

October 30, 1992

MEMORANDUM FOR THE RECORD

FROM: John F. McCreary

SUBJECT: Obstruction of the Investigation

1. I am concerned that recent lines of investigation have been seriously compromised by leaks of sensitive information by the Committee Staff Director to the Department of Defense. Leaks to the Department of Defense or other agencies of the Executive Branch of my Memoranda for the Record are interfering with follow-up discussions with useful witnesses. Moreover, they are endangering the lives and livelihood of two witnesses.

*Leak of Information on Jan Sejna*

2. My MFR concerning discussions with former Czech Gen Maj Sejna have ended up in the hands of private citizen and Sejna's co-author Joseph Douglas and the LA Times. I provided copies of that memorandum to Carluccio, Codinha, and Kolesnick.

3. Irrespective of leaks outside the government, Bill LeGro attended a meeting of the US-Russia Joint Commission group in Washington on 28 October 1992 at the Department of State. The discussion featured information provided by Sejna. LeGro stated that Ambassador Malcolm Toon called for his dismissal. DLA personnel defended Sejna as to his expertise on Central Europe, but not as to his information on other areas, particularly POW-related.

4. On 30 October 1992, I learned from Bill LeGro that he was directed to read a letter from the Central Intelligence Agency to the Select Committee that discredits Sejna's information. The letter reportedly indicates that Sejna's information has been checked and not been confirmed by his former government. At the time this letter was received, the Staff had decided to take Sejna's deposition but had not yet scheduled a deposition of Sejna. In addition, my MFR was written from memory, and did not do justice to all that Sejna stated, either in detail or in context. As of this writing, we do not know what Sejna knows or will say under oath, yet his testimony has already been written off. This anticipatory discrediting of a Select Committee potential witness is tantamount to tampering with the evidence.

*Suspected Leak of Information on Le Quang Khai*

5. The second issue of suspected misconduct concerns witness Le Quang Khai. Although Le made a public statement concerning POWs on 12 September 1992, no agency of the US government contacted him concerning his POW information. He told me on 26 October that some men who represented themselves as FBI agents contacted him to attempt to recruit him to return to Vietnam as a US intelligence agent for six months. After which

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his request for asylum would be favorably considered.

6. On 30 October, Mr. Robert Egan of Hackensack, New Jersey, who is a close friend of Mr. Le and the intermediary whereby the Committee Staff met Mr. Le, informed McCreary and LeGro that the FBI had again contacted Mr. Le. A person representing himself as an FBI person called on 30 October to set up a meeting with Le to discuss Le's working as an intelligence agent for the FBI's POW/MLA office.

7. So far informal checks indicate there is no such office. Secondly, this contact occurred three days after my return from taking Le's deposition in Hackensack on 26 October after which I wrote another MFR. This MFR was sent only to JW Codinha on 28 October. I observed a copy of the MFR with apparent routing designators written in the top margin on the desk of Frances Zwenig on 28 October.

8. The contact with Le two days after preparation of my MFR, despite the passage of a month since his public declarations, is highly suspicious and more than coincidental. The circumstances of both contacts in which persons identifying themselves as FBI without showing credentials or other evidence of authenticity or authority and also making a pitch to recruit Le are also highly suspicious.

9. An internal Department of Defense Memorandum identifies Frances Zwenig as the conduit to the Department of Defense for the acquisition of sensitive and restricted information from this Committee. Based on the above sequences of events, I must conclude that Frances Zwenig continues to leak all of my papers to the Defense Department. Her flagrant disregard of the rules of the Senate and her oath of office are now jeopardizing the livelihood, if not the safety, of Senate witnesses. In addition, the Department of Defense's continuing access to sensitive Committee Staff papers is resulting in obstructions of the investigations by the Senate Select Committee by various agencies of the Executive Branch.

