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Covert Operations

The purpose of this investigation was to determine what, if any, official U.S. covert operations may have been launched after 1973, or specifically after Operation Homecoming, to confirm the presence of live American POWs in Southeast Asia, and what intelligence information may have been available that necessitated the need for such operations.

There have been numerous allegations made of possible clandestine intelligence or military operations conducted by the U.S. government into Southeast Asia. Many of these allegations contend that such official operations succeeded in returning with confirmation of live POWs in captivity, but that information was kept secret from the American public. In May 1981, the Washington Post and other newspapers printed a story of an official incursion into Laos by American sponsored mercenaries, to confirm the presence of POWs at a specific camp monitored by U.S. Intelligence.

In addition, there have been several unofficial operations mounted by private groups, attempting to penetrate Laos in search of POWs and allegations that some of these attempts were secretly sanctioned by the U.S. Government.

Investigative Procedures

This Committee held a closed hearing on October 16 into the circumstances of the alleged 1981 covert operation reported by the Washington Post. The Committee has spent many months, and conducted numerous depositions of present and former officials to determine exactly what occurred in this case. Because of the level of classification of some of this material, and in order to protect current operations and capabilities, the details of this case remain classified. Much of the intelligence information, however, leading up to this event may be ultimately declassified.

The investigation into unofficial or "private" operations focused primarily on whether there was official U.S. government sanction or support for any of these operations. Other aspects of these private forays were examined under a separate Committee investigation pertaining to oversight of private POW/MIA

organizations and their activities. The private operation commonly known as "Grand Eagle" has been investigated, in regard to government support of that private initiative. We have obtained, enough documentation from Army intelligence files to allow the Committee to draw rather conclusive findings regarding official U.S support for that operation.

Discussion

The Committee has identified only one official operation mounted after 1973, to confirm the presence of American POWs in Southeast Asia; this makes the distinction between major cross-border intelligence, military or paramilitary type operations and normal intelligence operations involving collection agents or clandestine sources. There have been numerous intelligence operations involving individual sources or collection agents, with requirements relating to the POW problem.

The Intelligence relating to the 1981 operation was perhaps the most compelling and multiple source intelligence ever made available to intelligence officials and policy-makers of "possible" live American POWs still in captivity up until that time. The actions of U.S. officials in response to this intelligence attest to the quality and quantity of that intelligence.

The U.S. intelligence community had several human intelligence sources reporting the presence of American POWs held in a particular area in Laos from 1979 through early 1981. One of these was a sensitive source with unusually good access. That particular source provided a series of reports, indicating possibly up to 30 Americans working at a detention camp in Laos. The source indicated the prisoners were periodically moved from, then back to the camp on work details. Based on the HUMINT reporting, the intelligence community was able to locate a detention facility through overhead photography near a Lao village in late 1980. A second-hand DIA source, in November 1979, reported the camp held an American POW named "Ltc. Paul W. Mercland." DIA stated in a briefing to the HFAC on 25 June 1981, that although they could not correlate a "Mercland" to any missing Americans, there was a Paul W. Bannon lost in Laos in 1969. Lt. Gen. Tighe, then Director of DIA was at that briefing and told its members that "Mercland" could have been a mispronunciation of "American" and speculated that "Bannon" may have been inadvertently dropped as the information was passed out by the source. The secondary source passed a polygraph test given by DIA.

Admiral Tuttle, who was Deputy Director of DIA at the time, testified in his deposition that he also recalled SIGINT reports referring to American POWs at a detention camp in Laos. NSA has not been able to confirm Admiral Tuttle's memory of SIGINT reporting of Americans in Laos. Among the declassified reports found at NSA, however, was a copy of an intercept that originated from an allied government, that did report the movement of American POWs from Attepeu in late December 1980. This report, which was deemed to be

unreliable by CIA at the time, was remarkably similar to an independent HUMINT report within days of intercept, that the American POWs, who had been working at Attepeu, were being moved back to a detention camp in Laos.

In late December 1980, what appeared to be the number "52" scratched in the row crop area within the compound was detected on photography. CIA, in a Jan. 6, 1981 "Spot Report" stated:

analysis of further imagery of 30 December 1980 located what appears to be the number "52," possibly followed by the letter "K," traced on the ground in an agricultural plot insides the outer perimeter of the above facility. DIA is unable to ascribe any particular significance to the number, but "K" was given to U.S. pilots as a ground distress signal. It is thus conceivable that this represents an attempt by a prisoner to signal to any aircraft that might pass overhead.

The "52" was observed over a period of time. DIA imagery analysts in 1981, stated in an Imagery Analysis Memorandum dated February 23 1981 that "the number '52' is still visible with no change. The lack of change indicates that the numerals may have been dug into the earth." This contradicts current DIA analysis, provided during the Committee's Oct. 15, 1992 hearing that because the "52" changed shape in different photographs, it therefore is questionable as an intentional symbol.

The "sensitive" HUMINT source reported that the American POWs had been moved to Vietnam for security reasons by the end of January 1981. Imagery analysts reported the "52" had begun to fade away by February. Other aspects of the intelligence and actions taken to confirm the presence of Americans at the camp remain classified.

A report of a sighting of one possible Caucasian at the suspect camp was received by CIA, but not reported outside the agency. CIA has been unable to answer exactly why this was not reported to DoD, State and the White House, but contend it must they must have had a valid reason why it was not. They have speculated that they may have determined the possible Caucasian was a Chinese prisoner, or that the reporters were fabricating.

The CIA and others conducted an investigation in 1981. A key Lao member of the investigation testified to the Committee in closed session that some members of the Lao resistance tried to persuade him that he saw an American at the suspected camp. He told them he could not say that.

Later in 1981, the intelligence community interviewed a refugee who was at a camp similar to a detention camp in Laos and saw no Americans or Europeans. They admit, however, they are not certain it was the same camp, and it was during a different period than when the American POWs were allegedly detained there.

Efforts taken by the intelligence community and the U.S. military to investigate and prepare for the possibility of a rescue of live American prisoners were extensive. President Reagan and his National Security Advisor, Richard Allen were aware of this intelligence and the actions taken. It had the highest national interest.

The intelligence community's actions to confirm the presence of American POWs at this camp were inconclusive. Steps were underway to resume efforts to obtain a conclusive answer, when a press leak killed any further efforts.

Private Operations with Official Support

On the question of official U.S. support being provided to the private operation known as "Grand Eagle," U.S. Army intelligence documentation confirms that a component of Army intelligence did in fact provide a long range camera, polygraph and other equipment and financial support to Mr. Gritz in support of his group. This equipment and financial support, however, was provided in advance of that intelligence component receiving full approval to provide such support, and in fact the request (or CIOP proposal) was ultimately denied. The equipment and money had, however, already been released. (Army contact reports.)

The Committee also became aware of allegations of off-line U.S. Government (NSC) support to private organizations in regard to fundraising and movement of funds to indigenous rebel groups. Allegedly, this activity was related indirectly to the POW issue or used as a cover for providing financial support to resistance groups using non-appropriated funds. Due to time constraints, the Committee was unable pursue these reports. This is discussed in some detail in the chapter on private fund-raising.

In 1982, the U.S. Government monitored the communications of a private organization operating from Thailand, attempting to undertake a private foray into Laos in search of POWs. DoD requested a determination from Justice Department as to the legality of monitoring the communications of American citizens abroad. This was in fact carried out. (NSA file documents forwarded to Committee.)

The Role of the National Security Agency

Background

Signals intelligence (SIGINT) is one of the principal sources of information used by intelligence analysts. Successful interception of communications (COMINT) -- a component of SIGINT -- provides an analyst with an important insight into the knowledge of the sender and receiver of an intercepted message. As is the case with the other sources of intelligence information (the so-called "INT's"), an intercepted message does not necessarily indicate that the actual contents of the message are true. On the one hand, the

sender may purposely be sending an incorrect message to mislead any foreign intelligence agency that might be attempting to intercept messages. And on the other hand, the sender may not be transmitting accurate information simply because he or she does not have either a complete picture or understand the true circumstances surrounding the contents of the message. For this reason, COMINT is an important intelligence source, but it is only one source. Experienced analysts use it with other intelligence sources in order to derive a more complete intelligence picture of a set of circumstances. COMINT is one part of a complete all-source intelligence analysis.

Successful and unsuccessful SIGINT operations are closely guarded secrets. Obviously, when the capabilities of a foreign power to intercept communications becomes known, it is very easy to cut off this source of intelligence. Alternative methods of communications can be used, radio frequencies can easily be changed, encryption devices can be used or altered. Even though the Vietnam War lies twenty years behind us, there remains a strong tendency by the Intelligence Community to want to keep information developed from signals intelligence carefully controlled. The Committee continually ran into difficulties in trying to discuss this type of information during its open sessions. Nevertheless, Committee Members and Committee investigators were able to obtain relevant information during classified briefings and hearings as well as during its open sessions. Significantly, much important information has been declassified as a result of the Committee's efforts.

National Security Agency's Responsibilities

SIGINT was a source of information on U.S. POW's and MIA's both during the War and during the years afterward. In a prepared statement to the Committee, senior NSA officials indicated that no mission had a "higher priority" than information pertaining to downed fliers or captured Americans. Committee investigators found that special reporting categories were established within both intelligence and operational channels to ensure that there was a rapid and clearly identifiable flow of information concerning downed fliers and prisoners.

The same NSA officials believed that there were approximately 2,000 SIGINT reports throughout the period of the focus of the Committee's interest concerning the loss, capture, or status of U.S. personnel in Southeast Asia. They stated that these reports allowed intelligence analysts during the war to develop some information that some crew members of downed aircraft did not survive the shutdown. Other reports provided information on the initial capture and subsequent movements of prisoners by a capturing unit. The officials emphasized that all of the SIGINT information was manually processed during the war years which indicated to the Committee that retrieval and correlation of information was then quite different and more difficult than it is today using automated databases. The data from the Vietnam War era

still is manually processed.

After the fall of Saigon, the National Security Agency and the military service components that support it largely dismantled their collection efforts in Southeast Asia. The elaborate collection capabilities that supported the war essentially ceased or were relocated to other trouble spots around the world. The analytical organizations that monitored signals intelligence in the region were also disbanded or sharply reduced as personnel were transferred to other assignments.

U.S. collection capabilities were further diminished during this period as Vietnam and Laos developed secure landline communications to replace the radio networks used during time of war. If officials in either country were communicating about live U.S. POWs, the likelihood that these communications would be detected by the U.S. had become remote. However, during this period, the NSA did receive third party intercepts concerning the reported presence of American POWs in Laos.

As a result of the Committee's efforts and a new retrieval strategy initiated at NSA, more than 4,500 reports were later identified that pertained to POW/MIAs. An NSA study showed that 878 of these reports could be correlated to possible POW/MIAs; 448 of these could be considered "resolved cases." That is, either an individual returned to U.S. control during Operation Homecoming or human remains were returned. By using all-source analysis, DIA further refined the conclusions that could be reached on individual cases based upon NSA's information. From this analysis, it is clear that many of the original, on-the-spot NSA analyses were understandably in error.

But in fact, the Committee found that NSA end-product reports were not used regularly to evaluate the POW/MIA situation until 1977. It was not until 1984 that the collection of information on POW/MIAs was formally established as a matter of highest priority for SIGINT. There was insufficient all-source information available to NSA at the time to make either a correct or final judgment. Nonetheless, four reports correlated to individuals as being last known alive and in captivity and seven reports indicated individuals whose status was unknown.

In conducting its review of NSA files, the Committee examined more than 3,000 post-war reports and 90 boxes of wartime files. The Committee discovered that previous surveys of NSA files for POW/MIA related information had been limited to the agency's automated data base. Hundreds of thousands of hard copy documents, memoranda, raw reports, operational messages and possibly tapes from both the wartime and post-war periods remain unreviewed in various archives and storage facilities. Most troubling, NSA failed to locate for investigators any wartime analyst files related specifically to tracking POWs, despite the fact that tracking POWs was a known priority at the time. This failure made it impossible for the Committee to confirm some information on downed pilots that was

provided by NSA employee Jerry Mooney.

The Committee believes that DIA's review of NSA's correlations highlights the weakness of single source intelligence analysis. Many of the NSA reports indicating possible capture of an unaccounted-for American were, based on returnee debriefs and other intelligence sources, actually related to a fellow crew member who was captured and eventually repatriated to the U.S. Furthermore, according to DIA's analysis, many of NSA's original correlations were incorrect. Often several aircraft were lost at the same time within a short distance of each other, and because the NSA reports rarely identified specific locations, crew members who survived the shutdown and later were rescued frequently were mistaken for unaccounted-for personnel.

Moreover, Vietnamese units often exaggerated the number of aircraft shot down and the number of U.S. pilots subsequently captured. Similarly, it is difficult, if not impossible, to determine the overlap of multiple reporting of the same reported shutdown by adjacent Vietnamese units or nearby observers. In any event, doubt concerning the final outcome of an individual incident will always exist in some cases because signals intelligence can never provide sufficient evidence in all cases to provide conclusive proof of the specific date, time, and place of capture -- or death. SIGINT can add to the quality of the analysis, but it can rarely provide unqualified conclusions.

SIGINT and DIA Individual Case Files

The recent NSA identification of numerous relevant reports that are in addition to the 2,000 reported to the Committee in January 1992 appears to be important new information. The Committee cannot make a determination that this information will alter the status of any unaccounted-for U.S. personnel. NSA and DIA analysts now have completed a review of the additional reports and have found no new information to change the status of any missing person.

The Committee does believe, however, that pertinent reports should be placed in each individual's case file and redacted only if absolutely necessary. Having continued to emphasize to this Committee the importance of all-source intelligence analysis, DIA must ensure that all sources are made available to the analysts and investigators who have the responsibility for resolving cases both in the field and at headquarters. It is not clear to the Committee why this has not already happened in all cases.

Post-1973 Reports of Intercepts on Possible POWs

As mentioned in the Committee's Executive Summary, by the late 1970's, the level of U.S. Government intelligence collection in Southeast Asia was far less than it was during the war. However, between 1979 and the mid-1980's, various unconfirmed reports relating to possible American POWs in Laos were collected.

As examples, in December, 1979, a third-party intercept was received indicating that three U.S. prisoners were being moved from Muong Vieng Sai to Muong Attopeu to work in the mines. In December 1980, a third-party intercept indicated that 20 American POWs were about to be moved from Oudom Sai province to Vientiane. In 1984, an intercept referred to the movement of 23 unidentified prisoners from Muong Sepone prison to the Tha Vang Center in Laos. In the 1984 report, NSA noted that this number corresponded with collateral information concerning the presence of 23 American POWs at a camp in Southern Laos.

Finally, in 1986, an intercept referring to the movement of unidentified "prisoners of war" to Nong Tha, Laos raised questions at NSA, because "the Lao do not normally refer to captured Thai soldiers or Lao expatriates as "prisoners of war." The Committee notes that these and other reports have raised questions concerning the possibility that American POWs might have been present in Laos after 1973. The Committee cautions, however, that none of the reports have been judged to be accurate by either the National Security Agency or the Defense Intelligence Agency.

An NSA Analyst's View

The Committee was fortunate to have Senior Master Sergeant Jerry L. Mooney (USAF-Ret.) come forward and provide important insights into the problems associated with analyzing SIGINT information concerning POW's and MIA's. He has had a long association with the issue, both while assigned to the National Security Agency and also following his retirement from the Air Force. In closed and open Committee sessions, he gave an analyst's viewpoint which helped to bring into focus many of the problems associated with SIGINT's relationship to the POW-MIA issue.

Mooney stated that while assigned to the Vietnam branch of NSA, he maintained detailed files concerning losses of U.S. aircraft and the names of downed crew members. He did this through personal interest and because he was assigned the task by his superiors. His efforts were well known to his colleagues and supervisors. In the words of one supervisor, "If you wanted to know about POW-MIA's or AAA [anti-aircraft artillery], you wanted Jerry Mooney. He was the guy because he was the gatherer of information."

Unfortunately, Mooney's personal files are no longer available. According to Mooney and some of his colleagues, he developed his "working aids" in order to correlate SIGINT information with loss reports given by U.S. units. Witnesses disagreed over whether he maintained lists of information or kept the information in a file box of index cards. The difference between the two methods appears inconsequential. In either case, he maintained information that he felt undoubtedly would be useful when a final accounting was made of crew members from lost aircraft. But since these files were working aids for an individual analyst, they did not become part of the archival material maintained by NSA.

NSA archivists reported to the Committee that Mooney's files were no different than the personal working aids developed by the thousands of analysts who have worked at NSA over the years. According to the archivists, his personal working files would have been destroyed upon his departure because they were not part of the official NSA reporting process, and because NSA was not responsible for maintaining historical information that correlated SIGINT with U.S. loss reports. Furthermore, because of the sensitive nature of their primary source -- SIGINT -- Mooney's files could not be maintained separate from the normal archival process.

According to Mooney and his NSA supervisor, the Vietnam branch of NSA was never asked to provide an overall list of their assessment of POW-MIA personnel prior to Operation Homecoming. The Committee finds this surprising. Even though NSA was not the Lead Agency for maintaining information on POW's and MIA's, it appears that it would have been routine for a senior Government official to have directed an Intelligence Community-wide search for information relevant to POW's and MIA's. NSA's information could have been useful both for the U.S. negotiators at the peace talks and for those responsible for supervising the final repatriation of U.S. personnel.

Because the inter-agency process of the Intelligence Community is subject to the same flaws in information flow as any large organization, the Committee tasked NSA to examine whether Mooney's files could have been important. Analysis indicates that with few exceptions -- involving personnel declared as KIA/BNR -- all relevant SIGINT was part of the casualty folders of missing personnel.

While SIGINT was used during the war to place personnel in the POW category, only a handful who were ever confirmed by SIGINT as actually being POWs did not return at Operation Homecoming. The review requested by the Committee failed to identify any instance where the appropriate SIGINT indicating capture had not been associated with the missing individual prior to Homecoming, although there was one instance resulting from the Committee's review in which an additional piece of information was located and added to an individual's file.

In fact, it was standard procedure during war-time for analysts at field intercept stations to put "analyst notes or comments" at the bottom of SIGINT reports to list potential loss candidates who might or might not correlate to the incident described in an intercept. While one can surmise that greater involvement by NSA could have somehow helped during the Homecoming accounting process, the fact remains that three separate reviews of SIGINT materials by NSA and DIA have failed to uncover any significant SIGINT materials missed or omitted relating to possible POWs.

Mooney remained concerned about the POW-MIA issue after his retirement from the U.S. Air Force. He permitted Committee investigators and NSA officials to review the extensive information

that he has collected since his retirement. He reconstructed some of the information from memory, and because his NSA working aids apparently no longer exist, it was impossible to check his recollections against his Vietnam War-era information.

However, it was possible to check his "reconstructed information" against war-time SIGINT reports. Each one of Mooney's allegations was investigated by NSA, and a corresponding all-source investigation was conducted by DIA. Neither agency was able to confirm any of Mooney's allegations, particularly those involving the suspected movement of American POWs to the Soviet Union.

Interestingly, as part of his research he has identified several names of members of the foreign news media who had access to U.S. prisoners. If contacted, these individuals might be able to provide additional information on U.S. POW's. The Committee believes that this would be an appropriate task as part of an intelligence community open-source collection effort. In any event, Mooney's material has allowed Committee investigators to bring together a great deal of material as an additional check on the information that NSA has on hand. His efforts on behalf of the POW-MIA issue are greatly appreciated.

NSA and Baron 52

During the Committee's August, 1992 hearing, the Vice Chairman raised the subject of NSA reports disseminated on February 5, 1973, the same day that an EC-47Q aircraft with 8 U.S. servicemen was shot down by North Vietnamese units in Laos. The aircraft has been referred to as "Baron 52." The Vice Chairman expressed concern over the substance of the intelligence reports and the incident, in general, in view of the fact that it occurred after the signing of the Paris Peace Accords with North Vietnam.

During the same hearing, DIA analyst Robert Destatte disputed the contention that the intercepted information pertained to the EC-47.

Mr. Destatte also attacked the May, 1973 NSA report possibly correlating the traffic to the EC-47 stating the report was the "musings" of NSA analyst Mr. Jerry Mooney. Finally, Mr. Destatte contended he had spoken with one of the SAR team members, Mr. Ron Schofield, who he said discarded the possibility that anyone could have survived from Baron 52. According to his testimony, Mooney believed at the time of the incident that four of the eight crew members survived the shootdown.

In January 1992, Mooney noted in his testimony that at the time the incident was reported, an unnamed DIA analyst agreed with him on the telephone that the four crew members were "gone forever." The inference in Mooney's testimony was that because of the sensitive nature of the aircraft's mission, captured crew members had been taken to the USSR.

Under questioning by one Committee Member during the January

hearing, Mooney admitted that he never had "direct information" that American POW's were taken to the Soviet Union. In response to another Committee member's question, he said that he "saw no evidence that they [prisoners] went to the Soviet Union." On several occasions during his testimony he said that he believed that American prisoners had been taken there, but he was unable to provide any conclusive proof to the Committee to support his judgment.

Responding to a Committee inquiry, in October 1992 DIA provided a detailed examination of many issues surrounding the Baron 52 incident. Enclosed with the examination were declassified translations of the enemy report that has led several people to different interpretations of the fate of the crew of Baron 52. Some believe that four crew members survived; DIA disagrees.

According to the information provided to the Committee, the initial declassified translation of the enemy's February 5, 1973 report states: "GROUP IS HOLDING FOUR PILOTS CAPTIVE AND THE GROUP IS REQUESTING ORDERS CONCERNING WHAT TO DO WITH THEM." According to DIA, soon after the enemy report was received, a second, more careful translation was made, and it stated, "GROUP HAS FOUR PIRATES THEY ARE GOING FROM 44 TO 93 THEY ARE HAVING DIFFICULTIES MOVING ALONG THE ROAD."

According to information provided to the Committee, this report with its two translations were the only sources of enemy information that led Mooney to issue an informal message on May 2, 1973. His message states:

1. HAVE REVIEWED ALL AVAILABLE INFORMATION CONCERNING THE FOUR FLIERS MENTIONED IN THE 5 FEB MESSAGE AND NO ADDITIONAL REFLECTIONS OR AMPLIFYING INFORMATION CONCERNING THE DISPOSITION OF THE FLIERS WERE REVEALED. FOR YOUR INFORMATION AND CONSIDERATION THE FOLLOWING IS A RECAP OF THE INTERCEPT AND SOME OTHER OBSERVATIONS CONCERNING THIS SUBJECT.
2. FOUR FLIERS, WHOSE NATIONALITY WAS NOT DISCLOSED, WERE LOCATED ON 5 FEB IN THE GENERAL AREA NORTH OF MOUNG NONG. THE FLIERS WERE TO BE TRANSFERRED FROM "44," A PROBABLE REFERENCE TO KILOMETER MARKER 44 ON ROUTE 914 (XD 495254 16-30N 106-25E) TO "93," A PROBABLE REFERENCE TO KILOMETER MARKER 93 ON ROUTE 1032 (XD 549505, 16-43N 106-27E), AND WERE APPARENTLY EN ROUTE TO WEST OF THE DMZ IN LAOS, TWO PERSONS WERE TO BE CONTACTED CONCERNING MOVEMENT OF THE POWS AND IF PROBLEMS WERE ENCOUNTERED, HIGH HQ WAS TO BE NOTIFIED TO SUPPLY "WAYS AND MEANS" (REFERENCES TO TRUCKS) TO MOVE THE FLIERS. SUFFICIENT WATER WAS TO BE GIVEN TO THE FLIERS.

THERE HAD BEEN SOME DIFFICULTIES IN TRANSPORTING THE FLIERS AND ASKED TO SEE IF THESE PROBLEMS HAD BEEN RESOLVED SO MOVEMENT COULD CONTINUE.

THE PERSON ALSO ASKED THAT HE BE NOTIFIED OF THEIR TIME OF DEPARTURE AS HE WAS WAITING FOR THEM.

ALTHOUGH THE INITIAL LOCATION GIVEN , IS SOME 65 KM FROM THE CRASH SITE IT IS POSSIBLE THAT AT LEAST PART OF THE CREW WERE ABLE TO BAIL OUT PRIOR TO THE CRASH AND THEREFORE COULD HAVE BEEN CLOSER TO THIS POINT THAN THE CRASH SITE WHEN THEY WERE CAPTURED. FURTHER, SINCE VEHICLE TRANSPORTATION WAS INDICATED, RAPID MOVEMENT IS REASONABLE. IT IS POSSIBLE THAT THESE FOUR FLIERS WERE PART OF THE CREW OF THE EC-47.

Since Mooney's May 1973 message refers to a single enemy February 5, 1973 report and the translations of the report available to the Committee appear complete, the Committee finds it difficult to arrive at the same conclusions reached by Mooney in his May 1973 message. For example, it appears that the enemy report contains no information concerning the pilots being located near Mounong Nong. It does not mention water being given to the fliers. It does not refer to the supply of "ways and means," making Mooney's conclusion concerning trucks pure conjecture.

Nor does the Committee agree with the DIA belief that it was unlikely that the enemy unit would have used kilometer markers as reference points in this type of report because using them violated basic operational security (OPSEC) practices. Other, similar types of reports have been furnished to the Committee, and enemy units used kilometer markers as reference points in those reports. But the Committee concurs with DIA's view that even if the enemy report referred to kilometer markers 44 and 93 -- which is speculative -- more detailed all-source intelligence information than that available to Mooney would have been necessary in order to place the theorized kilometer markers on routes 914 and 1032 in Laos.

For example, DIA conducted a terrain analysis and found that a chain of mountains exists between the two routes identified by Mooney in May 1973, and that the routes are headed in different directions. Substantial distance exists between the Baron 52 crash site and the spots determined by Mooney to be the locations of the possible kilometer markers. Furthermore, the aircraft's speed and reported flight path would not have brought it close to these markers.

In addition, in order to ascertain that the numbers 44 and 93 contained in the enemy report referred to specific kilometer markers, Mooney would have had to confirm that the kilometer markers existed as landmarks in that war-torn country in February 1973 and were available to enemy units either as land navigation aids or as reference points. Having evaluated the information provided by Mooney and the intelligence information and analysis provided by DIA, the Committee believes that Mooney's analytical judgments regarding the Baron 52 incident are largely speculative and unsubstantiated. There is no firm evidence that links the Baron 52 crew to the single enemy report upon which Mooney

apparently based his analysis.

The Committee notes that it cannot prove or disprove whether or not the intercepted information pertains to the capture of crewmembers of the Baron 52. Evidence from the crashsite indicates that no crewmembers survived, although there was a chance, however slim, that crewmembers bailed out before the crash. Moreover, the Committee notes that written documents dated in May, 1973 indicate that Dr. Shields, NSA, and DIA representatives all believed that there was a possibility Americans had been captured from this incident. Finally, we note that during an October, 1992 deposition, Mr. Ron Schofield disputed Mr. Destatte's characterization of his comments pertaining to this incident.

At publication time, an excavation of the Baron 52 crash site was planned for January 1993. JTF-FA teams returned to Southeast Asia on Jan. 2, 1993 to begin another 30 days' work.

Intelligence Support in Laos

During the Vietnam War, intelligence support for the U.S. effort in Laos was different than for the other countries in the war-time theater of operations. According to testimony by former Secretary of Defense Melvin Laird, the Secretary had to rely upon intelligence information from CIA and the Department of State. DIA did not have much of a collection capability in Laos. He mentioned that human intelligence reporting was weak. Secretary Laird testified that he recommended a program to the U.S. Ambassador to Laos which was designed to improve intelligence support there. Additionally, in a memorandum dated September 9, 1971, Secretary Laird articulated a concern to the Chairman of the Joint Chiefs of Staff, Admiral Thomas Moorer, that poor intelligence support was affecting the POW effort. He feared that the lack of reliable intelligence was "hindering United States Government efforts to recover prisoners of war and MIAs." There was an inference in the memo that the U.S. embassy in Laos was reluctant to accept military intelligence assets.

Ambassador MacMurtrie Godley, U.S. Ambassador to Laos, 1969-73, denied in his testimony that any such reluctance existed. He noted that a Military Intelligence team operating from Thailand had been a problem because it was responsible for intelligence reporting that often was inaccurate and required correction by the Embassy in Vientiane. Under questioning by one Committee Member, he indicated that the collection of information on POW's and MIA's in Laos had "top" priority. He said that any intelligence assistance that could be obtained at the time was most welcome. Under additional questioning by the same Committee Member, however, the Ambassador agreed that he turned down an offer by the Joint Chiefs of Staff for additional intelligence assets. He was unable to provide little explanation for his decision other than, "What would you do with them?"

Committee staff reviewed declassified and unredacted material relating to the U.S. Army's HUMINT Exploitation Team in Laos,

Project 5310-03-E. The staff did not review extensively either all Attache archival reports or documents of Project 404, the organization providing augmentation to the Attache system in Laos, but did review hundreds of war-time HUMINT raw intelligence reports received from Laos, many from this one team.

The dossier of the Exploitation Team, supplemented by intelligence reports declassified by DIA in December 1978, provide evidence that Ambassador Godley fully supported the U.S. military's presence in Laos. There is direct evidence the Team's organization, mission, and structure was appropriate to war-time conditions there. However, there is also evidence that DIA was less than enthusiastic about both the team and its operations.

The Team's concept of operations began in 1970, when the Army Attache, Lt. Col. Ed Duskin, invited an Army survey team to Laos to explore what more could be done, particularly in the area of POW/MIA intelligence. The Team concluded that experienced HUMINT personnel were needed. Declassified messages demonstrate that a recommendation to this effect was wholeheartedly supported by the attache staff, the CIA station, and the Ambassador. The first U.S. Army interrogation officer and a member of the initial survey team arrived in Vientiane in March 1971. A field-grade team officer arrived that summer. Two additional case officers arrived in 1972 to augment the Team.

Operating within U.S. Embassy guidelines designed to downplay the U.S. presence, the Team employed a small staff of locally hired and Team-trained interrogators, including former North Vietnamese Army Capt. Mai Dai Hap. Hap was the major contributor to the Rand Corp.'s war-time study on Laos.

The Team operated as a joint U.S. effort with the Royal Lao Army intelligence staff, which from the outset included daily contacts with the Lao Army Headquarters and Military Region 5. By 1972, this was expanded to include all other military regions in Laos, and was done with close coordination and cooperation with CIA station staff.

Beginning in 1971, the Team ensured all North Vietnamese Army and Pathet Lao prisoners and defectors were interrogated in detail on a wide variety of in-country, theater, and national intelligence requirements. Declassified documents confirm that information on U.S. POWs and MIAs was the first subject covered with all these sources. This small Exploitation Team produced all military HUMINT originated reports from Laos during 1971-75 and averaged one report per day.

Every North Vietnamese Army and significant Pathet Lao soldier arriving at Vientiane was interrogated in detail; however, with the majority of U.S. POWs who survived into captivity being taken to North Vietnam within a matter of days or weeks, there were no known prison camps for U.S. POWs available for exploitation by the Joint Personnel Recovery Center or U.S. led paramilitary forces.

The team's archival records confirm that the problem with war-time HUMINT reporting in Laos was the lack of prisoners and defectors (called ralliers by the North Vietnamese). For example, during 1964-74, there were slightly more than 150 North Vietnamese Army POWs who reached Vientiane. The precise number of defectors may have been a similar amount. This was a drop in the bucket from the tens of thousands of North Vietnamese Army forces from Military Region IV and the 559th Group operating the Ho Chi Minh Trail.

However, these prisoners and defectors were primarily from front-line tactical units, had recently been rotated into Laos, and were not from the rear-area logistical groups where most U.S. airmen were lost. Thus, the prisoners and defectors often had more information about aircraft losses over North Vietnam than over Laos.

The Pathet Lao saw little sustained combat after the mid-1960s, being almost entirely a North Vietnamese Army-controlled effort, and their force structure in Laos was negligible. It shrank to almost nothing in southern Laos in 1972, when nearly the entire South Laos Regional Command Headquarters, and all major subordinate units, defected to the Royal Lao Government. A key ingredient in Laos was its severe underpopulation -- less than four million people. Laos was half the geographical size of Vietnam, with one-tenth its population.

The Team did not operate in isolation to the remainder of the U.S. intelligence organization in the region. The team regularly coordinated with the Order of Battle Center in Udorn, Thailand; intelligence exploitation centers in South Vietnam; and with both Lao and Thai military intelligence officials. The Team was withdrawn from Laos in the Spring of 1975, after local staff came under increasing pressure from the Pathet Lao in Vientiane. The project was terminated at the end of 1975.

Archival records of this Team confirm that the Team conducted its first behind-the-lines agent operation in 1972. Other operations followed later, and declassified documents confirm that DIA was opposed to them, notwithstanding its objective to gather POW/MIA intelligence.

All such agent operations had to be conducted from Thailand and were suspended in 1975 upon the direction of the U.S. Ambassador. The focus of these operations was POW/MIA intelligence from Pathet Lao areas of Laos and from Hanoi in North Vietnam. They did not take place for the obvious reason, demonstrated elsewhere in this Report, that DIA and others at the national level no longer viewed the subject as the nation's intelligence priority.

Other NSA Sources

The Committee found no evidence to corroborate claims by Terrell Minarcin; sources Minarcin suggested investigators interview and others said his claims were unfounded. Although Barry Toll did

occupy the position of Intelligence NCO on the CINCLANT Airborne Command Post and did have access to sensitive message traffic, Committee investigators were unable to locate any former crew members of his team who could corroborate the messages he claims to have seen. His former Army JAG lawyer did corroborate partly his allegations that DIA continued to monitor his whereabouts after his military discharge.