

thus far precludes ruling out the possibility that Americans are still alive in south-east Asia.

In addition to my visits to refugee camps, I have traveled throughout 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 1960's 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 this incident. 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 in early 1967. He took us to a cave where the American was held for approximately 8 months. He also led my team 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 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 this 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 a first-hand witness.

The following month—in May—I was assigned to a team tasked to follow-up on two other prominent discrepancy cases. One of the cases involved an American and an Australian, who were taken prisoner 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 and our Lao counterparts failure 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.

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 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, named 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 identified as 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 their 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 heavy rains which 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 helicopters—the provincial officials informed us that it would be impossible to travel to the 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, 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 would be happy to answer any questions which you may have.

The CHAIRMAN. Thank you very much, Mr. Gadoury.

Let me now try, if I can, to take a few minutes just to pull out a little more, if I can, of sort of who you folks are and what you have put into this effort.

Mr. Bell, if you could bring the mike a little bit closer, I think it would be helpful. When was the first time that you became associated with Vietnam?

Mr. BELL. 1965, sir.

The CHAIRMAN. That's the first time you went over there?

Mr. BELL. Yes, sir.

The CHAIRMAN. In what capacity did you go over there then?

Mr. BELL. Infantry, sir.

The CHAIRMAN. So you were one of America's troops in Vietnam in 1965?

Mr. BELL. Yes, sir.

The CHAIRMAN. Involved in combat?

Mr. BELL. Yes, sir, in the central highlands.

The CHAIRMAN. How long was that tour of duty?

Mr. BELL. That was a 1-year tour of duty, sir.

The CHAIRMAN. Did you then return subsequently?

Mr. BELL. Actually, I returned to the U.S. and transferred to another unit that was deploying to Vietnam at the time.

The CHAIRMAN. So you went back to Vietnam almost immediately?

Mr. BELL. At that time, I went to Ft. Holabird for training and then redeployed to Vietnam.

The CHAIRMAN. And how old were you then?

Mr. BELL. 24, sir.

The CHAIRMAN. You went back to Vietnam for a second tour of duty?

Mr. BELL. Yes, sir.

The CHAIRMAN. And how long did that tour of duty last?

Mr. BELL. That lasted until the end of 1968, sir.

The CHAIRMAN. And what capacity did you serve in the second tour of duty?

Mr. BELL. Initially I worked in tactical intelligence in the field, and beginning in 1968 I worked at the national level in Saigon.

The CHAIRMAN. Who did you work for there?

Mr. BELL. I worked for the MAC-V J-2, sir.

The CHAIRMAN. That's the Military Assistance Command, correct?

Mr. BELL. Actually, the 525th Military Intelligence Group, which was under the MAC-V J-2.

The CHAIRMAN. How long did that tour last?

Mr. BELL. Until the end of 1968, sir.

The CHAIRMAN. And then where did you go?

Mr. BELL. I went to Ft. Bragg, NC, to Special Forces.

The CHAIRMAN. What did you do there?

Mr. BELL. Worked in the military intelligence detachment.

Senator McCAIN. Mr. Chairman, yesterday we lasted a long, long time, and appropriately so, but let me point out that to go through the biography, which is available to all the Members of the Committee, should be used on your time so that the rest of us have time to question.

Senator McCAIN. May I finish speaking, Mr. Chairman? Or maybe we should proceed with the hearing, because there are some very important witnesses and questions that need to be asked. I am fully appreciative, and I think the Members of the Committee are, of the bio and the credentials of the witnesses.

The CHAIRMAN. What was your service at that period of time, the next tour that you did?

Mr. BELL. The next tour was for Thai language training, sir.

The CHAIRMAN. And when did you then return to Vietnam?

Mr. BELL. 1973, sir.

The CHAIRMAN. In what capacity?

Mr. BELL. Operation Homecoming, sir.

The CHAIRMAN. And after Homecoming—Homecoming lasted for what period of time, about a year?

Mr. BELL. No, sir. It actually lasted about 2 months.

The CHAIRMAN. Two months. And then you went to?

Mr. BELL. I went to the Hanoi liaison office in Saigon.

The CHAIRMAN. And you have been involved with the POW/MIA issue ever since then; is that accurate?

Mr. BELL. Mostly. There were a few years when I actually had little or no participation.

The CHAIRMAN. How many years of that period?

Mr. BELL. Four.

The CHAIRMAN. So, with the exception of perhaps 4 years, since 1965 you have almost exclusively been involved with Vietnam, with the war, with intelligence, and with the POW/MIA issue, correct?

Mr. BELL. Yes, sir.

The CHAIRMAN. Were you decorated for your service in Vietnam?

Mr. BELL. The normal decorations, sir.

The CHAIRMAN. You have been head of the POW/MIA office for how long now?

Mr. BELL. Since May of this year, sir.

The CHAIRMAN. At any time during the course of your service or involvement with this issue, has anyone ever held you back or restrained your efforts to find somebody or diverted information that you have provided or covered up any information that you have provided?

Mr. BELL. Yes, sir.

The CHAIRMAN. When did that happen?

Mr. BELL. It's happened occasionally over the years, if you're speaking of reports that are edited and that sort of thing.

The CHAIRMAN. Well, I'm trying to find out whether or not it is your perception that legitimate information that you uncovered with respect to the potential sighting of a live POW or information regarding an MIA, that you were restrained in your ability to get that information to where it should go, or that it wasn't acted on.

Mr. BELL. No, sir. I don't think you could describe it as restrained.

The CHAIRMAN. What did you have in mind? What were you saying to me?

Mr. BELL. Just maybe not the best possible circumstances for doing the work.

The CHAIRMAN. Can you describe that for me?

Mr. BELL. Occasional lack of support, occasional misunderstandings on the objectivity of investigations of cases and so forth.

The CHAIRMAN. If you can, Bill, I'd like to ask you to try. Help the Committee to understand that, be a little more precise, perhaps with a circumstance in which you felt that you had something you thought ought to be treated differently and it wasn't, just to get a sense of it.

Mr. BELL. This is a typical pattern I think you'll run across anywhere in the military system, sir. What I'm referring to here is, as a specialist you do a detailed investigation and you submit a report, and it's possible that that report will not be final even though it's an investigation. The report is subject to be edited and altered by others who may be a navigator or an infantryman because they are in your particular chain.

And this is something that everyone in my profession has to work with.

The CHAIRMAN. Are you saying to the Committee that you came across information that suggested to you that someone was alive and that that information was subsequently changed to suggest otherwise?

Mr. BELL. Not necessarily, sir.

The CHAIRMAN. Can you be more precise, then?

Mr. BELL. I think what I'm talking about here is the relationship between one case as it pertains to another case. In other words, information which may not specifically correlate to an individual may have a bearing on another case, and if it's separated out from the case that's under investigation and reported separately then it's very difficult to retrieve and collate the information.

The CHAIRMAN. Well, let me sort of put it to you more bluntly, then. Over the course of time, many allegations have been made, as you know, that there's been a coverup. Allegations have been made that live-sighting reports have not been followed up on, or that specific known information about Americans being alive has not been acted on.

Do you know whether or not that has happened? Has there been a coverup?

Mr. BELL. I don't think there's been a coverup, sir, but I think it's possible that information was not acted upon.

The CHAIRMAN. My time has expired, but what period of time, to your knowledge, do you believe that information was not acted on?

Mr. BELL. Around the time of the release of U.S. prisoners and shortly thereafter.

The CHAIRMAN. My time has expired. Obviously we will be following up on this.

Senator Smith.

Senator SMITH. If I could just pick up briefly on Mr. Kerry's line of questioning, Mr. Bell, all three of you folks are out there on the front line, if you will, meeting with or getting first-hand information that comes in from refugees and other sources.

Is what you are saying that perhaps you take a report—not being specific, any specific report, but a particular report—you may feel that has more importance than what comes back to you through the system? Is that a fair statement?

In other words, do you feel stronger about something when you send it out of there than what happens when it comes back? Is that a fair characterization of what you are trying to say?

Mr. BELL. No, sir. I think the problem there is the sanitization to go to particular families, which is—the way I understand it—why cases are separated, but the problem is, cases are often related, because you have evacuation systems, you have proximity to various cases, and once the information is separated off from the basic

report, it's very difficult to go back and find the information or to be able to follow it up or be able to use it.

Senator SMITH. Let me ask it this way. Are you saying that this kind of thing happened—you're referring to it as happening more in the past than currently?

Mr. BELL. Yes, sir.

Senator SMITH. I think that's very important to point out, because many of your colleagues before you have essentially said similar things.

Let me ask you, Colonel Cole, can you walk me through what happens when a refugee gives you a live-sighting report? Just tell me what happens as far as what you do with it, how you deal with it, and where does it go, as far as you know?

Colonel COLE. Sir, if it's a live-sighting report given to one of our debriefers—for example, let's pick a camp on the Cambodian border, site 2, 192,000 people. We have an active program in that camp. We have several people who are refugees themselves living in that camp who are spotters. They work the new arrival centers. Site 2 is comprised of eight formerly separate camps, so you've got eight, if you will, separate camp administrations. We're in contact with all of those arrival centers.

So let's say in one of those arrival centers a refugee comes in with a story. Our man goes out there on a regular basis at least 2 days a week. He has been flagged that there is a refugee with his story. He will then interview the man again, or the man will have probably at least had his story taken down by our local refugee spotter.

Once that story is taken then by our American debriefer, he returns to Bangkok and researches what we have in terms of data on hand to see if it correlates with any cases. Most certainly, he types up an intelligence information report which is then sent in to POW/MIA here in the Pentagon, at DIA.

Senator SMITH. Do you get feedback as to what the diagnosis—that's not a very good word, but analysis is?

Colonel COLE. Yes, sir. We get feedback in terms of what we call an evaluation, what quality report it is, number one, and in most cases involving live sighting, first-hand live-sighting information, we will get back an SDR—a source-directed requirement follow-up reinterview requirement from DIA, so we're going to go back out and reinterview that person and see if there are others who may have a similar story that we can follow up on.

Now, since he's from Cambodia, we're now getting access to Cambodia. Our next step would be then to ask for access inside Cambodia to the location where the individual is talking about.

Senator SMITH. So you do cross-reference? In other words—my time is running out, but if you get 100 refugees, for example, who all come in with a live-sighting report, you're going to cross-reference these to see how many times the same sight, the same alleged sighting individual, and you cross-reference all that, and then how do you come to any conclusion as to whether or not these are valid or not?

Colonel COLE. Senator, the important discriminating factor here is, is the report here saying information, or is this individual saying that he saw the alleged American, the alleged live Ameri-

can with his own eyes, or did he receive that information second, or third, or fourth, or fifth-hand?

Senator SMITH. If it was first-hand?

Colonel COLE. If it was first-hand information, sir, we're going to go to town with it.

Now, come back for a second and say hypothetically speaking it's hearsay. Say it's a hearsay, that he received it from, say, a cousin. That is still going to be reported, but it is not going to be given as much validity as would a first-hand, live-sighting report.

Senator SMITH. Thank you.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. I thank the witnesses. Thank you all for being here today.

Mr. Gadoury, is there any doubt in your mind that the Laotian that you found is indeed the same person that was in the picture that was alleged to be Captain Borah?

Mr. GADOURY. No, sir, there's not.

Senator MCCAIN. There's no doubt in your mind whatsoever?

Mr. GADOURY. No, sir.

Senator MCCAIN. Mr. Bell, I'm very interested in your comment. From reading your statement, you say that the Vietnamese have shown increased cooperation but there are still areas where they could be much more cooperative. Would you tell the Committee areas—I think it's very important from the perspective where we could get increases in cooperation on the part of the Vietnamese.

Mr. BELL. One way they can cooperate with us, sir, is to arrange for us to interview senior cadre who were responsible for the detention and evacuation of U.S. personnel during the war. Another way that they can increase the progress is to make more documents and historical archives available, and also to work more closely with us, with our office in Hanoi, and also participate in our interviews when people come in and claim to know the location of Americans still remaining in Vietnam, or who know the location of crash sites with remains.

Senator MCCAIN. Do you have any problem with access to getting around to different places in the country?

Mr. BELL. At present we do, sir. We've been informed that this is going to be streamlined, probably in accordance with the agreement for our office.

Senator MCCAIN. I know you're very busy, Mr. Bell, but if you will do us a favor, and also Colonel Cole, and Colonel Gadoury, provide us in writing those areas that the Vietnamese need to cooperate more so that when we do communicate with their Government we can lay out the specifics in hopes that we can attain that degree of cooperation which you feel necessary in order to get the job done.

[The information referred to follows:]

USCINCPAC will be responding to the requirement for Mr. Gadoury and Mr. Bell. Col. Cole's recommendations for improved cooperation by the Vietnamese are listed below:

1. The U.S. needs access for our live-sighting investigator without prior notification to the Vietnamese.
2. The U.S. and Vietnam need to establish a special framework of cooperation on the issue of live-sighting investigations. Apart from access, this

framework needs to address all issues influencing the conduct and credibility of live-sighting investigations.

3. The issue of helicopter availability to live-sighting investigators needs to be resolved.

Mr. Bell, let me go back, if I could, to Senator Kerry's line of questioning. It's my understanding in response to his questions that you felt that there has been some editing of reports that you feel probably did not adequately describe the situation as you saw it. Is that your statement?

Mr. BELL. That's correct, sir.

Senator McCAIN. But you also said that the majority of this problem took place, in the time frame immediately following Operation Homecoming and the conclusion of the United States' involvement in the Vietnam War. Is that also correct?

Mr. BELL. No, sir. I understood that to be a different question. The question was about information not being followed up on, if I understood the question correctly.

Senator McCAIN. What I'm not clear on is, is this a problem with improper behavior which would then lead one to conclude that there's a "mind set to debunk," which—as you know, which has been an area that we've been very concerned about, or is it because of differences of opinion as to the validity of these sightings, and if so, what needs to be done to make sure that someone like you gets the unvarnished information to the people that it needs to get to?

Mr. BELL. I think you could probably best describe it as a difference in opinion, sir. There are some of us who are in the field as investigators who are also qualified as analysts, who have been trained as analysts, but we're discouraged from making analytical comments because this is a job that's done somewhere else.

But nevertheless we feel that field analysis and field comments are important, and for the reason that I've just described, because one case can relate to another case, and we have had instances where we feel this could have been better managed if we are able to approach the Vietnamese and cover the entire camp system rather than piecemeal in order to establish a normal route of evacuation and a normal accounting from their records.

Senator McCAIN. You can provide us with recommendations so we could do better in that area?

Mr. BELL. I think what we need to do there, sir, is to make sure that the report is done in the field rather than back somewhere else, to make sure that the team that conducts the investigation has a consensus. Any differences of opinion amongst the highly trained specialists should be listed in that report, but that should be the final report.

Senator McCAIN. Would you give us some specifics of areas of information that was not addressed in the area that you're apparently most concerned about, the period immediately following the end of the United States' involvement in Vietnam?

Mr. BELL. Well, for example, if a man was still in captivity after the POW release and later his remains were repatriated to the U.S. and we had refugee reporting concerning the detention facility or the incident involving his death, this would be a resolved case from the standpoint of an analytical position, but from the standpoint of a field investigation, the next consideration would be, what

camp was this man held in, and are there any more individuals in the same status?

Senator McCAIN. My time has expired. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Brown.

Senator BROWN. Thank you, Mr. Chairman. I'd like to cover a couple of areas very quickly, if we could. One is travel. We've talked about travel. We've talked about getting into the sites, looking at them. Have we had, ever, unfettered access to Laos, Cambodia, or Vietnam, where we can go on a moment's notice without preapproval from the Government?

Mr. BELL. No, sir.

Colonel COLE. No, sir.

Mr. GADOURY. Not in Laos, sir.

Senator BROWN. So the fact is, we've never had an ability to follow up on reports without the Government going along and having notice?

Mr. BELL. That's correct, sir.

Senator BROWN. We have, as I understand it, some 109 first-hand sightings of potential POW's, I guess that's the way to describe it, that have not been challenged, or at least we haven't come up with an explanation for. Have we used satellites to monitor all those areas of those sightings? This may be something you don't want to get into right now, but I'd like to know, can you assure us that every one of those sightings have been followed up with satellite observations?

Colonel COLE. Sir, without getting into specifics in areas that we can't cover in this open session, I can assure you that every means possible is being employed to follow up on those.

Senator BROWN. Well, let me express a concern. If the North Vietnamese are telling us the truth, then there aren't any prisoners there. If there aren't any prisoners there, it doesn't make sense to bother to check the records or check the other things in terms of finding live people. Now, it may be, I think it is important and valuable in terms of cleaning up our records and comforting their families, but there's no point in doing it if they're telling us the truth.

If they're not telling us the truth, checking with them doesn't make any sense. What we ought to be doing if they're not telling us the truth is finding some way to have someone on the ground go check out those sightings. Maybe we ought to save this till later on, but it strikes me that all of these other activities don't make much sense if you're not doing on-the-ground checks on all the specific reports. Am I missing something?

Colonel COLE. Senator, you're not, and that's what we're attempting to do with our live-sighting investigator. Mr. Bell may want to elaborate on that.

Mr. BELL. We are now waiting for word from the Vietnamese for what they consider rapid response, and I'm thinking of 1-day approval for movement to the field.

Senator BROWN. Perhaps recruiting information from officials of those Governments is another area we ought to cover in closed session, but one thing that would be of interest, of all the live-sighting reports we have, first-hand reports, they've come in over a period

of years since the repatriation in 1973. Are you free to give me an idea of how many of those have come in in the last 3 years? Is there a point at which they stop?

Colonel COLE. Sir, I don't have that data handy. I think Mr. Bob Sheetz from the POW/MIA office can provide that to you, sir, in terms of total numbers and the ups and downs of numbers.

Senator BROWN. Well, it simply strikes me that while we've reviewed some of the activities that you are involved in, with all due respect, they don't have much relevance. I'm not trying to be hard on anybody, but it strikes me that checking with the Vietnamese to check their records, or going on a trip preplanned with the Governments involved, if they're not telling us the truth, is a waste of time, isn't it?

Mr. BELL. Well, sir, I think it's important we remember here that out of those approximately 105 reports that are unresolved, at least half of those reports pertain to a person who is alleged to be living openly and freely, and we would have to assume that there is knowledge on the part of the Vietnamese.

The Vietnamese have a very detailed system of accountability within their country. They have an organization called KH-1 that falls under their public security. Every person in that country is registered in a household by name. Every child that's born is entered into those computers, which is tied in with their United Nations population control program.

Every foreign visitor that enters a country is required to fill out a card, every foreign resident fills out a card, and if a person moves from one hotel to another hotel in the same city, he is required to reregister prior to 1600 hours that day, and that also goes into the computer, and the Vietnamese have maintained that if there are any Americans in Vietnam, they're not under Government control because they have the capability to monitor the presence of foreigners in that manner.

Senator BROWN. So the checking can at least help you identify reports that aren't valid, or don't appear to be POW's?

Mr. BELL. We're not able to determine that until we go into the field, because in the past, when Americans were remaining there, when we have asked the Vietnamese, why did you say there are no Americans here in Vietnam, when actually, in the case of Congressman Montgomery for example—and I believe that they brought this up while Senator Kerry was there—and the opinion of the Vietnamese, in the case of Robert Garwood, for example, was that we did not reveal his presence for two reasons. No. 1, he surrendered, and No. 2, he asked us not to advise the U.S. Government of his presence here, so in our opinion there were no Americans remaining here even though Garwood was still here.

Senator BROWN. Did we ask them if there were any others that fall into that kind of category?

Mr. BELL. Yes, sir.

Senator BROWN. What kind of response have we gotten?

Mr. BELL. There are no Americans remaining.

Senator BROWN. But have they answered directly that there's nobody there, even counting people who have requested that they not be named?

Mr. BELL. I think they've been more specific recently, sir, and have indicated that this is a matter of their national honor, that they are certain that there are no Americans remaining there in any capacity.

Senator BROWN. So it's not a gray area, they've been very specific?

Mr. BELL. More recently, yes, sir.

Senator BROWN. Thank you.

Senator KERRY. Thank you, Senator Brown. Senator Grassley.

Senator GRASSLEY. Thank you, Mr. Chairman. I guess I want to continue along the same line of questioning as Senator Brown.

It kind of reminds me a little bit of, as background, some ways in which our own Defense Department operated when there were inspectors coming around to defense contractors. They'd let them know a couple of weeks ahead of time that they were going to be there on such-and-such a day, and it gave the defense contractors an opportunity to get their house in order and all the waste and fraud covered up, and the employees and everybody kind of up-to-date on how they were supposed to act so that there wasn't anything wrong.

Now, needless to say, if this is our method of operation in Vietnam, you know, that looks pretty ridiculous to the average person out there in America who's concerned about the effectiveness of our program. I think I heard you, Mr. Bell, say that you're hoping to get a 1-day notice to go out. Right now, how much notice do you have to give to the Vietnamese Government before visiting either a crash site, a prison, a source, or anything else that you want to visit?

Mr. BELL. The prison visits that we made, sir, took several days' notice.

Senator GRASSLEY. You have to give several days' notice?

Mr. BELL. Yes, sir.

Senator GRASSLEY. But even with one day's notice, isn't that—I mean, in the day of modern communication, or even in the communication of Southeast Asia, it's still going to give them plenty of time if they want to cast a certain environment there, prepare people for your coming, it surely isn't absolutely necessary for you to do your work. I mean, your work's going to be most effectively done, right, when you, Mr. Bell, decide on the spur of the moment that you want to go to a certain point and look?

Mr. BELL. That's correct, sir.

Senator GRASSLEY. So what good is really a 1-day notice going to be, except it's a shorter period of time than you now have to wait?

Mr. BELL. Well, 1-day notice would be helpful depending on the mode of transportation, sir. As you know, we've been discussing with the Vietnamese the employment of helicopter support. In the case of a helicopter, this would be advantageous, but in the case of road transportation, due to the bad infrastructure in Vietnam, regardless of the time that it takes to obtain the approval, it will still take several days to reach the site, if it's in a remote area.

Senator GRASSLEY. Is it unrealistic to think of our having our own helicopters over there and not relying on them for the use of their helicopters?

Mr. BELL. Their position, sir, is that any helicopters employed by the U.S. will be civilian helicopters and they will be flown by Vietnamese pilots, and they are willing to discuss a joint venture.

Senator GRASSLEY. You're out there carrying out policy, and you've got to work under a policy created by the bigwigs at the State Department that are trying to normalize relationships with the Vietnamese. This approach that our Government's using—that they are satisfied with the 1-day notice—that makes your job very difficult, right? As opposed to if our Government was pursuing to really check in the full faith of the Vietnamese Government, we would say we aren't going to be satisfied until our people can go anywhere they want to in the country to look for these prisoners and to check on live-sighting reports and crash reports?

Mr. BELL. Well, sir, the live-sighting reports, the fact that we're investigating those, or just beginning to investigate those, works in complement with the discrepancy case investigations, because the discrepancy case investigations are those cases which would most likely pertain to any Americans that are still there alive today, and the reports alleging that Americans are still there are being addressed simultaneously.

The normalization process, the fact that it may improve or hinder relations, is not a consideration that we have in the field. When we're in the field and we investigate a case, we try to be as objective as possible, and we have no consideration whatsoever concerning the normalization process or any other aspect of the political scene in Vietnam.

Senator GRASSLEY. But you have to operate under it.

Mr. BELL. Yes, sir.

Senator GRASSLEY. Let me ask you, Mr. Bell, but also anybody else on the panel who wants to offer your judgment. This is in regard to present policy, whether it takes several days to get cooperation, or whether it's the ultimate, or at least what you hope is a better situation of 1-day. How confident are you that during whatever time you have to wait for the Vietnamese to give their okay, that they aren't hiding things or coaching people on what to say, in a sense like defense contractors used to do on defense fraud that I referred to?

Mr. BELL. That's extremely difficult to estimate, sir. We work normally from leads, and based on our experience leads come from refugees, they come from witnesses that we meet in the field, and they come from documents. The witnesses can be evaluated on the scene, and then we can obtain information from refugees and in some cases but not all cases confirm or deny what we've learned through the records and the witness testimony.

Senator GRASSLEY. Just give me your gut feeling. Do you think the Vietnamese are hiding things after you've notified them that you want to go to a certain place, and that they're coaching people on what to say? I mean, here you are, a person advising us as we're investigating this. We've got to know what your gut feeling is out there, not just what the official line is.

Mr. BELL. That would depend on the particular area that you're working in, sir. We find that once you leave Hanoi and get into the local province area it's a matter of the support of the province task teams. Some province task teams are very efficient, very profes-

sional, other province task teams are not. We have had cases where we feel that the witnesses were being coached, and we have brought that to the attention of the Vietnamese.

Senator GRASSLEY. I'm done, Mr. Chairman. I guess maybe just for the benefit of my colleagues on this Committee, I think what we're hearing as a result of Senator Brown's questioning and the response to my questioning is something I tried to point out yesterday.

We've got to be very skeptical. The word I'd like to emphasize is to be skeptical what we're being led to believe by our Government, that the Vietnamese Government is heading toward being very cooperative, or what we might think or hope the Vietnamese Government is doing. I think we've got to separate rhetoric from fact, and I think we're getting a picture here that they really aren't being very cooperative. If they are being cooperative, it's not in a very timely fashion, so cooperation means very little.

I would also reemphasize, just in case there's an issue here for the Vietnamese Government, I think they ought to know that we would all welcome and would not hold past history against them at all if there was a dramatic change of practice on the part of the Vietnamese Government for total cooperation along the lines of where our people could go any place that they want to go, and if either the Vietnamese Government came up with an American there who they previously said was not there, that we would not look at it as an opportunity for punitive action against the Vietnamese Government, but that we would look at it as an opportunity for a further opening of relations and normalization of relations.

[Applause.]

The CHAIRMAN. Well, let me say to my colleague, his point is now even more obviously well taken, but it was well taken before the applause. I think you've got to kind of measure this, and it's a little more complicated.

I remember when I met with General Secretary Linh just at the end of his term as General Secretary, I raised that issue. I also raised it with the new General Secretary Do Muoi, and I raised it with Garnett Bell present and with the entire team present when we met with the Vietnamese counterparts of the POW/MIA team.

I said to the General Secretary, Mr. Secretary, unless you allow us immediate capacity to travel in-country, nobody's going to believe that it's a genuine, bona fide check on whether somebody was there, because in a matter of hours you can lose somebody, obviously, so there has to be a capacity for Americans to know that there really was a check.

Now he said—frankly, he had trouble understanding, and I wanted to ask some questions of Bill Bell about this. He had trouble understanding why this issue was so serious, because he said, you know, I don't understand, Senator, why it is that now suddenly this issue is so serious for you, when in 1978 and 1979 when I was negotiating with President Carter it was not even on the table, and it wasn't. That's the reality.

It didn't become that significant until 1980, 1981, when it was raised in the American consciousness, and Bill, maybe you can later add to this, but I think the Vietnamese have had difficulty determining whether we were really serious about this issue or

whether it was a moving of the goal posts, whether it represented an American kind of game that was being played.

Now, I think—and I think Bill and the others would agree—they have come to understand it and view it as being something serious and different, so my hope is that there will be a follow-through on what Secretary Do Muoi said and Secretary General Linh said, which is, they will allow us to go anywhere in the country without prior notice and approval.

Now, that has to be measured against the fact that this is a communist country with its military bases, and I suppose it's fair for us to ask if we would allow a foreign entity with whom we had been at war to go anywhere they want in the United States, including to our nuclear facilities or our military bases, or whatever, so it isn't, perhaps, totally as simple as we want to believe it is, and I think we have to try to somehow work out a middle line, and maybe later Bill can tell us whether there is one.

Senator McCAIN. Mr. Chairman, may I just make one comment, in addition to yours? I agree with what you say, but I think the witnesses have made clear that there has been progress made and we should not deny that as far as the Vietnamese are concerned.

At the same time, these witnesses can provide us with the specific needs that they have in order to carry out their jobs, and I think when they provide us with that, their specific requirements, we can relay those to the Vietnamese, and if the Vietnamese honor those requests, I think it's significant. If they don't, then I think it's also significant.

The CHAIRMAN. I thank the Senator. That's a very good point, and if I could ask the indulgence of the Committee just to add one thing to it, with respect to the records, the issue that Senator Brown brought up, I think it is important that those records be sought, that they be provided, and that that inquiry go forward, because for the discrepancy cases those records can in fact provide the resolution of those cases without going out into the field, and the reason for that is that those records may show a particular unit and its activities and what happened to a specific individual. In fact, recently General Vessey was given, I believe, a set of records that were extraordinary in their detail which provide huge insight into what may have happened to people in a particular area.

So I would think there has to be both, is the bottom line.

Senator GRASSLEY. Mr. Chairman, could I make one comment—

The CHAIRMAN. Senator Grassley.

Senator GRASSLEY. On what Senator McCain just said? There probably has been progress made in the sense there's an office there, we have people there, there's some dialogue going on that wasn't there before. We have a few days notice to do something now, where maybe it wasn't done before.

But if the Vietnamese Government's desire is to frustrate what we really want, they can frustrate that even with the 1-day's notice, and yet it looks like progress to us. But with the communication, the ability to coach people, the ability to move people around, that can be done in a 24-hour period of time. They have

still accomplished their goal, and it looks to us like progress is being made, and that's what we're here to find out.

We're here to find out what our Government knows, first of all, about our prisoners, and then when we find out what our Government knows about prisoners, we then find out whether it's being pursued adequately by the Vietnamese Government. But if the Vietnamese Government wants to frustrate this progress, they can do it with a 24-hour notice, just like they can a few days' notice.

The last thing I would say before I'm done, Mr. Chairman, is I appreciate everything you've said, but I think you and I are politicians. I don't think we want to think too much like diplomats as we look at our effort of oversight. We are not professional diplomats. Part of the problem, I think, of accomplishing this is all the niceties and the other quirks of diplomacy that stop people from really being honest and above-board and frank with each other.

Senator McCAIN. Mr. Chairman, a quick response. We are politicians, and I think that the people here are best qualified to tell us what the tools are they need to get the job done, and that's why I would rely on their recommendations as to how they think they can best get the job done.

I don't know if it's 24 hours, 2 hours, 20 minutes, or exactly what those procedures are, but I would have a tendency and would the Committee and the Congress would rely on their best judgment, who are the ones we're asking to carry out the job as to what tools they need to get that job done, and I believe they're going to be providing the Committee with those specific recommendations.

The CHAIRMAN. I think a number of areas of inquiry have been raised that we should pursue with this panel. I know Senator Kassebaum is waiting patiently, and I thought we were on our way in the transition from politicians to statesmen. Maybe we can do that.

Senator KASSEBAUM. Thank you, Mr. Chairman. I would like to take advantage of the expertise of all of the panel to pursue the question of fraud and how pervasive it might be.

When Secretary Cheney testified yesterday he mentioned a photograph that I think he said, it was found out then there was a Soviet baker and there were three people in it. When General Vessey testified he said the Vietnamese officials will also tell us that private Vietnamese citizens attempt to recover and hold American remains in the expectation of some sort of benefit.

I wonder if you could comment a bit on this, whether there are citizens who are holding some remains? Is the motivation financial in both instances? Where there are potentially doctored photographs, how pervasive may it be? Can you shed any light on this, Mr. Bell?

Mr. BELL. Yes, ma'am. I don't think for the most part the photographs and the remains are related.

Senator KASSEBAUM. I realize that they are not.

Mr. BELL. The photographs that we've seen, some are still under investigation, some have been determined to have been extracted from Soviet publications and so forth.

The question of remains in the hands of Vietnamese citizens, we believe, that there are probably some remains in the hands of pri-

vate citizens who expect to receive some kind of remuneration for their efforts in recovering these remains.

The problem we have is that most of these remains were recovered in an unprofessional manner because they were removed from crash sites. As General Vessey pointed out yesterday, there are virtually no crash sites left in Vietnam that have not already been excavated and scavenged due to the passage of time, due to the economy, because they need the metal.

We have numerous reports in our files that give the name, address, and location of people who have remains that are associated with valid names. But we do not yet have a process. We have an informal process where in the course of our investigations, if we pass through one of the areas that is listed in our records as someone who has remains, we are allowed by the Vietnamese to contact that person and attempt to obtain the remains.

But more often than not the person wants money. And we are not authorized to pay money because that is the policy of our Government. And we inform the person who claims to possess the remains of this policy.

Senator KASSEBAUM. Mr. Gadoury, you work with the Refugee Interview program. Is this something that you have seen?

Mr. GADOURY. Yes, ma'am, but specifically directed toward Lao refugees in the camps in Thailand. The situation in Laos is a little bit different.

My experience since 1985 has been that in the first couple of years it seemed that most people who were coming forward, whether they be refugees or people outside the camps, were coming forward with basically two motives, two primary motives that we saw on a regular basis. One was the refugees inside the camps who hoped that maybe by presenting information about MIA's or POW's they could get some kind of special consideration for resettlement.

And the other one was there were people both inside the camps and outside the camps who were involved with the Lao resistance and they hoped that by somehow providing information to the U.S. Government, that they perceived the U.S. Government to feel important and that that somehow might translate into support, either indirect or direct, to Lao resistance efforts. These are primarily Laotians who are operating along the Thai border, back and forth into Laos.

But the situation changed rather dramatically in 1987, especially after some private groups were advertising rewards for the return of live Americans. Unfortunately, it seems that the word gets skewed, both through the news media in Thailand and from word of mouth from person to person. It wasn't long before people were coming forward in large numbers who had heard through various means that if you provided information, dog tags, bones that you might be able to get part of this large reward that they had heard about.

So then we saw a dramatic increase in numbers of people who were coming forward hoping they could get some kind of remuneration or rewards. Once in a while we would see dog tag reports coming across from Vietnam, across Laos, out through that channel. Word had been handed off from Vietnamese to Lao to Thai.

But that was rather small. The cottage industry of dog tag reports was primarily from Vietnam, not so much from Laos.

Senator KASSEBAUM. Well in that instance, my time is running out, did you work with the private groups? Were the private groups there offering money?

Mr. GADOURY. No, ma'am.

Senator KASSEBAUM. Did you work with them? I thought you said that word got out that they were offering money and that is why large numbers starting saying they held remains?

Do I misunderstand?

Mr. GADOURY. No, ma'am. That was the origin or sense of reporting that we were getting.

Obviously, people would come forward to us with information and would ask us about rewards. And the standard format or situation may be that a Thai would come to see us and say they were contacted by a Laotian, maybe their relative or a friend, and they had remains in Laos. And they've heard that there's rewards and they could then cross the border if we could certify we would pay a reward.

Senator KASSEBAUM. So I guess all three of you do not necessarily feel there is a network capitalizing on this in any way there, either with fraudulent photographs and/or trying to get rewards from perhaps saying they have remains?

Colonel COLE. Ma'am, I think there is evidence of a network that we discovered in our investigation along the Thai/Cambodian border and in Cambodia in follow-up to the alleged Robertson, Stevens, and Lundy photograph in July, August of this past year.

We found evidence of a number of known individuals who had worked in selling this kind of information before involved in the pictures. And this was the group that we found the pictures out of the Soviet publications on.

However, we've been unable to follow-up with probably the ring leader of this group who has gone underground. He's a ceramic tile merchant down in Pong Song. And on numerous trips to Cambodia, I've talked this over with Senator Kerry before, we've been looking for this guy. We've asked the Thai authorities to help. We don't want him arrested necessarily. We just want him made available for questioning. We think he's in Thailand someplace, but we've been unable to find him to follow-up on the activities of this group.

Mr. GADOURY. If I may add to that, I think we've experienced and we've seen several small groups of people who have conspired to try to fabricate or to look for information which they felt they might be able to bring back and to somehow translate into a reward or some type of a payment.

Senator KASSEBAUM. Well it certainly is a cruel hoax. It would seem to me that something—it is something we should be mindful of during these hearings and find a way to encourage that it be addressed in some way.

The CHAIRMAN. Senator, we are going to be looking very specifically with staff, specific staff assigned to the entire hoax picture. We will probably have, maybe, even a separate set of hearings, depending on the committee's wishes regarding that.

And we will be working closely with Carl Ford and with the authorities involved in this in order to see if there are not ways to

deal better with this network and with the hoax effort. And we think there are. And we are going to work with you on it.

Colonel COLE. Sir, could I suggest that when you make your visit out to Thailand and Cambodia, Laos, and Vietnam, that we maybe even take the Committee out to site 2 where we found four or five of these many rings operating involved in picture and information trafficking, just to introduce you to the local environment, sir. Maybe it would help.

Senator KASSEBAUM. Thank you very much.

The CHAIRMAN. Thank you very much.

The Committee decided to do it, but it wants good helicopters.

Senator Reid.

Senator REID. Thank you, Mr. Chairman.

Gentlemen, the American public is concerned. That is why we are holding these hearings.

Let me start by asking, did any of you have any information or any knowledge or belief that there were Americans alive in Vietnam after Operation Homecoming terminated?

Mr. BELL. Yes, sir.

Senator REID. You do believe there were?

Mr. BELL. Yes, sir.

Senator REID. The other gentlemen?

Colonel COLE. No, sir.

Mr. GADOURY. No, sir.

Senator REID. Would you tell me, Mr. Bell, upon what you base your statement?

Mr. BELL. Well, sir, at the time of the POW release, I don't think there was any hard evidence to indicate that.

But I think after we began to interview refugees and based on the investigations that we've conducted in the field and overall, I think we can say that with certainty now.

Senator REID. And you can supply to the Committee what information you have at your disposal that would give us that certainty?

Mr. BELL. Yes, sir.

Senator REID. How many examples do you have that you could give the Committee?

Mr. BELL. I would have to check the records on that, sir.

Senator REID. Would be it 6 or 12 or 20? I am not pinning you down to an exact number, just a generalized figure.

Mr. BELL. Possibly 10 or less, sir.

Senator REID. And you will spend some time in the near future and go over your materials and give us that information?

Mr. BELL. Yes, sir.

[Classified material provided to the Committee.]

Senator REID. Next question. Prior to Operation Homecoming or any time thereafter, do any of you gentlemen have information that there could have been or there were Americans transferred to a country other than Laos, Cambodia, or Vietnam, the Soviet Union, or some other place?

Mr. GADOURY. No, sir.

Colonel COLE. No, sir.

Mr. BELL. I don't think there's any hard evidence of that, sir. But the possibility does exist.

The mortician, he gave very good testimony, which I think the entire community of the POW/MIA community considers as credible. And he also provided testimony about at least two other individuals in addition to Mr. Garwood that he saw and the presence of those individuals has not been determined for the past few years. There is a possibility that their location has been moved.

Senator REID. Again, Mr. Bell, in addition to the other work that I have asked you to do, if you would supply to the Committee what detailed information you have regarding those two or three other examples that may exist in relation to the transferral that I just asked?

Mr. BELL. Yes, sir.

[The information referred to follows:]

The message regarding Garnett Bell's testimony to the Senate Select Committee on POW/MIA Affairs and the Mortician's file now in the process of being provided to the Committee contain detailed information requested by Senator Reid.

Senator REID. The last question in this line of questions that I have. Do any of you gentlemen have any information that there are people alive now in Southeast Asia?

Mr. BELL. No, sir.

Mr. GADOURY. No, sir.

Colonel COLE. No, sir. But I don't think we can deny the possibility, given the fact that we have a number of unresolved live-sighting reports. And I hate to use the term gut feeling, but having been, if you will, out of this Committee of three, the johnny-come-lately to this issue, having been assigned to this job since only August 1990, I don't think we can close the door, sir.

Senator REID. Your gut reaction is then?

Colonel COLE. That there's somebody or someone or several numbers of people possibly living freely, if you will, in that category either in Laos or in Vietnam.

Senator REID. This then is along the lines of our first witness when we started yesterday, Secretary Cheney saying that he did not know, but anytime there is a live sighting he would assume there could be something to that. And he was going to do everything he could through you gentlemen and others to determine if, in fact, that is the case.

Do you agree with Secretary Cheney's statement?

Mr. BELL. Yes, sir.

Mr. GADOURY. Yes, sir.

Colonel COLE. Yes, sir.

Senator REID. Secretary Cheney is a lot like we are, though. He does not know a great deal, not having been on the ground, not having worked as you each have. You have spent years of your life working on this one issue, about which the Committee is just now getting educated.

So you understand that not only Secretary Cheney, but each of us has to rely on people like you who are the experts to do this work for us. Do you all acknowledge that?

Mr. BELL. Yes, sir.

Mr. GADOURY. Yes, sir.

Colonel COLE. Yes, sir.

Senator REID. My question, then, is one similar to one Senator McCain asked, and there could have been other Committee Mem-

bers that asked the question. What you need to tell us is what more could we, the U.S. Government, do to help you do a better job? Mr. Gadoury?

Mr. GADOURY. Sir, in relation to Laos, I think the fundamental problems, especially in terms of investigating live sightings, discrepancy cases, is a matter of access.

Then beyond that it is a matter of having the resources in country to do the job that we need. Of course, the most obvious example there is this helicopter issue, which is being worked on, trying to find some solution to solve that.

But access in terms of being able to get real time access to sites is something we need to work toward. And, obviously, in the case of the Lao we have only this year begun to investigate these discrepancy cases and photo allegations. And of course, it has to be a developmental process. And it has to be a process in which both sides learn to trust each other more. We're moving toward that, but we still obviously have a long way to go.

Senator REID. Mr. Chairman, I know the red light is on. Could the other members complete their answer? Colonel Cole?

Colonel COLE. Sir, my comments are ditto Mr. Gadoury. But I would also add that we had in my little unit, we're being increased in size from 9 authorized, I have 8 on hand, to 18; we're getting 9 more. DIA has been very supportive and we're going to be getting those people.

But what I'm standing fast on and I'm receiving the proper support from my superiors is, I want people who are qualified. Sometimes in this business, particularly at least as far as the U.S. Army, in my personal experience, language is treated as a storable commodity, language ability. If a guy is going to be a Vietnamese linguist for me, he dammed well better be able to go out there and operate and debrief, or I flat won't take him.

I had a case about 2 weeks ago where I was supposed to be assigned someone on temporary duty. I engaged him in a phone call and found out he had a 1/1 level in the language. I turned that man around and I got the proper support. But what I'm saying now is we're going to get those nine people, but they better be qualified people. And with those people, we'll be able to perform our mission.

Senator REID. Mr. Bell?

Mr. BELL. I feel basically like Colonel Cole does, sir.

We have the potential in our office in Hanoi. We've been informed we will have a possible expansion and I hope also to get qualified personnel who are highly skilled and language-trained with years of experience in investigation and case analysis. I don't know when this expansion will take place.

I understand that the Hanoi office will be working full-time on a daily basis on the discrepancy cases. And we're very anxious to get started on that.

Senator REID. Thank you a lot, Mr. Chairman. Great panel.

The CHAIRMAN. Thank you very much, Senator Reid.

Mr. Bell, with respect to the observation you made about people being alive, did you communicate that at that time in any way?

Mr. BELL. I don't understand, sir.

The CHAIRMAN. When you say you believed, you were then in intelligence and an official observer of this process, correct? You made a determination that you thought people were alive, correct?

Mr. BELL. We had information of Americans being held at that time, sir, but it was not correlated to any specific individual. In the ensuing years through refugee interviews and through cases that we've investigated in the field, I think we've been able to correlate some of the information that we had at that time to specific individuals. And not only have we correlated these reports to specific individuals, we have included this in the investigation process in Vietnam. And we have gone to the Vietnamese and asked to visit those sites.

The CHAIRMAN. And when you say in the ensuing years, are you talking about recently?

Mr. BELL. Yes, sir. I'm talking about, from the standpoint of refugee interviewing, over the past, I guess, 9 years or 10 years, but over the—from the standpoint of the investigation process in Vietnam since September 1988.

The CHAIRMAN. You have been able to correlate it and confirm it.

Back then you had information that they were alive, correct? And you are talking about what? 1975 through 1979 or later?

Mr. BELL. 1973, 1974, and 1975 we had reports saying that Americans were still being held, but they were unconfirmed.

The CHAIRMAN. Now do you know whether or not superiors to you and the Government in Washington had reason to believe those reports at that time?

Mr. BELL. No, sir.

The CHAIRMAN. You do not know that?

Mr. BELL. No, sir.

The CHAIRMAN. Do you know whether or not any efforts were made to follow-up on those reports at that time?

Mr. BELL. Yes, sir, there were some efforts made. But due to the situation, the evacuation and so forth, and we lost access to the country and we weren't able to pursue those until we began the interview process when refugees began to flee the country in 1979, 1980.

The CHAIRMAN. You say the numbers were somewhere in the vicinity of 10 or less, approximately. Is that accurate?

Mr. BELL. Yes, sir.

The CHAIRMAN. Was this in Vietnam or in Laos?

Mr. BELL. Vietnam and in Cambodia, sir, along the Cambodian border.

The CHAIRMAN. Were there any efforts that you have participated in to conduct rescue missions of people in Vietnam of supposedly held individuals or sites?

Mr. BELL. Is this during the wartime years, sir?

The CHAIRMAN. No, post-wartime.

Mr. BELL. No, sir.

The CHAIRMAN. None at all. Do you know of any efforts the Government supported or otherwise that involved an incursion into Vietnam for rescue purposes?

Mr. BELL. Not Vietnam, no, sir.

The CHAIRMAN. Were there such efforts in Laos?

Mr. BELL. Yes, sir.

The CHAIRMAN. Were they Government supported by the United States?

Mr. BELL. I'm not sure if you would term these rescue operations or what, sir.

The CHAIRMAN. Reconnaissance? Would you term them reconnaissance?

Mr. BELL. That would probably be a better description. Yes, sir.

The CHAIRMAN. What period of time would those have taken place?

Mr. BELL. 1981, sir.

The CHAIRMAN. Now in terms of the frustration that Senator Grassley talked about, are you experiencing what you would interpret as willful frustration by the Vietnamese now of your efforts?

Mr. BELL. No, sir. I've been dealing with the Vietnamese for quite a while. I've just now, after all these years, been able to get a good working relationship with them. But the frustration factor is not really that great because it's anticipated.

And generally speaking on this issue, I think the Vietnamese right now today are just as far along in this issue as they chose to be.

The CHAIRMAN. Does that mean they could chose to be further along?

Mr. BELL. Yes, sir.

The CHAIRMAN. We can come back to that.

With respect to Bob Garwood, have you had occasion to talk to the Vietnamese about the Garwood case?

Mr. BELL. Just briefly, sir.

The CHAIRMAN. Have you been able to draw any conclusions yourself about the circumstances under which Bob Garwood was living there?

Mr. BELL. According to the Vietnamese, sir, he initially came there as a POW and decided to remain. The camp where he was held, due to our field activities in Vietnam, we've been able to ascertain that there were 32 foreigners in that camp, including mostly Americans.

Mr. Garwood apparently dropped out of sight around 1969. The people who were held with him had no idea of his whereabouts until he began to show up in the reeducation camp. During that time we began to receive reports about an American who was operating a generator, repairing vehicles, basically using his skills, English skills, to be able to read the technical manuals and put together abandoned American equipment and repair it.

At that time some analysts within the DIA believed that that was Garwood. But it couldn't be confirmed. And finally we did get some refugees who were able to look at a photograph of Garwood shortly after he came out, and then we began to get confirmations of his locations.

The CHAIRMAN. My time has expired. I do not want to abuse that.

Let me just ask you gentlemen when are you returning in country? Do you know when you are going back?

Colonel COLE. Sir, we're here, speaking for myself, as long as you want us. But tentatively we're planning to go back this weekend.

The CHAIRMAN. We do not want to interrupt. I know you have an important mission that is coming up and we want you to be able to do that.

But I would like, since we cannot obviously do everything here in open session, I would like you to make yourselves available to staff over perhaps this afternoon and even tomorrow so we can go into greater detail on some aspects of this while you are here. And then obviously when we come over there will be more opportunity.

Mr. GADOURY. Sir, I'm scheduled to leave with two of the Borah relatives to fly back to Thailand and Laos tomorrow.

The CHAIRMAN. Well, we will do it this afternoon in terms of you, Mr. Gadoury.

Senator Smith.

Senator SMITH. Mr. Bell, you have obviously seen an awful lot of live-sighting reports in your time.

I am trying to focus on the ones that you are focusing on here, which I know you did not give a specific number, you said approximately 10 individuals. What was so different about those reports that you saw to make you believe or you feel the evidence documented that those 10, or roughly 10, were in fact kept behind versus all the other reports which alleged the same thing, but there has not been a great deal of credence put in those reports?

What makes you focus on these specific ones? Why did you say those 10?

Mr. BELL. Well, basically, sir, because of the locations. The course of the investigation in cases led to those particular locations. And they were confirmed to have camps in those areas. The name associations.

Senator SMITH. Would you define that as hard evidence rather than opinion?

Mr. BELL. That's hard to put a definition on that, sir.

For the purposes of an investigation in the field I find it to be hard evidence.

Senator SMITH. To your knowledge are any of those 10, whether they be individuals by name or just a group, are any of those so-called 10 that you are referring to now, discrepancy cases? By discrepancy cases I mean those cases that General Vessey has now before him?

Mr. BELL. I think so, sir, yes.

Senator SMITH. Do you think or do you know? Do you know for sure?

Mr. BELL. I think two, sir.

Senator SMITH. Two of them, but not all of them?

Mr. BELL. Not all of them.

Senator SMITH. You said you feel very certain. You mentioned live Americans. I want to make sure, I believe I understood you, but I want to make sure it is clear for the record.

You referred to captive Americans, not deserters, correct?

Mr. BELL. Right, sir. I beg your pardon, sir. Now there may be a question as to the status of two of those individuals, and I'm not sure if it's deserter or what the exact status is.

The CHAIRMAN. Are those the two discrepancy cases?

Mr. BELL. One of them is discrepancy, sir.

Let me explain that further. I think it may be a combination of two individuals and one may be a deserter status while the other is a discrepancy case.

Senator SMITH. Any of you can answer this that wishes.

This misinformation that was referred to, is there any evidence that some of this misinformation that is being put out around the country that you folks spend too much time having to deal with, obviously, is there any evidence, anything we can link that back to either the Vietnamese or the Lao as being the originators of the misinformation?

Mr. GADOURY. Sir, I haven't seen any evidence to that effect in Laos. It seems like it's normally done at the individual level or, like I said earlier, small groups of people who have conspired to manufacture something.

Senator SMITH. Have any of you ever seen actual money, hard currency, exchanged in return for any of this information?

Mr. BELL. No, sir.

Mr. GADOURY. Sir, I've not seen any money, although I have had people who have come to me and have told me that they purchased remains, for example, or dog tags from someone else.

And in cases like that they refuse to turn over remains because they wanted to get their money back at least.

Senator SMITH. The three of you and certainly your predecessors have to have the most frustrating jobs, as I analyze what you are saying, on a day to day basis you are analyzing reports, live-sighting reports, past and present, regarding whether or not these reports are accurate or valid in terms of live American prisoners of war.

Yet, you really, because you cannot get total access, as I believe Senator Grassley or Senator Brown pointed out, because you cannot get total access to the country, there is really no way that you can be absolutely certain. And I will leave sources and methods out for a moment. But to the best of your knowledge—let me rephrase the question.

To the best of your knowledge, there is no absolute certainty, with the exception of the 10 that I will leave out that Mr. Bell referred to, for a moment, with those exceptions there is no absolute certainty to the confirmation of any of those reports that you have seen since you have been in your positions. Is that correct?

Colonel COLE. That is correct, sir.

Senator SMITH. Let me just ask you in terms of definition for evidence, hard evidence.

If I traveled to Laos and I came out as a U.S. Senator and told you that I personally interviewed an American prisoner of war. He gave me his name, he gave me enough information that would establish that he clearly was the individual he said he was, in your mind, in your opinion, Mr. Gadoury, is that evidence of a live American prisoner in Laos?

Mr. GADOURY. Sir, as an interviewer, I probably tend not to make a judgment. But I would try to get everything that you have to document it and then send it back to the analysts and let them take it from there to analyze it.

Normally, the procedure is that once the initial report is made, there would be a follow-up interview.

Senator SMITH. In other words, if I, as a U.S. Senator, told you that I personally talked to an American prisoner of war and gave you all the information, you would have to move that to some other analyst?

Mr. GADOURY. Sir, as a U.S. Senator then I would say as a source you have more credibility than some person who just crossed the Mekong River last night.

Senator SMITH. What I am trying to establish here is what evidence is. And what you are telling me is that is not acceptable evidence on its own merit, that anyone of us, a U.S. Senator, who said they saw a prisoner of war in Laos, I want a straight answer on this, you are saying in terms of your evidential standards that that would not be acceptable. Is that correct?

Mr. GADOURY. As the interviewer, I wouldn't make that determination. Although certainly the course that the interview would take would be dependent on my own personal evaluation of the person who was providing the evidence.

Senator SMITH. Where we go from there to establish that as evidence? What else do you need?

Mr. GADOURY. Well, some of the normal procedures—

Senator SMITH. I would like specifics, what, what do we need?

Mr. GADOURY. Well, we use polygraph, we have used polygraph machines in the past.

Senator SMITH. OK, I passed the polygraph three times, four times. And Senator Brown is with me. Then, what? Is that acceptable?

Mr. GADOURY. I don't have the definition of what's acceptable.

Senator SMITH. Can somebody answer?

Mr. BELL. Sir, in the field we're dealing strictly with raw information and field analysis.

Senator SMITH. I am over my time, but I want an answer here. I just want to establish what evidence is.

In other words, Senator Brown and Senator Smith both passed five polygraphs, said we have seen an American prisoner in Laos, and you have not yet told me that that is accepted evidence. I want an answer yes or no. Is that evidence of a prisoner of war in Laos?

Mr. BELL. I would say that would be evidence, sir. You're an American citizen. You give us a statement. I would say that is evidence.

Senator SMITH. Mr. Cole?

Colonel COLE. Evidence, sir.

Mr. GADOURY. Sir, it's evidence.

The CHAIRMAN. Senator Kohl arrived and he has not had a chance to question. So I would like to let Senator Kohl go and then we will go back to the other order.

Senator KOHL. Thank you, Mr. Chairman.

Mr. Bell, you said in response to a question from Senator Kassebaum that you knew of people in Vietnam who claimed that they had remains but wanted money for them.

Mr. BELL. Yes, sir.

Senator KOHL. What have we done about that?

Mr. BELL. We have approached the Vietnamese for assistance. And the Vietnamese have informed us that there is no possible

way that they can obtain the remains because they also have a program that they do not pay for remains.

Senator KOHL. That sounds like——

Mr. BELL. The Vietnamese have suggested a program where we jointly examine remains with our anthropologists in the Hanoi office. And if the remains are identified as an American, then that person be paid a specific amount of money to reimburse him for his expenses.

Senator KOHL. Why have we not followed through on that?

Mr. BELL. This has been reported, sir. But it is U.S. Government policy that although we willingly receive information and remains alleged to be American, we do not make payment.

Senator KOHL. And so for that reason we have not followed through? For that reason we have not followed through on the claims of the people who say they have remains but want to be paid for them? Because we will not pay any money for remains, therefore, we have not been able because of our policy, to find a way to follow through on that?

Mr. BELL. We followed numerous reports down to a person who claims to have remains. But they are unwilling to turn over the remains without payment. So the remains are still in their possession. Yes, sir.

Senator KOHL. And we have made no demand of the Vietnamese government that they see to it that those remains are turned over to us?

Mr. BELL. Most of these particular reports have not even been addressed yet, sir. Most of these reports are classified. Most of these reports were collected by the JCRC and refugee camps. Some of these people have been willing to allow their name to be used, some of the people have asked that they contact the individual, that U.S. officials contact the individual in Vietnam, but to not release the person's name as being someone who acted as an intermediary.

But the few reports that we have addressed, we have gotten little response from the Vietnamese. We have had some success in obtaining remains which were confiscated by public security personnel in Vietnam.

Senator KOHL. Well, it seems to me in terms of our responsibility to the families that are involved, it seems to me the sort of a situation in which families here in this country feel that we are not doing enough for them.

If someone claims to have remains and is prepared to turn them over for whatever payment and we say we will not do that and we cannot do that, then it is not hard for me to understand and I suppose for you to understand how anguished families would be over that kind of a condition that we attach to obtaining remains.

Mr. BELL. Yes, sir. I understand how the families feel. But I understand the people in Vietnam, because in the past we did have a reward program during the time the war was going on.

Up until the time that Saigon fell there was a program for payment. The people know that. And the people feel that if they wait till the conditions return to normal again, that there will again be another program for payment.

Senator KOHL. Why do we not deal through the Vietnamese government and let them handle the question, but obtain those remains for us on behalf of the families involved?

Mr. BELL. Because U.S. Government policy says we do not pay for remains.

Senator KOHL. Let Vietnam pay for the remains.

The CHAIRMAN. The Vietnamese counter-argument to that would be that they have 200,000 MIA's of their own and they cannot even get their remains. And they do not have the money. So you run into, we have been through that a little bit with them.

The problem you also get is that once money enters into the equation, there are so many bones in Cambodia, Vietnam, and Laos that are extraordinarily hard to distinguish between foreign, indigenous, animal, whatever that you will have then created an incentive for any kind of bone to be masqueraded. And it becomes a major problem.

So I think the policy has been reviewed. And many people feel that it is a tough situation. I think the Senator is on the right track by insisting, though, that the government of Vietnam ought to be called on to help those individuals be forthcoming. And I think that is absolutely a good point.

Senator KOHL. Thank you, Mr. Chairman.

The CHAIRMAN. Senator McCain.

Senator McCAIN. Thank you, Mr. Chairman.

Let us try and clear up this issue a second about what is conclusive or not. It is not up to you to make the decision as to whether the testimony of two Senators who were polygraphed as correct or not? Is that correct? It is not in your area of responsibility.

Colonel COLE. Sir, you are 100 percent correct. In the intelligence information report format it clearly states on the report. And this is not just in the POW/MIA business. This is in the DIA HUMINT reporting system world-wide. This is not evaluated intelligence.

Senator McCAIN. And the fact is, from the years of experience you all have had in the business, if two Senators did testify to that and passed polygraphs, that it would be accepted by your superiors as conclusive evidence. I mean, let us face reality. So I think there is a legitimate question as to what constitutes evidence or not.

But to say that evidence of two Senators who were polygraphed would not be accepted by the DIA as conclusive evidence, I think, is just inaccurate.

Let me go back again because Mr. Bell has raised a very serious issue.

Mr. Gadoury and Colonel Cole, you do not believe that there was Americans alive at the conclusion of the war, the United States involvement in IndoChina, is that correct, from your previous statement?

Mr. GADOURY. I'm not saying I don't believe that. I'm saying I have not personally seen any evidence of that.

Colonel COLE. My opinion is identical.

Senator McCAIN. Neither of you have seen any evidence that would convince you?

Colonel COLE. No, sir.

Senator McCAIN. But Mr. Bell who obviously has his experiences, which are of great value, does believe.

Mr. Bell, I would like to get a little specific. Outside of McKinley Nolan, can you give me one example, specifically, of a case you believe an American was alive?

Mr. BELL. Yes, sir. But I'm not sure if we should discuss it here.

Senator McCAIN. OK. But you can?

Mr. BELL. Yes, sir.

The CHAIRMAN. Senator, this will not come out of your time, but I just instructed staff to spend some time with Mr. Bell, Mr. Gaudoury, and company before they go back. And we will go through a formal deposition.

Senator McCAIN. Mr. Bell, let me also make this clear.

Since that period of time you have not seen any hard evidence since that couple-year post-war period. Is that correct?

Mr. BELL. I really can't remember, sir.

Senator McCAIN. In other words, say in the last 7 years, have you seen any hard evidence that indicates to you—

Mr. BELL. Yes, sir.

Senator McCAIN. When was the most recent case where you have seen evidence that has led you to believe Americans are alive?

Mr. BELL. It's a combination of evidence, sir.

Senator McCAIN. The latest being?

Mr. BELL. A combination of reporting.

Senator McCAIN. The latest report being this year, last year, the year before?

Mr. BELL. Possibly in the last 3 or 4 years, I would say. I would have to look the report up.

Senator McCAIN. The last 3 or 4 years you have seen some evidence that Americans are alive in Southeast Asia?

Mr. BELL. That were alive, sir. I don't have any evidence Americans are alive now.

Senator McCAIN. But were alive during that post-war period?

Mr. BELL. No, sir, that the report was received during that period.

Senator McCAIN. During which period?

Mr. BELL. The last 3 or 4 years, sir.

Senator McCAIN. The last 3 or 4 years you have reason to believe there was Americans still alive?

Mr. BELL. That were alive, sir.

Senator McCAIN. When?

Mr. BELL. After the POW release, sir.

Senator McCAIN. For how long?

Mr. BELL. I'm unable to determine that, sir. Possibly 2 years, 3 years.

Senator McCAIN. And obviously this information was relayed up the chain of command?

Mr. BELL. Yes, sir.

Senator McCAIN. Is it your view that the reason why there was not sufficient pursuit of this hard evidence as you believed it to be or it was, was due to mindset to debunk a feeling that we want to put this whole war behind us and we do no want to look at these cases?

Or was it a combination of that and the fact that the United States basically was out of the area, as you mentioned earlier, as of

1975, and did not have the ability to pursue the evidence that you described? Or was it any other factors besides that?

Mr. BELL. No, sir. We're still pursuing those reports.

Senator McCAIN. At the time, why did we not pursue them at the time?

Mr. BELL. Because the information was inadequate and we did not have access to Vietnam at that time to begin the investigations.

Senator McCAIN. Do you believe there were any other reasons?

Mr. BELL. No, sir.

Senator McCAIN. Thank you. I look forward to discussing the information that you have about this particular incident.

By the way, Mr. Bell, how much of your time is taken up in the office in Hanoi with people who come in off the street and say I have this evidence, I have this information and I would like to sell it or not, that you believe is just because they have other reasons than to try to give you information which is necessary to resolve this issue?

Mr. BELL. That's difficult to say, sir, because we have active periods and inactive periods. During the time that we've been open, the people who have that type of information are becoming more aware of our presence and the number of people coming to our office has increased.

We've had live-sighting reports. We have also had reports of remains and graves and crash sites. And several of these reports are associated with valid names and identification media, I.D. cards, dog tags, what have you. And our forensic anthropologist has examined the remains and made a summary report on that and retained those remains to be reviewed jointly and possibly taken back to CIL-HI for further examination.

The people who claim to have the remains in their homes or in the outlying provinces are similar to the same situation that I discussed earlier with Senator Kohl. They will not bring the remains in, the entire remains in, unless they receive some type of remuneration for their expenses incurred as they call it.

Senator McCAIN. Thank you, Mr. Chairman.

Mr. GADOURY. May I add something to that?

The CHAIRMAN. Yes.

Mr. GADOURY. In terms of Laos, we get a great number of people who bring information in. A lot of it as far as we can tell does not correlate. Usually there are dog tag names associated with it, it's not credible information usually, because the dog tag name is not a name that is on the list.

There are a smaller subset of people who bring information which looks like they probably have been to a crash site and they probably have taken remains away from the crash site and put them someplace else in hiding until such time as they can determine who might be paying this reward or they might be able to cash these remains in.

The CHAIRMAN. Let me just say, I am sure I speak for the Committee, and I do not mean to be presumptuous in saying that, but the notion that you know who is holding remains and that those remains are being held pending some payment is unacceptable.

And clearly the government of Vietnam and our Government had better sit down and talk about this and resolve that. I think all of us would feel that the government of Vietnam has an obligation if it indeed has accepted this issue as a humanitarian issue which we continually hear, to see that for humanitarian reasons those remains are returned without any further demand for payment. And I think everybody would feel that very strongly with respect to the issue of the evidence.

In that time period, I would like to just try to get something straight in my mind just very quickly, Senator, let me ask this question. Secretary Kissinger wrote a letter on 2/1/73 in which the United States promised to pay for post-war reconstruction in North Vietnam \$3.25 billion over 5 years. Operation Homecoming took place a month later, 2 months later, March of 1973. A month after that the Senate voted to bar aid to North Vietnam unless Congress approved. And there was Congressional opposition to the aid.

A week later the Defense Department issued a statement, quote, "There are no more prisoners in Southeast Asia. They are all dead." Now I take it that you are saying, Mr. Bell, that you disagree with that finding, that statement of the Defense Department is in error, according to you. Is that right?

Mr. BELL. Yes, sir.

The CHAIRMAN. And is it in that sequence of time that you believe these 10 or so people, there was evidence that they were still alive?

Mr. BELL. Subsequent to the POW release, yes, sir.

The CHAIRMAN. Senator Brown.

Senator BROWN. Thank you. Mr. Gadoury, I did not want to pursue the credibility of Senators. I was hoping we would have something a little firmer to focus on.

But I did want to revisit your comment to see if I can get a better understanding of it. Am I to understand that you have not seen any statements from people who were eye witness accounts that say there are POW's left in Southeast Asia?

Mr. GADOURY. Sir, I've talked to many people, hundreds of refugees, people outside the camps, along the borders, travelers, what not, and there have been a lot of those cases that have related to dog tag stories with maybe remains associated, maybe not. And then there have been a number of hearsay stories, probably a fairly significant number of hearsay accounts of MIA/POW's.

And in my 6½ years in Bangkok, probably only two or three people that I've talked to directly who have given me what they termed to be first-hand information about POW's in Laos. And this was, I want to add, before Stony Beach was brought into Bangkok in 1987. There was a period of time where I was the primary interviewer and the person pursuing the information relative to Laos and Thailand as a full-time job.

Senator BROWN. You say you have seen a couple, but that is about it?

Mr. GADOURY. Yes, sir. But I need to add to that that those people were pursued, they were re-interviewed, they were polygraphed, and they were determined after that whole process not to have credible information.

Senator BROWN. I take it what we are seeing is those several who flunked the polygraph test or could not be confirmed by the polygraph test.

Mr. GADOURY. One person I was directly involved with, he absolutely flunked the test, did not pass the test. There was deception clearly indicated. The other person in which I participated in the polygraph, the test was neutral and it was determined that—in fact, I was there as he was switching his story almost 180 degrees, but the polygraph was straight. He had some difficulties, I guess, in his own mind determining what was true and what was not true. And the bottom line was he was not a credible witness.

Senator BROWN. Near as I can tell we do not have polygraphs for the Senate.

One of the areas I thought might be worth following up is we have had some folks who were refugees from Laos related to the Hmong tribesmen. And as I understand, they not only played a significant role in the conflict, but there is also a fair number of them who are refugees in Thailand. Have you had occasion to talk to a number of those?

Mr. GADOURY. Yes, sir. Many of the people I've talked to have been Hmong refugees.

Senator BROWN. The ones we have talked to indicate that it was fairly common belief among at least the refugees that they knew that there were Americans held in Laos. Have you heard the same thing?

Mr. GADOURY. Sir, I've talked to a few Hmong who have given me information about Caucasians in Laos. And generally those people, the information that has been provided by those people has been later correlated to possible sightings of Soviets in the area around Xiang Khouang, the airfield up at Point Savon for example, where there are known to have been Soviet advisors, things like that.

I have never talked to a Hmong person who gave me any clear information or definite information about an American, no, sir.

Senator BROWN. So you have heard the hearsay, but you have not been able to check it out?

Mr. GADOURY. We have checked out every person that we've talked to—every person that we've talked to, gotten information, it's been reported and followed-up on if necessary.

Senator BROWN. I am not sure which one of you might be the appropriate one to respond, Colonel or Mr. Bell, but in a number of publications there has been a recounting of the activities of the Vietnamese government following the French-Indonesian conflict, a suggestion that indeed they held back French POW's in the interest of gaining payment of some kind. In fact, there was suggestion that there was payment.

As far as you know, is that an accurate account? Did they indeed hold back POW's expecting payment?

Colonel COLE. I can't answer the question, sir.

Mr. BELL. They had several Frenchmen who remained, but I'm not sure of the status and I don't know of any payment that was made, but there were quite a few Frenchmen that remained there until the early 1970's.