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The Pentagon's P.O.W. Papers

This collection includes three recently de-classified documents related to the U.S. government's efforts to account for 2266 American service personnel still Prisoner of War or Missing in Action in Southeast Asia.

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August 1992

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De-classified CIA Dispatch from Laos July 2, 1968

This collection of documents is a credible body of evidence proving that officials in the United States government deliberately abandoned literally hundreds of American servicemen being held as Prisoners of War in both Laos and North Vietnam in 1973.

Early in 1973, Henry Kissinger was finalizing negotiations with the government of North Vietnam on the Paris Peace Accords; the seven Watergate defendants went on trial; Richard Nixon was inaugurated for a second term and the U.S. Senate set up the Watergate Committee. On January 23rd, Nixon announced that the Accords were signed and that "all POWs Indochina" would be released within 60 days.

For years, the CIA had been waging a concurrent and secret war in Laos. By 1973, we had lost 581 servicemen (mostly pilots and air crews) in this secret war. The NY Times reported that the Pathet Lao claimed to be holding hundreds of these men prisoner. They demanded that we negotiate a separate peace treaty with them and cease our bombing of their country. We never negotiated and we continued to bomb them for many months thereafter. To this day, the Pathet Lao have not released even one American. What could have happened to all these men? Did they all die within a few weeks? Or did the Watergate besieged Nixon White House decide they must be abandoned so it could concentrate on saving itself? Are any of these men still alive? These are questions that cry out for answers. Government officials have given one answer for over 19 years: "There is no credible evidence."

The document at right confirms that the CIA was "maintaining a current list of POWs and MIA in Laos" in 1968. It appears that Major David Louis Hrdlicka is being added to the list and the 24 men listed here are presumed dead. The point is that the CIA could reasonably be expected to continue maintaining this list until at least April 1973 when the North Vietnamese released 591 American POWs from their prisons in Hanoi.

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V.S.

DISPATCH		CLASSIFICATION: I	
SUBJECT: [REDACTED]		ACTION: [REDACTED]	
See Distribution Below		[REDACTED]	
Chief of Station, Vientiane		[REDACTED]	
JPRC - U.S. POW's and MIA in Laos		[REDACTED]	
Reference: [REDACTED]		[REDACTED]	
Action: [REDACTED]		[REDACTED]	
<p>Station discussed Attachment to Reference with [REDACTED] which is responsible for maintaining a current list of POW's and MIA in Laos. The following individuals were not on [REDACTED] list:</p> <ol style="list-style-type: none"> 1. Blessett, Allan L. 2. Chambers, Jerry L. 3. Cius, Frank Edward, Jr. 4. Duffy, Charles J. 5. Fellows, Allan E. 6. Gardner, John Garrett 7. Glover, Calvin C. 8. Guillermin, L. F. 9. Guy, Theodore F. 10. Hansor, Stephen Paul 11. Hensley, Thomas T. 12. Kuebel, Thomas E. 13. Leonard, Edward W. 14. Lyon, Donovan L. 15. Mason, William 16. McPhail, William T. 17. Mitchell, Thomas B. 18. Mullen, William F. 19. Park, Raymond F. 20. Pate, Gary 21. Pletsch, Robert E. 22. Rash, Melvin D. 23. Stischer, Walter 24. Wallace, Michael W. <p>[REDACTED] list one individual not on Reference list: [REDACTED] Hrdlicka, David Louis, Major, USAF, PR 72541.</p>			
Distribution:		[REDACTED]	
2 - COS/VIENTIANE		[REDACTED]	
DATE: 3 September 1968		CLASSIFICATION: I	

De-classified Eagleburger Memorandum for Secretary of Defense Elliot Richardson March 1973

page 2

This memo is a "smoking gun." In 1973, Lawrence Eagleburger knew that the Pathet Lao was holding a large number of American POWs in Laos.



ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D.C. 20306

INTERNATIONAL
SECURITY AFFAIRS

In reply refer to:
I-35174/73

MEMORANDUM FOR THE SECRETARY OF DEFENSE

SUBJECT: U.S. POW/MIA Personnel in Laos - ACTION MEMORANDUM

REF: Your 13 Mar 73 query on Laos POWs (attached)

On 1 February 1973, North Vietnam (NVN) released the names of ten POWs who were captured in Laos. NVN claimed that these ten people were prisoners of the Pathet Lao, but DIA analysts indicate these individuals were actually captured by the North Vietnamese in Laos. The ten POWs identified consist of nine Americans (six USAF, one USN, two civilians) and one Canadian. The evidence indicates that most, if not all, of the ten are currently being held in Hanoi.

DIA lists approximately 350 U.S. military and civilians as missing or captured in Laos. Therefore, the Lao Patriotic Front (LPF) list of ten POWs constitutes only a 2.5% accounting. In contrast, the NVN list represents 45% and the PRG list represents 20% of the POW/MIA personnel carried on our lists in those respective areas. There is an obvious lack of reporting on the part of the LPF. Because of the foregoing statistics and analysis of the conditions under which our people have been lost, DIA concludes that the LPF may hold a number of unidentified U.S. POWs although we cannot accurately judge how many. The American Embassy, Vientiane, agrees with this judgment.

Several diplomatic moves have been made recently in an attempt to get an accounting and release of American prisoners being held in Laos. On 10 March 1973, the LPF Delegation chairman in Vientiane informed us that recent U.S. demarches regarding prisoners in Laos had been conveyed to Souphannouvong, the Lao communist chief, personally. No other information was made available.

On 15 March the Secretary of State instructed Ambassador Godley to "...single out Soviet Ambassador for the full treatment..." regarding the lack of progress in Vientiane on political and POW matters. Godley was also instructed to inform the Soviet Ambassador that we "...continue to hold North Vietnam to its commitments on releasing all U.S. POWs in Laos by 28 March and will not tolerate any delays." No communist response to this line of action has been noted as yet.

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On 22 March 1973, the United States informed NVN and the PRG that the U.S. would "...complete withdrawal of its military forces from South Vietnam in accordance with the terms of the agreement and coincident with the release of all repeat all American prisoners held throughout Indochina." This statement was aimed directly at securing release of all U.S. prisoners held by the Pathet Lao.

On 22 March Ambassador Godley addressed the Laos POW/MIA question at length in Vientiane 2139 (attached). Godley separates the 1 February list of ten prisoners from the issue of accounting for the remaining POW/MIA's in Laos. The Ambassador states that the LPF "...Just has not focused on the PW repatriation and accounting problem until very recently..." Godley concludes by recommending that we concentrate on helping the ALG get an acceptable military protocol to the Laos cease-fire agreement approved by the LPF. In this way the Ambassador is hopeful that we can eventually gain LPF cooperation in the POW/MIA matter. However, Godley also states that he is having great difficulties in influencing the ALG negotiators; and he states we must expect many nonconcurrences from the LPF.

On 23 March, the U.S. Delegation to the Four-Party Joint Military Commission (FPJMC) was instructed by Washington to reaffirm our negotiating stance. General Woodward was instructed to seek a private meeting with the NVN representative and inform him that the U.S. must have assurances that the prisoners on the 1 February list will be released by 28 March. Given these assurances, private or otherwise, we will complete our troop withdrawals. This 23 March guidance to the field also indicates that "...we intend to pursue the question of other U.S. personnel missing or captured in Laos following the release of the men on the 1 February list."

To review the bidding to date, the U.S. is prepared to accept release of the ten men on the 1 February list along with the other U.S. personnel being held in NVN as the final condition for complete U.S. troop withdrawal. However, there has been no accounting of U.S. personnel MIA in Laos other than the 1 February list of ten who were probably all captured in Laos by the NVA rather than the Pathet Lao. Hence, assuming all the prisoners currently being held in NVN are released by 28 March, we still have the Laos MIA question remaining unresolved. Additionally, Ambassador Godley proposes that we rely upon the yet-to-be developed and approved Lao Military Protocol as a means of gaining satisfaction on this issue. And finally, Ambassador Godley does not discuss Hanoi's influence or control of the LPF on this issue.

From the foregoing, there appears to be need for a well-orchestrated plan for solving the problem of our Laos POWs and MIAs. Therefore, I am recommending below a series of diplomatic moves aimed at gaining a proper accounting of our men lost in Laos. You may wish to pass along to the President part or all of the following diplomatic track:

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- A. After the recovery of the last prisoners from NVN, Hanoi should be advised unequivocally that we still hold them responsible for the return of all POWs being held in Indochina. And in this regard, any further mine sweeping activity as well as all future U.S. reconstruction assistance should be described as wholly dependent upon the accounting for and/or release of U.S. prisoners being held in Laos. Once again, NVN should be clearly informed that an accounting for ten men out of a total of more than 350 is considered unacceptable.
- B. In the meantime (just after 28 March), a strong demarche should be made to the ranking LPF representative in Vientiane by the U.S. Ambassador personally. This initiative should plainly and forcefully assert that the U.S. will no longer play games with the POW issue in Laos. The LPF should be told that we have reason to believe they hold additional U.S. prisoners, and we demand their immediate release as well as an accounting and information on all those who may have died. Finally, the LPF should be advised that failure to provide a satisfactory answer could result in appropriate United States actions.
- C. Simultaneous with our representations to the LPF, the U.S. Ambassador to Laos should also ask the USSR, PRC, NVN, French, British and ICC senior representatives to Vientiane to use their good offices with the LPF in order to avoid a serious situation.
- D. Shortly after 28 March, assuming the LPF have not responded favorably, intensive and obvious tactical air reconnaissance of North and South Laos should commence. Additionally, the movement of a new carrier task force into the waters off Vietnam should be publicly announced.
- E. Concomitant with the foregoing, the LPF and NVN should be privately advised that the Thai Volunteer forces now in Laos will not be removed until there is a satisfactory resolution of the POW issue.
- Other moves that may be worthy of consideration are listed below. They should only be contemplated if we are reasonably strongly convinced that the Pathet Lao hold POWs.
- A. Ambassador Godley could be instructed to "lean hard" on Souvanna Phouma and tell him to let the LPF know that political concessions in the new Provisional Government of National Union (especially as regards LPF appointments to cabinet posts) will be next to impossible without resolving the POW question.
- B. As a last step, U.S. air strikes and Lao and Thai Irregular offensive operations could be resumed in Laos in order to force the release of our prisoners in Laos.

Mr. Eagleburger recommends resuming air strikes "in order to force the release of our prisoners in Laos." U.S. air-craft did, in fact, continue to bomb Laos for many months after this memo was written. Mr. Eagleburger is currently the number two man in President Bush's State Department.

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The foregoing recommended diplomatic/military moves would represent a considerable toughening of the U.S. stance regarding our POWs being held in Laos. Such a line is even harder to take without a clear picture as to how many U.S. personnel are actually being held in Laos. The intelligence data available is voluminous but imprecise. However, the evidence indicates that the NVN/Pathet Lao forces have captured U.S. personnel since 1964, and the LPF have provided no prisoner or casualty data at all other than the ten names listed on 1 February. Therefore, the hard negotiating track outlined in steps A through E above, and possibly even the optional steps A and B, seems clearly justified. Finally, it is recognized that this is a very delicate situation, and the application of any one or all of the above actions cannot assure success--there is, of course, little physical risk associated with options A through E.

If you approve of the above listed courses of action, I recommend you sign the attached memorandum for Dr. Kissinger.

Lawrence S. Eagleburger
Acting Assistant Secretary

Attachments: (3)
SecDef query dtd 13 Mar
AmEmbassy Vientiane msg 2139
Proposed memo to Dr. Kissinger

No coordination required.

Prep: Ltc Secord/1s/AD/23Mar73/53164
Dist: Orig #1 addce
b1 #2 RC
Yelo #3 AD
Iwt #4 1SA/S

Prepared by RABH Bigley, X54175
& LTC Secord, X53164

Elliot Richardson's initials were handwritten on the attached memo indicating that it was delivered to Henry Kissinger in the White House. Dr. Kissinger's number two man at that time was Gen. Brent Scowcroft who is now President Bush's National Security Advisor.

The simple chronology at right is the key to understanding why and how officials in the Nixon Administration may have decided to abandon not only the living prisoners left in Laos but many others held hostage in North Vietnam as well.

The ferocity of the scandal swirling around the White House became evident on April 17 when Nixon felt compelled to waive Executive Privilege. On that day, his Presidency started to slide down the slippery slope to oblivion. It is obvious that Nixon may have felt he had no choice but to abandon our POWs.

When Nixon finally resigned in August of 1974 to avoid being impeached, many of his staff stayed on in the Ford Administration. Kissinger remained as Secretary of State. Scowcroft became Ford's Assistant for National Security Affairs, the same post he now occupies in the Bush White House. George Bush, himself, was appointed Director of the CIA in 1975 after a stint as Ambassador to China. Ford's Chief of Staff was Dick Cheney, the current Secretary of Defense.

The power of the Presidency in late 1974 had been emasculated by Watergate. Officials in the Ford Administration may not have believed they could afford to admit that living American POWs were still being held in Indochina. The lid of secrecy was kept on this politically explosive situation for two and a half more years until Ford lost his re-election to Jimmy Carter. Carter may never have been told. Later, hostages held in Iran took Carter out.

In 1979, a Marine Pfc. named Robert Garwood who had been a POW for 14 years was able to pass a note to a Finnish diplomat in Hanoi saying he wanted out. The Vietnamese told Garwood before he left that he would be treated as a traitor. In de-briefings, he claimed that he had seen about 70 other American POWs in North Vietnam after 1973. The de-briefings were classified. He was court-martialed and convicted of collaborating with the enemy.

Why would the Nixon Administration abandon American POWs?

A Chronology of Key Events in 1973

Jan. 23 - President Nixon announces signing of the Paris Peace Accords and release of "all POWs in Indochina."

Feb. 1 - Henry Kissinger delivers a secret letter to Pham Van Dong promising to pay Hanoi \$3.25 billion in aid.

Mar. 28 - Last group of 591 American POWs is released from Hanoi. Most report that they were brutally tortured.

April 7 - In response, the U.S. Senate votes 88-3 to prohibit the Nixon Administration from giving any monetary aid to North Vietnam without Senate approval.

12 - The U.S. Department of Defense issues this statement: **"There are no more prisoners in Southeast Asia. They are all dead."** This becomes official policy.

17 - Caving in to intense pressure, Nixon agrees to waive Executive Privilege and allow members of his staff to testify before the Watergate Committee.

30 - Nixon fires staffers Bob Haldeaman, John Ehrlichman and John Dean before they can testify.

May 10 - Two former Nixon Cabinet members, John Mitchell and Maurice Stans are indicted in New York.

Statement of Barry A. Toll to the Senate Select Committee on POW/MIA Affairs June 14, 1992

This extraordinary statement speaks for itself. Mr. Toll was in the loop just outside the Oval Office from 1973 to 1975. Nixon knew. Kissinger knew. Ford knew.

BARRY A. TOLL
St. Petersburg, Florida 33713
June 14, 1992

SENATOR JOHN FERRY
D - Massachusetts
Chairman, Senate Select Committee on POWs and MIAs
Washington, District of Columbia

S T A T E M E N T

My full name is BARRY ALLEN TOLL and I reside at 2910 29th Street North, St. Petersburg, County of Pinellas, State of Florida. I am a numerous combat decorated veteran of Vietnam, where I served as an infantryman, Long Range Reconnaissance Patrol Leader and Special Operations Intelligence Specialist, while in the United States Army from 14 June 1967 through 16 August 75. When I was honorably discharged, my service numbers were variously US 53 702 178, RA 53 703 178, and RA 267-04-3053 (social Security Account Number). I am service connected disabled rated from the Vietnam war.

Your Select Committee is currently investigating some events that I have direct knowledge of, and which coincidentally, were instrumental in my requesting immediate relief from duties and Honorable Discharge, on 4 July 1975. The events I referenced during debriefings, that the Select Committee would be interested in, occurred during the periods June 1973 through July, 1975, when I personally saw, distributed and briefed high ranking officers of the Joint Staff, on intelligence reports, analyses and operations regarding the transfer of U.S. POWs and/or MIAs from the custody of North Vietnamese or Laotian authorities through Soviet Bloc nations, or directly into the USSR. Further, it was the considered opinion of the Joint Chiefs of Staff, and the entire U.S. intelligence community, that at the conclusion of Operation Homecoming in 1973, that there were an estimated 390 to 340 U. S. POWs and MIAs alive, and held captive in Laos, and that analyses and reporting was disseminated to the President of the United States, Richard Nixon. I specifically recall that information being included on a list of the President's Daily Intelligence Briefing agenda more than once, and reports or real time transfers in progress (aircraft bearing US POWs in the air enroute to USSR and Soviet Bloc countries) being passed to the White House for the President several times in this period. There simply is no doubt that the President knew of these conclusions and events, barring a massive and collusive intent to deprive him of the information. I am fully prepared to make these statements under oath and penalty of perjury and would submit to qualified polygraph examination with regard to the content of this statement. From June 1973, until 4 July 75 I was variously assigned within the World Wide Military Command and Control System or World wide Airborne Command Post system as an Intelligence Specialist and Operations Assistant on Battle Staff Teams formulated

specifically to implement the nation's highest strategic nuclear policies and plans, and directly assist the President or designated National Command Authority in so doing. I was assigned by Department of Defense, order of the Secretary of Defense, in billet J3A12A with duties primarily at the Commander in Chief Atlantic's Airborne Command Post, v/duty station Langley AFB, Virginia, or at times temporarily detailed at National Emergency Airborne Command Post, Andrews AFB, or other remote alert stations to perform our mission.

In a nutshell, such Battle Staff Teams are promulgated, trained and responsive to the Chairman, Joint Chiefs of Staff, through the Deputy Director of Operations of the Joint Staff, and were assigned the mission to assist the President, his designated successor or certain Alternate Command Authorities as specified in the Single Integrated Operational Plan (SIOP) and the Presidential Decision Making Handbook (REDBOOK), and their related Annexes, especially Annex E to the SIOP, Emergency Action Procedures, (EAP) Volume IV. In short, we were there to lead the President through a Nuclear Execution...and redundancy in our Teams was of course, critical to accomplishment of our mission.

To accomplish this mission, members of National Command Authority SIOP Execution Teams held an unusually wide and diversified range of extremely sensitive Top Secret and above, Security Clearances as we were privy to the combined input of the entire U.S. Intelligence Community to the President. In order to be capable of assuming responsibilities to brief and assist him in a SIOP environment, on a moment's notice, 24 hours a day, 365 days a year, simply put, we had to know what he knew when on duty, and were so indoctrinated on what we'd missed when off duty upon assuming a new shift of Alert Status, and therefore were required to possess the following clearances as essential to mission accomplishment: Top Secret based upon Expanded Background Investigation, Single Integrated Operational Plan (SIOP) and associated special Annexes, Presidential Decision Making Handbook, (REDBOOK), Extremely Sensitive Information (ESI), Special Intelligence (SI), Presidential Sealed Authentication Systems (SAS...the football), Cryptological (CRYPTO) and many too numerous to mention and caveat special operations or Restricted Classified Information Special Accesses, some of which have Top Secret Codename Designations and cannot be uttered aloud under any circumstances.

To be blunt about it, then, there were but a handful of men within the entire USG that possessed such concentrated accesses to classified information on such an across-the-board, integrated basis. Such "need to know" can only be justified for a few positions, and it was not unusual to be in possession of highly specific information that even the highest cabinet officers or heads of other intelligence agencies, might be unaware of, owing to the tight compartmentalization of zealously guarded secrets throughout the Department of Defense, State, Justice and the various intelligence gathering agencies or departments. At the time of the U.S. POW homecomings, it was the consensus, through

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Statement of Barry A. Toll (cont.)

the combined input of the entire U.S. Intelligence Community, and the accepted position of the Joint Chiefs of Staff, that there were 290 to 340 American POWs and MIAs alive and being held in Laos. These personnel consisted of survivors of the later admitted 490-some pilots and crew members downed in aircraft over Laos, either fixed wing or rotary, and Special Operations personnel taken on the ground in Laos alive or simply disappeared while on ground mission in Laos in intelligence operations or gathering activities. There is no doubt, that while this information was highly compartmentalized, President Nixon, and National Security Advisor Kissinger (soon to be SecState, nominated Aug 71, confirmed Sep 73) were fully briefed and advised as to the JCS and various intelligence entities position on these analyses. While I cannot state that I personally briefed either, or was present when either was briefed on such conclusions, reports and analyses, we were aware daily of what the President had been briefed on in our off-time, and daily agendas and summaries of his Daily Intelligence Briefing and Summaries.

During the period September 1973 through April 1975 I can personally recall on at least three, and as many as five, occasions when CIA/DIA and NSA would track the real-time movements of Soviet or Eastern Bloc aircraft carrying U.S. POWs or (on one occasion) CIA operative(s) from North Vietnam to either the USSR proper, or to either East Germany or Poland. I believe on one occasion the destination became Bulgaria. Each time, a minimum of three American personnel were transferred, and sometimes, up to five. The intelligence validity of these reports were basically rated A-1, which then meant, Usually Reliable, Confirmed by Other Source....our most reliable rating. It is important to realize that this was combined, integrated intelligence product that referenced a number of sources, ranging from agents, to NSA electronic intelligence, satellite and other sources. Typically, the transfers would occur under the guise of a routine, scheduled Diplomatic Courier flight of the Soviet Union, or East German or Polish flag, departing from Hanoi and proceeding to respective capitals. On two occasions, the particular Ambassador from the flag country to NVN was on board also. The conclusion, intelligence wise, was that the USSR was worried at that point that the U.S. might attempt an intercept and force down of such missions, and they sought to "up the ante" for such an attempt. Previous to these missions, POW transfers were accomplished to East Germany (and presumably on to USSR) on military cargo flights returning from delivering aircraft parts to NVN (that was the cover the USSR utilized for earlier transfers of American POWs/MIAs).

A plan was developed and on one occasion actually activated to intercept and force down such transfers from North Vietnam. On the attempt I recall, the aircraft believed carrying American POWs, diverted from its flight plan and intended destination and fled into Soviet airspace at the approach of U.S. intercept aircraft, and the attempt was abandoned; but I definitely recall one such attempt and the real-time reports of its onset going to the President under Optrep-3 RED ROCKFI format..Further, after two

or three landings under a specific diplomatically issued Courier flight, an intelligence operation was planned and attempted to have agent(s) attempt to photograph in East Germany, the deplaning on arrival there, of the American POWs. I cannot recall specifically, but the attempt was unsuccessful owing to either the distance between vantage point and avenue of approach to the proximity of the aircraft and the telephoto quality/ratio of the lens utilized, and the time (darkness) of the landing and deplaning.

Shortly after the October War, in 1973, we noticed that stepped-up transfers of such POWs was occurring, and it was soon learned and believed that the reasons for this increase was due to the Soviets' gleaming that the Israelis had enhanced technology, unencountered before in SEA, that were utilized in the conflict with Egypt and resulting Syrian events. Briefly, they started sending increased POW "backseaters" or "EMOs" (Electronic Warfare Officers) or "black box" experts, held in North Vietnamese custody, for interrogation by Soviet or Soviet Bloc experts. It seemed that the Soviets had determined that we had either found more effective counter-measures to their ground to Air, or Air to Air missiles, and that our Air to Air missiles were behaving differently than the sort exposed in Vietnam and SEA. It was determined that the Soviet technicians responsible for evaluating such data, had requested that American POWs with background in these technologies be sent out of the theater into Soviet environs for real-time interrogation with the experts and technicians present to fully influence the course of the interrogations in real-time, in an attempt to evaluate and cognize the specifics of the new technology experienced via the Israeli air operations during the October War and its aftermath. On each occasion, these reports, analyses and background summaries were marked as having been either included in the President's Daily Briefing, or Special Briefed to the President. Of course, the routing on these highly classified and sometimes Eyes Only reports, would include the White House and National Security Council.

On one occasion when a transfer was in progress, the suspected identities of the three Americans being transferred was believed known. This flight also was the one I recall analyzed as bearing the "CIA Operative", as well as two backseaters, "Moscow Bound". I specifically recall that we had difficulties observing the transfers physically of the American personnel, because even if the flight arrived in daylight (for instance the Courier cover flights), and that aircraft would remain, and we believed the detainees were moved onto other aircraft bound for the USSR, they would do so at night...typically keeping guards around the plane (satellite photo) long after the crew and passengers deplaned, until such time the detainees could be moved to another craft or location, surreptitiously, under cover of darkness.

I have noted press releases that the DOD or DIA have recently denied having knowledge of these transfers. Either the persons reporting that to you are lying or they are misinformed in a concerted fashion. There is no question that we believed these

Statement of Barry A. Toll (cont.)

transfers occurred, monitored them, planned operations to attempt to intercept certain ones anticipated, and developed intelligence product of high quality confirming them... to the extent that on one occasion I specifically recall, we knew of the upcoming transfer in advance.

As an aside, we would receive these documents of such events, through Top secret secure cryptological device; however, we now know such believed secure encryptions were compromised by John Walker's activities and may account for the Soviet avulsion of the particular intercept attempt, I referenced earlier. The orders to proceed and planning for this attempt was transmitted over these channels. The reason I recall such events is they had great impact on me, and other associates (many whose names I recall and can provide) who witnessed them, through the document and briefing process.

Quite frankly, I abandoned my theretofore exemplary career, in protest and in principle, and stated so in debriefings later and referenced them in my resignation statement, as being critical to my decision to leave the Armed Forces. I had vowed, despite growing apprehension of these and numerous other events associated with the Vietnam War, and other SEA activities, to remain until the end. With the fall of Saigon, the onset of the Cambodian genocide, and the continued, direct lying to and manipulation of the American people by its' leaders, especially its' Presidents, on these events, I could no longer remain in good conscience, within the direct chain of command to the then Commander-in-Chief. I have full documentation of my duty positions, nature of service and all official reports on my evaluations and duty appraisals during this period. The record shows I carried out these highly classified and sensitive duties in an exemplary manner, and that I was generally amongst the top three men in the entire Army with regard to rated proficiency as an Operations and Intelligence Specialist in these duties.

Previous statements I have written and tendered within the last two years to either USG executive branch departments or agencies, or my Senator or other Congressperson pursuing collateral investigations are thoroughly consistent with this statement. I would be glad to provide such consistent statements and their recipients names to the Committee if asked. These are the basic facts as I recall them. Some are indelibly etched on my mind, as you may surmise, owing to the profound nature of the event's implications, and the secrecy involved in concealing our analyses from not only our enemies, but the American people too, who were misled about the totality of the exchange in Operation Homecoming. I will be glad to talk with appropriate members of your staff and provide further details should you so deem it of interest to your committee. When first approached by certain entities of providing your committee with this information, I delayed, because I thought the then upcoming testimony of other witnesses would certainly provide far more information than what I witnessed. It is only of late that I have come to realize there apparently is still a cover-up going on as to what the JCS and

intelligence Community positions and analyses were, and what the President and highest government officials knew during those times.

Of my recollections, I am extremely confident: these events altered my life irrevocably and caused me to abandon a highly acknowledged career, halfway to retirement... in short, they were endemic to a major passage of great moral consequence in my life. As I stated earlier, I am at your disposal to proffer these statements under oath and penalty of perjury, and even to undergo appropriate polygraph examination as to their content. I have remained silent about these, and other events for many years, but the "cold war" is now over and the truth has been denied under the misused "national security" cloak for far too long now. It is time the people learn the tragic truth of those days on this issue. Many good men I know, left their careers behind during those days, which were highly demoralizing to many of us, to know the reality perceived at the highest levels of the Executive.

It falls to your Committee to remove these veils of secrecy, deceit and mis-history as best you can, and set the record straight for those that would follow, and choose to know the truth, sad as it is, and as deliberately obscured, as some have obviously tried, and would still try, to make them.

END OF STATEMENT OF BARRY ALLEN TOLL

BARRY ALLEN TOLL
2930 29th Street North
City of St. Petersburg
County of Pinellas
State of Florida

The Senate Select POW Committee has held five full days of public hearings since Mr. Toll submitted this statement. He has not been called to testify. The Pentagon alleges that Mr. Toll is a convicted drug dealer and therefore is not credible. If true, this seems very convenient for the Pentagon.

It also seems convenient that Pfc. Garwood is a convicted collaborator. He is the only free American who claims first-hand, on-the-ground knowledge of living American POWs in North Vietnam after 1973. Garwood has not testified either.

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Over the past 19 years, the families of a great many POWs and MIAs have strongly suspected that they were being lied to by officials in the Defense Department, State Department and the White House. The letter at right is a case in point. Over ten years ago, President Reagan tells the mother and stepfather of MIA Lt. Cmdr. Larry J. Stevens that the government is conducting operations "of a covert nature." The Fleckensteins later received a very perfunctory letter from then Secretary of Defense Casper W. Weinberger. No more information about these "covert" operations has ever been given the the Fleckensteins or anyone else.

Gladys Fleckenstein was notified just after St. Valentines day in 1969 that her son's A-4 Skyhawk flying a mission off the USS Coral Sea was missing somewhere over Laos. Several Shipmates of Lt. Cmdr. Stevens have told his mother that Larry's plane went down over Cambodia; not Laos. Recently, the Pentagon has admitted that they falsified the locations of most shoot downs which occurred over Cambodia because the secret combat operations there were not officially authorized. They lied to Larry's mom.

Lt. Cmdr. Stevens has been named in numerous eyewitness reports from SE Asian refugees as being held prisoner. Some of these reports are very recent. In one of them, he was reported being held in a camp with USAF pilot Col. John L. Robertson. Sheets of fingerprints with the names Stevens and Robertson written on them came with the report. When Gladys asked the Pentagon whether the fingerprints could be identified, she was told that the fingerprint records of both men were missing from their files. She then went to the County of Los Angeles and the State of California seeking copies of Larry's fingerprints and birth certificate. She found records for her other two sons, but not for Larry. Recently, Gladys, Jack Fleckenstein, Dennis and Gary Stevens were seen together on TV chanting to President Bush "Tell us the truth, no more lies." Bush told them "Shut up and sit down." The media reported that the President was being heckled.

Ronald Reagan Letter to MIA Parents May 19, 1982

THE WHITE HOUSE

WASHINGTON

May 19, 1982

Dear Mr. and Mrs. Fleckenstein:

I'm sorry to be so late in answering your letter, but it has only just reached my desk. First, let me say I have placed your son's bracelet with the others. I did so with mixed emotions; pride in these splendid young men but sorrow at the tragedy these symbols represent and, yes, anger at those responsible.

I remember the affair at the Century as does Nancy, and have a vivid memory of that day in the office at Sacramento. I've met Todd recently -- a grown-up young man now.

I can only tell you that efforts continue, and every report or rumor of the kind you mentioned in your letter is checked out. I know there is a perception that little action is taking place but this is because the operations that are going on are of a covert nature. The communists now in charge in Vietnam offer no cooperation, so it has become necessary to follow another course.

I will personally bring to the attention of the Secretary of Defense your son's case, and reiterate my own position that we continue to resolve this situation with every resource available to us.

There are no words that can be helpful -- I wish there were. Please know you are in our thoughts and prayers.

Sincerely,

Ronald Reagan

The history of the Defense Intelligence Agency's (DIA) handling of the POW/MIA situation has been fraught with rumors and allegations of a coverup. In February of 1991, Col. Millard "Mike" Peck USA, the chief of the DIA's Special Office for POWs and MIAs resigned after a short time at his post. His memorandum of resignation was a scathing indictment of the POW Office's past performance. He resigned because he felt that his efforts to get it back on track were either being ignored or actively sabotaged. As a highly decorated combat infantryman with three tours in Vietnam, his sense of duty demanded that he refuse to participate in an apparent betrayal of his brothers-in-arms.

As it turns out, Col. Peck was not the first to have found deeply disturbing problems within the POW Office. The Director of the DIA from 1977 to 1981, Lt. Gen. Eugene Tighe was asked to head a commission to evaluate the POW Office's performance by the Reagan Administration in 1984. The Tighe Report has been recently de-classified. Gen. Tighe is referred to in Commodore Brook's revealing memo shown here. Another de-classified document on the same subject is the Gaines Report to the Director of DIA which was completed in 1986. All three of these documents support Col. Peck's assessment of the POW Office's shortcomings.

Of particular interest is paragraph 6 of the Brooks memo shown on the next page. Congressman Billy Hendon had apparently been asking too many embarrassing questions. Brooks suggests forming an alliance with Congressman Solarz "to damage-limit Congressman Hendon."

Congressman Solarz is chairman of the Asian-Pacific Affairs Committee. He held a hearing that was televised on C-Span in 1991. In public session, he arrogantly berated Col. Peck for writing his resignation memo. A long executive session followed because documents like the Brooks memo were classified. Mr. Solarz left after 30 min. and told the media that Col. Peck had no credibility.

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De-classified Brooks Memorandum

September 25, 1985

DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20315



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26 SEP 1985

C-109/DC

MEMORANDUM FOR BOEH SHUFELT (YO)

SUBJECT: The POW/MIA Issue (U)

1. (c) I was not at all pleased with the situation I found when I took over responsibility for the POW/MIA issue. The deeper I looked, the less professional the operation appeared. It appeared to be particularly sloppy in the late seventies, but it is by no means a squared-away operation today. As a professional intelligence officer with a significant portion of my career spent as an analyst, I found the following to be particular problems:

- a. Case files were incomplete, sloppy (all mixed-up, loose papers, undated scribbled analyst notes, misfiled papers, etc.) and generally unprofessional.
- b. There were no action logs in the cases or where there were logs, entries had not been made in a long time.
- c. Follow-up actions had not been pursued. In some cases, obvious follow-up actions were called for but were never taken and years had passed.
- d. There was no tickler system to ensure that we followed up on our own tasking. Thus, we might have tasked imagery or tasked JCRC years ago, never got a response, and never followed up.
- e. Efforts to recontact sources in the U.S. were perfunctory at best and normally amounted to merely trying to contact them by telephone rather than using local DoD or law enforcement agencies to track them down and then calling on them in person.
- f. We had never employed some of the most basic analytic tools such as plotting all sightings on a map to look for patterns, concentrations, etc.

2. (c) Thus, there is a great element of truth in General Tighe's statements that we have done a sloppy job. I come to the same conclusion after having looked into the issue probably in somewhat more detail than General Tighe, but not for as long a period of time.

3. (c) With regard to the allegation of "a mindset to debunk", I must conclude that there is an element of truth to this as well, although probably not as much as has been publicly stated. In fairness to DC-2, a good measure of this is attributable simply to human nature. The analysts have seen so many fabrications for so long that their first subconscious reaction is "this is just more of the same garbage". And most of it is. But some may not be. Frustrating as it all is, they have got to run all the leads to the ground. They have not been doing this as faithfully as they should. Thus, the "mindset to debunk" charge and

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YELLOWING PAPERS

Classified Brooks Memorandum (cont.)

WORKING PAPERS

the "slippery analyst" charge are closely related. The former causes the latter, the leadership of DC-2 (the O-6, Deputy, and senior analyst) must be the conscience of the organization to conclude this mindset taking hold and to closely monitor the work. This they definitely have not done well over the years.

4. (C) I am not persuaded that enough assets are being dedicated to this problem if it is the top priority problem we claim it is. In particular, I wonder if JCRC is adequately manned, whether we have enough polygraph operators available, etc. I would not be able to make a judgment on this without actually having visited JCRC and the camps, which I have not had an opportunity to do. I would encourage you to do this early in your time here so you can draw conclusions regarding the adequacy of our level of effort in the field. Without firsthand exposure, my observations in this area fall into the category of gut feelings rather than researched opinions.

5. (C) A key area which requires attention is DIA's image -- how we are perceived to be doing our job rather than (or in addition to) how we really are doing it. We need to portray an image of open-minded, objective professionals who take this business very seriously and are willing to talk to anyone who might be able to provide us information. This includes the Hallways, Garwoods, and the Lunatic fringe.

6. (C) I see the most important thing we must do right now is to be cementing relationships on the Hill. We have not done as well there as we should. It is clear that Congressman Mendon will be using our files to discredit us (and he will have lots of ammunition there). We need to ensure that we have formed the necessary alliances with HPSCI and the Asia-Pacific Affairs committee, their staffers, and their chairman that we receive support in our efforts to disengage and limit Congressman Mendon.

7. (C) I am afraid we are in for some troubled times. We have not done our job as well as we should have in days ~~ago~~ and we will not withstand scrutiny very well. Yet we will receive plenty of scrutiny in days to come. We must make all preparations to minimize the criticism this scrutiny will bring. I have attached a list of action items which I believe are required to accomplish this. I have already tasked DC-2 in these areas, but close monitoring and some personal involvement will be called for. I stand by to help in any way I can.

Very respectfully,

Thomas A. Brooks
THOMAS A. BROOKS
Commander, USN
Assistant Deputy Director
for Collection Management

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ACTIONS TASKED TO DC-2 (DOI, III, PRIORITY ORDER)

Get together with Tom Lettner of HPSCI and ultimately perhaps Congressman Hamilton to line up their support vis-a-vis Congressman Hendon. Do the same thing with the Asia/Pacific Affairs staff and personally with Congressman Solari, Solomon, and Gilman.

Get together with Garwood ASAP to debrief him.

Establish a plot showing location of sightings by year. Maintain this current. Look for patterns.

Review the Yen Bai cases after talking to Garwood. There is a lot of information on Yen Bai in the files, much of which tends to substantiate what Garwood says.

Set up a periodic review process to ensure necessary action is being taken on all cases.

Set up a tickler/follow-up system on imagery tasking to ensure that required imagery is collected and doesn't (all) to the end of the queue or get cancelled. Arrange another interview with ~~Sen. ...~~ Record it if possible. Bring pictures, etc. for him to look at. Try to settle case. JV tape would be great.

Hire a returned POW as an analyst. (This gives Ann Hillis' Griff (with some problems and will have to be discussed with her.)

Put a Reservist to work doing a study on the backgrounds/common denominators of the couple of dozen HIAs who were known to have been captured alive but who never showed up in the prison system.

Get an extra Intel clerk aboard (action pending-RS).

Get ADP help (action pending-RS).

Increase the use of polygraphs. All live sightings since '78 should be polygraphed. This will probably require additional polygraph assets. Look into how we can make these available.

Polygraph the source in J41 in Denmark re his sighting at Yen Bai.

Seek support of analytic support outside FBI.

VO travel to CIL, JCRC, and camps at earliest convenience.

Prepare unclassified précis of intelligence provided by Smith and McIntire.

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Normalization of U.S. Relations

Former Congressman Billy Hendon appeared on the Ron Reagan television talk show in the fall of last year. He claimed on national television to President Reagan's son that CIA Director Bill Casey met with him and four other Congressmen in his office in the mid 1980's. According to Hendon, Casey told them that everyone knows we have POWs still held in SE Asia. Casey said that there was no public support for taking any action and asked "do you want President Reagan to have another hostage crisis?"

Hendon was working as a staff investigator for the Senate Select POW Committee earlier this year. He was the driving force behind implementing Commodore Brooks excellent suggestion to plot locations of refugee eyewitness (live sighting) reports on a map to see if there were any patterns. This elementary intelligence technique had never been attempted before. The patterns he found were quite consistent with Gen. Tighe's contention that most of the reports were credible. The reports were mostly grouped around Hanoi, Saigon and a few other known detention camps.

There were virtually no reports of POWs seen in Cambodia indicating that all prisoners held there either died or were killed. The genocide committed by the Khmer Rouge in the "Killing Fields" would lead a reasonable observer to conclude that "Bandit Pilots" would probably not be kept alive. The four detention camps located along Vietnam's northern border with China generated reports throughout the late 1970's but none in the 1980s. This is logical since it is known that China and Vietnam engaged in a border war in 1979. These camps were probably evacuated or destroyed in the fighting. DIA witnesses dismissed Hendon's map as the "So-called Cluster Theory" in their testimony this month.

Billy Hendon has probably evaluated more classified DIA documents than anyone outside the Agency. He was fired in June of this year by POW Committee chairman Senator John Kerry (D. Mass.) for unspecified reasons.

The U.S. State Department has recently normalized relations with Laos, a nation that has yet to release a single one of the "290 to 350" Americans it held captive in 1973 (Eagleburger memo and Toll statement). We have given up all of our leverage with Laos and got nothing in return. We never even asked for anything, apparently. The State Department has formulated a classified "Road Map" for normalizing relations with Vietnam. Officials in Hanoi complain that they are being unfairly singled out. It would seem as though they are. They are eager to normalize. As one of the poorest nations on earth, they ought to be very eager.

Everyone in a official capacity in the U.S. government insists that we will not normalize with Vietnam until we get some satisfactory cooperation in accounting for our POWs and MIAs. They don't say what they consider satisfactory cooperation. They don't even say that we want our prisoners back. According to the transcript shown below, Deputy Assistant Secretary of State Kenneth Quinn told Senator John Kerry that if we find that Vietnam still has American POWs, they can forget about normalized relations with the United States. Is this a message to Hanoi that if they want to normalize, they must execute any Americans who are still alive?

Testimony of Kenneth Quinn

November 6, 1991

S. HRG. 102-351 PT.1, PAGE 150

The CHAIRMAN. Could Vietnam normalize if a week from now we discovered a camp full of Americans being held or with 10 or 2 or 1?

Mr. QUINN. I couldn't imagine that possibility, Senator.

The CHAIRMAN. And they must be aware of that, correct?

Mr. QUINN. I would assume that having had people in the United States, that they would know that.

The CHAIRMAN. Most people would assume that if we were to discover they were holding somebody, it would be years before this country

Mr. QUINN. It would be destructive of the whole process.

EPILOGUE

The government told Diane that Larry was missing when his plane was shot down in 1968. A bureaucratic slip-up in 1987 revealed that the DIA had known all along he was captured alive. They had lied to her. Nineteen years she could have been working for his release were lost forever.



The Van Renselaars in 1967

The Vietnamese returned Larry's embalmed body in 1989. Diane hired independent forensic pathologists to examine his body. His teeth showed advanced decay indicating that he had lived for some time in captivity. All of Larry's fingers and toes were missing. How unspeakably cruel his captors must have been. How incredibly stupid the Vietnamese officials who released his body must have been. How many more of these bodies are they holding that they can never release because of the tortures recorded on them?

The family members who chanted to President Bush "Tell us the truth, no more lies" were not hecklers. They were patriotic people crying out for help to the only man who could help them. Their cries apparently fell on deaf ears. Bush told the mothers and fathers and brothers and sisters and sons and daughters of brave men like Larry Van Renselaar to "Shut up and sit down."

On Monday following this speech, the National Alliance of Families of Missing Servicemen held a press conference in Crystal City Virginia. They asked President Bush to apologize for his disrespectful remarks. A spokeswoman for the Bush-Quayle campaign replied that there will be no apology to "those rude people."

The Washington Post

SATURDAY, JULY 25, 1992



President Bush speaks to Jeffrey Deaver and Diane Van Renselaar of National League of Families of American Prisoners and Missing after his speech was disrupted yesterday. Bush was overheard saying, "Are you calling me a liar?"

Bush Cites His Patriotism, War Record In Response to MIA Families' Heckling

This photo appeared on front pages all across the nation. An angry President Bush is seen jabbing his finger at the widow of Lt. Larry Van Renselaar USN. Mr. Bush would have been chastened if he had known Diane Van Renselaar's story.

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