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[redacted] We have not attempted to reconcile these two divergent points of view, which reflect a legitimate disagreement based on differing perceptions of the tasking. We note, however, the delay in the completion of the TOR (the SSCI held the draft TOR from early July 1997 until the end of October 1997); the addition of the 735 and 1205 documents to the "Key Questions" of the TOR; and the introduction of a new NIO/EA and a new NIE drafter, neither of whom had been involved in the negotiations of the TOR. The former NIO/EA had intended to treat the 735 and 1205 documents as a separate research project. The new NIO/EA and the NIE drafter accepted the final TOR with their expanded focus without changing the time allocated to complete the NIE, the time frame on which the research would focus, or their perception of the scope of the project.

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[redacted] In our review of the NIE and the *Critical Assessment*, we did find it necessary to search for documentation as far back as the document trail allowed. The information we reviewed provided new insights into many of the issues treated in the NIE and the *Critical Assessment*. None of this information contradicted the conclusions or changed the judgments reached by the NIE drafter and the IC.

QUALITY OF NIE ANALYSIS

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[redacted] We found the overall quality of analysis in the NIE to be good. The argumentation is vigorous and logical, and the conclusions are balanced and well-documented. On the subject of Vietnamese cooperation on POW/MIA matters, the drafter used relevant information and interviews with knowledgeable officials in reaching the conclusion that Vietnam's performance in dealing with the POW/MIA issue has been good in recent years. The NIE judgment is properly cautious, particularly given the caveat that unresolved areas of Vietnamese cooperation warrant continued close attention by the U.S. Government.

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[redacted] On the subject of the NIE's re-evaluation of the 735 and 1205 documents, a basic misunderstanding developed about what the NIE was to accomplish. Whereas the former NIO/EA planned to address the 735 and 1205 documents in a separate research study, Senator Smith wanted these issues addressed in the NIE; according to his legislative

assistant, he wanted an independent review of the 735 and 1205 documents as well as an independent analysis of the numbers of POWs held by Vietnam.

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[REDACTED] Whereas Senator Smith expected an in-depth analysis of the 735 and 1205 documents and related issues, the assumptions of the NIC, the NIE drafter, and the IC were quite different. They assumed that the NIE would reflect the best judgments of the IC as developed by knowledgeable analysts; they did not plan to undertake basic research and analysis. As a result of his perception of the task, the drafter of the NIE did not undertake an in-depth re-evaluation of the 735 and 1205 documents. Instead, he accepted the IC position on the legitimacy and accuracy of the documents as well as the U.S. Government's position on the basic question of numbers of POWs held by the Vietnamese. The combination of this acceptance of previous positions and the limited time allocated to completing the project prevented the NIE drafter from taking a fresh look at a number of contentious issues.

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[REDACTED] The NIE did not come to grips with the issue of the numbers of POW/MIAs not accounted for and the impact of the 735 and 1205 documents on that issue. No organization or person felt compelled to do the research and analysis necessary to illuminate and challenge the polarized interpretations that have developed over the years. We took on that task, an unusual undertaking for statutory oversight organizations, because we wanted to determine whether there was evidence that might have affected the NIE if it had been taken into account. It took us nearly three months of research and analysis to understand that neither of the mutually-exclusive accounting methodologies was sufficient. That being said, the NIE's judgments on this issue remain valid; the 735 and 1205 documents are genuine GRU documents, but the information contained in them related to numbers of POWs held by the Vietnamese cannot be relied upon. The two documents are mutually inconsistent in that regard.

(b)(3) NatSecAct

[REDACTED] As a result of our analysis, we can conclude with far greater confidence than did the NIE that the numbers of POWs reported in the 735 and 1205 documents are inaccurate. We accept that the documents are genuine and that other information contained in them is valid. But the information on the numbers cannot be accurate.

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[REDACTED] Because of the existence of competing methodologies and polarized positions, we also undertook an independent analysis of the discrepancy or compelling cases. This issue had been avoided by the Senate Select Committee in 1993, and only DPMO had analyzed the cases. Senator Smith's legislative assistant told us that he had assumed that the NIE drafter would conduct such an analysis, but he did not. Once again, we believed that it was our responsibility to determine whether relevant information existed that might have affected the judgments of the NIE. We obtained the case assessments for the 289 cases on Senator Smith's list of 324 names for which verified remains have not been returned. Our review suggests that, at most, three of the cases (and, in all likelihood, none) remain compelling today. We do not claim to have resolved any of these cases. We believe, however, that our methodology can be replicated and that a far better understanding of the remaining number of compelling cases might be achieved.

(b)(3) NatSecAct

[REDACTED] The withdrawal of DPMO from the estimate process inhibited analysis of POW/MIA issues. Several of the mistakes made by the drafter could have been prevented had DPMO analysts been more closely involved in coordinating the estimate. While not a member of the IC, DPMO possesses most of the U.S. Government's data and analytic expertise on POW/MIA issues. NIE deliberations frequently include the participation of non-IC members who are particularly knowledgeable as "back benchers." In our view, the decision by DPMO management, accepted by the IC, to exclude DPMO was unfortunate.

(b)(3) NatSecAct

[REDACTED] One of the mistakes DPMO could have prevented was the NIE's characterization of the mortician and his information. The NIE failed to capture the intricacies of the mortician's story and its implications. Since that story was a major point of disagreement between the SNIE of 1987 and the NIE of 1998, the story had to be told accurately and completely. The NIE did not do that and exacerbated the issue by not taking into account the conclusion reached in the 1996 IC Assessment. The IC Assessment did not discredit the mortician. It claimed that the numbers in the 1987 SNIE were based on limited direct evidence whose reliability was open to question. The NIE mislabeled the mortician an unreliable source. The DPMO argues that the mortician was reliable with respect to the remains he had actually worked on, but that his estimate of stored remains that he did not work on was less accurate. We agree with the conclusions of the 1996 IC study and the DPMO.

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[REDACTED] Another area in which DPMO might have helped the NIE drafter is on the issue of Vietnamese mistreatment of POWs. The NIE's approach to this issue is limited and does not directly address the problem the issue causes for both Vietnamese and U.S. policymakers. There is substantial evidence that mistreatment occurred; there also is substantial evidence that the Vietnamese will not admit that mistreatment occurred. U.S. policymakers are concerned that emphasizing this point to the Vietnamese can only undermine efforts to achieve full accounting.

(b)(3) NatSecAct

[REDACTED] The NIE overstated its case that there is no evidence that the Vietnamese currently are storing the remains of American POWs. The NIE did indicate, however, that the DPMO in conjunction with CILHI was investigating the question and that further conclusions had to await publication of that study. The DPMO remains report was issued in June 1999, more than one year after the NIE was published. The study concludes that remains may not have been repatriated in two cases involving five sets of remains. That conclusion was not factored into the NIE, but those preparing the remains study may not have made that determination by the time the NIE was published. In addition, the DPMO's 1995 zero-based comprehensive review concluded that there were some cases where the Vietnamese Government did not turn over recovered remains. That conclusion also was not factored into the NIE.

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[REDACTED] The *Critical Assessment* challenges the NIE's judgments with respect to the possible existence of a separate prison camp and/or the possible transfer of U.S. POWs to the former Soviet Union. The assessment cites a 1976 CIA "study" that concluded that the possibility of a second prison system "cannot be disregarded." We found the alleged study and determined that it was an internal CIA draft based solely on the

preliminary work of a junior imagery analyst. The junior analyst hoped to find evidence of live POWs and a second prison camp system, but that hope was not realized. The CIA desk officer who had responsibility for evaluating the North Vietnamese prison system from 1965 to 1992 never found credible evidence of the existence of such a system. In our review of documents and statements made by Russian officials and others, we found no credible evidence to support either the existence of a second prison camp system or the transfer of American POWs from Vietnam to the former Soviet Union or elsewhere.

(b)(3) NatSecAct

[redacted] None of our criticisms of the estimate affects its basic substance and judgments; these stood up to rigorous examination. We found that the IC understanding of the issues was sound and that the NIE judgments were accurate.

POLITICIZATION

(b)(3) NatSecAct

[redacted] We found no indication that any member of the Clinton Administration attempted to influence the NIE in any way. Nor did we find support for charges that the Clinton Administration tried to influence intelligence reporting on issues relating to POW/MIA during 1993-1994, when the first IC analysis of the 735 and 1205 documents occurred, with the exception of the efforts of some to make the tone more acceptable to anticipated critics. The concern expressed by Administration policymakers was that the IC not appear to be dismissing or debunking the information contained in those documents.

(b)(3) NatSecAct

[redacted] We did find that Senator Smith had an impact on the estimate process and the tone of the estimate. He played a role in framing the final TOR, ensuring that a re-evaluation of the 735 and 1205 documents was included as one of the key questions. In his meeting with the NIO/EA in early November 1997, he expressed his opinion on issues to be addressed in the estimate and implied that any differing conclusion would be the result of pressure from the Clinton Administration. He and his legislative assistant tried to insert themselves into the estimate process. Senator Smith called the Director, DIA before the MIB meeting of April 1998, stating that the NIE drafter had failed to review documents held by the SSCI and indicating that he could not accept the estimate if the documents were not reviewed.

(b)(3) NatSecAct

[redacted] Members of the IC, as well as outside readers of the estimate, were aware that the NIE would be criticized by those who believed that the Vietnamese were not cooperating in good faith on POW/MIA matters and those who believed that American POWs were left behind in 1973. At numerous stages in the production of the estimate, they urged that the tone of the estimate be softened to placate those who might be critical. The result was an estimate with modified language on issues relating to Vietnamese cooperation and to the 735 and 1205 documents.

A FINAL NOTE

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[redacted] We are concerned by the *Critical Assessment's* overarching implication that political pressure has been applied to the intelligence process by the Clinton Administration. Such a charge, even if vague and unsubstantiated, tends to gain credibility if it is repeated. Many in the community of POW/MIA families have come to believe that politicization exists. This perception has been fed by persistent accusations of a government conspiracy to cover up the contention that American POWs were abandoned in Vietnam after Operation Homecoming in 1973. No such conspiracy exists.

(b)(3) NatSecAct

[redacted] We found caring and sensitive people working on the POW/MIA issue at all levels of the government. Addressing the issue is especially difficult for those who must put emotion and personal considerations aside in pursuit of factual information. To demonstrate the difficulty in doing so, we cite two of these professionals: the recently retired Director, DIA and an imagery analyst who worked on the prison camp issue as a junior analyst in the 1970s.

(b)(3) NatSecAct

[redacted] The Director, DIA told us that, after meeting with Senator Smith in June 1997, he was convinced that the U.S. Government had not done enough. He said that he wanted to believe that American POWs had been left behind after Operation Homecoming. DIA senior staff officers confirmed that the Director was persistent, persuasive, and personally driven to ensure that analysis of the POW/MIA issue was correct. Ultimately, as Chief of the MIB, responsible for the analytical position of the entire military intelligence structure, he concluded that the facts demonstrated that he was "wrong in his heart." There was no credible evidence to support the position that live POWs had been left behind in Vietnam. Similarly, the then-junior imagery analyst told us he

had wanted to find Americans alive after Operation Homecoming and that he never lost that personal focus during his nearly 30-year career. He never found evidence to support what his heart told him. The facts simply were otherwise.

(b)(3) NatSecAct

[REDACTED] Altogether we formally interviewed more than 80 individuals and contacted about 20 others who had relevant information. Without exception, we found dedicated professionals searching for the truth as best they could. We found diligent Senate staff members who wanted the government and especially the IC to hide nothing. We found dedicated support personnel who held nothing from us. We found experienced intelligence operatives who had worked the POW/MIA issue their entire careers; they had asked the hard questions over and over again but had found no information to support the hypothesis that live American POWs remained in North Vietnam after Operation Homecoming. We found analysts committed to two sound analytical propositions—leaving no stone unturned and letting the facts speak for themselves. We found policymakers attempting as best they could to deal openly and in a straightforward manner with an emotional and difficult issue.

(b)(3) NatSecAct

[REDACTED] We had a unique platform from which to review the relevant policy and intelligence information. No document in its original form was withheld from us. No document in its entirety was refused us. No marginalia, desk note, sticky, or other scrap of information was excluded from files we asked for, to include those held by the SSCI.

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[REDACTED] We were not asked to determine whether there was a government conspiracy to cover up the contention that American POWs were abandoned in Vietnam after Operation Homecoming in 1973. Given the fact that there are those who continue to believe such a conspiracy exists, however, we emphasize that we found not one factual thread in all the thousands of pages of documentation we reviewed to indicate that such a conspiracy exists today or ever existed. To the contrary, we found no reason to challenge the finding reported by Congressman Sonny Montgomery to the Speaker of the House of Representatives nearly a quarter century ago:

...the results of the investigations and information gathered during its 15-month tenure have led this committee to the belief that no Americans are still being held alive as prisoners in Indochina, or elsewhere, as a result of the war in Indochina.

Annex A

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ANNEX A: Methodology

We used an historical research design, a methodology that seeks to reconstruct the past objectively and accurately. We augmented that approach with contrast and comparison, and quantitative and replication methodologies where appropriate. Our design had 12 components:

- ◆ Review all the research files of the drafter of the National Intelligence Estimate (NIE);
- ◆ Identify and review previous studies, in particular those conducted by non-Executive Branch entities;
- ◆ Review other relevant document holdings, including those of Senator Smith and the CIA, the Directorate of Operations, to include construction of data bases;
- ◆ Interview persons with first-hand information or expert knowledge;
- ◆ Review contemporary literature. The Defense Technical Information Center conducted a tailored search of its various databases at our request to identify relevant documents and publications;
- ◆ Search the world wide web;
- ◆ Conduct our own analysis of the data collected because the drafters of the NIE and the *Critical Assessment* used fundamentally different and mutually exclusive approaches;
- ◆ Analyze and compare the content of each draft of the NIE to assess the impact or influence on the text of various readers;
- ◆ Evaluate a structured sample of official case assessments of persons unaccounted for in Southeast Asia as maintained by the Defense Prisoner of War/Missing Personnel Office (DPMO);

- ◆ Conduct a zero-based review of a Missing in Action (MIA) case;
- ◆ Contrast and compare interviews and statements of Russian sources from the perspective of both the NIE and the *Critical Assessment*; and
- ◆ Retranslate from the Russian language portions of the 735 and 1205 documents relevant to the POW/MIA issue.

We used an iterative approach to synthesize the data and other information collected. Interviews were primarily open-ended narrative accounts with follow-on questions and sessions, if required. For example, we met three times with the drafter of the NIE and three times with Senator Smith's legislative assistant for the *Critical Assessment*. We met with the Senate Select Committee on Intelligence (SSCI) staff point of contact on four different occasions, twice to review relevant documents. We reviewed on several occasions the material provided to us by the drafter of the NIE. We requested specific document searches by the Office of the Director, Defense Intelligence Agency (DIA), the DPMO, various offices of the Under Secretary of Defense for Policy, and the Department of State (DoS), Bureau of Intelligence and Research (INR). To assimilate documents obtained from diverse sources, we created a master database and then constructed analytical files in two ways, one chronologically and one functionally. As a cross check, each agency (CIA and Department of Defense (DoD)) built its own functional files and performed parallel analysis of key issues. We reviewed over 20,000 pages of responsive information.

We interviewed more than 80 current and former officials of DoS and DoD, the National Security Council (NSC); the CIA, the DIA, the National Security Agency (NSA), the SSCI, and the office of Senator Smith. Specifically, we interviewed:

- ◆ **At DoS:** the current U.S. Ambassadors to Vietnam and Cambodia; the Assistant Secretary of State, Bureau of East Asia and Pacific Affairs; the Director, Office of East Asia Analysis, INR; and a former member of INR;

- ◆ **At DoD:** the Under Secretary of Defense for Policy; the Assistant Secretary and the Principal Deputy Assistant Secretary of Defense for International Security Affairs; two former and the current Deputy Assistant Secretary of Defense for POW/MIA Affairs; the Director, Indochina, Thailand, Burma, Office of the Assistant Secretary of Defense, International Security Affairs; and the Assistant Director for Polygraphs, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence);
- ◆ **At CIA:** the Chairman and Vice Chairman of the National Intelligence Council; two former National Intelligence Officers for East Asia, and a former Deputy NIO for East Asia; former and current senior officials, reports officers, and analysts from the Directorates of Operations and Intelligence, the Office of Congressional Affairs, and the National Counterintelligence Center; and the drafter of NIE 98-03;
- ◆ **At DIA:** a former Director; a former and the current Director and the Vice Deputy Director, Policy Support; the Deputy Intelligence Officer for East Asia and Pacific; the former Director and former Deputy Director, Special Office for POW/MIA Affairs; the Chief, Security, Investigations and Polygraph Branch; and representatives from the Office of the Executive Secretariat;
- ◆ **At DPMO:** the Director; the Deputy Director; Chief of Staff; Chief, Plans and Policy; Director, Research and Analysis (RA) Directorate; the Chief, Joint Commission Support Directorate (JCSD); and senior officials and analysts within RA and JCSD;
- ◆ Former Presidential emissary to Vietnam and former Chairman of the Joint Chiefs of Staff;
- ◆ The Chief, Central Identification Laboratory, Hawaii (CILHI), and other CILHI officials;
- ◆ The Chief, Special Projects, Joint Task Force-Full Accounting;
- ◆ The former Chairman of the U.S. side of the U.S.-Russia Joint Commission on POW/MIAs;

- ◆ The Chief, U.S. Air Force Polygraph Program;
- ◆ Representatives from NSA;
- ◆ Current and former staff members from the SSCI; and
- ◆ Senator Robert C. Smith's legislative assistant.

In addition, we met with Senator Smith to discuss his views on the issue.

Annex B

ANNEX B: Summary of Selected Prior Reports

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[REDACTED] Since the conclusion of Operation Homecoming in 1973, the Prisoner of War/Missing in Action (POW/MIA) issue has been the subject of numerous reports. Listed below, in chronological order, are those reports that were relevant to our research.

13 December 1976

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[REDACTED] *Americans Missing in Southeast Asia—Final Report Together with Additional and Separate Views of the Select Committee on Missing Persons in Southeast Asia*, 13 December 1976, U.S. House of Representatives (94th Congress, 2nd session, House Report No. 94-1764) (The report was reprinted on 5 August 1988, House Committee Print No. 15, 100th Congress, 2nd Session). This House Select Committee sought to conduct a full and complete investigation and study of the problem of United States servicemen still identified as missing in action and those known dead whose bodies have not been recovered. The report concludes that no Americans are still being held as prisoners and that a total accounting is not possible and should not be expected. Finally, the report suggests that a partial accounting is possible and that the most effective means of obtaining this accounting is through direct governmental discussions.

23 March 1977

(b)(3) NatSecAct

[REDACTED] *Presidential Commission on Americans Missing and Unaccounted for in Southeast Asia Report on Trip to Vietnam and Laos March 16-20, 1977*, 23 March 1977, Office of the White House Press Secretary. The Commission's mandate focuses on obtaining an accounting of missing Americans in Southeast Asia. The report concludes that the resumption of talks in Paris between U.S. and Vietnam officials and the normalization of relations are required in order to afford the best prospect for obtaining a fuller accounting of missing personnel.

27 May 1986

(b)(3) NatSecAct

[redacted] *The Tighe Task Force Examination Review of DIA Intelligence Holdings Surrounding Unaccounted for United States Military Personnel in Southeast Asia*, 27 May 1986. The Director, Defense Intelligence Agency (DIA) asked the Task Force to evaluate the evidence regarding unaccounted for U.S. military personnel in Southeast Asia and to provide an evaluation of DIA conclusions on the POW/MIA issue. The Task Force also reviewed pertinent files and the handling of those files, looking for any indication or "COVER-UP" [emphasis in original]. Among its conclusions, the Task Force found no evidence of a "cover-up" by DIA. The Task Force also concluded that:

- ◆ A large number of MIAs may never be properly accounted for and that ". . . false hope should not be offered to those seeking a total accounting of POW/MIAs."
- ◆ DIA holds information that establishes a "strong possibility" of POWs being held in Laos and Vietnam.
- ◆ The U.S. Government's handling of the POW/MIA issue is "constantly harassed by phonies and profiteers," which probably jeopardizes the lives of Americans.

September 1987

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[redacted] *SNIE 14.3-87, Hanoi and the POW/MIA Issue* [redacted] 1987, Special National Intelligence Estimate (SNIE). The resolution of the fate of the 2,413 American servicemen still unaccounted for in Indochina remains a priority humanitarian issue for the U.S. Government, which believes that the fate of the servicemen should be treated separately from other political and economic concerns. The report states that Vietnam publicly characterizes the accounting of servicemen as a humanitarian issue, but also uses the POW/MIA issue as a means to influence public opinion in the United States to achieve broader political objectives. The report concludes that Hanoi sees the solution to the POW/MIA issue to be in its greater long-term interest, but sees tactical benefits in manipulating the issue in the interim.

23 May 1991

(b)(3) NatSecAct

[redacted] *An Examination of U.S. Policy Towards POW/MIAs by the U.S. Senate Committee on Foreign Relations Republican Staff, 23 May 1991, U.S. Senate, Committee on Foreign Relations. The minority staff interim report concludes that the "internal policy" of the U.S. Government is to act upon the presumption that all MIAs are dead. The report charges that "any evidence" indicating a MIA might be alive is "uniformly and arbitrarily rejected." Furthermore, the report charges that all efforts are directed towards finding and identifying remains of dead personnel, even though U.S. Government techniques of identification are "inadequate and flawed."*

February 1992

(b)(3) NatSecAct

[redacted] *Vietnam: Adjusting Its Strategy on the POW/MIA Issue*
[redacted] EA 92-10004, February 1992, Directorate of Intelligence. This Central Intelligence Agency report examines Hanoi's evolving attitude toward the POW/MIA issue and concludes that since 1988 Vietnam has become "more cooperative" in resolving questions concerning U.S. military personnel reported as possible POWs/MIAs during the Vietnam War. The report comments that Vietnam will adhere to its policy of limited accommodation as long as it believes it will eventually gain economic benefits. The report cautions that even under the best of circumstances, there are limits to what the United States can expect to achieve.

13 January 1993

(b)(3) NatSecAct

[redacted] *POW/MIAs, 13 January 1993, U.S. Senate, The Senate Select Committee on POW/MIA Affairs (103rd Congress First Session, Report No.103-1). The Senate Select Committee on POW/MIA Affairs wants the United States to meet its obligation to the missing and to the families of those yet to be accounted. The report details testimony and evidence regarding POW/MIA accountability issues involving World War II, the Korean Conflict, the Cold War, and Vietnam. The report states that the Committee's work helped to create the Joint Task Force-Full Accounting and the U.S.-Russia Joint Commission. The report stresses that the quest for the fullest possible accounting of Vietnam-era POW/MIAs must continue but to be effective and fair to families, these accounting efforts must go forward within the "context of reality, not fiction."*

21 July 1993

(b)(3) NatSecAct

[redacted] *Report to Ambassador Malcolm Toon, Chairman of the U.S. Side of the Joint U.S./Russian Commission on POW/MIAs from U.S. Senator Bob Smith, Commissioner, 21 July 1993, Office of U.S. Senator Bob Smith. The report is subtitled "An Interim Analysis of the 1972 Translation of a North Vietnamese Report Concerning U.S. POWs Discovered in 1993 in the Archives of the Former Soviet Union and Subsequently Provided to the U.S. Side of the Joint U.S./Russian Commission on POW/MIAs." This report asserts that North Vietnam "withheld the total [emphasis in original] number and identity of American POWs in Vietnam, Laos, and Cambodia over whom it had direct control." Furthermore, the report rejects Vietnam's claim that the Russian translation is "pure fabrication" and states the "U.S. Government should stop believing that it knows the fate of just about everybody." Finally the report asks the American public to study the facts, even if it means revisiting old issues.*

24 January 1994

(b)(3) NatSecAct

[redacted] *Recent Reports on American POWs in Indochina: An Assessment*, is an unclassified, coordinated, interagency intelligence analysis of the 735, 1205, and Dang Tan Reports documents. The assessment concludes that the 1205 document, discovered in a Soviet archive by an American researcher, may be a "genuine" Russian document, but the accuracy of its rendering of the POW situation in 1972 is outweighed by errors, omissions, and propaganda. The 735 document, also discovered in another Soviet archive, asserts that there were 735 American fliers held in Hanoi in January 1971, and is also determined to be a genuine Russian document. As with the 1205 document, similar questions are raised regarding the accuracy of the 735 accounting. Furthermore, the 735 and the 1205 documents are inconsistent with each other. The Dang Tan Reports, which document the claims of a North Vietnamese defector that in late 1967 Hanoi held "more than 800" pilots as POWs, are assessed to be "embellished" with hearsay and rumor. In an overall statement, the assessment, in reviewing all three documents, encountered the same problems experienced since the beginning of the conflict in Vietnam—inaccuracies, inconsistencies, exaggerations, and fabrications.

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13 November 1995

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[REDACTED] *A Zero-Based Comprehensive Review of Cases Involving Unaccounted for Americans In Southeast Asia*, 13 November 1995, Department of Defense. The report provides the results of a zero-based comprehensive review of all cases involving unaccounted for Americans in Vietnam, Laos, and Cambodia resulting from the Vietnam War. Leaving "no stone unturned," using evidence as well as Southeast Asian cultural and historical practices and operational realities, the report concludes that of the 2,202 cases under consideration 1,476 still have investigative leads to pursue. The report concludes that the acquired conclusions and judgments make it possible to develop a work plan comprised of the best steps to move cases toward resolution.

17 June 1996

(b)(3) NatSecAct

[REDACTED] *Comprehensive Report of the U.S. Side of the U.S.-Russia Joint Commission on POW/MIAs*, 17 June 1996. Established on 26 March 1992, the U.S.-Russia Joint Commission on POW/MIAs focuses on determining:

- ◆ If any American POW/MIAs are still being held in the former Soviet Union against their will;
- ◆ The fate of unaccounted-for members of the U.S. Armed Forces who were located on the territory of the Soviet Union or about whom the Russian Government may have information; and
- ◆ Facts pertaining to Soviet personnel missing from the war in Afghanistan and from the Cold War-era loss incidents.

The report states that no U.S. citizens are currently being detained within the territory of the former USSR. This conclusion is based on a thorough analysis of all archival documents, interviews with witnesses, and on-site inspections of possible American housing sites.

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October 1996

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[REDACTED] *Vietnamese Storage of Remains of Unaccounted U.S. Personnel*, ICA 96-05, October 1996, Intelligence Community Assessment. The report was prepared in conjunction with the declassification review for the 1987 SNIE on POW/MIA issues. The report reviews what was stated in the 1987 report and how the authors determined that Hanoi had collected and stored between 400 and 600 remains. The report concludes that although the Vietnamese Government collected and stored remains it is not possible to estimate the number of American remains involved. Furthermore, the range of 400-600 remains contained in the 1987 SNIE is not supported by subsequent evidence.

June 1999

(b)(3) NatSecAct

[REDACTED] *Vietnam's Collection and Repatriation of American Remains*, June 1999, Defense POW/Missing Personnel Office. The report provides an analysis of Vietnam's remains collection and repatriation process. The report examines questions such as, "How many remains did Vietnam collect?; How many remains has Vietnam repatriated?; and Are there any more remains still stored?" The report concludes that the Vietnamese authorities collected and stored approximately 300 remains, of which 270 to 280 have been repatriated. The report draws no conclusion regarding the "discrepancy" of 20 to 30 remains, but it does suggest that the discrepancy may be attributable to incomplete data used to formulate the storage of "approximately 300" remains.

Annex C

ANNEX C: Methodology Used in Examining Charges in the *Critical Assessment*

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[REDACTED] We studied each of the 51 exceptions taken by the *Critical Assessment* to determine if we could identify actionable criticisms against the National Intelligence Estimate (NIE), i.e., criticisms with enough clarity to be assessed. There was, however, no one-to-one correlation between each NIE statement at issue and criticism of that statement. Further, with minor exceptions, arguments against a specific NIE statement did not readily lead to actionable criticisms. For example, an argument against a particular NIE statement might contain no specific criticism or it might contain the thread of several criticisms. We decided that an approach based on specific criticisms by the *Critical Assessment* was insufficient. Next, we cross-walked, line-by-line, the NIE statements at issue in the *Critical Assessment* back to the NIE. Initially, we noted that the NIE statements selected for argument in the assessment appeared to lend themselves to grouping or categorization. This approach was not fruitful either, once again because there was no one-to-one correlation.

(b)(3) NatSecAct

[REDACTED] In pursuing our line-by-line comparison, however, we found that the *Critical Assessment* contained significant methodological shortcomings. Some of its arguments on their face have little merit, and nearly all of the NIE statements at issue had been taken out of context, which distorted their meaning. While these observations did not produce an effective evaluation approach, we believe it is important to document what we found. Following are examples of arguments that lack merit:

- ◆ "The NIE contains only two photographs, both provided by the U.S. Army Central Identification Laboratory (CILHI) in Hawaii" The *Critical Assessment* questions why:

. . . we are treated to pictures which hardly seem directly germane to the estimate's terms of reference. I find such action by the NIC troubling, especially when there is no precedent for such action with respect to other NIEs.

We cannot comment. The inclusions (or exclusions) of such photographs are an author's prerogative; and

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- ♦ "In some instances, Vietnamese on recovery teams have willingly worked beyond the terms of their contracts to successfully complete operations. Cultural reasons contribute to this record." And, "... for local officials, participation in joint field activities can be financially profitable. People in their villages can earn ***much*** [emphasis added by Critical Assessment] more by working on the activity than they could in their normal work.

[REDACTED] The Critical Assessment says that these statements conflict and questions why they are cited in the NIE as indicators of Vietnam's cooperative intentions. Again, we have no comment except to note that the emphasis on the word "much" was not in the NIE.

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[REDACTED] We selected one out-of-context argument as illustrative. [Note: One complete NIE section is provided; it includes the two *Critical Assessment* extracts at issue. One extract is ***bolded and italicized***; the other is ***bolded and underlined***. Original NIE text not extracted by the *Critical Assessment* is not bolded, italicized, or underlined].

Moreover, although *Vietnam's performance generally has improved with respect to the US POW/MIA issue, we think Hanoi has not been completely forthcoming on certain POW/MIA matters:*

- ♦ *In some instances, we believe full disclosure would prove embarrassing to the regime. For example, Hanoi continues to deny that US POWs were mistreated while in captivity in the North.*
- ♦ *We think Vietnam still has records it could make available to US investigators but which would discredit its denials of mistreatment.*

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- ♦ A few reports of transfers of US POWs to Russia and other countries are unexplained, and the books remain open. (S NF)

Although 120 live-sighting investigations have been carried out by US teams, none has generated any credible evidence of American POWs left in Vietnam. Hanoi protests having to investigate such cases, but reports appear regularly—most recently on five POWs possibly being held in Laos—and established procedures for resolving them continue to be in effect. [REDACTED]

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Although *Vietnam's overall performance in dealing with the POW/MIA problem has been good in recent years*, the unresolved issues noted above suggest the need for continued close attention by the US Government [REDACTED]

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[REDACTED] This out-of-context extraction is so convoluted that it needs to be repeated for clarity. The two resultant statements in the *Critical Assessment* are:

... Vietnam's performance generally has improved with respect to the US POW/MIA issue Vietnam's overall performance in dealing with the POW/MIA problem has been good in recent year . . ." and

"... we think Hanoi has not been completely forthcoming on certain POW/MIA matters: In some instances, we believe full disclosure would prove embarrassing to the regime. For example, Hanoi continues to deny that US POWs were mistreated while in captivity in the North. We think Vietnam still has records it could make available to US investigators but which would discredit its denials of mistreatment. A few reports of transfers of US POWs to Russia and other countries are unexplained, and the books remain open."

The first out-of-context extract contains two qualified clauses that are prefaced with the word "although" in the original; the second extract is lifted from the NIE text between those two qualified clauses. We cannot address any argument that derives from that type of selective quotation. While we selected only one such example of an out-of-context quotation, similar methodology is used throughout the *Critical Assessment* and was noted as it applied to specific issues.

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[REDACTED] We considered several approaches based on sampling to evaluate the *Critical Assessment's* arguments against the NIE statements. We rejected a universal approach which would have involved evaluating each of the arguments against all 51 NIE statements; this would have been a massive undertaking with the net result being "point-counterpoint," an approach already shunned by the National Foreign Intelligence Board and the Military Intelligence Board as counterproductive. Moreover, as previously discussed, the approach was not doable in any rigorous sense. We also rejected a random approach because we did not want to risk omitting important substantive issues.

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[REDACTED] In the end, we selected a structured approach that involved evaluating a subset of the arguments against the 51 NIE statements. To assist in defining that approach, we scanned the *Critical Assessment* and the NIE into databases that we could search. That step revealed an underlying structure to the *Critical Assessment* that we could evaluate effectively. The persistent, repetitive theme of the *Critical Assessment* is that its arguments are based on information provided to or made available to both the drafter of the NIE and the Intelligence Community. In three instances, the *Critical Assessment* makes footnote references to specific letters of transmittal of that information. For clarity, we referred to the persistent messages in the *Critical Assessment* and its footnotes as "thematic statements."

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[REDACTED] Overall, we identified thematic statements involving 27 of the 51 NIE statements at issue in the *Critical Assessment*. Even though there were no explicit thematic expressions related to the other 24 NIE statements at issue, the repetitive theme that the drafter did not review relevant documentation is implicit in the *Critical Assessment's* language on those statements as well.

Annex D

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ANNEX D: Intelligence Community Publications Reviewed by National Intelligence Estimate Drafter

- ◆ Special National Intelligence Estimate 14.3.87, "Hanoi and the POW/MIA Issue," September 1987, [REDACTED]

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- ◆ Central Intelligence Study, "Vietnam: Adjusting Its Strategy on the POW/MIA Issue, February 1992," [REDACTED]

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- ◆ Senate Select Committee, POW/MIA Affairs Report, "POW/MIAs," 13 January 1993, [REDACTED]

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- ◆ Intelligence Community (IC) Assessment, "Recent Reports on American POWs in Indochina: An Assessment," 24 January 1994, [REDACTED]

- ◆ A Zero-Based Comprehensive Review of Cases Involving "Unaccounted for Americans in Southeast Asia," 13 November 1995, [REDACTED]

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- ◆ IC Assessment ICA 96-05, "Vietnamese Storage of Remains of Unaccounted US Personnel," October 1996, [REDACTED]

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Annex E

ANNEX E: Recovery and Remains Documentation Reviewed by National Intelligence Estimate Drafter

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- ◆ [] The February 1992 CIA Intelligence Assessment, "Vietnam: Adjusting Its Strategy on the Prisoner of War/Missing in Action (POW/MIA) Issue," that concludes that the Vietnamese had turned over more remains between 1988 and 1992 than in the preceding 13 years.

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- ◆ [] A 1993 Interagency Working Group on Vietnam policy review paper stating that the number of remains repatriated since 1987 was more than twice the number repatriated before that time. Further, cooperation on witness interviews, area searches and site excavations had increased dramatically since 1988 and, since 1992, Vietnam had allowed expanded geographic coverage and frequency of joint field activities.

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- ◆ [] The 1993 Defense Prisoner of War/Missing Personnel Office assessments that conclude, "the return of remains from Vietnam, while increasing, has not kept up with U.S. expectations." However, overall, "when compared to the absence of progress that was the norm previously, Vietnam cooperation is to be commended."

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- ◆ [] A 1993 National Security Council (NSC) Principals Committee meeting report that indicates that 67 sets of remains were repatriated in 1993, more than twice the number returned in 1992 and the third highest number for a single year since the war.

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- ◆ [] A 1995 letter from the Secretary of Defense to the Chairman, House National Security Committee that states that during the first two years of the Clinton Administration, 204 sets of remains had been repatriated from Vietnam and Laos and 49 sets had been identified.

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- ◆ [REDACTED] The 13 November 1995 Department of Defense Zero-Based Comprehensive Review that mentions that Vietnam has shared the results of its own investigations; provided wartime records on POWs, aircraft downings, and other engagements in which Americans became unaccounted for; and turned over records of deaths and burials, and photographs.

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- ◆ [REDACTED] The Department of State input to the NSC for the 1998 Presidential Determination on Vietnamese cooperation stating that 28 joint field activities had been conducted that resulted in 221 sets of remains recovered. Twenty-two sets of remains were returned in 1997.

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Annex F

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ANNEX F: Comments by Russian Sources

	Overall Access	735/ 1205 Valid			735/1205 Credible			Position / Function
		Yes	Unk	No	Yes	Unk	No	
(b)(1) (b)(3) NatSecAct	High		1			1		National Security Advisor to Russian President
	High		1				1	Ambassador to Vietnam (1974-86)
	High		1			1		KGB General
	High	1			1			CPSU Central Committee Secretary Maintaining Ties to Socialist Countries (70s)
	High		1			1		Ambassador to Vietnam (1990-96)
	High	1				1		GRU, Chief (1997-99)
	High	1				1		GRU Chief, (1994-96)
	High	1				1		Consultant, Russian Defense Council, former head of the MFA Archives
	High	1				1		Deputy Foreign Minister (1977-99)
	High	1				1		KGB, FCD, Head Southeast Asia Dept (during the war)
	High		1				1	CPSU Central Committee Political Issues on Vietnam (1963-86)
	High	1			1			GRU in Embassy in Hanoi (1968-72)
	Sub-Total	12	7	5	0	2	8	2
(b)(1) (b)(3) NatSecAct	Med		1			1		Interpreter and Advisor Embassy in Hanoi (1970-80)
	Med	1					1	Political Counselor for Reporting on Vietnam Foreign Policy
	Med		1			1		Embassy in Hanoi (1962-65 - Junior Diplomat - and 1974-78 - Advisor to Ambassador)
	Med	1				1		CPSU Central Committee, Head International Dept Indonesia-Malaysia (1968-73)
	Med	1				1		CPSU Central Committee, International Dept, Vietnam (1962-77); Embassy in Hanoi (1960-62; 77-83)
	Med	1			1			Previous GRU Representative on the USRJC
	Med	1			1			KGB Representataive in Hanoi (1975-79)
	Med		1			1		Embassy in Hanoi (1972-76 and 1982-88 - 1st Secretary then later Counselor)
	Med	1			1			KGB, FCD, Tracking CIA operatives worldwide (32 year veteran)
	Sub-Total	9	6	3	0	3	5	1
(b)(1) (b)(3) NatSecAct	Low		1			1		Prominent Military Journalist
	Low		1			1		Russian Author and Researcher
	Low		1			1		Air Defense Instructor (1973-74)
	Low		1			1		Engineer Advisor in Vietnam (1973-74)
	Low		1			1		Journalist in Vietnam (1972-76)
	Low		1			1		Air Defense Radio/Radar Engineer, in Vietnam (1966-67)
	Low		1			1		Air Defense Advisor in Vietnam (1966-67)
	Low		1			1		Air Defense Technical Advisor and Researcher in North Vietnam (1968-69)
	Low		1			1		Journalist in Laos (1966), Vietnam for much of the 1970s
	Low		1			1		Air Defense Advisor (1966)
	Sub-Total	10	0	10	0	0	10	0
TOTAL		31	13	18	0	5	23	3

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Following are excerpts of comments made by current and former Russian officials regarding the 735 or 1205 documents at various meetings or during interviews [REDACTED]

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- ♦ Vyacheslav Dukhin served as Political Counselor at the Russian Embassy in Hanoi (1992-95). He has no first-hand knowledge of the 1205 document but became aware of it in 1993. Dukhin recalled that a former co-worker at the Embassy who served as Deputy Chief of Mission, Igor Novikov, was aware of the 1205 document when it was acquired in 1972. According to Dukhin, Novikov characterized the GRU's acquisition of the 1205 document as slipshod and not a very conscientious effort. [REDACTED]

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[REDACTED]
Novikov did not elaborate but intimated that the GRU agent was not reliable. [REDACTED]

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- ◆ Yevgeniy Glazunov served as a junior diplomat/interpreter at the Soviet Embassy in Hanoi (1962-65) and as a senior advisor to the Ambassador (1974-78). Between these assignments, he worked on Vietnamese issues in the International Department of the Central Committee.

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[REDACTED]

Although aware of the existence of the 1205 document when in the Central Committee, he never saw the document.

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[REDACTED]

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- ◆ Konstantin Katushev served in the early 1970s as the Central Committee Secretary responsible for maintaining ties with other socialist countries such as North Vietnam.

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As to the reliability of

the 1205 document, Katushev says that, insofar as he signed the document and the GRU had good channels and connections to receive information, he had no reason to doubt that the document was what it purported to be, i.e., a report given by General Tran Van Quang. Katushev says that, since this was new information that had never been seen before, it was worthy of the attention of the Communist Party leadership.

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- ◆ General Korabelnikov, Chief of the GRU, in a meeting with Senators Smith and Shelby at the Russian Ministry of Defense,

He reminded everyone of the letter sent to Senator Smith by General Ladygin (see below), noting that all should pay close attention to that letter. He then proceeded to read it and concluded that he had nothing more to add concerning what General Ladygin wrote.

When Senator Smith asked the General if he could confirm that the translation of the 1205 document was a valid translation of a reliable document, Korabelnikov said he had already confirmed that the translation was performed in the GRU in Moscow in 1972 but that the original Vietnamese language version of the document no longer existed.

- ◆ General F. Ladygin, former Chief of the GRU, states in a letter to Senator Smith regarding an analysis made by the GRU of the 1205 document, that: the translation of the document was done by the GRU and forwarded to the Central Committee; given his position in the military-political leadership, General Tran Van Quang could have been fully competent on the subjects of the report and able to speak at Politburo meetings; the GRU cannot confirm the accuracy of the number of American POWs in the report (1205), since this information was not essential for the Soviets and not reexamined; and the original report in the

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Vietnamese language was destroyed after being translated in
accordance with existing GRU regulations on handling
documents.

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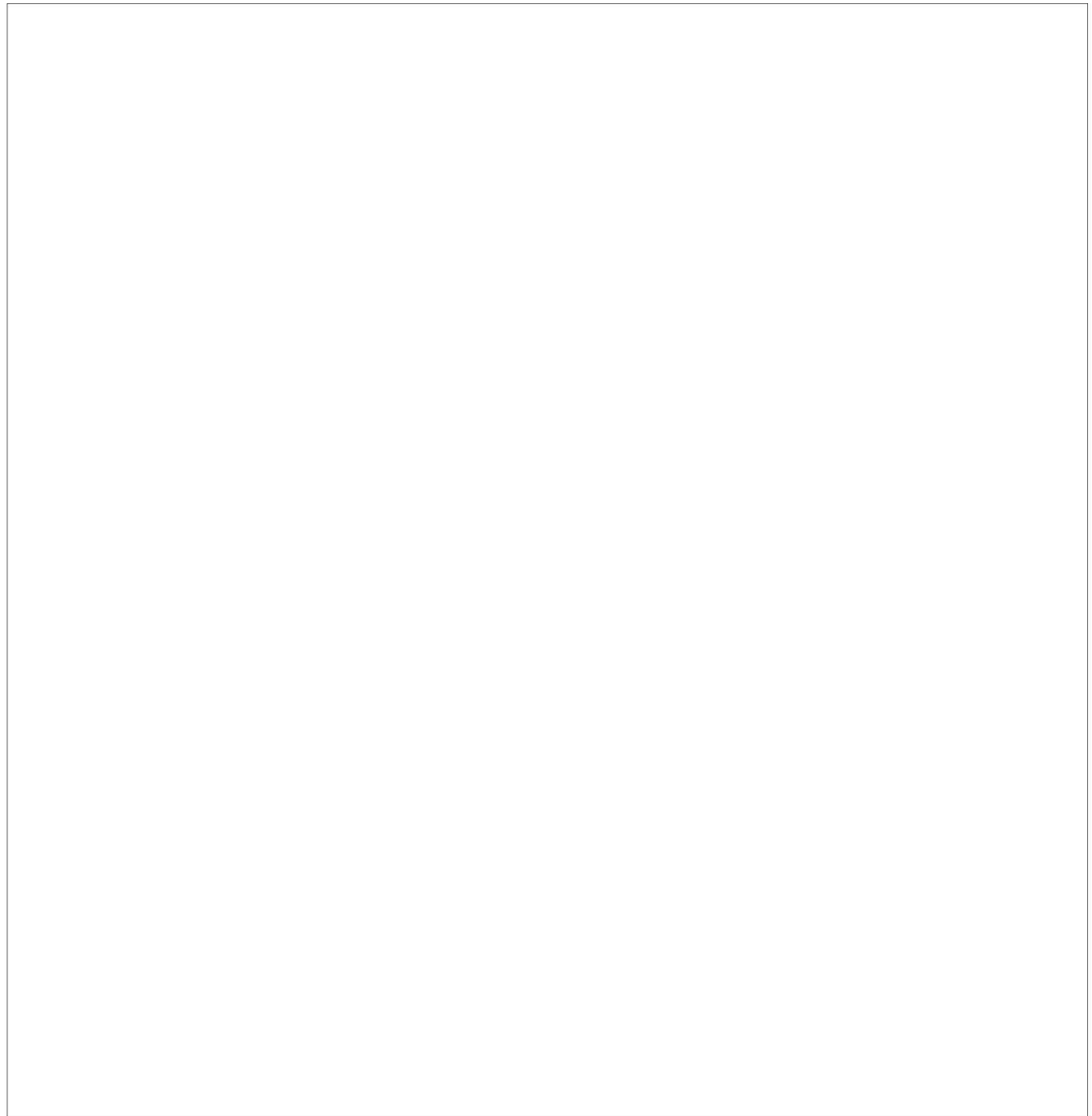


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♦ Captain First Rank A. Sivets, a GRU officer,

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revealed that

(a Vietnamese) is the source of

the 1205 document that this source provided a number
of materials to the GRU, and that two GRU assessments of this

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source concluded that he was reliable.

He emphatically

stated that the North Vietnamese would not have deceived themselves at a closed Politburo session, noting that they might have provided inaccurate information in press releases or in their negotiations with the Americans, but they would have had no reason to do so in closed sessions of their own political leadership. Sivets acknowledged that this was his personal opinion. Sivets says the GRU performed two assessments of the source's reliability. The agent was judged to be reliable, everything about this agent was in order, and the agent was working for the GRU. The assessment determined that the information received from the agent was first-hand information and accurately reflected the internal political situation in North Vietnam. The GRU would never have sent this information to the Central Committee if there had been any doubt about the reliability of the information.

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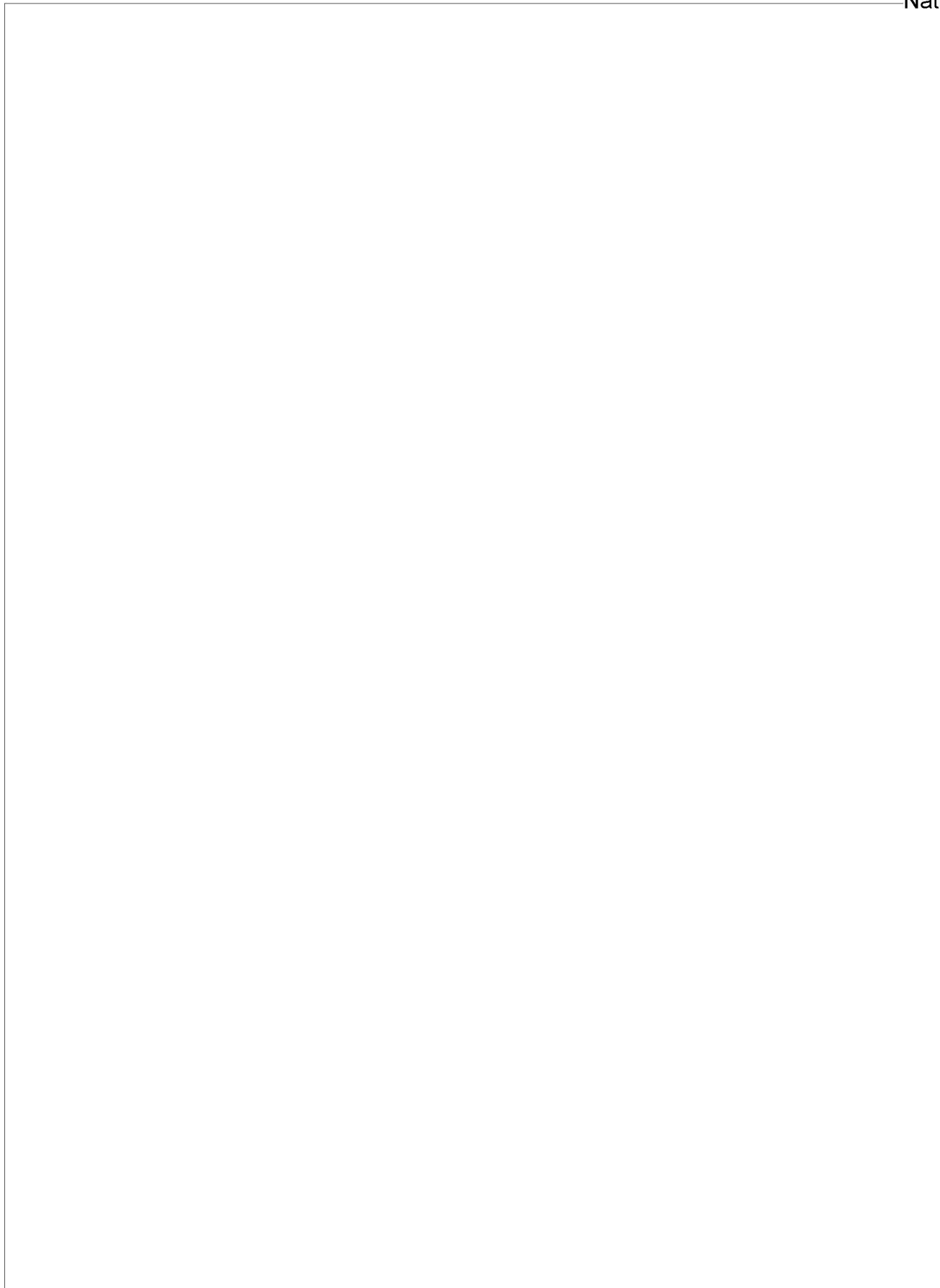
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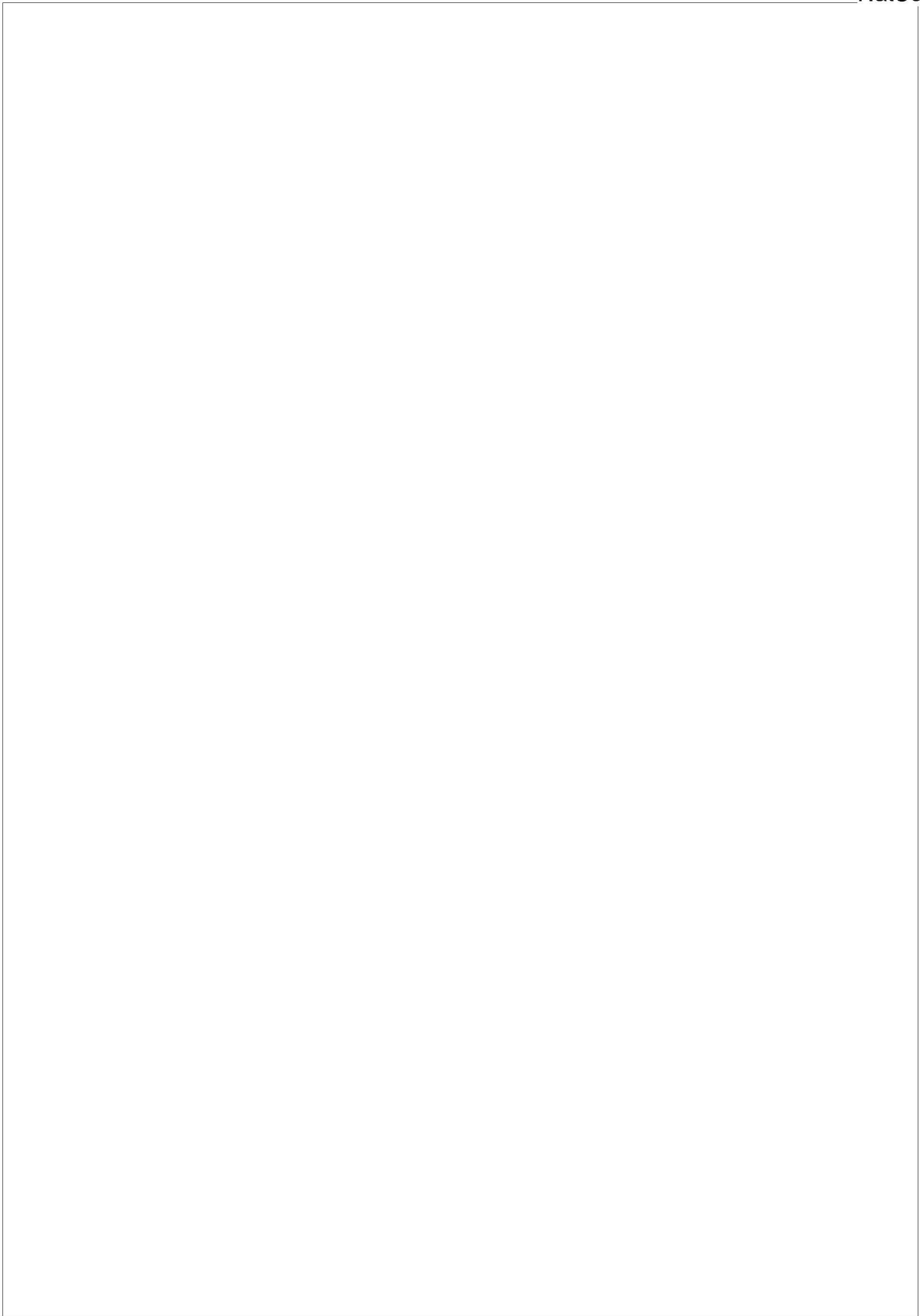
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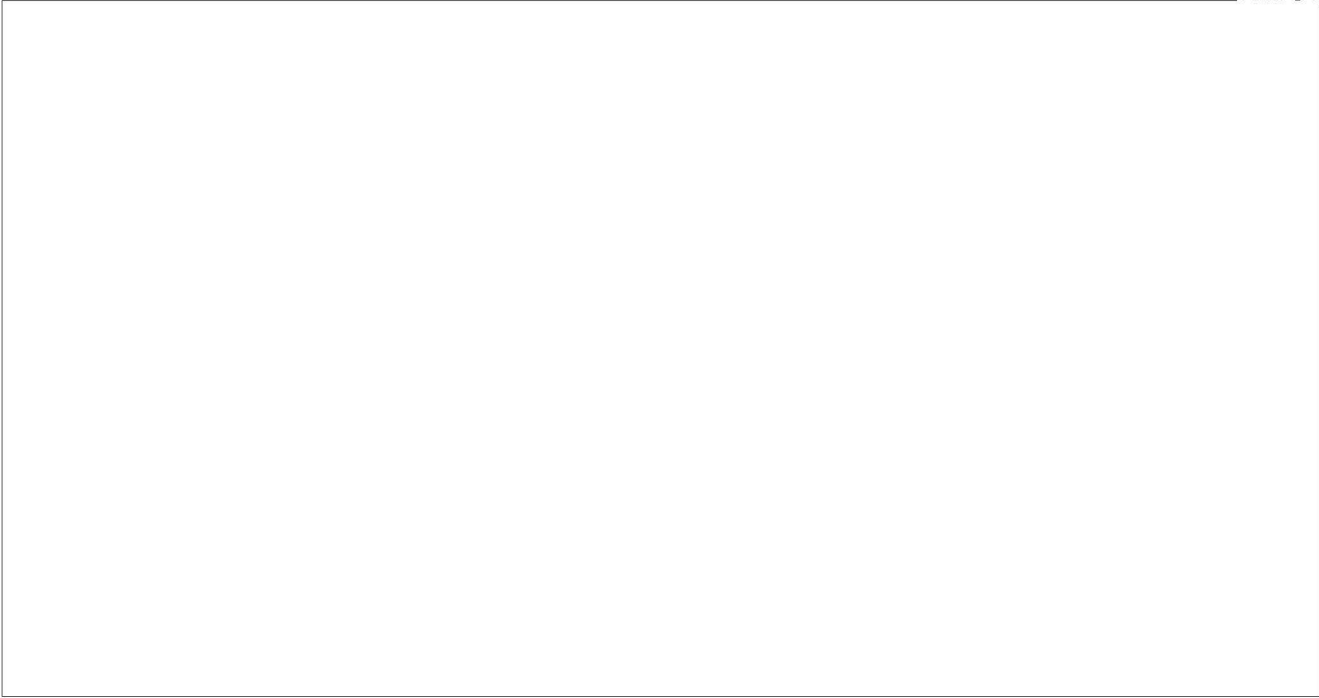


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Annex G

ANNEX G: Case Review Methodology

For each case answer the following questions Y (yes) N (no) or I (inconclusive):

- A. Is there evidence the individual survived the incident (e.g. aircraft loss, fire fight, or accident)?
- B. Is there evidence the individual could have been taken captive?
- C. Is there evidence the individual entered a prison system?
- D. Can any of three governments (Vietnam, Laos, and Cambodia) account for the individual (e.g. documentary or physical evidence)?

Record responses on the attached spreadsheet by case [REFNO] and Name.

Case #	Last Name	YY MM	Country	A	B	C	D	Compelling Dec 92	Compelling Post 92	Aircrew

Case # - DPMO Reference Number.
Last Name -
YY MM - Year and Month of incident
Country - As specified in the case assessment
A - Question A
B - Question B
C - Question C
D - Question D
Compelling Dec 92 - Case considered compelling prior December 1992 Smith list.

Compelling Post Dec 92 - Case considered compelling after December 1992 Smith list.

Aircrew - Yes or No

For each question the answer is "Y," "N," or "I." For example:

Case #	Last Name	YY MM	Country	A	B	C	D	Compelling Dec 92	Compelling Post 92	Aircrew
0001	Adams	6806	VN	I	N	N	Y	N	N	Y

There is inconclusive evidence that Adams, an aircrew member, survived a June 1968 combat incident and there is no evidence that he was taken captive or entered a prison system. Documentary evidence has been provided which establishes his fate prior to the December 1992 Smith list beyond a reasonable doubt, thus the case is not compelling.

Annex H

ANNEX H: Results of Compelling Case Review

The results of the three independent reviews of the "compelling cases" are summarized in this annex. A case number can refer to more than one individual; accordingly there may be more than one entry per case number. For each case number, six areas of concern were addressed. For each area of concern, each reviewer's response was noted. "1" indicates a yes; "IN" indicates inconclusive, and a blank indicates no.

For each area of concern, the scoring was tabulated to determine whether there was a consensus "C" or a unanimous "U" response. A consensus required one of three reviewers to vote yes and at least one other reviewer to score the same factor either as a "yes" or as "inconclusive." A "U" required all three reviewers to vote "yes."

ANNEX H: Results of Compelling Case Review

Case	Probably Survived Incident					Possibly Captured					Possibly in Prison System					SEA Gvts have knowledge					Compelling in 1992					Compelling Today				
	Reviewer			Scoring		Reviewer			Scoring		Reviewer			Scoring		Reviewer			Scoring		Reviewer			Scoring		Reviewer			Scoring	
	1	2	3	C	U	1	2	3	C	U	1	2	3	C	U	1	2	3	C	U	1	2	3	C	U	1	2	3	C	U
18	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
51			IN																											
51			IN																											
53			1													1	1	1	1	1										
54	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1										
70			IN													1	IN		1		1									
70			IN													1	IN		1		1									
79	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1										
84	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1										
94																1														
94																1														
96																														
99	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1											
108																IN		1	1		IN					IN				
108																IN		1	1		IN					IN				
109	1	IN	IN	1		1										1		1	1		1									
109	1	1	IN	1		1										1		1	1		1									
114	1	IN	1	1		1										1					1									
124	1	IN	1	1		1											1	1	1											
135																	1	1	1											
158	IN		1	1												1	1	1	1	1										
158	IN		IN													1	1	1	1	1										
162	IN		IN			IN										1	1	1	1	1	1					IN				
213			IN																											
233	IN					IN										1	IN		1		1					IN				
235	1		1	1				1										1												
242																														
248			IN																											
250			IN													1														
250			IN													1														
253	1	IN	1	1		1	IN		1		IN					1					1					IN				
258	1	1	1	1	1	1	1	1	1	1	IN					1														
267	1	1	1	1	1							1						1												
274			IN													1		1	1											
275																														
279																1		1	1											
297	1	IN	1	1												1		1	1		1									
297	1	IN	1	1												1		1	1		1									
299																IN	1	1	1											
299																IN	1	1	1											
299																IN	1	1	1											
304																														
307																	1													
323	1		1	1		1										1	IN		1		1									

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Case	Probably Survived Incident				Possibly Captured				Possibly in Prison System				SEA Gvts have knowledge				Compelling in 1992				Compelling Today			
	Reviewer		Scoring		Reviewer		Scoring		Reviewer		Scoring		Reviewer		Scoring		Reviewer		Scoring		Reviewer		Scoring	
326	1		1	1	1	1	1						1				1							
333	1	1	1	1	1	1	1			1			1	1	1									
339													1	1	1		IN							
340	IN		IN		IN				IN				IN				IN				IN			
344	1		IN	1									1				IN							
349	1	IN	1	1	IN								1	1	1	1								
354													1	1	1		IN							
354													1	1	1		IN							
354													1	1	1		IN							
354													1				IN							
354													1				IN							
354													1				IN							
370													1	1	1		IN							
372	IN	IN	IN		IN	IN			IN	IN			1	1	1		IN	1	1		IN			
374	1		1	1									1											
381	IN		IN		IN				IN				1				IN				IN			
386	1				1				1	1	1		1				1				IN			
425	1		1	1					1				1	1	1									
439													1	1	1		IN							
439													1	1	1		IN							
439													1	1	1		IN							
443			IN										1	1	1									
453	1	IN	1	1									1	1	1		IN				IN			
459	IN		IN										1											
471			1										1											
477																								
483																								
496																								
497	IN																IN				IN			
587													1											
587													1											
587													1											
587													1											
590													1	1	1									
606													IN	1	1									
607	1	IN	IN	1	1	IN	1		IN				IN				IN				IN			
629					IN				IN				IN				IN							
641	1	1	1	1	1	1	1						1	1	1	1								
646													1				IN							
646													1				IN							
646													1				IN							
646													1				IN							
647	1	1	1	1	1	1	1	1	IN				1				IN				IN			
656														1										
677	IN												1	1	1	1								
678	1	1	IN	1	IN	1	1						1				IN							
689	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1									
691	1	1	1	1	IN				IN				1	1	1	1								

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Case	Probably Survived Incident			Possibly Captured		Possibly in Prison System		SEA Gvts have knowledge		Compelling in 1992		Compelling Today	
	Reviewer	Scoring		Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring
703	IN	1	1					1	1	1			
706													
706													
723	IN			IN		IN				1		IN	
728	1	1	1	1	1	1	1						
750	IN	IN		IN						IN		IN	
805		IN						1	1	1			
811		1											
825													
829								1					
833													
839	IN	IN		IN		IN		IN		IN		IN	
862	IN	IN								IN		IN	
867	IN	IN											
867	IN	IN											
872									1				
873									1				
903	IN			IN				1	1	1			
904	IN	IN		IN	IN			1	IN	1	1		
904	IN			IN				1	1	1			
928													
930	IN	IN		IN						IN		IN	
947	IN	1	1	IN				1	1	1		IN	
952								IN					
954	IN							IN					
967													
967													
976	1	1	1	1	1			1					
977	IN	1	1					IN					
984	IN	1	1	IN									
991													
997	1	1	1	IN				IN		IN			
998	IN							IN		IN		IN	
1004								IN					
1004								IN					
1006	IN			IN	IN				1				
1040		IN	1										
1040		IN	1										
1046													
1046													
1046													
1049									1	1	1		
1062	IN	IN							1				
1063	IN	IN		IN		IN		IN		1		IN	
1065	1	1	1	1	1	1	1	1	1	1			
1086	1	1	1	1	1			1	1	1			
1100	IN			IN				1	1	1		IN	

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Case	Probably Survived Incident			Possibly Captured			Possibly in Prison System			SEA Gvts have knowledge			Compelling in 1992			Compelling Today		
	Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring	
1108	1	1	1	IN						1	1	1						
1108	1	1	1	IN						1	1	1						
1112	1	IN	1	1	IN	1	1	IN	IN		1		1	1	1	1	IN	1
1131	IN	IN	1	1						1								
1132											1							
1156	IN			IN				IN		1	IN	1	1	IN	1	1	1	
1171	IN	IN	IN		IN					1			IN			IN		
1182	IN		IN							1								
1187	IN		IN							1	1	1	1					
1205	1	1	1	1	1					1	1	1	1			IN		
1222	IN			IN				IN		1	1	1	IN			IN		
1234								IN		1	IN	1	1	IN				
1243										1								
1244	1	1	1	1	1	1	1	IN					IN	1	1			
1244	1	1	1	1	1	1	1	IN					IN	1	1			
1244	1	1	1	1	1	1	1	IN					IN	1	1			
1248	1	1	1	1	1	1	1			1	IN	1						
1258	IN	IN	1	1	IN	IN	IN	1		IN	1	1	1	IN	1	1	1	
1274	IN	1	1	1	IN	1	1	1	IN				IN	1	1	1	IN	1
1277	1	1	1	1	1	1	1	1	1	1	1	1						
1279		IN								1								
1294										1	1	1						
1308		IN								1								
1314	IN	IN		IN						1			IN	1	1	1	1	
1329	1	1	1	1	1	1	1			1	1	1	1					
1339	IN	1	1							1			IN			IN		
1340	IN									IN	1	1						
1340	IN									IN	1	1						
1340	IN									IN	1	1						
1345	IN										1							
1347		1																
1363											1							
1366										IN								
1366										IN								
1383										1								
1388	1	1	1	IN						1			IN			IN		
1397		IN			1					1	1	1						
1402	1	1	1	1	1	IN	1			1	1	1	1	1	IN			
1405	1	1	1	1	1					1	1	1	IN			IN		
1408		1								IN	1	1						
1418		1								IN								
1425		IN																
1428		1								1								
1428		1								1								
1428		1								1								
1431	IN	1	1	IN				IN										
1437	IN	1	1	1	IN			IN		1	1	1	1	1	1	IN		
1437	IN	1	1	1	IN			IN		1	1	1	1	1	1	IN		

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Case	Probably Survived Incident			Possibly Captured			Possibly in Prison System			SEA Gvts have knowledge			Compelling in 1992			Compelling Today		
	Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring		Reviewer	Scoring	
1444	1	1	1							1								
1455	1	1	1															
1456	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	IN	1	1
1463	1	1	1							1								
1465	IN									IN			IN			IN		
1488										1								
1505																		
1505																		
1523	1	1	1	1	1		1	IN	1	1								
1535	1	1	1	IN						1	1	1	1	1				
1542	1									1	1	1	1	1				
1552										1	IN	1						
1552										1	IN	1						
1552										1	IN	1						
1552										1	IN	1						
1552										1	1	1						
1572	IN	IN								IN			IN			IN		
1573	1	1	1							1	1	1	1	1				
1596										1	1	1	1	1	IN			
1598	1	1	1	IN						1	1	1	1	1				
1610	1	1	1							1	1	1	1	1				
1610	1	1	1							1	1	1	1	1				
1613		IN								1	1	1	1	1				
1619																		
1619																		
1639	1	1	1		1	1	1				1							
1639	1	1	1	1	1	1	1	1	1	1	1	1						
1650	1				1			1		1	1	1						
1660		1								IN								
1663																		
1663																		
1668	IN	1	IN	1		1	IN	1		1			1	1	1	IN		
1675										1								
1675										1								
1683	IN	IN		1						IN	1	1						
1683	IN	IN		1						IN	1		1					
1685		1								1	1		1	1	1		1	
1686		IN	1	1						1	1		1					
1689																		
1715										IN								
1715										IN								
1715										IN								
1715										IN								
1715										IN								
1719	IN	1	1	1	IN	IN	1	1		1	1	1		1				
1719	IN	1	1	1	IN	IN	1	1		1	1	1		1				
1723	1	IN	1	1						IN			IN	1	1	IN		
1724	1	1	1	1	1	1	1	1	1	1			IN					

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Case	Probably Survived Incident				Possibly Captured				Possibly in Prison System				SEA Gvts have knowledge				Compelling in 1992				Compelling Today			
	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring	Reviewer	Scoring
1730	1	1	1	1	1	1	IN	1	IN	1			1				IN	1	1		IN			
1730	1	1	1	1	1	1	IN	1	IN	1			1				IN	1	1		IN			
1730	1	1	1	1	1	1	IN	1	IN	1			1				IN	1	1		IN			
1736	1	1	1	1	1	1	IN		IN		IN		IN					1						
1742	1	1	1	1	1	1	IN		IN				1				IN				IN			
1743	1		IN										1	1	1		IN							
1743	1		IN										1	1	1		IN							
1745	1		IN										1											
1747	1	1	IN	1			IN	IN	IN		IN			1			IN	1	1		IN			
1748	1	1	IN	1			IN	IN			IN		IN				IN				IN			
1756	IN	1	1	1									1	1	1	1	1							
1758	IN		IN										IN				IN				IN			
1782			IN										IN	1	1									
1793			1											1										
1803			1										IN	1	1									
1810	IN		IN										1											
1811			IN										IN											
1814	IN		IN														IN				IN			
1816													IN	1	1			1						
1819	1	1	1	1	1	1	IN	IN	1	1			1											
1820	1	1	IN	1									1	1	1	1	1							
1824			1										IN	1	1	1	1							
1834	1		1	1			IN						1											
1842			1						IN				1	1	1	1	1	IN	1	1				
1855													IN	1		1								
1868	IN	IN	IN				IN																	
1895	IN												1	1	1	1	1	1			1			
1908	IN		1	1									1	1	1	1	1	1			1			
1912	IN												IN											
1912	IN												IN											
1913													IN											
1913													IN											
1917	IN												IN	1	1									
1918	IN	IN	IN										IN	1	1									
1918	IN	IN											IN	1	1									
1920																								
1924			IN										1		1	1								
1944		IN	1	1									1	1	1	1	1							
1945													1	1	1	1	1	1			1			
1945													1		1	1								
1947													1		1	1								
1949	IN		IN				IN						IN											
1952													1											
1955													1		1	1		1			1			
1955													1		1	1		1			1			
1959			1										1	1		1		1			1			
1967													1					1			1			
1977	1	1	1										IN	1	1									

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	Probably Survived Incident						Possibly Captured				Possibly in Prison System						SEA Gvts have knowledge						Compelling in 1992						Compelling Today					
Case	Reviewer			Scoring			Reviewer			Scoring			Reviewer			Scoring			Reviewer			Scoring			Reviewer			Scoring						
1981	IN	1	1				IN								1																			
1981	IN	IN	1	1			1								1																			
2044	IN														1				IN															
2052																1																		
2053	IN						IN				IN																							
Total	73	57	103	95	41		35	29	26	36	14	12	9	8	9	6	157	42	123	120	25		26	14	20	20	1	0	14	1	3	0		

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Annex I

ANNEX I: Captain McDonnell Case Review

We specifically selected Captain McDonnell's case for review because the Advocacy and Intelligence Index for Prisoners of War-Missing in Action (AII POW-MIA) posted its version of the case on the Internet concurrent with our review of the Defense Prisoner of War/Missing Personnel Office (DPMO) assessments of Senator Smith's compelling cases. That juxtaposition of events became the *raison d'être* for adding one case review to our methodology.

We initially understood that DPMO was established to be the "one-stop shop" for POW/MIA issues. The Deputy Director, DPMO, told us the Senate Select Committee issued a "definitive finding" in its 1993 report that the process for keeping the families informed was not adequately supported. The families had to query too many places to obtain information. The committee report recommended creation of a one-stop organization—DPMO.

The DPMO is chartered by the Department of Defense Directive 5110.10, "Defense Prisoner of War/Missing Personnel Office (DPMO)," dated 16 July 1993. Part of the DPMO mission is to "exercise policy, control and oversight of the entire process for investigation and recovery related to missing persons and to establish procedures to be followed by Department of Defense boards of inquiry and by officials reviewing the reports of such boards." DPMO functions include:

- ◆ Serving as the DoD focal point for POW/MIA matters;
- ◆ Assembling and analyzing information on U.S. military and civilian personnel who are, or were, prisoners of war or missing in action; and
- ◆ Maintaining data bases on U.S. military and civilian personnel who are, or were, prisoners of war or missing in action.

We found that DPMO is not a one-stop repository. Further, no one organization maintains a repository of information necessary to understand this particular case. We reviewed the files of three

organizations—DPMO, Army Casualty Affairs Office, Joint Task Force-Full Accounting (JTF-FA)—and consulted three additional holdings before we understood the case sufficiently to write credibly about it.

The DPMO file only goes back to April 1969. Captain McDonnell was lost on 6 March 1969. The first item in the file is a report of interview with the executive officer of McDonnell's unit. That report established a misunderstanding that exists to this day—that McDonnell's seat belt was "neately [sic] undone." We found that, with respect to the McDonnell case, the DPMO file primarily holds intelligence information and some administrative information; it lacks operational information.

The U.S. Army Casualty Affairs file holds two relevant folders. One folder contains relevant correspondence because the Army's appointed casualty assistance officer is the family's official point of contact for case matters. The second folder holds original operational information concerning the search to locate Captain McDonnell. That folder contains original sworn testimony taken by a Missing Person Board convened to determine Captain McDonnell's status. We found that, with respect to this case, the Army file holds primarily administrative information and original operational information; it lacks intelligence information.

The JTF-FA file is the most complete and includes a summary of information prepared for the June 1994 flag/general officer review of the McDonnell case. The following quoted information is relevant:

- ◆ **JTF-FA Level of Effort:** The case was investigated during four joint [U.S.-Vietnam] operations. The teams pursued all witnesses and archival leads identified by Headquarters JTF-FA and DPMO. They conducted 20 witness interviews and two excavations. The Oral History Program team interviewed two former Peoples' Army of Vietnam officers and two authors identified as possible sources for the case. Joint teams visited the Hue Military Museum three times in an attempt to determine the provenance of Captain McDonnell's military identification card;
- ◆ **13th Joint Field Activity:** Officers interviewed three witnesses who provided consistent, credible information concerning the capture of an injured American helicopter pilot in March 1969. The pilot later died while being evacuated to higher

headquarters. The American's body was reportedly buried near a stream. One of the witnesses claimed to have participated in the burial; and

- ◆ **JTF-FA Recommendation:** Fate determined for Captain McDonnell.

We found two additional aspects of the JTF-FA files noteworthy. First was the summation of the interviews about Captain McDonnell's fate and the chain-of-custody of his identification card. Second was the inclusion of two documents updating information from individuals who had testified during the Missing Person Board in 1969. Neither document was found in the DPMO or Army files; both provide new perspective:

- ◆ In April 1990, the gunship pilot was re-interviewed. He said that "Captain McDonnell probably removed [him] from his seat and placed him next to the aircraft." Captain McDonnell was not present when the pilot woke up four or five hours later; and
- ◆ In January 1993, the pilot who coordinated the air search for McDonnell and who provided a sworn statement to the Missing Persons Board recalled that "[Captain McDonnell] had told me in safety briefings that he believed the best solution was to E&E [evade and escape] from a crash site. Our battery policy was to get away from the crash site." The pilot, now a general officer concluded that McDonnell "was a brave officer who I believe was killed by the enemy shortly after he was captured."

We found that, for this case, the JTF-FA file holds all operational and most intelligence information; it lacks administrative information.

The comprehensiveness of the JTF-FA files caused us to review the DPMO files a second time to ensure we had not overlooked information important to the McDonnell case. During that review, we examined color photographs of Captain McDonnell's identification card and determined that the card in the Hue museum is *bona fide*. We also reconfirmed that no SIGINT reporting pertained to the case.

We examined three additional holdings. First, we reviewed the microfiche file maintained by the Library of Congress, a review which revealed that DPMO files were not sufficient to understand the McDonnell case. Second, because AII POW-MIA mentioned intelligence information reports that we had not previously seen, we reviewed the 15 volumes of uncorrelated intelligence reports held by the Pentagon library and found the referenced reports. Finally, we reviewed the CIA Directorate of Operations files for information on Viet Cong policy concerning the handling of POWs.

Information in the JTF-FA file supports the June 1994 decision to remove Captain McDonnell from the discrepancy list. Information in the DPMO files does not. We believe that explains why the Director, DPMO voted against his analysts' recommendation in the June 1994 review of the McDonnell case. The JTF-FA position was based on operational and intelligence files; the DPMO position was based primarily on intelligence files. We found the DPMO files not suitable for a complete and accurate understanding of the McDonnell case.

Annex J

ANNEX J: Distribution List

Chairman and ranking minority member of each of the following congressional committees:

- Senate Appropriations Committee
- Senate Armed Services Committee
- Senate Foreign Relations Committee
- Senate Select Committee on Intelligence
- House Appropriations Committee
- House Armed Services Committee
- House International Relations Committee
- House Permanent Select Committee on Intelligence

Assistant to the President for National Security Affairs

Chairman, President's Foreign Intelligence Advisory Board

Office of the Secretary of Defense:

- Secretary of Defense
- Deputy Secretary of Defense
- Under Secretary of Defense for Policy
- Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)
- Assistant Secretary of Defense (International Security Affairs)
- Assistant Secretary of Defense (Legislative Affairs)
- Assistant Secretary of Defense (Public Affairs)
- General Counsel of the Department of Defense
- Deputy Assistant Secretary of Defense (Intelligence)
- Deputy Assistant Secretary of Defense (Prisoner of War/Missing Personnel Affairs)
- Special Assistant to the Secretary and Deputy Secretary of Defense
- Assistant to the Secretary of Defense (Intelligence Oversight)

Secretary of the Army

Deputy Chief of Staff for Intelligence, Department of the Army

Secretary of the Navy

Director of Naval Intelligence

Secretary of the Air Force
Director of Intelligence, Surveillance and Reconnaissance,
U.S. Air Force

Commandant, U.S. Marine Corps
Assistant Chief of Staff for C41, U.S. Marine Corps

Commander in Chief, U.S. European Command
Director of Intelligence, U.S. European Command

Commander in Chief, U.S. Pacific Command
Director for Intelligence, U.S. Pacific Command
Commander, Central Identification Laboratory, Hawaii
Commander, Joint Task Force-Full Accounting
Inspector General

Commander in Chief, U.S. Forces Command
Director of Intelligence, U.S. Forces Command

Commander in Chief, U.S. Southern Command
Director for Intelligence, U.S. Southern Command

Commander in Chief, U.S. Central Command
Director of Intelligence, U.S. Central Command

Chairman, Joint Chiefs of Staff
Director Joint Staff
Director for Intelligence
Director for Command, Control, Communications and Computers,
Joint Staff
Inspector General

Director, Defense Intelligence Agency
Deputy Director for Policy Support
Director for Intelligence Operations
Chief, Stony Beach
Inspector General

Director, National Imagery and Mapping Agency

Director, National Reconnaissance Office
Inspector General

Director, National Security Agency
Inspector General

Director of Intelligence, U.S. Special Operations Command

Director of Intelligence, U.S. Space Command

Director of Intelligence, U.S. Strategic Command

Director of Intelligence, U.S. Transportation Command

Assistant Chief of Staff, J2, U.S. Forces Korea

Assistant Commandant for Operations, U.S. Coast Guard

Deputy Director of Operations, Defense Information Systems Agency

Central Intelligence Agency:

Director of Central Intelligence

Deputy Director of Central Intelligence

Associate Director of Central Intelligence for Military Support

Chairman, National Intelligence Council

Vice Chairman, National Intelligence Council

Deputy Director of Central Intelligence for Community Management

Executive Director

Deputy Executive Director

General Counsel

Director of Congressional Affairs

Director of Public Affairs

Deputy Director for Intelligence (DI)

Deputy Director for Operations (DO)

National Intelligence Officer, East Asia

Director of Asian Pacific and Latin American Analysis, DI

DI/ Politicization Ombudsman

Chief, Central Eurasia Division, DO

Chief, East Asia Division, DO

Department of State:

Secretary of State
Assistant Secretary of State, Bureau of East Asian and Pacific Affairs
Assistant Secretary of State, Bureau of Intelligence and Research
American Embassy, Bangkok
American Embassy, Hanoi
American Embassy, Moscow
American Embassy, Phnom Penh
American Embassy, Vientiane
Inspector General

Director, Federal Bureau of Investigation

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