

am asking the question is if there is such a person out there, maybe we can send a message through these hearings; but I would be curious to know your recommendation and I realize it would not be probably your final decision to make.

Mr. FORD. Obviously, that decision would have to be a function of the secretary of the service that the individual came from and also, probably eventually the Secretary and the President of the United States. I mean, we've had various forms of amnesty over time. My sense of it is that I hope there's no one out there who's been living in Southeast Asia for fear that if they came back they somehow would be seriously punished.

Obviously, we would have to go through the official procedures as such actions and such persons would normally be done, but the fact is that if we knew that a person had been for 20 years hiding from us in very primitive conditions for fear that he somehow would have to go to the stockade for 6 years, I hope that's not the case. I hope they know to come home.

Senator SMITH. One quick final question. My time is running out here. In the meeting that we had with several Senators, you made a statement regarding Garwood's recanting testimony. You later sent me back a full letter of apology for that and I accept that and do not bring it up to make an issue of it, just simply this question. What brought you to that conclusion at the time you made the statement? Was it a specific individual who made that statement to you within the agency, or was it just something you received by osmosis, or what was your reason for feeling that way? Obviously you felt that way when you said it.

Mr. FORD. Senator, as you know, I clearly know better than to talk about this issue with you. You probably know more about this particular incident than anyone that I know of. You were there during some of the interviews, and I learned my lesson. I misspoke. I clearly had received both by osmosis and by various briefings from different individuals a different impression.

When I realized that I had not only misled you, but I had misled other members who heard my presentation, not only did I write to you, but I thought it was important to write to your colleagues as well, because I don't want anything—I'm in a position, as Senator Kerry said, I'm sort of a spokesman, and what I say, right or wrong, may have more influence than it really should have. And—but in this case, what we've done is that the Secretary, who was there also, has asked that this be fully investigated and sort of redone, and have analysts who are very capable but who have been working different problems, go in and look at it afresh and see what the cases are. I'm going to reserve my judgment until they've completed their studies and when they give me their briefing, I'm going to ask them a lot more—a lot harder questions this next time.

Senator SMITH. Just a final point. You did not have to go into further explanation. I accepted that. I think that the difference, and just to point out for the record, is there is a difference between not believing Garwood—which I know many in the agency, maybe all in the agency, do not, and I understand that. It is just that the issue of recanting where Garwood himself said he recanted what he said was the issue that I wanted to clarify. That is all.

The CHAIRMAN. Mr. Secretary, if I could just remind you also that the committee would like as soon as possible the raw Garwood initial debriefing data and the records with respect to that, because that will be one of the initial areas of inquiry.

Mr. FORD. I will pass that request on. The only sensitivity I know, and it may not really be a real one, is that my understanding is that there are agreements between DIA, for example, and Garwood's lawyer about privileged information, et cetera. I don't think in this case it will—it will be an issue, but I think that it would be something that obviously may be asked that it be kept between the members and the staff of the committee as opposed to something that would be public.

The CHAIRMAN. I understand. Whatever ultimately is public will hopefully come from Mr. Garwood's lips himself, but in terms of the background and understanding of it, the committee needs to review that. Senator GRASSLEY.

Senator GRASSLEY. Thank you, Mr. Chairman. Secretary Cheney referred to 102 personnel who have been added to help resolve the issue. I would like to know if you could provide this committee with a list of who these people are and what their functions are, and could you tell us now how many of these 102 are devoted strictly to looking for possible live prisoners.

Mr. FORD. I know generally the number of people who are out in the field and their primary function is live—the live prisoner issue. Now—

Senator GRASSLEY. How many of the 102 would fall into that category?

Mr. FORD. My sense is that it's the 88 that we're talking about are—some of them are not in Hawaii, or in Southeast Asia. They may be here in Washington say, for example, at DIA, but all of those people are focused on increasing the real—instead of paper-pushers like me—people who are actually enmeshed in the details on a day-to-day basis. General Christmas may have more details about what CINCPAC is doing.

Senator GRASSLEY. Let me be very clear. I am talking about those who are going after live-sighting reports, whether it is live prisoners, as opposed to those who are trying to find bones or get confirmation.

Mr. FORD. Yes, sir. I understand.

Senator GRASSLEY. OK.

General CHRISTMAS. First of all, of the 76 that we have as part of the Joint Resolution Center, the JCRC in Hawaii, all of them are devoted to the entire POW/MIA issue. When we put the joint task force together, we will have a minimum of five search teams and two teams which you, I think, referred to as the guys who look for bones. But five of the teams will follow up on live sighting reports and discrepancy cases which are most likely to lead to living Americans. That's the way we are operating. So you can see how that breaks down.

Five search teams and two recovery teams will go in for 30 days at a time. They will come back out. They will work their reports and findings, and then other teams will go back in. So we hope that we're going to have this continuing effort to resolve this very important issue.

Mr. FORD. Senator Grassley, if I could just add one—one comment. I understand your concerns and—about looking for bones, and I hear that quite frequently, and I know that there is a sense that that's all we're doing. I think that it's unfair to our people in the field to suggest that their primary focus is on remains recovery. We go where the facts lead us as we identify each case and try to follow it through for the fullest possible accounting. If the facts lead us to the notion that we can either recover the remains or that we think the Vietnamese or Laotians have those remains, we think it's important as our accounting to the families that we can give them that information. I haven't talked to every family member, of course, but I've talked to a lot over the past 2-1/2 years, and I get the sense, every one of them would like to have—even in their heart they may know that their son or their husband or whoever is dead, but they want them to be alive.

They want them to walk out of the jungle and come home, but they will tell you very quickly that if that can't be the case, please end the uncertainty for me. Give me something so that I can put this to rest, I've been with it so long. Well, one, it tears your heart out that these people have had to go through this all these years. But second, if we can give them something that answers those questions, maybe it helps end their uncertainty. For others, it causes new problems, whether this is enough, whether there is sufficient evidence, and on and on. This shouldn't be against your time, but I thought it's important that we say that, that our purpose isn't really for just going after bones.

Senator GRASSLEY. Well, it is OK that you have said it now, or it is OK that you say it any time. Understand my question. I wanted just some statistics on the number of the 102 who are in one category and the others who are in another category.

Mr. FORD. It is 38 in Hawaii, and those people will be 18 at CIL-HI, 18 at DIA and 9 at Stony Beach.

Senator GRASSLEY. Well, I did not know you would have those numbers. What I would like to have is a list of whatever, 102, and where they are assigned, and what their job is.

Mr. FORD. We can do that for you.

[The information referred to follows:]

DIA SPECIAL OFFICE FOR PRISONERS OF WAR AND MISSING IN ACTION

PLUS-UP ASSIGNMENTS (ALL POSITIONS LOCATED AT DIA, WASHINGTON, DC.)

Division Headquarters

Administrative assistant—Hiring in progress

External Relations Branch

Intelligence officer (3 positions)—Hiring in progress

Analysis Branch

Intelligence officer—Hiring in progress

Intelligence officer—Mr. Paul Mather

Intelligence officer—Lt. Paul Maguire, USN

Intelligence specialist—Petty Officer Steve McCabe, USN

Intelligence technician—Hiring in progress

Data Base Management Branch

Computer programmer—Nominations from Army being reviewed

Intelligence technician—Ms. Benita Wood

Intelligence technician—Ms. Carol Stewart

Intelligence technician—Hiring in progress

Current Operations Branch

Intelligence officer—Cpt. Tami Turner, USAF
 Intelligence officer—Maj. Jeannie Schiff, USAF
 Intelligence officer—Cpt. Sandra Caughlin, USA
 Intelligence officer—Hiring in progress
 Secretary—Hiring in progress
 Intelligence technician—Hiring in progress

STONY BEACH (ALL POSITIONS IN THAILAND UNLESS INDICATED)

Intelligence officer—hiring in progress
 Intelligence officer—hiring in progress
 Intelligence officer—Hiring in progress
 Intelligence specialist—Sfc. John Bankwill, USN
 Intelligence officer *—Cpt. Randall Mastrotonoco, USAF
 Intelligence officer—Maj. Charles Robertson, USAF
 Intelligence officer—Requisitions in progress
 Intelligence officer—Requisitions in progress
 Intelligence officer—Requisitions in progress
 * Individual located at DIA, DAM-2 in Washington, DC.

POW-MIA TASK FORCE (ALL POSITIONS IN WASHINGTON, DC)

DIA Element

Supervisory intelligence officer—Harold E. Sprague
 Administrative assistant—John Emery
 Secretary—Jane Osborne
 Intelligence officer—Barbara Banks
 Intelligence officer—Cpt. Alex Odren, USAF
 Intelligence technician—Ray Craib
 ADP specialist—Paul Nanko
 Intelligence specialist—Petty Officer Paul Diczno, USN

Reservist Support Element (USAF)

Commander (2 positions)—Reports 1 Mar. 91
 Secretary—Reports 1 Mar. 91
 Team chief (3 positions)—Reports 1 Mar. 91
 Intelligence officers (7 positions)—Reports 1 Mar. 91

Senator GRASSLEY. I have some more questions, but I will wait for another round if you want me to.

The CHAIRMAN. Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman. Mr. Ford, you heard my request on behalf of Mr. Earl Bond. I will be glad to provide you that information. I guess Mr. Quinn was not the appropriate one to ask that.

Mr. FORD. No, sir. We were really the more appropriate and we are—I've asked my staff to contact your staff to get more details, and we will have a written answer to you to the best of our knowledge of the case, tomorrow or the next day.

Senator McCAIN. Thank you very much. You said earlier, Mr. Ford, that things were done wrong or not as well as they should have been, and mistakes were made, basically is what you have told this committee. I am curious what your view is of why those things happened. Was it because of bureaucratic ineptitude? Was it because of, as Colonel Peck alleges, mindset to debunk, or what in your view was the reason that some mistakes were made and the job was not done in the best fashion?

Mr. FORD. I have obviously thought about that a lot, and tried in my own mind to try to sort out what some of the problems were. I don't profess to have the full and final answer, and just give you

my snapshot view of just a few years working the issue. I think that it's a very complex analytical problem, one of the most difficult I've ever been involved with, and with a high learning curve.

The CHAIRMAN. Pull the mike just a tiny bit closer.

Mr. FORD. The learning curve is very high, and in which you as human beings—mistakes are going to happen. They're not intentional. They're more simply that we are working with limited knowledge, fragments of information, also we're dealing with volatile emotional issues. I mean, if—and I've told this to several families and they may believe me, or they may not—but if my father or my son was still in Southeast Asia, and I didn't have any answers, and I had not gotten my satisfaction from my casualty officer, I'd be upset too. So that there's a certain emotional nature, and I don't care how good our casualty officers are, some of them have been doing it for a number of years. They are not going to be 100 percent every minute.

Senator MCCAIN. You do not believe there was a mindset to debunk?

Mr. FORD. I think that there are people past, present, and the future, who probably for their own reasons will believe that they have the answer, and they will be there trying to suggest—to prove their answer, whether that answer is debunk us in the executive branch, or to debunk the issue in Southeast Asia. I have been an analyst most of my adult life and all of them are not as objective and perfect as you would like. They take their own personal views into it and they're going to try to make a point.

Senator MCCAIN. I do not want to belabor the issue, but would you characterize the mistakes that were made that you have acknowledged to this committee as bureaucratic bungling, mindset to debunk, or just as you have just described, the emotionalism surrounding the issue? I think it is important for us to understand what is your best view of why these mistakes were made.

Mr. FORD. I hope this doesn't sound too glib, because it's not intended to be. I think it's all of the above. I mean, I can't find—the only one that I can't find in my research, or my contact with people, is a purposeful, politically motivated or privately motivated cover-up. Every mistake that can be made by bureaucracies and human beings, has probably occurred in the last 19 years, and I can point to a few that I've made, errors in judgment, or whatever.

Senator MCCAIN. I would like to return to what the chairman was asking a little earlier of another witness, and I have to go back to Secretary of Defense Cheney's statement this morning. A photograph taken in Laos surfaced earlier this year that was identified by family members as Lieutenant Daniel V. Borah, U.S. Navy. In addition, a non-government forensic anthropologist positively identified the person in the photo as Lieutenant Borah. Then, with the help of Laotian officials, they find out it was a 77-year-old Laotian individual with some French blood.

Why would someone go to all that trouble to take a photograph like that and circulate it around, and have the family identify it? What I am worried about here now, Secretary Ford, is what we are doing to these families. What somebody is doing to them, not only to the American people, but you just put yourself in the situation earlier of the son or the father of someone who is listed as missing.

My God, how terrible is this, to subject a family to this. Why would they be doing something like this in your view?

Mr. FORD. For the life of me, I can't understand why people would do this. I mean, I've had the same sorts of questions that I've heard you and Senator Kerry, and I know Senator Smith and I have talked about. I don't see a lot of money changing hands.

I mean, there is some pocket-change money passing hands in Southeast Asia, between Laotian and Cambodian and Thai people who bring in a few bits of information. There is also some money raised here and there, but it's all really sort of small change. This is not a financial issue that I can tell. I mean, it's a local official in Cambodia selling information to possible refugees for a couple of bucks and thinks that he—telling these people if you have this bone, or if you have this belt buckle, if you have this picture, you're going to get to the United States when you get to the refugee camp, and I'll give it to you for \$1. But the only problem is, he's got a thousand of them. He only makes 1,000 bucks, but it's still small change. I don't know, other than those people who simply are trying to manipulate U.S. policy, try to throw us off the track.

There have been examples in the past that clearly the intelligence services in Southeast Asia were manufacturing stuff, and it goes up and down, and almost seemingly without the knowledge or active participation of the foreign ministry or other high officials in the government. But the dogtags that are manufactured and/or submitted to people here in the United States, all kinds of things that there is no really good answer for, I'm afraid that whatever the reasons are, what we put the families through is that they had their heart broken the day they got the news that their loved one was missing, and they have to go through this agony of having to live through it again.

There's nobody on my staff or anybody I know in the Pentagon who doesn't want these reports to be true. We don't want to have to tell another family that they've been jerked around by a scam artist. I mean, there's this one group that I know has touched at least two and probably three families and they're still doing it. Despite our passing on the word that there's something really fishy about this whole group, the same people are passing on information that one, related in one fashion or another to the Borah photograph, to the new Stevens photograph, and to information having to do with the Robertson, Stevens, and Lundy photograph.

Senator McCAIN. Do you want to identify this group?

Mr. FORD. Well, I do not know their real names. I just know of them. They are people operating out of Southeast Asia, Laotians who claim to have information that they'll provide to us and they provide it to a number of Americans, private people interested in the subject, Government, like us. It's unclear whether they—the people receiving it, mostly Americans, accept at face value that it's probably—could be true. And how—where do you cut off? I mean, just because a guy is a known scam artist and he gives us a photograph, I don't immediately assume that it's bogus. I can't afford to, because it may be the one time that either he stumbled onto the truth, or for whatever reason, this time it's real. So each one of

them has to be taken seriously and checked out with the hope that it might be true.

But when you find people who are clearly involved in this, the only thing we know to do is polygraph them, and if they pass the polygraph, take them very seriously. Unfortunately, every time we get a chance to get hold of one of these guys and put them on the polygraph, they blow it, and so we just keep pushing ahead hoping that one day we're going to find one of these people who has some real information. If we do, I'm confident there's—that it's not just rhetoric. If we find out the location of Captain Carr or anybody else, there is no doubt in my mind there won't be any foreign policy, there won't be any domestic political reasons. We'll go get him. If he can't get out, we'll go get him.

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

The CHAIRMAN. Thank you very much. Senator Robb.

Senator ROBB. Thank you, Mr. Chairman. I had to go preside over the Senate and so I missed some of the intervening testimony this afternoon and the formal opening statements of Secretary Ford, General Ryan, and General Christmas. I hope you will forgive me for stating as a point of personal privilege that my own association with General Christmas goes back something in excess of 25 years, when he and I were company grade officers and served together. I have not had much contact with him since he was Medevaced from Hue after a very courageous and very heroic display of leadership, and he was recovering for quite some number of years, but I am very pleased with the prospect that we may have an opportunity to work directly with General Christmas, and I hope when we make the visit to Vietnam next year that he will be in country at the same time so that we might have an opportunity to visit some personally.

As an aside, I bring him greetings from Pat Mayer, someone he will remember going back 25-plus years from another Marine Corps association.

If I may, Mr. Chairman, I would like to ask one question that goes directly to the area that General Christmas is overseeing at this point, and that has to do with the ability to follow up on any contemporaneous reporting of live prisoners, what I guess in the civilian world would be viewed as a form of hot pursuit. General, would you say that given the configuration and the resources that are available to you at this time, that you have the capacity should someone have a contemporaneous live sighting, and not one that is reported and is very, very old, to follow up expeditiously to determine whether or not it is true and whatever else might be appropriate?

General CHRISTMAS. At present, Senator, we're putting in the mechanism that provides that, and we have talked already today about the need for the Vietnamese to be more forthcoming in allowing our Stony Beach operator—allowing our people free access so that they can rapidly respond in Vietnam. We have teams in Bangkok right now. We hope that as things progress in both Laos and Cambodia that we will be able to put detachments there that will be able to react immediately to those live sightings.

Now, will we be able and prepared to bring that American out? Well, I think that is the reason we need a good, solid, joint task

force that can respond to policy that will come from the national command authority, from the Secretary of Defense and down through the Chairman to us.

Senator ROBB. Let me ask just one other question. You talk about the coordination between the two commands. One of the concerns that I have had with respect to the whole POW/MIA issue has been the number of different agencies that have some level of responsibility for follow-up in any of these areas, and I am curious. Either you or Secretary Ford might be able to respond to this question. The new assistant secretary for POW/MIA affairs, where will that individual fit within the chain of command? I think General Christmas described the chain of command on the military side, and I am curious how the responsibility of the new assistant secretary will play out with respect to the military assets that are available and/or other civilian agencies that may have an interest in this particular question.

Mr. FORD. Senator Robb, the way I would describe it is a very close partnership between the deputy assistant and the joint task force at CINCPAC. The deputy assistant for POW/MIA affairs will be the Secretary's personal representative on this issue, so that when the military comes through the normal chain of command from the CINC to the Chairman, they then come to the Secretary with recommendations. As we did in Desert Storm, or as we do on any sort of crisis situation, it is then up to the deputy assistants to brief the Secretary and give him advice and provide comments to the Chairman and to the military.

We're going to work this issue the way we work every other issue and that is a very close working relationship between the military, who are implementing, and the Secretary who has responsibility for overseeing the policy aspects to make sure it is done right.

Senator ROBB. With all due respect, Mr. Secretary, I must say when you say that you have a partnership rather than a command relationship, it concerns me a little bit. I am pleased, and I think one of the innovations that has been most helpful in Desert Storm, for instance, was the kind of clear command and control relationships that were in evidence. I am not suggesting a specific response or solution this time around, and indeed hope that kind of partnership would exist in all cases.

Mr. FORD. I wish that we had a perfect answer for you. I think that what General Christmas said was very true, and as the Carper Committee, and I'm sure this committee will find, there have been too many cooks in the stew. We are taking the military chain and we're putting in one cook, the JTF commander—and that one cook is reporting to the chairman and to the Secretary of Defense.

The DASD will be working for the Secretary of Defense, so there's going to be fewer cooks, more responsibility, and at least in terms of the Secretary, there'll be somebody he can turn around and say who's responsible for this. On his side it will be the DASD, whoever that should be. He will also be able to turn to the Chairman and say, why did we make a mistake, let's get it right. So the responsibility chain is much more limited now, and he can turn around and see who was responsible for good things or bad things, whichever they may be.

Senator ROBB. Mr. Chairman, I note that we have some number of cooks in our chain of responsibility, one of which is to report to the floor when a vote is on, and a vote has just begun. With that in mind, I will defer any additional questions. You may have something that you want to tie up at this point.

The CHAIRMAN. Thank you very much, Senator. What I am going to do is I want to keep this going. Senator Smith has departed for the floor to try to vote rapidly and return, and then I will leave so that we can try not to have an interruption if possible. I know Senator Grassley had some more questions. I would like to—

Senator GRASSLEY. Should I go vote?

The CHAIRMAN. I think it would be good if you went to vote now and then came back as fast as possible. That way you can back up Senator Smith and we can continue the process. We do have one last panel after this.

With respect to the helicopter situation and the ability to go out on a fast response, live sighting capacity, is there a discussion with respect to Laos of having non-U.S.—identified—I mean, I could well imagine why some people would be apprehensive about United States colors flying in choppers in Vietnam. Is there a methodology to get a lease-back situation, private company to somehow deal with that?

General CHRISTMAS. Yes sir. Senator, you have—the preferred course of action is obviously good old U.S. birds with our pilots to put our folks in and put them out of harm's way. We would feel a lot more comfortable that way. Obviously, there are other courses of action that we have to fall back on to provide that capability. The second course of action is, of course, is leasing. Currently—both working with the Vietnamese, working with the Laotians and working with the Cambodians—recently, for Tang Island we went into leasing-type agreements. Of course, the third course of action is, as you've heard so much, that the Laotian helicopter that's now down, or the old Russian helicopter with the Vietnamese—sir, we go from the top and then we take the next course and the next course.

The CHAIRMAN. Well, I think the third course of action is not acceptable and I tried to make that clear when I was over there. Ambassador Lang is not here right now, but I know his representatives are. He will be back tomorrow morning, I know, to follow the proceedings, but I made clear to him and to the Vietnamese, on the record now, that this committee when it visits in February will look hard at whether they have fulfilled the promises that have been made.

To whatever degree the Vietnamese are looking for an improvement in the relationship, I know I can speak for every member of this committee that if that access is difficult, or if those promises are not being fulfilled, we are going to look with a big question mark at that. And I have personally had General Secretary Do Muoi, and prior to him, General Secretary Ling, and the Foreign Minister, and all the other members of their departments look me in the eye and say, you can go anywhere in the country and we want you to have access.

So I think the committee is going to look very hard at the follow through on that. General, if we can be helpful, obviously, in trying to leverage it, let us know.

What is the process now for a live sighting follow-up? Do you initiate immediately? Do you follow up actively? Does it have to go to Washington, or is this an instant kind of response?

General CHRISTMAS. Well, first of all, if obviously we can make an immediate follow-up, if in other words the information has come to us right there on scene and we can initially follow up, we obviously would. What we normally do is collect the information. We collect what we can. We get it back through the analyst channels, and we try to open up all information available to see what we have. Then, if we can make that instant contact, obviously we do.

The CHAIRMAN. But you do not have to go to Washington for any approvals on that anymore. Do I understand the chain of command now?

General CHRISTMAS. Our Hanoi office has the authority to follow-up on live sightings within Vietnam, and we would suspect that if we had the opportunity to put detachments in Vientiane and Phnom Penh, they would have a similar capability.

The CHAIRMAN. Mr. Secretary, over the years you read a lot of allegations on this issue. Whole books, movies and so forth. Some people assert that there are camps that are holding 50, 200 people or so. What is the possibility of that kind of camp existing based on all the intelligence and data that we have now?

Mr. FORD. This was discussed earlier in the afternoon and I think I generally agree with the characterization that I think Ken Quinn gave. That is, in Vietnam I find it very difficult to accept the fact that there is a camp that the Vietnamese don't know about. It could be, but I find it—maybe in the central highlands near the Lao/Cambodian border it's conceivable, but not very likely. In Laos and in Cambodia, I think that there are areas in which the government does not have good control. Once you get out of the cities, the transportation is just atrocious, so it's conceivable that there could be small camps. Particularly if they moved around a lot, and were a part of—in areas in which the government didn't have good control.

Do I have strong evidence? No, I don't have that. I have reports of a general nature that people have been seen in a camp, but with not enough specific detail to really do much with. When we do, we look for it, can't find it. If we knew a camp existed we would go in various ways and try to find out who was there.

The CHAIRMAN. What would be the rationale, even in Laos, for a group that, let us say, was not in control of the government? I mean, it has been 19 years. I take it, and I asked this of Mr. Quinn, have you or any of your people ever been approached with a possible secret deal to return somebody for money or for any other reason? Is there a record of such an offer and a transaction in the making?

Mr. FORD. By one of the governments or private individuals?

The CHAIRMAN. By private individuals or the governments.

Mr. FORD. No, the closest thing that comes to that was the Walter T. Robinson case that Secretary Quinn mentioned earlier. In fact, he described it as we made the judgment in sort of analyti-

cal terms. We actually sent a team to Vietnam. I mean, it was not—we know when we went that the chances of its being Walter T. Robinson were virtually zero, unless all of our information was wrong, but the picture was compelling that it could be an American. The position that we took at Defense was that we don't know who this person is. It could be an Amerasian, it could be an American, but why don't we just go up and ask him and find out. Well when we got there we found out that he was Amerasian, he was on his way out of Vietnam legally, and to the best of my knowledge he is out now.

The CHAIRMAN. One of the theories that is often advanced is the pearl theory, that since the French are supposed to have—there is evidence that the French did some trading in the post-Dien Bien Phu period for prisoners—that therefore people are holding Americans in order to do some trading. What you are saying is that there is no document or evidence or statement of any kind of any government official that you know of, that anyone has ever been approached in 19 years for that kind of a trade. Is that accurate?

Mr. FORD. To the best of my knowledge. I obviously don't have an encyclopedic knowledge of this issue, but I have not run across any.

The CHAIRMAN. Within the whole interagency group, no one has ever surfaced any possible deal, is that accurate?

Mr. FORD. That is accurate, and in fact, if somebody did, I'm convinced that if we thought there was some serious intent on the part of the person making the deal, we would try to follow up on it.

The CHAIRMAN. Within the Laotian culture, what would be the ability and purpose of Americans being held over the course of 19 years, or 18-plus years? Would it be slave labor? What is the rationale here?

Mr. FORD. Senator, it's obvious that you have gone through some of the same questioning that I have in terms of what the motivations would be of people. I have not come up with anything that I find convincing that explains to me why people do things like keep hostages. In the Middle East, for example—

The CHAIRMAN. For hostages, they hold them for the release of other people, correct?

Mr. FORD. Or for financial gain. All I can tell you is that there are still reports coming in that suggest that there might be live Americans in Southeast Asia. There are photographs, for example, the Carr photograph, which is compelling, and which is not just Carl Ford's eyeballing it, which I always thought non-expert. They certainly look alike to me, but as our experts look at it they also are beginning to say yeah, there is a resemblance there that's uncanny. That's not a quote, but that's a bottom line. I don't know why, what the motivation is, but the fact that there could be an American there is still something we can't dismiss.

The CHAIRMAN. Absolutely not. What I am trying to get at is the question of the wholesale—you know some of the theories hold up the notion of 50, 100 or this, or that. Now, is it possible that in the aftermath of the war, particularly during the period when Vietnam was closed to us between 1975 and 1979 particularly, that people were held but that then the dynamics changed and because holding people did not bring about what some thought it might have brought about, those people were lost, and that that may be part of

what has fueled this. Is that a theory that might have perhaps more life?

Mr. FORD. It's certainly one of the possibilities that I think that should be considered in trying to get at this question of motivation. I think that there is also the likelihood that—I mean there are other scenarios. One that hasn't been mentioned that I've always found very credible is people who were injured at the time of their loss, and that are not aware that they are Americans and they're not home.

The CHAIRMAN. Let me do this, Mr. Secretary. They are holding the vote for me, I need to get over there. I think the hiatus will be marginal because I am sure that Senator Smith is on his way back. If you could wait and we will just recess momentarily until Senator Smith gets here to pick it up.

[Recess.]

Senator SMITH [presiding]. We will reconvene.

The CHAIRMAN. We will be back in just a second. I am under the impression, based upon the comments on the floor, that there probably is going to be another vote, they say within 15 minutes after this one ends, but this one may be open for a little while because there were a lot of Senators who had not yet voted, even though the time had run out, so we will just try to keep going. Just a couple of more points for me. It seems as if you are very candid about problems that may have taken place in the past. Is there any way that you could recommend how we could reconstruct some of that to see if anything was missed, back in, obviously long before your watch, back into the period of the 1970's and moving on up, how we could reconstruct just some of those mistakes—not in the sense of trying to identify anybody who is making mistakes necessarily, that is not the point, but just to try to see if there is anything that we did miss, so we do not have to go back and root through reams of stuff that you have all been through?

If you could help us in that regard, either with a comment now or something perhaps for the record, it would be very helpful.

Mr. FORD. I think that I briefly mentioned where I would start, and that is asking to appear either in public session or private session, whichever you prefer, some of the people who were my predecessors who worked the issue, and hear from them directly. I'm sure they've thought about it and have thought about their actions and their decisions. They may think they were all perfect, I don't know. But I think that's the place to start, with the people who were involved directly with these issues at the time, and get from them their view 10, 15, 20 years later.

I will be very frank with you that I have been so busy looking at today and tomorrow. There are so many things to do that I don't have time to do. In fact, that's why I strongly recommended to the Secretary that we have a deputy assistant. As far as I'm concerned, it's a full-time job. I can't devote full time to it, and when I realized that, that was my recommendation; we've got to get somebody full-time. There are so many things that we would like to do better in terms of the way we interface with the families, how we want to—as you see, we are beginning to have the military take a much more active role now that we have more access to Vietnam, Laos and Cambodia—and those are the issues that I've concentrated on.

I will admit that if I'd had more time, I would have probably thought more about and done more about some of the things that happened in the past. But, to be quite honest, my priority has been on where we were going.

Senator SMITH. Just a couple of comments, and you might want to respond to them if you wish. In listening to Senator McCain's line of questioning regarding the photos, and a lot of banter back and forth in regards to what the motives might be, one of the striking things about those photos to me was, and I think everybody agrees—I know you and I do because we talked about it—was that at the very least the similarity between the alleged POW and the other subject. I mean, if this is a scam and these are not valid photos, this is not just somebody dragging out belt buckles; these are fairly substantial efforts.

Mr. FORD. They're pretty well-organized and knowledgeable people doing it.

Senator SMITH. I mean, you know you just cannot go out and find somebody as handsome as you or me that quickly, you know what I mean, it takes a while. It is not that easy to do, to get somebody with at least a similarity, and I know that certainly the Borah photo, and certainly the Carr photo, or the alleged Carr photo, there is a similarity there in many ways. So, still I guess the jury is still out on that Carr photo.

Mr. FORD. Well you and I have talked, and I've spoken to Mr. Borah on the telephone, I have not met him, but I have seen Mr. Borah and at least one of his sons on television. I can remember at the time, having seen just the photograph, and seeing the family members on the television, saying, wow. Just simply the hairline, the shape of the face, there clearly was a very close resemblance between the Lao tribesman and the Borah family. The family resemblance I thought was striking at the time. It was in my mind not a foregone conclusion that that particular case was going to turn out the way it did.

Even when I see the photographs today, it's clear to me that somebody had to do a lot of homework to match up a hill tribesman in Savannakhet province in Laos, take a picture of him, and then come back and somehow be knowledgeable enough to make the association with Lieutenant Borah. That's quite extraordinary. As we got into this case, there seems, as I mentioned earlier, the people who had provided us originally the Borah photograph, as we go back and trace where it came from, those people seem to be up to their hip boots in all kinds of scams. Why they did it, what's in it for them, I don't know. This is one of those cases that I have had to talk to Mr. Borah and hear the pain he feels, and the uncertainty about what's happening. He wants desperately for this person to really be his son. Anybody who would put those people through it, they ought to put him in jail and throw away the key.

That's my own personal view. I don't know what the motivation is, but I don't really care as long as this sort of travesty goes on. One, it breaks the hearts of the families, and second it makes our investigators' and our specialists' job doubly difficult. As I said, we can't just assume—well, it's another scam. The fact is that you see in the Borah photograph and the Carr photograph—you see a compelling resemblance that has to make you go the extra mile, even

when the trail gets cold or it looks like it might be another scam, you just keep pushing.

Senator SMITH. Let me ask you one other question before Senator Kerry gets back. Roughly 500 or so of these Lao missing who have not been accounted for, a little over 500. It is my understanding that about 120 of those individuals were in one way or another seen, or witnesses say that they ejected, or at least our reports indicate that they ejected from their aircraft, which would remove them from any casualty site—or should move them from any casualty-site excavations that we are doing.

Have you pulled those, isolated those cases and are you working on them? They are not in with the discrepancy cases that General Vessey's working. So have you pulled these things into one group and are looking at them that way, one by one, or how are you dealing with them?

Mr. FORD. We're trying to, but part of this is simply a matter of chance. That on the day of an individual's loss, for whatever reason, we happen to have more information, and so we have more to begin with. We are trying to prioritize our resources and efforts toward the ones that we have the most information on, more information to go on. We are trying to find out as much about each of these cases as we can, put them in some sort of order geographically, and in terms of information so that we can go on to find them—and we're systematically trying to go through these cases.

Part of the problem in Laos and Vietnam is that we have been working on these 119 cases in Vietnam, for example, since the 1987-1988 time frame. Only now, in the last trip—the last two trips to Vietnam—have we begun to get out beyond those cases and say we've got to go to other areas and visit other places and interview more people.

In the case of Laos, we know where many of these areas are that the Pathet Lao held Americans, and we want to go there, we want to talk to people. There are no crash sites, we just simply know where the caves were, and we want to go and talk to people who were there. We've found in our experience that they have pretty good recollections of those days, and that by piecing together the stories of several different people we can often get a somewhat better account of what may have happened to some of them.

You've got to remember that most of the cases, and the number escapes me right off the top of my head, most of the cases in Laos are cases in areas where the Vietnamese were in control. When we go to the Vietnamese, they say, well, that's in Laos. We don't have any control over that. When we go to the Laotians, they quite rightly say, listen, the Vietnamese were there during the war, we don't know anything about it. We have been back and forth with both governments for as long as I've been here, trying to get them to focus on these cases.

Senator SMITH. This is why we need some kind of trilateral talks.

Mr. FORD. Yes, and we seem to be making some progress. The State Department, hopefully with others' participation, will be meeting with the Vietnamese and the Laos in December in Hawaii to talk about this very issue. We're also prepared to talk to the Cambodians about it. I'm not going to promise anything because we don't have anything concrete, and I've been disappointed before

thinking that we've made some progress on the border cases. But I think that we're in a better position now, we have more leverage than we've had before, and I'm at least hopeful that this time we won't be disappointed.

Senator SMITH. All of that information that came out about the atrocities and all the press reports and information regarding prisoners in Laos and so forth, I assume that you have—I have never really looked at what you have on that particular subject in the intelligence—never had the opportunity to do that. I assume that is somehow catalogued or together in a way that that can be looked at by the committee. Is that true, so that we can at least get a rebuttal to those public statements that were made by Lao officials and others about POW's, allegedly holding POW's by the Pathet Lao.

Mr. FORD. I'm not sure what order and shape it's in, but I'm sure that we'll be happy to share with you the information we do have. There have been a number—we are just like you. We look at Laos and we see hundreds of question marks and it is a difficult area for us to operate in, and a difficult area for us to come up with answers. I mean, we have had the reports—the same reports of Americans who we know were in captivity at one point or another in Laos and we don't have any answer as to what happened to them. Until we do, we're not going to feel very comfortable that we're on top of what's happening in Laos.

We are at a position now where, for example, CODEL travelled to Laos, and one of the Congressmen put the Laotians on the spot and said, well I would like to talk to Soth Petrasay, and the story had been that he was dead, and that's what we had been told for some time. We come to find out he's not dead, and they indicated that they were going to let us have access to him. I right off the top of my head don't know, but this—I think you will find it fascinating to talk to Bill Gadoury when he appears before you tomorrow. He is a bright, articulate, dedicated person who has been working the Lao problem for some time, and his insights and his direct knowledge, rather than hearing from me second or third hand, I think you will find very interesting. If he doesn't know the answer, the answers aren't there.

The same is true for Bill Bell in Vietnam, and John Cole for looking at the intelligence view. Hopefully you will be able to have more satisfaction when you talk to where the rubber hits the road with—our field people.

Senator SMITH. Senator Grassley, do you have any further questions?

Senator GRASSLEY. Yes, I do. Mr. Ford, just so that we are all working from the same sheet of music, and this is along the line of questions you heard me ask other witnesses. If this committee were to show that a discrepancy case, or any other case for that matter, which has been determined to be resolved and which should not have been resolved on the merits, and which on the merits should have remained open, can we expect that such a case to become a discrepancy case that needs to be resolved?

Mr. FORD. Definitely. If we make a mistake, we'll be the first ones to admit it and be glad that we made the mistake. If some-

body walks out tomorrow and we said they were dead, you won't hear a peep out of us, we'll be as happy as everybody else.

Senator GRASSLEY. When you are briefed on the various cases, do you read the live-sighting reports and raw intelligence data or do you rely upon summaries of these?

Mr. FORD. It varies. My staff receives, I think, every report from DIA. Those reports that they believe are significant or something that I ought to know about right then they submit them to me. If they are ones that they want to have DIA check out more closely or that appear to be more routine—say it's 5 years old as opposed to something more immediate—I do not see all of them. I think that it's an area in which we have learned by example that we have to keep a very close pulse on.

I have, for example, talked to the head of the POW/MIA office in DIA, Bob Sheetz, and indicated that I wanted him to err on the side of badgering me with information as opposed to feeling like I didn't want to hear about it. I just don't want to be in a position that I'm the last to know that there is some important piece of information that somehow just didn't get to me.

Senator GRASSLEY. The last time I saw you we were on a late-night network show together, and on that show you indicated that you had four analyses pertaining to the Carr case. What are those analyses and what did they show, and has the Sandia lab ever analyzed the Carr photos using negatives?

Mr. FORD. The last part of your question I would have to double-check. We have a report that I saw for the first time yesterday back from Sandia, I think, that is of the Carr photograph. The reason I pause is that I got a report on Stevens and a report on Carr yesterday. One was from Los Alamos and one was from Sandia, and I may have them mixed up. The report from the Carr photograph was inconclusive but they indicated that there was a great resemblance and that they thought it was possible that they were the same person—the two photographs.

It's the most positive report from any of our expert photographic analysis people that I've seen. They found there were many similarities. In fact, as I mentioned to several people, in fact, it was from Los Alamos and it said, in our view, a strong possibility exists that the subject, in this case the Carr photograph we've all seen in the newspapers, is an aged Captain Carr. They go on to say, however, this assessment is not conclusive, but that's the most positive one I have ever seen. They also have a photograph where they have taken—what I thought was a very interesting approach—half of the wedding photograph and half of the more recent photograph and put them together, and there is quite clearly a striking resemblance.

[See appendix p. 398.]

Senator GRASSLEY. Were those analyses done from the negatives?

Mr. FORD. I would have to check the report to be sure.

Senator GRASSLEY. If they were done from the negatives, would you supply those to the committee?

Mr. FORD. The information, or do you want the negatives?

Senator GRASSLEY. The negatives.

Mr. FORD. I don't see why there would be any problem with that.

Senator GRASSLEY. What is the status of your analysis of the Stevens photo where he is allegedly standing with a woman?

Mr. FORD. That was the other report that we got that I saw yesterday and that report was just the opposite in the sense that it was inconclusive but, in their judgment, it was not likely that it was Stevens.

Senator GRASSLEY. What is the status of your analysis of the photo of the three pilots, I guess the first photo that you were made aware of?

Mr. FORD. This has been a difficult case for us because we have not been able to locate the people in the picture. We have not been able to locate who took the picture and we have family members who are convinced that they are their loved ones.

We have no direct information other than their identification and we still continue to have an active investigation of that photograph.

Now, what we have known is that associated with the photograph, either directly or indirectly, has been a series of scams, but they are not the photograph that the families identified.

The only thing that has been altered in that photograph is a sign that appears on the photograph. That appears to have been done by the same people who did the photos out of the Soviet magazines.

The CHAIRMAN [presiding]. Would my colleague yield for a question just for a moment?

Senator GRASSLEY. Yes, but I think he has answered it satisfactorily and I will go on to my next question—but I would yield.

The CHAIRMAN. I understood from some sources that there was an enhancement done which showed the individuals in that photograph carrying rifles, carrying weapons, and the notches and ends of their weapons were actually visible at the lower end.

Is that accurate?

Mr. FORD. That is correct. That was from one of our national labs photograph analyses. It appeared to be German World War II weapons.

The CHAIRMAN. Is not there some sort of inherent contradiction in the notion that three people are being held prisoner, but they are holding rifles kind of surreptitiously in the picture?

Mr. FORD. Sir, I understand your question. I understand your concerns. The standard that I have is if I can demonstrate to the families that their identification is incorrect, I don't hesitate to approach them with that case. If I don't have the evidence, as far as I'm concerned, until I have the evidence, I'm going to keep looking.

The CHAIRMAN. I think all of us appreciate that and I think that is the right way to approach it. But I did not hear you volunteer that. I have not heard that sort of come out. I mean, that is why I asked you, I guess. I just wanted to make sure that was, in fact, ascertained by the Department and one of the question marks that is now raised with respect to the photograph.

Mr. FORD. We can not say that the family identifications are incorrect. We have real questions and I've explained.

The CHAIRMAN. I will raise the family as a question mark and as I say to you, I understand why you do not say it is incorrect in the face of positive identification.

Mr. FORD. It is one of the cases Senator Grassley talked about where we had made an analytical judgment on Colonel Robertson. We have, in fact, taken that back and said, well, not so fast.

We may have made a mistake, despite the fact that the Vietnamese have provided us with even more information than we had before. As long as we have these inconsistencies that are difficult to demonstrate to any degree to the family, we are going to keep the case active and keep it open.

Hopefully, we will find who is in that photograph and that will solve the question.

Senator GRASSLEY. Before I ask my next question, besides those negatives, if that is what you have, also the analyses of the negative?

Mr. FORD. Yes, I want to make sure that I don't mislead you. I was going off of just my recollection. My staff has indicated to me that we no longer have the negatives. They were given back to Colonel Bailey, who requested them from us.

We have, I hope but I don't know for sure, we have gotten a later generation of photograph and/or negative that we were working from.

Senator GRASSLEY. But you could provide us with your analyses?

Mr. FORD. Yes, sir. In fact, we can give you the analysis that we received not only from our own in-house, but also, if we have the Sandia or Los Alamos reports, we'd be happy to provide those as well.

Senator GRASSLEY. According to Secretary Cheney and General Vessey this morning, a DOD policy states family members can have access to information about their loved ones, except for information that would compromise sources and methods.

Is that your understanding of our policy?

Mr. FORD. That is certainly my understanding, that that is the policy. I hear the same complaints that you do from family members who feel that we're not giving them enough information or that somehow we're holding back.

In most cases we find—that I have investigated personally—that is partially true. In some cases, they're just through error. They have more or less than some other family member.

Sometimes it's our fault and sometimes it's the family's fault, but there are problems there that we've got to correct. When people come in, as I had—there's a young lady here from Alaska, I think she's here today. You don't have to talk to her very long to realize that she has a real problem with us, and that she doesn't think we played fair or square with her.

As long as you have that, it's hard to say, well, we're doing a great job.

We're going to have to find a way to make sure that as many family members as we can are satisfied with the treatment that they receive from the Defense Department.

Senator GRASSLEY. Well, that is very good and I am glad to hear that and I am sure you would not condone that lack of cooperation. I think you have answered my question. It was going to be that if the committee brought you information to this effect, you would consider it and look into it and I think you have said that.

Mr. FORD. Yes, we sure will.

Senator GRASSLEY. Mr. Chairman, I have just one last question. In our previous conversation before I went to vote, you mentioned only seven of the 102 new personnel will be with Stony Beach. There's a 1986 memorandum of understanding between JCRC and Stony Beach, determining that JCRC would handle excavations and Stony Beach would handle investigations of live sightings.

Has there been a new memorandum of understanding?

Mr. FORD. Not to my knowledge, Senator, but I think that we have to keep in mind that we are in transition to a new set of organizational procedures, both on the civilian side of DoD and also on the military side, and that the joint task force is trying to centralize and organize this process. When we do that, we are also trying to protect our credibility and our ability to look at this problem from Washington and to make sure that there is a certain transparency in our process.

We frankly have not worked out all these arrangements and procedures and we are seeking recommendations from the field from DIA on how we can best do that under the circumstances.

If that means change it a little bit, we will change it. If it means keeping the old procedures, and everyone decides that the best way, we'll keep that.

We have a new opportunity that we didn't have before. We've got much greater access to Vietnam. So we're going to tailor our approach and our procedures to fit the situation.

Right now, it's too soon for me to give you a judgment on where we're going to come out. Hopefully, it will be the best answer but we will keep you informed as we make those decisions and you can judge along with us whether we're doing it right or not.

Senator GRASSLEY. I think what you are probably saying is there could be a new memorandum of understanding.

Mr. FORD. That is quite likely.

Senator GRASSLEY. Thank you.

The CHAIRMAN. By way of housekeeping, let me say that we are going to have another vote here shortly and possibly even another vote after that.

It has been a very long day and I think that it really makes a lot more sense not to feel any pressure and not to treat the next panel haphazardly.

So what I would like to do, if it is acceptable and I understand a number of you have to be over at the House in the morning, I would like to ask Mr. Nagy and Mr. Sheetz and company if you would be willing to come back after that in the morning.

I want to go with the first panel with Mr. Bell and Colonel Cole, first and then we will put you on after that. I think that will flow well that we will be able to fit everybody in without as much pressure as today.

So we will end with this panel momentarily as we head over.

General let me just ask you, now that you have this new structure and you have this new ball to juggle, are you satisfied that right now you have the structure in the making that is going to permit you to do the job, that we are not going to come back here in five months and say you did not get what you needed or that you did not ask for what you wanted?

General CHRISTMAS. Senator, yes I am. The reason I am is because that is what the two-tiered strategy is all about. It is a strategy that worked in Desert Shield, in Desert Storm, a strategy that worked in Bangladesh with Sea Angel, the strategy that worked in the Philippines with Fiery Vigil.

Very simply, you have a Joint Task Force commander and he's responsible. Just above him is the Commander-in-Chief of the entire Pacific Command. It's a direct line.

Whatever that Joint Task Force commander needs, he goes to the CINC. He goes through me, the Director of Operations, as a facilitator.

I will go to all those component commands, Army, Navy, Air Force, Marine Corps, and those sub-unified commands. What we can't do for him from that aspect, then I turn to the Joint Chiefs of Staff and I say, we need this additional support to be able to carry out the mission.

Yes, sir, I'm very confident that this is the proper organization, with the unity of command that is genuinely needed to accomplish the mission.

The CHAIRMAN. Now, with respect to personnel on the ground, when I was there last and discussed this with Bill Bell and others, I raised the question, should we have a team for each province? I mean, if this is really a priority and if we are assuming that somebody might be alive, then every day that goes by is a day too many.

Do we not, therefore, have an obligation to maximize the on-the-ground effort, the search capacity, the oversight, et cetera, and really push for more, even now?

I know the response from Bill and others is, do not give us unqualified people. It takes time to train people and have them qualified and so forth.

I guess my question is, are there not, within the reserves in this country, personnel who did time in Vietnam, who are Vietnamese-language qualified, who are disciplined and quickly trainable and who might be able to augment this thing so that we could really get at it rather than just doing what is enough? Go in with almost a surplus of people and make it happen?

General CHRISTMAS. Senator, that is the ideal thing about a Joint Task Force. It is a task-organized force. We can reach out, as an example, requesting through the Joint Chiefs of Staff to get certain capabilities, as an example, that might be in the reserve.

The key is that, this is a living organization that will expand and contract based on the access that is provided to us. Bill is very clear, we can only put into his detachment, those folks who are qualified.

The folks who we are now getting, who have been authorized by the Secretary of Defense, are those from all of the armed services.

As the Hanoi detachment develops its leads, and says, this is what I need, We will be able to task-organize, our teams and be able to bring in to them exactly what they need to accomplish the specific task at hand.

The CHAIRMAN. Mr. Secretary, does the DIA have a database into which all of the information, human intelligence, signal intelligence, photo intelligence, from all agencies has been collected and cross-tabbed?

Mr. FORD. I can't confirm that myself, Senator. I think that Mr. Nagy and Bob Sheetz and others would be able to do that.

My sense is that we have tried over a period of time to find every file that we can find, wherever it might be located, because in our business, bits and pieces of information, no matter how fragmentary, can make all the difference in the world when you work with so little.

A lot of information is in Hawaii, where our field operators have been operating out of, so they have their database. We try to make sure that the DIA and the JCRC and CIL-HI were working from the same sheet of music.

In fact, when we can, we have been trying to pass sanitized information to the Vietnamese, so that they have some sense of where we're at and how we're operating.

I can't guarantee you that all of these databases are exactly the same and, in fact, I'm almost certain that there are things in one that are not in the other. It's a problem that we're just trying to work on now.

Hopefully, with the unity of command that we've been talking about, that will be one of the priorities, to make sure that all of the databases that we've got are exactly the same. People will share and be able to copy and give information to each other, just a double-check, to make sure that we have all the files.

The CHAIRMAN. With respect to the helicopter situation, what is the Lao objection to that? Have they stated a specific objection?

Mr. FORD. Well, I find that the Vietnamese and the Lao have similar objections and that part of it is that these are, lest we forget, still Communist countries that we fought for some period of years and don't particularly cotton to the notion of U.S. Army helicopters or U.S. Air Force helicopters flying over their territory.

I don't agree with them, but I think that that's clearly the first and foremost it's a matter of national security. They're not particularly sure they trust us with our helicopters.

We never said that would stop us. We'll do it any way they want to do it. Part of the problem, and you've been there, both of you, we're just tired of putting our people in the field at risk by flying MI-8 helicopters that are not in good repair.

We've got to get out there. Why not from Australia, why not from the United States? Laos is talking to an Australian company. We simply said we would pay you to lease these things. Do whatever you want. Buy new helicopters. Rent them, lease them, buy American, whatever you want to do. Get some new helicopters.

Now, this is something that I think will make a difference. Basically, the message they're getting from the policy community is solve the problem. Whatever you have to do, get better helicopters. I'm confident that when you go out in February, we'll at least be able to give you much better answers and we'll know where the blame is, whether it's in our court or—

The CHAIRMAN. Well, I would hope that when we go out there in February that we have some choppers that are operating and that will work. I can understand that, sir.

Senator SMITH. I will second that. [Laughter.]

The CHAIRMAN. I really was not thinking just of us personally, but I was thinking far more of just getting it going. I must say this

will be a bone of contention, because they legitimately raised the question, the sensitivity to, you know, a green helicopter with U.S. markings—might even become a quick target.

But to have neutrally marked and clearly identifiable choppers of some other kind, whether with red crosses on them or whatever, it seems to me there ought to be a way to get them there and get them quickly.

My personal opinion is if you want to put to rest people's questions about response time on a live sighting or ability simply to react and go out, there are few things that would contribute as much to that. Then I think it would be a tremendous step forward. So I hope it can happen sooner rather than later.

Mr. FORD. It is hard to imagine a live-sighting program that's credible, that doesn't have the ability of free access any place, any time we want it and in a practical way.

Now, I would point out, Mr. Smith mentioned several times this problem, when the 25-mile limit was lifted on the Vietnamese, for example, they can travel anywhere in the United States, they can lease helicopters, we don't ask them where they're going. They can do anything they want in this country.

I think what we're really asking is reciprocity. In this case, one that is extremely important to us, to be able to go and check out on live prisoner issues that will never be credible if we have to ask the Vietnamese or the Lao every time, oh, by the way, we want to go check on a prison that may be located 35 kilometers from Savannakhet. I mean, how will anybody believe us that we're really serious about it, if that is the procedure that we have to operate under?

The CHAIRMAN. I agree with that and I think it is terribly important to move forward on that.

Mr. Secretary, as I asked you earlier, I do not know, you are not going to be here every minute, because you go to the House, but I gather you will have a representative here who will—

Mr. FORD. Yes, I will. We'll have somebody here at all times.

The CHAIRMAN. And you will personally return on the back side of these hearings?

Mr. FORD. Yes, sir. I've talked to Ken Quinn and he's also prepared to come back.

The CHAIRMAN. The reason I say that is I think nothing could be more important than to have front and center to respond to some of the families' concerns, to some of the critics' concerns, and where you cannot, to be able to say to us that you are going to get that response the next day.

I think that will help build the relationship and begin to defuse some of the feelings that there is an unavailability or an unwillingness to do so.

Mr. FORD. We look forward to the opportunity to come back and we'll try to put sort of a representative sample of the administration witnesses together so that we can try to cover as many of the issues as we can.

The CHAIRMAN. That would be very, very helpful and the committee will obviously make any time available to you that is necessary to do that as we proceed from here.

We have another vote on, we are on the back end of it. As we adjourn for today, let me re-emphasize that the committee understands that it has so far only scratched the surface of a lot of issues.

Much of this work will not be done here in the hearing room, it will be done through staff's talking depositions, through interrogatories that will be responded to, through data that will be collected and evaluated. As we go along, hopefully we will draw some intelligent and thoughtful conclusions or even some questions and then come back and pose them, without jumping to any hasty conclusions or judgments.

One thing that I want, and I know Senator Smith wants, is for the committee to be judged as being absolutely neutral and fair in this process. There is a lot of data to go back and review. So this is the beginning, it is the baseline, and there is a lot of work yet to be done over the course of the next months.

I am, again, very appreciative to you. It has been a long day. I know you have got other things you would like to be doing. I think it is important, obviously, and I know you think that, or you would not have been here.

I know the Secretary, Secretary Cheney, thought it and thinks it or he would not have made this commitment of his staff throughout today.

It is a good beginning and I think we all very much appreciative you for helping us to make it so. I hope we can build on this over the course of the next months and put this issue to rest, for families, for the country and for everybody. There are some tough choices yet to be made, but I am confident that we can do it.

General, I applaud you for your commitment to this thing in classic Marine fashion and we look forward to working with you. Thank you very much.

We stand adjourned until 10 a.m. tomorrow morning.

[Whereupon, at 7 p.m., the committee adjourned, to be reconvened at 10 a.m., Wednesday, November 6, 1991.]

POW/MIA POLICY AND PROCESS

WEDNESDAY, NOVEMBER 6, 1991

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

The Committee met, pursuant to notice, at 10 a.m., in room SH-216, Hon. John Kerry, Chairman, presiding.

Present: Senators Kerry, Brown, Grassley, Kohl, McCain, Reid, and Kassebaum.

OPENING STATEMENT OF HON. JOHN KERRY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

The CHAIRMAN. This hearing will come to order. Good morning. Welcome to the second day of hearings of the POW/MIA Select Committee. We appreciate everybody's patience yesterday. It was a long day. It is my hope that today will not be quite as long, but it is an important day of testimony also in helping us to set out the framework of the next months.

We will begin today with the testimony of Garnett E. Bell, who is Chief of the U.S. Office for POW/MIA Affairs in Hanoi; Mr. William Gadoury of the Casualty Resolution Center. He is a specialist in Laos of the Joint Casualty Resolution Center; and Colonel John Cole, who is the Director of Stony Beach, the DIA entity in Thailand.

Each of these gentlemen has traveled back a considerable distance and at some personal and professional dislocation in order to be here. They are not used to testifying before Congress; if they had their choice, I know they would not choose to be here before the Congress. But it is precisely because they are not the normal testifiers that their testimony is really so important to us.

I think that each and every one of them brings a remarkable level of commitment to this issue and of understanding about this issue. We are extraordinarily fortunate to have these kinds of professionals involved in this effort. Yesterday I did not say lightly that I think they are really legitimate heroes of this effort.

Today I want them to tell their own story, and we may have to try to drag some of it out of them because I know that they are modest and they are not going to talk about the length of time or the amount of energy they have put into it very easily. But I think it is terribly important for America to hear this.

Their story is an important part of understanding the genuine good faith effort that people have been making and the type of commitment that individuals have made to this issue over the years. And any inquiry into the POW/MIA effort that is lacking in

their testimony is an incomplete inquiry; that is why we are here today.

We are not going to spend a lot of time with openings. We want to try to maximize the time for testimony. So let me just turn quickly to my colleague, Senator Smith, and see if he has any comments and then we will proceed.

Senator SMITH. I have no opening statement, Mr. Chairman. I am anxious to hear from the witnesses.

The CHAIRMAN. Without further ado, then, we turn to the testimony of our first panel and, gentlemen, I would ask is there a particular order you are going to testify in?

Mr. BELL. The same order on the list here.

The CHAIRMAN. Could I ask each of you if you would stand so you may be sworn?

[The witnesses were sworn.]

The CHAIRMAN. Mr. Bell, if you would lead off, please. If you will forgive me, I may sort of interrupt you or any of my colleagues may try to sort of draw out a little of the picture of this thing that may not be completely in your prepared comments. Thank you.

STATEMENT OF GARNETT E. BELL, CHIEF, U.S. OFFICE OF POW/ MIA AFFAIRS, HANOI

Mr. BELL. Senator Kerry, Senator Smith, and Members of the Committee, I welcome this opportunity to share with you my views on our efforts to account for Americans missing in Vietnam.

My involvement in the issue spans 23 years. During the war, I was assigned to an intelligence team whose mission was to collect information pertaining to American prisoners of war and missing in action.

The CHAIRMAN. What years was that? Just give us a sense of the time frame.

Mr. BELL. This was in 1968, sir.

The CHAIRMAN. Until when?

Mr. BELL. Actually, 1967 and 1968, but again in 1973.

The CHAIRMAN. And what was your rank or station at that point?

Mr. BELL. I was an NCO in the U.S. Army, sir.

Many of our team's reports can be found today in the case files which we maintained on unaccounted-for personnel. In 1973, I was an interpreter for Operation Homecoming—the repatriation of our POW's to the United States. I later served with the four-party joint military team in Saigon and the Indochina Refugee Reception Center at Ft. Chaffee, Arkansas. I have been assigned to the Joint Casualty Resolution Center since 1980 and am currently the chief of the U.S. Office for POW/MIA Affairs in Hanoi.

From an initial staff of two, we now have six people assigned on a temporary basis. The function of the office is to investigate live-sighting reports, investigate discrepancy cases, research archival files, examine and arrange for the repatriation of remains.

My presentation today will discuss our efforts to investigate live-sighting reports. I'll describe how we obtain this information and the follow-up actions which the Hanoi detachment is taking. I'll

also discuss discrepancy case investigations and what we have learned from those activities.

With the fall of Saigon in 1975 and the exodus of southeast Asian refugees, the Joint Casualty Resolution Center implemented a program to interview those who have knowledge of POW/MIA-related incidents. I have personally conducted interviews at refugee camps in Thailand, Malaysia, Indonesia, Hong Kong, Macao, The Philippines, China and Japan. My reporting has included live-sighting reports and details of southeast Asian prison camps.

Since 1987, the JCRC and Defense Intelligence Agency have shared responsibility for collecting information from refugees. Live-sighting reports receive the first priority of all interviewers. But, based on a memorandum of agreement, the JCRC interviewers generally concentrate on those who have information on remains or crash sites and grave sites, while the DIA interviews refugees who allege unaccounted-for Americans are still alive.

Interviewers assigned to the Hanoi office have had some opportunity to follow up on live-sighting reports. For example, in August I traveled to two prison camps west of Danang to investigate a report, along with an associated photograph, which alleged Americans were being held in this area. I observed no Americans at the camps. But one of the camp commanders knew of some foreigners who were working on a hydroelectric project nearby. Our request to visit this site was denied.

The follow-up of live-sighting reports is but one way the Hanoi detachment is attempting to shed light on the live prisoner issue. We are also pursuing MIA cases of which the Vietnamese ought to have knowledge. We use the term "discrepancy case" to describe these incidents. If there are Americans alive in Vietnam, they are most likely associated with these losses.

As you are aware, an agreement between the President's emissary, General Vessey, and Vietnam's foreign minister enabled our teams to begin investigations of discrepancy cases in September 1988. The results of these investigations have been mixed. For about half of the number of MIA whose cases we have investigated, we have yet to determine their fate.

To resolve these cases, as well as the live-sighting reports, we need to meet with cadre who were involved in the detention of American POW's and also to have access to Vietnam's wartime historical archives. We have had access to some records and witnesses' testimony which has matched that obtained from witnesses no longer under Vietnamese control.

This is a good sign, but it is readily apparent to me, my fellow investigators, and our intelligence analysts that the Vietnamese can do more. I quite often remind my Vietnamese counterparts that eventually the truth will become known and that they can quicken this process by full cooperation and disclosure.

In the weeks and months ahead the Hanoi office looks forward to launching an accelerated and expanded search effort to resolve the issue of live Americans while moving deliberately to achieve the fullest possible accounting of all of our missing in action.

We certainly appreciated your visit with us last summer, Senator Kerry, and look forward to seeing all of you in Hanoi when your schedules permit.

The CHAIRMAN. Thank you very much, Mr. Bell.
 [The prepared statement of Mr. Garnett E. Bell follows:]

PREPARED STATEMENT OF GARNETT E. BELL

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We certainly appreciated your visit with us last summer, Senator Kerry, and look forward to seeing all of you in Hanoi when your schedules permit.

The CHAIRMAN. Thank you very much, Mr. Bell.
Colonel Cole.

STATEMENT OF COL. JOHN COLE, U.S. ARMY, CHIEF OF THE DEFENSE INTELLIGENCE AGENCY'S STONY BEACH TEAM

Colonel COLE. Mr. Chairman, Members of the Senate Select Committee for POW/MIA Affairs, my name is Col. John M. Cole, Jr., U.S. Army. Since August 1990, I've been the chief of the Defense Intelligence Agency's Stony Beach team in southeast Asia.

This team was formed in April 1987 to collect and report intelligence required to assist in the resolution of the POW/MIA issue. Priority is on the live prisoner issue, especially on photo and last-known-alive cases.

Our primary collection activity centers on the debriefing of southeast Asian refugees and displaced persons currently housed in refugee camps throughout southeast Asia, including Thailand, Malaysia, Indonesia, Hong Kong, and the Philippines. These refugees and displaced persons are the predominant source of first-hand live-sighting reports from Laos, Cambodia and Vietnam.

Stony Beach works closely with refugee camp administrative personnel to screen new arrivals and residents as to their knowledge of possible American prisoners of war. Individuals identified through such screening as subsequently debriefed in depth by Stony Beach debriefers. Information obtained from these interviews is reported from the Defense Attache office in the U.S. Embassy in Bangkok as Stony Beach intelligence information reports, IIRs.

Primary consumers of our reporting includes the DIA Special Office for POW/MIA's and the Joint Casualty Resolution Center at Barber's Point in Hawaii. Our tasking and priority is set by DIA. We do not actively collect crash site or grave site and remains information from refugees and displaced persons, since under the terms of our memorandum of agreement with CINCPAC, JCRC has that mission. However, when we do obtain such information, we promptly pass it to JCRC for disposition and reporting.

In addition to refugee and displaced persons, Stony Beach also screens emigres leaving Vietnam under the orderly departure program—reeducation camp releasees, reunification of families, Amerasians and so on—for POW/MIA crash site/grave site information, as well as information about recovered remains. We also interview/debrief persons who volunteer POW/MIA information, and it is from this source that many of the photos and live-sighting reports are obtained.

Additionally, over the past summer we have also formed teams with the POW/MIA office and with JCRC personnel to investigate late-breaking photo cases in Laos and Cambodia. In fact, we have visited Phnom Penh three times since July. It should be noted that until this past summer, Cambodia was basically a denied area for POW/MIA case information or investigation. Progress has been made in Cambodia, in that we have just developed a one-year plan

for joint investigations of first-hand live-sighting reports in Cambodia's eastern provinces. We have asked to go in in December, sir.

Perhaps this summer's most important development in terms of future significance was the acceptance by the Socialist Republic of Vietnam of a U.S. Government POW/MIA office that Mr. Bell outlined, with a live-sighting investigator as part of that staff. Stony Beach personnel have been given responsibility for this vital mission.

Progress has, up to this point, however, been rather disappointing in terms of results. Despite Vietnamese claims of total freedom of travel to pursue first-hand live-sightings, both captive and living free, our investigator has not yet been permitted by the Vietnamese to travel outside Hanoi to complete his investigations. However, just the day before yesterday we received word that the Vietnamese may now be beginning to permit this travel. Time will tell as to whether this can be done without undue advance notice restrictions.

Stony Beach personnel are professional human resource intelligence debriefers and linguists familiar with the cultures and peoples of southeast Asia. We are fortunate to have assigned totally-dedicated personnel who work far in excess of a 40-hour week, week in and week out. Most of us are military, so our commitment is not only to agency and mission but also to our fellow brothers and sisters under arms.

We are fully aware of our sacred trust and promise this Committee, the American people and, most importantly, the families of those still unaccounted-for that we at Stony Beach will not rest until our mission is complete.

The CHAIRMAN. Thank you very much, Colonel.

Mr. Gadoury, I mispronounced your name to begin with. I apologize.

STATEMENT OF WILLIAM R. GADOURY, JR., CASUALTY RESOLUTION SPECIALIST, LAOS JOINT CASUALTY RESOLUTION CENTER

Mr. GADOURY. Senator Kerry, Senator Smith, Members of the Committee, thank you for inviting me here today to share with you some of my observations on our government's efforts to account for our prisoners of war and missing in action in Laos.

In October of 1990, I retired from the Air Force after having served for 22 years. My specialty was operational intelligence. During the Vietnam war I spent 3 years working closely with our pilots who flew combat missions out of Thailand, some of whom are among those listing as missing in action.

In 1984, I began work at the Casualty Resolution Center, the Joint Casualty Resolution Center, as an analyst in Hawaii. Since July of 1985, I have been assigned to the JCRC liaison office at our embassy in Bangkok, Thailand.

I'd like to discuss two of our POW/MIA operations for which I have responsibility—the Lao refugee interview program and investigative activities inside of Laos.

When I arrived in Bangkok in 1985, my own personal highest priority was to find hard, credible evidence that Americans are still

alive in Indochina, evidence which I dearly hoped would lead to the return of some of my former comrades-in-arms. I have interviewed hundreds of people who have or alleged to have information concerning cases of deceased Americans, as well as accounts, usually hearsay, of Americans still alive, either in captive situations or living freely.

I have filed detailed reports on each account and received follow-up requirements from the DIA's POW/MIA branch office. Based on these follow-up requirements, I have conducted re-interviews with these sources as expeditiously as possible, but, despite my best efforts over the past 6 years, I have yet to find that hard, credible evidence of which I spoke a moment ago. Nevertheless, I have not ruled out the possibility that Americans may be still alive in Indochina.

In addition to visits to Lao refugee camps in Thailand, I have made many trips to remote parts of Laos searching for information on MIA's. In April this year, I led a team whose mission was to investigate discrepancy cases, compelling losses of which the Lao ought to have knowledge. The focus of this particular investigation was to determine the fate of two Americans who were held prisoner in the late 1960s in caves near the Communist Pathet Lao headquarters at Vieng Xai in northeastern Laos.

Prior to our arrival, Lao officials had located a first-hand witness to one of the incidents. He was a former Pathet Lao soldier who, during the war, was with a small unit which was responsible for caring for an American prisoner who had been transferred to their custody from another nearby unit. He took my team to a cave where the American was held for approximately 8 months; he also led us to an unmarked area where he recalled burying the American after he had succumbed to a high fever.

There were no grave markers, and the surrounding area had changed in the 23 years which had elapsed. The witness was, therefore, only able to recall the general area of the gravesite. The Lao government has agreed to permit us to return to this area during the coming dry season to continue the investigation.

As for the second American, my team obtained only limited information from a third-hand source. We are working with the Lao to attempt to locate first-hand witnesses.

The following month, in May, I was assigned to a team tasked to follow up on two prominent discrepancy cases. One of the cases involved an American and an Australian, both civilians, who were taken prisoners by Pathet Lao forces in September 1974. The other case involved an Air America employee who was held prisoner by the Pathet Lao for 3 years before he and 6 other prisoners escaped in 1966.

Unfortunately, due to bad weather, which resulted in our Lao counterparts' inability to coordinate our visit with local officials, we were unable to investigate these cases. Instead, our activities were limited to crash site surveys and gravesite excavations. We are working with the Lao to investigate these cases as soon as possible.

In September, I led yet another team to southern Laos to conduct investigations into cases relating to missing Americans alleged to be associated with several photographs. Lao officials, during an

earlier unilateral investigation, had located the subject in one set of the photographs, which was allegedly related to the case of Navy Lieutenant Daniel V. Borah, Jr. The actual subject of the photograph, an ethnic Mang Kong tribesman, whose name was Ahrao, was located in a small town in southeastern Laos near the Vietnam border.

Mr. Ahrao told us how a traveling merchant stopped by his rice field one day last year and offered to take his photograph. He had not previously met the photographer and had no idea that the man planned to misrepresent his photograph as that of an American POW. We interviewed, photographed, and fingerprinted Mr. Ahrao. A second man, who was alleged to be Borah's prison guard, was also present. In reality, he was just a friend who was helping Ahrao clear his field on the day the photographer stopped to take the picture.

As part of the same investigation trip, the team traveled to Attapeu Province in the southeastern corner of Laos to attempt to locate the survey the crash site of Captain Donald G. Carr, the alleged subject of another set of photographs which are still under investigation.

Due to recent monsoon rains which had washed out the dirt roads in the area and flooded the rice paddies, the only flat, non-forested areas in which we could hope to land our helicopter, the provincial officials informed us that it would be impossible to travel to that remote area where we believe the crash site is located.

Members of the Committee, I do not know if there are unaccounted-for Americans alive in Laos, but as long as the possibility exists we must continue the search through the refugee interview program and the live-sighting and discrepancy case investigations.

This concludes my prepared statement. I'd be happy to answer any questions you may have.

[The prepared statement of William R. Gadoury, Jr., follows:]

PREPARED STATEMENT OF WILLIAM R. GADOURY, JR.

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