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

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

Senator Daschle. I have no questions at this time.

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

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

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

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

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

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

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

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

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

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

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

Colonel Cole. No, sir, we have not.
Senator Smith. You have not established definitely that any of them have lied to you?

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

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

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

Mr. Sydow. Bang Liet.

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

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

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

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

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

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

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

But I know that, based on the answer, they gave us the low number, I think 8 or 10 or 7, and you indicated that there were others, many more than that at that prison based on the information...
The CHAIRMAN. Let me interject here if I can, because I want to be very careful on this stuff because I want the record to be accurate, but also we are dealing with an ongoing negotiating process here. And I do not want to see any ruptures over misconstrued—or misinterpretations. And misconstruals are misinterpretations.

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

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

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

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

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

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

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

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

Senator SMITH. One of the—a final point on this. One of the things that has always been amazing to me is why we do not get greater access—and I will not go into any more detail than that—
I recall when the committee went to Laos, and I do not recall the village, but it was a small village that we refueled at with the helicopter in a very remote area of Laos en route to another even more remote area. And we had a few minutes and we went through this small village, very remote and very agrarian, I guess, if you will.

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

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

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

Senator SMITH. Americans?

Mr. GRAY. Yes, sir.

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

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

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

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

Mr. GRAY. Yes, sir.

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

Mr. SYNOW. I believe that is accurate.
Senator Smith. Is it a bit of a grudge thing with us not to give us that kind of access?

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

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

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

The Chairman. So it might trigger a few bells about some generic approach here.

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

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

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

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

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

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

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

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

Mr. Sheetz. In that situation, if it was determined that was actually a POW in captivity, that report would still be in an investigative status and once we made that determination, it would be time then for some sort of a recovery operation. It wouldn't be time for any database entry into our database, it would be time for the President to decide what he was going to do about trying to bring
Senator Smith. Well, I would certainly hope so. I do not disagree with that. But it seems to me you do have a list of categories, they cover everything from unresolved status—we have gone through this before. But camp information, no POW/MIA information, but there is nothing. Just for the purpose of tracking it, I do not understand why—if you are looking for POW’s, why do you not have a category for POW’s? It does not make sense.

The Chairman. Is category 1A and 2A—that is action required. Senator Smith. That is action required.

The Chairman. Do those refer to that?

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

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

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

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

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

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

The Chairman. You can do what?

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

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

Mr. Gray. Yes, sir.

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

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

Colonel Cole. Sir, I was there when the interview was conducted, this individual. And we are indeed taking the fact that he has mentioned six others as a possible element of truth here. That is why
The CHAIRMAN. And at what date were they being held? I believe it is 1992.

Mr. Gray. 1992.

Colonel Cole. So, it is current.

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

Colonel Cole. It is.

The CHAIRMAN. It is.

Colonel Cole. Yes, sir, it is.

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

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

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

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

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

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

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

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

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

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

If we’ve got someone who presents a live sighting to us, living
rather young person, that we not even treat that as a legitimate investigation.

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

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

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

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

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

Colonel COLE. That is correct, sir.

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

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

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

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

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

More important, our charter is not differentiated according to captive and living freely.
Senator SMITH. Oh, I understand. But also, if you follow up with enough follow-up questions, I think you can establish that.

Colonel COLE. Yes, sir.

Senator SMITH. And I am sure you do.

Colonel COLE. Yes, sir.

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

Colonel COLE. That is correct, sir.

The CHAIRMAN. So you cannot eliminate living freely.

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

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

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

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

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

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

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

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

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

Senator SMITH. Three. I am sorry.

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

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

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

Mr. DeSTATTE. That’s correct.

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

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

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

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

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

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

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

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

We have subsequently learned or confirmed that one of those three, in fact, was an American, Robert Garwood. We have not subsequently proven that the other two gentlemen were Americans. Now, I happen to believe the other two were Americans. I mean, why would these people with whom he was associated with give in.
no plausible basis for saying that these two gentlemen were not Americans, but I must caution that—that at this point in time, that still remains something that—a belief that I hold on the basis of faith only, not something that I can confirm as fact.

Senator SMITH. I understand your explanation and the reason I am bringing up here is to try to get a perspective on the part of the committee Members on how you analyze and why I cannot accept how you analyze, frankly. Let me just finish.

Mr. DESTATTE. Yes please, because I’m sure—I don’t understand the point.

Senator SMITH. I will give you a chance to respond. First, he says he saw three Americans, or he saw three people and he was told they were Americans. Garwood comes out, he is an American. He gave you a lot of information about remains which turns out to be true. So you established that he is a credible witness.

Now, it seems to me the way you were analyzing this and the way you do the analysis—and you tell me where I am wrong, that the only way you are going to get an acceptable analysis, the only way you are going to accept this is if two more people come out and say, I am an American. My name is private so and so, and so and so, and I am out, therefore the mortician was right.

Mr. DESTATTE. One thing I think I’ve said clearly several times is I accept it. I don’t know how else I can say it.

Senator SMITH. Again, I am not trying to pin you on the issue. I am just trying to get an understanding. If you accept it, why do you say there is no evidence? Why is that not evidence? You just told me you accepted the fact that there are two people there that this guy says are Americans. Why then is that not evidence that somebody is left alive in Vietnam in 1989?

Mr. DESTATTE. I understand your point now.

Senator SMITH. I am not trying to trap you. I am just trying to ask you a question. I do not understand your analysis at all.

The CHAIRMAN. Let me see if I can explain what I heard and maybe that will be helpful, maybe it will not be. First of all, let me ascertain for the record, when Garwood came out, did he or did he not say that he saw other Americans, in his debriefings?

Mr. DESTATTE. When he was interviewed by members of the Armed Forces and when he was interviewed by Members of Congress, he said that he had no knowledge of any other Americans.

The CHAIRMAN. That is my understanding. And his testimony changed later in time, correct?

Mr. DESTATTE. When he was interviewed by members of the Armed Forces and when he was interviewed by Members of Congress, he said that he had no knowledge of any other Americans.

The CHAIRMAN. That is my understanding. And his testimony changed later in time, correct?

Mr. DESTATTE. And I think I mentioned yesterday that he did tell one family, a next-of-kin family and I have this from the family themselves, that he was aware of some number, I don’t recall that he mentioned a specific number, but that some Americans had voluntarily stayed but that he had given them his commitment that he would not reveal their presence.

The CHAIRMAN. Let me try to interpret what I heard and see if Senator Smith differs from that. I heard you say that you accept that this fellow said he saw three people and he was told they were Americans, but that one of these people subsequently you have
You accept that this person saw three people that he thought were Americans, but you do not accept, as I understand it to a certainty, that the other two were Americans, because he only knew what they might be by virtue of what he was told and not what he knew. So you are still in doubt as to whether the other two are, in fact, Americans. Am I hearing you correctly?

Mr. DeSTATTE. Yes. I would use different words, but yes. I believe, as again applying what I would consider common sense, I believe that the other two gentlemen are or were Americans, but yes, I must caution that I need to keep an open mind because I have not confirmed that they are Americans. You know, I still allow the possibility that he could have been misinformed, but I don’t think so.

The CHAIRMAN. Let me ask you something then in furtherance of Senator Smith’s effort. If you accept that they were and one of them indeed was and you accept he saw two other people and you personally believe it, then do you not, in fact, have something that qualifies as evidence of a couple of Americans being there?

Mr. DeSTATTE. Yes sir, right. I think it’s—right, but I think it’s also important to—

The CHAIRMAN. The minute you say you believe it, you have got a report that is credible.

Mr. DeSTATTE. But I’m afraid that we’re—there’s a danger that what I have said and written in the past may be misinterpreted. In my judgment, there is no credible evidence of any Americans being held against their will. Now these two gentlemen, if the information that we’ve been given about them is accurate, they are not there against their will and I make that distinction. That’s the distinction I’m making. I’m not saying I don’t believe that there are any Americans there or were not any Americans there. I make the distinction as to whether they were there against their will or not. I should also add—

The CHAIRMAN. How many people, before you add, how many people do you have evidence of may have stayed behind and be living of their own free will?

Mr. DeSTATTE. Sir, I think the province of possibilities is limited to four persons. McKinley Nolan, who reportedly died in Cambodia in about late 1974; Robert Garwood, who returned to the U.S. in early 1979; and the other two gentlemen. However, I’m not confident the other two men, if they were Americans, are still there. As a matter of fact, I think it’s likely they are no longer in Vietnam.

Senator SMITH. I think the issue of the sighting is not Garwood. The issue of the sighting is the mortician. The mortician said he saw what he saw and you find him a credible witness and I am just trying to get—you say, well, we have to make that determination as to whether they were Americans. Again, I am not trying to give you a hard time but I am trying to understand what is a determination. Is it when somebody walks out alive? Is that what the final assessment is? I do not understand.

Mr. SYDOW. Well Senator, I'd like to clarify a somewhat tangential point. Your issue was directed to the analysis. The facility that these gentlemen were reported at—and a social environment as I understood it, they came there for parties with the staff officers of the Vietnamese, has been a focus to us for at least 7 years.
We visited that facility very early on to see what was going on there. We have recently had a live sighting investigator go check out the facility. It is no longer what it was reported to be in that 1980 period. It has been a focus to us. We have pursued it. Does that clarify?

Mr. DeStaude. And I personally pursued it there in a number of different ways. I also visited the location where he made most of sightings of those gentlemen. I spoke with people who worked there during that period of time. I spoke with people that lived there during that period of time. I have spoken with people in the neighborhood. They can add no clarification.

I've spoken with officials at the military hospital where they had been treated. They recall having treated Robert Garwood, but they do not recall having treated any other Americans and, in fact, there were no other Americans treated there since 1975. We pursued it in a number of ways.

I've had informal discussions with Vietnamese officials, our counterparts on it. They insisted—and there again, it's a—I don't want to overgeneralize, but they seem to be—their comments generally fall into the category of there are no longer any Americans here and they seem to be suggesting—they're not ruling—if the mortician was correct and as I've said before, I believe he was correct, what they seem to be saying is they're not here now.

Senator Smith. But there was one very—and I participated in the deposition of the mortician for the committee, and there is one very dramatic portion of his testimony. What he said was, and I believe I am correct as far as one portion of it, I do not think that Garwood and the other two individuals were sighted together. I do not think he said that, he may have, but I thought he said they were separate sightings.

But the very dramatic thing that he said, the mortician, was that these two individuals, that in the environment that he described them were, quote, according to the Vietnamese, progressive individuals who had been sent from a camp in Yen Bai of other prisoners who had been determined to be progressive and, therefore, after some indoctrination became progressive and then were brought down and given some freedoms and brought to this location. That is a portion of the testimony that is very significant.

Mr. DeStaude. I've discussed this issue with him several times, most recently, just a few days ago and nowhere has he ever indicated that he had any knowledge of where these fellows were at. Never has he associated those fellows with Yen Bai. What he has told me is that his informants told him that these two gentlemen were working at an air base northwest of Hanoi.

Senator Smith. Well, I am just saying he told the committee that I will show you the deposition. He told the committee that he told me. I was sitting right there when he said it and I just point out for the record, he said it to committee. If he did not say it to you, I will take your word for it.

The Chairman. Yesterday there was testimony that, Colonel Cole, you were going to provide us with some fresh information on a live sighting report at the Citadel and also another report?

Colonel Cole. Not at the Citadel, sir, just at the ministry of inter
The CHAIRMAN. Can you share that with us, please?

Colonel Cole. Yes, sir. I can give you just a brief outline. Sir, the report is still—is still coming up through the chain, sir. But basically, this was an advance notice report. General Needham made an impassioned plea to Mr. Le Bang after his refusal to conduct any further live sighting investigations to do this report on a 1-day notice. Saturday morning—last Saturday, we went to the hospital. It's located near the Paper Bridge, southwest of Hanoi, sir.

I'm not sure if you're familiar with the basic facts of the case itself, but it's based on a source who reported seeing Caucasians who he was told were prisoners of war in two time frames. One was September 1981 when the source himself was being treated for malaria at the hospital, and then in April 1985 when he was being treated for adenoids at the same hospital.

The CHAIRMAN. We have the full report as part of the record.

Colonel Cole. Upon arrival at the hospital, sir, we were taken to see the director and the director explained the basic history of the hospital. The hospital was built in 1979. It is used primarily to treat ministry of interior cadre and their families. As you know, the public security service and the border security service are both subagencies to the ministry of interior.

We noticed upon walking into the hospital area, that the border security service had a major compound next door. After further questioning, the director told us that the border security service occasionally brought people over. We asked about the treatment of Caucasians. We brought up the basic facts of the case and if you remember, I'm not sure in your redacted version or not, but the name of the doctor that treated the source on both occasions is mentioned.

To our surprise, the director said, oh yes, this doctor has just come back from 3 years in Bulgaria, where he was undergoing further training. We were able to locate that doctor and ask him additional questions. The basic investigation itself, without boring you with too many details, the source said the first time he was treated was on the fourth floor of the facility in the infectious disease department for malaria. That was in 1981.

In 1985, being treated for adenoids, he said he was being treated in exactly the same area; on both occasions, and in an adjoining room he saw a Caucasian, who he was told were POW's. The doctor in question said, if the man was being treated for adenoids, it would not be in the infectious disease department, it would be in a different section of the hospital. That's basically it, sir. There were also other occasions.

The CHAIRMAN. Did the doctor say anything about any Americans or anybody Caucasian, or anybody foreign being treated?

Colonel Cole. No, sir. He confirmed that East German personnel had been treated at the hospital. They confirmed that there is a Finnish water project which is located near the front gate to the compound that's been in existence about 5½ or 6 years and occasionally a number of Finns who had medical problems would come over. They also volunteered, after numerous questions, that the Japanese monk was treated in this hospital, but that's it, sir. They denied treating any American POW's, as they said since the hospi-
tal was built in 1979, there was only, if you will, East Germans and some Finnish people. That's all I have on that, sir.

The CHAIRMAN. Mr. Johnson, let me ask you a few questions, if I can, about the interagency committee, the panel. Is there a written statement of purpose or procedure for the panel?

Mr. JOHNSON. I'm not aware that there is, sir.

The CHAIRMAN. Is there a DOD regulation that outlines its purpose and function?

Mr. JOHNSON. You'd have to ask Mr. Sheetz.

The CHAIRMAN. Is there, Mr. Sheetz?

Mr. SHEETZ. There is some documentation about the panel. I reviewed it one time, I believe, since I've been in the job, but I can't recall it.

The CHAIRMAN. Who chairs the panel?

Mr. SHEETZ. I chair the panel, but I don't have a vote. I chair the panel.

The CHAIRMAN. Are the proceedings recorded?

Mr. SHEETZ. Yes, sir. We have a briefing book that's—well, you can ask Mr. Johnson the question, but I can explain it. We have a briefing book that we prepare for each panel member that includes original report. It includes the summary of our analysis and it includes our recommendation. And on the front is a—is a sort of a box score for listing each report and the—

The CHAIRMAN. Well now, is the interagency committee sort of the ruling authority or power of this issue? What is the authority of it?

Mr. SHEETZ. Are you speaking of the interagency group that's chaired by Assistant Secretary Ken Quinn, or this review board?

The CHAIRMAN. No, this review board.

Mr. SHEETZ. This review board was created for the express purpose of reviewing the analytic work of DIA on the live prisoner issue and reviewing the recommendations of our analysts. The policy group that Assistant Secretary Ken Quinn chair is the group that oversees the overall U.S. Government effort.

The CHAIRMAN. Is there a difference between the interagency group and the interagency committee?

Mr. SHEETZ. Yes. Yes, there is a difference. The interagency group, commonly called the IAG, is the group chaired by Assistant Secretary Quinn.

The CHAIRMAN. And the interagency committee is chaired by you.

Mr. SHEETZ. And it's primarily an intelligence community organization with some additional representation, whereas, the IAG, chaired by Assistant Secretary Quinn, cuts across all of the departments in the executive branch that have a role.

The CHAIRMAN. Now, the interagency committee, you say they actually go over files?

Mr. SHEETZ. Yes, we do.

The CHAIRMAN. Files of individual cases?

Mr. SHEETZ. Yes, we do.

The CHAIRMAN. And you discuss those cases and files?

Mr. SHEETZ. In great depth.

The CHAIRMAN. Are all the members of this committee given
Mr. SHEETZ. They are.

The CHAIRMAN. Who are the members of this committee?

Mr. SHEETZ. Mr. Johnson represents State intelligence and research. We have a representative from the CIA, from each of the service intelligence agencies, Army, Navy and Air Force. We have a representative from the joint staff who sits in. A representative from Mr. Ptak’s office, the Secretary of Defense for POW/MIA.

The CHAIRMAN. How about the National Security Council?

Mr. SHEETZ. No, they do not sit on this board.

The CHAIRMAN. Do they have an observer?

Mr. SHEETZ. Not generally. They do sit at the interagency group though, chaired by Assistant Secretary Quinn.

The CHAIRMAN. Now, do these groups—at this meeting, do decisions have to be unanimous?

Mr. SHEETZ. They do.

The CHAIRMAN. And how many have a vote?

Mr. SHEETZ. Everyone but DIA.

The CHAIRMAN. Everybody but DIA.

Mr. SHEETZ. Correct.

Mr. JOHNSON. I might add, we get the book with the case files and the analysis normally several days before the meeting and we outside members, if you want to call us that, go to the meetings and then there is normally an oral presentation by the analysts and some discussion, a vote, and which is unanimous if it makes a decision, and then we move on.

Senator SMITH. How often do you meet?

Mr. JOHNSON. We meet at the call of the chairman.

Senator SMITH. How often is that?

Mr. JOHNSON. It’s every several months.

Mr. SHEETZ. It’s typically about every 3 months or so, whenever we’ve got sufficient cases to review to make it worth our while to call everyone in.

The CHAIRMAN. With respect to the current review process that is on-going, we’ve been promised since last fall by, I think ranging from Secretary—I don’t want to put words in his mouth, but I’m pretty sure that the Secretary through General Christmas and others talked of the review of the 2,266 cases, and specifically trying to come up with a tabulation in short in time now because of the end of the committee, to ascertain the accuracy of the current categorization. When can we expect that to be completed?

Mr. SHEETZ. Well, I believe we’ve completed at DIA our part of that review.

The CHAIRMAN. So that’s in the hands of DOD now?

Mr. SHEETZ. Yes, sir, and that review has basically had two major thrusts, first yet another review, and I would say this is the latest in many such reviews to make sure that all discrepancy cases have been identified, and the reason we need to keep doing that, as we gain more information from our on-the-ground research we have to make sure that in that new information we haven’t been presented with an unanswered question.

So identifying last known alive and discrepancy cases is one review, and then another major review we have, we try to make sure that we have the cases properly located as we gain more information, so that when the JTF people go on the ground, that they’re
working at the right place, and they can very quickly get to work and they're not wasting time trying to find the locations.

The CHAIRMAN. Now, with respect to the current discrepancy case situation, the 133 or so, General Vessey 135, and our cases sort of joined into that, the Vietnamese have been very cooperative recently, as you've said, Colonel, and also there has been increase in the return of remains, so a number of those discrepancy cases have been resolved by virtue of the return of remains, is that accurate?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. So we are now dealing—and this is very important from their perspective to understand the real universe that they're being asked to respond to. How many discrepancy cases remain at this point in time that we need to have an answer to?

Mr. SHEETZ. For Vietnam?

The CHAIRMAN. For Vietnam.

Mr. SHEETZ. Approximately 135.

The CHAIRMAN. 135 discrepancy cases—

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Still remain.

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. I was told a different number the other day, by virtue of 57 remains that had been returned.

Mr. SHEETZ. I believe at this time there are 22 sets of remains that have actually been identified and repatriated to the families and had proper burial, but really, of General Vessey's original 119 cases that were presented in a couple of different segments to the Vietnamese, 61 of those cases have either been resolved through the return of remains or fate has been confirmed through documentary evidence which has been approved by the interagency group, which leaves 58 from the original group of 119 still unresolved.

To that, we and DIA have recommended, and it's been approved by the interagency group, that an additional 77 cases representing mostly last known alive but a few others—a few other discrepancy cases have been added to that. 58 and 77 gets you to 135.

The CHAIRMAN. Well, if you had an original 111—

Mr. SHEETZ. 119.

The CHAIRMAN. 119 was the original. You've add a new 58, correct?

Mr. SHEETZ. No. 77. There were 58 left.

The CHAIRMAN. I understand, but I'm just trying to get what the total number of discrepancies were, then. So you're talking about 196.

Mr. SHEETZ. That's correct.

The CHAIRMAN. Total discrepancies for Vietnam.

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Now, did they accept that increase?

Mr. SHEETZ. They accept the 135 figure that represents the currently unresolved.

The CHAIRMAN. So currently Vietnam can look to this and say there are 135 cases that we're dealing with.

Mr. SHEETZ. Based on what we know right now.

The CHAIRMAN. And 110 live sighting reports.

Mr. SHEETZ. Yes, sir.
The CHAIRMAN. Correct. What is the status with respect to Laos?
Mr. SHEETZ. Well, it's a little bit more complex. DIA has identified 64 discrepancy cases that are in Laos, and 9 that are in Cambodia. Those cases are DIA's recommendation, but they have not yet been approved by the interagency group. I feel certain they will be. They have not taken issue with prior cases we have identified.

The CHAIRMAN. And Cambodia?
Mr. SHEETZ. Nine.

The CHAIRMAN. Nine. So you would agree, would you not, that it's important in terms of the relationship with the Vietnamese, is it not, to seek cooperation, continued cooperation, for them to have an understanding of where we're coming from in terms of these case numbers?

Mr. SHEETZ. Yes, sir.

The CHAIRMAN. Well, my hope is, obviously, that this process, which has been I think a very positive one—I mean, the fact is that in the last year there has been greater forward movement on this issue than there has been in 19 years, and it would be a tragedy if the Vietnamese, 7 months into the existence of this committee, were to suddenly feel their patience exhausted and not complete the task.

It seems to me that we're on the brink of really putting in place a process that has the ability to provide us with the answers that the American people want, and they have, I think, nothing to gain but everything to lose by beginning to shut that door, if that is their choice, and I would hope very much that they would understand the degree to which we understand their cooperation.

They have indeed changed their attitude. A year ago we did not have an office that was permanent in Hanoi. A year ago we did not have people moving through the provinces. A year ago, United States Senators had not visited military bases that hadn't been visited in 20 years. A year ago we didn't have a live sighting report capacity without notice, or even on short notice, and I could go through more things. A year ago we did not have archival access. A year ago we didn't have Vietnamese working on this process.

So huge advances have been made, and they've clearly been made partly because the Vietnamese decided they wanted to do that, they were willing to do that. I would hate to see a misinterpretation of these 133, 135 cases, and the live sighting reports now prevent this process from coming to closure. My sense is that there ought to be an orderly way of setting these out and arriving at them in the next months, and I hope that we can do that.

Let me ask you, Colonel Cole, you've been on the ground there for how long?

Colonel COLE. In this job, sir, since September 1990.

The CHAIRMAN. Since September 1990.

Colonel COLE. Yes, sir.

The CHAIRMAN. And have you now formed some relationships, do you think, with Vietnamese counterparts on this issue?

Colonel COLE. Yes, sir. I think that a Mr. Dung is our chief Public Security Service live sighting counterpart for Major Robin-

The CHAIRMAN. Are there Vietnamese counterparts people you
you’ve gotten to know or that you’ve gotten to have a good relationship with?

Colonel COLE. I think so, sir. It’s a slow process, and it’s one that on the live sighting side of it we’re really just beginning. Perhaps Bob DeStatte can address more of that on the archival side. I think he’s probably built up the best close relationships, but we’re just beginning, and we’re proceeding in a positive direction, sir.

The CHAIRMAN. What would you say to that, Mr. DeStatte?

Mr. DeStatte. Yes, sir, I agree. My experience has been the person that I’ve worked with, directly with most frequently is a senior Colonel in their armed forces. He’s the senior military representative in the Vietnamese Office for Seeking Missing Persons. He has given me his assurances that anything that we request through the appropriate channels, he will ensure that we—that everything possible is done to make it happen, and so far we’ve been successful.

I should add that Mr. Ho Xuan Dich, the Chief of the Vietnam Office for Seeking Missing Persons (VNOSMP), has been very helpful in making the process work. The VNOSMP is located in the Ministry of Foreign Affairs. My role is to work with the Vietnamese to find information in Vietnamese records about unaccounted-for Americans. Most of those records are located within Ministry of Defense organizations and units. However, as I noted earlier, we must work through Mr. Dich in his role as the chief of the VNOSMP to gain access to those Ministry of Defense organizations and units that have the type of information we are searching for.

I find the cooperation is good. I find—there’s a Lieutenant Colonel whose name is Pham Teo who has been working this issue for more than 20 years. I found him very helpful and very open. I wish to emphasize, however, that while the Vietnamese I have been working with helped me gain access to specific documents and personalities I have asked for, they seldom volunteer information that is not specifically requested.

The CHAIRMAN. Do you ever get a chance to sort of have a personal kind of conversation about this issue with these folks?

Mr. DeStatte. Yes, sir, but that is difficult. They have imposed—their system imposes some requirement on contact with foreigners. I should say, some restrictions on contact with foreigners. Two important points in that regard, they are not permitted to have us into their homes. That’s a restriction that they follow very carefully.

And two, when we travel, they’re required to have representatives of at least two of the three ministries that are represented in the Vietnam Office for Seeking Missing Persons travel or accompany us, except under unusual circumstances, so it’s always a three-person conversation.

The CHAIRMAN. Have you ever had anybody make any overture to you, any of you, in any way, in any of your contacts in any of these countries that you were capable of following up on with respect to the delivery of a POW in exchange for money, or some kind of deal with our country? Mr. Sheetz.

Mr. Sheetz. None.
Mr. SYDOW. No, sir.
The CHAIRMAN. Mr. Gray.
Mr. GRAY. No, sir, none.
The CHAIRMAN. So on no occasion in all of these years do you have any records whatsoever pertaining to an offer to give us POW's in return for aid or money or anything? None of you have seen that or know of that?
Colonel COLE. No, sir.
The CHAIRMAN. And none of you personally have had anybody hint to you that if only the U.S. did this or this, they could get somebody back, anybody?
Mr. SHEETZ. No, sir.
Mr. DeSTATTE. No, sir.
Colonel COLE. No, sir.
The CHAIRMAN. Do you have any other questions?
Senator SMITH. No, I don't have any further questions.
I might just state for the record, although this hearing is not related to Garwood, his name appeared numerous times throughout the 2 days. Many of the characterizations of Garwood are hotly disputed. Some of those characterizations are hotly disputed by me, and I've spent the past 8 years talking with Garwood and talking with people who were involved in his incident. We deposed him here in the committee.
I'm not going to get into debating that, but I think just one clarification, and that is that as far as what he said in 1979, Garwood did say in 1979 that he saw five Americans. He made that comment publicly and he also made it privately, and as you know it was because he was charged with desertion, which he did not do and it was proven that he did not do, he did not get into that, that area.
He was advised by counsel not to discuss it further, but he did say he saw live Americans on a couple of occasions.
The CHAIRMAN. At what point in time?
Senator SMITH. Oh, he said it in 1979, when he came out.
The CHAIRMAN. When he came out?
Senator SMITH. Yes, and then he said it again in the Wall Street Journal article. He also did advise counsel to that effect, and was advised not to discuss it further because of the charges against him.
I think also, it's also important to point out that as most of the gentlemen sitting there know, not to take any credit for anything, but I played I think a major role in getting Mr. Garwood deposed by the DIA.
Some of these people precede you here, but it was not a high priority to depose Robert Garwood and found out what he knew about (a) the prison system, or (b) POW's, and I think that lends a great deal of support to some of the charges that General Tighe and others made about the agency, but I hope that we will be able to get back on that subject at some point, Mr. Chairman, before we're finished.
The CHAIRMAN. Did any of you want to respond?
Senator SMITH. I just have one final point I want to make—excuse me. One final thing before you respond.
In 1986, in his report, it's very interesting, because of the comments that were made by Garwood, Gaines recommended that Garwood be hired as a consultant by the DIA. I find it somewhat inconsistent to knock a guy around who has had so much valuable information that Colonel Gaines would recommend him being hired as a consultant. I think it was a good recommendation. You should have taken it.

The CHAIRMAN. Mr. Sydow, I see you waiting to respond.

Mr. Sydow. I have two simple responses. When Mr. Garwood came out in 1979, he stated in front of at least four witnesses, possibly five, that he did not have any first-hand knowledge of POW's after 1970. That covers the people that he knew to be in his prison camp in the South.

Secondly, DIA pursued an interview with Mr. Garwood while he was going through the courts on his trial, which convicted him of collaboration, and was only able to talk to him 2 days after the Supreme Court refused him review.

Mr. Destatte. I don't want to speak authoritatively for Colonel Gaines, but my recollection of the recommendation that you've just cited, we were casting around for some way to persuade Robert Garwood to be cooperative with us, to share whatever knowledge he might have, and I believe, as I recall the conversations that went on at the time, Colonel Gaines thought well, perhaps Bobby Garwood's primary motivation is money, so perhaps if we offer him money in the guise of a consultancy, perhaps he would be cooperative.

Mr. Sheetz. And indeed, Colonel Gaines became the head of the office shortly after filing his report, which has been declassified and released. He was the head of the office for almost a year, and had he wanted to hire Robert Garwood, I'm sure he could have.

The CHAIRMAN. Well, I've been always fascinated by the case. I must say to you that this is off the point. We're about to end the hearing, and I do want to end it, but I ask you very quickly, I have always been puzzled by the notion that he was listed as a deserter, given the fact that a couple of people were killed by him in the course of an ambush, and the Vietnamese admit that they were killed.

Mr. Destatte. No, sir, that's not at all correct. The people that I spoke with in Vietnam scoff at the idea that Robert Garwood even fired his weapon. Robert Garwood, whether he went out purposefully to go over to the other side, or whether he inadvertently found himself in a circumstance where he had no alternative, I haven't sorted that out to my satisfaction, but the Vietnamese whom I speak to—

The CHAIRMAN. So you're saying there was no fire fight?

Mr. Destatte. That's correct.

The CHAIRMAN. Did you ever examine the bullet wound in his arm and ask him where he got it?

Mr. Destatte. Well, I know there are a number of stories about how he got it. One of the stories is that it's a result of a wound that he suffered while he was on some part of the Ho Chi Minh Trail as he suffered while he was an inmate of the Binh Long Garwood's word
The CHAIRMAN. So there is no evidence—we don't want to make this a long thing, but I just wanted to inquire about that one fact, because I had heard conflicting testimony on it. Somebody asserted that there was a shooting and a couple of Viet Cong were killed at the place of the ambush. Is that not accurate?

Mr. DeSTATTE. To the best of my knowledge, the only person who has made that assertion is Robert Garwood himself. The Vietnamese with whom I speak, who should be in a position to know, tell me that there was no such activity.

Now, I am not prepared to make a judgment which of the two sources—Robert Garwood or the Vietnamese sources that I speak to—are being most accurate on that. I'm simply telling you there is a divergence of views.

Senator SMITH. I know you want to wrap up. I just want to say again, using this as an example, what you just said, Mr. DeStatte, about what Colonel Gaines said in that report—and it is a matter of public record, and I encourage anybody who's suspicious of what I'm saying to read the document. It speaks for itself. There's absolutely no mention whatsoever of Robert Garwood needing any money, nor has he ever asked for a nickel except to travel when he came to testify or talk with the DIA.

As a matter of fact, what Colonel Gaines did say in the record, in the document, and I think you know that he said it, was that Garwood was a very valuable resource because he was an American and he knew the prison system, and he would be a very valuable resource. There's not a word in there about money. If Colonel Gaines felt that way, he didn't write it in the report.

Mr. SHEETZ. If he wanted to hire him, he could.

Mr. DeSTATTE. That's the point I wanted to make. What I was referring to were conversations that I was a party to at the time.

The CHAIRMAN. Incidentally, I don't mean to—I understood you to say that there were conversations in which they said, maybe he needs money, and there was a discussion in that context of offering him the consultancy, which is in keeping with what is in the report, that he be offered a consultancy. I'm not sure we're on different wavelengths here.

Senator SMITH. Well, I'm sure he needs money. The guy lost 14 years of back pay doing a lot less than many people who came back did, and I think it's an outrage, but that's another subject.

Mr. DeSTATTE. This is a point that I think is very important. We talked about what was done to Robert Garwood. I would like to remind all who are listening that Bobby Garwood was convicted by the testimony of the survivors from that camp, not by anyone else. It is the survivors of that camp that suggested—that volunteered to subject themselves to the rather grueling experience of going to court to testify against him. It is they who did it, and they were not in the military. Most of them were out of the military at that point.

Senator SMITH. And many of those people, Mr. DeStatte, have recanted, and in one case the person has testified to this committee that he was intimidated by the U.S. Government, so this story is long from written, and I encourage you to be cautious with th
The CHAIRMAN. If I may suggest, this is the source of a select committee's investigation in its own right, and I'm not sure this select committee will have the time or the ability at this point to get to that, but it is a subject that raises a lot of questions, everybody knows that.

This is not the time or place for us to go to great length on it, but I think the last 2 days have been very helpful. They don't close out the process. They don't shut the door on further inquiry with respect to live sighting reports and our ability to draw conclusions.

On the other hand, it has been extremely helpful in shedding light on the process, on the nature of the issues raised by these live sighting reports, on the great difficulty in drawing conclusions based on the face sheet of a piece of paper without understanding an awful lot more about the region, the area, other intelligence, other debriefings, photographs, a huge amount of information that has to be factored into interpreting one of those sheets.

I think it shows some areas of concern in terms of process. I think you're aware of that. Much of this was old, going back in time, and in fairness your agency wasn't exactly at the top of the funding line, nor the personnel line, for much of that period when much of this information was at its freshest, and I think people need to keep that in mind, and that's something we will be exploring in subsequent portions of this, is the 1970's history here, but this is very helpful.

Mr. Sheetz, you mentioned in your statement the amount of time that your agency has put to this. Obviously, we regret that but we are not, frankly, overly persuaded that it should be anything but the way it is.

Mr. Sheetz. And I was not suggesting that it needs to be any different. I was just pointing out.

The CHAIRMAN. Fair enough. I understand it is cumbersome. But I would respectfully suggest that the entire process is enhanced by that time and by this inquiry. And your directives to those who are in Vietnam will be a hell of a lot sharper for this process, and possibly more rapidly acted on and designed with greater intensity than they might have been otherwise.

And I think in terms of the goal that we all share, which is learning whether or not someone is there held against their will or whether we can get somebody back, this process is enhanced by this kind of public tug of war on these kinds of issues, which have been cloaked in secrecy for so long. I have tried to, you know, be the devil's advocate and ask a lot of questions about it. I reserve judgment on some parts of it, and I think I need more answers, frankly, for some parts of it.

And we are going to have to work together in the next couple of months to enable this committee to properly draw some conclusions about it. Now that will require some more time; I recognize that. But it would be just as much of a tragedy as if Vietnam were to, you know, exhaust its patience now with this crucible, if you were to exhaust your patience or the process somehow broke down here.

Let us get this done, and I think we are well down the pathway of understanding differences that have led to different conclusions.
out piece by piece, so that our report can reflect different positions if they are different, or joint conclusions if we have arrived at them in that way.

And I hope you feel that this has been a fair process in trying to do that. And my sense is it has been very positive for the committee—long, but positive. On that note, I want to thank you and look forward to working with you in the next months.

We do need these prioritizations of the live sighting reports for the current dates, the most recent vintage obviously, as soon as—I think it is just helpful. I think if you leave live sightings out there that are current, to whatever degree your seriousness in pursuing this is questioned, it is only more questioned if the most current vintage is somehow languishing.

So I think, however, that does not mean you should send silliness out there, where you have legitimate reasons to have resolved something for obvious intelligence reasons and does not deserve it, make that conclusion and share it with us and help us to understand it, and we will stand up with you and jointly concur.

Mr. SHEETZ. I appreciate the Senator's view. I think it makes a lot of sense and I would be pleased to work with you on that.

The CHAIRMAN. Thank you very much. On that note, we stand adjourned until next Tuesday. I think next Tuesday we are being booted out of this room because there is another hearing in here that had prior lock on this space. So we are going to be over in the caucus room of the Russell Building for the hearing on Tuesday with Mr. Perot and others.

Thank you very much. We stand adjourned.

[Whereupon, at 6:10 p.m., the hearing adjourned.]