



Washington D.C. 20505

OCA 87-6215

29 DEC 1987
(29 DEC 1987)

The Honorable Louis Stokes
Chairman
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Director has asked me to respond on his behalf to your letter of 7 October 1987 requesting the views of the Intelligence Community on H.R. 2260, a bill that would direct that records concerning live sightings of American MIAs in Southeast Asia be made public. You specifically requested that our views include a judgment on the magnitude and usefulness of effectively declassifying all live sighting documents.

Let me say at the outset that CIA fully supports current policy to provide information that pertains or may pertain to a specific missing serviceman or civilian. Enactment of the bill, however, is not necessary for family members to receive such information since it already is the policy of the U.S. Government to report to a family member any information that correlates or may correlate to an MIA.

On the other hand, we believe enactment of the bill would make an unwarranted extension of current policy by requiring the release of unevaluated, raw intelligence reports to the public. Our primary concern is that release of these reports, even if the names of individual sources were deleted, could jeopardize current priority intelligence efforts to determine if Americans are still being held captive by exposing sensitive intelligence sources and methods. Release of the reports could also lead the public to the incorrect conclusion that hundreds of prisoners are being held when, in fact, most of these reports either relate to Americans who have returned to the U.S. or have been shown to be demonstrably false. Further details on both of these points are provided in the enclosed viewsletter of the Department of Defense on the bill. The letter was submitted to Chairman Fascell this past summer and represents the views of the Defense Intelligence Agency, which is the focal point for all POW/MIA information. The Agency has reviewed this letter and concurs with the views expressed in it.

As a subsidiary consideration, I should also note that the bill would impose a large manpower burden on the Intelligence Community in terms of review of documents. We are informed by the Defense Intelligence Agency that they have approximately 2300 files containing documents of live sightings of MIAs in Southeast Asia. To just search these files would consume over 4000 manhours of time. There are also other records not contained in files that would have to be searched as well. The records retrieved would then have to be reviewed to remove information revealing sensitive sources and methods. Given the large amount of documents that would have to be retrieved and reviewed, the 30-day deadline for releasing the material is totally unrealistic.

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report for consideration of the Committee. I appreciate the opportunity to comment on the legislation.

A similar letter is being sent to Representative Hyde.

Sincerely,

SIGNED

[Redacted Signature]

Acting Director of Congressional Affairs

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Enclosure as stated

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LOUIS STOKES, OHIO, CHAIRMAN

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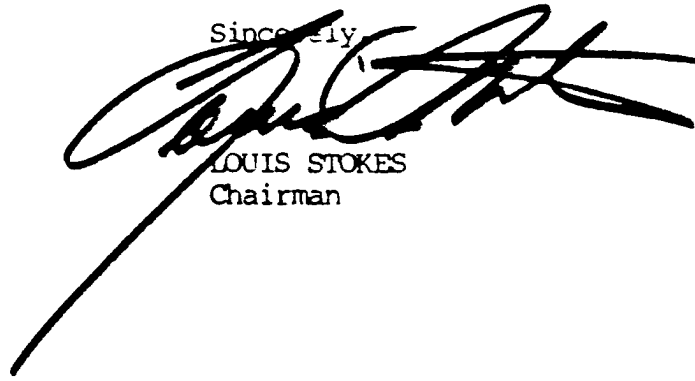
October 7, 1987

Honorable William H. Webster
Director of Central Intelligence
Washington, D. C. 20505

Dear Judge Webster:

H.R. 2260, a bill which would require that U.S. intelligence files on reported live sightings of U.S. POWs and MIAs in Southeast Asia be made available to the public, has been referred to the Permanent Select Committee on Intelligence. The Committee has received a request for a hearing and subsequent action on the bill. Accordingly, I request the views of the intelligence community on H.R. 2260, including a judgment on both the magnitude and usefulness of effectively declassifying all live sighting documents.

Sincerely,



LOUIS STOKES
Chairman

Enclosure

8 JUL 1987

Honorable Dante B. Fascell
Chairman, Foreign Affairs Committee
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your request of May 26, 1987 for the views of the Secretary of Defense on H.R. 2260, 100th Congress, a bill "To direct the Federal departments and agencies holding records concerning reported live sightings of American military personnel classified as prisoners of war or missing in action in Southeast Asia to make such records available to the public."

H.R. 2260 would require the Defense Intelligence Agency (DIA), the focal point for POW/MIA information, to declassify all DIA-originated records concerning live sighting reports of possible Americans still missing or unaccounted for in Southeast Asia and to seek declassification by the Services, the Joint Casualty Resolution Center, and other involved intelligence agencies of relevant documents originated by these organizations.

This legislation would adversely impact the ability of U.S. Government intelligence agencies to collect and investigate information pertaining to Americans missing and unaccounted for in Indochina. Even if sources, collection disciplines and investigatory methods are excluded from declassification, there are instances where it is obvious that the substance of a report could have only originated with a specific individual or been collected in a certain manner, thus being sufficient in itself to reveal the source or the collection method. Even more importantly, we must preclude exposing our degree of knowledge and our investigatory/analytical techniques to those against whom we are collecting, the governments of Indochina, so as not to enable them to negate or reduce the intelligence community's ability to check out future POW/MIA reports. If released without accompanying DIA analysis, raw POW/MIA information would be meaningless and, worse yet, subject to imaginative interpretation in the hands of unqualified amateurs lacking the ability or means to investigate and analyze properly. To even begin to try to implement the proposed legislation within the 30-day period stipulated, DIA would be forced to concentrate solely on this proposed project to the total detriment of its primary mission of collecting and analyzing POW/MIA information. Even with a concentrated and intense effort by DIA, it would be impossible for them to achieve this time limit.

The wording in "2260 is in effect vague and subject to broad interpretation, perhaps in part due to an incorrect premise. Specifically, the second finding ("The Defense Intelligence Agency has records of more than 800 reports of sightings of United States personnel alive in Southeast Asia since 1973.") represents a misunderstanding of DIA's live-sighting data. In fact, since the fall of Saigon on April 30, 1975, DIA has acquired almost 1,000 (959 as of June 5, 1987) reports in which the source described a person or persons believed to be American. A significant number of these were sightings which occurred prior to 1975 or refer to seeing Caucasians or "Blacks", leading the source to infer that these non-Orientals were Americans.

Of the 959 reports, 830 have been resolved. DIA has correlated 625 of the sightings to individuals who are accounted for, such as returned U.S. prisoners of war, men whose remains have been repatriated, captured foreign nationals, and civilians detained after Saigon's fall and later released. Another 205 of the reports were determined to be fabrications after DIA's analysis showed that the reports were not credible or possible. The remaining 129 reports, 88 of which describe the individuals in a captive environment, are under continuing investigation by DIA and are commonly referred to as unresolved. Contrary to isolated misinterpretations of public statements, these unresolved cases have not withstood the "toughest scrutiny." Some unresolved reports are so vague and contain such little information as to preclude meaningful investigation, despite our "toughest scrutiny." Unfortunately, some people have misperceived that the number of unresolved reports constitute a body of evidence substantiating the captivity of Americans in Indochina rather than being reports under continuing investigation.

The proposed legislation is misleading regarding that "Certain classified information...concerning reports of sightings of United States personnel in Southeast Asia since 1973 has been turned over to the Government of Vietnam." In January 1986, the Vietnamese Foreign Minister agreed that Vietnam would investigate live-sighting information provided by the U.S. Government and report the results back to us. A few cases, such as reports which preclude further U.S. investigation, were provided during subsequent technical discussions. All of this information, as well as the Vietnamese responses, has been passed to the responsible Congressional oversight bodies. We have and will continue to work closely with the appropriate oversight committees, to include the House POW/MIA Task Force and the House and Senate intelligence committees.

The reference to the families of missing and unaccounted for servicemen having the right to see DIA live sighting records would be valid if the sighting reports correlated to their respective loved ones. The U.S. Government, during this Administration, has operated under the assumption that at least some Americans are still held captive against their will in Indochina; however, we thus far have been unable to confirm this. Also, it is Department of Defense policy that any information which correlates or may correlate to a missing or unaccounted for individual will be provided to the family, regardless of the substance or reliability of the information. Further, the information will be offered without the family having to request it. We fully endorse the right of a family to have all available information on their missing or unaccounted for loved one and will continue to provide them pertinent information we acquire.

In conclusion, the Department of Defense objects to the declassification and public disclosure of any records concerning sightings reported to be of Americans who may be still be alive in Indochina. Besides effectively undermining serious investigation of such reports, disclosure of DIA's live sighting data would fuel unwarranted and harmful speculation and misinformation on this sensitive and humanitarian issue. One of the obvious shortcomings of the proposed legislation is that it fails to demonstrate how release of live sighting information would lead to the recovery or accounting of any Americans missing in Indochina. In fact, the proposed legislation would work to the detriment of that goal.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,


H. Lawrence Garrett, III