

lage. So the guy on the north side then asked him, where the devil are you at? What the devil are you doing?

And he replied, well, I'm on the rabbit. And he asked, well, what do you mean by, on the rabbit? And he said, well, you know, the rabbit hill. And then he gave the high point number for the hill. And so the guy on the north end says, well, what the devil are you doing down there?

So he described to him, I'm sitting in the little draw on the northwest side of the hill, just below the peak, and I'm overlooking combat base umpty-ump and my purpose here is to observe movements in and out of there so that we can direct artillery and rocket fire on the U.S. troops in the area.

Now, I was familiar with the term for that hill as the Rabbit, because I talked to a lot of PAVN personnel who worked that area and the silhouette of that hill on their maps suggested a silhouette of a rabbit.

Anyway, the folks who received this tape from me came back to quarrel, because their translators told them that that segment of tape said nothing more than I saw a rabbit. And they suggested that maybe I needed to look at my—check my interpreter's credentials, because they seemed to have manufactured a lot of information.

At that point I shared with them the verbatim transcript we made of it. They took their tapes back and they came back later and apologized and said, thank you very much.

Well, the point of that story is that there are considerable differences in talent and capability on the part of interpreters. I'm not just leaping to a conclusion when I say that this was different information rather than new information. We don't know why it was different.

Senator SMITH. Let me just ask a couple of points on that, because I know we have to move on. The reason that I brought it up, the EC-47, was because I think it relates to what we're trying to establish in terms of analysis, in terms of how you—and I use it as a case study to try to determine how you come to the conclusions that you have come to.

Now, that is the purpose of it. Now, when you say before the committee in the last testimony, whenever that date was when you were here in July or whatever date it was—when you were asked if there is any evidence that anybody survived the EC-47 incident, and you say there is no evidence. Now, I am just asking you as a point of definition, why is a radio message not evidence?

Mr. DESTATTE. If the radio message, in fact, referred to this crew, then it would be evidence. But this radio message has nothing to do with this particular crew.

Senator SMITH. Okay.

The CHAIRMAN. You were going to say why it has nothing.

Mr. DESTATTE. Yes. The assumption is that the only aircraft that were down, the only potential candidates for this were the crew of the EC-47. There, in fact, were at least three ARVN helicopters that were down in an area that would have caused the crew, if captured, to be evacuated through Vinh at the approximate time frame of this particular—that we acquired this particular piece of intelligence.

And in fact, a personal friend of mine who was a pilot in the Vietnamese Air Force is aware of a friend of his who was the pilot of one of those helicopters. He is aware that that friend, in fact, was captured with his crew and was moved to North Vietnam.

Now, we're in the process right now of trying to locate, to determine if any member of that crew survived captivity and is here in the United States. And if we find him, we might have an answer to who this message really refers to.

Senator SMITH. But, the point is, at the time you drew this conclusion, you did not have that information. So, what I am saying is, there is no other aircraft missing. We discussed the one that went down and the people were killed. There is no other aircraft missing in the area like this.

I am not disputing any of the facts that you gave me, the outline that you gave me on the crash and what happened. I do not dispute those facts. I have no quarrel with any of that. But what I am trying to get at here is, is you get a radio message. The message is self-explanatory. It says what it says. Then you start doing analysis on it. There's nothing about Vinh in the message. There is nothing about being 240 miles away in the message. That is analysis that came later.

The message itself speaks for itself.

Mr. DESTATTE. The initial message. You noted that the second version of that message contained a footnote. I feel confident that you have the version, the first version of that message.

Senator SMITH. I cannot read it.

Mr. DESTATTE. And it also contains a footnote. And that footnote, from the people who issued the report, said that it came from Vinh in their judgment.

Senator SMITH. Would it not have been more honest to say to the committee, when we asked you if there was evidence, if anybody survived Baron 52 a few months ago when you testified, would it not have been more honest to say, we had a radio transmission. We did not believe the radio transmission or whatever you—but we think—we also examined the crash site and we found that we did not have—based on the people who were at the site, we do not think anybody survived and here is why.

You did not say that. You said, there is no evidence, Mr. DeStatte.

Mr. DESTATTE. Implicit in your statement is the assumption that I don't believe this radio transmission. It's also implicit that there's confirmed evidence that—

Senator SMITH. Everybody else believed it. Roger Shields believed it.

Mr. DESTATTE. Well, and as I pointed out earlier, as I noted earlier, that is a topic that I wish to address as we progress through this. But I believe that radio transmission. It simply does not relate in any way to this particular incident. It does not relate to this EC-47 crew. It could possibly be—I don't know who it is, but it could possibly be the crew members of one of those three ARVN aircraft, helicopters.

Now, that's assuming—

Senator SMITH. Were they missing within 45 minutes of the time?

Mr. DESTATTE. As I noted earlier, it is physically impossible, it strains credulity beyond what's reasonable, to assume that any PAVN unit could have reached that crash site, captured those four—any four people from that particular incident and had a radio transmission confirming that passing through Vinh 46 minutes after that aircraft went down.

Senator SMITH. First of all, we do not know if they were at the crash. If they were at the crash and died, yes. But we did not find any bodies, so we do not know if they parachuted out because we did not find any parachutes. So we do not know what happened to them. That is the point. We really do not know.

To me, for you to say that there were other aircraft missing and you cannot tell me who they are or how many people were on them, how many years later, 20 years later, you are telling me that there are other aircraft missing in that area and it was within that 45 minute period that this message was reported. I mean, that is outrageous.

Mr. DESTATTE. Let me quote from a letter written by the commander on the spot as to whether or not there was indications that people had bailed out of that. This man was much closer to the scene than I am from this location in time.

Senator SMITH. I would like to know who the aircraft were.

Senator McCAIN. Please continue.

Mr. DESTATTE. Okay. I'll just extract from—let's see, let me find the relevant portion here.

The CHAIRMAN. Could I just clarify a couple of things while you are maybe looking at it? In Senator Smith's summary of the thing, originally it was stated that there were no parachutes found and the buckles of the seats were undone. Was that found in the back of this plane? Was there an examination for parachutes?

Mr. DESTATTE. Sir, they were not able to get into the rear of the aircraft, but if—

The CHAIRMAN. But is there anywhere where they cited the buckles?

Mr. DESTATTE. Yes, with your indulgence, I will find this specific passage in here where the commander on this, in the field, noted the—made note of that particular concern.

The CHAIRMAN. Mr. DeStatte, let me just ask you. Is that not significant, if the seats are unbuckled?

Mr. DESTATTE. In fact, the commander on the spot said just the reverse. But I wanted to quote—

The CHAIRMAN. That is what I am trying to get it.

Senator SMITH. Did Ron Scofield say that? Did Mr. Scofield say that? Do you know who Mr. Scofield is?

Mr. DESTATTE. I know who Ron Scofield is. And I spoke to Ron Scofield. And since you raised Ron Scofield, we will get to the issue that I hoped to save for last. Why did so many people believe this? Ron Scofield told me—

The CHAIRMAN. Let us slow down. Let us slow down. Who is Ron Scofield?

Mr. DESTATTE. Ron Scofield is the radioman who accompanied the three parajumpers onto the crash site. Ron Scofield, when I spoke with him, was an E-9, which is the highest enlisted grade in

the Armed Forces, with the Air Force Security Service, at that point serving in England.

The CHAIRMAN. So he was present when the team went in to look at the crash site?

Mr. DESTATTE. He was part of the team.

The CHAIRMAN. He was on the ground?

Mr. DESTATTE. That is correct.

The CHAIRMAN. And what did he say regarding this?

Mr. DESTATTE. I quote earlier the observations of the four team members. He concurred that, yes, that in fact was his judgment. I think somewhere in our files I have his statement that was made, written statement that was made and signed at the time of the incident. It was his judgment at the time, on 9 February, that there was absolutely no chance of any survivors.

But, as a result of the messages—and it is important to understand what these messages are—we are talking about the NSA message, NSA reports. NSA—the kind of traffic, the cable traffic that would come out of NSA can be divided—relevant to the issue we are talking about is divided into two broad categories.

There is a finished product. Something that goes through their review and quality control process. There is another type of message which is an informal, analyst to analyst communication, a mechanism that affords the analyst an opportunity to share ideas, to bounce ideas off of other analysts. It is all very informal and it does not go through any quality control procedure. It is something that is vital to a dynamic and effective analytical process.

Now, there were a series of messages that flow, some of which I was able to recover, that flowed between Jerry Mooney and the Air Force Security Service Command at Kelly Air Force Base. And there apparently was a good deal of that that was shared with the 6994th Squadron out there in Thailand.

Now the message traffic, this message traffic, all of which was informal, analyst to analyst musings in which Jerry Mooney took this toothpick and built it into a house, taking this one sentence and building it into that page and a half message that we see on May 2, 1973.

All of that was informal traffic. That was something that circumvented the quality control process that existed at NSA. That represented one man's musing. There was no effort, because—

The CHAIRMAN. Now, let me come back to—

Mr. DESTATTE. Right back to Scofield. I'm sorry. I lost track of where we went.

He told me that when they began receiving these messages out of NSA, his confidence in what he at that time thought was an NSA product representing—he was so confident in the integrity of that traffic coming out of their headquarters, that he was willing to overrule his own personal observations and try to find in his own mind ways to explain how he could have, how he could have misinterpreted the evidence that he saw in front of him when he was on the ground.

Once he had learned that, in fact, there was nothing but that one sentence, then he realized that his judgment, in fact, had been correct.

The CHAIRMAN. Okay, now let me come back for a minute.

The original judgment was based on their looking at the crash site and the material. Now, as I looked at these photographs—I am trying in this non-blown up section to determine what is left here.

But a lot of the plane just seems to be disintegrated and burnt.

Mr. DESTATTE. That's correct.

The CHAIRMAN. So there is not really much capacity—I mean you cannot see a seat. There is no seat left.

Mr. DESTATTE. In the back?

The CHAIRMAN. Front.

Mr. DESTATTE. In the front, they were able to make out some—

Mr. SHEETZ. Senator Kerry, I think a critical point is—

The CHAIRMAN. No, I want to just pursue this for a minute. What was left in the back?

Mr. DESTATTE. In the back?

The CHAIRMAN. Part of the fuselage?

Mr. DESTATTE. Yes.

The CHAIRMAN. Were there identifiable seats in the back?

Mr. DESTATTE. Nothing that—they were not able to see in there. It's my understanding based—

The CHAIRMAN. So, they made no determination as to seatbelts or parachutes?

Mr. DESTATTE. In the back, that's correct. However, they—

The CHAIRMAN. So where does this come from?

Mr. DESTATTE. I don't know. They made no determination.

The CHAIRMAN. Senator Smith?

Senator SMITH. I am sorry. I did not hear that.

The CHAIRMAN. Well, in your opening statement, you said that the seatbelts were unbuckled and that the parachutes were not there. Now that seems to indicate something. They are saying you could not tell.

Mr. DESTATTE. Here's a letter dated—

The CHAIRMAN. Where does this come from?

Senator SMITH. It had to come from—it came from the people who were on-site.

Mr. DESTATTE. Here's a letter dated April 17, 1973, signed by Colonel Humphries, who was the commander of this Air Force unit out there. And I quote, interrogation of the pararescue team revealed that partial remains discovered in the aircraft were strapped into the seats, strapped into the seats normally occupied by the pilot and the two copilots.

It is unrealistic to assume that these remains were those of any other members of the crew. End quote.

The CHAIRMAN. What about the other area of the plane?

Mr. DESTATTE. They were unable to get into the back of the plane.

The CHAIRMAN. So they saw nothing and made no observations of seats? Was there any recordation of seatbelts or parachutes?

Mr. DESTATTE. None.

Mr. SHEETZ. Can I add sort of a common sense piece of information here? Senator McCain's a flyer. Perhaps he can amplify on what I'm about to say.

Here we have an aircraft that is flying in a controlled airspace with an airborne control monitoring unit. Another collector, a similar collector, another aircraft in the immediate area, constant radio

checks back and forth. He reports one time that he's seen some tracers go by. This is at night, okay. And then we don't hear anything more from him. He fails to make a radio check.

Pilot's flying along in an area like that and he takes anti-aircraft fire, he's going to say, I've been hit. And if he's losing altitude or he's losing power, he's going to say, we're going to have to bail out. We're bailing out.

He didn't get any of that. When you look at this picture, what you have is a plane that fell like a stone, straight vertical dive down. It hit one time. It flipped over on its back and caught on fire.

A C-47—my father flew in C-47's in World War II, flew over the hump in the Himalayas. That's an aircraft that you don't get out of very easily in level flight, let alone a vertical dive in an aircraft that's lost its ability to fly.

Four guys are wearing beepers. Everyone's wearing beepers. It's alleged here by Senator Smith that four guys could have gotten out of the aircraft.

Senator SMITH. I did not allege anything. I used the facts. I used your radio messages. I did not allege anything.

Mr. SHEETZ. I am not sure where that came from. We're not able to find that. But let's just say four guys got out of the aircraft. They're all trained in escape evasion and rescue. They're all wearing beepers. One of the beepers maybe didn't work. Sure. Two, possible. Three, unlikely.

All four, never heard from, very unlikely.

If you look at the facts surrounding this case, I think you'd have to—you have to come to a position that it would have been extremely difficult for men to have bailed out of an aircraft that's falling vertically in an increasing speed and impacts on the ground, flips over one time and burns.

Senator SMITH. Mr. Sheetz, I do not dispute that. I am not a flyer, but I do not dispute any of that. All I am trying to point out is, in terms of analysis, let me just put it this way quickly.

An EC-47 is lost on a given day, February 5, 1973. 45 minutes later, a radio transmission is received, okay. There are no other aircraft in the area that have been lost in that period of time, in that 45-minute period of time. There are four bodies, eight people on the aircraft. Four bodies are recovered, four are not. All of the things you say make sense as far as whether people did not get out, beepers—I do not dispute any of it.

I am just saying, when a question is asked and we look at the facts and a question is asked by a witness before this committee, is there any evidence and you say, no, I think that is very, very misleading, if not downright being dishonest.

Mr. SHEETZ. I understand the Senator's point.

Senator SMITH. And I think you have to express—we are an oversight committee. We are trying to find out how you analyze data. And when I see that kind of response to questions that I am trying to analyze data, I frankly do not know what to believe or what—

So all I am saying to you is, you not only, this is not simply a case here where you had no message. This was further than that. You got a message. You got a lot of activity on that message. It went all the way to Secretary Kissinger. That is how far that message went and maybe beyond.

So it was—as a matter of fact, in the Eagleburger memo, it went so far as to suggest that maybe we ought not to even continue with the bringing home of the American POW's and maybe want to consider resuming the war as a result of this and other information that has been coming out.

So this is not a small matter. And for one individual analyst to say before this committee that he himself decides that this is not a valid message when everybody else disagrees, all the stuff about the crash. If you did not have the message, fine, I do not dispute any of it. But you had a message. And you do not have any other aircraft missing in the area in that time frame and you have not explained it to me.

And then you tell me, well, maybe if I go back, I could find somebody. 20 years later. That is a little late. You are good. I give you credit. You are damned good.

Mr. DESTATTE. Sir, you very articulately described the dangers and the tragedy of allowing one analyst's judgment to go unchecked.

Senator SMITH. So, there was an agency judgment, not an analyst, the agency.

Mr. DESTATTE. No, sir. I beg to differ with you, sir. Jerry Mooney's May 2, 1973 message was the message that caused some persons to believe that intelligence information confirmed some members of the Baron 52 crew were captured. When I researched this incident in 1986, experts from the National Security Agency informed me that the serial number of Jerry Mooney's May 2, 1973 message identified the message as an office message—a type of electronic mail that gave analysts a flexible and informal means of exchanging views and information. The NSA experts informed me NSA used a different type of serial number to identify an officially coordinated and approved agency product.

And had it been issued through the normal procedures that would have made it an agency position, I am confident that Jerry Mooney's superiors would have asked him to document each of the assertions that he made in that lengthy message and they would have found that they were unsubstantiated by the facts.

The CHAIRMAN. That's the lengthy message.

Mr. DESTATTE. Yes, that's correct.

The CHAIRMAN. What about the short message, the single line message that Senator Smith points out gives rise to this issue of where the message comes from within the 45-minute period and how you make a judgment at that point in time about that message without the benefit of the hindsight and the knowledge and so forth 20 years later?

At the point in time where the crash took place, there is one message that comes out 45 minutes later, 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.

The CHAIRMAN. And that message gets transferred to somebody, to where? It was intercepted, correct?

Mr. DESTATTE. Yes, sir.

The CHAIRMAN. Relayed?

Mr. DESTATTE. I spoke with one of—sir, I fear that in order to answer your question adequately, I'm going to be close to getting into classified matters. To say it in an unclassified way, I hope it is, the best evidence we have in terms of where the entity was that made that report, the initial report, that was acquired by our services and then, in turn, reported through our channels—the best information we have on that is the analytical comment made by the person who issued our report, the initial report.

And that person, whoever he was, spelled out the reasons why he believed that the particular entity that was holding the four pilots referred to in the text of the initial report was located in the vicinity of Vinh. And I later was able to track down one of the two persons who was aboard—he would have been—either he or his colleague would have been the person who actually acquired that information and issued that initial report.

Explicitly indicated in the introduction to his 2 May 1973 message that he based his analysis on information contained in the single intercept collected on 5 February 1973. In that introduction, he wrote that he had "reviewed all available information concerning the four fliers mentioned in the 5 Feb message and no additional reflections or amplifying information concerning the disposition of the fliers were revealed. For your information and consideration the following is a recap of the intercept and some observations concerning this subject."

The CHAIRMAN. How far was Vinh from the crash site?

Mr. DESTATTE. Oh, gosh, that's—

Mr. SHEETZ. It's on that map. It's marked on that map.

The CHAIRMAN. 240 miles?

Mr. DESTATTE. I think that's correct. I have it written down here somewhere.

Senator SMITH. That is the origin of the message?

Mr. DESTATTE. Yes, 240 miles.

Senator SMITH. That is the origin of the message. It did not say the prisoners were there. That is the origin of the message.

Mr. DESTATTE. I beg to differ.

Senator SMITH. You differ with that?

Mr. DESTATTE. Yes. My recollection is different. But we're still left with two versions, two different versions of that one sentence.

The CHAIRMAN. We have got to begin to move on.

Mr. DESTATTE. Senator Smith also mentioned—nowhere in either of those versions is there any mention of water, is there any mention of making reports, mentions of a Mr. Von and all the other stuff that appears in that 2 May message. Where that information was acquired I have no idea. However, I do know that Jerry Mooney himself, in one of his messages, stated explicitly that that initial report was the only information that his analysis was based on.

So I'm left to conclude that most of the detail in that May 2 message was just—it was fiction.

Senator SMITH. Excuse me. You said that you believed the message.

Mr. DESTATTE. Yes.

Senator SMITH. You just did not believe it was the EC-47?

Mr. DESTATTE. That's correct.

Senator SMITH. Well, then, it is not a fictional message.  
 Mr. DESTATTE. Most of the information in Mr. Mooney's May 2 message, not the original message, most of the information in Mr. Mooney's May 2 message is fiction. And I am saying that I believe the original, the original message, is quite probably true. It probably relates to four pilots.

Senator SMITH. Who are they?

Mr. DESTATTE. In my judgment—well, first off, who they are not. They are not members of the EC-47Q crew.

Senator SMITH. Who are they?

Mr. DESTATTE. They are probably pilots or airmen from the Republic of Vietnam Armed Forces who are being moved to north Vietnam. There were several ARVN aircraft that are downed, three of which have a crew of four and could have had passengers on board. Or it could be an amalgam of several crews. There are some OV-10's down. There are a number of other aircraft down that have one or two crew members on board. But it is not the EC-47 crew.

And it would be wrong to assume that the EC-47, that the sole province of candidates for that message is the EC-47 crew. There's a very wide province of candidates.

The CHAIRMAN. I take it this area was outside of this airplane's operating area?

Mr. DESTATTE. Yes, sir.

The CHAIRMAN. Were they still in communication outside of their operating area?

Mr. DESTATTE. I don't understand the question.

The CHAIRMAN. Did they go out of communication in any way?

Mr. DESTATTE. Oh, the air crew. The last communication was in—let me double check.

The CHAIRMAN. I seem to recall you said there was a report of anti-aircraft fire that they made at 10 minutes.

Mr. DESTATTE. At 0140.

The CHAIRMAN. At 0140.

Mr. DESTATTE. So, there were 20 minutes remaining between the time of that last report and their next scheduled routine radio check. So there was a 20-minute lapse.

The CHAIRMAN. I am sorry. During the course of the 20-minute lapse, would they have been capable of flying out of radio communication area?

Mr. DESTATTE. No. We can take the speed of that aircraft and with the known location of the crash site, we can make some very definitive judgments.

The CHAIRMAN. They would still have been in communication?

Mr. DESTATTE. Oh, yes.

Mr. SHEETZ. Certainly with an airborne aircraft.

The CHAIRMAN. And they were in fact in communication with an airborne aircraft.

Mr. SHEETZ. That's right.

Mr. DESTATTE. With two other aircraft, with three other aircraft, Moonbeam Airborne Command and Control Center, Spector 20, and Baron 62.

The CHAIRMAN. And did all of those aircraft hear the message with respect to the anti-aircraft fire?

Mr. DESTATTE. The only thing that's in the record is that it was a communication between Baron 52 and Baron 62.

The CHAIRMAN. Did Baron 62 report hearing any message whatsoever, I am hit, we are hit, we are going down, we are going to have to bail out or anything?

Mr. DESTATTE. None whatsoever.

The CHAIRMAN. None whatsoever. They just went dead, silent.

Mr. DESTATTE. That's correct. And I was looking for the reference—

The CHAIRMAN. Is there any reason that, for secrecy or for any reason at all, they would not have communicated had they been hit and capable of it?

Mr. DESTATTE. No, sir. As a matter of fact, the commander, in his letters to the next of kin, goes into considerable detail about the likelihood—the unlikelihood—that there would have been no communication. He believed then that unless there had been some catastrophic incident that caused that aircraft to plummet at high speed, which would have—the centrifugal force is extrapolating a little bit here, but the centrifugal forces at work there would have prevented the crew from—that's a good point. Let me digress for a moment.

The crew, as he points out here, the crew in the back end, the four people in question here, for a variety of reasons, do not wear their parachutes while they're in that aircraft. It's hot, it's uncomfortable and in fact, prevents them from accomplishing their assigned mission while they're in that aircraft.

But now they're trained such that it would—they could, within 2 minutes, suit up. That's a long time. They also pointed out that because of the altitude, it's cold up there, so they fly with the back door shut, and it would take another several seconds or a minute to release that door.

If this aircraft was subjected to some catastrophic incident that caused it to go into an uncontrolled dive, there would have been—

Senator McCAIN. It would have been easier for the pilot and co-pilot to get out than the ones in back.

Mr. DESTATTE. That's correct. And they were found strapped in their seat, according to this comment by the commander.

Senator McCAIN. When the chute is deployed, does the beeper automatically go off?

Mr. DESTATTE. It's my understanding that it can be—you can set it so it either goes off automatically or not.

Senator McCAIN. We do not know in this case.

Mr. DESTATTE. In this case, we don't know. But the commander again, the man who is responsible for their training, the man who knew these people the best, he says that, again paraphrasing, in his judgment it's unlikely that at least one of those crew members would not have triggered his communication, his emergency communication device, to lead rescue aircraft to them in the event they had gotten out of that aircraft.

Mr. SHEETZ. Can I add another sort of sanity point here? You've got an aircraft that's downed in the dead of night in an area that's densely, densely forested, so much so, that the search and rescue helicopters that came in had trouble getting their jungle penetra-

tors down through to get the men on the ground to investigate the crash site.

Yet, if we were to believe that this report that we think originated from the Vinh area pertained to this aircraft, between the time period when the aircraft last failed its radio check or was last heard from to the time this message came on, why we're talking about, clearly, minutes.

And if these men were to be in captivity, they would have had to have been rounded up in the dead of night in an extremely densely packed area. When four guys, if they were to have gotten out of an aircraft, they would have been spread over quite a distance. And just the ability of people on the ground, first to find the site where the crash occurred, then to round up four guys and get a message on the wire in literally minutes, it really strains your judgment.

Mr. DESTATTE. And to jump out of that aircraft, this is not a tactical aircraft where you press a button and everybody gets out.

The CHAIRMAN. Well, it takes out about an hour to go a quarter of a mile or a half mile, let alone 240 miles.

Mr. DESTATTE. That's correct. And these people would have also been—the very nature of that aircraft, to get out of the back they would have had to have jumped, physically jumped, out of the rear of that aircraft one at a time. They would have been strung out. They would have been dispersed over some area, which further complicates the process of locating these four individuals in that time period in that terrain.

Mr. SHEETZ. And I might add, this isn't an unconfigured cargo C-47. We're talking about one that, the back end of it is literally jammed with electronics. The guys have little tiny cubbyholes that they've got to work in, receiver stations, and there's a narrow, narrow little path that they've got to walk down the middle of it. This is an extremely cramped and crowded aircraft.

And the likelihood of their being able to get out of an aircraft that's in a power dive, that's perhaps spinning out of control once centrifugal forces are at work, strapped into their listening stations, to have gotten out of that, to have gone up to the rack on the bulkhead, grabbed the parachute, put it on and gotten out of the aircraft, it really strains credulity.

Mr. DESTATTE. If there was time to do that, there certainly would have been time for somebody in that aircraft to have used one of their radios to make a mayday call, a distress call.

Senator McCAIN. Mr. Chairman, could I just ask one more? So, Mr. DeStatte, the reason why you are affirming your previous testimony was because you do not view that message as evidence relating to the crash of the airplane?

Mr. DESTATTE. That's correct. Yes, sir.

Senator SMITH. Is it accurate to say that other people do?

Mr. DESTATTE. It's accurate to say that other people had a great deal of faith in that May 2 message that Jerry Mooney published. I think I'm also confident that each of those persons, apprised of the full facts on that issue, would change their view. And I think it's truly tragic. I think some of those men have lived all these years with the sincere belief that here was a good case and it was a good case because they believed, NSA said it was a good case. They were

unaware that Sergeant Jerry Mooney said that it was a good case. And that's the only person that said it was a good case.

The CHAIRMAN. Senator Smith, Laos.

Senator McCAIN. Mr. Chairman, are we going to lunch today?

The CHAIRMAN. Well, I have got to keep it moving here because we are now a little bit behind.

Mr. DESTATTE. Sir, if I could, there is one point that's left hanging, that 17 May message. Very quickly, that message came to us because the text of that message made it appear that it could relate to a downed aircraft. There were two subsequent messages that came from the same source that didn't reach us because the text of those messages was clear that they were not related to a missing aircraft. In fact, what that related to was an F-4 that was struck, caught on fire, and flew off to the west. And the command of the organization that reported having hit that aircraft was instructing its subordinates to go out and try to find the wreckage and confirm whether or not it went down, and it gave them a time limit to do that.

Now, that aircraft was an F-4. It was flying over western Quang Tri Province, and it was struck at 0900 hours on, I believe—I'm speak from—on the 16th or 17th of February. It was not an EC-47, it was not the 5th of February, and it was not in Laos. And that was at 9 a.m. in the morning on that date. At 1220 hours that same date, an F-4 aircraft requested emergency landing permission at Ubon air base. I was unable to confirm conclusively that that was the same aircraft, but when we take a look at the date, the circumstances, and the time, in all likelihood, that's the aircraft.

Senator SMITH. Let's try to shift gears. I've been asked to introduce the Oudamsai cluster in terms of an overview. And the staff—I think we have maps and things up here to indicate it. The staff plotted on the map approximately 445 sightings that alleged Americans in captivity in Laos. 60 of those are first-hand, and 395 are second- and third-hand. The staff chose this region, it's a very remote region in northern Laos, and it spans the southern part of Phong Saly Province and the northern part of—I'm not good at these pronunciations here—Luang Prabang.

For ease of reference, let's call it the Oudamsai area, because the district of Oudamsai is central to much of the reporting that we are talking about. This is the area in which the Chinese built a road in the 1960's from the Chinese border almost to Luang Prabang. And few U.S. air or other operations took place in this area, compared to other parts of Laos such as the Plain of Jars. Other than the Chinese road, during the war there were really no strategic targets in this region, so it seems a little bit strange that sightings would appear there.

This is one of the reasons why we decided to plot those. The 30 sightings after Homecoming, because of that I think merit special attention. There are far more and more detailed sightings of alleged Americans in captivity in this area since Homecoming than would normally be the case. If you look at the examples of other live sightings, they tend to be areas where prisoners were held and we knew there were prisoner activity. In this case, that is not so.

The 30 sighting reports concern five related prison locations. Six of the sightings are first-hand, 24 are second- or third-hand. One of

the six, file 13347, is a sighting dated prior to Homecoming. It is included because it is still under analysis and demonstrates the continuity of reporting from the region. It was not posted on the map because the date is 1971.

The prisons involved have rather exotic names. It sounds strange to the American ear, I guess. I will do my best to pronounce them. Oudamsai has already been discussed; Muong Khoua, Moung No, Nam Bac, and Houey Lang. Those prisons and camps are dispersed widely and seem rather unconnected when you look at it superficially. They don't look like a cluster in a visual sense. They don't cluster in a visual sense, as a location. But the sources relate linkages among these prisons that are not obvious as you look at the map.

So the first glance in that region, I don't know if anybody could point to it or not, at first glance, the flags on that map do not cluster or do not seem to until you begin reading the reports. U.S. intelligence had reports of Americans held in this region as early as 1968. In 1971, a CIA assessment reported POW's held in Oudamsai, and DIA still carries an, I believe in 1971, eyewitness sighting of three pilots in Oudamsai which is still under analysis.

But what do the reports say after Homecoming? That is really what we are concerned with. The reports after Homecoming have disclosed some rather distinctive features of the camp system. First, the dispersal pattern tends to hide the fact that the prisons work together. They move people around, they support each other, according to the sources. Terrain, weather, difficulties of support in a very remote area contribute to interaction among the camps. I think Senator Kerry and I saw evidence of that just traveling in the area of Laos, not in this particular area, but traveling throughout Laos.

Second, the Nam Ou and Nam Bac rivers are the lifeline of this region because of the underdeveloped road net. So several sources have sighted American POW's in movement by boat on the waterway. That is what they say. The sources are consistent in reporting that the alleged Americans are held apart in caves or camps, and that the caves and the camps are near major prisons and reeducation and work camps for the Lao, but not directly accessible or observable.

So the alleged American POW's are not held with any Lao prisoners or any other prisoners. The sightings almost always occur under very distinctive conditions. The sources of the sightings often were on work details or were providing service to a camp when they saw the prisoners. The alleged POW's themselves are away from the place of captivity when the sighting occurs. So the POW's are sighted not by inmates of the Lao camps, in this case, but by trustees, by guards, by those providing food or other services to the camp holding these Americans.

Over half of the 30 sources and subsources fall into these categories of observation. Several of the hearsay reports relate remarks by Laotian officials that American POW's are held in the area. The reports have been received continuously since 1973 and all the way up through 1989. After Homecoming but prior to 1979, those reports are consistent in reporting sightings that total less than 10 POW's in this region.

Now, in 1979, the Chinese launched an attack against Vietnam and into the 1980's the reports are consistent in reporting double that number after that attack. From 1986 to 1989, three separate human sources have reported between 16 and 21 POW's held in this region.

Now, there is some other intelligence data. The staff investigators originally were somewhat confused by the reporting from this region because no pattern seemed to develop. There was no immediate cluster, nothing obvious, until they discovered the blowup or the declassified reports from Laos. And on December 2, 1980, a Lao authority had information that transfer of 20 American and 16 Lao POW's from Oudamsai Province to Vientiane took place.

Where is that message? John, can you read the message? My copy, I cannot read.

Mr. McCREARY. It was a verbatim transcript, sir.

Senator SMITH. What I just read was verbatim?

Mr. McCREARY. Yes.

Senator SMITH. It was a verbatim transcript. Again, a message, quote: Transfer of 20 American and 16 Lao POW/MIA's from Oudamsai Province to Vientiane to take place. That is what it said, and I will ask your comment on that in a minute.

Oudamsai is the second area of Laos presented in this hearing for which we have national technical information that states American prisoners of war were held in Laos after Homecoming. And our investigation to date indicates that there are two more such areas in Laos. We are not going to get into all of those today. But I want to point out the difference here in this one as it was, frankly, in the last one where we spent so much time on the EC-47, and the part that makes it very difficult for me to understand the techniques of analysis here is not only do we have source reporting which the DIA has spent a great deal of time on and we have gone through, we have also taken that source reporting using their data and clustered it in the ways that we talked about. And you may disagree or agree on the two types of analysis. They should complement each other.

But in this case, as in the case of the EC-47, we now have other data that is not source, it is not cluster, it is technical. And at this point we have not heard any testimony from any of the folks in the agencies that any of this technical data is accurate in terms of being American POW's. I do not understand that. I find that very contradictory that we could have these huge means of collecting data which we cannot get into in public session, but it is intelligence data. Some of it is imagery, in this case radio traffic. Radio traffic is either good or it is not good. If it is not good, then we ought not to do it. And why is it bad in the case of identifying traffic on POW's and good for everything else?

So a follow-up report from Laos of the same type indicates at least some of the POW's sent to Vientiane were moved to southern Laos. The number 20 stated in the document up there is close to the numbers sighted in two separate sighting reports, both hearsay, but reports, one in 1986 and one in 1989 from the same location. So we have got technical means identifying a number, we have got two—we have two sighting reports identifying a similar number, and finally, although aerial photography really does not detect the

presence of Americans in captivity—it is good, but it is not that good—it has helped verify the existence of camps or prisons reported by three of the sources who claimed to have seen Americans in captivity.

So let me conclude on this point and then take the response questions, whatever may be the case. Regarding the DIA handling of these sources, 30 sightings have been made by 29 separate individuals. Six of the reports are from eyewitnesses and the remainder are second-hand sightings. DIA has conducted evaluations of four first-hand sightings and one hearsay report. The two eyewitness sightings, cases number 770 and 9081, and one hearsay report, case 9051, are deemed fabrications. So two eyewitness sightings and one hearsay are deemed fabrications. Two first-hand sightings were judged to be sightings of non-U.S. persons and two first-hand reports and 23 hearsay reports are still under analysis. So we have a huge number—25 reports in this area out of the 30—that are still under analysis according to DIA. So none of the files examined refer to the technical documents shown on the blowups.

So I guess in summary what concerns the committee investigators is a very remote area, not one where a lot of sightings were any prisoner activity during the war. Two, we have 25 unresolved out of the 30 that we are talking about, which we would hope we could get some explanation for regarding from the sources. And thirdly, a technical means supporting some of this live sighting data, which is not always the case. So for that reason we chose this one as one of the clusters, not because of a priority in terms of some of the—I think Mr. Sydow yesterday talked about some priorities. It is not our intention to make it necessarily a priority in terms of sightings, but it is our intention to use this and the reason why we bring it up, to use it as an example of technical means and source and cluster analysis all put together in one location in an area that is very remote, that is not easily accessible, that has not been—we have not readily had access to, and to offer some explanation in terms of analysis as to why this would be the case and how valid this information may be.

That gives an overview of it. Mr. Chairman.

The CHAIRMAN. Do we have a response?

Mr. GRAY. Yes, sir.

The CHAIRMAN. There is a lot of grist in that.

Mr. GRAY. First of all, sir, yesterday you were talking about technical means indicating that POW's were being held in Laos after 1973, and you showed a blowup yesterday that indicated being moved from Viengxay to Vientiane to southern Laos and you asked what do we know about that, and I said until we put that in context we really don't know.

We checked that out, and I can tell you exactly what that report was about. And this, as you indicated, was a technical means. This report was a conversation between two Thai units in Thailand. It had nothing to do with Laos. The U.S. Government representatives in Thailand went to the Thais and said we want more information as to what this is all about. The Thais indicated they had nothing. They checked into it, determined that the original unit that reported the information had talked to a human source. The human source was identified, contacted, and interviewed. He indicated

that that information was hearsay that he obtained from people inside Laos.

Based on the information, demarches were made to the Lao Government and they were asked for further information. They had none. They could not explain this report. The Thais could provide no further information. Extensive imagery analysis was conducted of the area into which the POW's were supposed to be moved. There was no indication at all of any activity in that area. The bottom line on the technical report was it was without foundation. There was no proof of this report having anything to do with American POW's.

Senator SMITH. You are talking about the message?

Mr. GRAY. No, sir. The previous report that you showed yesterday which mentioned Vientiane, Viengxay, and then being moved to the south.

Senator SMITH. What about this report here?

Mr. GRAY. We'll have to check this one and put it into context and see what it's all about. That report has been checked out to the same extent. We'll check it out and find out exactly what happened.

Mr. SHEETZ. I guess the critical summary of not this one but the one that Mr. Gray just talked about is it's really not an intercept. It's not a national technical piece of intelligence that you would perhaps want to give more credence to. It's hearsay information that was picked up through a human source that then was broadcast over the airwaves.

Senator SMITH. That's this message here?

Mr. SHEETZ. No, no. The prior one.

Mr. GRAY. Which is down on the floor over there.

Senator SMITH. Yeah, okay. We have got to be careful what we say about the origins of these messages, I understand that. But my information is that in this case that this message did come from a good source, reliable source, and so you are not prepared to discuss that one.

Mr. GRAY. No, sir.

Senator SMITH. Okay.

Mr. GRAY. We'll put that message into context and we'll find out exactly what happened.

Senator SMITH. Do you want to move into the live sightings?

Mr. GRAY. There's no evidence in all of the reports that have been analyzed in the past that American POW's were there. We have worked very closely with NSA in this regard. They've gone back and checked our request many, many times, all the reporting, and it's simply not there that American POW's were held in Laos after Homecoming and moved within the country. There's simply no evidence there.

When you look at the clusters that have been put together here, you've brought into play Oudamsai Province, Phong Saly Province, and Luang Prabang Province, as opposed to just Oudamsai Province.

Senator SMITH. Okay, so without getting into the specifics of that message, you have no other means, collecting means, of information that would substantiate, other than source analysis, any analy-

sis of other technical means that would substantiate what any of those sources said regarding American POW's?

Mr. GRAY. That's correct. When you consider the technical means and all the other sources that have been interviewed, there's no indication that POW's were there or that POW's were being moved.

Senator SMITH. Well, this message does, but you are not familiar with that so I am not going to press you on that. But are you aware of that message? Do you concede the message exists?

Mr. GRAY. We've seen that message in the past, absolutely. Senator SMITH. Okay. I think the chairman and I wish to quickly go through some of these sightings, the numbered sightings that we have, to try to get a little insight as we have in the other clusters as to your reasoning for the conclusions that you have drawn. Is it the chairman's wish that we go through the lunch hour? It is not my wish, but he is the chairman. I'll put him on the spot.

The CHAIRMAN. Let's go through another 20 minutes, and then we will recess for an hour.

Mr. GRAY. Sir, there are a couple of points that should be made with regard to all three provinces which have been drawn into this cluster.

The CHAIRMAN. Let me just get caught up here administratively. I think we are going to have a few back-to-back roll calls at 2:15. Okay, let us get through one of these live sightings and then we will come back.

Senator SMITH. The source 995 was a Lao refugee, truck convoy, 23 June 1981. You have that one, right? He said that in 1978 he saw five or six Caucasians in captivity at a camp west of Muang Khoua. He was accompanying the supply truck delivery, saw the POW's in chains in the rear view mirror being taken to bathe, et cetera. The background is that he did not disclose this information during an interview in November 1979. He revealed his information after he was resettled in the U.S.

DIA administered two polygraph tests, both of which indicated no deception as to his sightings. He was also interviewed two subsequent times and his story remains consistent. Now, 995 lied about his family history and connections and admitted it, but both polygraph tests registered deception as to family background but no deception regarding POW's, is that correct?

Mr. GRAY. Yes, sir.

Senator SMITH. Is that unusual? It is a little unusual, is not it?

Mr. GRAY. It's unusual for a refugee to use someone else's name to get into the refugee system and to get into the United States and then admit that he did that. He went on to admit many, many other things with regard to his background which certainly are not relevant to this case. But just the background factors with regard to this source raised some questions as to who he was and what he was all about.

Senator SMITH. There is some very negative background on the individual in the record.

Mr. GRAY. Yes, sir. Very much so.

The CHAIRMAN. Well, is there anything—I mean, is that the total reason for making a determination this was a fabrication?

Mr. GRAY. No, sir. We never said this was a fabrication.

The CHAIRMAN. Okay. So what is the status?

Mr. GRAY. The determination was that this individual saw Soviets in the area of Muang Khoua, a group of Soviets.

The CHAIRMAN. That's the final determination?

Senator SMITH. Yes, the final determination. But what I am trying to establish here is a pattern in terms of your analysis. Let me see if I can say it this way: You have an individual who passed two polygraphs regarding saying he saw POW's, yet he flunked the polygraph regarding his family questions. He had a horrible background, convicted of molesting a minor and a criminal record and so forth, so that would tend to take away credibility. Yet what he saw, he apparently saw what he saw, but you're saying that they were Russians rather than Americans. So are you concluding that he did see Caucasians, is that your conclusion?

Mr. GRAY. Yes, sir. He never said he saw American POW's. He said that he saw Caucasians in the camp.

Senator SMITH. I see.

Mr. GRAY. He was inconsistent as to where the camp was, what the people were doing when he saw them. For example, in the first few interviews he said simply he had seen Caucasians in the camp and been told by a guard that these were American POW's or Americans. Later, he said I saw Caucasians and they were draped in chains and they were going to a nearby pond to take a bath. Further interviews were done, and there were no indications about the chains. So he was inconsistent as to what he reported.

Now, when he was polygraphed, he was not asked if he had seen people in chains. He was asked only about the Caucasians that he had seen and the fact that the guards had told him that those were Americans.

Senator SMITH. This is not meant to be a humorous question. Do we have any evidence of the Soviets ever being in chains, or tied, or imprisoned by the Vietnamese?

Mr. GRAY. No sir, no evidence at all. We do have evidence—we do have a lot of evidence that Soviets were in this area at this time and that they moved about in groups of 4, 6, 8 and 10 men. They were there at that time.

The CHAIRMAN. We are going to recess at this point and then come back at 2:45, because of the votes this afternoon. That will hopefully allow us to go on uninterrupted. We will go through the remainder of the live sighting reports with respect to Laos and current progress in current reports. We stand in recess until 2:45.

[Whereupon, at 1:12 p.m., the hearing recessed.]

#### AFTERNOON SESSION

The CHAIRMAN. The committee will come back to order. My apologies to everybody for the delay. As you can tell from all the lights, we have had some back-to-back votes and we had a small legislative logjam which just tied us up a little bit from getting back here and I appreciate your patience, and I apologize for the delay.

We were on the last area of live sighting reports from the so-called cluster groupings and specifically on the Oudamsai area of Laos. We looked at number 0995 and you had offered us your rea-

sons as to why 0995 was deemed to be—initially concerns about fabrication and finally it was Soviets who were determined to be in their place. Do you have anything to add to that or do we move on to the next one?

Mr. GRAY. Well sir, with regard to indications that live American POW's were in this area—

The CHAIRMAN. Can you pull the mike close?

Mr. GRAY. There are indications that over 2,000 Soviets were in-country between this period and into the eighties.

The CHAIRMAN. How many of them were indicated to be under guard?

Mr. GRAY. Most of those Soviets—practically all of those Soviets who moved about the country were under guard.

The CHAIRMAN. With guards?

Mr. GRAY. Yes sir, that was the normal practice, guards or escorts for their protection, primarily because of the resistance elements throughout the country. Now, it should be noted that this area where these—

The CHAIRMAN. It was particularly unsafe, was it not?

Mr. GRAY. Yes sir, it was unsafe.

The CHAIRMAN. I might add, it remains unsafe up until today. There were areas we flew over where we were not allowed to fly low because of the threat of our being shot at, and that is in 1992.

Mr. GRAY. Yes sir, same situation. And the area of the sighting that this individual has reported up in Muang Khoua, Phong Saly Province, is an area in which the resistance has accessed and moves through at will, so the resistance is well attuned to the POW issue and has been for years.

The CHAIRMAN. But principally, it is deduction that leads you to say it is Soviets. It is not anything empirical here, it is deduction, correct?

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

The CHAIRMAN. Coupled with the additional elements of your determination that led you to believe this person was evasive or fabricating. Is that right?

Mr. GRAY. No sir, we've never indicated that he was fabricating.

The CHAIRMAN. Okay. I have here, resolution, interim fabrication.

Mr. GRAY. That's one of the earlier evaluations, the final evaluation was—

The CHAIRMAN. That contradicts what you just said. You said there never was any indication of fabrication. Here is a written indication of fabrication.

Mr. GRAY. There were several noted inconsistencies in what the source had to say.

The CHAIRMAN. But initially you thought it might be fabrication, correct?

Mr. SHEETZ. Yes.

Mr. GRAY. The analysts working this case thought it was fabrication, absolutely.

The CHAIRMAN. And subsequently, you said no, it is not fabrication.

Mr. GRAY. That's right.

The CHAIRMAN. But rather were convinced that he saw Soviets.

Mr. GRAY. Yes, sir. Based on the information we gained in the mid to late eighties, it was determined Soviets were in this area.

The CHAIRMAN. Is that the only thing that allows you to draw it, Soviets were in the area, therefore, it was Soviets?

Mr. GRAY. We have again a body of reporting who were held in this area in seminar camps who were able to move throughout the province, and they say there were Soviets in the area. There were no American POW's.

The CHAIRMAN. Approximately how many interviews provide the basis of that?

Mr. GRAY. We did 60 within our office, and as I indicated yesterday, when you take into account JCRC interviews and Stoney Beach interviews, you're talking well over 1,000. We also have a screening project ongoing in Thailand among the refugee camps of Bin Vin Dai and Chin Kiao, and we have thus far screened over 1,000 people of 42,000, and that's our goal, to screen all of them. They say there are no POW's in that whole area.

The CHAIRMAN. Going back to the Baron 52 thing for one minute, a question occurred to me when I was on the Senate floor. Did the one sentence interception that was transferred and later reinterpreted, did either of those interpretations of the one sentence mention the word American?

Mr. DESTATTE. No, sir.

The CHAIRMAN. They exclusively referred to pilot or pirate?

Mr. DESTATTE. That's correct.

The CHAIRMAN. Thank you. Now, let us turn to source 5169. This is a DIA interview in May 1986, of a former Royal Lao Army master sergeant. The date of his sighting or his investigation was March 1977. The sighting asserts that he saw an inmate at the Houey Lang prison, Muang Khoua source saw Caucasians being transferred under guard from a truck to a riverboat.

The source was on a work detail away from the prison. Caucasians were not shackled, but were guarded by four Lao police. The prisoners wore seminar cap uniforms and Chinese shoes. A Lao guard of source's work detail told this source that the prisoners were American POW's being moved down river from Oudamsai because of resistance activity and were to be flown to a prison in southern Laos.

Resolution, nationality not determined. But you did determine that they were not United States POW's. Is that correct?

Mr. GRAY. United States POW's, no sir. Indications were that these were Soviets again.

The CHAIRMAN. Again, what is the indication they were Soviets?

Mr. GRAY. They were dressed in blue uniforms. The Soviets in this area dressed in either blue or olive-drab uniforms. They traveled in groups; in this case eight came to the riverbank and got on a boat. They were on a truck which was probably a Soviet truck and escorted by Lao police.

The CHAIRMAN. None of them were restrained in any manner.

Mr. GRAY. None of them were restrained, no sir. We asked this source to come to Washington for further interview. We also asked him to take a polygraph but he refused in both cases to cooperate.

The CHAIRMAN. You did learn of a 10-person Soviet advisory team assigned there?

Mr. GRAY. Yes, sir.

The CHAIRMAN. There were also seven Chinese prisoners, but this person said specifically that these were seven Caucasians?

Mr. GRAY. Yes, sir.

The CHAIRMAN. So I assume that eliminates the Chinese.

Mr. GRAY. We had thought all along he was looking at Soviets as opposed to the Chinese, because the Chinese were held at Houey Lang camp also, where he was held.

The CHAIRMAN. You determined that the teams traveled by Russian truck from Muang Khoua and they were escorted by armed Lao personnel?

Mr. GRAY. Yes, sir. That was a common practice.

The CHAIRMAN. And they were working throughout that area from 1986 through 1983?

Mr. GRAY. Yes sir, they were indeed.

The CHAIRMAN. The Caucasians were not restrained and they appeared to be under escort rather than under guard. Did the source confirm that, that they were under escort rather than guard?

Mr. GRAY. No, sir. That distinction was never made with the source.

The CHAIRMAN. So again, your determination that this is—

Mr. GRAY. These were Soviets moving throughout the area, which would account for his having sighted Caucasians. The Soviets were in this area. Other sources from the same seminar camp say there were no American POW's there.

The CHAIRMAN. Moreover, he does not say that he noticed Americans per se, he says here that he learned they were American POW's. Is this correct?

Mr. GRAY. Yes sir, he saw Caucasians.

The CHAIRMAN. Now again, is that sufficient? Help us to understand the sort of analytical process and standards that are applied here. You are making really a deduction again. Here are two deductions by which you eliminate this particular live sighting report. Is that a deduction that you can have confidence in, or is that a deduction that is merely a kind of, well, here is one way to explain it, but which also might lend credibility to people's notion about a mindset to debunk.

And if you want to find a Russian you can find a Russian, but you do not necessarily dispositively ascertain that it is not what it was purported to be.

Mr. GRAY. But the body of reporting from this area from other sources, the many, many people that we've interviewed that have been interviewed in the refugee camps indicate American POW's were not there at that time. They indicated that Soviets were.

The CHAIRMAN. Can you give us again a sense that in this particular area, the Oudamsai area of Laos, approximately how many reports would you have culled to make that determination of Americans not being there?

Mr. GRAY. Oudamsai, we've got 26 separate sources that we've interviewed and then, in the province to the north, 31 separate sources.

Mr. SHEETZ. And that doesn't—I don't believe that also counts the screening that's been done in the refugee camps in Thailand.

The CHAIRMAN. Hold on just 1 minute, I am not listening, sorry. [Pause.]

The CHAIRMAN. Reading from your file on 5169, paragraph 6: While at Muang Khoua, source visited the seminar camp for former Lao officers located approximately 5 kilometers southwest of Muang Khoua and designated the Muang Khoua seminar camp, also called the Sop Kai seminar camp. He was aware of the existence of Houey Lang prison 12 kilometers north of Muang Khoua, but never visited this camp because it was a prison for criminal offenders and not a seminar camp for former Lao Government personnel.

At no time did any of the Soviets ever visit Muang Khoua, a/k/a Sop Kai, or the Hang Louang detention camps. I am not sure that that is inconsistent.

Mr. GRAY. It did not say the Soviets did not go into the seminar camps.

The CHAIRMAN. Yes, it is not saying they did not go into the camps.

Mr. GRAY. Correct.

Mr. McCREARY. 595 was in a camp. They said he saw Soviets.

The CHAIRMAN. What do you mean?

Mr. McCREARY. The first source was in a camp. [Pause.]

The CHAIRMAN. I understand, but as to 5169, there is no allegation that they went into the camps, but that is not what you are saying.

Mr. GRAY. No, sir.

The CHAIRMAN. They were in the area, they just did not go in the camp.

Mr. GRAY. There were in the area, based out of Muang Khoua.

The CHAIRMAN. Now, if they did not go into that camp, what Mr. McCreary is pointing out, is that in the prior report, the person was in a camp and you determined that there were Soviets in that camp.

Mr. GRAY. Yes, sir.

The CHAIRMAN. So here you have a statement that they did not go into the camps.

Mr. GRAY. They did not go into the seminar camps.

The CHAIRMAN. But here, you discern that somebody who was in a camp was, in fact, Soviets.

Mr. GRAY. That was not a camp that he went into. He was delivering supplies. The earlier source was delivering supplies into the area. There is a government facility in this area which is a storage and transshipment point. We think that's where the sighting occurred. The Soviets would have been there. It had nothing to do with the seminar camp.

The CHAIRMAN. I just wanted to make sure the record is clear on this. The sighting, he saw them in captivity at a camp west of Muang Khoua, so he saw them at a camp.

Mr. GRAY. Is this the first source?

The CHAIRMAN. This is 0995, in 0995, when the truck pulled into the prison compound, so we are in a prison compound. You have decided that these were Soviets in the prison compound.

Mr. GRAY. Sir, he had no idea where he was. He was told he was in the area of Muang Khoua and he was there to deliver supplies. No indications that that was a prison camp and certainly not a seminar camp.

The CHAIRMAN. I stand corrected and I think our record ought to stand corrected. The summary said, drove into a prison camp. Now, there is something here that says he drove into a prison. But right here it says, he observed while delivering supplies to a Pathet Lao field unit.

[Pause.]

The CHAIRMAN. What puzzles me a little bit here is that the source on 0995 claims that he saw Americans, but that repeatedly the source says that he was aware of Soviets in the vicinity and he was able to identify the individuals as Soviets, based on information from other people. So I sort of get a sense that this person was aware of the Soviets and was distinguishing them from other people that he may have seen.

Mr. GRAY. I'm not aware that he was able to distinguish among Soviets and other Caucasians.

Mr. SHEETZ. My summary here, Senator, says that on 0995, that he saw six white men and that a guard told him later that they were U.S. prisoners, not that he distinguished that they were U.S. prisoners.

The CHAIRMAN. Well, let me read to you—here is your summary. Circumstances of sighting: While riding in a truck convoy carrying supplies to Pathet Lao camps, trucks entered wrong camp. So they went into a camp and they had to back out. In the rear-view mirror, the source observed six Caucasians. The Pathet Lao—he says the Pathet Lao guard told him they were American prisoners.

Now, subsequently as you discussed this source, you say the following: Starting in 1976, a military-colored MI-8 began flying into the airport at Outai. Four Caucasian male Soviets normally came on each flight, staying at Outai for periods of 1 day to 1 week. Aircraft pilots were Vietnamese.

When source first arrived at Muang Khoua at mid-1979, he found a 10-man Soviet team operating at the Phong Saly provincial headquarters. He was able to identify the individuals, all Caucasian males wearing nondescript civilian clothing as Soviets, based on information from other Lao and Vietnamese medical personnel with whom the source was working at the time.

The Soviet personnel were reportedly an advisory team and provided technical advice on a variety of subjects to Lao provincial authorities, and it goes on. The Soviet technicians traveled from their base in Muang Khoua to various locations in northern Laos, to include Luang Prabang city, Vientiane city, Oudamsai Province and so forth. Source recalled observing the 10-man Soviet advisory team in Muang Khoua each time he visited there during 1979 to 1983.

The Soviets appeared to have freedom of movement and were not accompanied by Soviet guards while at Muang Khoua. On a number of occasions, source observed the Soviets arrive at or depart from Muang Khoua. So then this guy seems to have a pretty good sense of who the Soviets are.

Mr. GRAY. Sir, those are not the same sources. You have 0995 who saw six in a camp through the rear-view mirror as he was leaving the camp. The other report that you just read from is another Lao refugee who was released—

The CHAIRMAN. Does that refer to 5169?

Mr. GRAY. No, sir. That's still a separate source.

The CHAIRMAN. Still a separate source?

Mr. GRAY. Yes, sir.

Mr. MCCREARY. A source we used as a rebuttal witness.

The CHAIRMAN. Now, John, would you mind taking a chair over there and I can ask you a question here so that we get this straight? Now, you are now saying that this is a third source who somehow provides a rebuttal to each of the sources that they have analyzed. Is that accurate? This is a third source?

Mr. MCCREARY. Excuse me, I beg your pardon. Yes, sir.

The CHAIRMAN. This is a third source?

Mr. MCCREARY. This is a third source.

The CHAIRMAN. So this person only provides rebuttal by virtue of this person saying that when this person was in a specific camp, the Soviets did not come into that camp.

Mr. MCCREARY. As I understand the cable, it is a general description of Soviet behavior in Laos. It is not specifically a rebuttal to either of the sources. See, it supports your observation about deduction, the use of deduction.

The CHAIRMAN. I understand that. It means that in a certain circumstance, that Soviet team was behaving that way.

Mr. MCCREARY. That's my understanding of it.

The CHAIRMAN. But what they are saying is that they have information that indicates that in a different place, at a different time, people were behaving in a different way.

Mr. MCCREARY. This is the same place, Senator. It's Muang Khoua, as I understand, if I read the file correctly. It is Muang Khoua and that's what we're talking about for both of these live sightings.

The CHAIRMAN. Are we talking about Muang Khoua for 0995?

Mr. MCCREARY. Yes, Senator.

The CHAIRMAN. How do we know? They backed into a camp that they cannot describe.

Mr. MCCREARY. He said he's west of Muang Khoua, that's what he thought.

The CHAIRMAN. Well, that is not Muang Khoua, that is west of Muang Khoua.

Mr. MCCREARY. It's just slightly west, that's right.

The CHAIRMAN. But it does not mean it is Muang Khoua.

Mr. MCCREARY. I couldn't agree more, that's right, Senator.

Mr. GRAY. Sir, based on the description provided by the source as to the area he was in, he said the area of Muang Khoua. 10 separate imagery analyses were done trying to find the exact camp that he had described. It could not be found.

The CHAIRMAN. It did not match any of the camps that you had imagery of?

Mr. GRAY. It doesn't match, no sir. He said that he was told he's in Muang Khoua when this sighting occurred by his friend who was in the truck. Based on that and based on the third source's in-

formation, that sources were based out of Muang Khoua and he indicates how they travel throughout the area, there were Soviets in that area at that time, and we feel that 0995 observed those Soviets.

Mr. McCREARY. Senator, on the issue imagery or aerial photography, there is a statement in the file of 5169 that says in the file that we've had in Senate security, I don't think it was redacted, that says imagery continues to show a camp in this location.

The CHAIRMAN. Is that inconsistent?

Mr. McCREARY. That's the second report. The second report concerns the seminar camp, Houey Lang, which is just north of Muang Khoua, about 12 kilometers, so that's where he was located.

The CHAIRMAN. Is Mr. McCreary confusing the two or mixing the two?

Mr. GRAY. I think mixing the two.

The CHAIRMAN. Mixing?

Mr. GRAY. Yes, sir.

The CHAIRMAN. So, they are separate and distinct. In one case there was no capacity to identify and another, you can identify the place but it refers to a different place you were aware of and where there is no indication of Americans.

Mr. GRAY. Yes, sir. Houey Lang camp, we have many, many people who were held in that camp just north of Muang Khoua and they say there were no American POW's there.

The CHAIRMAN. Let me direct your attention—do you have any further questions on that?

Mr. McCREARY. Yes, I do on that. Senator, I may be mistaken because I'm only dealing with the file that I've been provided, but the—

The CHAIRMAN. Hold on, are you suggesting there are other files?

Mr. McCREARY. The files are redacted, but the imagery readout that I have says, imagery continues to show a camp, the camp at Muang Khoua, not the camp at Houey Lang, the camp at Muang Khoua. That's a direct quote as I remember it.

The CHAIRMAN. Does it, gentlemen?

Mr. GRAY. I'm not aware. The camp at Muang Khoua in the readout?

Mr. McCREARY. That's what the readout said, it's a direct quote from the readout.

Mr. SHEETZ. Well, haven't you seen the unredacted file in Senate 407 on this case?

Mr. McCREARY. That's the basis on which I'm making this statement, Senator, on the basis of the file, the unredacted as opposed to the declassified file.

The CHAIRMAN. Can we make a note to check that please, this particular file in unredacted form so we can determine what the imagery says, and then we will follow up with you on that?

Mr. GRAY. Yes, sir. It should be noted, sir, with regard to this source that over the 10 years, when he was being polygraphed and interviewed, he changed the description of the camp. Based on that, we went out and did further analysis and simply could not find the camp as he described. There were 10 efforts, 10 attempts were made.

The CHAIRMAN. Ten different attempts?

Mr. GRAY. Yes sir, we couldn't find that camp.

The CHAIRMAN. Let me direct you to 5343. This is a field report through the CIA; traveler/student, reported in 1986 about a sighting or investigation of mid-April 1986, hearsay sighting.

She saw Vietnamese army guards escorting the Caucasians 8 kilometers east of Muang Khoua. She thought they were Soviet advisors but noticed they had on leg-irons. Villagers told her they were American prisoners captured before 1972. In a subsequent time, a second source related that a Lao soldier told him that there were 12 men and 4 female American prisoners west of Muang Khoua. POW's were held in a cave, guarded by 8 Vietnamese and 14 Pathet Lao. Comment?

Mr. GRAY. When we received these reports initially we thought we had first-hand live sighting reports. We went back to the agency and said, we need these areas checked out as soon as possible. They went back, they checked out the areas. They checked out their initial source only to find out the individual had lied about going in and contacting these sources, that he had information that he picked up in Thailand, that he never went into the country. He was polygraphed, there was deception indicated.

The CHAIRMAN. So you determined this is just not true.

Mr. GRAY. It was hearsay reporting and we took other attempts to check out this information. It just did not pan out.

The CHAIRMAN. 5993.

Mr. GRAY. This report is comparable to the last one you read, sir, with regard to another agency.

The CHAIRMAN. This is an allegation of seven American POW's being detained at a camp in the Oudamsai district. Is that correct?

Mr. GRAY. Yes, sir.

The CHAIRMAN. And you determined this to be?

Mr. GRAY. This is again a hearsay report that came to the agency via a letter from one of their sources. They never got back to the original source and checked out the information. In their analysis they indicated that his claim that POW's were captured at Nam Bac in 1968 simply was not true, that Americans were not at that camp.

The CHAIRMAN. Nam Bac, there were no Americans even stationed there?

Mr. GRAY. That's right, sir. They visited the area but none were lost or captured at Nam Bac, that's in the agency's analysis.

The CHAIRMAN. Number 6356. This is a source, Lao resistance leader in 1987, the date of the incident is August 1986. The sighting is allegedly a covert agent report that said 21 U.S. POW's remain in Oudamsai. The report stated the agent learned POW information from his relative, a Pathet Lao soldier who had been a guard at Oudamsai prison. He said that the U.S. people were not at the prison, but were held separately nearby. Analysis?

Mr. GRAY. I interviewed this source, sir, in Bangkok, Thailand, in 1987. He indicated that he had nothing more than the initial report, that he was going back to check out the information and would be back to us immediately with any follow-up. He never came back.

The CHAIRMAN. And he never came back.

Mr. GRAY. He never came back.

The CHAIRMAN. Is there any summary that you have with respect to the Oudamsai area in total about the overall analysis that has been made there, the degree to which the territory has been examined and covered, and so forth?

Mr. GRAY. There are several points that should be made with regard to Oudamsai, Luang Prabang, and Phong Saly, the three areas for which this cluster was brought together. First of all, as I pointed out earlier, the resistance, the Lao resistance has complete access to all three provinces. They were well-attuned to the fact that there are reward offers of millions of dollars if they bring out live POW's.

They have been looking for live POW's on a daily basis. Early on, the Lao resistance turned in some hearsay reporting. They made up some of the reporting on their own and we said through their channels, knock it off. If you have valid information we want it, otherwise do not use the POW issue for monetary gain or to run your stories, because it's not going to be accepted.

But the resistance has access to those areas. We have access to the resistance leaders. They have told us to a person that if they get POW information, we'll be the first to know. They've had no valid POW information from any of these three provinces. As I indicated, the Soviets are throughout all three provinces and the number may have been as high as 2,000 at one time of Soviet advisors and technicians in-country.

The CHAIRMAN. Do we have access to Oudamsai now?

Mr. GRAY. Yes, sir. I'm sorry, I'm sorry, Oudamsai, we'd have to go through the Lao Government to get access.

The CHAIRMAN. Have we been there?

Mr. GRAY. No, sir.

The CHAIRMAN. We have not been there recently?

Mr. GRAY. Not recently, we have not been there at all.

The CHAIRMAN. Have we requested to go there?

Mr. GRAY. No, sir.

The CHAIRMAN. Why not?

Mr. GRAY. Because the operations, the excavations being conducted in-country have all been in the south.

The CHAIRMAN. Well, I understand, but we're talking about live sighting reports, live sightings being a priority. I mean, are not live sightings a greater priority than excavations?

Mr. GRAY. Absolutely.

Mr. SHEETZ. They are.

The CHAIRMAN. Why are we not putting first energy into running down every live sighting report?

Mr. SHEETZ. The Lao Government has not yet accepted the U.S. proposals to base a live sighting investigator in-country.

The CHAIRMAN. Have we requested it?

Mr. SHEETZ. We have, indeed.

Mr. GRAY. Yes, sir.

The CHAIRMAN. In Oudamsai?

Mr. GRAY. Not in Oudamsai.

Mr. SHEETZ. We have requested that the live sighting investigator be based in the embassy and have freedom of movement throughout the country of Laos.

The CHAIRMAN. Freedom of movement sense is not actually possible throughout Laos. Is that not accurate?

Mr. SHEETZ. Well, it has to be with government assistance, but we would try ultimately to have the same kind of understanding that we're still trying to reach with the Vietnamese, wherein, we let them know the general area into which we want to go. And only having arrived in the general area, would we give them the indication of our final destination. But that's still under negotiation.

I spoke with Ambassador Charlie Salmon last week and impressed upon him again, and he's well aware of the requirement for a valid investigative program, and I'm going to Laos next week, along with Colonel Cole and some other officials and we intend to press the case for this again when we're in-country.

The CHAIRMAN. Well, is it my understanding that we are going to be going into the Baron 52 site, that that has now been approved?

Mr. GRAY. It is in the Lao work plan, yes sir.

The CHAIRMAN. And when are we going into that site?

Mr. GRAY. We don't have a date that they're going in, but it's this year, later this year.

The CHAIRMAN. I take it that if you can get into the back area of that fuselage, you're going to be able to answer some questions, are you not?

Mr. GRAY. Absolutely.

The CHAIRMAN. Is that a priority?

Mr. GRAY. Yes sir, it is a priority.

The CHAIRMAN. Senator Smith.

Senator SMITH. I do not have any further questions at this time on this, Mr. Chairman.

The CHAIRMAN. Let me ask you, what is the reason that you repeatedly interview the same sources over a period? Like source number 0995, you went—over a period of 10 years you had talked to this person.

Mr. GRAY. Over a period of 10 years, we had five separate analysts working this case and as each analyst picked up the case, they went for further interview.

In 1983 and 1984, we had the Lao language capability in our office, so we asked for another interview to interview the individual in his native language and that was the first time that we had been able to do that. So each of these analysts simply picked up the case and went for further interviews.

There are always questions from interview to interview that we just never had a good answer to. And finally he said, I'm sick and tired of the POW issue. I'm not talking to you any more.

The CHAIRMAN. Now, let us move on, if we can. There are no further questions about the Oudamsai area. Let me ask you generically about Laos. Do you believe right now that you have any evidence at all in DIA that is credible that indicates somebody might be alive in Laos at this point in time?

Mr. GRAY. No sir, not based on the live sighting reports that we have seen since 1984 to present. The proof is not there.

Mr. SHEETZ. If we had such information, which some have characterized as smoking gun information, not a term that I might

always want to use, but if we had such information, this committee would have already been briefed on it and the top leadership in the Defense Department would have already been briefed on it. And knowing what I know about that top leadership, we would have taken some action to have followed up on it.

The CHAIRMAN. Do you have any evidence, whatsoever, that is credible that somebody may be alive in Vietnam?

Mr. SYDOW. No, sir.

The CHAIRMAN. The answer is no?

Mr. SYDOW. No, sir.

The CHAIRMAN. How many current live sighting reports are there for Vietnam that are unresolved?

Mr. SYDOW. We have a total—

The CHAIRMAN. Do we have a group of people coming in on the second panel? This is a good segue on the second panel. I think that Colonel Cole and Mr. Steve Johnson are going to be adding or am I wrong?

Senator SMITH. Mr. Chairman, before they come up, I did want to just to take about a minute to revisit some information that I am not clear on, just to ask while they are here, regarding some photographs, the satellite imagery. It will only take a second if I could have the indulgence of the chairman. It will only take a second. I am going to need to use that mike because I am going to have to be over there. I just need to clarify before I leave the mike.

I had asked for some imagery on the Ly Nam De, as you know, Bob, and you provided me some photographs which I have and I am confused as to what is the actual imagery and I just want to—I do not know if I can do it from here. Maybe I can. I will wait until they put them up. I just want to make sure we are all working from the same document, just place them so that the panel can see the two sets of photographs, three sets.

The photographs that are up there are photographs of what we call the Citadel. Could you indicate to me which are the actual photographs as you understand them to be of that area of Hanoi? Bob, Mr. DeStatte indicated that you had been around there. I am confused as to whether it is the photographs in gray or the photographs in yellow which are the actual photographs. One set of photographs is the exact reverse of the other and I do not know which one of those photographs is actually the way it is supposed to be. The ones that you provided me with are the gray ones on the left.

Mr. DESTATTE. Let me begin by pointing out that this is the first time that I've seen these boards here. So let me orient myself.

Senator SMITH. Let me help. I understand that. The Citadel area, I think we have Ly Nam De Street there and the west of Ly Nam De is supposedly the area known as the Citadel, moving across the block toward the Ho Chi Minh mausoleum and the war museum and the whole area inside the perimeter of those streets.

Those are the photos that you provided this morning and I just put them up there, but it seems to me as I look at it, I was only there once, twice actually, but once where I walked down that street and it does not seem right to me. It seems to me that the photos that you gave me are, in fact, reversed.

Mr. DESTATTE. Well, first off, I didn't give them to you.

Senator SMITH. No, you did not, your agency did.

Mr. DESTATTE. It appears to me, I'm not an imagery expert, but it appears to me that somebody has put the negative in reverse to take this photograph. This looks like a mirror image of Ly Nam De Street.

Senator SMITH. So, in other words, the one on the left is reversed?

Mr. DESTATTE. That's what it appears to me. This Alcatraz should be—what the POW's call Alcatraz should be behind this building. If I'm orienting myself correctly, this is the villa at number 17 Ly Nam De Street right here. If that were the case, then Ly Nam De Street should be down here.

Senator SMITH. Move your hand to the right.

Mr. DESTATTE. And over here should be a railroad trestle and it's not there.

Senator SMITH. So move your hand to the right then. It is the same photograph now reversed. Does that look more like it? It should be the same photograph.

Mr. DESTATTE. Yes, this is Ly Nam De Street here and this is its intersection with, I forget the name of the street, Dien Bien Phu, I believe. Okay yes, Dien Bien Phu. This building here, back during the war in any event, belonged to the Army Publishing House, as I recall and what the POW's called Alcatraz was located roughly back in here.

Senator SMITH. Okay. Well, I accept your expertise on that and I apologize putting you on the spot for it, but my concern is this, Mr. Chairman. I asked for these photographs and they were provided, I believe, this morning. It may have been yesterday, but they were provided by Mr. Sheetz, and we spent a day yesterday or three quarters of a day on this area and this is not directed at Mr. DeStatte because he simply identified them. He was not involved in this, but we spent a day looking at imagery and discussing live sighting reports in the Citadel area.

We spent a whole three quarters of a day in hearings and the record must show, based on what Mr. DeStatte has told me, that the photographs that were provided to the vice chairman of the committee, in order for me to prepare for this meeting, are the exact reverse of the actual photographs. So what I was given was the reverse of the actual photograph of those locations and I was wondering why I could not match, as I went through this thing yesterday—I almost drove myself crazy, trying to figure out why people who say they were going in the north entrance were, in fact, going in the south entrance.

As a matter of fact, the reason why I was able to realize this was because I looked at a porch on one of those buildings where I had visited in 1986, and was trying to figure out why when I came out of that porch, I did not come out on Ly Nam De Street, rather I came out on the railroad track on the other side, and now I know why. The imagery is totally reversed.

Now, I am simply not going to sit here and be involved in this kind of action. This is either an accident and if it is an accident, then what the hell do you people know about what is going on?

Wait, I am not looking for applause, please.

If it is not an accident, then it was deliberately provided to me. Now the question—the next question, gentlemen, is, are you show-

ing the witnesses, the people, the sources, are you showing them reversed imagery and asking them to try to find their way into those locations? I hope not.

Mr. SHEETZ. I think the explanation for this is somewhat embarrassing, but rather simple and certainly not sinister. The Senator asked for some prints of this. As the Senator well knows, a briefing board was provided in closed session that was based on other capabilities, and that briefing board could not be brought into this session because the capabilities that were used were inappropriate for this setting, could not be declassified for this setting.

So the Senator asked for some imagery and our imagery shop apparently went into the archives, pulled out a negative, and in running the prints of the negative, they inadvertently here, it would appear to me, put the negative in the negative carrier backwards when they ran the prints.

It's regrettable. It is certainly not intentional and it was not a misrepresentation of reality, because the committee has had access to the briefing boards that properly lay out this area in all the prior analytic sessions that we've had with this committee. These photographs were delivered yesterday. It's a regrettable mistake. I apologize for it and there was certainly no intent to deceive this committee.

Senator SMITH. We need to move on to the next subject.

Senator McCAIN. On that subject, how long would it take you to figure out that you have got reversed imagery, maybe about 10 minutes?

Mr. SHEETZ. I would think so.

Senator McCAIN. Thank you.

Senator SMITH. It would just seem—I do not know. It is just very frustrating, guys, really. This was a subject of a hearing. The Citadel was the subject of a hearing. I sent a letter 2 weeks in advance and I asked for this stuff to be provided. A, I did not get it until the morning of the hearing and it turned out that is what I got and I am sitting there looking at that stuff trying to figure out why in the hell I cannot match what you are saying.

Now, I am just going to tell you, so we move on, I am going to put you on notice right now, I am going to review every damned one of the live sighting reports that pertained to that Citadel and I will tell you, the descriptions in here on these interviews better match up—better not match up to that reverse imagery or there is going to be a real, real serious problem.

The CHAIRMAN. I want to understand the last—what should not match up?

Senator SMITH. If the interviews with the sources whose claim that they went in such and such a door, if they match up with the reverse imagery, then there is deliberate deceit.

The CHAIRMAN. Well, do they?

Mr. DESTATTE. Well, sir, if I could comment.

Senator SMITH. I do not know that, I do not know if they do or not because I have not had time to look at it.

Mr. DESTATTE. Sir, to the best of my knowledge, the only imagery that's ever been shown to any source is a group of photographs or images that were made from—is some photography made by a drone aircraft in 1972. I personally had those photographs made

up. I personally distributed those photographs to the debriefers that use them around the world and I personally give you my assurance that those photographs are not reverse images. Those photographs reflect the true nature of it, to the best of my knowledge.

Now as you all know, I've just returned from a long trip overseas and I came in from vacation to come in here, so recent activities, I'm not fully up to speed, but it's my understanding that these photographs that we're looking at here were made in response to a specific request made very recently by the Select Committee and this is a one-time event. There are no other reverse images out there anywhere.

Mr. SHEETZ. And just to put the record straight, I think the Senator will admit, I've had three separate conversations with him over the past 2 days trying to straighten out why I could not bring the briefing board in here that he was making reference to. He agreed with me that that was appropriate and I apologize again for—

Senator SMITH. Listen, if that is all it is, no apology is necessary. But I just want to say to you—I just want to point out, as you look at this, these are not—these are old, dated photos.

Mr. SHEETZ. Agreed.

Senator SMITH. And my concern is that that is the stuff that you guys have been using while you have been debriefing your sources and I am just saying to you, I am going to check every one of them, because frankly, I do not trust you to do it. I am going to check every single one of them between now and Tuesday and they had better be right.

The CHAIRMAN. Are we prepared now to move into the next panel area?

Mr. SHEETZ. I am. I can answer your question of a second ago. Of the 110 live sighting cases that are open right now for investigation, 92 of them relate to Vietnam.

The CHAIRMAN. 92 of them relate. Let me ask you a question now. It would be good if you folks could report back to us—what are we today, Wednesday—could you check your own files on this to make certain about this imagery reversal issue?

Mr. SHEETZ. Yes sir, will do.

The CHAIRMAN. Can you report to us by Friday, is that possible?

Mr. SHEETZ. We will, we will.

The CHAIRMAN. So that we could at least have your report on it too.

Now, we turn to the final category and area of these 2 days of hearings, and that is the unresolved first-hand live sighting reports. Now, we have to caution that some of these are still under investigation, so there are certain aspects of them, because they are under investigation, that we cannot go into publicly, but we are going to try to elicit as much baseline information about them as possible so that we know what we are dealing with.

I would like to ask the two people that have joined us here, Colonel Cole, if you and, I guess, Mr. Johnson, if you would both rise and be sworn in, please.

Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Colonel COLE. I do.

Mr. JOHNSON. I do.

The CHAIRMAN. Thank you. Would you each identify yourselves quickly for the record?

Mr. JOHNSON. My name is Steven Johnson and I am an analyst for Indochina in the Department of State's bureau of intelligence and research.

Colonel COLE. I'm Colonel John Cole. I'm with the Defense Intelligence Agency. I'm in charge of the Stoney Beach team in Bangkok.

The CHAIRMAN. Now, Mr. Sheetz, I understand you have an opening for this portion of the hearing.

Mr. SHEETZ. I do.

The CHAIRMAN. Okay, why do you not make your opening statement for this portion of the hearing and then we will proceed.

Mr. SHEETZ. Mr. Chairman and members of the committee, I appreciate the opportunity to open this final panel of the committee's inquiry into the live prisoner question. Before moving into several key points concerning DIA's analytic and investigative procedures, I want to highlight for this committee, the Congress, and the American people, the lengths to which DIA has gone to support the important work of this committee.

Through the Department of Defense central documentation office, DOD has answered over 275 separate committee requests for information, 153 of which required the direct support of DIA's special office for POW and MIA's. DOD has provided over 1 million pages of information for the committee's review, many of which were provided by my office.

Indeed, all 15,090 intelligence reports received by DIA since 1975 have been made available. Most of the 2,266 case files have been brought to Capitol Hill for review by your staffers, and the already overburdened analytic personnel in my office have been made available for lengthy deposition sessions. No effort has been spared in making our files and our knowledge accessible to this committee.

In addition to the thousands of hours spent by intelligence technicians and other support personnel in pulling files, constructing summaries and tabulations, and performing the numerous database extracts requested by committee staff, my estimate is that over the past 9 months, over 25 percent of the total analytic effort of my office has been consumed in supporting this committee.

While no one at DOD questions the legitimate oversight responsibility of the Congress on this vital issue, I would only point out to the committee that the heavy additional workload resulting from this committee's work couldn't be hitting my office at a less opportune time. A time when the pace and scope of the Joint Task Force Full Accounting field operations have drastically increased, basically doubling and in some cases tripling predeployment intelligence briefing and postdeployment analytic requirements.

The in-country live sighting investigation process long advocated by DIA is now in place in Vietnam, admittedly with some growing pains. Case preparation and analysis in this vital area cannot take a backseat to any other requirement.

The Vietnamese Government has begun to permit our officers to pursue the vital archival research mission, although I might add that actual performance on these promises has been mixed. And fi-

nally, the Russian Government is actively supporting followup of allegations resulting from possible POW's from the Vietnam War. In short, the analytic challenge in my office has increased drastically at the same time this committee has laid claim to at least 25 percent of our available staffing.

In making the foregoing points, I am not attempting to call into question the legitimate oversight responsibilities of the Congress. I only want to explain that for the last year my office has been strained to its limits to respond to the committee's taskings and at the same time perform the most urgent or our regularly assigned duties. I hope the committee will understand that if sometimes we are slower in responding to taskings than we all would like, it is because we are attempting to keep up performance of our assigned mission and maintain the quality of current operations at as high a level as is possible.

This panel has been convened this afternoon to discuss the nature and scope of current DIA operations with regard to the live POW issue. We have been asked to discuss how we handle a live sighting report and to give you an idea of how we go about the task of collecting, analyzing, and following up on each report. We will also outline how these reports are evaluated and the process through which our findings are reviewed.

To aid in this discussion, I have prepared a chart that summarizes the intelligence cycle for each live sighting report, and that's the chart here with the yellow blocks.

[Chart.]

Mr. SHEETZ. As you can see, we have depicted DIA's work as a cycle in which each report and each piece of information flows into the body of intelligence available on the POW/MIA issue. Even after analysis, evaluation, and formal review are completed, each report is repeatedly examined as new reports come to us and we continue our cycle of work.

I'd like to take a moment to walk you through the intelligence cycle for each live sighting report. The cycle begins with the collection of the information and preparation of an initial report. These reports come in through various channels. Most are collected through DIA's extensive refugee screening program, which Colonel Cole will describe. Other reports come from persons who come to us voluntarily, including walk-ins to DIA offices in Indochina or refugees and travelers who contact us in the United States. A few come to us from persons who contact U.S. embassies around the world. All of these reports, regardless of source, are sent to my office.

When we receive the report it is promptly entered into our database, and an analyst is assigned responsibility for conducting immediate initial analysis. This first analytical look includes a complete search of all of our databases to determine if we have any prior reporting that might shed light on this report. We look at all the reports from the same geographic area. We look for similarities in stories. We check not only human source reporting but also information from other sources available to us. When relevant, we consult special sources such as our prison database.

Once the analyst has completed first-stage analysis, he or she determines whether additional followup is necessary, and if so, what that followup should be. Not all reports require followup. We re-

ceive many reports that contain accurate and easily recognized accounts of wartime events and of Americans caught up in the fall of Indochina. These can usually be evaluated without resort to additional outside followup.

Some reports, however, clearly call for further collection. For instance, it may be necessary to reinterview the source to ask additional questions or to clarify certain issues. It may also be necessary to interview additional people. For example, persons identified by the source himself or other persons who have come from the same village or have been interred in the same prison. In many cases we also ask for information from technical systems to develop additional information.

These are the traditional methods of analytical followup that have been available to DIA since the war ended, and in most cases, although it was often time consuming, we were able to collect enough information using these methods to evaluate live sighting reports with due thoroughness. Within the last year, however, DIA has finally been able to employ an additional collection method, sending personnel into Indochina to investigate reports on the ground.

DIA has always wanted this capability and we have tried repeatedly over the years to achieve it. Because these were police states, however, and many areas were completely closed to us, we had to employ other means of getting answers. Because more direct investigation methods were denied us, we were forced to look sharply at all aspects of a report, investigating the most minor of leads at times and taking a close look at source evaluation to determine whether the source had the access and the knowledge he or she claimed. Because so much was riding on analysis of these reports, we could not afford to leave any questions unanswered.

This newest method, employing active, in-country investigation of live sighting reports, is just beginning to show promise. It has the potential to provide persuasive answers within a very short period of time on a number of our most troublesome reports. To be sure, it won't provide answers in all cases. For instance, in many cases, a visit to the scene of a wartime event will not turn up eyewitnesses or archival data that will give us the answers we seek.

Our analysts have tasked 49 of the 110 first-hand live sighting reports that are currently unresolved for live sighting investigations. Colonel Cole's Stoney Beach team has undertaken 38 investigations so far, and these have enabled us to collect information to assist in resolving seven cases and one photo investigation.

A word of caution here: Although we have great hopes for our live sighting investigation program, the program is very new and still has growing pains. Despite promises from the Indochinese governments to diplomats and members of Congress, Colonel Cole's people on the ground do not always get the level of cooperation we need if these investigations are to withstand analytic scrutiny and the scrutiny of the American public.

The Vietnamese have recently informed us that they intend to oversee the program using methods that are unacceptable to us. We are still attempting to work out formal agreements with the Government of Laos. In Cambodia, officials will permit us access to anywhere we wish to go, but they cannot guarantee safe passage in

any areas that are under the control of the Khmer Rouge. We are working on all these problems. We hope to be able to report to you in the future that we are making progress in solving them.

I'd like now to return to my review of the intelligence cycle for each live sighting report. I've just outlined the various methods we employ to follow up on each report. As you can see, as additional information in completed findings are collected and the report is reanalyzed, during this phase we may decide to collect additional information, sending the report back to the collection phase. At some point, however, analysts in this second, more detailed stage of analysis determine that sufficient information has been collected to evaluate the report.

In the evaluation and validation stage, our analysts prepare a formal evaluation that summarizes the report, outlines other information collected, provides our analysis of the total, and indicates how the report was evaluated. These summary findings are reviewed first in-house by other analysts and by management, sort of a peer review process.

If approved, the summary findings are presented to a formal review panel made up mostly of members of the intelligence community, including representatives from the Department of State, the Central Intelligence Agency, the military intelligence services, the Joint Chiefs of Staff, and the assistant secretary of defense for international security affairs. DIA has no vote on this panel. Only when this interagency panel of intelligence and policy professionals unanimously agrees does the evaluation become official.

At that time, the report is considered resolved. Resolved reports become part of our database. They are dynamic records which also contribute to aggregate analytical studies of many subjects, including geographic studies and prison studies. Resolved reports sometimes also generate new questions that spark new collection and restart the intelligence cycle.

Finally, the outcome of our approved evaluations are disseminated in several ways. First, all go into our information base. All reports correlated to unaccounted-for persons are forwarded through the appropriate service casualty offices for release to next of kin. And I might add here, yesterday we described that there have been 43 such reports that we have correlated to unaccounted for individuals. Cases of high interest are briefed to the interagency group during DIA's weekly briefings to that body. Unusually significant cases are briefed to the congressional oversight committees and to members of Congress on a regular basis. And for the record, I would note that those oversight committees include and have included for some time the House Task Force on POW/MIA Affairs, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence.

This brief outline of the intelligence cycle for live sighting reports provides an overview of our efforts at DIA. I am prepared to answer any questions you might have regarding how we do our work. I have with me at the table four other people who might also be of assistance. We look forward to taking your questions.

[The prepared statement of Mr. Sheetz follows:]

## STATEMENT OF ROBERT SHEETZ, DEFENSE INTELLIGENCE AGENCY

Mr. Chairman, Members of the Committee, I appreciate the opportunity to open this final panel of the committee's inquiry into the live prisoner question. Before moving into several key points concerning DIA's analytic and investigative procedures, I want to highlight for this committee, the Congress and the American people the lengths to which DIA has gone to support the important work of this committee. Through the Department of Defense Central Documentation Office, DOD has answered over 275 separate committee requests for information, 153 of which required the direct support of DIA's special office for POWs and MIAs. DOD has provided over 1 million pages of information for the committee's review, many of which were provided by my office. Indeed, all 15,090 intelligence reports received by DIA since 1975 have been made available, most of the 2,226 case files have been brought to Capitol Hill for review by your staffers, and the already overburdened analytic personnel in my office have been made available for lengthy deposition sessions.

No effort has been spared in making our files and our knowledge accessible to this committee. In addition to the thousands of hours spent by intelligence technicians and other support personnel in pulling files, constructing summaries and tabulations and performing the numerous database extracts requested by committee staff, my estimate is that over the past 9 months, over 25 percent of the overall analytic effort of my office has been consumed in supporting this committee. While no one at DOD questions the legitimate oversight responsibility of the Congress on this vital issue, I would only point out to the committee that the heavy additional workload resulting from this committee's work couldn't be hitting my office at a less opportune time. A time when: the pace and scope of the joint task force full accounting field operations have drastically increased, basically doubling or tripling pre-deployment intelligence briefing and post-deployment analysis requirements; the in-country live sighting investigation process, long advocated by DIA, is now in place in Vietnam (admittedly with some growing pains). Case preparation and analysis in this vital area cannot take a back seat to any other requirement; the Vietnamese Government has begun to permit DIA investigators to pursue the vital archival research mission (although actual performance on these promises has been mixed); and the Russian Government is actively supporting follow-up of allegations related to possible POWs from the Vietnam war.

In short, the analytic challenge on my office has increased drastically at the same time this committee has laid claim to at least 25 percent of our available staffing. In making the foregoing points, I am not attempting to call into question the legitimate oversight responsibilities of the Congress. I only want to explain that for the last year my office has been strained to its limits to respond to the committee's taskings and at the same time perform the most urgent of our regulatory assigned duties. I hope the committee will understand, that if we are sometimes slower in responding to taskings than we would all like, it is because we are attempting to keep up performance of our assigned mission and maintain the quality of current operations at as high a level as possible.

This panel has been convened this afternoon to discuss the nature and scope of current DIA operations with regard to the live POW issue. We have been asked to discuss how we handle a live sighting report and to give you an idea of how we go about the task of collecting, analyzing, and following up on each report. We will also outline how these reports are evaluated and the process through which our findings are reviewed.

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I'd like to take a moment to walk you through the intelligence cycle for each live sighting report.

The cycle begins with collection of the information and preparation of an initial report. These reports come in through various channels. Most are collected through DIA's extensive refugee screening program, which Col. Cole will describe. Other reports come from persons who come to us voluntarily, including walk-ins to DIA offices in Indochina, or refugees and travellers who contact us in the United States. A few come to us from persons who contact U.S. embassies around the world. All these reports, regardless of source, are sent to my office.

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analytical look includes a complete search of all our databases to determine if we have any prior reporting that might shed light on this report. We look at all reports from the same geographic area. We look for similarities in stories. We check not only human source reporting, but also information from other sources available to us. When relevant, we consult special sources, such as our prison database. Once the analyst has completed first stage analysis, he or she determines whether additional follow-up is necessary and, if so, what that follow-up should be.

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These are the traditional methods of analytical follow-up that have been available to DIA since the war ended, and in most cases, although it was often time consuming, we were able to collect enough information using these methods to evaluate live sighting reports with due thoroughness.

Within the last year, however, DIA has finally been able to employ an additional collection method, sending personnel into Indochina to investigate reports on the ground. DIA has always wanted this capability, and we have tried repeatedly over the years to achieve it. Because these were police States, however, and many areas were completely closed to us, we had to employ other means of getting answers. Because more direct investigation methods were denied us, we were forced to look sharply at all aspects of a report, investigating the most minor of leads and taking a close look at source evaluation to determine whether the source had the access and knowledge he claimed. Because so much was riding on analysis of these reports, we could not leave any questions unanswered.

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A word of caution here. Although we have great hopes for our live sighting investigation program, the program is very new and still has growing pains. Despite promises from the Indochinese governments to diplomats and members of Congress, Col. Cole's people on the ground do not always get the level of cooperation we need if these investigations are to withstand analytic scrutiny and the scrutiny of the American public. The Vietnamese have recently informed us that they intend to oversee the program using methods that are unacceptable to us. We are still attempting to work out formal agreements with the government of Laos. In Cambodia, officials will permit us access to anywhere we wish to go, but they cannot guarantee safe passage in any areas that are under the control of the Khmer Rouge.

We are working all these problems. We hope to be able to report to you in the future that we are making progress in solving them.

I'd like now to return to my review of the intelligence cycle for each live sighting report. I've just outlined the various methods we employ to follow up each report as you can see, as additional information is completed, findings are collected, and the report is reanalyzed. During this phase, we may decide to collect additional information, sending the report back to the collection phase. At some point, however, analysts in this second, more detailed stage of analysis, determine that sufficient information has been collected to evaluate the report.

In the evaluation and validation stage, our analysts prepare a formal evaluation that summarizes the report, outlines other information collected, provides our analysis of the total, and indicates how the report was evaluated. These summary findings are first reviewed in-house by other analysts and management.

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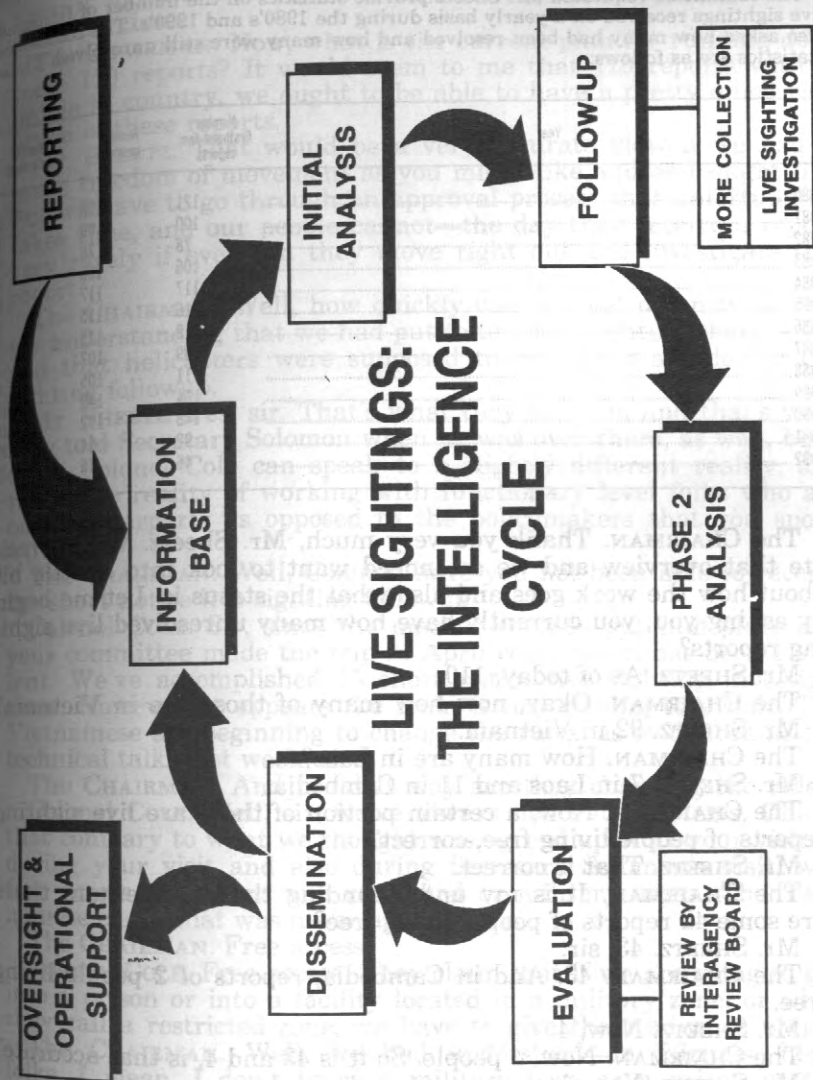
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This brief outline of the intelligence cycle for live sighting reports provides an overview of our efforts at DIA. I am prepared to answer any questions you might have regarding how we do our work. I have with me at the table four other people who might also be able to be of assistance. They are Col. John Cole, head of our Stoney Beach collection team; Mr. Gary Sydow and Mr. Warren Gray, senior analysts in my office; and Mr. Steve Johnson, the Department of State Representative on the interagency review panel.

Thank you.



The committee requested Mr. Sheetz provide statistics on the number of firsthand live sightings received on a yearly basis during the 1980's and 1990's. The committee also asked how many had been resolved and how many were still unresolved. These statistics are as follows:

Year	Number firsthand live reports	Number resolved	Number unresolved
1980.....			
1981.....	121	118	
1982.....	100	99	
1983.....	78	78	
1984.....	106	106	
1985.....	117	117	
1986.....	116	115	
1987.....	118	115	
1988.....	109	107	
1989.....	111	105	
1990.....	164	149	
1991.....	148	132	
1992.....	92	64	
	46	16	

The CHAIRMAN. Thank you very much, Mr. Sheetz. We appreciate that overview and we do indeed want to look into a little bit about how the work goes and also what the status is. Let me begin by asking you, you currently have how many unresolved live sighting reports?

Mr. SHEETZ. As of today, 110.

The CHAIRMAN. Okay, now how many of those are in Vietnam?

Mr. SHEETZ. 92 in Vietnam.

The CHAIRMAN. How many are in Laos?

Mr. SHEETZ. 7 in Laos and 11 in Cambodia.

The CHAIRMAN. Now, a certain portion of those are live sighting reports of people living free, correct?

Mr. SHEETZ. That is correct.

The CHAIRMAN. It is my understanding that in Vietnam there are some 42 reports of people living free?

Mr. SHEETZ. 43, sir.

The CHAIRMAN. 43. And in Cambodia, reports of 2 people living free.

Mr. SHEETZ. Now, 4.

The CHAIRMAN. Now, 4 people. So it is 43 and 4, is that accurate?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. 43 and 4, 47 total living free. How many do you have as captive in Vietnam? Live sighting reports of captive?

Mr. SHEETZ. I have here 49.

The CHAIRMAN. Okay, 49 active reports of captive in Vietnam. Captive in Cambodia?

Mr. SHEETZ. Seven.

The CHAIRMAN. Captive in Laos?

Mr. SHEETZ. Seven.

The CHAIRMAN. Now, I take it that living free is in a different priority category, or not?

Mr. SHEETZ. Captive reports, generally speaking, would have the highest priority. Whenever we go into a particular area in Viet-

nam, if we had captive and living free we try to do them both at the same time.

The CHAIRMAN. Now, what is the current plan for running down these 110 reports? It would seem to me that 110 reports with 58 people in country, we ought to be able to have a pretty quick resolution of these reports.

Mr. SHEETZ. That would be a very accurate view if we had as much freedom of movement as you might like and as I might like. But we have to go through an approval process that unfortunately takes time, and our people cannot—the day they receive a report, very rarely if ever can they move right out and investigate that report.

The CHAIRMAN. Well, how quickly can you get out now? It was my understanding that we had put to test live sighting short notice and that helicopters were supposed to now be available for live sighting followup.

Mr. SHEETZ. Yes, sir. That's what they told you and that's what they told Secretary Solomon when he was over there, as well, but I think Colonel Cole can speak to a slightly different reality, and that's the reality of working with functionary level folks who are our counterparts as opposed to the policymakers that you spoke with.

The CHAIRMAN. Well, Colonel, have you not been able to receive the short notice live sighting followup?

Colonel COLE. Sir, since the mechanism was put into place and your committee made the trip in April cooperation has been excellent. We've accomplished 15 short notice live sighting investigations. However, it appears the train is fast coming to a halt. The Vietnamese are beginning to change the rules, as evidenced in our technical talks last week, sir.

The CHAIRMAN. And in what way are they changing the rules?

Colonel COLE. Well, sir, we've always had two problems. One is that contrary to what we thought was agreed upon by your visit or during your visit and also during Secretary Solomon's visit, was free access to prisons and restricted or military areas. The Vietnamese claim that was never agreed upon.

The CHAIRMAN. Free access.

Colonel COLE. Free access. They claim that if we are going to get into a prison or into a facility located in a military zone, or what they call a restricted zone, we have to give them advance notice.

The CHAIRMAN. Well, we had understood—in fairness, here, folks, I mean, I don't know a military base or a prison in the United States anybody can just jump into, even you.

Colonel COLE. We're not asking for that same kind of access that you had, sir.

The CHAIRMAN. I understand.

Colonel COLE. You had to wait an hour. We're talking at least a full day, maybe 2 days before we could get into these places.

The CHAIRMAN. My understanding was that we had a short-notice agreement.

Colonel COLE. Negative, sir.

The CHAIRMAN. Well, that was certainly my understanding. I think we'll have to go back to them and bring this up because obviously the notice issue is an important one.

Colonel COLE. But I think, sir, more prominent than the residual disagreement over access to prisons and military facilities is the one that came up last week during the tech talks. They announced to us during the tech talks, the Vietnamese did, that they have done 34, 35 live sighting investigations with us to date, they said they have found nothing, and this indicates that this is a bogus issue, in so many words, and that they no longer want to proceed along the same lines as we had been conducting them since early spring.

They now have made several demands, the first of which is they want us to supply all unresolved live sighting reports requiring investigation, they want us to give them the complete data package up front. They then want to sit down and evaluate the case data. They want us to produce the source, so that they can sit down with us and interview the source in front of them. And then they want to make a unilateral decision as to whether or not the case warrants further investigation.

Of course, we replied that this is—

The CHAIRMAN. Let me tell you, we met with the ambassador the other day, and I know where the Vietnamese are coming from on this, which is that they believe that this is endless. They see it as a constantly added-to list. And so what they are really looking for is some certitude to where we are coming from. They are uncertain and they have a sense that at first the road map was this, then the road map was this, now it is not just the Vessey discrepancy lists, it is live sighting reports, it is so forth. And they keep having a sense of this moving goal post. That is my understanding of it.

My sense is that we would be well-served to provide them with a list of live sighting incidents and to say look, if we can get these done in the next 3 weeks or month, those are the existing live sighting reports.

Is it fair to say that plus or minus a couple, the live sighting list is what it is? It is the live sighting list, it can't change?

Colonel COLE. Yes, sir, but what they are asking for is they are asking for the complete data background on each of the unresolved cases. We are prepared to supply them a list of general areas. We want to go to this province the first week of September.

The CHAIRMAN. I understand.

Colonel COLE. Then one this week—

The CHAIRMAN. I understand why you can't—

Colonel COLE. But we cannot reveal to them, sir, the background of each case prior to us going down and inspecting. That would invalidate any credibility we have on this thing, sir.

The CHAIRMAN. I understand that full well and I am sympathetic to that, and we made that argument very clearly to the Vietnamese when we were there. My hope is obviously—this is not the place to vet this completely, but obviously I want to state it here because I know that they are listening and I think it is terribly important for the Vietnamese to understand that this is not a changing, moving goal post, that this list is pretty finite, and that the more rapidly it can be pursued the more rapidly this issue, obviously, can be resolved.

There are a finite number of cases which we have now confirmed are finite, because our committee's work has already publicly con-

firmed that we are both dealing with a universe of 130 or so cases that we are now trying to make determinations about. So if you add to that the live sighting reports, there isn't a lot more with the exception of an ongoing excavation process which will last for years.

So I would hope that you could convey to them and we will certainly try to convey to them the importance of understanding that this is not an ever-changing playing field, that it is even more defined today than it has ever been before, and it would be a tragedy not to complete this process that we have made so many—with their help, incidentally—that we have made so many advances on in the last months.

Mr. SHEETZ. Senator, I might point out that—I'll use a vernacular phrase here. If we were truly trying to jerk the Vietnamese around with this mechanism, I would send out for the field every live sighting report that I have for field investigation. But in fact, of the 92 cases that pertain to Vietnam we've only sent 46 out to the field for live sighting followup because we feel that we can properly evaluate the other 46 through analytic means without having to go to the extent of having a full field investigation on that report. So I think we are exercising proper judgment in only sending out the most promising of the reports.

And I would also say that many of the reports that we send out are basically not that impressive in terms of the information contained in the report. It's not, as I mentioned before the word, smoking gun. We have the responsibility of following up on each and every one of these reports and doing a full and complete job, which we take very seriously. But many of these reports are not strong on substance.

The CHAIRMAN. I understand that. Doesn't it make a lot more sense in terms of the possibilities of finding somebody alive, which is the task, is it not?

Mr. SHEETZ. That's the number one mission of the Defense Department.

The CHAIRMAN. Okay. If that is the number one mission, it seems to me that there ought to be a quick prioritization of those live sighting reports in which there is any kind of question mark of most recent vintage, and that you work backwards.

I mean, I would think that sitting there following up on a live sighting report of 1978 would get a little silly to them pretty quickly. It would get a little silly to a lot of people to go back to a particular railroad crossing where a moving boxcar was seen with 40 people in it on some midnight of 18 years ago. You know, it sort of defies notions that you have got to go back there in order to find out the reality of a boxcar having been there, or so forth, which is like picking a needle in the haystack.

But if you have got reports that say that in 1992 somebody was seen here or somebody was seen there, that is your best shot, and particularly in terms of living freely, you're going to have a better shot of finding somebody. If somebody is living freely there in 1992 and you can find them, they are going to have an awful lot of information about other people who may have been living there in the last 20 years. Now, is that your priority?

Mr. SHEETZ. All reports are important. However, I would tell you that the most recent reports are the first among equals, and I'm sure Colonel Cole can describe for you the kinds of discussions he has had with his field collectors as they move out into the field to follow up on reports.

The CHAIRMAN. Well, let me give you an example. You have got a total of firsthand live reports received in 1992, this year, are 46. You have resolved 16 of the, 30 are unresolved. By when could we look to having this committee know what the other 30 resolution is?

Mr. SHEETZ. I'm not sure all of them have been sent out for Colonel Cole's people to resolve. Some of them undoubtedly have. Some of them could still be in the analytical process back here in Washington.

The CHAIRMAN. My question still remains. By when can this committee expect to know the results of those 30 reports?

Mr. SHEETZ. I would love to give the Senator a hard and fast answer to that question. I don't think I can. I think what I can promise is that—

The CHAIRMAN. Well, if you have a live sighting report of somebody seeing—

Senator McCAIN. What can you promise?

Mr. SHEETZ. What I can promise is that we have just put an additional number of personnel into the live sighting investigative mission. We call it the interim plus-up and in that plus-up basically what we are trying to do is through an essentially brute force method of drastically increasing the number of investigators to totally work off the backlog so that we get to the position where when a case is sent out from here in Washington, when a package goes out, one of Colonel Cole's field collectors can take up that package and go right out into the field on that case; and with Vietnamese approval to maneuver and to get around—

The CHAIRMAN. I understand.

Mr. SHEETZ. We could get them resolved quickly.

The CHAIRMAN. But I am still puzzled by something, Bob.

Senator McCAIN. Excuse me. On that issue, does that mean you clearly can commit to the chairman that you will have this complete by the time the committee completes its work?

Mr. SHEETZ. Well, Colonel Cole is responsible for the field investigation. He has these plus-ups working for him. Perhaps he should try to make an answer.

Colonel COLE. Sir, there are a couple of big ifs. First, if we get the kind of cooperation from the Vietnamese that we need on this, we can certainly move ahead.

Second, General Needham on the joint task force, full accounting commander, has put in a formal request to the Vietnamese for us to be able to increase the size of our Hanoi office. And the request is pending for a second full-time live sighting investigator to be based in Hanoi. We hopefully will have that back within a month to put a second individual up there.

So if we get back on track with the Vietnamese, we'll be able to put a second guy in.

The CHAIRMAN. Let me come back to the point that I was trying to get at. The priority is on finding if somebody is alive in south-east Asia today.

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. If you get a report into DIA and it says, I saw somebody in 1992, I would think you would want to evaluate that in a matter of a couple of days or hours, that it either has the potential of being real or does not.

Mr. SHEETZ. We have a time line that—

The CHAIRMAN. If it has a potential of being real, I would think you would want to have it back in the field by fax by whatever, within hours. And you would want people out there.

Mr. SHEETZ. Mr. Warren Gray, sitting to my right, is the chief of our current operations branch and it's his job to manage the inventory of live sighting cases. And Warren has laid out a time line that we've negotiated with Colonel Cole that once we get this plus-up completed to get the inventory cleaned up, we intend on living up to that time line.

And if you might want to summarize what that time line is, Warren?

Mr. GRAY. Sir, we're trying to do the analysis on the reports as they're received, get them back to the live sighting investigators and get the investigation done—

The CHAIRMAN. I am sorry to keep interrupting you, but do you not have a computer capacity that plugs in and out of Bangkok and you can do the analysis in Bangkok.

Mr. GRAY. We have done that.

The CHAIRMAN. If it is worth going in, you go in right away?

Mr. GRAY. Absolutely, yes, sir. In July we received a report we said was Stoney Beach, discussed that report within 24 hours, tasked the LSI to go into Cambodia to check it out. We can do it by telephone.

The CHAIRMAN. Well, I am having trouble understanding how many of the 1992 reports refer to a 1992 sighting. In other words, you could have 46 reports received in 1992, but many of them would refer to a sighting in the 1970's or 1980's, correct?

Mr. GRAY. Yes, sir, that's correct.

The CHAIRMAN. My question is how many of the 1992 reports refer to a 1992 sighting?

Mr. GRAY. It looks like none of the reports refer to a 1992 sighting.

The CHAIRMAN. Nobody has seen anybody living free or in captivity in 1992?

Mr. SHEETZ. I think we have at least four, four reports that relate to a 1992 sighting.

The CHAIRMAN. Four reports of somebody seeing somebody in 1992?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Where they seen in captivity or living free?

Mr. SHEETZ. Captive environment alleged, captive environment.

The CHAIRMAN. Are all four checked out yet?

Mr. GRAY. No, sir.

The CHAIRMAN. Why not?

Mr. GRAY. One of the sources gave us the report that he saw live American POW's in Laos and he said, I will not give you the location of that sighting until you give me a reward. Where do we go? We can't.

The other reports we're looking at go back into the tasking system to the LSI's. That's what we're faced with.

Mr. SHEETZ. Can I explain what we try to do when a report comes in?

The CHAIRMAN. Before you do, let me ask you, you say you are reevaluating the other three?

Mr. SHEETZ. No reevaluating, initial evaluation.

The CHAIRMAN. And giving them to the LSI's?

Mr. SHEETZ. Yes.

The CHAIRMAN. How long does that take?

Mr. SHEETZ. It takes sometimes a week or more to do that.

The CHAIRMAN. If a person has not asked for a reward and the person says, I saw somebody being held in Cam Nan or whatever it was, why do you not just say, okay, let us go. Let us go and look and see if somebody is there immediately.

Mr. SHEETZ. What we're trying to do, Senator, is to have our analyst put some value added to that report, fill in whatever loose stats might be in there and we extract from our database other reports that we've had previously in that same geographic area. Might somehow bear on it, might not.

To include hearsay reporting. The reason that's important is, many of these reports, unfortunately, when we get out to the scene, turn out to be either shams or just don't pan out. And we've gone to great trouble with working with the Vietnamese to gain approval, to get out to a certain site and if you're able to determine in 10 minutes' time that there are no watchtowers here, there is no coiled concertina wire, there is no detention facility, it just plain doesn't exist.

The CHAIRMAN. So, in other words, you can determine that it's bogus without having to expend your good will and the effort—

Mr. SHEETZ. Well, the problem though is, if it is a captive situation in particular, we want to send our analysts, our collector, out there fully prepared, to include all the analytical background that we have on that particular area. In addition—wait, this is an important point—in addition, if he gets out there and the report quickly falls apart, the Vietnamese, they complain to us that, you've sent us out here on a wild goose chase, this is ridiculous, we're being led by the nose through this incredible charade.

To cut that off, we're giving the live sighting investigator a more complete package, which includes other information that while they're out there, if they quickly dispense of this case, here's three or four other things that you can check out in that immediate geographic area.

The CHAIRMAN. Now let me ask you a couple of heretical questions that would come from sort of different sources of skepticism about this issue. And I ask them as a devil's advocate, to lay them on the table, not as a statement of belief.

But what do you say to somebody who says, boy, you guys are caught in the worst catch-22 craziness of all history? Because you are going to keep getting a live sighting report and the live sight-

ing report is going to tell you somebody is in captivity. And you have got to get permission to go. I mean, you cannot just go in somebody's country willy-nilly and—

Mr. SHEETZ. They won't let us. They would arrest us if we tried. The CHAIRMAN. Well, somebody would be arrested trying to break into Sing-Sing or wherever in America, too.

Mr. SHEETZ. Sure, absolutely. That's right.

The CHAIRMAN. I mean, the point is, you need your clearances. You need some kind of clearance in a nation to go somewhere, particularly into a secure area. So this is the catch-22.

In our country, I do not think we would give unfettered permission to the Russians to go into every facility we have in the United States. We would want somebody walking with them. We would give them some prior notice so the warden knows it is not a group of people coming for a big prison break. I mean, let us be rational. We have got to apply our own rationality to this, right. So, catch-22.

There is always going to be an element of notice, so the doubting Thomas is always going to say to you, they moved them, they were not there, this is a game. You guys are telling them where you are going, you go out to where you are going and when you get there, there is no one there. And we just go around and around and around. What do you say?

Mr. SHEETZ. Well, one of the things we try to do when we get out to the area of the report is to not just take the first information that's presented to us, and typically, when you get there, people are sort of preidentified for you to talk to in some cases. But we're not satisfied with that. We try to get off the beaten track a little bit and talk to some of the villagers or passers-by, people who were not placed at the scene for us to talk to, try to get into archival records if they exist.

So you try to enrich the experience by gathering in as much information as you can. Bob DeStatte has had the occasion to travel very widely in the country and is very familiar with some of the travel difficulties, as well as the nuances of interviewing Vietnamese witnesses. So maybe Bob might want to add a little bit to that.

Mr. DESTATTE. Yes, I think I'd like to comment on two areas. One, the environment we find ourselves in when we arrive at the location and our ability to cut through screens, if you will, or attempts to screen us from spontaneous information.

The second area has to do with the coordination process, in some aspects of the coordination process as it exists in Vietnam today.

The first topic, one of the no-notice or short notice investigations that I went on, we went to a small village in Tai Kai Province. There was absolutely no way for information about our visit to precede our arrival there, for a variety of reasons I won't bore you with. We landed our helicopter. We stepped out of the helicopter and very rapidly a crowd of people who are working in the fields and gathering fruits and one thing and another collected. We must have had 200 people gather around us in the first 5 minutes, not one official.

And we sat and chatted with those folks for while. We asked one of the—our counterpart asked one of the villagers if he'd run up to

the village offices and invite the authorities to come down. And he did.

So while we were waiting—it must have been 20 minutes for him to get up there and these folks to come back—we had an opportunity to chat with a wide variety of people, young and old, men and women, and we got very candid comments.

There was—we can do this in a variety—even if we had informed the people in advance, say, several days, and they had had an attempt to pass word ahead on that, I'm satisfied from experience that we are given the freedom to talk to anybody we wish to in these villages, and that in so doing both the independent spirit and openness of the average villager out there, combined with our skills as interviewers, we would cut through any attempt by someone to screen us from the facts.

The issue is that of coordination. And I realize you folks encountered that first-hand when you visited there the last time. But the normal coordination process and most of the installations that I visit are military installations, and the coordination process is as follows.

We first are required to submit a written request to the Vietnamese ministry, pardon me, office for seeking missing persons. They, in turn, send the request to the senior military representative on the VNOSMP, the Vietnam office for seeking missing persons.

He, in turn, then has to take that request—let's say, for example, I want to visit hospital 108—he has to take the request to the office of the Ministry of Defense and he must get the minister's approval or his designated representative. Once he has that approval, then he must go to the general staff department, because they command—most of the command functions are exercised through the general staff department or the staff department at the appropriate echelon.

Once he has the approval of the general staff department, then he has to go to the particular director that is responsible for that activity. In the case of medical installations, it falls under the general directorate for rear services, one of the four major departments in their armed forces, three major departments in their armed forces.

Once he gets the approval of the general directorate for rear services, then he has to go down, in this case, to the medical department, which is a subordinate echelon of that. Once he has the approval of the medical department, he can then go to the director of the hospital and get on the calendar.

And they do not have, their bureaucracy doesn't have procedures for short-stopping that. And each level in the command understandably wants to make sure they're not getting, that they're not going to be blindsided. They want to know what's happening in their subordinate echelons.

Customarily, one or more of the intermediate echelons in that chain of command will want to have a representative present during the meeting. And it's not there so much—my experience has been that they're not there to control, they're there to simply inform their bosses at the various echelons what's going on.

The CHAIRMAN. So it's a bureaucracy like any other.

Mr. DESTATTE. That's correct. And just to make one comment further, once that coordination process is completed, I found the cooperation is outstanding. They not only—if I tell them I want to deal with an issue that say occurred during the mid-seventies, they will call people back in from retirement who served in that facility during the mid-seventies to ensure that I get—and this is at my specific request or explicit request. But they've been very cooperative.

The CHAIRMAN. Well, I have to comment that it is not a scientific basis, obviously, not even a tried and true investigative protocol. But when Senator Smith and I were there in the spring, we had permission to land on the outskirts of the military base, Dongtiem.

In point of fact, our helicopter went to the wrong place and landed right in the middle of the camp, of the military camp, not on the outside. Literally 150, 200 young soldiers came running down sort of half-dressed, they had been playing different games out by the barracks and things. And they came over and crowded around the helicopter and around us. And we proceeded to have an impromptu, 15, 20 minute conversation with them through the interpreters, asking them if they had ever seen Americans anywhere in the—it was totally spontaneous. And they all laughed and said, no, they had never seen anybody and so forth.

Now I just sort of intuitively, as a human being, as well as with some former investigative experience as a prosecutor, felt the lack of motive, the spontaneity, all the different things you add up, were pretty powerful and seemed to give me a sense that these people, at least, that we were talking to in that particular vicinity had not seen somebody.

Now, I think if you are there for a year or for 2 years and you are moving around and there is a repetition to that kind of spontaneity, you begin to get a larger flavor perhaps for something. It does not mean someone is not secreted away, away from everybody, totally unbeknownst to anyone in a community. And obviously, that is a possibility, I guess. But it certainly diminishes the capacity for many of these so-called live sighting reports to gain a certain credibility when you see the flow of traffic and you recognize the reaction to people under what are considered strange circumstances in a community where strangeness stands out like a sore thumb and where almost any event out of the truly ordinary sticks out.

Is that a fair, I mean, does that enter into your interpretative process?

Mr. DESTATTE. Oh, yes, sir. The people there are like people the world over. If someone that they perceive to be an important personage asks them for their views, they are flattered at the opportunity and there is, as you say, a genuine spontaneity and openness there.

But to bring it back to our live sighting issue, in my personal judgment, what Mr. Sheetz and Colonel Cole were talking about, ensuring that our live sighting investigator, when he goes to a location, goes there not with just one report in his pocket to look into. It is very important because it is going back to the coordination process.

The person who has to go up to the minister and the director of the staff department and so forth, if he goes up there repetitively as can be the case to visit the same location, he is going to use up whatever good will he has, because these people at these staff positions are busy men. And so if he goes there, we want to look into five cases, then we go in and look at all five of those cases, it shows good faith on our part.

The CHAIRMAN. There is an element of the catch-22 part of the question that was not addressed but we can come back to it. Senator Daschle?

Senator DASCHLE. I have no questions at this time.

The CHAIRMAN. Senator Smith? I have more questions, but I am going to come back.

Senator SMITH. Just picking up on some of that debate with Senator Kerry. If you look at the map up there of Vietnam and Laos and Cambodia, you can think of it as kind of the universe of the live sighting reports. Obviously, that is where most of them are, all of them are. And you assume, for a moment, that those countries involved, if they have anybody, do not wish us to have them back, otherwise they probably would have made some arrangement to do that.

And then you, making that assumption, which I think is a reasonable one, you then go to the task that you all have, which is to try to investigate these live sighting reports. Well, it is pretty reasonable, is it not, to assume that no matter how much investigating you do, the overt investigation that you are doing, either the Vietnamese or the Lao do not want to you find POW's, they are not going to show them to you. So is that not a reasonable assumption?

Colonel, with all the work you are doing out there, unless some decision is made in the Politburo or someplace else to take Colonel Cole to a prison or some location where there is somebody alive, they are not going to take you there.

Colonel COLE. I would assume that would be right, sir. Unless I stumble onto one living freely in the province or something, in a remote area.

Senator SMITH. Well, does it make then and I would be very careful how we tiptoe around this, but does it not make sense that covert activities make more sense than overt rumblings around in various areas of Vietnam taking, going to where they want you to go?

Colonel COLE. I'm the wrong guy to ask on that, sir.

Senator SMITH. No, I'm not asking you to get into, I'm just asking you in a general sense.

Colonel COLE. I can't answer. I don't know, sir.

Senator SMITH. All right. Have any of you established specifically, in any of your investigating, especially the folks on the ground at Stoney Beach, have any of you determined any Vietnamese and Lao officials that you have determined have lied to you in your investigation, directly lied to you in terms of providing information? Not refugee reports, not the source.

Colonel COLE. I understand, sir. You're talking the live sighting investigations conducted to date.

Senator SMITH. Right. Your counterparts on the other side.

Colonel COLE. No, sir, we have not.

Senator SMITH. You have not established definitely that any of them have lied to you?

Colonel COLE. No, sir. The cooperation in the past few months has been outstanding and we found that they have been most helpful.

Senator SMITH. See, what I am trying—when Senator Kerry and I and the committee went to Vietnam and Laos, it gave me an interesting perspective. Because what I was hearing, what I heard from you guys, all of your people and we traveled with all of you throughout both countries, I heard extensively that you felt you could have greater cooperation, but when you got out there, it seemed like the cooperation was increasing.

Yet yesterday, Mr. Sydow indicated that as far as the—help me with the name of the prison.

Mr. SYDOW. Bang Liet.

Senator SMITH. Bang Liet prison, thank you. He felt that we all were lied to and testified to that effect. So it just seems to me that there is not uniformity or unanimous opinion here that the Vietnamese are being forthright.

Now, by that I mean, when I say forthright, I do not mean what they are not telling us. I am talking about what they are telling us. In other words, are they telling us things that are not true? They tell us what they want to, but do you understand the distinction? I am interested in what they are telling us. Is what they are telling us proving to be accurate?

Colonel COLE. I think it is, but I think one thing we have to remember here, sir, is if we don't ask the right question, we're not going to get a volunteered answer. Let me give you an example.

Last Saturday, we conducted an advance notice live sighting investigation at the Ministry of Interior 198 hospital. Now, we know from past reporting that the Japanese monk was held in this hospital and we know some other people were held in this hospital. The first 15 minutes of questions by my live sighting investigator, he didn't ask any of those questions. And the director, while being open and cordial, didn't volunteer this.

But then, as we began to ask specific questions, we in turn got specific responses and all of them, the best we can tell, were truthful. So what I'm saying is if you don't ask the right question with the exact vocabulary, you know, difference between—there's a whole list of synonyms that we think, stay-behind. We use the term stay-behind, like for Garwood.

They have, I think, six or seven different words. Bob and Gary are more expert than myself, but if we don't ask the specific word, the specific question, we're not going to get an answer. And that to me is not lying, that's just not—they're not going to be completely open.

Senator SMITH. I cannot recall. Maybe Senator Kerry does. I cannot recall whether you asked them if American POW's were at that prison and if so, how many or whether they volunteered it, I do not recall.

But I know that, based on the answer, they gave us the low number, I think 8 or 10 or 7, and you indicated that there were others, many more than that at that prison based on the information you had. So that would be an example of not being truthful.

The CHAIRMAN. Let me interject here if I can, because I want to be very careful on this stuff because I want the record to be accurate, but also we are dealing with an ongoing negotiating process here. And I do not want to see any ruptures over misconstrued—or misinterpretations. And misconstruals are misinterpretations.

Now let me just say that I was there, I was the one who asked the question and it was—the guy who was very reluctant to let us in, he was the lower level person in charge of the prison who had specific instructions as to what he thought we were to see.

And it was during that initial period before we were cleared into the rest of the prison that we asked the question, how many Americans were here? And he said something like, 10 or so. Now, that was not an accurate number.

But I took—I mean, at the time, I am not sure that he was feeling liberated to talk to us because we still were not cleared to go do a lot of what we were doing. We kind of pushed our way in there. And I just think if you put it into the circumstances, you have got to measure it.

We also had an investigator with us and the investigator never said to us, no, that is wrong. You should ask him, you know, there were more or something. So we just thought it was a casual kind of conversation.

Mr. SYDOW. I think this is exceptional to talk about today. It shows the complications of an investigation and why we need to be prepared when we send our LSI in. I think I would reserve further speculation about this until we could talk to it in another venue. And I would review what I said with you then.

Senator SMITH. That would be fine. I understand that.

Mr. DESTATTE. Could I comment on that? I think the review process or pardon me, the coordination process that I described a moment ago. I think the contrast between the cooperation I get when it's cleared in advance and people feel free to talk because their boss and their bosses' bosses and his boss further up have all said, this is all right, and going in cold where the man is not sure if he is going to get in difficulty for talking to a stranger who's just walked in there unexpectedly, I think what we encountered here was as you suggested. We encountered someone who was not confident that he had the authority to be candid with you. I think we were also talking about, in the case of the prisoners of war who were held there, we're talking about events that are 20 years in the past.

I hold it unlikely that the person you talked to had any first-hand knowledge of the numbers of prisoners there. He may have had anecdotal knowledge that the prisoners had been held there. I personally would be reluctant to conclude that there was any deliberate attempt to deceive you. I think you were just encountering a person who was genuinely uncertain what he could or couldn't say and he was trying to not offend you and at the same time, not get in trouble with his own boss.

Senator SMITH. One of the—a final point on this. One of the things that has always been amazing to me is why we do not get greater access—and I will not go into any more detail than that—why we do not get greater access in those countries than we have.

I recall when the committee went to Laos, and I do not recall the village, but it was a small village that we refueled at with the helicopter in a very remote area of Laos en route to another even more remote area. And we had a few minutes and we went through this small village, very remote and very agrarian, I guess, if you will.

And I walked into a small building, asked one of the people where I might use a restroom, and they showed me this particular building. And I walked in there and sitting—and this is an extremely remote area with very little access—and sitting in the—on the floor talking to a Lao woman was a Caucasian young man of about 24 or 25 years old. I was stunned. I did not expect to see him and he was not with our party.

So I asked him who he was and he said he worked for the NEA, National Education Association. And I just find it a little—we cannot get access to check out a report or to check out a something that we have in terms of our imagery or whatever it is that we have that we want to check out and yet these people get access. And I was shocked by that. Is there any explanation for that? Do you know of—I mean, is this pretty common or was that an oddity? I mean, is this pretty common to see people who are with various—he did not seem to be with them and then he told me he was with the National Education Association. I do not—

Mr. GRAY. It's very common in Laos to see Caucasians outside in the provinces.

Senator SMITH. Americans?

Mr. GRAY. Yes, sir.

Senator SMITH. Other than—but we cannot get that access ourselves?

Mr. GRAY. Not official access, no, sir. Now, we are talking to those people who do go out there. They come back and if they see anything, they let us know. But there are literally hundreds of Caucasians out there, in groups, the United Nations development program people. That includes Americans, French, Swedish, Caucasians everywhere.

I was amazed when I went into Laos at the number of Caucasians. Cambodia is even worse. I say worse. There are as many Caucasians out there in the provinces to the point that, with regard to live sighting reports, it should be noted, that we are getting to the point that we're trying to identify in these live sighting reports, Americans who are out there legally moving about the landscape. Those are the Americans who are living freely as reported by sources. These are in reality Americans who have a reason to be out there.

The CHAIRMAN. Let me just help my colleague a little bit here, because the place where we stopped was actually one of the main tourist centers. It is a town right on the edge of the Plain of Jars, which is pretty—it is indeed small and rural, but it is pretty central to them. It is one of the main thoroughfares in terms of tourism there, is it not?

Mr. GRAY. Yes, sir.

The CHAIRMAN. So that would not be unusual. The other thing is, in Vietnam, I believe most of the NGO's that we met with tell us they have access almost everywhere. Is that not accurate?

Mr. SYDOW. I believe that is accurate.

Senator SMITH. Is it a bit of a grudge thing with us not to give us that kind of access?

Mr. SYDOW. I'd like to share an anecdote that will clarify a little of this.

The CHAIRMAN. Well, they will view it as being helpful, right?

Mr. SYDOW. That's correct, and they're handled by the Ministry of Foreign Affairs (MFA).

The CHAIRMAN. So it might trigger a few bells about some general approach here.

Mr. SYDOW. When I was in Hanoi, I happened to meet a student from my university back home who was studying anthropology in a village south of Hanoi. He explained to me the clearances that he had to have to go into the village and interview people on behalf of his thesis.

He had to get clearances with the Hanoi city committee, with the province committee, with the province capital, and with the local village. And, in fact, he had to register with the party officials in the village whenever he went in and left. They didn't otherwise restrict his movements, but he had to register and have permission before he moved in and out of the city on a daily basis. And this has gone on for about a year.

Senator SMITH. I have just one final quick point, Mr. Chairman. As I was going through the chronology of the SI Report, where you list all of the incidents of sighting reports, there was never—most of the categories, all of the categories, you go down through the years, is insufficient data under analysis or whatever or non-prisoner.

But in 1992, you have five—one, two, three, four, five, six times used the term captive. Is there any significance to that? Is that referring to somebody other than a POW? It is just a total reversal of what you have been putting down on the sheets and I am just curious as to why that is on there. Does anybody know?

Mr. SYDOW. Could you share with us where that is on the list?

Senator SMITH. Sure. That is July—it was the most recent one, 30 July 1992. 30 July 1992. It is just that it is a change and I do not know if it is a change in how you categorize or what. The terms captive just kind of appear there. They do not refer to 1992 sightings, I do not believe. I think they refer to earlier sightings, but were brought to you in 1992.

Mr. SYDOW. There is no significance to that. It is the equivalent of under analysis, something that we are looking at very closely.

Senator SMITH. But we got into this earlier. I cannot recall what hearing it was. But in terms of categories under statistics and there is no category specifically listed as a POW. So if in fact you establish that there is a POW with a live sighting report in terms of this whole overview on the interagency committee and so forth, in what category do you place that report?

Mr. SHEETZ. In that situation, if it was determined that was actually a POW in captivity, that report would still be in an investigative status and once we made that determination, it would be time then for some sort of a recovery operation. It wouldn't be time for any database entry into our database, it would be time for the President to decide what he was going to do about trying to bring that person home.

Senator SMITH. Well, I would certainly hope so. I do not disagree with that. But it seems to me you do have a list of categories, they cover everything from unresolved status—we have gone through this before. But camp information, no POW/MIA information, but there is nothing. Just for the purpose of tracking it, I do not understand why—if you are looking for POW's, why do you not have a category for POW's? It does not make sense.

The CHAIRMAN. Is category 1A and 2A—that is action required.

Senator SMITH. That is action required.

The CHAIRMAN. Do those refer to that?

Mr. SYDOW. In our previous hearing in a classified environment, Mr. McCreary raised this issue, but it was in the course of his briefing and we never took it up to discuss up.

Under our current category system, a POW in a captive situation would be in Cat 1. I believe the viewgraph that he had, had a previous edition of our category system, in which it would be Cat 6. Now I know that doesn't make much sense in this context. I don't have a copy of it. Perhaps John does in order to explain that. We do have a category for such a correlation and we would take action on it immediately.

The CHAIRMAN. I was reading it yesterday and I saw two categories with action required, 1A and I think 2A or something. And then there was a 1B and 2B.

At any rate, now, gentlemen, I do not ask you this to embarrass you, but I have got to tell you this is kind of extraordinary. On your list under analysis, with all of these, the 110 that are currently live sighting reports under analysis is number 15019, Ronald Reagan, Jr. and six others. And it is under analysis. Now, is that really under analysis?

Mr. GRAY. Sir, this individual also indicated that there were six other POW's in the area. So we are going back to the individual to follow up on the information.

Now, with regard to the alleged sighting or his being the individual holding Ronald Reagan, Jr., we can board that case at the next board. So, in effect—

The CHAIRMAN. You can do what?

Mr. GRAY. We could actually take that case before the interagency committee to board that case with regard to that one sighting. And we will do that. So, until that case is boarded, it's in effect under analysis.

The CHAIRMAN. What does it say to you about the potential about them? You have found your ability to deduce that Russians are here and so on and so forth. If somebody says Ronald Reagan, Jr. and six others are being held, do you worry about the six others?

Mr. GRAY. Yes, sir.

The CHAIRMAN. I am glad to hear it. But tell me why?

Mr. GRAY. He says they are POW's. We are going to go in and check it out to see what he is talking about.

Colonel COLE. Sir, I was there when the interview was conducted, this individual. And we are indeed taking the fact that he has mentioned six others as a possible element of truth here. That is why we are going back.

The CHAIRMAN. And at what date were they being held? I believe it is 1992.

Mr. GRAY. 1992.

Colonel COLE. So, it is current.

The CHAIRMAN. So, it would seem to me that is on a hot line priority.

Colonel COLE. It is.

The CHAIRMAN. It is.

Colonel COLE. Yes, sir, it is.

The CHAIRMAN. Now, let me also ask you something which some take as a matter of heresy, but I just want to ask it, to examine the record here again.

Would your job, Colonel, on the ground in Vietnam, be enhanced or diminished by having more people on the ground, more Americans moving around Vietnam learning what is happening?

Colonel COLE. You are talking about just normal civilian Americans, or are you talking about people belonging to my unit in the joint task force?

The CHAIRMAN. No. I am talking about NGO types, people over there as part of 501(c)(3) or whatever cultural exchanges, whatever might be enhancing people's communication with the Vietnamese. It would strike me you would be learning more, there would be more intimacies. There would be more people who will become friends or sit at meals or have exchanges who might say, gee, you know, 10 years ago this is what we saw up here. Would you accrue more information or would it be more of a headache? I am just wondering.

Colonel COLE. I think, sir, operationally, it may be more of a headache, because we would then start picking up live sighting reports on those additional Americans, particularly in rural areas.

The CHAIRMAN. Do you currently get live sighting reports on NGO's?

Colonel COLE. Yes, sir. In fact, I believe—Warren Gray, correct me if I'm wrong—in Cambodia, as things have really opened up there, it's beginning. Yes, sir.

The CHAIRMAN. Well, is this again, is this a crazy catch-22ism that you—you lock the door on yourself so that you can never get in and find out what is going on and then you keep having this trickle of reports, but you never learn reality.

Mr. SHEETZ. Senator, I raised this question about living free reports and the increase in the potential even further increases as more and more Americans begin traveling in Cambodia and Vietnam and perhaps even in Laos.

I've raised that at the interagency group level with regard to the potential for basically swamping us with these kinds of sighting reports, living free reports, due to increase in travelers. And I've asked the interagency group for consideration of a policy decision that would basically give us the flexibility not to have to go to full field investigation or even to even consider initially as a legitimate live sighting a current living free sighting that to us bears no possibility of relating to a live prisoner from the Vietnam War, through perhaps the age.

If we've got someone who presents a live sighting to us, living free in Vietnam today, where the person is represented as being a

rather young person, that we not even treat that as a legitimate investigation.

The CHAIRMAN. Well, is it possible that the situation may have already outstripped your capacity to pursue it? For instance, when we were over there, I remember seeing a French family that was traveling around, some Germans who were over there doing business. I mean, a lot of folks out there traveling around. People jumping into vans and just driving through the countryside.

It seems to me that already all these other countries are pushing the envelope with lots of people in Vietnam. It is just sort of an inevitability that you are going to get a lot of reports on, gee, I saw an American here or something.

The Swedes are over there. I mean, how many different countries are traveling around over there now, Colonel? How many different people from different countries?

Colonel COLE. Oh, you've got tremendous numbers of French, of, like you said, Swedes, sir. The number of tourists—

The CHAIRMAN. They are all over the place. I mean, you cannot walk around downtown Ho Chi Minh City or Hanoi without bumping into Caucasians, can you?

Colonel COLE. That is correct, sir.

The CHAIRMAN. Is there a message in that about our capacity to pursue these things? I see you smiling. But, I mean, I am asking this truly from a policy perspective. You guys are over there supposedly following up on live sighting reports. My God, you could have countless reports coming in and anybody who does not like the Vietnamese Government could just come in with any number of reports they want and say, gee, I saw five people over here.

Mr. DESTATTE. Sir, it is my impression that few Vietnamese report western visitors, whether they are American or some other nationality, as Americans living freely there. There will be the occasional con artist who will give it a try.

And I think the—in my personal judgment, as more and more Americans and more and more other westerners travel and work in Vietnam, we will find fewer and fewer of these kind of reports and we will also find that there will be—these folks, they come home, they talk to civic groups, they talk to professional groups, it will become—I think there will be a greater public acceptance of the fact that there are no American prisoners being held in Province X if we have several Americans who are living and frequently traveling through Province X.

Senator SMITH. Well, I think, following up on that point, I think the purpose of the hearing and the purpose of the whole Stoney Beach operation, DIA operation, is to pursue reports on people who are in a prison environment, people who are captive or sightings where people say they are captive, not people, tourists, walking around in the street. Correct? I mean, hopefully that is what—

Colonel COLE. But sir, part of our charter is that if we have a report made to us that talks about an American living freely in the context of him being an MIA or POW, we have no choice but to report that and follow up, sir.

More important, our charter is not differentiated according to captive and living freely.

Senator SMITH. Oh, I understand. But also, if you follow up with enough follow-up questions, I think you can establish that.

Colonel COLE. Yes, sir.

Senator SMITH. And I am sure you do.

Colonel COLE. Yes, sir.

The CHAIRMAN. The point is obviously that if you had another Bob Garwood there or someone who had chosen to live freely from the period of the war itself who might have moved through reeducation camps or anything else, you need to find that person and talk to them because they would be a wealth of information, would they not?

Colonel COLE. That is correct, sir.

The CHAIRMAN. So you cannot eliminate living freely.

Mr. SHEETZ. Not totally, but the notion would be to put some sanity checks on the front end and not put into the process things that, information that just patently doesn't stand.

The CHAIRMAN. Well, now, what can this committee look at in terms of the current unresolved live sighting reports of the 1980's and 1990's, of which, as I see it, there are about maybe 70 some, close to 90.

So you have got close to 90 of those unresolved reports from 1980 to 1992, it would seem to me obviously date-wise those would be our priority. Can this committee have some confidence that the vast majority of those will be answerable in some form over the course of the next 2 months?

Mr. SHEETZ. Well, I would tell the Senator, first, that the number 110 is at the high end of our normal inventory. We are due for a review board to be held, and if that review board agrees with our recommendations and approves them, we'll be taking somewhere between 20 and 30 cases into a resolved status sometime within the next month.

Colonel Cole's people are augmented by the plus-up that I described previously and perhaps he might like to take a minute to describe where that plus-up's going and where we think our goal is on that.

Colonel COLE. Sir, I'd like to revisit for a moment, the statement I made earlier about the Vietnamese limiting access. If we can turn them around, them being the Vietnamese, around and go back to the original mechanism which we had set up when you made your trip, we can return to that and maintain a steady workload if you will, of doing so many no notice inspections, at least one per week, and a few advance notice inspections.

Sir, we can make the kind of progress you are asking for.

And I'm hoping that knowing that the Vietnamese are listening, that they will understand how important this is to us. This is our top priority and we're not moving the goalpost on them. We're attempting to work off this total and that's our primary goal on the last sighting issue. So if we get the kind of access that we once had, we restore this train to its track, we can move ahead.

Senator SMITH. Before we start, Mr. Chairman, regarding stay-behinds though, based on the interview, I believe it was Mr. DeStatte, I am not sure, who did an interview with a mortician. You believed him, did you not, when he said there were two Americans there, you had reason to believe him?

Mr. DeStatte. Sir, he said there were three, not two.

Senator SMITH. Three. I am sorry.

Mr. DeStatte. And he said a number of things, but he described three Caucasians. One of them who the subcommittee confirmed, who was Robert Garwood. He was right about Robert Garwood. I would think he was also correct on the other two, but I should add a note of caution. He had no direct knowledge that these—all three of these gentlemen were Americans.

He had direct knowledge only that they were Caucasians. He could provide a good description of each of the three. He described that the period of time during which the sightings were made—I don't recall the dates specifically, but it was during the mid- and late 1970's, as I recall. But he was told by others that all three were Americans who had voluntarily crossed over to the People's Army of Vietnam, and then had asked for permission to remain in Vietnam and were given that permission.

Senator SMITH. But two points, one, Garwood came out, so we know he was an American. We know he was there and so that proved that portion of him being correct. Secondly, on the mortician's veracity, we also know that he was right on a lot of the stuff he provided on remains.

Mr. DeStatte. That's correct.

Senator SMITH. Thirdly, you—according to the deposition we had with—well, I almost said it, the mortician, he indicated that he reinterviewed with you in 1989, I think he said, and that you—

Mr. DeStatte. He and I have remained in sporadic contact.

Senator SMITH. And he again, in that conversation, you again reiterated that you believed him and that there were two additional Americans.

Mr. DeStatte. There was never any question about that. I believe 100 percent.

Senator SMITH. Well then, we have a valid live sighting report there do we not? Whether they are stay-behinds remains to be seen. That has to be established after we find them, but if they are stay-behinds, the question is why are they staying behind.

Mr. DeStatte. No sir, you've taken it one step beyond what I've said. He has accurately reported what he has seen and what he has heard. The one thing that he cannot be held accountable for is the accuracy of the hearsay information that these other two gentlemen are Americans.

Senator SMITH. So he did not see the other two? You are saying he did not see the other two?

Mr. DeStatte. No sir, that's not what I said. He saw three people. He saw three people on several occasions and he was told by others that these three people each were Americans and each of them had voluntarily crossed over to the People's Army of Vietnam, each had asked to remain in Vietnam, and each had been given permission to remain in Vietnam.

We have subsequently learned or confirmed that one of those three, in fact, was an American, Robert Garwood. We have not subsequently proven that the other two gentlemen were Americans. Now, I happen to believe the other two were Americans. I mean, why would these people with whom he was associated with give incorrect data on that. I can see no—I can see—in my mind I can see