked about raising cattle and water buffaloes, isn't this the language used here to talk about supposed prisoners of war? I mean, is that what's being asserted here?

Mr. DESTATTE. I think not, sir. Son La Province is also a center for cattle raising and dairy farming.

The CHAIRMAN. In the next paragraph down it says, while I was still at Son La I was not able to see the white water buffalo herd—there they were called the stork water buffalo—about 40 in number. Now, is that referring to American prisoners? I mean, that's what's been asserted. Do you realize that? Have you analyzed this letter?

Mr. SYDOW. Have I analyzed it? No, sir.

The CHAIRMAN. Has anybody analyzed it?

Mr. SYDOW. I suspect the analyst at the time who examined the purported name correlations analyzed the meaning of this letter.

The question is very basic. The man was in a situation in the reeducation camp system where he's asserting 40 POW's in a situation we know not to be true. Whether or not he's alluding to that in code or reporting it directly to us, it's not a credible story.

The CHAIRMAN. Well, I have a lot of problems with the letter, but I'm surprised you folks aren't sort of reading the code here.

He says that if the buffalo herd were fed well, surely they'll get very big, but there is a shortage of food, so they get very thin and weak. He used to jokingly called the leader of the herd blank, the same as H. The next one in line was master sergeant. He was about 1.8 meters tall.

This was around 1973. The Chinese invaded after that, so they took them down toward the lowlands.

I mean, this is the report, is it not?

Mr. SYDOW. Yes.

Mr. DESTATTE. I must confess that I haven't read this file.

The CHAIRMAN. Is there anybody here who can analyze this? How about this afternoon? Can somebody give us an analysis of this?

Ms. COOKE. I read this.

The CHAIRMAN. Can you say who you are?

Ms. COOKE. My name is Melinda Cooke. I'm an analyst.

These letters came from a former ARVN colonel who is out of re-ed camp. It looks very strongly as if it's of the Hoang Lien Son system. He was probably in Camp 2 at Son La.

He writes letters, a series of three letters home to his relatives. He sends with them all his bona fides. He's obviously very interested in joining his family.

The letters come in Vietnamese, and the relatives seek to give us some understanding of what the internal code means.

It's the relatives who tell us that the white water buffalo mean Americans, yes.

The CHAIRMAN. Well what is the purpose of the code?

Later on in the letter he says, as with the husband of niece [American], I mean, he goes on and talks about things in fairly open terms.

Mr. SYDOW. Presumably he fears his mail being opened coming out of Vietnam. There are inconsistencies, however.

If his mail was being opened—well, I think mail would be opened, but—

The CHAIRMAN. Well, the two names in there, did you check the two names?

Ms. COOKE. Absolutely.

The CHAIRMAN. Were they the names of POW's?

Ms. COOKE. They are relatively common last American names. They are associated only with a rank. There is nobody by that rank with that name missing.

In his first letter, he says the leader was named—this is redacted. It says Mr. Nam in his 2 September, 1981 letter.

He's talking about—he never says he sees anybody. He's attributing hearsay. I mean, he was told these.

It's hard to bring any of these, a hearsay report—how can we fabricate this, or really make much sense of it? We can't follow up on it. We can't get in touch with the original source.

The information contained, as you pointed out, is so vague that other than a fairly strong feeling that this comes from Son La, from Camp Group 2, that he's referring to Mr. Nam, who's very well-known in Camp Group 2—hearsays are of many types, and it's not always possible to ever correlate them.

The CHAIRMAN. The status of this one today is what?

Ms. COOKE. It's in the file.

The CHAIRMAN. Let me turn to—

Mr. SYDOW. It's open for follow up. I would make the additional point that we often see pseudo codes like this in the dogtag reporting, of which we have 7,000 reports, that they assert that they have the remains, or know the location of remains of a variety of American names, 97 percent of which are without foundation. If the names as indicated served in Southeast Asia, they came back to the United States.

The CHAIRMAN. So you're suggesting, since this person was in prison being held, since his family was out, that a code was sort of an enticement and maybe somehow that will get people to pay attention to him in that predicament.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. Is that the theory?

Mr. SYDOW. If he could assert a real name of a real MIA, I'm sure we would have been talking to the man.

The CHAIRMAN. Notwithstanding you would have exposed him to the authorities.

Mr. SYDOW. We have ways of talking to people without exposing them to the authorities.

The CHAIRMAN. Why can't you do that anyway.

Senator GRASSLEY. What about talking to that guy in Saigon?

Mr. SYDOW. That's the man we're talking about.

The CHAIRMAN. Why not do that?

Mr. SYDOW. His information is without substance. He's reporting on the Hoang Lien system. He's given us names that don't match. Is this a good lead?

The CHAIRMAN. Fair enough. So 1243 is in a state of sort of animation. It's confused, it's not very clear, and it's hearsay, correct?

Mr. SYDOW. Yes, sir, exactly.

The CHAIRMAN. 1309. The date of sighting was December 1988. You determined it a fabrication.

It is a letter from a refugee in Texas. He has been an ARVN officer and he was a POW in the fifties. After 1975 he was arrested. He went to a re-ed camp and he escaped. He was interviewed in Maryland.

His sighting was that the source was transporting materials from Saigon to Hanoi for a communist colonel who was commander of the POW camp in Son La. He took the cargo to the colonel's home at the prison, the colonel got drunk, took the source on a tour of the camp, he saw some American POW's, the colonel said that he had 300 of them in the prison, and said the Government was keeping them to bargain for a price.

He failed the polygraph, and your determination on that is what?

Mr. SYDOW. I believe we've determined that to be a fabrication. He's reporting that he was allowed to visit the Hoang Lien Son re-education system. He has reported a number of POW's that are not corroborated by other reporters. He has failed a polygraph. He has indicated deception.

The CHAIRMAN. So the combination of those leads you to say that that is a fabrication.

Mr. SYDOW. Yes, sir.

Mr. DeSTATTE. The multiple.

The CHAIRMAN. The multiple indicators of fabrication.

Mr. DeSTATTE. The multiple inmates who have lived in those camps for a period of time and have indicated that there weren't.

The CHAIRMAN. They contradict him.

Mr. DeSTATTE. Yes.

The CHAIRMAN. Next, number 2626, a Vietnam refugee.

Date of sighting, January 1984. Status is, it was a fabrication. The location was the Yen Ha prison in Son La Province, the sighting, that he went to visit his uncle who was an inmate, says he saw two Americans pulling an ox cart. He was told, or so he says, that they were B-52 pilots shot down in 1972. Both spoke fluent Vietnamese.

You determined that was a fabrication because he admitted it was. Is that true?

Mr. SYDOW. That's correct.

The CHAIRMAN. And he lied about his background.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. Now, can you tell us a little bit more about that? How did he acknowledge—come to acknowledge it was a fabrication?

Mr. SYDOW. This was one of the general cases that we covered. I don't have additional background on that source.

The CHAIRMAN. I'd like to ask a question. Why do we have a flag up there as part of a cluster of somebody who has lied about their background and has an admission of fabrication?

Mr. MCCREARY. We don't have a flag for that, sir.

The CHAIRMAN. We don't have a flag for that? Then why is it in the list? You're telling me 2626 is not flagged up there?

Mr. MCCREARY. No, sir.

The CHAIRMAN. But I thought you said we have a total of 19 sightings, and that's included in the 19 sightings?

[Pause.]

The CHAIRMAN. So none of the 19 sightings, the nine first-hand and ten, are not in there, but you cited an additional 13 sightings. Is it among the 13 sightings? It is among the 13 sightings.

Mr. MCCREARY. Yes.

The CHAIRMAN. So it shouldn't be up there, basically.

Mr. MCCREARY. It's not up there.

The CHAIRMAN. So we're still with only six—hold on one second. Are you telling me there are only six flags? I just want to be clear on what our baseline is.

Mr. MCCREARY. Exactly.

Mr. SHEETZ. Senator Kerry, may I raise another point about fabrications on that board? It is my indication that of the first-hand sighting that your staff has posted on that board, 70 percent of them were originally judged by us to be fabrications, and yet your staff went ahead and posted those basically because they disagreed with our evaluation, but better than half—in fact, 70 percent of the first-hand sighting reports that you have up there on that board are viewed by us as unmistakable fabrications.

The CHAIRMAN. I understand. So, based on source analysis, that's all?

Mr. SHEETZ. Based on our total read of all the information available to us.

The CHAIRMAN. I understand that, and that's something we're going to get into when we try to get the overall evaluation here.

But let me turn to 2638, which staff assures me is one of the flags. This is a letter to DIA from the embassy in Denmark from a Vietnamese-Chinese refugee, Copenhagen. The date of sighting was September 1977. You deemed it to be a fabrication.

The sighting was that 40 to 50 American POW's in a prison camp south of Yen Bai, observed while source was riding in a vehicle with the head of provisional hospitals and the daughter of the assistant director of the Ngo Lao Hospital. The POW's were seated in 4 or 5 rows of 10 on the ground in the prison yard.

Your analysis, please.

Mr. SYDOW. That this is a fabrication.

The CHAIRMAN. Why is this a fabrication?

Mr. SYDOW. Again, we're reflecting this on the information base from the Hoang Lien Son system. He describes his arrival in the camp and the military formation of 10 rows of 4 or 5 people apiece to make 40 or 50. He asserts that there were Australian and Lao POW's there.

He gives at least three varieties of his story in consecutive letters. We interviewed him twice to clarify these discrepancies. They were not clarified, and in fact do not match the reality in this re-education camp system. This is again a reporter out of the Hoang Lien Son system.

The CHAIRMAN. Now, let me understand that a little better. There were certain things that you cite that he observed that you just sort of discounted, therefore it's a fabrication. I'm not sure that for me, as a lay person listening to you, it tells me why it's a fabrication.

Mr. SYDOW. If we can go into his report, he's reporting a specific area near Camp Group 2, also known as Son La. He describes coming up on the intersection of the roads, which we could show on the map, and he describes a formation in a field of American POW's in some way that I don't know by what means he makes that identification.

He's sitting in a car, viewing it out the window at a distance of 50 meters, a very unusual event which we would expect to have been reported by other reporters.

The CHAIRMAN. Did you draw any negative inferences about this person because he was in a refugee camp and never volunteered this information?

Mr. SYDOW. I drew such an inference. I may not have the precise dates, but he arrived at the refugee camp on or about 1979. His initial report was about 1984, and his subsequent movement on to Denmark was after that. This 5-year period of nonreporting would have been in the context of the JCRC, and the JCRC interviewers routinely asking everyone in this camp if they had POW information. It's a rather late realization at the time, but that does not discredit it.

The CHAIRMAN. When the source went into Copenhagen U.S. Embassy, did the source ask for anything?

Mr. SYDOW. His reporting responded to an advertisement in an American emigre magazine by Le Thianh. I don't recall that he made any specific request. He had no request.

The CHAIRMAN. But you're saying he was responding to an advertisement.

Mr. SYDOW. Yes.

The CHAIRMAN. What kind of advertisement?

Mr. SYDOW. Mr. DeStatte may be able to expound a little bit more, but there were advertisements in the emigre magazines throughout the early eighties asking for anyone who had information related to POW's to write to an address here in Washington, DC.

The CHAIRMAN. So this advertisement in a magazine that went out to people who had left Southeast Asia—

Mr. SYDOW. Yes.

The CHAIRMAN. Invited them to come forward with information.

Mr. SYDOW. Yes.

The CHAIRMAN. Did it promise them any rewards?

Mr. SYDOW. I'm not aware that any rewards were promised.

The CHAIRMAN. Was there any enticement in that?

Mr. SYDOW. No.

Senator GRASSLEY. Did you determine if he had any motivation to lie?

Mr. SYDOW. I would say that the strong implication is that this man had sat in a refugee camp for 5 years and has suddenly discovered a report which may bring him to the attention of potential countries of immigration.

As I incorrectly identified earlier, this is the man who eventually got in trouble with the law in Denmark.

The CHAIRMAN. Now, I take it part of your analysis here is based on the fact that at this particular time you also had many other people coming out of the exact same area, none of whom reported seeing a similar sight?

Mr. SYDOW. Yes, sir. This is noncorroborated by the significant flow of former reeducatees that we were receiving throughout this period.

The CHAIRMAN. So is the combination of a lack of corroboration or lack of any kind of supporting information, coupled with the circumstances of the advertisement, the refugee ship, and the time period in between, that all together—is that the full weight?

Mr. SYDOW. Yes, sir. I would put my weight more on the significant details of reality that he doesn't have and the long period leading up to the reporting period, his motivation notwithstanding. Motivation only becomes a factor down the line, after we've evaluated the information.

The CHAIRMAN. Now, I'm going to rely on what staff has told me, that we're only dealing with the six or seven reports and not with all of the other sightings, some of which are deemed to be fabrications, so I'm going to direct your attention to number 7, if I can find it myself.

Senator GRASSLEY. Mr. Chairman, while you're doing that, you mentioned Denmark, and I asked the question, did he have any motivation for lying? According to our files, he didn't come forward until he arrived in Denmark, so the fact that he—you suggested that he was sitting in a prison camp after 5 years and that may have been a motivation for his wanting to find a country of immigration to get out, and that may have been why he came forward.

Lieutenant Maguire: This gentleman initially made an application to come to the United States and subsequently went to Denmark. While he was in Denmark, he was unemployed for 5 years and lived in a fairly bad neighborhood. When he came into the embassy there, during the course of his interview he made that clear, that he was really not happy with the circumstances of his life or his family. In fact, he pointed out that he feared for his family's life, because he felt in Denmark there was a lot of outrage against foreigners, and that was used for his excuse as to why—his subsequent problems with the law.

So here was a person who lost his employment in Vietnam in the mid-seventies, was forced to do something else, came to Denmark, was unemployed for 5 years, and then saw an ad in the newspaper

which he interpreted not as a reward, and he made it perfectly clear that he wasn't seeking anything.

But he made a lot of overtures to come to the United States to meet with League of Families representatives or United States Government representatives, and that was in the process of being set up in September 1985 when he had his altercation in August 1985, so there is the possibility of motive there for him to improve his family situation with this information.

The CHAIRMAN. Let me direct your attention to 7114, date of sighting July 1978 on a road near LT-2, Hoang Lien Son Reeducation Camp. The sighting apparently is of 30 Caucasians in a truck at night, some relieving themselves beside the road, under guard. Source could not see well, but heard someone respond to a question, who are you—with U.S.A.

You folks have asserted that he's changed the number of POW's that he saw. The file that we have does not so state, but I'd like to follow up on this. What is your determination of this particular—

Mr. SYDOW. This is an individual who fabricated his report. Not only did he change the number of POW's, he changed the number of trucks and he changed their direction. Those are minor details when you deal with the fact that this individual, who originally stated that he was a resident of a different prison system some 90 to 100 miles away, was taken to this system for day labor. In other words, he's in an adjoining province, with connecting travel over mountainous roads, and he's been taken some 90 to 100 miles in order to do day labor. That's impossible.

The CHAIRMAN. I read a number of other things in here that you seem to have also contradicted earlier. Prison uniforms, red striped prison uniform. The source stated that he believed the man to be an American because of his accent, but didn't know for certain, provided two differing versions as to which room he was in and when he was with the person.

In addition, I read that you say that you have interviewed Vietnamese commandoes and other sources who were reliable reporters who were also interned in that same sub-camp and that all of them stated categorically that no U.S. POW's were held in this vicinity at least through late 1979, and they are unaware of any such special holding facility as this person reported, is that accurate?

Mr. SYDOW. That's correct, sir.

The CHAIRMAN. You also mentioned that collateral information says that red striped uniforms went out of use in 1970. Now, is there anything else in here? Can I ask our staff why you don't deem that a fabrication?

Mr. McCREARY. The source actually said that he walked—the source didn't go out for day labor. He said he walked about 20 kilometers to the work site the night before. In other words, this is more than simply get up in the morning and go to work and come back. This was at least an overnight thing.

The CHAIRMAN. Okay. Let me just ask for their comment on that.

Mr. DESTATTE. To be sure, it would be an overnight thing. You're talking about a tremendous trek. He was at Tan Lap camp. To get from Tan Lap camp to Lien Trai 2, which—LT is an abbreviation for Lien Trai, which would be camp group.

The CHAIRMAN. The source, Mr. McCreary said that he went out on a work detail with 40 or 50 other prisoners to pick squash and pumpkins. The area was about 20 kilometers from Camp 3. They began walking to the area about 2200 hours one evening. They worked the following day, and after some sleep they walked back. Now, why is that not feasible?

Mr. DESTATTE. It's my understanding from my colleague that this source claimed that he was being held at Tan Lap, which is a prison system, I believe in Vinh Phu Province. In any event, to get from there to Lien Trai 2 where this sighting allegedly occurred requires a trip by foot or vehicle to the Red River, crossing a ferry, getting on a train or vehicle, going up to Yen Bai, getting out of the vehicle or the train, crossing the Red River one more time, and either by foot or by vehicle traveling the 40-some odd miles through mountainous terrain to Lien Trai 3.

The CHAIRMAN. So what you're saying is the two locations that he cites contradict his own notion of walking and going out on a detail. Is that accurate, or not?

Mr. SYDOW. Yes, sir.

Mr. McCREARY. Senator, all I have is the report, is the source we have in front of us and the details.

The CHAIRMAN. I understand, but what's the matter with that analysis? I mean, I'm sort of satisfied that if he said he went to two places and in order to get to the two places you in fact can't walk there, as he said, but have to do what our analysts say they had to do, that seems to me to indicate a fabrication. Are you not satisfied that that could be fabricated?

Mr. McCREARY. I prefer to start with what the source actually said as the basis.

The CHAIRMAN. I understand.

Mr. McCREARY. There are many names for many towns and villages, and so on. In other words, there's a possibility that back in Washington an analyst could make a mistake.

The CHAIRMAN. Let's not deal with possibilities. Let's get reality here. I really want to pin this down.

Mr. SYDOW. We are dealing with specific localities in the Republic of Vietnam. The man said he was in K-1 sub-camp of the Vinh Phu Province system.

Mr. DESTATTE. There's no mistake about where that is at.

The CHAIRMAN. So what's the possibility here, Mr. McCreary?

Mr. SYDOW. We've wasted a great deal of our time dealing with geographic confusions, Hoa Lo with Hoa Lo, Son La with Son La. If the issue is to get to the bottom of the POW issue, we shouldn't be arguing about geography. We can very easily agree on that.

Mr. McCREARY. Excuse me, Senator, if I could reply. We're trying to understand what is the content of a series of reports that are in the same location that have all been—

The CHAIRMAN. No, no, no. We're doing more than that, Mr. McCreary. We're trying to understand the content of a series, but there is no series if they're made up of lies.

Now, if you pick away, one by one, and the report falls because it is in fact a fabrication, you're left not with a series but with one or two or three, or whatever, so I mean, you can't hang onto this fiction that there are a series, if the series is made up of fiction itself.

Mr. McCREARY. The series tests, Senator, whether or not the analysis is biased.

The CHAIRMAN. But let's get out of the question of bias. The report says the person was in one camp and went to another. There's no dispute in the report. Now, to go to those two locations, as I listened to our analysts, you have to go through considerable histrionics. This person does not say that. He says he walked. Our analysts are saying you can't do it. Now, are you saying you can?

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

The CHAIRMAN. Can you accept that this is a fabrication?

Mr. McCREARY. I can accept, but I would like to discuss this at greater length because I prefer to deal with the precise details that the source said.

The CHAIRMAN. This is the details of what he said.

Mr. McCREARY. With respect to his sighting, he said the area was about 20 kilometers from Camp 3, which suggests that there is something wrong either with his memory or something, but what he said about the distance that he walked is not improbable or implausible.

The CHAIRMAN. Do you want to respond to that? I mean, are we going to find one little sentence where he might have had something real and therefore that obviates all the other things he said that are incorrect?

Mr. DESTATTE. Perhaps I misunderstand the purpose here, but it appears that what Mr. McCreary is asking us to do is to—or, pardon me, it appears to me that what we are seeking to establish here is why we should believe these six sources or nine sources and disregard the testimony of approximately 3,000 other sources on this same location.

Now, if we're going to believe these six or nine sources that you're citing about this much larger number, then I think it's incumbent on us to find good, cogent reasons to explain their greater knowledge, and for us to make assumptions, to just make these leaps of faith that for some reason or another this guy could be, through faulty memory, mistaken that this trip of what must be close to 100 miles by multiple means of transportation that's going to take him well over a day on the best of days for casual labor—I'm sorry, but it offends my sense of what makes good common sense.

The CHAIRMAN. Let me try to expound on that. He said he was incarcerated in T-3, LT-2, Hoang Lien Son, correct?

Mr. SYDOW. That version changed with the retelling. The afternoon work detail that we're dealing with says that he has as a home position the K-1 work camp in the Vinh Phu system.

The CHAIRMAN. So he in fact changed his own locations.

Mr. SYDOW. That's correct. This source is inconsistent in each statement of his report.

The CHAIRMAN. Did he not also have inconsistencies with respect to which rooms he was in and where he was moved to?

Mr. SYDOW. That's correct. He's also inconsistent—there are three basic sightings. You've mentioned two. He stated that he also talked to an individual named Nam who told him that English was not to be spoken with him, that he was severely beaten after he had done that. That's an unusual report, at the least.

The CHAIRMAN. Mr. McCreary, do you have any reason to assert that this is not a fabrication?

Mr. McCREARY. Senator, there are information that are not in our files. There's information that I think should have been followed up to determine whether or not the source—the source's statement is that he was in movement at the time, so the idea that he was based at a camp but actually saw it from a different camp suggests that there is a plausible alternative explanation. We wanted to keep it open because we don't have enough detail.

The CHAIRMAN. What about all the other inconsistencies, and what about the counter lack of corroboration from 3,000 people?

Mr. McCREARY. Senator, I think I heard testimony that only a minority of the people, of the 3,000, ever saw Garwood.

Mr. SYDOW. Again, we're playing with statistics. When we deal with the first-hand reporting, we're talking about 300 of 1,500. That's not 1 percent. Now, if we're talking about the total population that ever came out of that, we can raise that to 4,000. Now it's down to 1 percent. If we want to talk about all the Southeast Asians that we've ever talked to, that's 2½ million. I don't even know what the percentage is there—.001 percent. If you want to belittle the reporting, we're free to manipulate the statistics however we see them.

Mr. DESTATTE. And let's add a little perspective to that, so that we don't use these statistics in a misleading manner.

We're talking about a major camp system. We're talking about a camp system that was spread out from north of this lake that you see here on the map down to the border of Son La Province. We're talking—there were perhaps 15,000 to 20,000 inmates.

Garwood was at the headquarters at Lien Trai 1. People who were at the camps located in the immediate vicinity of Lien Trai 1 had a greater probability of seeing Robert Garwood.

Those who were up north of the lake would have seen Robert Garwood if and only if (a) Robert Garwood visited that camp or (b) they had some reason to come down to Lien Trai 1, which is improbable, and if Garwood came up to their camp they would have had to have been at the particular location that Bobby Garwood visited for the brief period or whatever period Bobby Garwood was at that particular camp.

The probability that more than a small percentage of the 15,000 to 20,000 people in this camp would have had direct contact with Robert Garwood is not high.

Also, I think we should also keep in mind that there is quite likely a number of people who came out of that camp system who came to the United States, passed through the refugee stream, and for whatever reason didn't want to become involved in providing information about a person whom they recognized was there of his own free will.

So there are a lot of explanations for that number, and to take that number, 300, and suggest that somehow or another that represents an unusually low number of people who would have seen Garwood is, I think, misleading.

Mr. SYDOW. The salient point is that the 3,700 reporters were asked if they had information about POW's and they said no.

The CHAIRMAN. One further question on this.

Mr. McCREARY. May I reply to that comment, sir?

The CHAIRMAN. Sure.

Mr. McCREARY. Both Mr. DeStatte and Mr. Sydow have made a very good argument about data, and the argument, I think the salient point that I hear is the one that the staff is trying to make and has made with the cluster map, and that is that sightings of Americans, even Garwood, are rare in the total population of people coming out of this area.

It takes special access, as Mr. DeStatte every eloquently—more eloquently than I—described, so the fact that large numbers of people didn't see anybody really doesn't answer the mail, because sightings are rare, as they just explained. That's not a reason by itself to debunk. That's why we have police investigators and I hope Senate investigators, Senator.

The CHAIRMAN. Well, I'm not sure I do follow that,

Mr. McCREARY. A 20 percent increase of sightings on Garwood is not rare. Garwood is seen moving all over the place, and the 20 percent increase is a fairly significant increase, correct?

Mr. McCREARY. I would say so.

The CHAIRMAN. Other people were also correlated in terms of movements, less visible and less free than Garwood, apparently, and there was a fair amount of corroboration of those other people, also, so in the instances where you had a real human being who has been produced or otherwise accounted for, you do have larger groupings of sightings. Where we have never been able to produce somebody or have no real human being, we tend to have very scattered reports.

Mr. McCREARY. Smaller.

The CHAIRMAN. Very small numbers, correct.

Now, per se, that does not eliminate a report, but certainly analytically it lends weight to the judgmental process. I mean, you have to agree with that. It lends weight.

Mr. McCREARY. Senator, I think it's not relevant.

The CHAIRMAN. Do you agree with that, it lends weight?

Mr. McCREARY. I think it's not relevant.

The CHAIRMAN. Not relevant?

Mr. McCREARY. Because Garwood was not a prisoner. These people are in a camp system and they're under tight control.

If you drive by, for example, the Virginia State Prison, you don't see the inmates very often.

Mr. DESTATTE. I beg to differ with you, Mr. McCreary.

If I'm recalling, if my notes here are accurate, I think we talked about six POW's who were cutting bamboo, apparently in the open. We're talking about a number of prisoners, alleged prisoners, in the open at Ba Khe Market. We're talking—what was it, 30 to 40 prisoners in some sort of a formation in the open.

We're talking about alleged prisoners who were as openly visible to passers-by as Robert Garwood was. We're not talking about sightings where there's tight control, attempts to keep them secret—keep their presence secret. I see none of that in the reports that we have examined so far.

Mr. McCREARY. Those sources, Senator, all state that the prisoners were kept apart, and all state, in fact—

The CHAIRMAN. But they're in the open, as he said.

Mr. McCREARY. Senator, we don't have a detail.

The CHAIRMAN. Wait a minute.

Mr. McCREARY. Excuse me, Senator. We have details, but they say the sightings were chance, in brief, in passing. Sometimes the people are in the open, but it's at night, and I think it was an oversimplification of the sources, Senator.

Mr. DESTATTE. I have gone over that terrain countless numbers of times through aerial imagery for that entire period of time that that camp system was in operation. I have personally flown over the area in a helicopter that was under my guidance. It went where I wanted it to go, and let me tell you, Mr. McCreary, traffic in that area is very channelized. You're not going to have POW's in circumstances such as described here that are concealed from observation from civilians and inmates in those reeducation camps. It simply is not plausible.

Mr. SHEETZ. In looking at these reports—

The CHAIRMAN. Incidentally, I think this is very healthy. I'm happy to be sitting here playing devil's advocate here, because I think this really vents this the way we need to, and so I think this is a good process.

Mr. SHEETZ. I don't think we can suspend common sense when we look at these reports, either. I harken back to 1072. Here's a guy who's in a bamboo growth, and he says 200 meters away he sees a group of six American prisoners.

To put this in another perspective, I'm fortunate enough to have bought about 10 tickets to the Orioles early in the year when you could buy tickets. I sit 285 feet from home plate. When Brady Anderson, who is a white man, is up at the plate, I can distinguish him from Mike Devereaux, who's a black man, but I cannot distinguish Brady Anderson from David Segui, who is an Asian American from Hawaii.

You cannot tell, from 285 feet away, who is up at the plate in that circumstance. But here is a guy who is not 285 feet away. This guy is 200 meters away, which is over 600 feet away, looking through a bamboo grove, while I have an unrestricted, straight-line path from my seat, and this guy's telling me that he's seeing American POW's looking through bamboo growth over 600 feet away, and it's just flat preposterous.

Mr. DESTATTE. And I might add to that, in the approximate 5 years, actually a little more than 5 years that I spent in Vietnam during the war, and the better than 10 months that I've spent there since the war, I've had an opportunity to be in the field in a wide variety of places, I think 36 of the 44 provinces of the former South Vietnam.

I've served in a variety of capacities, and let me tell you, it is absolutely beyond credibility to believe that somebody could be 200 meters away looking through bamboo growth and see someone. More often, you're lucky to be able to see 20 yards, or 20 feet.

The CHAIRMAN. Let me turn to 8395. I wanted to just finish up Vietnam, and then we're going to go to Laos. The date of sighting is 1979. The status is, under analysis. The location was along Route 69 in Son La Province, 7 kilometers north of Mai Son.

The sighting: source was a passenger in a bus en route to visit relatives in Dien Bien Phu. As the bus stopped at a police check

point, all the passengers ordered to lower wooden shutters at the windows. The source looked through the cracks, saw 40 to 50 male Caucasians, armed guards, and green uniforms. Caucasians were bathing in a stream at the mouth of a large cave dressed in khaki shorts.

What is your evaluation of this report?

Mr. SYDOW. Mr. Chairman, I'd like to be circumspect on describing this report. It is under analysis. It is active. In my opinion, it's a credible report on a roadway that leads from the real town of Son La. It has nothing to do with the Hoang Lien Son system, and I believe that it's under active investigation by our live sighting investigator. Perhaps we should deal with that this afternoon.

I would point out that the individual who states that he made this observation noted that the individuals seen were in shorts and shirt. That suggests perhaps a real occurrence and something we should look into.

I would also make the point that the live sighting investigator did travel up and down this road recently in the last 2 or 3 weeks.

Mr. DESTATTE. I would add that anticipation often leads us in useful directions in our analysis.

Some of the things that we might anticipate here, that region has been for quite a number of years of considerable interest to geologists, both specialists looking for minerals and specialists looking for gems.

This year, I have had occasion to have had a number of conversations with a couple of geologists who have traveled frequently to this area looking for ruby deposits.

Anecdotally, they point out that the Russians were doing similar work there in the Seventies and early eighties.

Now, I'm not suggesting that that is the explanation for this particular sighting, but that certainly is one of the possibilities that we might anticipate. It suggests one avenue of inquiry, trying to correlate this report.

The CHAIRMAN. Okay. Well, I've got the full report here, and there are some serious questions raised by the report, but let's just let that stand. As you say, it's under active consideration.

Number 8432, date of sighting, June 30, 1976. Status is fabrication. The location is Camp 2, Son La, Nghia Lo. The sighting was a first-hand sighting of 60 to 70 U.S. POW's assembled and marched northeast into the forest.

The source had just arrived from Yen Bai and dropped at a soccer field. He observed the group for 5 to 10 minutes before they were marched away.

Some were carrying sleeping mats and People's Army of Vietnam field packs. There were seven guards with AK's. Prisoners were old and weak, moved slowly, red PJ-type uniforms with 30-millimeter wide white stripes, buttons down from round collars.

Saw drawing on prison walls where Americans had been held. Sketches included jet plane, horse's head, First Cav, four flowers—that's the 4th Division. John, the word John.

Locals discussed Americans at camp, said they were moved to make room for ARVN POW's.

Evaluation.

Mr. SASEK. This report was deemed a fabrication.

The CHAIRMAN. This was a 1976 sighting.

Mr. SASEK. I'm Mike Sasek. I'm an analyst in DIA, and the source was a fabrication. When the source first told us, he told us all the individuals were Caucasians. We talked to him a little bit later and he changed his story. He said no, some of them were darker skinned. I believe they might be American Indians or Hawaiians.

The source admitted he had never seen an American Indian, and one of the reasons he said they might be Hawaiians is because he has a sister who was married to a serviceman of Hawaiian descent and lived in Hawaii.

He also said that he went into a wall, a building where the POW's were allegedly kept, and on there he saw some writings on the wall in Korean, Thai, and English writing. He saw the name John, he saw the name Chung Lee.

He said he saw pictures of an aircraft which he believed were drawn by an Air Force POW. He saw a picture of a quote, tomato blossom, which he said was drawn by someone from the 4th Infantry Division, and he saw a picture of a horse head which he said must have been drawn by someone from the First Cavalry Division. These are pretty specific.

He also identified someone else in the camp who was held with him in the camps and who could verify his story. We talked to this individual, and this individual told us that the source, the original source, had lied about his military rank. He said that no other refugees in this entire camp system knew about American POW's held there, and he also said that this second source had been in the same building where the first source saw the writings on the wall, and the only writings that he observed were Vietnamese writings.

The CHAIRMAN. And this second source was given to you by the first source.

Mr. SASEK. Yes, sir.

The CHAIRMAN. How long after the first source was interviewed was the second source talked to?

Mr. SASEK. This source was interviewed in the camp right after.

The CHAIRMAN. Almost simultaneously.

Mr. SASEK. Yes.

The CHAIRMAN. And the second source basically debunked the first source.

Mr. SASEK. Yes, sir.

The CHAIRMAN. Were other sources talked to?

Mr. SASEK. On this particular sighting, I'm not sure. However, again this comes from the same region we've been talking about. We have over 3,000 refugee reports.

The CHAIRMAN. Were there any other ingredients of the analysis that led you to the conclusion, fabrication?

Mr. SASEK. Well, again, the initial report that the prison uniforms were described as the same type that went out of style in the 1960's. The source said that his sighting took place on 30 June 1976.

The CHAIRMAN. Any other questions on that particular source? [No response.]

The CHAIRMAN. All right. Turning to 12778, the date of sighting was 1981 through 1983. This is the last, incidentally, of the Son La

grouping, of those not deemed to be fabrications. You determined this to be a fabrication. The location was the Yen Ha reeducation facility. The source was on a brick-making detail, alleges that he saw one male Caucasian under guard two or three times each week during the period 1981 to 1983 as he was marched by the work station—she was.

Fellow inmates told her that this person, the male Caucasian, was an American kept in a separate building at the edge of the compound. He was a big man in a loose-fitting striped uniform. Apparently the source drew a sketch and described the prison camp, and the sketch was not consistent with any imagery analysis of that camp, is that accurate?

Mr. SYDOW. Yes, sir, that is.

The CHAIRMAN. Was there any other reason for the determination of fabrication?

Mr. SYDOW. The source is alluding to some elements of the Garwood presence in the camp—the position by the brick kiln, the house set apart—elements that make a good hearsay story, but in fact this is the same system.

The CHAIRMAN. Now, is there any reason—do we have a different judgment on that, or different questions? This is on 12778. I'm just curious what the staff analysis is.

Mr. McCREARY. Senator, I'm sorry, I apologize. I missed the question.

The CHAIRMAN. This is on source 12778.

Mr. McCREARY. I understand.

The CHAIRMAN. The answer, this was deemed to be a fabrication.

Mr. McCREARY. That's correct.

The CHAIRMAN. DIA among other things determined that the source sketch of the area described did not match our imagery of that particular sighting and other reasons. I'm curious to know what your conclusions may be that leave additional questions outstanding regarding this.

Mr. McCREARY. Senator, a lot of people can't draw accurate sketches of where they were. I don't find that that's commensurate with—I don't find that a justification for debunking an observation, a visual sensory perception.

What we're talking about is perhaps faulty memory or imperfect drawing skills. The relationship was a bit attenuated, Senator, and that's why we want to keep that one open.

The CHAIRMAN. Do you want to respond to that?

Mr. DESTATTE. Oh, I'd love to respond to that one, sir. I think perhaps Mr. McCreary doesn't understand how to get a sketch from a source.

Senator SMITH. Mr. Chairman. Mr. Chairman, I think that's out of order. Just respond to the question. Don't cast aspersions on the staff. Just respond to the question.

Mr. DESTATTE. In getting a sketch from a source, particularly if we're talking about a source who lived in a small facility for a prolonged period of time, there are certain functions that this person has to perform on a daily basis repetitively.

He has to eat once or twice a day. He has to relieve himself at least once a day. He has to drink once a day. He has to sleep. There are a number of functions that he does day in and day out.

When he has to report for disciplinary problems or report for permission to do this or that, there is a set location where he has to go for that.

He knows where all of these places are in relation to each other, and he can draw a sketch that is maybe nothing more than a few dots on a piece of paper that shows some spatial relationship to each other and identify each of those dots.

With that, if the man has been at that location time and time again, we have shown through experience that when we take a look at this man's sketch, no matter how crude the sketch might be to the casual observer, we're able to relate that sketch definitively to the location that he was at, so the lack of formal drawing skills is not in any way an inhibition to making a valid comparison with imagery.

The CHAIRMAN. How long was this particular woman in this camp? For how many times a day did she repeat this process?

Mr. SYDOW. About 3 years.

The CHAIRMAN. 3 years. So 3 years of repeating a process, your memory ought to be very good about where you walked and what you did, isn't that accurate?

Mr. SYDOW. Yes, sir.

The CHAIRMAN. I mean, I would think—

Mr. SYDOW. You have a copy of the sketch there, sir.

The CHAIRMAN. I do. How soon afterwards did you interview this person, do you recall?

Mr. SYDOW. March 1990.

The CHAIRMAN. The evaluation was in 1990. How did the person come to your attention?

Mr. SYDOW. Through a routine sweep through the Hong Kong refugee camps.

The CHAIRMAN. So this person was in the refugee camp at the time that she made this report.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. Was this person in fact in this camp, were you able to determine, in the camp in Vietnam?

Mr. SYDOW. Based on the sketch, which is not a good replication of the possibility, we would have not a good judgment on that. She has detailed the correct name of the facility, but not been able to replicate the drawing, so I don't think we've made a judgment on that.

The CHAIRMAN. Were there any other ingredients of the judgment that this was a fabrication?

Mr. SYDOW. None, other than those mentioned.

The CHAIRMAN. Did this person accurately describe the camp, the Yen Ha Camp?

Mr. SYDOW. No, sir, not other than the name.

The CHAIRMAN. The Yen Ha Camp actually consisted of two smaller camps, did it not?

Mr. SYDOW. Yes, sir, divided up by sex. That's correct.

The CHAIRMAN. So there was a female camp and a male camp.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. Was she able to describe that to you?

Mr. SYDOW. Other than that the function was divided, no, sir.

The CHAIRMAN. And she was not able to describe locations?

Mr. SYDOW. There is no other corroborating information.

The CHAIRMAN. Well, now, is this her description? The female camp included 25 brick buildings with tile roofs, each divided into large, windowless rooms approximately 400 square meters. Paragraph 10 of the report, is that her describing it? It seems like a fairly accurate, detailed kind of description.

Mr. SYDOW. Yes, sir.

The CHAIRMAN. So she was able to describe it.

Mr. SYDOW. That facility is divided into several separate facilities. I don't believe there are 25 facilities in all.

The CHAIRMAN. Well, overall.

Mr. SYDOW. I would say it's a fairly loose description of a real facility.

The CHAIRMAN. Well, I'm still troubled by it a little bit. I mean, I read through here and I see a lot of detail. It would seem to me fairly easy to determine whether or not the detailed prison regimen, the basic layout that she has described, was accurate, even apart from her sketch. Were you able to do that?

Mr. SYDOW. No, sir. That was not followed. The source failed to test—to identify the facility in which she purported she had observed the American. The concern with clarifying whether or not she had an accurate description of the prison facility became irrelevant after the basic decision was made.

The CHAIRMAN. I see. So in other words she could well have been in the camp. She could well have seen all the things that she saw, but her basic description of this situation did not match.

Mr. SYDOW. Failed to meet, yes.

The CHAIRMAN. And therefore you didn't get into the upper level.

Mr. SYDOW. That's correct. It would be exploited in our prison database, but not relevant to this sighting.

The CHAIRMAN. Senator Grassley or Senator Smith, do you have any questions as we round out Son La?

[No response.]

The CHAIRMAN. You're content on that. Well, let me ask you for a summary, then. We've run through the seven or so basic flags that make up Son La. There are additional sighting reports, but staff, I take it those are deemed to be fabrications and therefore we're not putting them up. Do you have any summary comments with respect to Son La, based on the discussion we've had thus far?

Mr. SYDOW. I would just reiterate what I said at the outset. I think it's unfortunate when our cluster analysis leads us into a lack of focus on what I think are the real issues.

We discussed the open case. That's a real lead. That's one of the nine that I mentioned. Other than that, we were dealing with cases which I would not consider to be in the Son La area.

The Son La misnomer for Camp Group 2 of the Hoang Lien Son system has misled us. I think we need to focus on real cases that are under analysis and being investigated.

The CHAIRMAN. Okay. That will wrap up the Son La piece. Let me just articulate, obviously we could do this for every single report. We obviously don't have time to do that publicly, so what we're trying to do is take some of the stronger reports, analyze them in this way, vet them a little bit publicly, but we're going to

obviously have to have some sort of process by which in writing or somehow some analysis is submitted if there are questions on other areas.

Senator Smith, do you want to move us over to Laos at this point and do the Laos area, Oudamsai?

Senator SMITH. Thank you, Mr. Chairman. Leading into that, just a couple of observations to try to connect some of the things that we've been hearing for the past couple of days.

It is important, I think, to point out that the hearings that we're doing are not meant to be a condemnation of DIA nor necessarily question the administration, the current administration's commitment to finding the truth, but it is, however, an examination of an analytical method.

We are challenging you, and you're challenging back. That's the purpose, to look at another way of looking at this information.

If this were a traditional intelligence issue, I guess we probably wouldn't even be here evaluating the methodology. The intelligence community by its very nature does encourage different approaches, competing theories, and frankly constantly vets the reliability of their own analysis.

But the POW issue, however, I believe falls outside this mainstream intelligence analysis process and what most people fail to understand is that DIA has the sole responsibility for analyzing source intelligence on the POW issue, and there are no second opinions or countervailing evaluations by the other agencies, and so that's why these hearings are so critical.

If the analysis is flawed, or in any way lacking, if it is, then it's bigger than any one person, it's bigger than any one Senator, it's bigger than any one analyst, because the issue is—the result would be so dramatic.

When whatever you provide reaches the desk of Secretary Cheney, or Baker, or the President of the United States, then the way that we would go about resolving that issue could be flawed, so I believe that the President is committed, but he's committed only to the extent of what he receives from his people.

So therefore, I believe it is justifiable to challenge and to try to come up to a determination as to just what this analysis is and how important it is, and whether or not it's been done correctly.

I would just remind—before going into the Lao thing, just remind my colleagues and others that some of the tough questions that have been asked here and the critical comments, and frankly some of the responses from DIA, this is not new. This is not original.

Admiral Brooks said it in 1985, using terms like sloppy analysis, not having an open mind. Kimball Gaines said it in 1986 internally with his memos—a wasteland, unhealthy attitudes, total lack of management. I mean, these comments are on the record. General Tighe said it as well with similar comments. So these comments are on the record, and we're simply trying to challenge.

Now, let me come up with a specific example leading into this Oudamsai issue. It is not Oudamsai, but it is Laos, and it comes, I think—it brings us to the point that we need to be at in trying to determine just how good or how bad, whatever the case may be, the analysis that you do is, and also how responsive you have been

to committees and Members of Congress in the past on information.

With this incident—this is the EC-47 which I mentioned to Mr. DeStatte yesterday—it just seems to me to be symbolic of the problems that we face as we try to understand your analysis of all of these sightings that we've gotten to, and let me just quickly run through this and ask for a response.

On 5 February, 1973, an EC-47 electronic surveillance aircraft was shot down while on an intelligence collection mission over Laos. As you know, that was after the Paris Peace Accords.

The aircraft crashed, placing it south of the DMZ in Laos, not far from Dak Chung and the Ho Chi Minh Trail. This is just for background. The aircraft was reported to have a crew of eight.

Four days after the crash, on 9 February, 1973, a search and rescue team recovered bodies, four of them. Hostile ground forces prevented a complete inspection of the site and nearby area, and four men were never found and remain missing to this day.

Our information is, based on the individual who was at the site with the rescue, the paramedic rescue operation, is that no parachutes were found in the rear of the aircraft and that the rear seat belts were unbuckled. These facts suggest—not definite, but suggest that some of the crew may have bailed out.

We've never been back to the crash site in the last 19 years. We've not been there. So what's in the intelligence? What do we have on the record on the intelligence, and I would kind of direct this to you, Mr. DeStatte, because I know you worked on the case, but what intelligence?

We have four messages: a February 5 message, immediate precedence message in which a Vietnamese supply and movement unit requested orders from its superiors as to what to do about the four pilots it was holding captive. That's the content of the message. It is a radio message, and I won't go into the specifics, but you know what it is—a February 5 priority precedence message sent 22 hours later.

There's some discrepancy on the date. It may have been February 6, but in any case it was 22 hours later, in which a different Vietnamese supply and movement unit reported that it had four pirates which it said were being moved. It also reported it was having difficulty moving the pirates along the ground. The report contains a footnote to the word pirates, which reads, usually American pilots. In other words, the footnote on the message says pirates are usually American pilots referred to.

A February 17 immediate precedence message from a Vietnamese antiaircraft unit which indicated it had received a report that, quote, people involved in the South Laotian campaign have shot down one aircraft and captured the pilots. It asked that the Vietnamese units recover pieces of the aircraft immediately.

Finally, there's a May 2, 1973 recap, quote unquote, of the reporting on this subject. I'll return to this in just a second, but let me just go through the relevant information.

As far as we know, no other aircraft was reported lost after the Peace Accords in February, except this aircraft, where individuals were known to be alive. There was one, I believe, where individuals were known to be killed—or not known, let me take that back.

There is no known aircraft crash where bodies were not all recovered.

On February 22, 1973, the U.S. Air Force declared the crew of the EC-47 killed, killed in action, body not recovered. That's 2 weeks after three messages were received saying that the pilots were in hostile hands.

On May 21, 1973, a DIA memo indicates that Dr. Shields, the head POW person at the Pentagon, spoke with a DIA analyst concerning this incident. The DIA position given to Shields was, quote, since the men are listed as KIA, our interest in pursuing the subject is academic, in that we're not attempting to force Air Force to bring the men back to life, unquote.

May 24, 1973—and Dr. Shields has been deposed by the committee—Shields wrote a memo to the Assistant Secretary of Defense, Larry Eagleburger, in which he stated a short time after the shoot-down of the EC-47 a sensitive intercept of communication between North Vietnamese Army Commands in Laos and the DRV indicated that four Americans had been captured in an area some 40 miles from the crash site.

This is the Shields memo in which he questioned the accuracy or inaccuracy of his April 12, 1973 press statement that no U.S. personnel were alive and held prisoner in Southeast Asia. He questioned his own statement.

DIA documents list four crew members possibly captured. These are lists printed from the DIA database over a decade ago. We have an affidavit. This is just in the way of providing some supporting evidence. Some believe it, some don't. The point is, it is an affidavit by Jerry Mooney, former NSA expert on air defense traffic for Southeast Asia, which he released in January 1986.

It states four of the crew survived and were captured by the North Vietnamese in Laos, and he affirmed that the analyst concurred at the time in this conclusion, obviously referring to the same messages that I just referred to.

I also have a February 20, 1987 DIA analysis of the EC-47 shoot-down in which DIA stated there's no intelligence whatsoever—no intelligence whatsoever—which would indicate any of the crew survived the incident of loss.

Finally, in sworn testimony before this committee in November 1991, DIA senior analyst Mr. Bob DeStatte stated, quote, over the years there has grown the impression that we had evidence that some members of that crew survived. In fact, a careful analysis of the information that led to that impression reveals that the information did not pertain to that crew, and there's never been any evidence that any members of that crew survived, unquote.

Mr. Chairman, I just would like to take advantage of the opportunity while Mr. DeStatte is here and then move to the other cluster. First of all, did you write the 1987 analysis, Mr. DeStatte?

Mr. DESTATTE. Yes, I did.

Senator SMITH. And in that analysis, it says that the initial February 5 report came from Vinh, in North Vietnam, some 240 miles from the crash site in Laos, and this is described as a spot report, unevaluated and issued almost as soon as intercepted. The sending priority of the message confirms that it was such a spot report. But

the next message provided no additional insights, according to Mr. DeStatte, into the identity of the prisoners. I am using your memo.

The February 17, 1973 document, Mr. DeStatte claims, does not relate to the EC-47 or its crew. The May 2 report is described as another analyst's interpretation of the February 5 reporting, and contains no new information. It is not a new report, said Mr. DeStatte, and it contains unwarranted personal speculation and a number of arbitrary and erroneous assumptions and speculative assertions.

I have looked at these documents, every one of them. I read them five times last night. I just do not see where they match your sworn testimony to this committee last November, and I—let me say why I think it does not match and then I want you to respond.

Mr. DeStatte's 1987 analysis states that the initial report is an unevaluated spot report. I understand what spot reports are. They have a follow-up to correct errors that occurred in the interest of speed of transmission. That is what the May 2, 1973 memo is, the authority to follow up analysis officially issued by the originating intelligence agency. Mr. DeStatte said it contained now new information and generally wrote this off as not relevant to EC-47. But is that the case?

The message states that it is a review of all available information concerning the four flyers, and publishes information not published anywhere else nor mentioned in any earlier messages. So if it is not in any earlier message, it has not been published anywhere else, where do you get the content of your memo unless there is some other document we have not seen?

It is a total review. Careful analysis of this message corrects the early reports as to key events. First of all, it locates the flyers in Binh Trang, 33 Vietnamese supply and movement unit—Binh Trang 33, rather, Vietnamese supply and movement unit in Laos. The earlier unevaluated reports do not mention this unit.

Second, it establishes a linkage among three Vietnamese supply and movement units that are involved in moving four flyers up the Ho Chi Minh Trail from Laos to Vinh in North Vietnam.

Third, this report clarifies terms such as kilometer markings that in the agency headquarters in Washington knew, but the field units were not certain of.

And fourth, in the review message, Vinh is the destination—the destination of the pilots. Vietnamese authorities are waiting for them there. This is the only message that contains this information which explains the original unevaluated February 5 spot report.

And fifth, the May 2 message contains not previously published information on difficulties of movement of those flyers, specifically, the need to provide water to the flyers.

And sixth, it contains not previously published information on dialogue between the units to ensure the movement of the flyers, so it contains several essential pieces of information that are not reflected in the prior reporting.

So Mr. DeStatte's analysis in 1987 shows no recognition or appreciation of these facts at all. So Mr. DeStatte asserts that the May 2 review report that concludes that the flyers are part of the crew of the downed EC-47 is a single analyst's interpretation, an unwarranted speculation. In his analysis he says that people identified

prisoners, quote, unquote, but that is not accurate—unidentified prisoners—that is not accurate. The reports called them pilots, pirates, or flyers, making unmistakable that this is part of an air crew in the belief of the 1973 analysts, including DIA analysts.

The collector said as much in the footnote on one of the February 5 reports. Now, who believed that there was evidence that any member of the EC-47 crew survived and were captured? The answer is no one shared Mr. DeStatte's interpretation of this evidence. Everyone believed that these messages which correlate almost to the minute of the crash were evidence that four crew members may have survived. NSA officers believed it, DIA analysts believed it, DIA supervisors believed it, and the head POW officer and the second officer of the Secretary of Defense believed it, Dr. Roger Shields, who only last month testified to that effect before this committee.

Mr. Mooney swore before this committee that this was not only his belief but that of his organization which approved and disseminated the reports. Other colleagues of Mr. Mooney, in sworn testimony before this committee, have affirmed Mr. Mooney's statements that analysts at the time did not believe that all crew members had been killed. Mr. Mooney swore that the DIA analysts concurred with that.

So the DIA May 1973—May 23, 1973 memo from John T. Berbrich, a very senior DIA officer, now indicates that it was the position of the DIA that there was a possibility that crew members survived. I have that memo. Dr. Shields of the Office of Assistant Secretary of Defense believed that the official DOD position needed to be changed because of the sensitive intercepts indicating, in his words, quote, that four Americans had been captured in an area some 40 miles from this site.

Now, let me go back and ask you to respond, Mr. DeStatte. You said under sworn testimony, and I want to repeat what you said. Quote, over the years there has grown the impression that we had evidence that some members of that crew survived. In fact, a careful analysis of the information led to that impression revealed that the information did not pertain to that crew. There has never been any evidence that any members of that crew survived, unquote. Response?

Mr. DESTATTE. Sir, you've given me an awful lot to respond to. I think we can break it down into three broad categories. One are the facts of the case, and I'm sure inadvertently, but some of the basic facts in the case as you stated them were incorrect. The second area of concern is what intelligence did we actually have? And again, I'll address that. And the third and very important question is why do so many people believe that we had more intelligence than we in fact had? And I think I'll address that finally. But let me begin by pointing out a basic fact.

This whole process began with a single report, and that report consisted of a single sentence, one sentence. And the analyst, as you've identified him, Jerry Mooney, in one of his pieces of correspondence, acknowledged that that was the only—the sole source of information upon which this whole exercise was based.

In the end, speculation and rumor—

Senator KERRY. What was the one sentence?

Mr. DESTATTE. That one sentence—unfortunately, sir, I don't have an unclassified version of that sentence here, but basically, that sentence, the sentence was to the effect that there were four—let me see, I made a quick note on that. There were four pilots that were being taken to—and they identified a location or organization by number, and that was basically it.

The first report was issued 46 minutes after that aircraft went down. As Mr. Smith pointed out, there were eight crew members on that aircraft. On 9 February, a search team did inspect the aircraft. The team members saw remains of four crew members in the wreckage, but were able to recover partial remains of only one of those crew members. They did not recover the remains of four people. The search team found no indications that there were survivors.

On the 22nd of February, 1973—

Senator KERRY. What about the parachute and seat issue that Senator Smith—

Mr. DESTATTE. That's a very good—very, very good point, and there has been a lot of misleading information on that. And a question that came up during the last time we discussed this, was the condition of that—of the wreckage. We are given the impression that there is evidence that that aircraft was sitting upright, largely intact, and if you don't mind, I have a few sets of photographs here that were taken 2 days after the crash and 4 days after the crash, the later date by the people who actually went down on the wreckage, and it shows the condition of that wreckage, and I would like to share these with the members of the panel.

Mr. SHEETZ. Those photographs were taken by a hovering helicopter.

Senator SMITH. Sure, I understand.

Senator MCCAIN. For the record, what is the condition of the wreckage?

Mr. DESTATTE. For the record, that aircraft appeared to go straight down, bounced once, landed upside down, and burned. It had 5 hours of fuel on board.

Another question that came up during our last discussion—I'm taking these points out of sequence, but another point that we discussed at some length during our last meeting was whether there were explosive charges on board that aircraft. I'm told by General Clapper who flew those missions that they did not have explosives on board that aircraft, and in fact, that would have been dangerous. As he points out, there is no air conditioning in the back of the aircraft, the electronic equipment in the back of that aircraft, while it's warming up on the runway, generates temperatures upwards of 130 degrees, and to have explosives on board at those temperatures would be a ground safety hazard.

The most sensitive items on board that aircraft were paper products. Intentionally, the paper products were water soluble, and the destruction scheme was to use the drinking water—pardon me, to put those paper products in the crew's drinking water to destroy it, military pragmatism at its best, but no explosives.

Senator KERRY. Let me just keep asking a couple of questions. When we were in Hawaii we saw the blowup pictures of this and we were out at CINCPAC and they gave us a briefing on it, but I

wanted to ask a couple of questions. Senator Smith said apparently the four back seats were not buckled and no parachutes were there. Was a determination that was made?

Mr. DESTATTE. No, sir, it's not. And if I may, I can take us through this incident point by point, and I think I will show quite conclusively how the incident occurred and how the misunderstanding about the intelligence came about.

That aircraft, as Senator Smith points out, had the mission of locating People's Army of Vietnam units moving on the Ho Chi Minh Trail. The aircraft normally flew its missions at speeds of 120 to 150 knots, not exceeding 150 knots or miles per hour, at altitudes that were approximately 5,000 feet above the mountainous terrain of southern Laos. In other words, the speeds and altitude were all within the range of each of the antiaircraft weapons employed by communist forces in Southeast Asia.

The aircraft did not receive any flight restrictions for the particular mission. Thus, it could and indeed did choose to fly outside of its assigned area, subject to customary coordination with the airborne command and control center that was aloft at the time, and other aircraft operating in that area and adjacent areas.

As was customary for aircraft operating in Laos, Baron 52 had frequent communication with the airborne command and control center and other aircraft that were flying in their assigned areas and adjacent operational areas. For example, the aircraft commander made routine half-hourly radio contacts with and reported all unusual occurrences to Moonbeam, aircraft command and control center, and was in radio contact with other aircraft in the area. The electronics aircraft crew members also used separate communication equipment to maintain contact with other EC-47 aircraft—with another EC-47 aircraft, Baron 62, which was flying in the same general area.

In addition to Baron 52's frequent radio contacts with other aircraft during its flight, each crew member carried a survival radio preset to operate at emergency frequency in the event of an emergency, and the crew members received intensive training in emergency procedures. And these points become, I think, quite relevant as we go through this.

Aircraft operating in their assigned area, which I have—unfortunately we don't have it depicted on that map there, but it's north of Attapeu and east of Tchepone. That particular area, aircraft operating in that area frequently are outside of the range of U.S. ground control radar stations in Thailand and South Vietnam. The nearest radar stations were Lion, which was Ubon, Thailand, and Panama, which was at Da Nang, South Vietnam.

At 2305 hours local time February 4, Baron 52 departed Ubon. At 0010 hours local time on February 5, the aircraft commander was in communication with Specter 20, an AC-130 from the 16th Special Operations Squadron. They agreed that Baron 52 would fly in the southern portion of their assigned area and Specter 20 would fly in the northern portion.

At 0039 hours, Lion radar station recorded its last radar plot of Baron 52. Aviators who have experienced flying in this area estimate that this would be near the outer range for this station, beyond which Baron 52 would not be visible to this station's ground

radar. The time elapsed since takeoff from Ubon and the distance from Ubon also were consistent with the normal speed of this aircraft.

At 0125 hours local time, Baron 52 informed Moonbeam airborne command and control center that several rounds of antiaircraft artillery were fired at Baron 52, and it gave the coordinates. Baron 52 was not hit.

At 0130 hours local, Baron 52 reported operations normal to the Moonbeam airborne command and control center. There's no record that Baron 52 reported its location at that time and as noted above, Baron 52 apparently had been beyond the range of Lion radar since 0039.

At 0140 hours local time, Baron 52 was at its last reported location, and I have the coordinates here. As noted above, Baron 52 was in radio contact with several different aircraft during its mission, including Specter 20, Moonbeam airborne command and control center, and another EC-47 aircraft, Baron 62. Although some documents refer to this as the last radar contact, this last reported location appears to have been reported during Baron 52's last radio contact with Baron 62, in which Baron 52 reported it had been fired on by, quote, radar-controlled 47's, unquote. I believe that's a misnomer. They did not have 47-millimeter antiaircraft guns, but it would have been either a 37 or 57.

It should be noted at this point that Baron 52 was directly over the main north-south artery of the Ho Chi Minh Trail, near its junction with the main east-west artery that led into northern Kontum Province South Vietnam, or what we also know as B-3 Front.

At 0200 hours, Baron 52 failed to make its scheduled radio contact with Moonbeam airborne command and control center. Lion and Panama ground control radar facilities, Moonbeam airborne command and control center, and other aircraft tried unsuccessfully to contact Baron 52 on guard frequencies and secure communications.

Search and rescue operations were initiated at 0215 hours local time. Within 20 minutes, three F-4 aircraft, Specter 20, and Baron 62 were diverted to assist Moonbeam and Lion and Panama ground control facilities to conduct visual and communication searches for Baron 52. Additional aircraft joined the search as these efforts continued through the remaining hours of darkness on 5 February and into the following days.

On February 7, 1973, SAR aircraft located the wreckage of Baron 52 and it gives the coordinates. And that is one of the photographs you have there, was taken on February 7. This location was about 20 nautical miles or approximately 8 to 10 minutes flying time north of Baron 52's last reported location, indicating Baron 52 crashed about 10 to 12 minutes before its next scheduled radio contact with Moonbeam airborne and command control center.

In view of speculation by some analysts concerning the flight path of Baron 52 and the possibility that some crew members might have parachuted some 65 nautical miles north of the crash site, it's important to note that the facts demonstrate that Baron 52 was flying in a northerly course at the time of its last reported location and probably at the time of the crash. If, however, as some

analysts speculated, the aircraft had circled and was returning in a southerly direction when it crashed it could have never been further north than 6 to 10 nautical miles from the crash site. In other words, if any of the crew members had parachuted from the aircraft, they would have had to have landed within a relative close proximity of the crash site, not 65 nautical miles north.

On February 7, aerial photography and visual reconnaissance missions were flown over the crash sites. There were no signs of survivors or indications that the aircraft had attempted a crash landing. The aircraft appeared to have fallen to earth, bounced once, landed upside down, and burned. What appeared to be a portion of the tail of the aircraft was located 100 to 400 meters from the main wreckage.

On February 9, a SAR force, a search and rescue force, inserted three pararescue specialists, which I'll hereafter refer to as PJ's, from the 40th Air Rescue and Recovery Squadron and a radioman from the 6994th Security Squadron into the crash site to inspect the wreckage of Baron 52. Now, several points should be noted regarding the inspection of the crash site, and this gets to the heart of some of the questions.

The crash site was in a hostile area. One or more missiles were launched against the SAR aircraft as they approached the crash site. Several dozen unidentified persons were observed by the SAR force within a short radius of the wreckage, the closest only a few meters away. Although the SAR team was unable to determine if these persons were military or civilian, two regimental-sized PAVN installations, which included antiaircraft artillery forces, were located within 6 to 9 miles, or about 10 to 14 kilometers of the crash site.

The radioman recalled that he heard gunfire while searching the wreckage. Other members of the SAR force theorized that the presence of several armed escort aircraft discouraged persons surrounding the crash site from attacking the SAR team. One PJ and the radioman inspected the wreckage. The other two PJ's principally provided security.

Approximately 40 minutes elapsed between the time the first PJ descended from the SAR helicopter until the last PJ was lifted back up to the helicopter. Reasons for the brief time included the small size of the search team in a hostile area surrounded by a large number of unidentified persons and the amount of fuel remaining on board the SAR helicopter.

The two men who inspected the wreckage spent no more than 15 to 20 minutes on the ground. Much of that time was spent extracting the partial remains of one crew member from the wreckage, placing the remains in a body bag, and rigging it for lift by a cable hoist to a hovering helicopter. This effort was hindered by the fact that the remains were badly decomposed and partially pinned under parts of the wreckage that were too heavy for the search team to lift. Thus, the search team was able to recover only the head and portions of the upper torso.

The rear compartment was not reduced totally to ashes. As the photographs of the wreckage and the reports by the search team illustrate, significant portions of the aircraft's structure remained largely intact, albeit severely damaged or weakened by the intense

fire. It should be noted that over 5 hours of fuel remained on board when Baron 52 crashed.

The search team members did not enter the fuselage of the Baron 52 wreckage. The reasons included concern for possible booby traps, since there were unidentified persons in the immediate vicinity of the wreckage, and uncertainty about the structural soundness of the wreckage. The PJ's contemplated tying a sling around the fuselage and using the SAR helicopter to lift the wreckage to search for additional remains, but decided that the structure was too weakened by the fire and would not stand the strain. Time constraints undoubtedly also influenced this decision.

The radioman's principal task was to ensure that the classified documents and equipment on board Baron 52 were destroyed. His secondary function was to search for evidence of survivors or remains. He had long experience as a crew member of an EC-47Q, missions over Laos, and was intimately familiar with the Baron 52 aircraft. He was personally acquainted with the four electronics warfare specialists seated in the back of the Baron 52 aircraft.

The PJ's who inspected the crash site were specialists whose function was to search for and recover survivors or remains and determine the cause of the crash.

The SAR team concluded that all members of the Baron 52 crew perished in the crash. Several observations should be noted. The PJ's inspected the wreckage and found the remains of four crew members. Two were in the pilot and copilot seats, respectively. The third was in the engineer's compartment, behind the pilot's cabin.

The SAR team covered portions of this body, which was confirmed to be the second copilot. The fourth body was located near the engineer's compartment. It should be reported that the port and starboard crew positions immediately behind the engineer's compartment were occupied by two of the electronics technicians, Staff Sergeant Todd Melton and either Sergeant Joseph Matejov or Sergeant Peter Cressman.

There were five positions in the area behind the engineer's compartment, three on the starboard and two on the port side. The starboard position behind the engineer's compartment was occupied by Staff Sergeant Todd Melton. Sergeant Peter Cressman normally occupied the center position on the starboard side immediately behind Staff Sergeant Melton. Sergeant Dale Brandenburg occupied the rearmost starboard position, further from the engineer's compartment.

The port side position immediately behind the engineer's compartment normally was occupied by Sergeant Joseph Matejov, however, he could exchange positions with Sergeant Cressman.

The navigator, Captain Arthur Bollinger, occupied the rearmost portion of the port side, near the door of the aircraft.

Parts of the aircraft were observed uphill from the main wreckage. The PJ's believed other parts of the wreckage might have been in a ravine bordering the crash site. The size of the search team, the presence of unidentified persons in the immediate area and the short time on the ground prevented them from checking the parts lying uphill from the wreckage or in the ravine.

The PJ who inspected the wreckage found what he believed were antiaircraft artillery shrapnel holes in the skin of the aircraft. The

SAR team found no evidence that the aircraft had attempted to make a controlled crash landing. The disposition of the wreckage and other features of the crash site, for example, the absence of skid marks, indicated the aircraft did plunge nearly vertically to earth, bounced once, landed upside down and burned.

The PJ's noted it did not appear that the crew of Baron 52 were preparing to bail out when the plane crashed.

On February 13, 1973, the commander, 8th Tactical Fighter Wing, wrote to the next of kin of several of the crew members whose remains had not been recovered and expressed his feeling inasmuch as there was a possibility that one or more crew members could have parachuted to safety, they would be continued to be carried in a missing status until final determination could be made.

On February 20, 1973, the father of one of the crew members requested that Air Force officials obtain clarification of the wing commander's statement regarding the possibility that one or more crew members might have parachuted to safety.

On February 21, 1973, a message from the United States Air Force Personnel Center, citing the inquiry from the next of kin and noting that casualty reports and other information indicated it was doubtful any crew members survived, directed the field commander to carefully evaluate all known information pertaining to the incident to determine appropriate status to the crew members.

On February 22, 1973, the 56th Special Operations Wing, in coordination with the commander, 8th Tactical Fighter Wing, citing the initial missing in action report on February 5 and the message of February 21, reported to the Air Force Personnel Center that he had reviewed the available facts and believe that quote, there is no reasonable doubt that all members of the crew of Baron 52 were killed in the crash end quote.

Based on the evidence obtained by the search team and the results of this review, Air Force authorities changed the status of the crew members to killed in action. The commander, 8th Fighter Tactical Wing, informed the next of kin in the change in status, the facts supporting it in a series of letters dated between February 24 and April 17, 1973.

In addition to summarizing the events of Baron 52's last mission and the evidence obtained by the search team that inspected the wreckage, the commander described the several types of radio equipment in use on the aircraft. He explained the capabilities of this equipment and noted that Baron 52 had frequent radio contact with other aircraft until minutes before it became missing.

He also noted that the crew members received intensive training for emergencies. Within this context, the wing commander expressed his belief that in case of an emergency, at least one crew member would instinctively used one of the many pieces of communication equipment that were available to transmit a distress call or to lead rescue forces to his location, unless the aircraft crashed as a result of some catastrophic incident that immediately and completely incapacitated the crew members.

Now those, sir, are the facts associated with the mission and the search of the wreckage by the team. Now, as far as the intelligence is concerned, there's a lot of interesting things that can be brought out about it in a secure environment. Unfortunately, we're not in

that environment. So I'll try to limit my remarks to that which can be discussed publicly.

Now, as I noted earlier, the information that led Jerry Mooney to speculate that some members of the Baron 52 crew were captured was collected approximately 5½ hours after Baron 52 went down; and the first report containing a translation of that information was issued about 46 minutes later. The persons who acquired the information and prepared the initial report commented that they observed indications the group holding four pilots captive was possibly located near Vinh. Those experts were directly involved in collecting the information and for that reason, in my judgement, they were the persons best qualified to make such observations. In my judgement we can confidently accept their observation that the unit holding the captives in question was possibly located near Vinh.

The second report was simply a one-sentence retranslation of the first report issued about—issued some hours later. I don't have the note here.

Senator McCAIN. Mr. DeStatte, could I interrupt just a second. I'm at a distinct disadvantage here because I didn't know this case was going to be brought up and I have no information. And I regret that, because this is a very important situation, obviously.

Are you saying that the second report was a repeat of the first report?

Mr. DESTATTE. Yes, sir. It was simply a retranslation by a different person. The report was originally acquired by a platform flying over the South China Sea. When that platform returned to its base in Okinawa, the original report was looked at by a separate person and he issued a different translation of that single sentence.

Senator McCAIN. What was that translation?

Mr. DESTATTE. The unclassified text of the translation of the information recorded in the initial report consisted of the following sentence: "Group [number deleted] is holding four pilots captive and the group is requesting orders concerning what to do with them." A different translation of the same information was recorded in a second report. The unclassified text of the translation recorded in the second report was: "Group [number deleted] has four pirates; they are going [words deleted] from 44 to 93, they are having difficulties moving along the road." The second translation changed the word pilots to pirates and added new words indicating the pirates were being moved from 44 to 93.

Senator McCAIN. Do you know what 44 and 93 mean?

Mr. DESTATTE. 44 and 93 could be a whole host of things. Now, Jerry Mooney chose to assume that 44 and 93 were kilometer markers. My experience, and I might add that the first 2 years plus that I spent in Vietnam, I spent in Vietnam as a communications specialist doing this very sort of work, and in my experience both doing that kind of work and as a fairly accomplished linguist, if these were kilometer markers, it's virtually certain that they would have had to included the comment, kilometer marker.

And I have in my briefcase here a book titled, Regulations on Tactical Staff Operations. And in here—it's a Vietnamese publication published by their general staff director for the People's Army of Vietnam in 1975 relevant—issued by the Institute for Military

Studies. And as they point out, if you're going to deal in kilometers, you have to note that it's kilometers. Because there are so many other options.

These could be dinomic references to units, they could be dinomic references to locations, they could be dinomic references to radio call signs. It could be any assortment of things.

Senator McCAIN. This transmission was received, was intercepted 46 minutes after the crash. Is that correct?

Mr. DESTATTE. That's correct. The information was collected approximately five and a half hours after Baron 52 went down; and the first report containing a translation of that information was issued about 46 minutes later. This type of information was supposed to be reported within moments; in this instance, about 46 minutes after the information was collected.

Senator McCAIN. And they believe that that transmission was coming from Vinh?

Mr. DESTATTE. That's correct. The people who received the report, who issued the report, rather.

Senator McCAIN. And how far is that from where the plane crashed?

Mr. DESTATTE. Oh, Vinh is—I have it here in my notes.

Mr. SHEETZ. It's marked on this map over here.

Mr. DESTATTE. I can answer the question specifically.

Senator McCAIN. It's a long ways.

Mr. DESTATTE. Oh, my goodness, yes, sir.

Senator McCAIN. My question is, is how is it possible a message would originate from Vinh concerning a crash that had just taken place a matter of minutes before?

Mr. DESTATTE. In my judgment, it's impossible. And we might—while we're on that point, again let's apply the test of common sense. When we look—you have the photographs in front of you. Based on notations on—as you can see here, there are actually 16 photographs. I just pulled some representative ones here. One of the photographs is annotated showing that the—in fact, it may be one of them that you have in front of you. It's annotated, yes.

This photograph here that has the north arrow in it shows just the general area. If you look closely, there's an annotation that says quote bamboo ranges from 8 to 100 feet in height, very difficult to move through and caused difficulties with the jungle penetrator. End quote.

Senator McCAIN. I apologize for the interruption. I just did not understand. I apologize. I did not understand.

Mr. DESTATTE. I'm glad you did, sir. As a matter of fact, the point here is that, as you can see from this photograph, this aircraft went down a considerable distance from the nearest footpath. "For hostile forces to make their way to this crashsite from the nearest occupied position, during the hours of darkness, in my judgement would take more than 5½ hours."

Senator SMITH. Mr. DeStatte, I would like to respond to that. I know we have to move on to the other cluster. I do want to say, for the record, that I did indicate yesterday, publicly, that I was going to go to this. So it was a matter of record. I did not mean it to be a surprise to any of my colleagues.

Senator McCAIN. I would like to respond to my friend. I did not know that and it is my fault.

Senator SMITH. Oh, no. I did not mean to catch anybody by surprise.

The CHAIRMAN. Can I just ask a quick question, so we are clear?

Senator McCAIN. Are you finished, Mr. DeStatte?

Mr. DESTATTE. No. Mr. Smith raised four separate reports and he questioned how we arrived at the judgments that we arrived at on it. As I pointed out, the second report, in fact, was not a second report. It was simply a retranslation of the first report.

It was also one and only one sentence.

Senator SMITH. Well, it contained new information, the second report.

Mr. DESTATTE. It contained different information.

Senator SMITH. New information, additional information.

Mr. DESTATTE. No, sir. Those are your words. That's an analyst's assessment. In my judgment, it was different information. And as a person who has done translations and who worked in that environment for a number of years, I have no way of knowing whether the person who made the original translation was the more experienced or the person who made the translation on the ground hours later was the more experienced.

I do know that the translations frequently are—well, let me just give you one personal example. Back in 1970, one of our Ranger teams went into the demilitarized zone. They found a telephone line. And they suggested it be tapped. And the people who do that for a living thought that that was not an appropriate use of their personnel. So I went down to the PX and bought a tape recorder and we rigged up—bought as many batteries as they had in that very basic PX and we went back in with the Ranger team and we tapped that phone line.

When we ran out of tape, we came back. And then I spent the night, that evening and the rest of the night with two of my interpreters making a verbatim transcript of what we picked up on that telephone wire tap.

The people who do this for a living, of course, wanted to take that material from me. And it took them all night to finally get somebody to order us to turn it over. We did. They came down a few days later to quarrel with us about the translation. There was a section in there where I pointed out that the telephone at the southern end of that line, which was in South Vietnam, was sitting on top—it was very precise.

Let me describe it differently. That was a telephone line linking an observation post, a PAVN observation post on the southern side of the DMZ overlooking a major U.S. combat base. The northern end was associated with B-5 Front headquarters on the north side of the DMZ. And there was a segment in there with a conversation that went something like this.

One voice came on and asked the fellow on the southern end if he could guess who it was. Well, they had a little good-natured banter. The guy in the south couldn't figure out who the voice was and finally he told him, well, my name is whatever it was. And it turns out that they were boyhood friends from the same home vil-