

UNITED STATES SENATE

SELECT COMMITTEE ON POW/MIA AFFAIRS

Stenographic Transcript of
HEARINGS
Before the

DEPOSITION OF RICHARD V. SECORD
(MAJ. GEN. (Ret.) USAF)

Wednesday, June 10, 1992
Exhibits 1-4 attached
Pages 1-148

Washington, D.C.

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1 DEPOSITION OF RICHARD V. SECORD, MAJ. GEN. (Ret.) USAF
2
3 Wednesday, June 10, 1992
4
5 U.S. Senate
6 Select Committee on POW/MIA
7 Affairs
8 Washington, D. C.
9 Deposition of RICHARD V. SECORD, MAJ. GEN. (Ret.)
10 USAF, the witness herein, called for examination by counsel
11 for the Senate Select Committee on POW/MIA Affairs,
12 convened, pursuant to notice, at 10:44 a.m., in S-407, The
13 Capitol, the witness having been duly sworn by ANNE P.
14 HOROWITZ, a Notary-Public in and for the District of
15 Columbia, and the proceedings being taken down by Stenomask
16 by ANNE P. HOROWITZ and transcribed by her.

PRESENT:	1
on behalf of the Senate Select Committee on POW/MIA	2
Affairs:	3
NEAL KRAVITZ, ESQ.	4
Investigative Counsel	5
JOHN MCCREARY, ESQ.,	6
Investigator	7
on behalf of the witness:	8
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C O N T E N T S

EXAMINATION

WITNESS

Richard V. Secord, Maj. Gen (Ret.)

USAF, residing at:

Examination by: Page

Mr. Kravitz: 4

83

147

Mr. McCreary: 22

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EXHIBITS

FOR IDENTIFICATION

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6

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SECOND EXHIBIT NO.

P R O C E E D I N G S

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MR. KRAVITZ: Let's go on the record.

Would you swear in the witness, please.

Whereupon,

RICHARD V. SECORD, MAJ. GEN (Ret.) USAF,

the witness herein, called for examination by counsel for

the Senate Select Committee on POW/MIA Affairs and having

been duly sworn by the Notary Public, was examined and

testified as follows:

EXAMINATION BY COUNSEL FOR THE

SENATE SELECT COMMITTEE ON POW/MIA AFFAIRS

BY MR. KRAVITZ:

Q. General Secord, my name is Neal Kravitz. This is

John McCreary. We're both lawyers working with the Senate

Select Committee on POW/MIA Affairs.

I want to thank you again for being here this

morning and also apologize again for the delay that was

caused by the problems we've been having over security

clearance issues.

I want to begin by first putting in evidence some

standard documents for the deposition, and then also give

you some instructions as to how the deposition will proceed

MR. KRAVITZ: For the record,

your lawyer, Thomas Spencer, is here.

If you could, please just state

1 your address for the record.

2 MR. SPENCER: Thomas R. Spencer, Jr., DATA

3 DATA

4 MR. KRAVITZ: The first exhibit that I want to enter in evidence is copy of the Authority and Rules of the Select Committee on POW/MIA Affairs.

5 [The document referred to was marked Second Exhibit No. 1, for identification.]

6 BY MR. KRAVITZ (Resuming):

7 Q. General Secord, I just want to ask you if you have had an opportunity to read this exhibit.

8 A. Yes.

9 Q. Do you have any questions about it?

10 A. No.

11 MR. KRAVITZ: Mr. Spencer, do you feel comfortable with the Rules?

12 MR. SPENCER: Absolutely. We've read them and understand them.

13 MR. KRAVITZ: Exhibit No. 2 is the Notice of Senate Deposition, or a copy of the Notice of Senate Deposition, that was served on General Secord one day last week.

14 [The document referred to]

1 was marked Second
 2 Exhibit No. 2, for
 3 identification.]
 4 MR. KRAVITZ: Exhibit No. 3 is a copy of the
 5 subpoena for this deposition, again, served on General
 6 Second last week.
 7 [The document referred to
 8 was marked Second
 9 Exhibit No. 3, for
 10 identification.]
 11 MR. KRAVITZ: Exhibit No. 4 is the authorization
 12 signed by Senators Kerry and Smith for the deposition.
 13 [The document referred to
 14 was marked Second
 15 Exhibit No. 4, for
 16 identification.]
 17 BY MR. KRAVITZ (Resuming):
 18 Q. General Second, do you have any questions about
 19 either Exhibits 2, 3, or 4?
 20 A. No.
 21 Q. As you know, in the deposition, I will be posing
 22 questions and, actually, during part of the deposition Mr.
 23 McCreary will be posing questions. You will be required to
 24 answer the questions under oath to the best of your ability
 and recollection.

1 It's very important that, if you don't understand

2 a question or any part of a question, that you not answer

3 the question until you do fully understand the question.

4 So, if you have any doubt as to your understanding of a

5 question, please, don't hesitate to ask for clarification.

6 I often ask questions that could be better or more

7 clear, and I promise I won't be insulted if you tell me that

8 my question should be phrased better or differently.

9 Do you understand that?

10 A. Yes.

11 Q. At any point during the deposition, if you realize

12 that one of your answers that you've previously given, at

13 any time during the deposition, could have been a better

14 answer or needs to be added to or changed in any way, please

15 just tell me that you want to change, or add to, or take

16 away from anything that you've said previously, and we can

17 go back to that question and answer and you can make the

18 change that you wish to make.

19 Do you understand that?

20 A. Yes.

21 Q. Everything that is said during the deposition,

22 both in terms of our questions and your answers, will be on

23 the record. As you know, Ms. Horowitz is here, taking down

24 everything that you say. A transcript will be typed up

25 within a couple of weeks. It usually takes two to three

1 weeks for the transcript to be prepared.

2 Under the Rules of the Senate Select Committee,

3 you have a right to review the transcript once it's been

4 prepared and to submit an errata sheet if there are any

5 typos or if any of the words are misinterpreted in the

6 transcript.

7 If you wish to review the transcript, all you need

8 to do is either you or your lawyer contact me or Mr.

9 McCree and we'll make arrangements for you to review the

10 transcript.

11 Because the transcript will be at the

12 level, you'll probably have to come here to review the

13 transcript. But we can make arrangements for you to do that

14 in private, at your convenience.

15 Do you understand?

16 A. Yes.

17 Q. On the question of security clearance, we've

18 discussed this a lot off the record. But I want to put on

19 the record what the current status of all of this is.

20 We understand that, in your past positions, in

21 many of your past positions, you've held security clearances

22 up to the highest level, I assume.

23 Is that right?

24 A. I've held compartmented security clearances and

25 I've held CIA clearances.

Q. Okay.

As we do with all witnesses who are retired from

the military and who no longer hold government security

clearances, we've requested, through the Department of

Defense, for an interim security clearance to be

granted to you for purposes and for the duration of this

deposition.

Our Chief Counsel, William Codinha, has been told

on the telephone by, I think, a man named, I can't remember

his name, but he's the top deputy to Duane Andrews, who's

the Assistant Secretary of Defense for Command, Control,

Communications and Intelligence, that you have been granted

a security clearance for purposes of this

deposition as long as we show you documents limited to the

time periods that you were in government. In other words,

we're not allowed to show you documents that were

written today or yesterday.

Your clearance is limited, however, to

My security clearance is also only a security

clearance. If, by accident, either Mr. McCreary or I asks

you a question the answer to which, the honest, truthful

complete answer to which would require information at a

level higher than you should not answer

question; but, rather, you should just tell us the facts

honest, complete answer would include information at a

1 security clearance level higher than either you or I are

2 authorized to go at this deposition:

3 Do you understand that instruction?

4 A. Yes.

5 Q. There has also been a question as to Mr. Spencer's

6 access to classified information at this deposition. That's
7 actually still being determined over at the Department of
8 Defense.

9 MR. KRAVITZ: But off the record, General Second

10 has reviewed a set of documents from March, 1973, at the

11 level and has indicated that he is willing to answer

12 questions about those documents without his lawyer present

13 in the room.

14 Perhaps, Mr. Spencer, you could put on the record

15 what your understanding of this setup is.

16 MR. SPENCER: Well, as I understand the procedure

17 concerning which the General and I have agreed, at that

18 time, when we come to discussion of those particular

19 documents, I'll step outside. If, during the questioning,

20 any legal problem arises in the mind of the General, then

21 we'll stop the deposition and confer.

22 MR. KRAVITZ: Okay. I think that's a good

23 procedure. The understanding obviously has to be that,

24 while you're conferring, the General cannot tell you

25 anything that is in the documents.

1 security clearance level higher than either you or I are
 2 authorized to go at this deposition:
 3 Do you understand that instruction?
 4 A. Yes.
 5 Q. There has also been a question as to Mr. Spencer's
 6 access to classified information at this deposition. That's
 7 actually still being determined over at the Department of
 8 Defense.
 9 MR. KRAVITZ: But off the record, General Second
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 11 level and has indicated that he is willing to answer
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 17 concerning which the general and I have agreed, at that
 18 time, when we come to discussion of those particular
 19 documents, I'll step outside. If, during the questioning,
 20 any legal problem arises in the mind of the general, then
 21 we'll stop the deposition and confer.
 22 MR. KRAVITZ: Okay. I think that's a good
 23 procedure. The understanding obviously has to be
 24 while you're conferring, the general cannot refer to
 25 anything that is in the documents.

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MR. SPENCER: Right, and we've agreed to that.

MR. KRAVITZ: Okay.

I just want to say, obviously, that the general

has an absolute right to counsel at this deposition. I

really hope that neither the general nor Mr. Spencer has

felt any pressure from me or Mr. McCreary or anyone else on

the Select Committee staff to go forward with this

procedure.

MR. SPENCER: We don't. We feel very comfortable.

MR. KRAVITZ: I just want to make sure that

General Secord understands that if, at any time, he wishes

to change his decision and decides that he does not want to

go forward with this procedure, that that is still his

right.

THE WITNESS: It's understood.

BY MR. KRAVITZ (Resuming):

Q. Okay.

We will start the deposition now and we'll go

until it's finished. I hope it won't take more than an hour

and a half or two hours. I know that General Secord wants

to get back to work, and we've already delayed things. We

apologize again for the delay.

Just one other point regarding instructions.

at any time, General Secord, you want to take a break

to walk down the hall, or get a drink of water, or get

1 men's room, or whatever, just let me know and we can break. There's no reason why we have to have a rigid schedule.

3 A. Okay.

4 Q. Would you start by telling us your full name.

5 A. Richard Vernon Secord.

6 Q. Mr. Secord, where do you live?

7 A. In DATA

8 Q. How old are you?

9 A. DATA

10 Q. What is your educational background?

11 A. A graduate of West Point.

12 Q. What year was that?

13 A. 1955. A graduate of the Air Command and Staff college, 1966; graduate of the Naval War College, 1972; graduate of George Washington University, master's level, International Affairs, and a number of other lesser schools.

17 Q. Did you ever have any specific training in the subject of military intelligence analysis?

18 A. Formal training?

20 Q. Well, yes. Did you have any formal training? I guess then I'll ask you whether you had any informal training or anything you would consider informal training?

23 A. Aside from the professional military schools, just mentioned,

25 Q. In any of those professional military schools?

1 you've mentioned, did you have any formal training in the
 2 field of analysis of military intelligence?
 3 A. These are subjects that are routinely covered in
 4 the PM, the professional military education courses.
 5 Q. And so, the answer is that you did have --
 6 A. Military intelligence is a routine part of an
 7 officer's career, an operational officer's career. But I
 8 was never in the intelligence service, except for service in
 9 CIA.
 10 Q. Did you receive any training in CIA in the
 11 analysis of military intelligence?
 12 A. On the job training.
 13 Q. Would you give us an idea of what you mean by "on
 14 the job training," either with respect to the CIA or any
 15 other agencies that you've worked with?
 16 A. I grew up with intelligence. It's a routine tool
 17 in any operational officer's kit bag. I don't know of any
 18 school that really teaches you this. I think you have to
 19 learn it as you mature and get positions of higher
 20 responsibility.
 21 Q. During the time period before you joined the
 22 Pentagon in 1972, had you had experience reviewing
 23 intelligence reports?
 24 A. Yes.
 25 Q. Can you tell us about that, where you had that

1 experience and what it entailed?

2 A. I was experienced in the review of intelligence

3 reports beginning in 1962, in my first tour in Vietnam, with

4 what came to be known as U.S. Air Force Special Operations

5 Forces; and during assignments elsewhere with U.S. Special

6 Operations Forces in the 1960's;

7

8 Q. What types of intelligence reports were you

9 reviewing? I mean, on what subjects?

10 A. Virtually all that I could think of were related

11 to the war in Southeast Asia or the various conflicts we

12 were dealing with elsewhere in the world, insurgencies.

13 Q. Before the time that you joined the Pentagon in

14 1972, did you have any experience or training in the subject

15 of casualty accounting or accounting for lost personnel?

16 A. No.

17 Q. None of the intelligence reports that you had ever

18 reviewed, either as a detainee at the CIA or in any other

19 position, referred to prisoners of war or men who were

20 missing in action?

21 A. Oh, many, constantly.

22 You're earlier question was did I have any

23 training in the subject of insurgency.

24 Q. Oh, I'm sorry. I thought I'd asked you whether

25 you had any training or experience.

1 Let me ask you this. What was your experience or
 2 access before the time that you got to the Pentagon to
 3 intelligence reports or other intelligence information
 4 relating to prisoners of war or missing in action issues?
 5 A. I don't recall much traffic on that subject until
 6 I went to Laos in 1966. I think I was probably
 7 privy to all reporting that took place during those years
 8 with respect to Laos.
 9 Q. Okay. Now, when you say "all reporting," you mean
 10 not only CIA-creating reporting --
 11 A. All reporting from the JCRC, from MACVSOG, from
 12 MACV, from CINCPAC, you name it -- everywhere.
 13 Q. So you had access to, really, all source
 14 intelligence regarding POW and MIA?
 15 A. We had a routine set up for that purpose.
 16 Q. And was this limited just to Laos, or did it cover
 17 the entire Southeast Asia region?
 18 A. It covered I believe only Laos or peripheral, you
 19 know, maybe right along the border with North Vietnam.
 20 Q. Mr. McCreary, in a little while, is going to ask
 21 you a lot more questions about your time period in Laos. So
 22 why don't we move on.
 23 If you could, just briefly give us an outline or a
 24 summary of your military career, starting from the time that
 25 you graduated from West Point. Just tell us what the

1 various positions are that you held. That would be helpful.

2 A. Jet pilot training in 1955-1956; instructor in jet

3 transition school in 1957-1958-1959; University of Oklahoma

4 graduate program in English literature, 1959, and 1960, and

5 part of 1961. I was still an active pilot instructor in

6 Oklahoma, Tinker Air Force Base, at that time. U.S. Air

7 Force, Classified Project DATA in 1961, which became

8 the DATA, which became the Special Operations

9 Forces that we today have, beginning in 1961, first tour in

10 Vietnam was as a fighter attack pilot in 1962; Iran, the

11 Kurdish conflict, in 1963, again in 1964, and again in 1965;

12 Command Staff College, I mentioned earlier, 1965-1966;

13 DATA

14 DATA Assistant

15 Director of Operations, U.S. Air Force Special Operations

16 Force at Eglin Air Force Base in Florida, late 1968-early

17 1969; commander of a jet fighter attack squadron, 1969-1970-

18 1971; Naval War College, Newport, Rhode Island, 1971,

19 graduated in 1972; first Pentagon assignment 1972-1973-

20 1974, left in March, I think it was, of 1975; during that

21 period I had several assignments in the Pentagon.

22 first, as a lieutenant colonel, I was in charge of

23 the Laos Desk. Then I was promoted to full colonel. I was

24 selected for full colonel in 1972, but it didn't take effect

25 until April Fool's Day of 1973. And, after a few months as

1 the Desk Officer, I was the officer in charge of the
 2 Southeast Asia Branch of the East Asia Region, ISA,
 3 International Security Affairs.
 4 Q. Do you remember what the dates of that were?
 5 A. June, 1972, until I think maybe the first of May,
 6 1973, along in there. During that time, of course, the war
 7 escalated and then deescalated, and I was transferred over,
 8 then, to become the Executive Officer of the Defense
 9 Security Assistance Agency. I held that position from
 10 whenever it was in 1973 until I left in March, I think it
 11 was, of 1975.
 12 I was then reassigned to the field, and was the
 13 Deputy Commander for Operations of a pilot training wing,
 14 U.S. Air Force pilot training wing, at Craig Air Force Base,
 15 in Selma, Alabama. Then, after only about six months, was
 16 tapped to be the commander of the U.S. Air Force Military
 17 Advisory group in Iran. I was promoted to Brigadier General
 18 and held that position for three years, until July of 1978.
 19 I returned to the Pentagon, then, as Director of DATA
 20 International Programs in Headquarters U.S. Air Force, 1978-
 21 1979-1980.
 22 In 1980, I was detailed for about eight months as
 23 Deputy Commander of the DATA task force to rescue the
 24 hostages, after Desert I in the Tehran Embassy. After that
 25 was over, back to my normal assignment in the Air Staff.

1 Then, in February, 1981, I was appointed Deputy Assistant
 2 Secretary of Defense -- I've forgotten the title -- Deputy
 3 Assistant Secretary of Defense, Near East, Africa, and South
 4 Asia, in ISA. I retired from that position the first of
 5 May, 1983.

6 Q. Okay. We're actually going to go into more detail
 7 about some of these areas in a little bit.

8 The one tour that I want to ask you about
 9 initially, though, is the tour that you described in
 10 Vietnam. I think it was in 1962, you said.

11 What were you doing there at that time?

12 A. Flying interdiction and close support missions in
 13 support of the ARVN forces.

14 Q. Was this in South Vietnam or North Vietnam?

15 A. South Vietnam, along the borders of Laos and North
 16 Vietnam, up in the DMZ and places like that.

17 Q. And you described these as Special Operations
 18 missions?

19 A. Well, yes. They were quite secret. They were
 20 covered as advisory training missions. But they were
 21 actually offensive air.

22 Q. These were conducted under the auspices of the Air
 23 Force?

24 A. U.S. Air Force. Yes.

25 Q. Was the CIA involved in these missions?

1 A. No.

2 Q. When you say they were DATA " what do you mean by that?

3 A. Well, I mean we had a cover ATO member in the Philippines. I mean that our families didn't know where we were. I mean that we always had to have Vietnamese in the back seats in case we went down, and so on.

4 Q. Did anyone go down, as far as you know, during your tour?

5 A. During my tour, we lost none of our pilots, but my replacement was killed two days after he got there.

6 Q. So that would have been in 1963?

7 A. 1962.

8 Q. In 1962.

9 Are you aware of how casualties, such as your replacement, were reported at that time? In other words, were families told that --

10 A. Yes.

11 Q. -- people were lost in Southeast Asia?

12 A. Yes. They had relaxed the ban on families knowing by that time. His widow was informed as to all the details although he was not recovered. His body was not recovered in the ensuing two years, in my opinion we lost 22 pilots killed.

13 Q. Do you know how those casualties were reported?

1 A. Other than notifying next of kin and so forth?
2 Q. I'm sorry. It was an unclear question.
3 Do you know in terms of whether those casualties
4 were reported as occurring in Vietnam?
5 A. Vietnam. They were officially reported as KIA.
6 In fact, there was a Congressional hearing on it in 1964.
7 Q. Do you know whether any people involved in
8 missions, in your mission or missions similar to it, were
9 lost under circumstances where they were believed to have
10 been captured, but where their loss was not reported as
11 having been in Southeast Asia?
12 A. Not to my knowledge.
13 Q. Do you know who the people were or are who would
14 know more information about the reporting procedures from
15 that time period?
16 A. I was a junior officer. Who was handling it in
17 the Pentagon, I have no idea. I'd never been in the
18 Pentagon at that point.
19 Q. You said that at some point the reporting
20 requirements were relaxed, I think you said in time for the
21 family of your replacement to be properly informed.
22 A. Right.
23 Q. What was your understanding of the reporting
24 requirements, in terms of secrecy, before they were relaxed?
25 A. That they would be reported as lost or missing.

1 missions.

2 Q. With no location whatsoever?

3 A. I don't know. I think they were going to cross that bridge when they came to it.

4 Q. And it's your understanding that that bridge never was crossed because no one was lost?

5 A. It was not in my unit. We didn't lose anybody.

6 Q. Do you have any information as to whether anyone in any other unit was lost and this issue had to be addressed?

7 A. Actually, we did lose somebody in my unit. I just remembered. But it was reported accurately. It was on a spotter mission, a forward air controller mission. I was thinking only of the fighter pilots.

8 Q. So that would have been in 1962?

9 A. Yes.

10 Q. And this was a member of your unit who was killed?

11 A. Yes. Two of them, I think, were killed.

12 Q. Do you know whether their bodies were recovered?

13 A. I believe they were.

14 Q. And your understanding is that the reporting was that they were killed in action in Vietnam?

15 A. I can't answer that question. I don't know.

16 Q. Just don't remember.

17 Q. Okay.

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HATH

1 I think Mr. McCreary actually is going to ask you
 2 some questions about the time that you spent in Laos. Then,
 3 just working chronologically, I'm going to ask you more
 4 questions about when you were in OSD in the early 1970's,
 5 and, again, in the 1980's.
 6 A. Shoot.
 7 BY MR. MCCREARY:
 8 Q. Would you state again, I missed when you said the
 9 month you arrived in Laos in 1966. Would you state what you
 10 recall.
 11 A.

PAGES 23-41

ARE DENIED FOR

DECLASSIFICATION

BY CIA

1 if he thought he could, he would proceed -- and this
 2 happened many times -- on his own hook to go and land a
 3 hand. We would sometimes learn of it after the fact.
 4 Sometimes it was over with, just like that (indicating).
 5 But if there was a protracted operation where there were
 6 some people lost, for instance, and we had to go search for
 7 them, then we would get all our, we'd have a little meeting
 8 and get our assets together and put together a kind of
 9 mini-op plan and go and try to do the job.
 10 Do you recall the total number, do you have a figure
 11 that you recall of the total number of pilots who were lost
 12 between 1966 and 1968?
 13 A. Hundreds. Hundreds.
 14 Q. Hundreds?
 15 A. I think, you know, a couple of hundred.
 16 Q. That's fine.
 17 A. I don't have any hard numbers.
 18 Q. I'm not asking for that. Orders of magnitude are
 19 all I'm really interested in.
 20 Of those, what would you say was your success rate
 21 in rescuing pilots?
 22 A. We got most of them, unless they were killed on
 23 the impact. But those who managed to eject, I think we got
 24 most of them.
 25 Now, what's "most" mean, I've never been able to

1 do a study on the subject and I don't know. But our people
 2 picked up an awful lot of downed airmen.
 3 Q. I'm going to give you some statistics. For
 4 purposes of this, and this is not to be precise, but simply
 5 in terms of order of magnitude, 600 people are considered
 6 MIA, roughly, in Laos, 590-something to 600.
 7 Is it feasible that as many as 800 could have been
 8 rescued in addition to that 600? In other words, of a total
 9 figure of downed pilots in Laos between 1966 and 1973, let's
 10 say, hypothetically, it was 1,400. Is it possible that the
 11 success rate was 800 rescued?
 12 A. I don't know.
 13 Q. Does that sound like a lot?
 14 A. That sounds like too many to me. But I don't have
 15 --
 16 Q. Others have said that that sounded high. And yet,
 17 some people have said that that was a --
 18 A. If I had to, you know, if we were in Las Vegas and
 19 betting on it, I'd bet \$200. But I don't know. I have no
 20 way of knowing.
 21 I know we did the best we could with what we had
 22 Q. There's no question about that point.
 23 A. And we had it pretty well covered. We had it
 24 covered like the dew, you know. Guys were in pretty good
 25 shape, a lot better than we were in South Vietnam when I

1 first started operating there, and, of course, a lot better
 2 than over the North.
 3 Q. In 1968, about the time you left, we had presented
 4 *NAME* -- do you know *NAME*? Have you ever
 5 heard of that term?
 6 A. I don't know.
 7 Q. He's the Laos, the Pathet Lao representative, in
 8 Vientiane, with whom we dealt over many a period of years.
 9 We presented him with a list of 158 as ~~one~~ list of
 10 names.
 11 Q. What year?
 12 A. 1968 -- 158/159, of pilots who were missing,
 13 Americans who were missing in Laos. Does that ring any bell
 14 to you? Does that sound at all familiar to you?
 15 A. No. No. I wasn't involved in that.
 16 Q. Did you keep track in your intelligence section,
 17 more than one, it looks like --
 18 A. No.
 19 Q. -- of pilots lost?
 20 A. No.
 21 There was a reports section that, of course,
 22 reported daily and periodically on this sort of thing. That
 23 was under the Ground Branch, or Ground Division. I should
 24 say.
 25 Q. Do any names come to mind of people involved in

1 that at that time?

2 A. We had several different reports, guys. They were
 3 kind of faceless, you know. They were just taking all the
 4 stuff that we generated in the Ground Division and in the
 5 Air Division on a daily basis and they would collate it and
 6 report it routinely as raw dissems. And then, of course,
 7 that went to all the military commands as raw intelligence.
 8 But, then, Headquarters would put it into professional form.
 9 Q. When you say "Headquarters," you mean CIA
 10 Headquarters?

11 A. Yes. Right.

12 Q. The Ground Division is, then, the sort of fusion
 13 center for this information?

14 A. For reporting.

15 Q. For reporting?

16 A. Yes.

17 Q. The Ground Division, was that a staff comparable
 18 to your air liaison section?

19 A. Yes, very comparable.

20 Q. In other words, it was an operational staff.

21 A. Strictly operational.

22 Q. It's not an intelligence, analysts ground division
 23 we're talking about, an operational one.

24 A. Operational.

25 Q. Did they do operational planning there?

1 example, of ground operations?
 2 A. Yes, they did.
 3 Q. Correct me if I'm wrong. Do I understand you to
 4 say that they kept track of? Did you say that or did I
 5 misunderstand you?
 6 A. I said that every day, reports were written up on
 7 the day's activities, and this would include all the raw
 8 data that one would have to have in order to make reports.
 9 But we did not have any staff capable of collating and
 10 analyzing all this mountain of information.
 11 Q. Did you have a staff that could analyze and
 12 collate targeting data?
 13 A. Well, we built one.
 14 Q. You built one. You had 10 PI's, you said.
 15 A. Yes. That was the beginning. Then we took the
 16 COMINT, you know, SI, stuff and built that up quite a bit
 17 over time. Then we had an OB, an order of battle, section,
 18 which was not under me but under ground. Finally, we put
 19 together a manual fusion system by 1968. We used it in the
 20 dry season campaigns starting in the winter of 1968.
 21 It was manual, but it was quite effective.
 22 Q. Do you know whether the Ground Division maintained
 23 a *DATA* board, a status board of lost pieces?
 24 A. They did not. But I got *DATA* reports from
 MACV/SOG all the time. The machine was in my office, the

1 teletype.

2 Q. Would you describe that system because you're

3 possibly the first one I've talked to who can.

4 A. Well, JCRC -- I think it was JCRC; or is it

5 "JSRC," or something?

6 Q. It's had several acronyms.

7 A. Whatever it was.

8 MR. KRAVITZ: I think at that time it was the

9 JPRC.

10 THE WITNESS: JPRC, Joint Personnel Recovery

11 Center, that was it. I knew it was something different.

12 JPRC.

13 They reported and alerted us and asked for support

14 and things like that from time to time. They sent us

15 teletypes and *DATA*, whenever there was a *DATA*

16 which is a downed airman kind of operation. And if

17 it was in our area of operation, they would notify us.

18 We met monthly, face to face, MACVSOG and chief of

19 Station, my bosses.

20 *DATA*

21 *DATA*

22 *DATA*

23 They were almost

24 one person. They split their labor between one in the North

25 and the other worked the South, you know, overall. So we

kind of reported, the chief of ground and overall reports

1 to these two gentlemen.

2 And so, there would be the chief of Base, myself,

3 these two guys, the chief of Ground, maybe one or two other

4 specialists, who would meet with a similar staff from

5 MACVSOG, including the commander of MACVSOG, once every

6 month, usually at our place. Sometimes we'd go to Saigon.

7 BY MR. MCCREARY (Resuming):

8 Q. If I say the term *Board*, "does that

9 mean anything to you?

10 A. Uh-huh. We didn't have a *Board*.

11 We'd get teletypes on *Board*

12 Q. What would a *Board* be?

13 A. I have no idea.

14 Q. Did anyone maintain a map, for example, a wall

15 map, that would list where pilots went down? Do you recall?

16 A. I don't recall that.

17 Q. Would the Ground Division, do you think, have

18 maintained such a board?

19 A. I don't think so.

20 Q. Let me describe something to you.

21 What you've described to me, in my understanding

22 is an intelligence operation designed to support operations

23 effective, ongoing operations, tactical intelligence

24 Is that accurate?

25 A. Well, that was a part of it. What we had done

1 what we did that was unique was the intelligence people and the operations people were all together.

2 Q. Precisely.

3 A. They weren't separate.

4 Q. I understand that.

5 A. They were all together. And I used to shift them around.

6 Q. When a pilot goes down, he is a target of a search and rescue operation, and the intelligence connected to that is operational intelligence, as I understand it. Do you understand my use of that term?

7 A. Yes.

8 Q. If that operation either doesn't get mounted or it fails, he becomes a long-term intelligence problem. Do you understand that distinction I'm trying to make?

9 A. Yes.

10 Q. Was anyone assigned to track that long-term intelligence problem, when the pilot who might have survived or did survive, or was confirmed as surviving, became a long-term study problem?

11 A. For a short term we would do it. I don't mean to confuse.

12 Q. You're not confusing at all. You're very helpful.

13 A. If we had an -- I'll give you an example.

14 Q. Please.

1 A. It's best to cite an example. One that comes to
 2 mind in 1967, I think it was, is an A-1 was being ferried
 3 from South Vietnam, with his wing commander, to Udorn, where
 4 he had a squadron, an they overflew the southern panhandle
 5 of Laos, Ho Chi Minh Trail, and had some problems. I don't
 6 remember if they got hit or if they had a mechanical. It
 7 makes no difference.
 8 The two pilots bailed out and they had an airman
 9 with them in the so-called "blue room," behind ~~the~~ they all
 10 three bailed out successfully.
 11 We fairly quickly picked up the two pilots, a
 12 colonel and a lieutenant colonel. But the airman was
 13 missing. Of course, the sun always goes down on these SAR
 14 missions. The sun is your great enemy. It happened always,
 15 it seemed to me, at least.
 16 And so, the sun is down, and an Air America
 17 helicopter had picked up the two pilots and taken them up to
 18 the Bolevans Plateau, where we told an Air America caribou
 19 to pick them up and take them to the nearest hospital, which
 20 was Danang.
 21 The name of the colonel was Bradburn, by the way.
 22 Gordon Bradburn. I remember him.
 23 He was only scratched up a bit. We wanted him
 24 immediately to mount an effort because we didn't know
 25 anything about the circumstances of the bailout.

1 the airman's parachute? We were confused on that. We heard
2 from, you know, various. I wanted to see him in person,
3 rather than do it by message. So we had him flown back to
4 the Bolevans Plateau, where we met with a little team. I
5 went down there and we mounted an operation to go after this
6 sergeant.
7 We found his parachute. We had a team of
8 aggressors that we put on the trail. We never got him. We
9 had half-baked intelligence later on that the enemy picked
10 him up and killed him.
11 That operation went on for seven weeks. We
12 carried him as an active operation, you know, on our offices
13 in Udorn. But, eventually, we dropped it because we just
14 couldn't keep beating a dead horse.
15 So we kept track of these kinds of people to the
16 extent that we thought we could still work the problem. If
17 we could no longer work the problem, we dropped it. That's
18 not to say it was dropped out of the system. MACVSOG had
19 the -- we reported to MACVSOG everything that we did and how
20 we did it.
21 Q. So in the field, in Udorn, when you say "worked
22 the problem," what do you mean? In other words, you tracked
23 him as well as try to work the problem?
24 A. Try to locate the guy, if we needed troops and the
25 enemy had him, to mount a raid, and successfully extract him.

1 him.

2 Q. To extract him. So, essentially, it remained a search and rescue mission.

3 A. It was a SAR, yes. It was just an extended SAR.

4 Q. Okay. That's very helpful.

5 Do you recall anybody being shot down or lost in Laos who you knew survived, but went outside the envelope of search and air rescue feasibility?

6 A. Yes.

7 Q. Do you recall any numbers of people? Were there dozens? Were there hundreds?

8 A. I only know with a fair degree of certainty of about three. Unfortunately, it's been so long ago that I've forgotten their names.

9 Q. If I say the name "Oscar Mauterer," does that --

10 A. No. I'd remember that. I don't remember that name.

11 Q. He's a case that I personally investigated in the course of this committee, and he was an officer who was lost whose circumstances looked very much, the paper indicates he probably lived, survived his crash.

12 A. That name does not ring a bell.

13 We had located three of them in a POW state.

14 Whenever we located a possible, or probable, or suspected POW area, you know, it would be the vicinity of such and such.

1 coordinates, we would post those. Our OB section would post
 2 them. Our PI's would have them posted, and our SI people,
 3 of course, would be looking for cues.
 4 We did locate a POW site in North Laos, near Sam
 5 Neua, in some karst cave areas.
 6
 7
 8 Frequently, they would have Pathet Lao, so-called
 9 Pathet Lao doing mental tasks in areas controlled by NVA.
 10 It was not unusual at all to have that kind of mix. They
 11 had a penetration of some Pathet Lao guards, a guard at
 12 least, maybe more than one. I don't recall. Of course,
 13 you're always getting this kind of information. You can't
 14 get too serious about it until you get some correlation and
 15 corroboration.
 16 This one got corroborated very neatly. The
 17 descriptions we were getting tallied in times of pickup of
 18 these people, tallied with known losses. Then we even got
 19 their names.
 20 And, of course, we had good photography of the
 21 area and identified the caves where they were located and we
 22 wanted to mount a rescue operation, an American-led rescue
 23 operation, an American case officer. We had the case
 24 officer already in mind.
 25 We were told to hold up, and Headquarters sent us

1 a bunch of experts. God save me from experts when they send
 2 them from Headquarters in time of war.
 3 We spent quite a bit of time, some weeks,
 4 analyzing this, that, and the other area. They even built a
 5 big model, plastic model, back at Headquarters, of the so-
 6 called, the POW site.
 7 Then it was decided that we ought to try and have
 8 a hi-op first,
 9
 10 There was great fear that there would be -- you know, I may
 11 sound critical, but these are always delicate, difficult,
 12 judgment calls, tactical calls that you had to make. You
 13 might decide to do it one way and I might decide to do it a
 14 different way. It was decided by higher authority to
 15 attempt ~~that~~ Udorn opposed that.
 16 But there was great fear that one or more of the prisoners
 17 would be killed in our raid. That's always a concern.
 18 Something went awry and the camp went dead on us.
 19 Photography showed very quickly
 20 that it was no longer active. We sent
 21 some people there and it was gone.
 22 These three were never repaired.
 23 Q. They did not come back at Homecoming?
 24 A. They did not. I remember checking that one out
 25 Q. Were they under Babeth Lao control, do you

1 believed?

2 A. NVA.

3 Q. NVA control.

4 A. Yes.

5 Q. This is a very interesting story because there are parallels at later times.

6 In your opinion as an expert, and you are an expert, did Headquarters want to get these guys out?

7 A. Yes.

8 Q. Did Headquarters act as if they wanted to get these people out?

9 A. They acted with urgency. I believe SOG, I'm sure SOG was in on it, too. They were being consulted, too, as the experts.

10 Q. Did you disagree with their, did you think they were too cautious in their approach?

11 A. Yes.

12 Q. Did they want to send in a team to eyeball these guys, see them, you know, American guys?

13 A. No.

14 Q. There was no doubt.

15 Do you recall the year of this?

16 A. Late 1966, early 1967.

17 Q. And they built a table top model?

18 A. Yes.

1. Q. Do you recall the names of the pilots in question?
 2. A. I do not. I wish I did, but I don't. They were
 3. all USAF, as I recall. I don't think there's any Navy
 4. there.
 5. We were planning for a raid. We did all the
 6. planning for a raid, even to the extent of building up bona
 7. fide kits for our troops, so that they could be identified
 8. easily by the prisoners.
 9. Q. Do you think that planning still exists, that
 10. material, that work product?
 11. A. DATA I don't know
 12. about the work product. These were photos and things like
 13. that, pretty neat stuff.
 14. Are you getting hungry, counsel? Are you getting
 15. board?
 16. MR. SPENCER: No. This is fascinating.
 17. BY MR. MCCREARY (Resuming):
 18. Q. What kind of rules did you give your pilots as to
 19. what they should do if they were shot down? What kind of
 20. instructions or rules?
 21. Were there any?
 22. A. Well, there were classes taught. Are you talking
 23. about the Air America pilots?
 24. Q. I'm talking about in the field. You know, classes
 25. somewhere else. But you're running the training school.

1- For AT-28 pilots, is that right?

2 A. I wasn't running it. I was an instructor.

3 Q: You were an instructor.

4 A. Standard USAF literature on survival, and, of

5 course, USAF pilots all went through at least one survival

6 course before they went there, before they were in the AOO,

7 the area of operations. Our indigenous pilots were given

8 courses on standard E&E, escape and evasion, techniques,

9 and, of course, their survival kits were rather standard,

10 with all the stuff. I'm sure you know what's in them.

11 Our Air America pilots were all equipped with

12 survival radios.

13 Q. Did you or did anyone tell them anything, give

14 instructions about what to expect if they were shot down, in

15 terms of rescue?

16 A. They were told to expect death or captivity very

17 quickly if we couldn't get them by helicopter. They all

18 knew that. Therefore, they had to pay attention to their

19 equipment.

20 Their best friend was their survival radio. Most

21 of them carried more than one. I did.

22 Q. Just as a matter of curiosity, did you ever fly

23 air strikes?

24 A. Yes.

25 Q. I want to get back to an unrelated question.

1- that troubles me as an analyst, and that is the issue of correlation. At some point in this problem, as I've described it to you, this becomes a long-term problem, and a white man in a jungle is an anomaly who has no face and no name for any practical purposes, or he may have a Lao name, or a Vietnamese name.

7 [Discussion off the record.]

8 BY MR. MCCREARY (Resuming):

9 Q. Have you followed what I was driving at so far?

10 A. Sure.

11 Q. Were any operations ever conducted to try to --

12 let me rephrase that.

13 Was it always necessary to have identified the

14 loss before an operation, to have identified the person in a

15 karst or in a cave to begin planning an operation for a

16 rescue?

17 A. We did not have any dedicated rescue teams. I'm

18 referring only to CIA now.

19 Q. I understand that. Let me rephrase.

20 If you had had what you consider reliable

21 reporting of Americans kept in Mahaxay, in Laos --

22 We did, as a matter of fact.

23 Q. --but you didn't know their names, but you were

24 90 percent sure they were American pilots, would you

25 consider a raid to rescue them, based on that information?

1 - A. Not only would we, we did launch a raid.

2 Q. Would you amplify, please, and give me the year?

3 A. I think it was late 1967. It could have been

4 early 1968. They all run together. It's a long time ago.

5 Q. I understand, and I'm not holding you to any

6 precision. But the details interest me.

7 A. We thought we knew for a long time -- and you're

8 an intelligence person, so you know, you think you know

9 certain things. Sometimes you find out what you thought you

10 knew was not quite as factual as you thought it was. Like

11 they say, you never know what you don't know. But we

12 thought we knew with fair degree of, high degree of

13 probability, that there was a significant POW camp or

14 holding point near the Ho Chi Minh Trail in the vicinity of

15 Mahaxay, as I recall, but to be more particular, it was

16 north of Route 912 and east of 96, near, not to far from,

17 you know, between Mugia Pass and Bankarai Pass. It was

18 logical there would be such a facility, since a lot of

19 pilots were shot down over the Ho Chi Minh Trail, more than

20 over North Vietnam, I believe, or at least as many.

21 We had all kinds of reports, but we could never

22 identify it in photography. We couldn't pin it down to

23 other means. But we had a big, you know, we over-

24 rap. Everybody had it in their minds. That was a

25 cautionary area that we needed to not forget.

1 One of our patrols, guerrilla patrols, picked up
2 two deserters, Pathet Lao, again, deserters, who were so-
3 called medics. It was quite surprising to me when I first
4 heard of it because, not only were they picked up in one
5 piece -- that's very dangerous territory out there; they
6 didn't step on any mines and nobody shot them, which was a
7 miracle -- but they were also, and our team was a good team,
8 apparently, because they followed their SOP's and
9 retrograded these guys. They recognized them as important
10 and retrograded them to Savannakhet, which was one of our
11 units, very quickly, within a few hours.
12 The first echelon debriefing of their chief out
13 there started. He recognized that these guys may well be
14 kosher, and they came from a POW camp.
15 Additionally, we sent them cables to give them
16 more questions. I suggested they fly them -- this was a
17 bright idea of mine that didn't work -- I suggested they fly
18 them in a porter up over their areas so they could point out
19 trails and so forth. They both got air sick.
20 We got them back. Then we brought them to Udorn
21 and got them with our PI's and started doing some real,
22 intensive questioning of them, working with photography, and
23 also drew some sketches. We located, we believed with a
24 fair degree of certainty, the camp. And we hit it. And we
25 got 82 prisoners out of there.

1 None of them were Americans. Americans had been there. The famous Dieter Dengler - are you familiar with Dengler?

2

3 Q. Yes.

4 A. That was the camp he was in.

5 MR. KRAVITZ: I just read his book.

6 THE WITNESS: Him having enough guts to write that book is the supreme example of brass, it seems to me.

7

8 DATA

9 DATA

10 DATA

11 DATA

12 DATA

13 There were a number of other Americans there, an Air America pilot, and I remember First Lieutenant Duane Martin, USAF, was there. According to Dengler, he was killed in the escape attempt. We were never sure. We went so far as to polygraph a couple of the men that were kickers for Air America, good subjects.

18 So, that's a good example of what we were prepared to do quickly, far faster than the military ever dreamed of doing it. It was just unfortunate that there were no Americans left alive there.

22 BY MR. MCCREARY (Resuming):

23 Q. Would you describe that as a near-miss?

24 A. It was a tactical success, but it was a miss.

25

1 complete miss, insofar as Americans go, because there weren't any left there alive.

2

3 Q. How did you know they had been there?

4 A. We didn't when we hit the camp. We just thought they were, based on fragmentary reports. And we didn't know there were near that many people there. We weren't prepared for but about 30 or 40. It was a major emergency trying to get them out of there.

8

9 Q. Did you find out if Americans had been there?

10 A. Yes.

11 Q. How did you find that out?

12 A. By debriefing the selected people that were in there. There were some pretty intelligent people, Orientals. There were ~~DATA~~ who had worked for Air America as kickers, and I think there were some technicians that had been picked up at a NAVAJID site. There were ~~DATA~~ employees of Air America there, and I believe even ~~DATA~~ continental. I could be wrong, but I think so.

18 Q. What's a "kicker" for the record?

20 A. A load master.

21 Q. A load master. Thank you.

22 A. There were also some Vietnamese in there, and there were some people who we thought probably were just political prisoners and common criminals -- a whole bunch of them. They were being held in some caves, ~~DATA~~ mash.

23

24

25

1 caves.

2 Q. Karst caves, a consistent theme.

3 A. When we got them out of there, tactically, it was

4 a bold and daring move, and we achieved surprise. We got

5 them all out. So I was proud of that.

6 Q. I think rightly so.

7 I have to ask you about the interrogations. I

8 know this may stretch the limits of memory because it's a

9 long time. But I'd ask you, anyway, to help.

10 When you would have conducted, if you think back

11 to those interrogations, and you were talking to ~~AA7H~~ and

12 you were talking to ~~AA7H~~, and you were talking to a

13 variety of other kinds of people, how widespread was the

14 knowledge that there were Americans in the camp, would you

15 say? Did everybody know that?

16 A. Many of them. I can't say every one, but many of

17 them knew that. They knew their names and they gave

18 extended descriptions of their condition. They talked about

19 how when Dengler was first brought in and the timing.

20 We had Dieter Dengler's name in a briefing report

21 by that time, which was at least 50 percent whole cloth, so

22 it seemed.

23 He was a rather bizarre guy, anyway, if you've

24 read something about him. He carries a German passport when

25 they're flying an air strike. But we were absolutely sure

1 that we had the true story because there was more than one reporter, and several of them were very good and intelligent reporters.

2 Q. Am I correct in understanding that a lot of people would have known, but some people might not have known?

3 A. Oh, undoubtedly. Many of them didn't know, I'm sure.

4 Q. Were the Americans kept, I guess the real question is were the Americans kept with or were they segregated from the others?

5 A. I don't remember. I don't remember. I really don't. I'm sorry.

6 Q. That's okay. I just have to ask that question. There are bound to be files on it somewhere.

7 Q. I was not aware that there had been such a raid. Very few people are aware of it. We certainly didn't publicize it. We didn't want anyone to know.

8 Q. It hasn't received publicity since then.

9 A. We wanted to, hopefully, do it again and again.

10 Q. Were there other raids like that, you know, significant? You've mentioned two now that are quite significant.

11 A. Those are the only two that I recall.

12 Q. Did you conduct any operations?

1. A. We had some merry chases through the woods, you know. But, as far as raids, those are the only two that I recall, one would-be raid that never came off and one that actually we did, did go off.

2. Q. Did you conduct any operations, any air strikes, your AT-28 group, into Vietnam, Dien Bien Phu and those areas?

3. A. Yes.

4. Q. You did. Frequently?

5. A. No. This was long-range.

6. Q. Yes.

7. Would those have been approved by the President, by the White House? How did that work? You're striking from Thailand, crossing Laos, into North Vietnam.

8. A. Well, they struck from Thailand into North Vietnam every day that I was there.

9. Q. Were these regular raids, would you say?

10. A. Sure. That was the whole purpose of the U.S. Air Force in Thailand.

11. Q. Oh, I know the ones there. But I'm talking about your particular support operation, your involvement in striking into North Vietnam.

12. A. We were attempting with too few assets to stop the Chinese Road into North, and we were attempting to push the NV's as they infiltrated down out of the high mountains.

1. That was a major military headquarters for NVA. After my time, they actually raided into Dien Bien Phu.

2. Q. Do you remember the date of that?

3. A. It was one of my successors.

4. Q. ~~Name~~ has mentioned a raid had been conducted. He thought it was 1969.

5. Does that sound right?

6. A. Yes, it does. But it could have been -- I remember talking to some of the people who were involved, and they wanted me to know that they had done it, you know, which I always wanted to do, and they wouldn't let me.

7. Q. Getting back to the camp that you raided, how many Americans do you recall were held in that camp?

8. A. I don't remember. But I can recall three for sure. There could have been a number more. There for sure.

9. My recollection is that we concluded that it was a holding point, a gathering point, and then they would be moved on up the Trail, as several POW's later talked about, I've read about, up the Trail. Why they didn't move some and moved others, I don't know.

10. Q. In your debriefings, did the refugees, the ex-prisoners, describe what happened to the fate of the Americans?

11. A. Yes.

12. Q. What did they say?

1 A. I don't want to be wrong about this, and I really
 2 request that you get the debriefing reports, because it's
 3 strictly from memory, and my concern was operational at the
 4 time, getting it done with the minimum casualties and
 5 getting our people out safely, you know, after we were
 6 successful, which was a major, major undertaking.
 7 The aftermath of it I paid scant attention to.
 8 That was then in the hands of the intelligence people and
 9 was not something I paid a lot of attention to -- only
 10 peripherally. I do remember that the MACVSOG advised us
 11 that Dengler's medals had been withdrawn.
 12 Q. And this was a camp where Dengler had been? Did I
 13 hear that?
 14 A. Dengler was there. Yes.
 15 Q. Dengler was there. And Duane Martin was there?
 16 A. Yes.
 17 Q. And anyone else?
 18 A. There was an Air America pilot there and I think
 19 maybe a Continental guy, too, and there might have been
 20 more. I'm just very fuzzy on that.
 21 Q. That's fine. I don't want you to go beyond what
 22 you remember. This is an interesting episode
 23 Do you recall any other, similar, incidents like
 24 this where you had intelligence this good? I mean, they
 25 have materialized, evolved, to this stage of advanced

1 planning and execution. But do you recall anything similar?
 2 A. No.
 3 Q. If I said the term "Nong Het," in Laos, for
 4 example --
 5 A. Yes, I know where Nong Het is.
 6 Q. There have been reports of prisons there, dating
 7 back into the 1960's.
 8 A. Yes.
 9 We had reports of prisons all over the place. But
 10 reliable intelligence in other places, I don't recall any.
 11 I've given you the two cases that I do recall.
 12 Q. Was Ambassador Sullivan and *NAME* involved
 13 in approving these things? Would they have been involved in
 14 your chain of command?
 15 A. In the case of the first episode near Sam Neua,
 16 I'm sure that Sullivan was informed. I don't recall talking
 17 to him personally about it. And, of course, *NAME* was
 18 informed. I mean, *NAME* was the boss.
 19 In the second case, we didn't wait for higher
 20 headquarters. We just went. Maybe some people said we
 21 learned. I don't know.
 22 What we did was we assessed, there were two people
 23 there that had the authority to make the judgment, and that
 24 was *NAME* and me. We made the judgment and went.

Q. You did have the authority locally, on some cases

1 commander?

2 A. Damn right we did.

3 Q. Did you have to coordinate, or was it prudent to coordinate with 713?

4 A. A judgment call. We did coordinate on the pick-up. We had to, because we needed some, we couldn't get the lift. We used Air America helicopters. We got some F-105's to bomb the -- we picked them up out of the middle of the Ho Chi Minh Trail. We couldn't make it to the LOC. There were so many stragglers, sick, and wounded people, and we weren't prepared for that many. So we picked them up right out of the middle of the Ho Chi Minh Trail.

12 Q. So you got air support?

14 A. We bombed the hell out of it.

15 Q. I have a final question. I've been probably going along longer than my time. But this has been very helpful to fill in the early years, because you're the first witness, I think, to really give us, who was there, the first-hand experience.

19 I guess I have a couple of questions.

20 If I say the term "Lima Site 85" does that ring a bell?

22 A. Yes.

23 Q. What you describe what your recollections are of that area?

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A. All bad.

Q. Would you amplify?

A: Well, we lost the site and a number of Americans.

Q. Did that happen while you were out there?

A. Yes.

Q. Were you involved in supporting the effort to go

back to the site and find survivors?

A. Yes.

Q. Was there a helicopter operation or was it a mixed

air operation?

A. It was mixed air.

Q. Would you describe the details of that event, as

you recall it? What was the site?

A. Lima site 85 was a place called Phou Pha Thi. It

was the location of, first, a NAVVID site, a low frequency

radio beacon in an attack, and then the Air Force, in summer

of 1967, told us that they wanted to put a mobile radar up

there, a TSQ-81, so-called Sky Spot radar. You know, from

that altitude, it had very good coverage over northern North

Vietnam, the Hanoi area in particular.

And so, that was approved, and they put the site

0-7 TH

The force had a team of technicians there

located in there. They must have had 40 or 50 people

1. their pool. There was an Air Force colonel, *W. H. M. E.*
 2. who was in charge. Have you talked to him yet?
 3. Q: I don't think so. Not yet.
 4. A. Well, he would be a good person to talk to, if
 5. he's still alive.
 6. These were peculiar people, though. They were
 7. *DAT H*
 8. Q. Would you amplify that?
 9.
 10. *J. T. H.*
 11.
 12.
 13. Now why they did that, I have no idea. That was a
 14. decision taken out-of-Washington. But that was the way it
 15. was. We knew that as soon as we put that much activity in
 16. there, it would draw NVA like flies to sugar, and it did.
 17. They were operational for some months there, from the fall
 18. of 1967 until March of 1968, when the site was overrun.
 19. They were quite effective, from the reports we
 20. saw, in terms of facilitating all-weather and night bombing
 21. of the targets in the North.
 22. The enemy, we noticed in retrospect, was
 23. pointing, I don't remember when, exactly, but
 24. 1967, some target for a new road construction
 25. near. They actually built a road.

1 karst. Maybe this is an old story, I don't know.

2 Q. I'd appreciate your description.

3 A. It was Route 602, it was named. It was a

4 significant enough, motorable, road that it was finally

5 given a name, and that was Route 602. We tried to stop, we

6 tried to interdict the construction of that road, knowing

7 that if they ever completed it, school was out.

8 We were unable to do that. It was a matter of

9 great anxiety for all of us who were involved. It was a

10 matter of considerable anger on my part for a long time over

11 that episode. The bottom line was we could never get the

12 Seventh Air Force to mount an air campaign, as opposed to

13 piecemeal hunt and peck operations up there. It really took

14 a campaign to stop-that road, and we could not stop it.

15 They had road building equipment, scrapers,

16 dozers, et cetera, up there, and they just, like ants, like

17 the North Vietnamese always conducted themselves, you could

18 always predict them. They were easy to fight. They just

19 built the road right up to the base of the karst, and then

20 brought down two regiments out of the Son Long military-

21 district -- we had perfect intelligence on this one -- one

22 of artillery and one of infantry. We got lucky, one of our

23 patrols knocked over one of their artillery spotting teams.

24 We got their maps, with all the positions drawn in. Just

25 like at l'Ecole Polytechnique, and we had it all.

1 We put out warnings. We wanted to blow the site
2 and get out of Dodge, so to speak. We were advised we had
3 to hold the site. And so, we got overrun.

4 That's the brief story of Site 85. We lost nearly
5 everybody.

6 Q. Do you recall whether anyone was captured?

7 A. We never knew. We had, as I recall -- these are
8 very close numbers. I think they're accurate. The night
9 that we were overrun up there was March 10. The bombardment
10 started the tenth, and we were overrun sometime in the
11 morning of the 11th.

12 We had up there at the time, as I recall, 17
13 Americans: JATA a USAF sergeant
14 forward air controller that I'd put up there a few days
15 before, on loan from the Air Attache, because it was
16 obviously going to get pretty tight. His name was Sergeant
17 NAME I remember his name. He was the only one who wasn't
18 wounded or killed.

19 Let's see. That's two. There were 15, I think
20 radar types up there. We got five of them out, but one of
21 them was killed on extraction. He was wounded already and
22 was laying in a chopper, one of our Air America choppers.
23 They were hit lifting out and he was killed by that burst.
24 So we had four wounded, 11 KIA of 15.

25 JATA NAME unscathed.

1 Q. Were there any other examples, any other
2 installations like this, any other units like this, in any
3 service, to your recollection?

4 A. No, not to my knowledge...

5 Q. Were there any other examples of *DATA* as
6 you've described it, to your knowledge?

7 A. In Laos?

8 Q. In Laos.

9 A. Not to my knowledge.

10 Q. Anywhere else?

11 A. Well, of course, over the years there have been
12 all kinds of --

13 Q. Oh, keep it to our commission here, Indochina.

14 A. That's why there's a tradecraft name for it. But
15 that was a mistake. There were many mistakes made there.

16 Q. Did this *DATA* practice continue after you
17 left?

18 A. Well, I wouldn't think so.

19 Q. Was this a unique thing?

20 A. A what?

21 Q. Unique?

22 A. It was unique to me.

23 Q. Were there other examples that you call of *DATA*
24 site 85 type of --

25 A. No. We were never overwhelmed, never surprised.

1 We fought and fell out of many, many sites over time. In
2 fact, the next one -- that wasn't the first, that wasn't the
3 only site they were after. It was their major objective,
4 but there was still plenty of time left in the dry season,
5 and they rolled on with these units to Lima Site 36, which
6 was our main supporting stole strip, maybe 30 miles, 25
7 miles south of there. If we lost that, it looked like we
8 were going to be threatened even in Vientiane.

9 So we did, then, mount a major air campaign
10 immediately after the debacle of Phou Pha Thi. We were
11 given the authority to mount a major air campaign, and
12 absolutely decimated them. It was a great victory by air.

13 Q. About when was this?

14 A. It started -- President Johnson's April Fool's Day
15 Speech took place, in which he announced, among other
16 things, the cessation of bombing north of the 20th, and we
17 entered into a great debate for a couple of days by cable as
18 to what "north of the 20th" meant. I took the position that
19 it couldn't have meant Laos, since we weren't in Laos, nor
20 was the enemy in Laos. So how could the President possibly
21 have taken that position?

22 That position finally prevailed. But Helms had to
23 go to the President, and we were given, and I requested B
24 52's. We were given B-52's, but we were given 100 sorties
25 sorties a day until further notice. We just cleared up

1. We sterilized northern Laos and destroyed those
2 two regiments.

3 Q: One of the people I've talked to has mentioned the
4 term "PEO." Does that mean anything to you, that
5 abbreviation?

6 A. No. Not off-hand.

7 Q. Do you recall any abbreviations in connection with
8 laying out air strips and siting and things like that? Were
9 you engaged in that in Laos?

10 A. No.

11 Q. Was your group engaged in that?

12 A. They had already laid out the Lima sites by the
13 time I got there.

14 Q. Who had done that? Do you recall?

15 A. DATA

16
17 Q. What was the size of Project 404?

18 A. Big.

19 Q. How many people were involved in that?

20 A. They had forward air controllers in each of the --
21 this was a program that was initiated during my time, too.
22 The Air Attache, Colonel Pettigrew, who is still alive down
23 in Florida, and was really the guy, I helped him, but he
24 deserves most of the credit for that program, they had two
to six forward air controllers in each of the military

1 regions at any given time. They had detachment commanders
2 for the AT-28's from Hurlburt Field, Florida, my old unit in
3 Special Ops. Each of these military regions had detachments
4 with AT-28's, an American detachment commander, a couple of
5 pilots, some maintenance guys, armament guys, and their
6 mission was to assist the Lao Air Force. They flew with
7 them in flying their missions.

8 So we had those in each of the military regions.
9 Then the Air Attache staff in Vientiane was augmented by
10 404. So, you know, we're talking 100 people, I suppose.

11 Q. And 404 was run by Deputy JUSMAG Thai, is that
12 correct?

13 A. No, it's not. Dep Chief was not running 404. Dep
14 Chief was a logistics organization.

15 404 was run by the U.S. Air Attache.

16 Q. And that was a colonel? Is that right?

17 A. During my time it was Colonel Pettigrew.

18 Q. Do you recall, was there ever a brigadier general
19 in charge of that? Did that position ever rise to that?

20 A. No. Dep Chief in later years was elevated to a
21 brigadier position and given more responsibility than when I
22 was there.

23 Q. I know this goes beyond when you were there, but
24 do you remember the name Brigadier General Trefry of the
25 Army?

1 A. Dick Trefry. Yes, I know him. And Vessey, too.

2 Q. They were both 404, or were they Dep Chief?

3 A. Dep Chief.

4 Q. They were not 404?

5 A. They were not 404.

6 Q. Was Trefry double-hatted or was he just Dep Chief?

7 A. Dep Chief. But they may have attached 404 to them
8 by that time. I'm not sure.

9 Q. He was never a Defense Attache or anything?

10 A. No, no. He was Dep Chief, and so was Vessey.

11 Q. Yes.

12 Were they the logistics pipeline, then?

13 A. Yes.

14 Q. And Project 404 then was the expanded support
15 staff? How would you describe that?

16 A. Project 404 was an augmentation of the U.S. Air
17 Attache in Laos, and it was a ~~DATA~~ program designed to
18 complement *DATA* the U.S. Air Force effort, of
19 course.

20 Q. Was the chain of command through the Ambassador to
21 the country team, or was there a chain of command back to
22 some Air Force command?

23 A. The operational chain of command was through the
24 Air Attache to 713th to Seventh Air Force. The chain of
25 command was through the Ambassador to the extent that the

1 Ambassador is in any chain of command -- you know, head of
2 the country team. The U.S. Ambassadors, Sullivan, in
3 particular -- we called him the "field marshal" -- asserted
4 themselves constantly in this role. I spent a lot of time
5 in his office.

6 Q. And 404 was the expanded Air Attache.

7 A. Yes.

8 Q. Did that mean operational planning for air strikes

9 --

10 A. It did.

11 Q. -- and the counterpart things to what -- I'm just
12 trying to clarify for my own understanding -- to what you
13 were doing?

14 A. It did. It was a complicated picture.

15 Q. Yes, very complicated.

16 A. It was a complicated picture, but it worked very
17 well. The RAVEN FACS, for instance, forward air
18 controllers, who were part of the 404, would control all
19 U.S. air strikes in Laos.

20 Q. Including yours?

21 A. All U.S. air strikes in Laos.

22 Q. That's what I thought. You're a precise man,
23 General.

24 A. And they were very, very effective, tremendously
25 effective. It's an untold story.

1 There is a book called The Ravens, which is almost
2 all wrong.

3 The other augmentees that I described, the
4 detachment commanders and their AT-28's, were enormously
5 effective. I mean, for their numbers, there were just a few
6 of them, they were tremendously effective in the war zone.
7 It all did work together. When you put it on the
8 blackboard, it looks messy. But it worked well.

9 Q. Project 404 was the Air Attache, in other words,
10 conducting operations or conducting activities in a way that
11 he could call upon Air Force assets for air strikes?

12 A. Absolutely, and he did it every day.

13 Q. Did they have the approval of the Ambassador?

14 A. Yes.

15 Q. Was NAME involved in that chain of command?

16 A. To the extent it involved our forces, he had to
17 be. He had to chop them.

18 Q. So there was a deconfliction program?

19 A. Yes. That deconfliction program was handled by my
20 outfit, and I told you we met face to face.

21 Q. Yes. That's what those meetings were, then?

22 A. They were deconfliction meetings, planning
23 meetings.

24 Q. Parceling out the territory?

25 A. Yes, turf meetings.

1 Q. I have one final question. At last, I finally got
2 to it. This has been very, very helpful and maybe we ought
3 to take a break.

4 My last question is this.

5 When you left Laos, did you believe that Americans
6 were still there, in captivity in Laos?

7 A. I didn't believe one way or the other. I didn't
8 have evidence that they were still there. But the law of
9 large numbers would lead a prudent person to assume there
10 might be, and, therefore, you had to stay vigilant in
11 looking for intelligence.

12 Q. Did you ever see any CIA-originated intelligence
13 reports? Let me put it this way by way of preface.

14 We have CIA-originated intelligence reports of
15 sightings in that time, and we have, you know, JPRC or their
16 predecessors, and so on, of, you know, what look like
17 reasonable intelligence reports, as they go.

18 Would you have had access to that information?

19 A. Yes.

20 Q. Was that the same kind of information that would
21 have led to your Mahaxay raid, for example, or, I mean your
22 earlier raid in the Mugia Pass area?

23 A. I told you that we thought we knew there was a PO
24 facility in that area and we thought we knew it for a long
25 time. I believe even before I got there that there were

1. some indications that there was some activity there. But it
2 built and built. There were rumors, reports, half-baked
3 sightings, straggler reports, some cues in SI, which we
4 couldn't get cuts on. But we knew pretty well, as much as
5 you do in war, that this was a high probability POW site,
6 which is why we acted so quickly.

7 It wasn't something that we had to agonize over
8 for a long period of time. We finally got the confirming
9 evidence and even got some sketches of what it looked like.
10 And so, we felt that we had all the information we needed to
11 mount an operation. And we did.

12 Q. Again, when you left, do you recall the names of
13 anybody who went down, who you thought was still alive?

14 A. No, I don't.

15 Q. Did you then?

16 A. Yes.

17 Q. You were aware of then?

18 A. Yes.

19 One of my closest friends, that I flew combat with
20 in Vietnam, NAME Lieutenant Colonel Gene Connally,
21 was shot down. I think he's still carried MIA, maybe not.
22 He was leaving the Alpha force one day and was hit by a SAM.
23 No shot, no beeper, but it was right on the border of Laos.
24 I was never convinced that he didn't make it. There were a
25 lot like that.

1 Q. What was your reaction on 28 March, 1973, when
2 only 9 people came out of Laos? I'm asking you a personal
3 question here. This is not a professional one, other than
4 that you are a professional.

5 A. Well, I have composed that memo, which is pretty
6 strident, if you recall, that answers the question, I think.

7 Q. Would you summarize that reaction for this record?

8 A. Can we come back to this.

9 MR. KRAVITZ: Yes, why don't we come back to it
10 after the break.

11 MR. MCCREARY: That was my final question.

12 THE WITNESS: I can come back to that easily. But
13 you're going to raise cain.

14 MR. MCCREARY: He's going to ask about the memo,
15 so I think I'm done. Why don't we just take a break.

16 MR. KRAVITZ: Let's go off the record.

17 [A brief recess was taken.]

18 MR. KRAVITZ: Back on the record.

19 BY MR. KRAVITZ:

20 Q. General Secord, we're back on the record.
21 I just want to start by asking you if there's
22 anything you've said at any time in your deposition that you
23 wish to change or add to in any way.

24 A. No.

25 Q. You left your DATA assignment in Laos

1 1968?

2 A. Yes.

3 Q. After you left that assignment, did you continue
4 to have access to intelligence in Laos?

5 A. Some.

6 Q. Did you continue to have access to any
7 intelligence information related to lost personnel in Laos
8 after you left your DATA assignment in 1968?

9 A. I went back to Laos briefly in 1969 on Project 404
10 because one of our, the commander of our group out there,
11 from Eglin Field, or Hurlburt Field, had an emergency. His
12 name was Hartley, Lieutenant Colonel Hartley. So I went out
13 and relieved him for a few months in the spring of 1969. In
14 that capacity, I worked under the Attache. That was kind of
15 interesting.

16 It was the same routine as before.

17 Q. So when you were in Laos in the spring of 1969,
18 again, you had access to intelligence information, including
19 POW and possibly missing in action information, in Laos?

20 A. Yes. But I don't recall anything significant
21 during the period I was there.

22 Q. So, is it accurate to say, then, that when you
23 left Laos again in the spring of 1969, your sense or your
24 opinion as to whether there might be live Americans in
25 captivity in Laos was the same or similar to what it had

1 been when you left in 1968?

2 A. Correct.

3 Q. Other than that one stint in the spring of 1969 in
4 Laos, did you continue to have access to intelligence
5 information related to the loss of personnel?

6 A. I don't think so.

7 Q. Does that answer cover the period up until you
8 arrived at the Pentagon in 1972?

9 A. Yes.

10 Q. When exactly did you arrive at the Pentagon? When
11 I say "arrive," I mean when did you start working at the
12 Pentagon?

13 A. Oh, roughly the first of July, 1972.

14 Q. And you were at that point the Desk Officer for
15 Laos?

16 A. Yes.

17 Q. And that was within the Office of --

18 A. OSD.

19 Q. -- ISA?

20 A. Yes.

21 Q. What exactly did that job entail?

22 A. Oh, dear. It was an action officer's job in the
23 staff of the Office of Secretary Defense, International
24 Security Affairs. It involved writing memos, ongoing
25 actions, problems, for my superiors, drafting them, showing

1 say. It involved coordinating with the Defense Security
2 Assistance Agency to make sure that the Military Assistance
3 Service funded logistics support, which was hundreds of
4 millions of dollars per year that was flowing. It was
5 strictly an administrative kind of activity.

6 I took a trip or two back out there during that
7 period.

8 Q. When you said "to Laos," you meant?

9 A. Yes. I had Cambodia also, by the way.

10 Q. Okay. So you were the Desk Officer for both Laos
11 and Cambodia?

12 A. Yes.

13 Q. And was there a separate Desk Officer for Vietnam?

14 A. When I first got there, there was a separate Desk
15 Officer for Cambodia. But I think he left and I took it
16 over, or something.

17 There was a separate Task Force for Vietnam at
18 that time, called the Vietnam Task Force in ISA. But during
19 my stay there in ISA, that task force was phased out, and
20 the region that I was working in took over their
21 responsibilities. This was during the Vietnamization
22 period.

23 Then, as I told you, after some months as Laos and
24 then Cambodia Desk Officer, I was elevated to Chief of the
25 Southeast Asia Branch. I had Vietnam, Thailand, Cambodia

1 and Laos.

2 Q. Now in your position as the Desk Officer for Laos
3 and Cambodia beginning in July, 1972, and continuing on for
4 -- was it about a year that you were in that position?

5 A. Yes.

6 Q. Did you have any responsibilities related to POW
7 and MIA issues?

8 A. Not specifically. I could be wrong on this, but I
9 think that POW/MIA affairs were a special subject in another
10 office.

11 Q. There was an office named the POW/MIA Task Force
12 that was also within ISA?

13 A. And the PDASD, the Principal Deputy Assistant
14 Secretary's Office-- that's what I thought it was. But I
15 was vague on that.

16 Q. Does a man named "Roger Shields" mean anything?

17 A. Yes, Roger Shields. Yes. I remember Roger.
18 That's right.

19 He had his own separate staff for that. That's
20 right. I remember it now that you mention it.

21 Q. Notwithstanding the assistance of Dr. Shields and
22 his separate staff, do you remember whether you had any
23 responsibilities with POW and MIA matters in your position
24 as Desk Officer?

25 A. Not specifically.

1 Q. What do you mean by that? I mean, if you didn't
2 have any specific responsibilities, did you still deal with
3 the issue on occasion?

4 A. I kept up with it, of course. I knew Shields. We
5 talked. We were right down the hall from each other.

6 Q. What was your working relationship with Dr.
7 Shields during that time period?

8 A. Oh, we coordinated on some of his stuff, I think,
9 to make sure that there weren't errors. We had people who
10 lived and breathed the Southeast Asia war. My section
11 provided the working level officers on the State Department
12 Ad Hoc Group on Indochina which, by this time, was chaired
13 by none other than my own "John the Baptist," Ambassador
14 Sullivan. I sat on that as a member of that, or one of my
15 people sat on that. We met, it seemed like every day. We
16 were working on what became the 1973 Paris Accords. Things
17 like that, political things, were going on all the time.

18 It was our office that was supposed to be up on
19 these political-military affairs.

20 Q. When you say that you worked with Dr. Shields to
21 make sure that there weren't errors made, what do you mean
22 by that? What were you actually doing for Dr. Shields or
23 with Dr. Shields?

24 A. I think we, or my staff officers, would review
25 some of his memos if he thought they needed being reviewed.

1 to make sure that they were correct.

2 Q. In terms of what, information about Laos and
3 Cambodia?

4 A. Sure. And Vietnam, and the whole region.

5 Q. Okay.

6 A. As an example, when we were talking about what
7 became of the 1973 Accords, none of us forgot about the
8 POW's and MIA's. Indeed, as I recall, Defense Department
9 nonconcurred on the final drafts of what became the 1973
10 Accords, for a number of reasons.

11 Q. That's the first I've heard of that. What's your
12 recollection on that point?

13 A. Basically, we nonconcurred for the reasons that it
14 unravelled, that there was no "there" there. There was no
15 what do we do, what happens if they don't abide by the Paris
16 Accords. But the White House was hell-bent to get out of
17 there. There was a lot of acerbic discussion in these
18 meetings.

19 Q. When you say the Defense Department didn't go
20 along with or didn't approve of the Accords as they were
21 finally drafted, who are you referring to?

22 A. At my level, the ISA level. We did not agree.
23 What had happened at the SECDEF level, I have no idea. I
24 have my suspicions, but I don't know.

25 Q. When you say the ISA level, do you mean as far as

1- the assistant secretary?

2 A. There was no assistant secretary.

3 Q. In January of 1973?

4 A. That's right.

5 Q. That was after Mr. Nutter had left?

6 A. Long after.

7 Dennis Doolin was the Deputy Assistant Secretary,
8 a very dynamic man. I guess he's still around somewhere.
9 I'd recommend you talk to him. He's much better, if he's
10 still sane, he would be much better on that subject than me.

11 Q. You mentioned that one of the things you did in
12 your job was write memoranda or draft memoranda for your
13 superiors. I assume you include within the term "superiors"
14 the actual Assistant Secretary of Defense for ISA. Is that
15 correct?

16 A. When there was an Assistant Secretary for ISA.
17 When there wasn't, it was for the Deputy Assistant
18 Secretary, Dennis Doolin. In those days, Defense Department
19 was organized in a more streamlined fashion than they are
20 today. There were no Under Secretaries of Defense, and I'm
21 sure there must have been a Deputy Secretary of defense, but
22 I'm damned if I remember him. The Deputy Assistant
23 Secretary of Defense, Dennis Doolin, dealt directly with
24 Melvin Laird. He went to his staff meetings every morning.
25 It was a clean shot.

1- Nutter was long gone when I got there, at my
2 earliest recollection. I think he left a couple of months
3 after I got there.

4 Q. So you didn't work for Nutter at all?

5 A. Oh, I may have for a couple of months,
6 technically. But I worked for admirals. I worked for
7 Admiral Harry Train, and then Admiral Bigley, who, in turn,
8 worked for Dennis Doolin.

9 Q. Who is Admiral Bigley and what was his position
10 within ISA?

11 A. Director, East Asia-Pacific Region, as Train was
12 before him.

13 Q. And so, you were a subdivision within Bigley's
14 unit?

15 A. Sure. He had the whole Pacific.

16 Q. How many people did you have on your staff?

17 A. Oh, god, I don't know. Not enough.

18 At first, my staff was just me, when I was the
19 Laos Desk Officer, and the part-time secretary. Or I had
20 part of a secretary, I should say, not a part-time
21 secretary.

22 Then, after that, we had two officers in a Rules
23 of Engagement Office. We had a Thai Desk Officer and a
24 Cambodia Desk Officer. Seven or eight, plus some clerical
25 assistance.

1 Q. When you would be called on to draft a memo for,
2 say, someone who was an Assistant Secretary of Defense for
3 ISA, when there was such a person holding that position,
4 what was the procedure that that memo would go through? How
5 many people would review it before it was finally signed and
6 sent out?

7 A. Well, it depended on the subject, like any other
8 paper in the Pentagon, or in State, for that matter.
9 Offices of coordinating responsibility and primary
10 responsibility had to be coordinated with. One of the jobs
11 of an action officer is to know who they are, and when you
12 miss one, you hear about it in a hurry, because it will
13 start squealing. And so, it could be quite extensive,
14 sometimes. Don't forget the Joint Chiefs of Staff are
15 there, and you usually have to coordinate with them. It's a
16 laborious process, except unless the Secretary has a
17 particular point that he wants done quickly and with a
18 minimum of coordination. Then you're told...

19 Q. Did there come a time when Lawrence Eagleburger
20 took over, at least as Acting Assistant Secretary of Defense
21 for ISA?

22 A. Yes. But I have a very dim recollection of him.

23 Q. Does the time period around March of 1973 sound
24 like the right time?

25 A. Yes, because the new administration, the second

1 Nixon Administration, was coming in and he came with them, I
2 think.

3 Q: I know you've already told us that your
4 recollection of Mr. Eagleburger was dim in that position.
5 My understanding is that he was only there for about a
6 month, in that position.

7 Do you recall what your working relationship was
8 with Mr. Eagleburger at that time?

9 A. I don't think I had any personal relationship with
10 him. My relationship was with Mr. Doolin and my boss,
11 Admiral Bigley.

12 Q. So, in other words, if you were to get a request
13 from Mr. Eagleburger, it would go to you through Admiral
14 Bigley?

15 A. I'm virtually certain of that. Yes.

16 Q. And your response would go back to Mr. Eagleburger
17 through Bigley?

18 A. And Doolin. Yes.

19 Q. Okay.

20 What about Robert Hill? Do you remember him? Was
21 he became Assistant Secretary of Defense for ISA?

22 A. Again, vaguely. He was another Ambassador.
23 Ambassador Hill, he was from State Department. That was
24 about the time I think I went over to DSAA. I don't
25 ever talking to him. I may have. I don't remember.

1 Q. I don't know for sure exactly when he took over
2 that position at ISA. I know as of late May, he was in that
3 position.

4 A. Oh, I was there. I just didn't have anything to
5 do with him.

6 Q. What about in the Defense Intelligence Agency. In
7 your position as a Desk Officer, in 1972-1973, did you have
8 professional relationships with anyone in DIA?

9 A. Yes.

10 Q. Who was that?

11 A. The names?

12 Q. Well, what were the positions is what I'm really
13 more interested in? What parts of DIA?

14 A. What their post number was? There was an officer
15 in charge, a colonel, that I dealt with a lot, who was quite
16 good, that was in charge of current operations, that we
17 dealt with all the time. If we needed something researched,
18 the Analytical Section of DIA would produce a paper for us.
19 We dealt with CIA, too, by the way, in the inter-agency
20 arena.

21 As an example, my section produced the plan that
22 the President approved for the Christmas bombing of 1972.
23 It was produced in my office. We had DIA input for that.
24 It was a very close hold. It became the "12 days of
25 Christmas." And we had rules of engagement there, too. We

1 were the office of primary responsibility for the rules of
2 engagement, which was a constant hassle. We had to have a
3 lot of DIA support there. So we knew our counterparts in
4 DIA, if that's your question. At JCS also.

5 Q. At that time in DIA, there was a special office
6 for POW/MIA Affairs. Do you remember if you had any contact
7 with anyone in that office?

8 A. I do not remember.

9 Q. Does the name "Charles Trowbridge" mean anything
10 to you?

11 A. No.

12 Q. I think he was the head of the office at that
13 point.

14 What about, there was a man who was Acting
15 Director at around that time, March, 1973, John R. Dean? He
16 was a lieutenant general from the Army -- not the same John
17 Dean of Watergate fame.

18 A. I know.

19 I remember the name, but that was way above my
20 level.

21 Q. So that was not someone you had personal contact
22 with in your role as Desk Officer?

23 A. No.

24 Q. There was also another man within DIA who was
25 involved in POW issues by the name of Charles [redacted]

1 Actually, I'm not sure of the first name, but it was Admiral
2 Whitmire.

3 MR. MCCREARY: Don, Don Whitmire.

4 THE WITNESS: I remember that name also. But if
5 I've talked to him, I don't recall it.

6 MR. MCCREARY: Do you remember H. B. Smith?

7 THE WITNESS: Yes.

8 MR. MCCREARY: He was Whitmire's boss.

9 THE WITNESS: Yes, I remember him, too.

10 MR. MCCREARY: Do you remember John J. Pavelle,
11 Navy Captain, DIA?

12 THE WITNESS: Corvall?

13 MR. MCCREARY: Pavelle.

14 THE WITNESS: No.

15 MR. MCCREARY: Do you remember Joe Stevens,
16 Colonel Joe Stevens?

17 THE WITNESS: No, I do not.

18 BY MR. KRAVITZ (Resuming):

19 Q. You've talked about inter-agency relationships
20 that you had while you were the Desk Officer. You mentioned
21 Mr. Sullivan.

22 Did you also have any contacts with Frank Sieverts
23 from the State Department, who was the head of the POW
24 Office in that agency?

25 A. I don't think so.

1 Q. What exactly was Mr. Sullivan's position in 1972
2 and 1973, when you were the Laos Desk Officer?

3 A. He was DAS for East Asia, Deputy Assistant
4 Secretary of State, East Asia.

5 Q. Okay.

6 I these inter-agency meetings -- and he was the
7 Chairman of this group?

8 A. Of the Ad Hoc Group on Indochina.

9 Q. Were POW issues discussed in meetings of that
10 group?

11 A. Oh, I'm sure they were. But I don't have specific
12 recall.

13 The relationships with State were not all that
14 good.

15 Q. What do you mean by that?

16 A. I mean most of us saw them as a part of the
17 problem rather than part of the solution. These onerous
18 rules of engagement, for instance, were, at least in part,
19 because of State Department concerns. The main reason why
20 you had all this inordinate number of POW's and MIA's is
21 because of the rules of engagement. If you want to conclude
22 your investigation right now, you can do that with one line:
23 rules of engagement were whacko; therefore, we lost a lot of
24 people we shouldn't have.

25 So, you know, military people weren't all that

hralled with the civilian leadership, at least part of
ch came from State.

I already mentioned the Geneva Accords. I might
o point out they were not coordinated with or even
ormed on the Christmas bombing campaign, not even
ormed, because we couldn't trust them not to leak. Does
t give you a flavor for the environment of the time?

Q. It does. I think that that same type of
environment existed all the way up to the very top. I know
Chairman of the Joint Chiefs really noted a similar
disagreement on pretty much everything
with him a couple of weeks ago.

never?
her story. But I've just
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7 DIA
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9
10 intelligence
11 A. Oh, I
12 time. I don't
13 up, either the Director
14 analysis for that region. I
15 adopted the style of having a nation
16 I don't think they had DIO's then.

17 Q. 1970?
18 MR. McCREARY: In 1970?

19 THE WITNESS: But they sort of had DIO's.
20 a most knowledgeable person always. They were happy to
21 come.

22 BY MR. KRAVITZ (Resuming):

23 Q. What about the services and the service
24 intelligence agencies? Did you have access to their
25 information on POW-related --

1 A. If I had wanted it, of course.

2 Q. What was your access to POW-related information
3 held by the CIA?

4 A. Well, I suppose it was equally available. I can't
5 recall making any requests.

6 Q. But your understanding, at least today, your
7 recollection is that in 1972 and 1973, when you were the
8 Laos Desk Officer, had you contacted the CIA for
9 intelligence information on POW issues in Laos, you would
10 have received what they had?

11 A. Absolutely.

12 You see, first of all, I was well known to them.
13 Second of all, we were giving them an awful lot of money and
14 they liked us a lot.

15 Q. Were there particular contacts within the CIA who
16 you knew to be experts on POW/MIA related issues?

17 A. No, not that I can think of.

18 Q. So you would have called someone you knew over at
19 CIA and been referred to the appropriate people?

20 A. I'd just call the DDO. We met in these inter-
21 agency meetings. We knew each other.

22 Q. Was Ambassador Godley at that time the Ambassador
23 to Laos?

24 A. I believe he still was at that time. In
25 fact, he was till the end, wasn't he?

1 right.

2 MR. McCREARY: He left around April, 1973,
3 according to the State Department file.

4 THE WITNESS: Not quite the end, then.

5 MR. McCREARY: Not quite the end.

6 THE WITNESS: Practically the end.

7 MR. McCREARY: John Gunther Dean was interim
8 Charge.

9 THE WITNESS: Yes, now I remember. Yes. I knew
10 Dean when he went down to Cambodia.

11 BY MR. KRAVITZ (Resuming):

12 Q. What was your working relationship, if any, with
13 Ambassador Godley, while you were the Laos Desk Officer
14 within ISA?

15 A. None.

16 Q. What is your sense as to whether intelligence
17 information held within the Embassy and the Embassy staff
18 would have been made available to you had you needed it?

19 A. Oh, he was very cooperative. I met him when I
20 went out on trips out there. I'm sure they would have given
21 us anything we asked for or anything they thought we needed.

22 Q. Is it accurate to say that, in summary, from your
23 position as the Laos Desk Officer in 1972 and 1973, you had
24 access, really, to all sorts of intelligence information
25 relating to POW/MIA issues in Laos?

1 A. Yes. We had all the clearances. Yes.

2 Q. As I'm sure you know, the Paris Peace Accords were
3 signed on January 27, 1973, and on that day, both the North
4 Vietnamese and the Viet Cong produced lists of American
5 prisoners of war that those two governments' factions,
6 whatever you want to call them, were planning to release
7 during Operation Homecoming.

8 It was on February 1, 1973, that the North
9 Vietnamese then released the so-called Laos List of 10
10 prisoners, including 9 Americans and 1 Canadian.

11 Let me just ask you first, does that comport with
12 your memory of how events unfolded?

13 A. Yes.

14 Q. Were you aware of concerns within the Defense
15 Department, and I guess more specifically within the Office
16 of the Secretary of Defense, over the completeness of the
17 Laos list after it was released on February 1, 1973?

18 A. Yes.

19 Q. Can you tell us what the concerns were that you
20 were aware of and by whom they were held?

21 A. The concern was a very simple one. It was, we
22 felt, absurd that there would be so few names of so-called
23 Laos prisoners when we had lost hundreds and carried
24 hundreds in MIA status.

25 Q. Let me just interrupt you for one moment.

1 you say "we were concerned," who's "we?"

2 A. Everybody.

3 Q. Do you mean up to and including the Secretary of
4 Defense?

5 A. Yes.

6 Q. Or are you talking about within ISA?

7 A. ISA, who were the experts; Roger Shields' group;
8 my bunch; the admirals; the JCS; the U.S. Air Force.

9 Q. It was a widely held concern?

10 A. Sure.

11 Q. How did you become aware of how widely held this
12 concern was? Were there meetings, discussions, memoranda?

13 A. I don't remember. We probably were all yelling at
14 each other, I suppose. I don't remember exactly.

15 Don't forget, I said that, at least at my level,
16 we nonconcurred with the 1973 Accords. We didn't concur
17 with them. We said they should not be promulgated. It was
18 not in the U.S. interest to do so.

19 Q. Was one of the parts of the -- strike that.

20 What you said earlier, the main reason why you
21 nonconcurred with the Accords was really that there was no
22 way to enforce them?

23 A. That's the principal reason, looking at it from a
24 strategic view. But we also talked about FOU's and
25 recall.

1 Q. That's what I wanted to ask you about.

2 Was there a sense that there was no way --

3 A. There was no lever.

4 Q. I don't want to talk over you, but --

5 A. When you're dealing with North Vietnamese, you
6 need a stick a club. There were no tools or instruments in
7 that pact, as I recall it. I can't recall in fulsome detail
8 now, but there were a lot of parts of it that we did not
9 like.

10 Q. Focusing in on the POW aspects of what you're
11 talking about, was it that there were, that the Accords
12 really didn't include any mechanisms by which we could check
13 and make sure that the enemy really was giving us all of our
14 live prisoners?

15 A. There was no mechanism for us to, in fact, there
16 were anti-mechanisms for us to check and make sure that they
17 were abiding by the terms of the Accords militarily. As to
18 order of battle, since there wasn't any provision for that,
19 it goes without saying there was no provision for monitoring
20 our concerns with respect to POW's. We had no, as I recall
21 it, and I'm trying to recall a big document right now, but
22 as I recall, we didn't have any levers, any tools, any club
23 if we, ourselves, stayed with the Accords.

24 We were even prohibited, as I recall, from making
25 reconnaissance flights. Now I can recall having had

1 arguments over that.

2 Q. How high up within the Defense Department did the
3 nonconcurrency with the Paris Peace Accords go, as you
4 recall?

5 A. Well, at least to the ISA level.

6 Q. So that would include Mr. Doolin?

7 A. Oh, yes. I've talked to Dennis. He's much better
8 on this than me. I haven't seen him in years. But in those
9 days he was very sharp. He was a wolf in sheep's clothing.

10 Q. You've told us that you worked closely with Roger
11 Shields.

12 A. I didn't say I worked, I don't think I said I
13 worked closely. I said I knew him and talked to him
14 frequently.

15 Q. I'm sorry. I thought you'd said you were right
16 down the hall from him.

17 A. We were, right down the hall.

18 Q. Were you aware of Dr. Shields' response to the
19 Laos list?

20 A. I can't remember right now. I'm sure it was the
21 same.

22 Q. You say that because there really was no --

23 A. It's logical.

24 Q. Everyone felt that way?

25 A. Yes. It was just pure logic.

1 There was some confusion initially about, people
2 were trying to match names with lists. But it didn't take
3 long to figure out that there was a big hole there.

4 Q. How long after the Laos list was produced on
5 February 1, 1973, was it that it became generally understood
6 that that list really was not a list of U.S. prisoners held
7 by the Pathet Lao, but, rather, was a list of prisoners who
8 had been captured by the NVA in Laos?

9 A. I don't know. Not long.

10 The entry level of knowledge about Laos has to be
11 that the Pathet Lao, that's a myth. There were no real,
12 organized, disciplined Pathet Lao troops. That was part of
13 the facade that was out there.

14 We were dealing with North Vietnamese Army hard
15 core troops and, on rare occasions, with NVA advisers to PL
16 units. So there were some mixed in our OB, in our order of
17 battle units, and the rest that we were concerned with were
18 all NVA. It was our belief, based on years of warfare out
19 there, that, when Americans were taken prisoner, they were
20 fairly rapidly moved into the hands of the NVA. The NVA
21 maintained iron discipline out there. They did not brook
22 any disobedience on the part of the Pathet Lao. They would
23 kill Pathet Lao at the drop of a hat.

24 And when you see a Pathet Lao list produced by
25 Souvannouvong and his gang, it was kind of a laugh. They

1 were just simply doing what they were told to do for
2 whatever reasons they were told to do it.

3 So, we, at least in my group, always looked at it
4 as a whole, not an NVA-PL split. Maybe we were wrong, but
5 that's the way we looked at it.

6 MR. KRAVITZ: Mr. Spencer, at this time I'd like
7 to show General Secord a couple of documents.

8 MR. SPENCER: Then let me excuse myself.

9 THE WITNESS: We'll just do that, then, and we'll
10 be finished.

11 MR. KRAVITZ: Yes. This may take a little while.
12 I still have a fair number of questions about those
13 documents.

14 MR. McCREARY: Off the record.

15 [Discussion off the record.]

16 [Whereupon, at 1:30 p.m., Mr. Spencer exited, and
17 was not present for the remainder of the deposition.]

18 BY MR. KRAVITZ (Resuming):

19 Q. General Secord, I wanted to show you a memorandum
20 that I understand you have had a chance to read before the
21 deposition began.

22 For the record, this document appears at pages
23 through 7 of what the Office of Senate Security calls the
24 "ISA files." It's a memorandum on the stationery
25 of the Assistant Secretary of Defense for ISA, a memorandum

1 for the Secretary of Defense, Subject: U.S. POW/MIA
2 Personnel in Laos -- Action Memorandum.

3 I'm going to show you this document and ask you,
4 just for the record, whether you recognize it.

5 A. Yes. I read it earlier today.

6 Q. What was your role, if any, in the drafting of
7 this memorandum?

8 A. I don't recall specifically. The memorandum looks
9 familiar to me. From the slug on it at the end, which was
10 our normal routine, it said it was prepared by me and my
11 boss, Rear Admiral Bigley, which would have been normal. I
12 probably had some people helping me prepare this.

13 Q. Is it your presumption that you actually wrote the
14 memo?

15 A. It's my presumption that I drafted at least the
16 first draft. Bigley, who is a very precise officer,
17 undoubtedly made changes in it. But I don't remember
18 specifically.

19 Q. Can you recall what the purpose of it was?

20 A. It sounds like my kind of rhetoric./

21 Q. So, in other words, you recognize the writing as
22 possibly your own because it's familiar to the way you
23 write?

24 A. Yes.

25 Q. Do you recall what it was in response that you

1 were, in response to what it was that you were drafting this
2 memo?

3 A. Well, the memo details why. It was what gave rise
4 to the memo.

5 Q. What was that?

6 A. The announcing by North Vietnam of the people who
7 were supposed, the only 10 people who were POW's, according
8 to them, in Laos, one of whom was a Canadian, I guess.

9 Q. Okay. But this memorandum, which appears to have
10 been written toward the end of March, 1973, at least the
11 slug indicates that something happened then --

12 A. 23 March.

13 Q. -- does that mean that that's when you drafted it?

14 A. I think that means that's when the final draft was
15 prepared.

16 Q. For some reason, this memo doesn't have a date
17 stamped on the front page.

18 A. Well, it says that there's a query by the
19 Secretary of Defense on the 13th of March.

20 Q. So my question is --

21 A. And there's something that's supposed to be
22 attached about his query. But it's not here.

23 Q. We don't have that?

24 A. It's not further identified.

25 Q. So your understanding is that on March 13, 1973,

1 the Secretary of Defense must have said something to the ASD
2 for ISA asking for information on the Laos POW situation?

3 A. Either in writing, which is what one would think,
4 with the word "attached" here. It could have been a note,
5 you know, handwritten notes. We'd get them and used to call
6 them "snowflakes." Or it could have emanated from a staff
7 meeting. There were daily staff meetings which my superiors
8 attended.

9 Q. So, in other words, it could have just been an
10 oral directive..

11 A. Or both. It could have been both. It could have
12 been hey, I sent you a note, what are you doing about it.

13 Q. I want to go through the memo and ask you some
14 questions about specific points that are included in the
15 memorandum, if I could. I'm going to be referring to page
16 numbers that have been assigned by the Office of Senate
17 Security down in the lower right hand corner.

18 A. Fine.

19 Q. First, on page 4, the memo indicates that DIA
20 analysis shows that all ten who were on the February 1 Laos
21 list were captured by North Vietnam in Laos and that most
22 were being held in Hanoi, obviously rather than in Laos.

23 Do you know what the basis of that information
24 was; in other words, where DIA got that information?

25 A. Sitting here all these years later, I cannot tell

1. you.

2. Q. Okay. Obviously, we know it's a long time ago.

3. A. I've described to you how we worked. Undoubtedly,
4. we summoned the DIA, the relevant DIA people. If you had—
5. the coordination copy of this, you would undoubtedly see one
6. or more DIA shops on the paper. It's inconceivable to me
7. that DIA would not have shopped on this paper since we cite
8. them as a source. So there was probably a working session
9. to draft it.

10. Q. So, every time in the memo you write "DIA analysis
11. shows" such and such, that would be based on information
12. provided directly to you by DIA?

13. A. And coordinated on by them, because they know it's
14. going to the Secretary of Defense

15. Q. So, in other words, not only would they initially
16. provide the information to you, but then they would have a
17. chance to review and edit a draft of the memorandum before
18. it went to the Secretary of Defense?

19. A. It could not have happened otherwise.

20. Q. In your recollection, was there any disagreement
21. with the belief that all ten people on the so-called list
22. list were, in fact, prisoners who'd been captured by the
23. N.A. rather than prisoners captured by the Father 1977

24. A. I don't remember. If that's what it was, I'm
25. sure that's what we all agreed to.

1- Q. Okay.

2 Also, on page 4 of the memo, there's a discussion
3 of a comparison of the percentages of lost personnel in Laos
4 who came back or who were included on the Laos list with the
5 percentages of lost personnel in North and South Vietnam who
6 had come back.

7 I think you've referred to this issue earlier.

8 As you know, there was a much, much smaller
9 percentage of people lost in Laos.

10 A. Yes. It's an order of magnitude difference.

11 Q. There were 2.5 percent of the people lost in Laos
12 who appeared on the Laos list, whereas 20 percent of the men
13 lost in South Vietnam and 45 percent, or somewhere around 45
14 percent of the people lost in North Vietnam were on the list
15 of men to be repatriated.

16 The memo indicates, again, that the DIA concluded
17 that the Pathet Lao may hold a number of unidentified U.S.
18 prisoners of war, although we cannot accurately judge how
19 many. That was a conclusion, I take it, that the DIA
20 transmitted to you, based on these statistics, on these
21 comparisons?

22 A. Clearly. Also, we must have corresponded with the
23 Embassy in Vientiane as well.

24 Q. Again, the document on page 4 indicates that the
25 U.S. Embassy in Laos agrees with the DIA's judgment on this

1 point.

2 A. That's what it says.

3 Q. The memo indicates that we cannot accurately judge
4 how many prisoners of war may be held by the Pathet Lao. Do
5 you remember what the range or possible range of numbers was
6 that was discussed?

7 A. No. That would be guess work.

8 Q. Do you have any recollection at all?

9 A. Many. Dozens.

10 Q. So you would say certainly more than a dozen?

11 A. We thought so.

12 Q. Again, when you say "we thought so," who are you
13 referring to?

14 A. Well, obviously me, since I was the drafter;
15 obviously my boss, Bigley, who must have signed it up. But
16 I'm virtually certain because of the formal nature of this
17 memo that all the players agreed with it.

18 You see, had they not agreed with it, then there
19 would be other papers that you'd have in your hands here
20 saying hey, we didn't agree with this and it was this way
21 not that way. Because this was an important paper.

22 Q. How should we interpret the fact that this memo
23 released in its final form, says that we cannot accurately
24 judge how many prisoners may be held by the Pathet Lao
25 what level of uncertainty as to the range of numbers does

1 the way this memo reads indicate?

2 A. It means there's considerable uncertainty, which
3 is logical.

4 Q. Okay.

5 Just tell me if this is an accurate summary of
6 what you've said. There was really almost, essentially
7 unanimous belief that there were U.S. prisoners of war held
8 by the Pathet Lao in Laos in addition to the ten on the
9 list, on the so-called Laos list, but there was really no
10 unanimous agreement as to how many prisoners fit that
11 category.

12 A. Yes, I agree with that.

13 Q. Would you say that there was widespread agreement
14 that the number was at least in the dozens?

15 A. Yes. I think that's fair.

16 Q. And within the group of people who agreed that the
17 number of live prisoners held by the Pathet Lao was in the
18 dozens, would you include Roger Shields?

19 A. My guess is yes. But you'd have to ask Roger.

20 Q. So, in other words, you don't have a specific
21 recollection of Dr. Shields stating that opinion?

22 A. No.

23 This memo, I believe that this memo was written by
24 my office, instead of Roger Shields' office, because of the
25 operational nature of the recommendations.

1 Q. Okay. So, in other words, your best recollection
2 of what this March 13, 1973 query must have been was really
3 a request for operational recommendations as to how to react
4 to --

5 A. I believe that we all met and concluded that we
6 should take the lead, we, in my section, because we were
7 going to recommend to the President of the United States
8 that we take a stick to them. That's the way I read this
9 memo, and I believe that's logical.

10 Q. And the first couple of pages, summarizing the
11 problem --

12 A. Sets the stage.

13 Q. -- sets the stage for the recommendations that you
14 were going to make?

15 A. Yes, for the Secretary, so that the Secretary, if
16 he agreed with this, we wanted to convince the Secretary
17 first of --

18 Q. Of how serious the problem was? ...

19 A. -- yes, so that he, then, could take the matter up
20 with the President.

21 Q. Certain documents that the committee has had
22 access to from right around this period of time indicate
23 that there was a belief held by some at the highest levels
24 of our government that there were approximately 40 people
held captive, 40 U.S. personnel held captive by the Patro

1. Lao in Laos, over and above the nine U.S. personnel on the
2 so-called Laos list, certainly a number consistent with what
3 your recollection is.

4 Is that a number, does that ring a bell with you
5 at all? Is that a number that you remember being bandied
6 about?

7 A. Vaguely. It does seem so, vaguely. That's why I
8 said dozens. That was the order of magnitude that I think
9 we were thinking about.

10 But we were flying blind, or the analysts were.
11 They didn't have all that kind of, I mean, this was a big
12 case of deduction that they were going through here. It was
13 more common sense than anything else.

14 Also, you said the Pathet Lao several times. I
15 don't think that we, although we would accept their form if
16 they wanted to call it LPN or whatever they'd call it, but
17 we always believed it was the North Vietnamese still in
18 Laos.

19 North Vietnamese forces, to my knowledge, did not
20 pull out of Laos at that time, in 1973. They simply did
21 not. As a matter of fact, they pressed the offensive.

22 Q. They were supposed to, according to the Accords.
23 But I think they never did.

24 A. They, of course did not, just like they did not in

25 1962.

1 Q. Right.

2 A. Which is why we non-concurred with that piece of
3 paper to start with, we in the more serious part of the
4 government, you know, as opposed to State.

5 [General laughter]

6 A. But this was no laughing matter for us over there
7 at the time, though I make light of it now. We wanted to go
8 back to war, if necessary, to resolve this problem. And we
9 should have, I might add, I believe.

10 Q. Obviously, the statistical comparison that's set
11 forth on page 4 of this document was part of the reason upon
12 which you based your opinion that there should have been
13 more than nine U.S. personnel on the Laos list. Was there
14 anything more to it, or was it just a statistical
15 comparison? In other words, was there intelligence
16 information?

17 A. I think that you're going to have to talk to the
18 intelligence experts from that day. I'm not one. I believe
19 that there were a lot of pros, though, looking at this, and
20 they were looking at all sources. I think that there were
21 hints in SIGINT. I think, in fact, I know there were. It
22 mean, that's what tipped us on Sontay. Do you remember the
23 Sontay affair? That was a SIGINT cue that led to the works
24 and the photo RECCE. This is like being a detective, you
25 know. You get a piece here and a piece there and you try to

1 build it into a picture.

2 Well, that's what the analysts were doing. So it
3 wasn't just intuition that went into this. There were some
4 factual bases for these beliefs. But I cannot pull it up
5 for you right now, you know. I just don't remember. It's
6 so far back. It's a wonder I can remember this at all,
7 especially at my age.

8 Q. Do you recall whether any of these dozens of
9 people whom you and the people you were working with
10 believed were still held in Laos, and these people were,
11 again, in addition to the nine on the Laos list, were any of
12 these people known by name or were they all unidentified by
13 name?

14 A. Well, that's a logical question, but I can't
15 answer it. I think they were. I think that there were
16 stronger suspicions about some names than about others.

17 Q. Were there any known POW or strongly believed POW
18 locations, camps, such as you told us about in your tour in
19 1966 to 1968?

20 A. I can't recall.

21 Q. I want to direct your attention again to --

22 A. You see, I was much farther away from it up there.

23 Q. Okay. I just was wondering whether you had been
24 made aware in DOD of any intelligence on that.

25 A. Well, before we put together a memo this summer --

1 - I mean, after all, we're recommending that we go back to
2 war -- you can bet that we scrubbed every piece of
3 information and we tried to get the cooperation of every
4 element in the Pentagon, certainly, that was in the know. --
5 I'm sure this took us many days to put this together.

6 Q. On page 4, the front page of the memo, the memo
7 indicates several recent diplomatic moves in an attempt to
8 obtain an accounting and the release of U.S. POW's held in
9 Laos. It talks about the several diplomatic moves, and it
10 refers to a recent demarche or recent demarches conveyed
11 personally to Souvannouvong. Do you recall what the details
12 of those diplomatic moves were?

13 A. No, I don't.

14 Q. Do you have any sense of what level those
15 diplomatic moves would have been ordered at?

16 A. The Godley level.

17 Q. So at the level of the Ambassador?

18 A. Sure.

19 Q. Does that mean that it would have been ordered at
20 the level of the Secretary of State?

21 A. Yes.

22 We could not instruct the Ambassador. The
23 Secretary of State had to instruct the Ambassador.

24 Q. So, in other words, you would request the
25 Secretary of State to instruct the Ambassador.

1 A. Exactly.

2 Q. From your reading of this memo, does it indicate
3 to you that these demarches were done really at the behest
4 of the Office of the Secretary of Defense?

5 A. That's a different question. To be fair to State
6 Department, much as I like to beat up on them occasionally,
7 I cannot say with certitude that that was the way it went.
8 My recollection of the environment at the time, though,
9 would make me tend to believe that it was at the request of
10 Defense, generated within Defense. They were, after all,
11 our people, anyway. Although State Department was worried
12 about them, they were our people, our services, and it was
13 our services, the Air Force and the Navy, that was banging
14 on us.

15 Q. DOD ultimately was responsible for these men I
16 guess is the point?

17 A. Yes. Right.

18 Q. Page 4 of the memo also indicates that the
19 Secretary of State, Mr. Rogers, instructed Ambassador Godley
20 on March 15, 1973, to give demarches to the Soviet
21 Ambassador in Laos.

22 Does this indicate to you or is it your
23 recollection, then, that Secretary Rogers had the same
24 information and same understanding as you did about POW
25 problems in Laos back in March, 1973?

1- A. Of course, because we were griping about it all
2 the time.

3 Q. Do you remember ever being present at a meeting or
4 ever having any discussions with Secretary of State Rogers
5 on this issue?

6 A. I was never in a meeting with Secretary Rogers.
7 That was way over my level.

8 Q. But your expectation that Secretary Rogers would
9 have shared your opinion regarding the Laos POW problems
10 then is based on your recollection that people in your
11 office were complaining about this problem all the time and
12 that those complaints reached him?

13 A. Sure. We were meeting with Sullivan's people and
14 with Sullivan all the time.

15 Q. Actually, on that point, what was Mr. Sullivan's
16 position, as you knew it, on this issue, on the completeness
17 of the Laos list?

18 A. I think he felt that it was incomplete.

19 Q. What makes you say that?

20 A. Because Sullivan was an expert on Laos. He spent
21 all that time out there, totally immersed in the actions
22 that were ongoing. I don't recall him disagreeing with our
23 conclusions that they were lying.

24 on the other hand, if I remember, he was
25 Kissinger's handmaiden in the Paris Accords. So the

1 kind of trapped a little bit there.

2 But this says 15 March, which is long after the
3 Paris Accords. So they must have been sufficiently alarmed
4 about it to hammer on the Soviet Ambassador:

5 Q. Would Sullivan have been involved in the Secretary
6 of State's decision to instruct Godley to go to the Soviet
7 Ambassador?

8 A. Almost certainly. Yes. I wouldn't be surprised
9 if he drafted the instruction.

10 Q. In your understanding, was Sullivan really the
11 resident expert within the State Department on Laos at the
12 time?

13 A. No question. No question.

14 Q. And somebody that Rogers really relied on for his
15 Laos decision-making?

16 A. Of course.

17 Q. If you could, turn to the next page. We are now
18 looking at what's marked as page by the OSS numbers. It's
19 the second page of the memorandum.

20 On that page, a cable of 22 March, 1973, is
21 discussed. The memo indicates that this cable was aimed
22 directly at securing the release of all U.S. POW's held by
23 the Pathet Lao.

24 A. We don't have that cable here, do we?

25 Q. Well, I actually have it.

1 MR. MCCREARY: I found it.

2 MR. KRAVITZ: Let me make sure it's the same one.

3 THE WITNESS: It's summarized here, though, isn't
4 it?

5 MR. KRAVITZ: This is not the one that I have.

6 MR. MCCREARY: Is that 2139?

7 THE WITNESS: 2139.

8 MR. MCCREARY: That's it.

9 Do you have it elsewhere?

10 MR. KRAVITZ: No, this isn't it. This is not the
11 one that's referred to. I have it here.

12 MR. MCCREARY: No, this is the one that's referred
13 to. It most certainly is. I beg to differ.

14 [Pause]

15 THE WITNESS: I assume that this accurately
16 summarizes what he said, this paragraph here (indicating).
17 It separates the issues.

18 BY MR. KRAVITZ (Resuming):

19 Q. Let me see what you're looking at?

20 Paragraph 2 there.

21 Q. Oh, okay. I see what you're talking about now.

22 I was referring to the top paragraph.

23 Q. Oh, okay. I was referring to this one

24 (indicating).

25 Q. Yes, so was John. My fault.

1 I'm going to show you that precise cable.

2 A. This is the instruction?

3 Q. Right.

4 This cable appears at page 795 of the set of JCS—
5 files that are here in the Office of Senate Security. It's
6 a cable dated 22 March, 1973, from Admiral Moorer, the
7 Chairman of the Joint Chiefs, to Admiral Gayler at CINCPAC,
8 information to General Weyand, Major General Woodward, and
9 also Ambassador Bunker in Saigon.

10 In essence, the cable directs that the U.S. troop
11 withdrawal be suspended unless and until the Pathet Lao
12 provide a list of U.S. prisoners that it holds in addition
13 to the nine on the so-called Laos list, and unless they
14 actually tell us when they're going to return these people
15 and where.

16 From your position in ISA in March, 1973, were you
17 aware that the order that's included in Admiral Moorer's
18 cable was going out?

19 A. I must have been. We cite it here.

20 Q. As you recall, what was your view of it?

21 A. JCS could not have sent out a message like that
22 without our concurrence under the rules of the road.

23 Q. Why is that?

24 A. It's a political matter. We were the political
25 military arm of the Secretary of Defense in ISA. That's the

1 whole raison d'etre for ISA.

2 Q. So, in other words, Admiral Moorer would have
3 needed the concurrence of the Secretary of Defense,
4 essentially?

5 A. Either him, personally, or ISA for him. In a
6 matter of this import, it would have required both, because
7 I don't think the Secretary would have shopped it without
8 referring it to his staff. He could have, but probably
9 wouldn't have.

10 Q. Is it fair to say, then, based on the fact that
11 that cable did go out, that the Secretary of Defense, Mr.
12 Richardson --

13 A. It was Richardson by this time.

14 Q. Right -- that the Secretary of Defense believed
15 that there was a serious problem concerning the completeness
16 of the so-called Laos list.

17 A. There's no doubt of that.

18 Q. Do you say that based on the fact that the
19 Secretary of Defense obviously supported the sending of this
20 cable --

21 A. Yes.

22 Q. -- or on other information as well?

23 A. No. On this issue.

24 Richardson was brand new, remember.

25 Q. Right. He came in at the very end of January.

1 A. So this is early-on in his tenure as SECDEF. The
2 issue was not, it was a pretty straight-forward issue. It
3 wasn't a hard sell to get him on board.

4 Q. Lower down on that page, in the third paragraph,
5 the memo refers to a message that was sent to the U.S.
6 Delegation to the Four Party Joint Military Commission on 23
7 March. Again, that's a memo from Admiral Moorer.

8 Do you recall what that was all about?

9 A. Not off-hand.

10 Q. I'm going to show you the cable that is referred
11 to. Just for the record, this cable appears at page 37 of
12 box number 3 from the Sieverts file here in the Office of
13 Senate Security. It's, unfortunately, a slightly redacted
14 memo. But we can still tell what it is.

15 It's a cable dated 23 March, 1973, from the
16 Chairman of the Joint Chiefs to the Chief of the U.S.
17 Delegation to the Four Party Joint Military Commission in
18 Saigon.

19 Essentially, it says that the U.S. troops
20 withdrawal will go forward as long as the people on the last
21 of ten, the Laos list, are released by March 28, obviously a
22 different order than the one we showed you just a minute
23 ago, from March 22.

24 A. Well, I can't explain the --

25 Q. That's what I was going to ask you. From your

1 position within ISA, can you give us any insight into the
2 change in position between the 22nd of March and the 23rd of
3 March?

4 A. Is there another way to read this?

5 [Pause]

6 A. I'm not sure what Moorer was getting at there.
7 You know, I can't guess. I just don't know. It's possible
8 that he was saying that we don't want to jeopardize the
9 release of the 10 people, but we're still going to pursue
10 this other matter. Nothing would have happened in one day's
11 time to change anything, that I can think of.

12 Q. So you don't recall any discussions within the
13 Office of the Secretary of Defense --

14 A. No.

15 Q. --over why to take a less hardened position?

16 A. I'm not sure that it is a less hardened position.

17 Q. Okay. Well, let me ask you this. I think I
18 probably gave you my interpretation of the March 22 cable,
19 which was don't complete the troop withdrawal unless the
20 Pathet Lao give us a list of more people that they're
21 holding and tell us when they're going to give them back to
22 us.

23 Do you interpret that cable differently than I
24 have?

25 A. No, I interpret it the same way. But this cable is

1 to a different addressee, is it not?

2 Q. It is. I guess I don't understand it. Maybe you
3 can tell us what difference does that make?

4 A. This cable's to the Four Power, you know, this is
5 to our representative in the Four Power Commission.

6 Q. The March 23 one is?

7 A. Yes. And it says, I think it says tell the North
8 Vietnamese guy that in order for us to complete our
9 withdrawal by 28 March, as we're committed to do, we've got
10 to have the times and places for these ten guys. And then it
11 goes on, does it not, and says but, of course, we're going
12 to pursue these other people up in Laos also. I think that
13 something was going on in Saigon that he wanted to address.
14 That's the only spin I can put on it. I don't think it
15 changes the basic guidance. Otherwise, we wouldn't have
16 written this memo.

17 Q. Okay. Is it your point, then, that the March 22
18 cable, the one to CINCPAC, would not have gone to the North
19 Vietnamese?

20 A. I don't know.

21 Q. The only reason I ask that is on page 5 of the
22 Eagleburger memo, it says: "On 22 March, 1973, the United
23 States informed NVN and the PRG that the U.S. would
24 complete withdrawal of its military forces from South
25 Vietnam in accordance with the terms of the agreement and

1- coincident with the release of all --repeat all -- American
2 prisoners held," et cetera.

3 A. I understand. And you could read this as a
4 softening of the position. But I can't tell you what
5 happened. If it is a softening, I can't tell you what
6 happened, obviously. I don't know. It could have been that
7 the CINCPAC message was, it was info'd to Saigon, wasn't it,
8 to Weyand?

9 Q. Yes. Yes.

10 A. It could have been that that prompted a question
11 from the Four Power Military guy about these specific ten
12 Does this mean we're not going to, you know, are we going to
13 give up the ten -- you know, a request for clarification.
14 It could be that we're reading this thing out of context.
15 I'm not sure. But I don't believe we would have gone
16 forward with this memorandum, which is dated 23 March, isn't
17 it, itself?

18 A. Well, we don't know. It says 23 March down at the
19 bottom of the last page.

20 Q. Well, when was the Kissinger memo signed out?

21 A. That's signed on the 28th.

22 A. All right. So we wouldn't have gone to, this

23 post-dates Moorer's So we wouldn't have gone

24 forward with it had there been a softening of the position

25 in Defense. I admit it's a little troublesome.

1 Q. Let me tell you what Admiral Moorer told us about
2 this in his deposition --

3 A. Yes. He's the guy who might know.

4 Q. -- just to see whether this jogs your memory as to
5 what, if anything, was going on in ISA on this subject.

6 Moorer said that the March 22 cable, directing
7 CINCPAC to stop the withdrawal unless and until the Pathet
8 Lao gave us a list of additional prisoners and told us when
9 and where they were going to be released, was approved at
10 the presidential level and also by Kissinger and the
11 Secretary of Defense, but obviously primarily at the
12 presidential level; and that in his judgment, the March 23
13 cable really was a back-pedaling and was the result of a
14 realization that the nation just couldn't go back to war and
15 just really had no leverage because of political issues here
16 at home and a problems with the Congress.

17 A. Then I'm wrong.

18 Q. I guess my question to you is were there
19 discussions that you recall on those subjects, those issues
20 within ISA?

21 A. No.

22 Q. Again, on page 5, there's a paragraph which talks
23 about reviewing the bidding to date and concludes that even
24 if the list of men is released by the 28th of March, we
25 still have the Laos MIA question remaining unresolved.

1 I just want to be clear. This means the opinion
2 of the drafters was even if those ten were released on time,
3 there were still more prisoners of war, in addition to those
4 ten?

5 A. That's the topic of the memo.

6 Q. Why, if you remember, why would you say the Laos
7 MIA problem or "MIA question," rather than come right out
8 and say there still are more prisoners of war left behind
9 and that needs to be resolved? I guess my question is does
10 the use of the softer language indicate anything?

11 A. Use of what, softer language?

12 Q. Right -- in other words, calling them MIA's rather
13 than POW's. Does that indicate anything to us, or should it?

14 A. No, I don't think so. I think that we didn't hold
15 any of them formally as POW's there. I think they were all
16 technically MIA. I don't think we held any in POW status.

17 Q. I think there was a small number, but certainly
18 not --

19 A. If we did, we would have gone after them, wouldn't
20 we?

21 Q. I think if people with your approach were really
22 calling the shots, I think that's probably right. But maybe
23 unfortunately, there were other people who didn't

24 A. That's strike that. Let me just say that I think I
25 would have remembered if we had a firm fix on it at the

1 time.

2 Q. There was a small number of people in Laos who
3 were carried officially as POW, unlike North Vietnam and
4 South Vietnam.

5 A. Probably those three that I mentioned to you
6 earlier.

7 MR. McCREARY: Charles Shelton was one of the
8 names.

9 THE WITNESS: Shelton was one of them, that's
10 right -- I remember that now -- and the other two with him,
11 I'll bet you.

12 MR. McCREARY: He's the only one officially listed
13 as a POW.

14 MR. KRAVITZ: Today.

15 MR. McCREARY: Today, yes.

16 THE WITNESS: Well, we had three of them. We had
17 their names. We knew who they were.

18 MR. KRAVITZ: There were six people officially
19 listed as POW in Laos at the time of Operation Homecoming,
20 and everyone else was just MIA.

21 THE WITNESS: Okay.

22 BY MR. KRAVITZ (Resuming):

23 Q. On the final two pages of that memo there's
24 obviously a lengthy discussion of various diplomatic and
25 military options that were recommended.

1 Do you recall how that list was developed? Would
2 that have been a list that you put together yourself?

3 A. Undoubtedly. Me and my guys undoubtedly put it
4 together.

5 Q. So you would have been involved not only in the
6 military options but also in the diplomatic options that
7 were discussed?

8 A. Yes.

9 Q. Do you recall whether those options were, do you
10 remember having a meeting with Mr. Eagleburger about this
11 afterwards? Eagleburger obviously signed the memo, so,
12 obviously, he approved it at some point.

13 A. I don't remember ever meeting with Eagleburger,
14 but maybe we did. He was kind of a rubber stamp at that
15 time. He didn't know anything about the place. He was just
16 kind of there.

17 Q. So your sense was that once something got past
18 Bigley up to Eagleburger --

19 A. Once it got past Doolin.

20 Q. Past Doolin, okay. Once it got past Doolin to
21 Eagleburger, Eagleburger would just sign it?

22 A. I think that's likely.

23 Q. With the knowledge, obviously, that the Secretary
24 of Defense ultimately had the final say as to whether the
25 things got recommended.

1 A. Well, of course, he was sitting there. He also
2 knew what the conversations were in the staff meetings with
3 the Secretary of Defense. I mean, Eagleburger is not
4 stupid. He knew where everybody was coming from. There was
5 no doubt in my mind about that.

6 Q. Do you have any sense, then, of what Mr.
7 Eagleburger's own opinion on these issues was?

8 A. I have never had any sense about what his
9 positions are on any subject throughout my long, long
10 association with him.

11 Q. Okay. But your sense is that, at least right up
12 to the level of Mr. Doolin, there was a strong agreement --

13 A. Yes.

14 Q. -- that the positions set forth in this memorandum
15 were accurate --

16 A. Indeed.

17 Q. -- and based on common sense and good intelligence
18 information?

19 A. Yes.

20 Q. I'd like to direct your attention to pages 2 and 3
21 of these papers here, from the ISA files.

22 Did you have an opportunity to read these two
23 pages?

24 A. Yes. Signed by Richardson?

25 Q. Right.

1 What is that document, that two page document?
2 More specifically, what is it in relation to the four page
3 Eagleburger memo that you drafted?

4 A. That's why this four pager is called an action
5 memorandum. In defense parlance, that means the recipient
6 is expected to act if, of course, you agree with the facts
7 as set forward. The action is always a signature. So you
8 always append an action memorandum, and that's what this is.

9 Q. Would you agree that, whereas the action
10 memorandum includes both military and diplomatic
11 recommendations or options, the --

12 A. But not all contained in the basic memo.

13 Q. Well, no. My question is, whereas the four page
14 memo that you drafted includes both military and diplomatic
15 options, the two page memo that Richardson ultimately signed
16 to go to Kissinger excludes the military options and
17 discusses only the diplomatic options. Does that mean that
18 the memo that Richardson ultimately signed is different from
19 the memo that was proposed?

20 A. Here I have to make an assumption. My assumption
21 is that the package went forward, as set forth in the four
22 page memorandum, and that it was amended by the Secretary,
23 truncated, shall we say, by the Secretary, which is not
24 unusual.

25 Q. In other words, he deleted the military options.

1 A. In my opinion that's what happened. I'm not
2 certain. He could have bounced it back to us and said,
3 quickly, do it over. But I think that what I just said in
4 the first place is what happened.

5 Q. Okay.

6 A. There were some military moves still retained in
7 here.

8 Q. But what makes sense, then, is that the memo that
9 went to Richardson for his signature that came out of your
10 office would have included all of the same recommendations,
11 or at least options, that the Eagleburger memo included?

12 A. Sure. It included going back to war. I mean,
13 that's what we were talking about.

14 Q. Do you have any recollection as to why the
15 Secretary of Defense decided not to recommend to Mr.
16 Kissinger that we go back to war?

17 A. I do not. To be fair to all the men involved, I
18 do not know.

19 I pretty much scrubbed that out of my mind. It
20 was a pretty bitter loss. You know, we'd lost the war.
21 Those of us who had been in this war from the beginning
22 the day they signed the Paris Accords we'd lost the war.
23 It's that simple. Most of us tended to just try to get that
24 out of our minds from that point onwards. Although we
25 struggled with the corpse for another two years, we

1 essentially dead at that point.

2 Q. Do you recall any response from Mr. Kissinger --

3 A. No.

4 Q. -- regarding this whole set of memos?

5 A. In this case, I do not.

6 Was Kissinger still National Security Adviser or
7 had he moved over to State by this time?

8 Q. He was still National Security Adviser. He didn't
9 move over to State until the fall of 1973.

10 A. Okay. No, I don't remember.

11 Q. Do you remember any discussions within the Office
12 of the Secretary of Defense regarding where this issue went
13 after it went first from Eagleburger to Richardson and then
14 from Richardson to Kissinger?

15 A. I really do not. I really do not.

16 Our primary mission in my office was not POW
17 affairs. We had been up to our eyeballs in bombing Hanoi
18 and in last minute Vietnamization crashes to get stuff in
19 there before the cut-off line, the cut-off time. And so
20 POW affairs was not much on our minds in my office.

21 Q. What was Mr. Doolin's first name?

22 A. Dennis.

23 Q. And it's D-O-O-L-I-N?

24 A. Yes.

25 Q. His official title was Deputy?

1 A. DASD.

2 Q. For ISA?

3 A. For East Asia/Pacific region, ISA. It's a
4 mouthful.

5 Q. For East Asia/Pacific region.

6 Do you recall any subsequent efforts within ISA to
7 bring to the attention of superiors concerns over the POW
8 problem in Laos?

9 A. Off-hand, no. Shields would know.

10 Q. I take it, though, that the concern on your part
11 and on the part of others within your office did not
12 disappear?

13 A. Well, of course not.

14 Q. For how long a time period after March, 1973, did
15 you continue to believe that there were live prisoners
16 remaining in Laos?

17 A. A long time.

18 Q. Can you give us a sense of that?

19 A. Just years. After a while, you lose hope, you
20 know.

21 Q. For how long a period of time after -- let me ask
22 you this.

23 Between 1973 and 1975, when you had a different
24 position within ISA, did you continue to have access to the
25 same type of intelligence information that you had at the

1_ Laos Desk Officer?

2 A. Yes, because then we were engaged in the last
3 throes of trying to support the Vietnamization force levels,
4 and DSAA was directly involved in that. Also, Cambodia had
5 sprung to life, and we were trying to save Cambodia from
6 going down the tubes. And so, I think I still had pretty
7 fair access.

8 Q. Did you continue to hold your belief that there
9 were dozens of live American prisoners left in Laos through
10 the time you were at OSD in 1975?

11 A. I don't know if I constantly quantified, it, but I
12 have always believed that, until recently, that there was a
13 good possibility of live prisoners somewhere in Laos. Laos
14 is very remote, a very, very rugged, primitive area. The
15 law of large numbers leads me to conclude, has always led me
16 to conclude, that there's a good chance there could be some
17 people left there.

18 As time has gone on, of course, you do lose hope.
19 If I had to bet now, I think I'd have to bet against it.
20 Too many years have gone by.

21 There is just nothing, no signatures, nothing.

22 Q. I just have one more set of questions that I want
23 to ask you. Let me say that I understand your position in
24 1973 was specifically the Laos and Cambodia Desks and not
25 Vietnam. But you obviously had contact with people in

1 Shields and others within ISA who were involved in POW-
2 related issues throughout Indochina.

3 You've told us, certainly, about your reaction and
4 the reaction of others to the question of whether the Laos
5 list was complete. Do you recall similar concerns regarding
6 the completeness of the North Vietnamese and Vietcong lists?

7 A. Yes.

8 Q. Can you tell us about that?

9 A. There was nothing in the history, as I understood
10 it, of the communist Vietnamese leadership to suggest that
11 truth had any meaning at all. It was not relevant. It's
12 interests that count, and, moreover, their perception of
13 interests.

14 So it was my working assumption, and I think most
15 of my colleagues' working assumption, all along that they
16 would hold back because they would perceive these hostages
17 to have value, just the same way the Lebanese militia -- not
18 "militia," but Hezbollah -- perceived it and others have
19 perceived it over time.

20 So, again, you can get too much reliance on common
21 sense, but I think common sense serves one in this case. It
22 was just a matter of presumption on my part, speaking just
23 for me, that they were not forthcoming, would not be
24 forthcoming, and add to that their expectation that there
25 would be some additional payoff here at some point. I think

1 that some that were handed over to the Soviets, which was
2 another assumption that we made, based on at least no
3 intelligence that I was aware of at the time, and based upon
4 reports that we had of extreme cruelty to prisoners, that
5 some they'd rather not return, that they would execute or
6 hold back. So I don't think anybody who was working on the
7 issues of the day then would believe anything that the
8 Vietnamese would hand over to us.

9 I told you most of us who were in a position to
10 know, who worked with it every day, knew exactly what the
11 Vietnamese were going to do after the Paris Accords. We
12 just knew it just as surely as we had seen their operational
13 plan, and it came down the road just like it always comes
14 down the road. There was no doubt about it.

15 That's a long-winded answer to your simple
16 question. But I think it's a justifiable conclusion, that
17 is, that the North Vietnamese can't be trusted to do other
18 than to lie if they think it serves their interest.

19 Now they're caught by it.

20 MR. KRAVITZ: Do you have any other follow-up
21 questions?

22 MR. McCREARY: Yes, I do.

23 THE WITNESS: Last chance.

24 MR. McCREARY: Yes, it is, and that's why I
25 going to do it, because I doubt that our path will be

1 again. Certainly not in this capacity.

2 BY MR. MCCREARY:

3 Q. Just for the record, to clarify a point, Vientiane
4 cable 2139 is accurately, in my estimation, summarized in
5 the cable. You did a good job.

6 A. I assumed it was accurately summarized.

7 Q. We found it belatedly so. It is almost hard to
8 read.

9 If I understood you correctly, you said that you
10 believed for a long time that there were some number of
11 people still in Laos. Would you have held that belief as
12 recent to these events as the fifth of April, 1973, for
13 example? I'm going to get to the importance of that.

14 In other-words, if, on the 28th of March, and at
15 the 23rd of March, 1973, you felt that belief, it didn't
16 change in the matter of a week or so.

17 A. It didn't change for years. At least it hasn't
18 changed to this day. It's just that, you know, people get
19 old and they die.

20 Q. I'm struggling with a series of Embassy cables
21 from Vientiane that indicate a significant change in
22 viewpoint by the fifth of April. I'd like you to read it.
23 The first paragraph is really only important, and I
24 apologize for a bad copy. This is identified as Office of
25 Senate Security document control number 92-5110, and it is

1 an Embassy Vientiane cable, Vientiane 2553 -- I repeat,
2 2553. The date is 5 April, 1973, from U.S. Embassy
3 Vientiane.

4 I'd like you to take a few moments, as we wrap up,
5 to read that paragraph. My question is does that strike you
6 as a significant change in at least the attitude toward
7 prisoners?

8 A. Who is Lindstrom? "Regarding most recent
9 Lindstrom foray into PW/MIA picture." I don't remember any
10 Lindstrom.

11 Q. I don't remember off-hand. Without reviewing it
12 again, I can't recall whether that was, I think that was an
13 ICRC, an International Committee for the Red Cross,
14 representative. But I'd have to check the record. It was
15 an unofficial, not a U.S. Government group action.

16 By way of background, there were also some Walter
17 Cronkite press reports about prisoners still held after the
18 Paris Peace Accords.

19 A. My reaction to this is it continued to, Godley
20 company continued to mix apples and oranges. They keep
21 talking about the LPF, which is a concoction that someone
22 dreamed up one day and said that this fiction of a Laos
23 entity that has power and can constitute the state has to
24 you know, this myth that was started in 1963 and 64 and
25 on to this day reemerges here, and they say that.

1 reluctantly concluding that the LPF does not hold any
2 American prisoners. Well, what about the Vietnamese in Laos
3 who held the majority in Laos? He doesn't address that.

4 So I think the cable is misleading. I never
5 thought the LPF held any prisoners, either. They wouldn't
6 dare hold them if the North Vietnamese Army didn't want them
7 to hold them. Of that I can assure you.

8 Q. Had you ever seen that cable before? Is it at all
9 remotely familiar to you in your capacity there?

10 A. No, not really. It's just not one of these
11 wonderful diplomatic, you know, wonderful cables that
12 ignores reality. They just flowed all the time.

13 Q. What struck me about that cable in the context of
14 your memo, the Chairman of the JCS memos, and so on, and,
15 you know, messages is that, up until Homecoming, we are
16 pressing all buttons to try to get all the people,
17 particularly on this Laos issue, which is what we've been
18 talking about these hours. In our research, we discovered
19 this memo, which seems to right off live prisoners.

20 A. But it writes them off for the LPF, not in Laos.

21 Q. Yes.

22 A. It ignores the bigger issue of North Vietnamese
23 forces holding American prisoners in Laos.

24 Q. So American prisoners held by North Vietnamese
25 forces in Laos would you say slipped through the cracks?

1 A. Sure.

2 Q. And that memo --

3 A. It doesn't address them for whatever reason. But
4 he continues, as State has always done, to build on the
5 notion that there is such a thing as a Lao People's Front,
6 or whatever that stands for -- I've forgotten -- Patriotic?

7 Q. Lao People's front.

8 The thing that strikes me is that as late as the
9 27th in this package of cables, and it's not germane for
10 taking up any more of your time, but on the 27th of March,
11 John Gunther Dean did make a demarche to the Laos front --

12 A. I'm sure.

13 Q. -- and was very insistent. He mentioned names
14 like Debruin and Hrdlicka.

15 A. Those are, Hrdlicka is another one that was in Sam
16 Neua at the same time. This missed opportunity, Hrdlicka
17 was one of them. I remember that.

18 Q. So, on 27 March, they're saying to the Lao your
19 list of 1 February, your list of nine Americans does not
20 include these people who were shown in Pathet Lao propaganda
21 films, you know, actually North Vietnamese shown under the
22 Pathet Lao umbrella.

23 But on the fifth of April, this cable comes in
24 and names like Hrdlicka and Debruin pretty much drop out of
25 the lexicon.

1 The question is, in your judgment, in your vast
2 experience, what is responsible for this? Do you recall any
3 messages, any memos, any meetings on the 29th of March, on
4 the 30th, that weekend --

5 A. No.

6 Q. -- that would have said well, the prisoner of war
7 issue is over in Laos?

8 A. No. I can only attribute it, once again, to them
9 -- it sounds strange, I know; it sounds strange to me -- but
10 I can only attribute it to this notion that was created in
11 1962 by Averell Harriman and his bag man, Bill Sullivan,
12 who, don't forget, wrote that accord, and created out of
13 whole cloth this state, this neutralist state, headed by
14 Souvanna Phouma. Having talked to Souvanna Phouma many
15 times, I can tell you he didn't give a rats about that. He
16 just didn't.

17 What he wanted was to be left alone. Bill
18 Sullivan reported these marvelous colloquies over the years,
19 that Souvanna Phouma said this; and I reported that we lost
20 Site 85 to Souvanna Phouma and he said oh, this good be bad,
21 or some words to that effect. We were sitting there. Are
22 you kidding me? What are you talking about? You know, this
23 is like talking to the wall here. I mean, give me a break.

24 So they had this fantastical, at State
25 fantastical notion of the State of Laos. That's all.

1 tell you. I'm sorry.

2 Q. That's very helpful.

3 A. If there's another reason for it, I can't help
4 you.

5 Q. That's very responsive. Thank you.

6 MR. MCCREARY: I'm done.

7 MR. KRAVITZ: All right.

8 That's all the questions we have. Let me just ask
9 you one final question.

10 BY MR. KRAVITZ:

11 Q. Is there anything you've told us that you want to
12 add to or change in any way?

13 A. Just one thing that I omitted that I wanted to
14 mention, Bill Sullivan's name, with respect to Site 85. The
15 radar technicians that were up there, roughly 15, a dozen or
16 15, 16 at a time, on shifts, part of the rules was that they
17 could not be armed because they were civilians. We bickered
18 and then later fought back and forth over that issue.
19 Finally, I took the position that they had to be armed and I
20 armed them anyway, by my order. I drew the weapons for them
21 and ordered them distributed, and directed our case
22 officers, who rotated in and out of there, to conduct
23 individual training during daylight hours up there. They
24 were trained and they did fight.

25 And Sullivan did not say a word when he was there.

1 We also requested repeatedly to put a Special
 2 Forces officer, an NCO, up there with them. But at first,
 3 we started out a little bit grander than that. We wanted to
 4 put a couple of squads. Finally, we reduced our demands
 5 down to just an officer and the combat experienced NCO. We
 6 were always turned down.

7 Had we been able to, had we done that, I think
 8 they would have held on through the night until we could get
 9 to them. That was another gross error. Okay.

10 MR. KRAVITZ: Thank you very much, General. We
 11 really appreciate your time. Again, we apologize for the
 12 delay this morning.

13 [Whereupon, at 2:35 p.m., the taking of the
 14 instant deposition was suspended.]

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 22

The Witness

SUBSCRIBED AND SWORN to before me this _____ day
 of _____, 19____.

Notary Public