



An Examination of U. S. Policy Toward POW/MIAs

**By the U.S. Senate Committee on Foreign
Relations Republican Staff**

Thursday, May 23, 1991

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COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

May 23, 1991

Dear Colleague:

On October 29, I released an interim report prepared by the Minority Staff of the Senate Committee on Foreign Relations based upon an on-going investigation of the POW/MIA issue. That investigation has continued. It was not, and was never intended to be, a search for specific POW/MIAs.

Such an effort would be beyond the scope of the resources available to the Minority. Rather it was an attempt to ascertain whether the agencies of the U.S. government responsible for POW/MIAs were doing the job they were supposed to do--that is, to find any POW/MIAs who might still be alive.

The interim conclusions are very disturbing. After examining hundreds of documents relating to the raw intelligence, and interviewing many families and friends of POW/MIAs, the Minority Staff concluded that, despite public pronouncements to the contrary, the real, internal policy of the U.S. government was to act upon the presumption that all MIAs were dead.

As a result, the Minority Staff found, any evidence that suggested an MIA might be alive was uniformly and arbitrarily rejected, and all efforts were directed towards finding and identifying remains of dead personnel, even though the U.S. government's techniques of identification were inadequate and deeply flawed.

These conclusions, although welcomed by the families and friends of POW/MIAs who had direct experience with the U.S. government's POW establishment, were hotly rejected by that establishment.

However, on February 12 the Chief of the Special Office for Prisoners of War and Missing in Action (POW/MIA) resigned. Colonel Millard A. Peck, a man who had accepted the position with high motives and a sense of deep dedication, felt that he could no longer fulfill the demands of duty, honor, and integrity under the policies which he was asked to implement.

In a detailed and forthright letter, which did not become public until May, Colonel Peck confirmed that a "cover-up" has been in progress. He spoke of a "mindset to debunk." He said that there was no effort to pursue "live sightings." He stated that "any soldier left in Vietnam, even inadvertently, was, in fact, abandoned years ago." Lastly, he criticized the U.S. government's treatment of the families and friends of the POW/MIAs.

The entire text of Colonel Peck's letter appears -- verbatim -- at the end of this report.

The fact that Colonel Peck's conclusions were so similar to the conclusions of the Minority Staff is a matter of regret, rather than a vindication. I had hoped that the Minority Staff investigators would be able to alter their preliminary findings, because the implications of a deliberate effort by the U.S. government to deceive the American people is a matter that all of us would prefer to believe unthinkable.

However, as the Minority Staff pursued its investigations, it became clear that the U.S. experience with the Vietnam POW/MIAs is not unique in history. Echoes of similar experiences in dealing with other, and earlier Communist regimes on the subject of POW/MIAs came up with increasing frequency. Although substantial portions of the current report had already been prepared, I directed the staff to track down the historical precedents. I felt that these precedents were absolutely necessary to an understanding of the present problems, even though it necessarily delayed the release of the report.

Of course, this fundamental historical research required a massive undertaking to find the original documents, most of them formerly classified, in the National Archives and in the issuing agencies. Accordingly, readers will find in this report something which has never before been attempted: An historical analysis of the fate of U.S. POW/MIAs in the hands of the Bolshevik regime after World War I, the Soviet regime after World War II, the North Korean regime after the Korean War, and the Vietnamese regime after the Vietnam War.

In each case, the same dismaying scenario appears: On the Communist side, the regimes denied holding U.S. prisoners, contrary to many credible reports, while in fact they were holding the U.S. POW/MIAs as slave laborers and as reserve bargaining chips to get diplomatic recognition and financial assistance. On the U.S. side, our government downplayed or denied the reports of POW/MIAs, and failed to take adequate steps to prove or disprove the reports, while elements in our government pursued policies intended to make diplomatic recognition and financial support of the revolutionary regimes possible.

I find this evidence convincing; doubters should examine the cables and classified memoranda cited in Part I which tell the full story. Part II examines anecdotal evidence which the Minority Staff has chosen to illustrate the massive problems with the U.S. government's handling of the POW/MIA issue -- problems which were only suggested in the Interim Report.

While investigation into the present problems continues, it is evident from the work already done by the Minority Staff that more time and more resources need to be devoted to the work. Senator Bob Smith (R-New Hampshire), a long-time stalwart in the ranks of those dedicated to the POW/MIA cause, has introduced S. Res. 82, to establish a Senate Select Committee on POW/MIA Affairs. S. Res. 82 has already attracted wide bipartisan support, and deserves the support of every Senator.¹

¹ Since the first printing of this report, the United States Senate unanimously agreed to create a Select Committee on POW/MIA Affairs to further investigate U.S. Policy toward POW/MIA matters.

This report has required many hundreds of hours of work, not only from the Minority Staff, but from many dedicated persons who shared their experiences and research with the Minority Staff. I would be especially remiss were I not to mention Dr. Harvey Andrews, Thomas Ashworth, John M.G. Brown, and Mark Sauter of CBS affiliate, KIRO-TV, Seattle, Washington. Needless to say, the conclusions are those of the Minority Staff, and not necessarily of those of Messrs. Andrews, Ashworth, Brown, and Sauter.

Sincerely,

Jesse Helms

JESSE HELMS:j1



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PROLOGUE TO PART I

Throughout this century, the United States, as a nation, has anguished over the plight of American prisoners of war, both known and missing. The emotional ordeal of the families, the debt which the nation owes to those who have put their lives on the line for their countries, and the human dignity of each and every single soldier, or sailor, or airman ought to have an incalculable bearing on our national policies and our honor.

On the record, the U.S. government has professed to give these concerns "the highest national priority." Off the record, this priority vanishes. Instead, other considerations emerge: Grand visions of a foreign policy of peace and reconciliation; desire for a new economic order of trade and investment; ideological imperatives to downplay the hostility of antagonistic systems; and the natural tendency of the bureaucracy to eliminate its workload by filing cases marked "closed" instead of finding the people.

Last October, the Minority Staff published an Interim Report based on hundreds of interviews and reviews of raw intelligence data in Department of Defense (DOD) files. The Interim Report suggested that DOD was more interested in manipulating and managing the issue than in finding living POWs listed as missing. But as the investigation proceeded, the weight of evidence of failure—a failure of the U.S. Government to meet its sacred trust—became overpowering.

Was it really possible that officials in the Executive Branch charged with the solution of POW/MIA issues could have failed so miserably to respond to the needs of the American people? Was it simply that the emotions of the POW/MIA-concerned community were making an objective appraisal of DOD's work impossible?

The resignation of the director of DOD Special Office for POW/MIA Matters, Col. Millard A. Peck, submitted on February 12, but made public only last month, offered unexpected and extraordinary support for the findings of the Interim Report. (Col. Peck's memorandum of resignation appears verbatim as the Epilogue to this report.) But the question remained: Was it credible that such a failure could occur? To answer that question, it was necessary to turn to history.

THE GULF WAR

The Gulf War is not yet history, but the brief span of fighting provided several examples of the inability of the U.S. Government to cope with the problems of accounting for the missing--examples which are still fresh from the newspapers.

Inaccurate battle casualty reporting resulted in the next-of-kin of Daniel J. Stomaris and Troy A. Dunlap being officially notified by DOD that the soldiers had been Killed in Action (KIA); in fact, these men were slightly wounded or taken prisoner by the enemy. Several other soldiers--Army Major Rhonda L. Corum, for example--were taken prisoner by the enemy but were not listed as POW or MIA or KIA; their subsequent release by the Iraqis came as a surprise to the American public and the national media.

But the most bizarre case was that of SPC Melissa Rathbun-Nealy. SPC Rathbun-Nealy and SPC David Lockett were co-drivers of a HET (Heavy Equipment Transport), captured by Iraqi soldiers after their HET and another one became separated from a convoy. As the two vehicles proceeded north, they came under enemy fire. The second vehicle managed to escape, but Rathbun-Nealy and Lockett were surrounded and captured.

After her capture by Iraqi forces, Rathbun-Nealy's duty status was initially listed as "unknown," then changed to "missing." However, she was never listed as "missing in action" (MIA) or "prisoner of war" (POW). It should be noted that "missing," under U.S. Army regulations, is quite distinct from MIA. "Missing" is reserved for personnel unaccounted for in non-combat operations. From the Army's point of view, the convoy was a non-combat operation, even though it was under heavy enemy fire. Therefore, Rathbun-Nealy and Lockett were never listed as MIA or POW, even though the Army had information that they had been captured under fire. This distinction is an important illustration of how DOD uses technical distinctions to avoid a finding of POW/MIA.

In a letter to Mr. and Mrs. Leo Rathbun, Lt. Colonel J. G. Cole, Chief POW/MIA Affairs, demonstrates how DOD, even in real-time cases, fails to follow up obvious leads or to ask obvious questions. In the narrative that follows, it should be kept in mind that Rathbun-Nealy and Lockett must have been an astonishing pair of prisoners to the Iraqi mindset because Rathbun-Nealy is a Caucasian female, and Lockett is an African-American male. Since Corum was the only other U.S. female prisoner, it should not have been hard in Iraq to seek out a pair of prisoners fitting the description of a white female and a black male.

Colonel Cole wrote:

At approximately 3 pm, (January 30, 1991) just north of Khafji, the convoy drove by a Saudi M-60 tank that had recently received extensive battle damage and was partially blocking the road. The occupants of the second HET then heard two explosions and the sound of debris striking their vehicle, observed what they perceived to be enemy troops ahead near the archway into town, and immediately initiated a U-turn along the road. At this time they estimated that they were 100-150 meters behind the lead vehicle, which was continuing north. After completing the turn, the crew looked back and saw that the other HET [driven by Rathbun-Nealy and Lockett] had tried to turn about, but had become stuck. Melissa and SPC Lockett were observed to be still in their vehicle as the enemy troops approached. There was no indication that they attempted to return fire or flee.

Last seen being surrounded by enemy troops, Rathbun-Nealy and Lockett were listed as "missing." But DOD had more information as well. Colonel Cole wrote further:

There were no signs of fighting or blood, but personal gear had been scattered around the area, and weapons were missing. As the Marines were searching around the vehicle shouting for the soldiers, they were confronted by several Iraqi foot soldiers at the HET and an armored personnel carrier approximately 50 meters north, headed in their direction. No shots were exchanged by the Marines who departed the area and called in attack helicopter support which destroyed the APC within 30 meters of the HET....The Marines returned to the area the following morning where they collected some of the personal equipment and found the vehicle running but found no trace of Melissa or SPC Lockett....During the battle in and around Khafji several Iraqi soldiers were captured.

One would assume that the capture of Iraqi soldiers in the area would have given the opportunity to find out positively whether or not the pair had been captured. And indeed the Iraqi soldiers gave such information:

Following interrogation of the enemy prisoners of war by Saudi forces, two reports were received. One concerned information provided by an Iraqi lieutenant who said he had witnessed the capture of an American male and female. He further stated that both had been injured and that the white female had sustained an injury to her arm. The second report received from Saudi forces concerned two other Iraqi prisoners of war from a captured patrol who indicated they had seen a white female and a black male near the city of Bashrah, Kuwait [not far from the site of the abandoned HET].

To the lay observer, this sounds like a good "live-sighting" report, based on circumstances that almost exactly dovetail with the circumstances of the missing soldiers. But when Mr. Leo Rathbun asked Colonel Cole why his daughter was not listed as MIA, Cole replied that the Iraqi officer could not make "a positive identification"--as though there were hundreds of pairs of white female and black male soldiers captured in the area.

Colonel Cole explained further that the U.S. interrogators had no current picture of SPC Rathbun-Nealy to show the Iraqi officer (although of course her picture was appearing in every newspaper in the Western world.) Had they thought of it, no doubt DOD would have demanded that the Iraqi witnesses produce the fingerprints of the captured pair before accepting the live-sighting report as genuine.

Because there was no "positive identification" Rathbun-Nealy and Lockett could not be listed as POW/MIA. Had there been an extended war and extended negotiations to secure the return of prisoners, the name of neither one would have appeared on any list of POW/MIAs being sought. They were listed only as "missing," that is, unaccounted for but not known to be in enemy hands. Had a difficult negotiation been required to secure a return of listed POW/MIAs, Iraq need never have returned Rathbun-Nealy and Lockett because they were not on the list. Fortunately, the war was so brief and so powerful that all prisoners were returned without question.

The case of SPC Rathbun-Nealy and SPC Lockett is a vivid illustration to keep in mind when considering the bureaucratic mindset that refuses to go outside of artificial restrictions in order to find real people. If the case had been prolonged, if the report had come months or even years later, if the vivid memories of the event had gathered dust in DOD files, the same facts would have true.

But DOD would have dismissed the reports as unverified live-sightings and stamped their cases "presumed dead." This is an important case to keep in mind when examining the fragments of other cases left over from other wars.

THE HISTORICAL BACKGROUND

This report originally proposed to study the problem of POW/MIAs from the Vietnam War--or more properly, the Second Indochina War. Yet as more and more information became available, it became obvious that the concerns raised in the Interim Report released last October--the policy that there was "no evidence" of POW/MIAs, that all POW/MIAs should be presumed dead, that evidence to the contrary should be discredited and dismissed, and all of these combined with the determined pursuit only of remains of the dead, while dismissing hope of finding anyone alive--all formed a pattern with an uncanny similarity to earlier wars of this century.

Moreover the negotiating techniques of the adversary in the Vietnam War--a denial that POW/MIAs existed, a demand for diplomatic recognition and financial aid from the United States, a suggestion that POW/MIAs might be found if recognition and money were forthcoming--all of these had been seen before. And all of them had emerged in U.S. dealings with Communist regimes since 1917.

As a result, it was necessary to broaden the scope of this investigation to study the historical background. The study that follows is based upon an examination of hundreds of once-secret cables, instructions, and memoranda now in the National Archives and the files of appropriate agencies.

The study begins with a largely forgotten page of American history--the U.S. Expeditionary Force in Siberia in 1917-1919. The sudden rise of the Bolshevik regime, the creation of the Red Army, and the perceived threat to Allied armies and territory in Eastern Europe led to furious fighting near Murmansk, and the capture of thousands of Allied, including American, soldiers by the Red Army. The attempt to get them back in the face of the intransigence and deception of Bolshevik diplomacy faded as the U.S. Government itself lost interest in their fate.

A series of parallel events occurred after World War II when the government of Joseph Stalin seized control of hundreds of prisoners of war, including Americans, and millions of displaced persons caught in Nazi prison camps as the Red Army was allowed to move into Eastern Europe. The anguished secret cables of Ambassador Harriman and the classified accounting provided by General Eisenhower made it clear that Stalin refused to account for either POWs or civilians once they fell under Communist control, while nevertheless demanding that Russian or Eastern European prisoners "liberated" by the West be forcibly returned to the Soviet Union.

The Korean War is closer to present memories, yet documents from that period also suggest the abandonment of 944 American prisoners, and a disinclination by the United States to follow up on their disappearance.

Finally, the fate of POW/MIAs of the Vietnam war may be tied to the diplomatic history of the Paris Peace Accords of 1973. Some may agree, as Col. Peck indicated, that the real

PROLOGUE TO PART I

abandonment of the American POW/MIAs took place at the Paris Conference, and that the present POW/MIA policies of the U.S. Government are merely an implementation of flawed decisions taken at that time.

Part II of this report presents a more detailed analysis of present POW/MIA policies with selected concrete examples.

HISTORICAL PERSPECTIVE

U.S. POWs IN COMMUNIST CUSTODY

The war that Americans call the Vietnam War is really, from the standpoint of history, the Second Indochina War. The French have the dubious distinction of having fought the First Indochina War--a most important fact to know in order to understand that the Communist Vietnamese act out of an acquired experience of warfare with Western countries. Moreover, the Vietnamese, as Communists, have had the additional benefit of the experience of other Communist regimes in dealing with the United States and European powers. Therefore, it is not surprising to learn that the problems which the United States has had in dealing with prisoners of war and the missing in action are not the result of chance, but of historic Communist policy.

Indeed, history reveals that policy. In the years after World Wars I and II, the Soviet regime, and later their North Korean cohorts, held American soldiers and citizens captive in the aftermath of these wars. A 1954 *New York Times* article gives some insight into Communist attitudes towards POWs. In January, 1954, three Americans, two held by the Soviets and one by the Chinese Communists, were repatriated. *The New York Times* reported:

All three confirm that the Soviet bloc and the Chinese Communists are holding in their jails and slave camps many foreigners, including soldiers, and civilians, women and children...according to State Department figures, the total number of Americans held by the Soviets and their European satellites exceeds 5,000...Many of these Americans, like many Europeans, were residents in the iron curtain countries caught by the Communist tide; others were deported from German war prisoner camps; some, like Cox were simply kidnapped.¹

The fact is that Soviet and Asian Communist regimes view POW/MIAs, living or dead, not as a problem of humanitarian concern but as leverage for political bargaining, as an involuntary source of technical assistance, and as forced labor. There is, therefore, no compelling reason in Communist logic to return POWs, or their remains, so long as political and economic goals have not been met. The logic of the Vietnamese position requires them to conceal, to dissimulate, to titillate, and to dole out actual information grudgingly, piece by piece, but always in return for very practical results.

This perverse thinking is shocking to Americans who are straightforward and honest in interpersonal dealings. Yet we should instead be surprised if this were not the case. Indeed, the policy began with Lenin. From the time of the Bolshevik treatment of POWs from the American

¹"The Other Russians," *The New York Times*, January 5, 1954.

Expeditionary Force in World War I, to the Soviet treatment of POWs in World War II, to the North Korean actions in the Korean War, and finally in the First and Second Indochina Wars--POWs, including MIAs, were used by Communist regimes as cynical bargaining tools in contravention of international law.

In 1973, the Vietnamese used POWs in an attempt to blackmail the United States into providing nearly \$5 billion in so-called "reparations." Both the United States and Vietnam asserted in that year that "OPERATION HOMECOMING" brought home all known prisoners. The Vietnamese believed that they had a deal--a dirty deal, to be sure, in which prisoners would be exchanged for cold cash. It was a deal brokered by Secretary of State Henry Kissinger via a secret hand-carried letter. It would be perfectly consistent with the historical Communist policy to hold back prisoners against their will, and even the remains of the dead, to exchange for dollars at a later date. The evidence of this investigation, therefore, must be weighed against the probabilities of the historical background.

Most of this information is not well-known by the American public; however, all of it is based on open-source material, including official U.S. Government documents that have been declassified and collected from official agencies through Freedom of Information Act requests and through research from the National Archives, Washington, D.C.

THE AEF AND WORLD WAR I

U.S. problems in accounting for POW/MIAs did not suddenly emerge in the Second Indochina War; in fact, the basic Communist tactics were already evident at the birth of the Soviet Union in the Bolshevik Revolution.

Today, most Americans have forgotten that there were two main fronts during World War I--the Western Front, which was the center of Allied attention, and which today still receives the most focus; and the Eastern Front, which occurred when the Bolshevik Regime signed the Treaty of Brest-Litovsk with the Germans and withdrew Russian forces from participation with the Allies. Thereupon, the Allies grew apprehensive about the German threat to the ports of Murmansk and Archangel, and sent the Allied Expeditionary Force to Siberia to protect the rear.

As a result of the fighting against Soviet Bolshevik forces around Archangel in 1918-1919, there were many casualties, and eyewitness accounts of hundreds of U.S. and British and French personnel who disappeared. Nevertheless, official cables from the U.S. military attache at Archangel cited much lower numbers than the eyewitness reports of missing personnel. The U.S. government policy concerning these and others in the two categories of missing in action (MIA) and killed in action, body not recovered (KIA-BNR) from the American Expeditionary Force in Russia, as detailed in a November, 1930 memorandum from the U.S. Acting Assistant Chief of Staff, G-2, stated the following:

An administrative determination has been placed on each of their records that they were killed in action on the date they were reported as missing.¹

In other words, all of the men who were MIA were determined to be KIA-BNR on the date they were reported as missing.

Public outcry over this practice resulted in the formation of the 1929 VFW/U.S. Graves Registration Expedition, which was able to identify or account for 86 sets of remains. Many others were never identified. However, given the technical and scientific limitations of forensics in 1929, the amount of time elapsed and the number of nationalities involved, some of the remains may have been misidentified.

¹ Memorandum "To: Acting Assistant Chief of Staff, G-2, Subject: Alleged confinement of American Officers and Soldiers in Russian prisons," November 12, 1930.

In 1921, the *New York Times* reported that

the American prisoners held by the Soviet Government of Russia have been told by the Bolsheviks that they are held because the United States government has not made vigorous demands for their release....²

It was widely known that the Bolsheviks held many American POWs and other U.S. citizens against their will. In fact, the new Soviet Government attempted to barter U.S. POWs held in their prisons for U.S. diplomatic recognition and trade relations with their regime. The United States refused, even though the Soviets had at one time threatened "...that Americans held by the Soviet government would be put to death...."³

President Harding's Secretary of State, Charles Evans Hughes, in response to the Soviets demand for recognition and trade relations in return for U.S. prisoners, said that

the United States will not consider any suggestions of any character from that government until the Americans now held as prisoners are permitted to leave the country.⁴

But several months later the United States concluded the Riga Agreement with the Soviet government to provide humanitarian aid to starving Russian children. The Riga Agreement had specific requirements that the Soviet authorities must release all Americans detained in Russia, and to facilitate their departure. The U.S. Government was expecting 20 prisoners to be released; but U.S. authorities were surprised when 100 Americans were released.⁵

In fact, not all American prisoners held by the Soviets were released. The Soviets held some back, presumably for leverage in any future negotiations with the United States. However, in 1933 when Franklin Delano Roosevelt recognized the Soviet government, these prisoners were not released, and other than the apparent recovery of 19 sets of remains, no satisfactory accounting of the MIA/POWs that were held by the Soviets was made by the United States.

Since an administrative determination had been placed on each of their records that they were killed in action on the date they were reported as missing, as far as the United States government and laws of the United States were concerned, these men were legally dead. Other than to a small number of U.S. government officials with access to the intelligence about these men in Soviet concentration camps and prisons, these men were legally, and otherwise generally considered, to be no longer alive. One such intelligence document dated November 20, 1930 cites an affidavit taken by the U.S. Justice Department of Alexander Grube, a Latvian-American, who was identified

² "Captives' Release Repeatedly Sought," *The New York Times*, April 18, 1921.

³ *ibid.*

⁴ *ibid.*

⁵ Herbert Hoover, Herbert Hoover, An American Epic, Volume III, the Hoover Institution on War, Revolution, and Peace, (Chicago: Henry Regnery Compant, 1961), pp.427-433.

as a "Russian seaman." He had been imprisoned in the Soviet gulag, including in the infamous Lubianka Prison, where he states he saw four American Army officers and 15 American soldiers, and was then transferred to Solovetz Island Prison where he met "many" American soldiers and civilians. Grube further warned the U.S. government that any inquiry made to Soviet officials of specific individuals will result in their immediate execution.

This episode in the history of World War I illustrates succinctly the major problems which still affect attempts to account for and ensure the repatriation of U.S. military personnel captured by Communist regimes in the aftermath of World War II, the Korean War, and the Second Indo-China War: 1) The bureaucratic and legal assertion by the U.S. Government that the men who were MIA were killed in action on the date they were reported as missing or sometime thereafter; 2) the attempts by the Communist regime to use prisoners as barter for economic and diplomatic benefits; 3) the dissimulation and lies of the Communist regime about the existence and location of prisoners; 4) the on-again, off-again return of remains; and 5) where there is no clear military victory over the Communist enemy, the vulnerability of U.S. POW/MIAs who are at the mercy of the reluctance of the enemy and U.S. government to pursue a clear, open policy for their repatriation.

THE AMERICAN EXPEDITIONARY FORCE AND THE EASTERN FRONT

During World War I (1914-1918), military personnel captured by Germany and the Central Powers on the Western Front were returned home when the U.S., British, or Western European allies liberated the POW camps, or after the capitulation of Germany and its allies in November, 1918. An accurate, detailed accounting of these POWs in Europe was possible because the United States, as a member of the Allied Forces, was the victor. Victory afforded American officials complete access to the German records of American POWs and the territory in which they were imprisoned.

However, Russian prisoners who were still held in Central Powers prison camps presented a problem for the Allies after their victory. At the beginning of the war, Russian forces fought with the Allies. But after the Bolshevik revolution of 1917, the Bolsheviks withdrew Russian troops from the fighting after signing the Treaty of Brest-Litovsk with the Central Powers in March, 1918. Some of the Russians held in German camps had Bolshevik sympathies, while others did not. The Allies hoped to sort out the Bolshevik soldiers, and recruit the anti-Bolsheviks to fight against the new regime in Russia. According to a War Department cable:

It is believed that a period of one or two months would suffice to discover which of the soldiers could be used for the work in question and which ones would be too thoroughly imbued with bolshevist [sic] ideas to be trusted. The former could then be sent to the Ukraine and the latter left in concentration camps.⁶

However, once defeated, the Germans could no longer manage the camps, and attempted to turn the Russian POWs loose, letting them head east for the Russian border. But the Allied

⁶ War Department cable No. 1272, Military Intelligence, Subject: RUSSIAN PRISONERS ARRIVING IN FRANCE FROM GERMANY, December 17, 1918.

Commissioners were still afraid of turning them loose for fear that the Russians would join the Red Army, and in February, 1919, the Allies took control of these German camps.⁷

France, in particular, did not want any liberated Russian POWs from Germany "to go into the interior of France, possibly on account of the Bolshevik [sic] danger."⁸ In fact, when the Germans released the Russian prisoners of war, 50,000 of them

found their way to France. They expected a warm welcome from their former allies; they were interned without delay.⁹

The Allies also were apparently concerned about American, British, and French POW/MIAs who might still be held prisoner as a result of combat with the Bolshevik Red Army in northern Russia, and may have wanted the Russian prisoners for bargaining leverage.

After Brest-Litovsk took the Bolshevik forces out of the war, German and Austro-Hungarian forces were free to move into the Ukraine and Baltic states. The German action was perceived by Allied forces as a threat to the northern Russian ports of Murmansk and Archangel, where tons of Allied war material were still stored. Further, the U.S. government wanted to provide for the safe evacuation of Czechoslovak forces who had been fighting with Russia against the Central Powers.

The group of soldiers numbered over 5,000 volunteers and draftees, mostly from Michigan, Wisconsin, and Minnesota. The troops were placed under British command, and, in violation of their stated mission, were used in combat operations in support of the British and French plans to secure that part of Russia from the Germans and the Red Army.

A report from Colonel J.A. Ruggles, the U.S. military attache in Archangel, dated November 25, 1918, lists casualties divided into categories such as Killed In Action (KIA), Missing In Action (MIA), etc.¹⁰ These were casualties from the 339th U.S. Infantry Regiment which had been sent to Archangel in the late summer and early fall of 1918 to serve under British command.

During the winter of 1918, after a series of poorly planned and executed Allied military operations, the Red Army finally prevailed on the field over the heavily outnumbered Allied forces. There were a few spring and early summer victories for the Allies, but in the summer of 1919 Allied forces began to withdraw from Archangel. The 339th Regiment returned to the United States via

⁷ See report of the YMCA, Service with Fighting Men, William Howard Taft, et. al, eds. Associated Press, N.Y. 1922, pp.320-322. "It was exceedingly difficult for these Allied authorities to decide just what should be done with these men. There were a menace to Germany as they were; if they were returned to Russia, they might join the Red forces."

⁸ War Department cable No. 1272, December 17, 1918.

⁹ Service With Fighting Men, pp.320-322.

¹⁰ See telegram to the War Department, Military Intelligence Branch, No. 2045-221, November 26, 1919.

Europe in the summer of 1919. By the spring of 1920, all U.S. and allied troops were out of Soviet territory. During their withdrawal, British forces seized a number of Russian Bolsheviks as hostages to trade for British POWs and MIAs who were still held by the Bolsheviks, and made room for about 5,000 White Russian emigrants who wanted to leave their homeland before the Red Army overran the territory. When Archangel was finally taken by the Bolshevik forces, 30,000 citizens¹¹ were executed by the Cheka¹² forces.

"HUNDREDS WERE MISSING FROM OUR RANKS"

It is difficult to accept the official U.S. accounting of U.S. casualties of the 1918-1919 Northern Russia Expedition, particularly because all men who were MIA were officially determined to be KIA-BNR on the date they were reported as missing. According to several accounts, several hundred U.S., French, and British soldiers were left unaccounted for during the fighting in Northern Russia. Indeed, the official history of the Expedition states there were "hundreds missing from our ranks."¹³ However, official cables from the U.S. military attache at Archangel cited approximately 70 MIAs, excluding French and British missing personnel.

Negotiations with the Bolsheviks for the repatriation of the missing failed. Col. Ruggles stated:

Negotiations for the exchange of prisoners have been terminated by orders from General Pershing, after having been delayed, although under discussion from both sides, through failure of the Bolshevik commander to obtain authority from Moscow.¹⁴

In fact, the Bolsheviks wanted diplomatic recognition in return for the release of Allied POWs; at the suggestion of the U.S. Secretary of State, the U.S. Secretary of War reminded the U.S. Military Attache at Archangel of this fact in a May 12, 1919 letter: "the United States has not recognized the Bolshevik regime as a government either de facto or de jure."¹⁵ The negotiations never resumed.

¹¹ Russia and the West under Lenin and Stalin, George Kennan, (Boston: Little and Brown and Company, 1960).

¹² The Cheka was the all-Russian Extraordinary Commission to Combat Counterrevolution and Sabotage, the Bolshevik's secret police; it was the forerunner of the GPU, the State Political Directorate, which in turn preceded the NKVD, the People's Commissariat of Internal Affairs, which became the KGB, the Committee for State Security.

¹³ Two Company I officers, 1st Lieutenants Dwight Fistler and Albert May, met with Bolshevik officers in an attempt to secure the release of captured Allied servicemen. They recorded the meeting: "We had 500 Russian prisoners. They had seven of ours. We were worried about hundreds of missing from our ranks and arranged a truce to effect an exchange....Negotiation was difficult. Interpreters were not very efficient. But the Reds learned what we were up for, and haggled. The end was, they traded us two of the seven Americans for the 500 Russian soldiers, and we had to toss in a round of cigarettes to seal the bargain. We never did learn what had become of the missing."

¹⁴ Telegram No. 221, "To: Military Intelligence, From: Archangel, U.S. War Department," April 14, 1919.

¹⁵ See a May 12, 1919 letter to the Acting Secretary of State, Frank L. Polk, from the U.S. Secretary of War: "I have the honor to acknowledge receipt of your letter ("NE-M"), dated April 28, 1919, regarding the negotiations with the Bolshevik government in Russia for the exchange of Allied prisoners, referred to in cablegram No. 230 from the Military Attache, Archangel, Russia. In accordance with your suggestion, a cablegram was sent to the Military Attache on May 1, reminding him that the United States has not recognized the Bolshevik regime as a government either de facto or de jure."

Throughout the summer and fall of 1919, 3,315 replacements were sent to Siberia to rotate out many of the original U.S. troops.¹⁶ The 1919 and 1921 reports of the Secretary of War records the casualties for the Archangel fighting and the Siberian expedition as follows:

Killed in Action.....	137 (including 28 presumed killed)
Died of wounds.....	43
Died of disease.....	122
Died of accidental causes.	46
Suicide.....	5
Total deaths.....	353

The totals listed above from the combined 1919 and 1921 official annual reports of the Secretary of War conceal the fact that out of the 144 combat deaths of American soldiers officially reported in 1919 in Northern Russia, 127 of those deaths, or 88% of those official combat death figures were made up of some 70 MIAs declared dead, and another 57 soldiers who were declared KIA-BNR.¹⁷

This fact was left out of the official Secretary of War report on U.S. casualty figures from combat in Northern Russia. The vast majority of these missing men never received a proper accounting. Further, the practice of the Secretary of War of lumping the MIA and the KIA-BNR figures together as those killed in action necessarily calls into question the general credibility of these official figures. One historian makes note that ten U.S. POWs from the Archangel Expedition were repatriated through Finland and Sweden.¹⁸

LUBLANKA PRISON

In fact, there is evidence that some of these men were actually alive and held in prisons and concentration camps in Russia by the Communists. A November 12, 1930 memorandum which detailed an affidavit taken by the U.S. Justice Department from a "Russian seaman" stated:

He arrived March 1, 1927 in Lubianka Prison at Moscow where he saw four (4) American Army Officers and fifteen (15) American soldiers who had been there since 1919...that he subsequently was transferred to Solovetz island Prison where he met many American soldiers and civilians, and names two of them as Mr. Martin or Marten and Mr. G. Heinainkruk, both of whom he thinks are American Army Officers sent to the Island from Vladivostok. He also mentions one Roy Molner whom he states had been a sergeant in the U.S. Army at Archangel from which place he had been sent as a prisoner.¹⁹

¹⁶ Annual Report of the Secretary of War, 1919, Office of the Chief Military History, Washington, p. 25.

¹⁷ Telegram No. 2045-297 "To: Military Intelligence, From: Archangel," February 4, 1919.

¹⁸ Annual Report of the Secretary of War, 1919, p. 74.

¹⁹ War Department Memorandum, "To: Acting Assistant Chief of Staff, G-2, Subject Alleged confinement of American Officers and Soldiers in Russian prisoners," November 12, 1930.

An internal U.S. government letter which evaluates the information provided by the Russian seaman states:

I have looked into this question and find that at least one case that has an important bearing on it, namely the case of William J. Martin, Company A, 339th Infantry, which regiment served in Archangel or North Russian Expedition. Under date of Feb. 3, 1919 a report from Archangel showed Martin missing in action. Under date of March 14, 1921 we made a determination showing: 'Was killed in action January 19, 1919. This determination was no doubt predicated on the unexplained absence of the soldier for about two years [until the KIA-BNR determination was made].' I also found another case which may possibly be involved, it is that of Lindsay Retherford, up in my mind because of the mention by the Russian sailor of Alfred Lindsay. Lindsay Retherford was reported missing and a similar determination [KIA-BNR] was made in his case.²⁰

"THE SOVIET GOVERNMENT IS HOLDING AMERICANS"

Three years later, in 1933, the United States recognized the Bolshevik government. In 1934, 19 sets of remains were reported as "identified" by the U.S. Graves Registration. In the separate 1929 VFW/Graves Expedition 86 remains of the 127 missing or KIA-BNR from battles fought by the American Expeditionary Force at Archangel were claimed to have been identified. This left 41 unaccounted for from the Archangel post. Further, that of the 86 remains "identified," it is likely that a number of these "identifications" stretched the capacity of forensic science at that time.

Refugees from Russia fleeing into Europe during the late 1920s continued to report that a number of Americans were still held by the Soviet government in forced labor camps. It is noteworthy that some of the U.S. troops sent to Archangel were themselves U.S. immigrants from Eastern Europe, or the sons of U.S. immigrants from Eastern Europe who had been drafted into the American Army. It has been speculated that the Soviets kept them because of their national origins, or the national origins of their families.²¹

The U.S. Government did not publicly admit that U.S. military personnel remained in the custody of the Red Army in Russia upon the return of the American Expeditionary Force in Russia. However, on April 18, 1921, the *New York Times* reported:

It has been demonstrated that the Soviet government is holding Americans in the hope that the United States will agree to recognize the Soviet [government] or enter into trade relations with it or release communists from prison in this country....²²

²⁰ See U.S. government letter, "To: Mr. Huckleberry evaluating the affidavit taken by the U.S. Justice Department," November 8, 1930.

²¹ See Benjamin D. Rhodes, The Anglo-American Winter War with Russia, 1918-1919.

²² "Captives Release Repeatedly Sought," *The New York Times*, April 18, 1921.

Three months later, President Harding responded to an appeal from Moscow for "bread and medicine" for the "children and the sick." He instructed a member of his staff, Herbert Hoover, to cable a reply to Moscow that the American Relief Administration would

undertake relief for one million Russian children and provide some medical supplies for their hospitals--but subject to certain conditions.²³

August 20, 1921, a formal agreement between the Soviet Union and the United States, the "Riga Agreement," was concluded. Among the conditions for U.S. aid to the Soviets was the following:

The Soviet Authorities having previously agreed as the absolute sine qua non of any assistance on the part of the American people to release all Americans detained in Russia and to facilitate the departure from Russia of all Americans so desiring, the A.R.A. [American Relief Administration] reserves the right to suspend temporarily or terminate all of its relief work in Russia in case of failure on the part of the Soviet Authorities to fully comply with this *primary* condition....[emphasis added].²⁴

The United States government expected the repatriation of approximately 20 U.S. citizens; but, in fact, more than 100 Americans were repatriated as a result of this agreement.

As Herbert Hoover wrote in his autobiography:

The provision for release of American prisoners was suggested by Secretary Hughes, who informed me the Department knew that there were about twenty of them. More than a hundred American prisoners in Russian dungeons were released on September 1, [1921].²⁵

Even so, reports continued to be received by the Department of State that more Americans were still held in Russia. The discrepancy between the official information in the hands of the U.S. government -- 20 Americans held, and the actual number of more than one hundred released -- gave the U.S. Government its first taste of negotiating for Americans held against their will by Communists.

²³ Herbert Hoover, p. 428.

²⁴ *ibid.* p. 433.

²⁵ *ibid.* p. 433.

WORLD WAR II

World War II was a great military victory for the United States Armed Forces. In both the European and the Pacific theaters, the enemy unconditionally surrendered. However, despite the total victory in Europe by Allied forces, thousands and thousands of U.S. soldiers--perhaps as many as 20,000--were never repatriated from prisoner of war (POW) camps, prisons and forced labor and concentration camps.

These American soldiers were being held in Nazi prison camps, along with other Allied POWs and some Nazi captives, when they were overrun by the Red Army. Thus, hundreds of thousands of Allied POWs who had been held by the Nazis, as well as millions of Western European citizens, or Displaced Persons, came under Red Army control. Indeed, this number increased because General Dwight D. Eisenhower, the Supreme Allied Commander in Europe, decided to stop the U.S. and British drive eastward into Germany, in order to wait for Soviet forces driving West, so that U.S. and Soviet forces could meet in Berlin.

"CREDITS" FOR REPATRIATION

One such American GI was Martin Siegel, who was held prisoner in Stalag IV-B, Muhlberg (a Nazi POW camp in eastern Germany overrun by a Red Army tank battalion).¹ Siegel was the U.S. POWs' intermediary and translator with Major Vasilli Vershenko, the officer in command of the Red Army tank battalion that overran the camp.

The first question the Siegel asked Major Vershenko was, "When were the U.S. POWs to be repatriated?" Vershenko said he was primarily concerned with the "Russian prisoners held in a separate compound at Stalag IV-B" as "they had to be interviewed individually since they felt that there were many 'cowards, traitors and deserters among them and they had to be dealt with expeditiously.'"² Secondly, with regard to the repatriation of U.S. and Allied POWs now under Red Army control, the Soviet Major stated "the Russians and the Americans had agreed to a pact wherein the Russians would receive 'credits' for each American POW returned," and the Soviet officer told Siegel, the repatriation of U.S. POWs was a "complex logistical matter."

¹ Private letter from Martin Siegel, detailing his experiences in a German POW camp overrun by the Red Army, May 17, 1990.

² *ibid.*

The Russian Major's view of the repatriation process for U.S. and Allied POWs under Red Army control for financial or economic 'credits' probably accurately reflected his view of Soviet repatriation policy. In fact, the Russian Major's view paralleled the assessment of the Soviet's repatriation policy by U.S. Major General R.W. Barker. Barker was the Allied Chief Negotiator for the repatriation of Allied POWs under Red Army control. Barker wrote in a report to the Chief of Staff of the Supreme Allied Headquarters that after more than four hours of discussions with his Red Army counterparts

the SHAEF [Supreme Headquarters of the Allied European Forces] representatives came to the firm conviction that British and American prisoners of war were, in effect, being held hostage by the Russians until deemed expedient by them to permit their release. This latter point was further borne out by subsequent events.³

Meanwhile, Siegel, the American GI still held in Stalag IV-B (who is still alive) decided that as a result of

the callousness of his [Major Vershenko's] response and the officious tone in which this information [about repatriation] was given, [it] gave me real pause... That night, my bunkmate, Cpl. William Smith of the 9th Division shared our mutual concerns and [we] decided to take off on our own. The next evening, we 'liberated' two Russian bicycles, got thru a gap in the wire where a Russian tank was parked and took off West to where we thought the American Army would be.⁴

They made it safely to American lines, but only after a "two week adventure" that included making another escape after "being captured by a band of fanatical 'Hitler Youth'" still at large in Soviet occupied Germany.

Siegel and his partner made a wise decision to escape. A cable from the Ninth United States Army to the Supreme Allied Headquarters dated May 17, 1945 describes the deteriorating conditions in Siegel's former POW camp, Stalag IV-B Muhlberg, after the two GIs escaped:

Reports received that 7,000 United States and British ex-PWs formerly in MULBURG [Stalag IV-B] and NOEREISA 8715-E need medical supplies, additional medical attention and food. Many have left because of conditions. Reports indicate camp leader doing all in his power to enforce *stay-put* order. Russians alleged to have threatened to use force to prevent escape. [emphasis added]⁶

Thus, through completely different personal experiences, a GI--Siegel-- and a General -- Barker-- came to essentially the same conclusion about Soviet repatriation policy. The GI risked escape rather than trust the Soviets to repatriate him. The General concluded, and reported to

³ Memorandum by Major General R. W. Barker, "Report on Conference with Russian Officials Relative to Repatriation of Prisoners of War and Displaced Persons," dated May 23, 1945.

⁴ Siegel, as cited.

⁵ Siegel, as cited.

⁶ Cable, "From: CG Ninth United States Army, To: For Action: CG SHAEF FORWARD ATTENTION G-1 PWX, REF NO: KX-21617," May 17, 1945.

Supreme Allied Headquarters that

British and American prisoners of war were, in effect, being held hostage by the Russians until deemed expedient by them to permit their release.⁷

After Siegel--the intrepid GI--and his partner escaped to Allied controlled territory, Siegel found that his

concerns for other prisoners left behind at 1V-B were treated with initial skepticism, then annoyance at my persistence, and finally with reassurances that the matter 'would be investigated.'⁸

It should be noted that Major Vershenko's comments about economic 'credits' were not wholly inaccurate. Weeks before V-E day (Victory in Europe) Soviets had requested a \$6 billion credit line from the United States, the equivalent of \$59.8 billion in 1991 dollars⁹, or slightly more than the U.S. costs for the Gulf War. 'Credits' from the United States, were, in fact, an active Soviet consideration throughout the repatriation period. Indeed, the Secretary of State, prior to a mid-April 1945 meeting with his Soviet counterpart, Commissar Molotov, received a pre-meeting briefing memorandum, one of the points of which was the Soviet request for \$6 billion.¹⁰

"MAKE THEM WORK"

The Soviet rationale for not repatriating Allied soldiers and citizens, however, was motivated by more complex and more repugnant reasons than credits alone. In the memoirs of former Secretary of State under President Truman, James F. Byrnes, there appears an illuminating conversation the Secretary had with Molotov, the Soviet Commissar of Foreign Affairs. In September, 1945, several weeks after Japan's surrender, Byrnes recounted that while in London:

Mr. Molotov came to see me, on instructions from Moscow...[Molotov] wanted to complain of the way in which the surrender terms [with Japan] were being carried out. He complained particularly about the way the Japanese Army was being demobilized. It was dangerous, he said, merely to disarm the Japanese and send them home; they should be held as prisoners of war. We should do what the Red Army was doing with the Japanese it had taken in Manchuria--make them work....No one can say accurately how many Japanese prisoners have been taken to the Soviet Union. In mid-1947, the best guess was that approximately 500,000 were still there.¹¹

⁷ Memorandum, From: Major General R. W. Barker, "Report on Conference with Russian Officials Relative to Repatriation of Prisoners of War and Displaced Persons," May 23, 1945.

⁸ Siegel, as cited.

⁹ Computed by the Congressional Research Service according to Price Index of the Office of Budget Management, in FY 1992 U.S. Government Budget, p. 17, Historical Tables.

¹⁰ State Department memorandum, "To: the U.S. Secretary of State, regarding an upcoming meeting with Soviet Foreign Affairs Commissar Molotov," April 19, 1945. The memorandum contains a list of nine points with a brief description of U.S. policy on each point.

¹¹ James F. Byrnes, Speaking Frankly, (New York: Harper & Brothers Publishers,), pp. 213-214.

The problem of accounting for POW/MIAs was complicated by the fact that the Soviets were just as uncooperative in the repatriation of the millions of displaced civilians. In Europe, as well as in the Far East, the Soviets guarded a sea of prisoners--human capital and slave labor in their view--who were not only Allied and Axis POWs, but also hundreds of thousands of displaced Western European citizens, as well as Eastern European citizens, who desperately wanted to flee from Red Army occupied territory. Nationalities of smaller countries of Western Europe, like the Dutch, and Belgians, as well as formerly Nazi occupied countries like France, tragically, had little military, political or diplomatic leverage with the Soviet government to secure the repatriation of their citizens at the end of the War. As a result, tens of thousands of Dutch and Belgians, and hundreds of thousands of French were never repatriated by the Soviets.

The French in particular bore the brunt the Soviet "make them work" policy. This policy was implemented by the Soviets not only with regard to the Japanese POWs captured in the Pacific theater, but also with regard to hundreds of thousands of French, Dutch, Belgian, and other Western Europeans who were caught in Soviet occupied territory in Europe.

A window through which a glimpse of the fate of these citizens--in this particular case, French POWs--can be seen is the following cable from the Allied Command's Mission in France, to the Supreme Allied Headquarters for all of Europe. Sent May 30, 1945 (Victory in Europe, VE day was May 7, 1945) the cable read:

Accordance your telephone request, cable from Fifteenth Army French Detachment to General CHERRIERE MMFA Hotel CONTINENTAL PARIS of 25 May is paraphrased for your information.

Report of Lt D HAVERNAS, according to *confirmed* reports, Russians still do not release thousands of French ex-PW's and civilians, forcing them to work. Many transferred eastwards to unknown destination. Please inform high authority. 700 ex-PW's are evacuated daily from this area to UDINE. Civilians held under difficult food and accommodation conditions. [emphasis added]¹²

"DISCREPANCY OF OVER 1,000,000 WESTERN EUROPEANS"

The next day, a cable detailing the magnitude of the masses of Allied prisoners of war and displaced citizens held in Soviet territory was sent from Supreme Allied Headquarters signed by Eisenhower, to the U.S. Military Mission in Moscow. Eisenhower wanted an explanation from the Soviets for the slow pace of repatriation of these citizens. The "discrepancies" between the Allies' most up-to-date figures of various displaced Western European citizens and prisoners of war known to be in Soviet occupied territory, and the number actually repatriated by the Soviets, were outlined by Eisenhower.

Latest available displaced persons and prisoners of war figures show almost 1,600,000 Western European (French, Belgian, Dutch and Luxemborgois) either repatriated from or at present held

¹² Cable SECRET ROUTINE, "To: SHAEF FORWARD, From: SHAEF MISSION FRANCE, to SHAEF FORWARD G-5," REF NO: MF-14427, May 30, 1945.

in SHAEF area. Soviet delegates at LEIPZIG conference stated only 300,000 Western Europeans in their area. Combined working party on European food supplies, composed of representatives from UNRRA, SHAEF, USSR, UK, and USA, including Soviet delegate LIUSHENKO, estimated approximately 3,000,000 displaced Western Europeans in enemy-held territory at beginning 1944. This discrepancy of over 1,000,000 Western Europeans is causing the Dutch and French Governments considerable anxiety.¹³

More than two weeks later, Eisenhower sent another cable to the U.S. Military Mission in Moscow with more detailed numbers of "discrepancies". Again, Eisenhower requested a detailed Soviet response to his concerns over these unrepatriated prisoners of war and other Allied citizens in Red Army occupied territory. The cable, dated June 19, 1945, stated:

2. A further approach to the Soviets regarding numbers of western Europeans in Soviet occupied area of Eastern Europe is urgently necessary. About 1,200,000 French have been repatriated. Less than 100,000 remain in SHAEF-occupied area. French insist total POW and displaced persons is 2,300,000. Even allowing for several hundred thousand unaccounted trekkers, discrepancy is still very great. About 170,000 Dutch have been repatriated, with less than 25,000 in the SHAEF area. Total Dutch estimate of deportees is 340,000.¹⁴

"OF PERSONS FROM WESTERN EUROPE..[I]...CAN NOT SAY MUCH ABOUT THEM"

In response to Eisenhower's cable, the U.S. Military Mission in Moscow sent the Soviet government a letter dated June 20, 1945, parts of which are quoted below:

Dear General Golubev:

We have been requested by General Eisenhower to make an urgent appeal to you for an estimate of the number of displaced Western Europeans who are now in Soviet-occupied areas of Eastern Europe.

Thus far, about 1,200,000 French have been repatriated. Less than 100,000 French remain in German areas occupied by British-American forces. This makes a total of 1,300,000 French accounted for, exclusive of those who still remain in Soviet-controlled territory. French authorities insist that the total number of prisoners of war and displaced persons amount to 2,300,000. Even allowing for several hundred thousand unaccounted individuals, there still remains a great discrepancy.

About 170,000 Dutch have been repatriated. Less than 25,000 Dutch still remain in Germany under control of British-American forces. However, the Dutch authorities estimate that there were originally 340,000 Dutch nationals deported, thus leaving a great discrepancy.

¹³ Cable, "TO: US MILITARY MISSION MOSCOW FOR DEANE, FROM: SHAEF MAIN SIGNED SCARF (Eisenhower)," REF NO: S-89942, May 31, 1945.

¹⁴ Cable, SECRET ROUTINE, "TO: US MILITARY MISSION MOSCOW for DEANE FROM: SHAEF MAIN signed SCARF, S-91662," June 19, 1945.

The Belgian authorities also reported a discrepancy but it is comparatively smaller than those of the French and Dutch....¹⁵

In the French and Dutch cases, the "discrepancy" figures are astonishing. Even assuming that a quarter of a million French citizens were "trekkers"--a seemingly exaggerated estimate--heading West to Allied lines, 850,000 French citizens still were not repatriated from Red Army occupied territory.

With regard to the Dutch citizens, assuming one quarter of the total Dutch "discrepancy" number were "trekkers," then some 116,250 Dutch citizens still were not repatriated from Soviet occupied Europe. It is understandable, as Eisenhower stated in an earlier cable to the U.S. Military Mission in Moscow, that these figures were "causing the Dutch and French governments considerable anxiety."

In late June, the U.S. Military Mission in Moscow sent Eisenhower a cable with the Soviet reply. The Soviet reply was not encouraging. The cable read:

Upon receipt of S-91662 dated 19 June, we presented the queries contained therein to [Lieutenant General] GOLUBEV [Soviet Assistant Administrator for Repatriation] and have received the following reply [from the Soviets]:

In answer to your letter of 20 June:

1. I do not have the exact data on the moving around of persons from Western EUROPE and therefore cannot say much about them.

2. I know that there have been freed by the Red Army:

French: About 250,000 of which 202,456 persons have already been sent home and about 50,000 who are getting ready to be sent home.

Belgians: 27,980 persons freed of which 25,920 have been sent home, the remainder in the process of being turned over.¹⁶

The discrepancy between the Soviet numbers for both the French and the Dutch and SHAEF's numbers is unsettling, as is the Soviets' claim that they "cannot say much about" the hundreds of thousands of Western European soldiers and citizens who apparently disappeared in Red Army occupied territory.

¹⁵ See letter, "To Lieutenant General K. D. Golubev, Red Army, Soviet Assistant Administrator for Reparation, From: Major General John R. Deane, Commanding General U.S. Military Mission, Moscow," June 20, 1945.

¹⁶ Cable, "To: SHAEF MAIN FOR EISENHOWER, FROM: US MILITARY MISSION MOSCOW FROM GAMMELL AND DEANE," REF NO: M-24784, June 25, 1945.

"NOT EVEN VERBAL ASSURANCES WERE TO BE HAD"

However, even before Eisenhower had received his reply, the Soviets had informed U.S. military officials at a separate meeting in Halle, Germany, that "all political prisoners held in German concentration camps overrun by the Red Army had been released." Furthermore, Allied officials reported to the Secretary of State with respect to the "category of displaced persons, not even verbal assurances were to be had."

The results of the Allied-Soviet meeting in Halle, Germany, were detailed in a memo sent to the U.S. Secretary of State and is quoted below. The meeting produced an agreement on a plan for repatriation

agreed to by representatives of Supreme Headquarters, Allied Expeditionary Force, and Supreme Command Red Army, at Halle, Germany, May 22, 1945, for the most expeditious overland delivery of Allied and Soviet ex-prisoners of war and displaced persons liberated by the Allied Expeditionary Force and the Red Army. The two delegations were headed Lieutenant General K.D. Golubev, Red Army, Soviet Assistant Administrator for Repatriation, and Major General R.W. Barker, U.S.A., Assistant Chief of Staff, G-1, SHAEF.¹⁷

This meeting, more than any other, determined the fate of hundreds of thousands of people trapped in the Red Army occupied territory of Eastern Europe. This memorandum, which was sent June 1, 1945 to the U.S. Secretary of State, explains that at the Halle, Germany, meeting the Red Army refused to permit the Allies

to fly transport aircraft into Soviet-occupied territory... Although General Golubev would not agree to the incorporation of a paragraph providing first priority delivery of U.S. and U.K. ex-prisoners of war, he gave his most solemn personal assurances that all U.S. and U.K. ex-prisoners of war would, in fact, be given preferential treatment. A request for second priority for Western European ex-political deportees, in accordance with the desires of the Western European governments that such persons be repatriated before their respective ex-prisoners of war and other displaced persons, was countered by the flat assertion that all political prisoners held in German concentration camps overrun by the Red Army had been released and that there were, accordingly, no more political prisoners in Soviet-occupied territory. With respect to this category of displaced persons, not even verbal assurances were to be had.¹⁸

Thus, as far as former political prisoners were concerned, the official Soviet position was that all political prisoners had been released. With regard to the repatriation of displaced persons who found themselves in Red Army occupied territory at the end of the War, "not even verbal assurances were to be had."

¹⁷ Memorandum, SECRET, "To: Secretary of State, From: Heath, Deputy to Robert Murphy, Subject: Overland Exchange of Ex-Prisoners of War and Displaced Persons Liberated by all Allied Expeditionary Force and the Red Army," June 1, 1945.

¹⁸ *ibid.*

"HOUSED NOT IN HUTS BUT IN DUG-OUTS"

The following U.S. intelligence report from OSS-CIG files, dated April-May 1945, may provide some insight into the fate of the hundreds of thousands of French, Dutch, and Belgians of whom the Soviets would not even give "verbal assurances":

1. Informant, a Pole forced to serve in the German Army, was taken prisoner by the Russians in 1944. He was kept for a time in the Transit Camp in KAUNAS, then NINSK until he was deported across SIBERIA to the SEVINSKAYA camp near VLADIVOSTOK. At the end of 1945 - April, he escaped and tried to get to Europe. He was, however, arrested by the NKVD after he had got beyond MOSCOW, and placed in the P.O.W. and Internee Camp in TAMBOV, which was occupied by Germans, French, Americans, British, Dutch, Belgians... The prisoners numbered, in the informants [sic] estimation, well over 20,000; they were both military and civilian, most likely overrun by the Russians during the offensive.

2. All prisoners were forced to work, and the food they were given was very bad and monotonous. They were housed not in huts but in dug-outs.

3. The monotonous food caused some strange disease which made the legs and arms swell... After a time men afflicted with this disease died. Informant was told that more than 23,000 Italians, more than 2,500 French and approximately 10,000 Roumanian [sic] and Hungarian prisoners had died in this manner. There were also many casualties among Poles and other nationalities.

4. Prisoners in this camp included men of very high culture and learning and great experts in many fields of science. Informant observed that German engineers were employed on a special task - the drawing up of blue-prints for a four engined aircraft, which would carry about 500 men and achieve a speed - it was alleged - of 1,000 kilometers per hour. The Russians were extremely interested in these blue-prints, and men working on the invention were granted all possible facilities both in work and the conditions of life in the camp....

5. ...there were also some Belgians and Dutch, and others, including some English men and several score Americans, the presence of whom in this camp is probably unknown to the British and U.S.A. authorities. When he was leaving, these Englishmen and Americans asked him urgently (as did the French officers and men) to notify the Allied authorities of their plight. Informant succeeded in reaching France with a convoy of Allied nationals.¹⁹

"HUNDREDS OF OUR PRISONERS WANDERING ABOUT POLAND"

In anticipation of the hundreds of thousands of soldiers and citizens who would have to be repatriated in the wake of the Western allies and Red Army victory over the Nazi forces, the Western Allies and the Soviets agreed February 11, 1945, at the Yalta Conference to provisions which would expedite their repatriation. These provisions allowed their respective military officers into Allied and Soviet controlled territory at various collection points in each country throughout

¹⁹ Document SECRET, Office of Strategic Services - Central Intelligence Group, report number 49584, titled "U.S.S.R. P.O.W. and Internee Camp near TAMBOV," April- May 1945."

Europe, in order to process, arrange for transportation and otherwise oversee the registration and the care and feeding of the soldiers who were to be repatriated. The locations where these repatriation officers were to be sent was agreed to, as well as that these officers would be assigned liaison officers to assist them in the repatriation process.

Less than a month after the signing of the Yalta agreement, in an U R G E N T TOP SECRET Personal Message to the President, U.S. Ambassador W. Averell Harriman cabled from Moscow:

Since the Yalta Conference General Deane and I have been making constant efforts to get the Soviets to carry out this agreement in full. We have been baffled by promises which have not been fulfilled....²⁰

Specifically, Harriman stated in the same cable "I am outraged" that

the Soviet Government has declined to carry out the agreement signed at Yalta in its other aspects, namely, that our contact officers be permitted to go immediately to points where our prisoners are first collected, to evaluate our prisoners, particularly the sick, in our own airplanes, or to send our supplies to points other than Odessa, which is 1,000 miles from point of liberation, where they are urgently needed.²¹

Furthermore, Harriman in the same cable stated:

For the past ten days the Soviets have made the same statement that Stalin has made to you, [FDR] namely, that all prisoners are in Odessa or entrained thereto, whereas I have now positive proof that this was not repeat not true on February 26, the date on which the statement was first made. This supports my belief that Stalin's statement to you is inaccurate.²²

In fact, Harriman in the same cable wrote:

there appear to be hundreds of our prisoners wandering about Poland trying to locate American contact officers for protection. I am told that our men don't like the idea of getting into a Russian camp. The Polish people and the Polish Red Cross are being extremely hospitable, whereas food and living conditions in Russian camps are poor. In addition we have reports that there are a number of sick or wounded who are too ill to move. These Stalin does not mention in his cable. Only a small percentage of those reported sick or wounded arrive at Odessa.²³

Odessa was a Black Sea port in the Ukraine, through which some 2,900 U.S. soldiers were processed and repatriated. It is the only camp in the entire Soviet occupied zone in Europe in which

²⁰ Cable, U R G E N T, TOP SECRET, "A Personal Message for the President, From U. S. Ambassador to Russia, W. Averell Harriman," March 8, 1945.

²¹ *ibid.*

²² *ibid.*

²³ *ibid.*

U.S. contact personnel were allowed--the Yalta agreement notwithstanding--and was the source of much of Harriman's outrage.

***"GREAT DIFFICULTIES...IN REGARD TO THE CARE AND
REPATRIATION OF OUR LIBERATED POWs"***

Six days later Ambassador Harriman sent another cable to Washington, this time to the Secretary of State, Edward R. Stettinius, Jr. It deserves to be quoted at some length:

I assume the Department has been informed by the War Department of the great difficulties General Deane [head of the U.S. Military Mission to Moscow] and I have been having with the Soviet Government in regard to the care and repatriation of our liberated prisoners of war. In the beginning it appeared that the Soviet authorities were going to interpret our agreement substantially as we did, namely that we be allowed to send our contact officers to several points within Poland to which our prisoners first find their way, to fly in emergency supplies and to evacuate our wounded on the returning trips of the planes, although in Soviet planes rather than United States planes. We obtained authority for one contact team of an officer and doctor to go to Lublin with one plane load of supplies and they have done extremely useful work there. No other teams or supplies have since been permitted and authority for the Lublin team to remain has recently been withdrawn. The Soviets have now contended that Odessa is the only present 'camps and points of concentration' referred to in the [Yalta] agreement to which our contact officers are to be permitted.

...Our prisoners have suffered serious hardships from lack of food, clothing, medical attention, et cetera, in finding their way to concentration points in Poland and on the long rail trip to Odessa because we have been stopped from sending in our contact teams and emergency supplies. A considerable number of sick and wounded are still hospitalized in Olan. I have been urging for the last two weeks General Deane be permitted to survey the situation with a Red Army officer. This was first approved in writing with the qualification that arrangements must be made with Polish authorities. An officer of our military mission informally approached the Polish Embassy here and was advised that no Polish authorization was necessary as it was entirely with the competence of the Red Army. We have been unable, however, to get authorization for Deane's trip.

It seems clear that the Soviets have changed their point of view during the last several weeks and are now rigidly determined that none of our officers shall be permitted in Poland.

I saw Molotov again today about the situation. He maintained that the Soviet Government was fulfilling its obligation under the agreement and both the Red Army authorities and the Polish Provisional Government objected to the presence of our officers in Poland. When I pressed him on what valid objection the Red Army could possibly have, he pointed out that we had no agreement with the Polish Provisional Government. In spite of my contention that this was a Soviet responsibility he kept reverting to the above fact. I then directly asked him if he was implying that we should make such an arrangement with Poles and if so, whether the Red Army would remove its objections. He did not answer this question directly but left me with the impression that he wished me to draw that deduction.

I am satisfied that the objection comes from [the] Soviet Government and not the Provisional Polish Government as our military mission had been in informal contact with the Polish Embassy here who have been extremely cooperative as have all Polish authorities including the Polish Red Cross to our prisoners in Poland.

W O R L D W A R I I

I feel that the Soviet Government is trying to use our liberated prisoners of war as a club to induce us to give increased prestige to the Provisional Polish Government by dealing with it in this connection as the Soviet are doing in other cases. General Deane and I have not (repeat not) been able to find a way to force the Soviet authorities to live up to our interpretation of our agreement. Unless some steps be taken to bring direct pressure on the Soviets, our liberated prisoners will continue to suffer hardships, particularly the wounded and the sick.

...It is the opinion of General Deane and myself that no arguments will induce the Soviets to live up to our interpretation of the [Yalta] agreement except retaliatory measures which affect their interests unless another direct appeal from the President should prove effective. We therefore recommend that the first step be a second request from the President to Marshal Stalin...In the meantime, however, we recommend further that the [State] Department and War Department come to an agreement on what retaliatory measures we can immediately apply in the event an unfavorable answer is received by the President from Marshal Stalin.

Consideration might be given to such actions as, or combination thereof: (One) That General Eisenhower issue orders to restrict the movements of Soviet contact officers in France to several camps or points of concentration of their citizens far removed from the points of liberation, comparable to Lwow and Odessa; (Two) That Lend-Lease refuse to consider requests of Soviet Government additional to our fourth protocol commitments for such items as sugar, industrial equipment or other items that are not immediately essential for the Red Army and the Russian war effort; (Three) That consideration be given to allowing our prisoners of war en route to Naples to give stories to the newspapers of the hardships they have been subjected to between point of liberation and arrival at Odessa and that in answer to questions of correspondents, the War Department explain the provisions of our agreement and the Soviet Government's failure to carry out the provisions of our agreement according to any reasonable interpretation.

I request urgent consideration of this question and the Department's preliminary reaction. General Deane requests that this cable be shown to General Marshall [Eisenhower's second in Command, a British officer at Supreme Allied Headquarters].

HARRIMAN²⁴

President Roosevelt sent the following PERSONAL and SECRET cable for Marshal Stalin on March 18, 1945:

In the matter of evacuation of American ex-prisoners of war from Poland I have been informed that the approval for General Deane to survey the United States prisoners of war situation in Poland has been withdrawn. You stated in your last message to me that there was no need to accede to my request that American aircraft be allowed to carry supplies to Poland and to evacuate the sick. I have information that I consider positive and reliable that there are still a considerable number of sick and injured Americans in hospitals in Poland and also that there have been, certainly up to the last few days and possibly still are, large numbers of other liberated American prisoners either at Soviet assembly points or wandering about in small groups not in contact with Soviet authorities looking for American contact officers.

I cannot, in all frankness, understand your reluctance to permit American contact officers, with the necessary means, to assist their own people in this matter. This Government has done everything to

²⁴ Cable, "To: Edward R. Stettinius, Jr., U.S. Secretary of State, From: Ambassador Harriman in Moscow, No. PH-1449," March 14, 1945.

meet each of your requests. I now request you to meet mine in this particular matter. Please call Ambassador Harriman to explain to you in detail my desires.²⁵

March 22, 1945, President Roosevelt received Marshal Stalin's reply:

I am in receipt of your message about the evacuation of former U.S. prisoners of war from Poland.

With regard to your information about allegedly large numbers of sick and injured Americans in Poland or awaiting evacuation to Odessa, or who have not contacted the Soviet authorities, I must say that the information is inaccurate. Actually, apart from a certain number who are on their way to Polish soil as of March 16, I have today received a report which says that the 17 men will be flown to Odessa in a few days.

With reference to the request contained in your message I must say that if it concerned me personally I would be ready to give way even to the detriment of my own interests. But in the given instance the matter concerns the interest of Soviet armies at the front and of Soviet commanders who do not want to have around odd officers who, while having no relation to the military operations, need looking after, want all kinds of meetings and contacts, protection against possible acts of sabotage by German agents not yet ferreted out, and other things that divert the attention of the commanders and their subordinates from their direct duties. Our commanders bear full responsibility for the state of affairs at the front and in the immediate rear, and I do not see how I can restrict their rights to any extent.

I must also say that U.S. ex-prisoners of war liberated by the Red Army have been treated to good conditions in Soviet camps--better conditions than those afforded Soviet ex-prisoners of war in U.S. camps, where some of them were lodged with German war prisoners and were subjected to unfair treatment and unlawful persecutions, including beating, as has been communicated to the U.S. Government on more than one occasion.²⁶

President Roosevelt apparently accepted Marshal Stalin's explanation since Ambassador Harriman's and General Deane's suggestion to allow

...our prisoners of war en route to Naples to give stories to the newspapers of the hardships they have been subjected to between point of liberation and arrival at Odessa and that in answer to questions of correspondents, the War Department explain the provisions of our agreement and the Soviet Government's failure to carry out the provisions of our agreement according to any reasonable interpretation...²⁷

was rejected. In fact, four days after Marshal Stalin's reply, General George C. Marshall, the U.S. Chief of Staff, issued an order on a "revised policy" to the U.S. Military Mission in Moscow and other Allied European Commands which read:

²⁵ Cable, "From: President Roosevelt, To: Marshal Stalin," March 18, 1945.

²⁶ Cable, PERSONAL and SECRET, "From: Premier J. V. Stalin, To: President Roosevelt," March 22, 1945.

²⁷ Cable, "From: Ambassador Harriman in Moscow, No. PH-1449," March 14, 1945.

Superseding WARK-54401 to Deane and Giles is revised policy publicity liberated prisoners: Individual interviews authorized provided personnel briefed beforehand against disclosure camp intelligence activities, evasion and escape briefings equipment. Censor all stories. Delete criticism Russian treatment....²⁸

This new policy of censoring all stories of Russian mistreatment of U.S. POWs effectively ensured that the public perception of the Soviet Union was that the Soviet Union was a stout ally of the United States. In fact, there was good reason to order the censorship of all stories criticizing Soviet treatment of U.S. POWs that the Red Army had "liberated" from Nazi control. A SECRET OSS report dated June 18, 1945, detailed an

informal interview with Lt. Col. William F. Fenell...who recently returned from Russia where he was stationed at...Odessa, since early this year, mainly as a contact man with the Russians on problems connected with repatriation of American prisoners of war freed by the Russians. Toward the end of his stay he apparently became persona non grata with the Russians for he was suddenly ordered to leave by the American command and take the first boat out of Odessa, regardless of where it was going.²⁹

Under the subtitle of "Treatment of American PWs" the OSS report read:

American PWs freed by the Red Army were in the main treated very shabbily and came to hate the Russians. Many of them were robbed of watches, rings, and other personal possessions which they had managed to retain even after extended periods of captivity under the Germans. Their food at Odessa was very poor, consisting mainly of soup with cucumbers in it and sour black bread. The Russians generally tended to throw obstacles in the way of repatriation, frequently calling off shipments at the last minute and insisting always upon clearance from Moscow for every prisoner released. American PWs at Odessa were guarded by Russian soldiers carrying loaded rifles with fixed bayonets, and Russian security was more stringent there than German security had been in the various Stalags and Oflags. A number of American officers who went to Poland at various times to coordinate the hunt for liberated PWs were ordered out very quickly at Russian insistence.³⁰

Despite the fact that Moscow was clearing the release of every U.S. prisoner held in Red Army territory--literally releasing them one at a time--U.S. forces were ordered:

that no repeat no retaliatory action will be taken by US forces at this time for Soviet refusal to meet our desires with regard to American contact teams and aid for American personnel liberated by Russian forces.³¹

²⁸ Order, "From: Allied Supreme Command, U. S. Chief of Staff, General George C. Marshall, To: the Military Mission in Moscow, and other European commands," March 26, 1945, No. WARX-58751.

²⁹ Office of Strategic Services, Report No. EES/18645/1/22 - USSR - General.

³⁰ *ibid*.

³¹ See copy of orders, "To: Commanding General of the Mediterranean Theater of Operations Allied Force Headquarters Casseta, Italy, From: Headquarters Communication Zone European Theater of Operations US Army Paris, France, signed Major General J. E. Hull," April 20, 1945.

"SOME INCLINATION TO BLACKMAIL US"

The Soviets also refused the British contact teams access to their prisoners in Red Army controlled territory who came under Soviet control when the Red Army overran Nazi prison camps. A British government cable dated April 20, 1945, from the Acting Secretary of State, Sir Orme Sargent, to Lord Halifax, then the British Ambassador to the United States reads

It is clear that Soviet Government will not allow our contact teams into Poland. The Russians deny the existence of any British prisoners of war in Poland but we have evidence that there are prisoners of war concentrated at Cracow and Czestochow and in hospitals. This is a clear breach of the Yalta agreement.... We have therefore turned to the Red Cross channel....³²

The same day that Lord Halifax received the above telegram, Sargent, sent Lord Halifax a telegram which concluded that the Soviets have

some inclination to blackmail us into dealing with Warsaw authorities.³³

In other words, the Soviets were attempting to force the British to give de facto recognition to the Soviet puppet Polish Provisional government, the same demand that Ambassador Harriman believed was being pressed by the Soviet Commissar of Foreign Affairs, Molotov, in order to end the "serious hardships from lack of food, clothing, medical attention, et cetera,"³⁴ of U.S. soldiers, about which Ambassador Harriman cabled the U.S. Secretary of State.

The U.S. and British forces, meanwhile, were living up to the Yalta agreement. Soviet liaison officers were infused into the Allied command structure, and these Soviet officers went about their business of assisting Allied forces to repatriate, forcibly or otherwise, Soviet and Eastern European citizens and soldiers who were in Allied controlled territory. As cable a from Eisenhower's Deputy Commander, a British Marshal, states

that we now have 153 Soviet Liaison Officers working under the direction of Major General Dragun who is charged with the responsibility of assisting us in the problem of repatriation.

2. That each Army Group has an organization to handle repatriation matters, and in these organizations we have woven Soviet Liaison Officers who are doing valuable work.³⁵

³² Telegram, "From: Acting Secretary of State, To: Lord Halifax," No. 3936, April 20, 1945.

³³ Telegram, "From: Acting Secretary of State, To: Lord Halifax," No. 3923, April 20, 1945.

³⁴ Cable, "To: Edward R. Stettinius, Jr., U. S. Secretary of State, From: Ambassador Harriman in Moscow," No. PH-1449, March 14, 1945.

³⁵ Cable, "To: AGWAR, From: SHAEF MAIN, SIGNED TEDDER (Eisenhower's Deputy Commander British Marshal Tedder)," REF NO. S-94080, June 29, 1945.

Soviet liaison officers assisting with repatriations of Soviets in Allied control, were taken to one camp, set up--in accordance with the Yalta agreement--for Soviet citizens and soldiers, in Bari, Italy where, as reported to the U.S. Secretary of State in a TOP SECRET cable:

Russians were permitted and encouraged to set up their own camp administration. Russians of all categories are accepted at Florence camp, outfitted with clothing, PX supplies and same facilities as for United States personnel. After minimum processing they are flown to Bari to await shipment to Russia. When Soviet military missions representatives were taken to inspect both camps, they [Soviet liaison officers] expressed pleasure and said treatment was 'too good.'³⁶

"THEY BEGGED TO BE SHOT....NINE MEN HANGED THEMSELVES"

Less than a week after the Secretary of State received the above cited cable, he received a pre-meeting briefing memorandum to prepare for his meeting with the Soviet Commissar of Foreign Affairs. With regard to the repatriation issue, the Secretary of State was advised to assure Mr. Molotov,

that we have no intention of holding Soviet citizens after the collapse of Germany regardless of whether they desire to return to the Soviet Union or not.³⁷

In other words, the United States was fully committed to the policy of forcible repatriation. The Yalta agreement included the principle of "forced repatriation" of all Soviet citizens, meaning, any Soviet citizen, regardless of whether they wanted to return to the Soviet Union, were forcibly sent back to life under Stalin. This agreement, the Allies initially believed, would result in the repatriation of all of their soldiers and citizens. This provision of the Yalta agreement, in large part, the Allies abided by, despite the fact that hundreds of thousands of those forcibly repatriated to Soviet control were either shot or sent to forced labor camps.

In fact, when Lieutenant General Courtney H. Hodges, Commander, First U.S. Army inquired of Eisenhower's staff at Supreme Allied Headquarters,

as to how much force an Army Commander should use in the control of displaced Russians... Talking with Judge McCloy today, he agreed that of course an Army Commander could use any force necessary to insure the success of his operations.³⁸

³⁶ Telegram, TOP SECRET "To: Secretary of State," Department of State, No. ASB 1304 April 13, 1945.

³⁷ State Department memorandum to the U. S. Secretary of State, regarding an upcoming meeting with Soviet Foreign Affairs Commissar Molotov. April 19, 1945. The memorandum contains a list on nine points and a brief description of U.S. policy on each point.

³⁸ RESTRICTED letter, "To: Lieutenant General Hodges, Commanding, First U.S. Army, From: John C. H. Lee, a Major General on Eisenhower's Supreme Allied Headquarter's staff," April 13, 1945.

Many Soviet citizens did not want to return to Soviet occupied territory, since those Soviets captured by the Germans, and recovered by Allied forces, were often recovered in German work camp uniforms. These Soviets captured by the Germans had been given the option of starving or joining a labor battalion. Most joined German labor battalions. Once repatriated to the Soviet Union, many of these Soviets were imprisoned immediately in slave labor camps. However, the Soviets sent to slave labor camps were considered lucky, since the others were often shot.

As a result, Soviet citizens and soldiers in Allied control were extremely reluctant to be repatriated. The following description is of an attempt by Allied soldiers to repatriate 399 former Russian soldiers by train to the Soviet Union:

All of these men refused to entrain. They begged to be shot. They resisted entrainment by taking off their clothing and refusing to leave their quarters. It was necessary to use tear gas and some force to drive them out. Tear gas forced them out of the building into the snow where those who had cut themselves fell exhausted and bleeding in the snow. Nine men hanged themselves and one had stabbed himself to death and one other who had stabbed himself subsequently died; while 20 others are in the hospital for self inflicted wounds. The entrainment was finally effected of 368 men who were sent off accompanied by a Russian liaison officer on a train carrying American guards. Six men escaped enroute. A number of men in the group claimed they were not Russians....³⁹

SOVIETS DENY ACCESS TO CAMPS IN PACIFIC THEATRE

In the Pacific theater, even though the Soviets were late-comers in the war effort against Japan, they managed to take control of territory just across the Soviet Union's contiguous borders with Manchuria, China--as well as the northern islands of Japan. In doing so, the Soviets were able to seize some Japanese POW camps holding Allied prisoners.

In 1945, during the closing days of the war with Japan, U.S. military intelligence "Mercy Teams" were sent into China and Manchuria to arrange for the well-being of the Allied POWs in Japanese camps. Generally, Japanese troop commanders cooperated with the Mercy Teams, but the Soviets (as in Europe) and Chinese Communists denied Mercy Teams access to camps in areas under their control.

A cable from the Secretary of State to the United States Political Adviser for Germany states that the State Department "has been anxious in handling" the return of Soviet citizens and soldiers from Western Europe "to avoid giving the Soviet authorities any pretext for delaying the return of American POW's of Japanese now in Soviet occupied zone, particularly Manchuria."⁴⁰

³⁹ Memorandum, "To: the United States Political Advisor for Germany (Murphy), From: Mr. Parker W. Buhrman, Munich," January 28, 1946.

⁴⁰ Telegram, "To: the United States Political Advisor for Germany (Murphy) at Berlin, From: Secretary of State, No. 740.62114/8-2745," August 29, 1945.

The Soviets even sent a delegation to Hanoi to forcibly repatriate any French Foreign Legionnaires POWs in custody of the Japanese who were identified as citizens of the Soviet Union, or as citizens of any of the east bloc nations, were surrendered by the Allies to the Soviets.⁴¹

"76,000 AMERICAN POWs STILL...WITHIN RUSSIAN ZONE"

Five days after victory was announced in Europe (V-E day) the Associated Press, from Allied Advance Headquarters in Reims, France reported that

Nearly half of the estimated 200,000 British and 76,000 American prisoners of war still in Germany are believed to be within the Russian zone of occupation and Supreme Headquarters has twice requested a meeting or an agreement to arrange their return.⁴²

Ten days later, a meeting between the Soviet and Allied command took place. The meeting, at Halle, Germany, on May 22, 1945, was

for the purpose of conferring with representatives of the Russian High Command on the matter of repatriation of prisoners of war and displaced persons.⁴³

Lieutenant General K.D. Golubev, Red Army, Soviet Assistant Administrator for Repatriation, led the Soviet delegation, and Major General R.W. Barker, U.S.A., Assistant Chief of Staff, G-1, SHAEF led the Allied delegation.

One of the points of discussion at this meeting was the failure of the Soviets to provide U.S. and British liaison officers permission to visit their fellow soldiers who were formerly POWs held by the Germans and who were now being held in camps in Red Army occupied territory. In a cable from Eisenhower's Deputy Commander, British Marshall Tedder, to various Allied Command officials and U.S. diplomats, Marshall Tedder describes Soviet duplicity and policy on this matter:

Before the HALLE Conference we had made numerous attempts to visit PW Camps in the Russian Zone and always met a firm refusal. After the HALLE Conference General GOLEBEV asked to visit Camps where Russians were being kept. We agreed and asked him for permission to visit Camps in the Russian Zone. He agreed to allow 1 of our Officers to visit 5 Camps. One of my

⁴¹ Archimedes L. A. Patti, Why Viet Nam? Prelude to America's Albatross, pp. 4, 141-147, and 178-179 on the deliberate shooting of U. S. Army Captain John Birch, the head of a Mercy Team, by Chinese Communists troops denying him access to a POW camp under their control.

⁴² "SHAEF Asks Russians About Freed PW's," Associated Press dispatch, ADVANCE HEADQUARTERS, Reims, France, May 12, 1945.

⁴³ Report, "From: Major General R.W. Barker, Subject: Report on Conference with Russian Officials Relative to the Repatriation of Prisoners of War and Displaced Persons, To: The Chief of Staff, Supreme Headquarters, AEF (Allied European Forces)," May 23, 1945.

representatives started on the trip accompanied by a Russian Major who stated he had the necessary orders. After visiting the first and nearest Camp the Russian Officer produced orders signed by General GOLUBEV restricting our Officers visit to the one Camp. This is the only instance of Soviet authorities permitting US or British Officers to visit Camps in their area, which is in sharp contrast to the liberal policy pursued by us.⁴⁴

"AMERICAN POWs WERE, IN EFFECT, BEING HELD HOSTAGE"

From the beginning of the six day conference in Halle, Germany, it was for the Allies, a difficult meeting. In his post meeting report, Barker wrote:

When the Russian Mission was finally assembled it numbered some forty officers and forty to fifty enlisted men. Among the Russian officers were one Lieutenant General and six Major Generals. The Russian party arrived in requisitioned German vehicles of all makes, and American type armored car, fully equipped [armed], and a radio truck, which was in operation most of the time. All Russian male personnel were heavily armed with pistols, sub-machine guns and rifles.⁴⁵

The meeting began with the Soviets refusing to allow repatriation of Allied soldiers by air transport, which made the entire repatriation process much more cumbersome and logistically difficult. As Barker described:

After opening statements...I proposed the immediate initiation of steps looking toward prompt release and return to Allied control of all British and American prisoners of war then in Russian custody, using air and motor transport. This proposal was firmly resisted by General GOLUBEV, who cited all manner of local administrative difficulties which precluded the operation. He stated that serviceable airfields did not exist, which was known by myself to be not the case and I so informed him. The Russian position was very clear that neither now, nor at any time in the future, would they permit Allied airplanes to be used for the movement into or out of their territory of prisoners of war or displaced persons, except 'Distinguished persons, sick and wounded.'⁴⁶

After the initial meetings with the Soviets, lower level discussions were held by the parties in an attempt to work out mutually acceptable arrangements. However, as Barker wrote, these meetings "having proven futile," the decision was made that all discussions were to be

carried on directly between the heads of the Missions, with certain members of their respective parties in attendance. On the Russian side, those present numbered normally from twenty to twenty-five, including several general officers. The SHAEF representatives in attendance normally were myself, General MICKELSEN, Brigadier VENABLES and two to four representatives of the technical services.⁴⁷

⁴⁴ Cable, SECRET, "To: AGWAR FOR WARCOS, From: SHAEFMAIN, SIGNED TEDDER, REF. NO: S-94080," June 29, 1945 describing camp visit incident in late May, 1945.

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ *ibid.*

Barker wrote that it was after the first four-hour session of the meeting in Halle, Germany that

the SHAEF [Supreme Headquarters of the Allied European Forces] representatives came to the firm conviction that British and American prisoners of war were, in effect, being held hostage by the Russians until deemed expedient by them to permit their release.⁴⁸

This is the first high level report that openly suggested that the Soviets may not repatriate all of the Allied POWs in Red Army occupied territory. In fact, after six days of meetings with the Soviets, Barker concluded that

There is every indication that the Russians intend to make a big show of rapid repatriation of our men, although I am of the opinion that we may find a reluctance to return them all, for an appreciable time to come, since those men constitute a valuable bargaining point. It will be necessary for us, therefore, to arrange for constant liaison and visits of inspection to 'uncover' our men.⁴⁹

"ONLY SMALL NUMBERS OF U.S. POWs STILL REMAIN IN RUSSIAN HANDS"

On May 19, four days before the start of the Halle meeting, a cable signed by Eisenhower at the Allies Supreme Headquarters, stated that:

Numbers of US prisoners estimated in Russian control 25,000.⁵⁰

After the Halle meeting, given Barker's conclusion that British and American prisoners of war were, in effect, being held hostage by the Russians and that the Soviets were reluctant to return them all, for an appreciable time to come, since those men constitute a valuable bargaining point," the return of all US and British POWs held in Red Army occupied territory appeared to be in serious doubt.

Furthermore, a TOP SECRET May 31, 1945 letter from Major General John R. Deane, the U.S. Army Commanding General of the U.S. Military Mission in Moscow to Lt. General Slavin, the Assistant Chief of the Red Army in Moscow indicated that the Soviets were still holding over 15,500 U.S. "liberated" POWs. Deane's letter stated:

I have had a cable from General Marshall in which he states he has received information which indicates that 15,597 United States liberated prisoners of war are now under control of Marshal Tolbukhin.⁵¹

⁴⁸ *ibid.*

⁴⁹ *ibid.*

⁵⁰ Cable, SECRET PRIORITY, "To: AGWAR, From: SHAEF MAIN SIGNED EISENHOWER, REF. NO: S-88613," May 19, 1945.

⁵¹ Letter, TOP SECRET, "To: Lt. General Slavin, Assistant Chief of Staff of the Red Army, People's Commissariat for Defense, Moscow, U.S.S.R., From: Major General John R. Deane, U.S. Army, Commanding General, U.S. Military Mission, Moscow, No. 1009," May 31, 1945.

On May 30, 1945, more than three weeks after Germany surrendered, General Kenner, Eisenhower's Surgeon General at SHAEF Headquarters, received a memorandum on the subject "Displaced Persons, Allied ex-PW and German PW."⁵² The following accounting from the Kenner memorandum detailed the number of Allied ex PW and Displaced Persons Allied Supreme Command reported were being held captive in territory occupied by the Red Army on May 30, 1945:

2. Russian Sphere.

	<u>PW</u>	<u>DP</u>
Belgian	50,000	115,000
Dutch	4,000	140,000
British	20,000	
U.S.	20,000	
French	250,000	850,000

The Kenner memorandum, dated May 30, 1945, stated 20,000 Americans remained under Red Army control. Major General Deane requested information from the Assistant Chief of the Red Army in Moscow about over 15,500 Americans the Soviets were believed to be holding in a letter dated May 31, 1945. Therefore, it is difficult to reconcile these facts with a cable signed by Eisenhower on June 1, 1945, which read:

C. It is now estimated that only small numbers of U.S. prisoners of war still remain in Russian hands. These no doubt are scattered singly and in small groups as no information is available of any large numbers in specific camps. They are being received now only in small driblets and being reported as received.

Everything possible is being done to recover U.S. personnel and to render accurate and prompt reports thereon to the War Department.⁵³

The claim of the second Eisenhower cable that "only small numbers of U.S. prisoners of war still remain in Russian hands" and that these "no doubt are scattered singly and in small groups as no information is available of any large numbers in specific camps," directly contradicts the information in the Kenner memorandum which states, a mere 48 hours earlier, that 20,000 U.S. POWs were still being held by the Red Army. Furthermore, it directly contradicts the information in General Deane's letter dated the day before that "information which indicates that 15,597 United States liberated prisoners of war are now under control of Marshal Tolbukhin." Given the contents

⁵² Memorandum, "To: General Kenner, Eisenhower's Surgeon General at SHAEF Headquarters, Subject: Displaced Persons, Allied ex-PW and German PW, No. SHAEF 383.6-2 MED," May 30, 1945.

⁵³ Cable, "To: AGWAR, From: SHAEF FORWARD, SIGNED EISENHOWER, REF. No. FWD-23059," June 1, 1945.

of Major General Dean's TOP SECRET letter, and given the contents of the Kenner memorandum, the Eisenhower cable of June 1 appears to be an attempt to gloss over a serious problem.

At any rate, the Eisenhower cable was merely following the official U.S. news propaganda line. On the same day as the cable stating "only small numbers of U.S. prisoners of war still remain in Russian hands," *The New York Times* reported the War Department had announced that

'substantially all' of the American soldiers taken prisoner in Europe are accounted for, Under-Secretary Robert P. Patterson said 'This means that it is not expected that many of those who are still being carried as missing in action will appear later as having been prisoners of war.'⁵⁴

In other words, on June 1, 1945, the U.S. government's public position was that most American GIs taken prisoner have come home and been repatriated, even though the classified cable traffic for the previous fortnight was reporting between 15,000 and 20,000 still held.

"ITEMS 'POWs (Current Status)'... ARE STILL LARGE"

On June 5, 1945, Allied command, from its headquarters in Paris, France, announced that 25,000 of some 90,000 men who had returned from German POW camps after the Allied military victory were men who had been listed as Missing in Action (MIA).⁵⁵ Given that 90,000 U.S. soldiers had returned at the time of the announcement, and that the U.S. War Department, for the European Theater had records of 77,500 U.S. "Prisoners Taken," 102,500 Americans should have returned from Europe, not 90,000.⁵⁶

In other words, the sum of 77,500 known POWs and 25,000 returned MIAs equals 102,500 American soldiers; however, only some 90,000 were repatriated. These numbers may be summarized in tabular form:

$$\begin{array}{rcccl} \text{Total Prisoners} & + & \text{Repatriated} & = & \text{Total To Be} \\ \text{Taken} & & \text{MIAs} & & \text{Repatriated} \\ \\ 77,500 & + & 25,000 & = & 102,500 \end{array}$$

However, the total number of men who were repatriated in June, 1945, were only 90,000. The net number not repatriated, therefore, is as follows:

⁵⁴ "10,000 Ex-Captives Coming by Week-End; Army Sees All in Europe Accounted For," *The New York Times*, June 1, 1945.

⁵⁵ "25,000 Missing U.S. Soldiers Turn Up Alive," *New York Herald Tribune*, June 6, 1945.

⁵⁶ See chart "CAPTURED OR INTERNED UNITED STATES ARMY PERSONNEL," December 7, 1941 - October 31, 1945, compiled by the Statistical Branch, Department of Defense, January 7, 1946.

Total To Be - Actual = Total Not
Repatriated Repatriated Repatriated

102,500 - 90,000 = 12,500

The conclusion is that even a rudimentary assessment of the Allies' own figures suggests that some 12,500 Americans were never repatriated from Red Army controlled territory.

However, the 12,500 figure is significantly lower than the 20,000 POWs known to be in Soviet control as detailed in the Kenner memorandum, which was written 48 hours before the War Department's announcement that "it is not expected that many of those who are still being carried as missing in action will appear."⁵⁷

Was the figure of 20,000 U.S. POWs still held in Red Army occupied territory cited in the SHAEF memorandum to General Kenner correct? Was the real figure closer to 12,500 Americans kept as slave laborers and hostages by the Red Army, as indicated by the Allies own public figures announced by Lt. Colonel Schweitzer? Or, was the correct number of American soldiers not repatriated by the Soviets the figure cited by Major General Deane, in his May 31, 1945 letter to the Soviets, that "indicated" 15,597 American soldiers were under the control of Marshal Tolbukhin?

On February 25, 1946, some eight months later, the Chief of the Strength Accounting Office, in the War Department's Chief of Staff Office, transmitted to the National Headquarters of the Red Cross in Washington, D.C., a "chart showing Missing in Action (including captured) U.S. Army personnel for the period 7 December 1941, through 31 December 1945."⁵⁸

In his letter Ballard stated:

It will be noted that the items "Prisoners of War (Current Status)" and Missing in Action (Current Status)" are still large. The reason of course is that as of 31 December 1945 these categories reflected latest definite reports available for statistical compilation, and the situation to date has not materially changed. You will appreciate that for statistical purposes these casualties cannot be moved to other categories until detailed disposition records have been processed. In many cases, final disposition must await a legal determination of death under PL 490 which may take up to next September, even though investigation to date leaves little logical doubt that a given man is permanently lost....

The foregoing data was classified "Restricted", but has been approved for release to you.⁵⁹

⁵⁷ See "10,000 Ex-Captives Coming By Week-End; Army Sees All in Europe Accounted For," *The New York Times*, June 1, 1945.

⁵⁸ Letter, To: Maurice Fate, Esq., Director, Relief to Prisoners of War, National Headquarters, American Red Cross, Washington, D.C., From: L.L. Ballard, Jr., Lt. Col., Chief, Strength and Accounting and Statistical Office, OCS (Office of the Chief of Staff)," February 26, 1946.

⁵⁹ *ibid.*

The chart enclosed with Ballard's letter revealed the following statement, as of December 31, 1945, for the German theaters:

<u>Captured</u>		<u>Other Missing in Action</u> ⁶⁰	
		<u>MIA</u>	
<u>Returned to</u>	<u>P.O.W.</u>	<u>Declared</u>	<u>(Current</u>
<u>Mil. Control</u>	<u>(Curr. Stat)</u>	<u>Dead</u>	<u>Status)</u>
90,937	5,414	11,753	2,997

***"LITTLE LOGICAL DOUBT THAT A GIVEN MAN IS
PERMANENTLY LOST"***

Figures for "Prisoners Not Returned to Military Control," compiled by the Statistical Branch of DOD list 6,595 men in that category as of October 31, 1945.⁶¹ According to the cable above, as of December 31, 1945, 5,414 men were still listed as "P.O.W. (Current Status)". Therefore, between October 31, 1945 and December 31, 1945 the U.S. Department of Defense figures for "Prisoners Not Returned to Military Control" decreased from 6,595 to the number listed above, 5,414.

Because the number of U.S. prisoners repatriated between October 31, 1945, and December 31, 1945, totalled only 435, (stragglers, no doubt) the decrease in the number of prisoners listed in the P.O.W. (Current Status) category from 6,595 to 5,414 cannot be explained merely by the repatriation of 435 POWs still returning from Red Army occupied territory. This still leaves a decrease of 646 men from P.O.W (Current Status) unexplained.⁶²

The remaining decrease in the number of men still listed as POWs (646) can, however, be explained by the War Department issuing Presumed Findings of Death for these individuals. In fact the numbers in the category of known POWs not returned in June, 1945 were likely close to 20,000, as the Kenner Memorandum stated.

This number would not include MIAs, but only known POWs.

By the end of October, the War Department was likely able to make legal Presumed Findings of Death in the majority of these cases, leaving the number of "Prisoners Not Returned to Military Control" not 12,500, but 6,595.

⁶⁰ Chart, "MISSING IN ACTION U.S. ARMY PERSONNEL," German and Japanese Theaters, December 7, 1941 - December 31, 1945, Source: "Battle Casualties of the Army" January 1, 1946, from the Strength Accounting and Statistics Office, February 25, 1946.

⁶¹ See chart "CAPTURED OR INTERNED UNITED STATES ARMY PERSONNEL," dated December 7, 1941 - October 31, 1945, compiled by the Statistical Branch, Department of Defense, January 7, 1946.

⁶² Roughly only 1,000 POWs were repatriated in the last half of 1945.

The figure of 11,753 Declared Dead under the category Other Missing in Action, in the chart of casualty figures for December 31, 1945, actually represent Presumed Findings of Death (PFDs), as authorized by U.S. law. These PFDs were made from both the MIA (Current Status) list and the P.O.W. (Current Status) list, decreasing the numbers in those categories and increasing the number in the Declared Dead category.

As a result, Lt. Col. Ballard felt obligated to explain to the Director of the Relief to Prisoners of War of the Red Cross that for "statistical purposes" the numbers in the Prisoner of War (Current Status) and the Missing in Action (Current Status) were "still large." Ballard explained to the Red Cross that "these casualties cannot be moved to other categories" until each man can be found, legally, to be dead. This finding of death occurs, as Lt. Col. Ballard points out, after an "investigation to date leaves little logical doubt that a given man is permanently lost."⁶³

The most striking aspect of these documents is the revelation that the War Department's Chief of the Strength Accounting and Statistic Office, in the Office of the Chief of Staff of the War Department, main function was to resolve each outstanding case by determining--as soon as enough time elapsed to make it legally possible--that each man is "permanently lost," and therefore, dead.

The thrust of the War Department's efforts were not in the direction that most Americans would expect their government to proceed; that is, to make a thorough effort to determine the fate of each man. Given the obvious and observed policy by the Soviet government to hold citizens and soldiers from Western countries, known to senior U.S. officials, Lt. Col. Ballard's efforts should have been concentrated on determining where the Soviets were holding these men, and not merely to "await a legal determination of death under PL 490 which may take up to next September."

Thus, the bureaucratic precedents created in World War I in the cases of "presumed dead" among these missing from the American Expeditionary force were once again followed. Thousands of U.S. personnel who were known to be POWs held by the Germans in World War II, but, were not repatriated once the territory they were being held in was occupied by Red Army, and were legally determined to be dead.

"NO INFORMATION IS AVAILABLE OF ANY LARGE NUMBERS"

Where were these thousands of Americans and hundreds of thousands of Europeans? Nearly a month after the Eisenhower cable claimed that "only small numbers of U.S. prisoners of war still remain in Russian hands" and that these "no doubt are scattered singly and in small groups as no information is available of any large numbers in specific camps," Eisenhower sent a SECRET PRIORITY cable to General Deane in Moscow which read

⁶³ Letter, To: Maurice Fate, Esq., Director, Relief to Prisoners of War, National Headquarters, American Red Cross, Washington D.C., From: L.L. Ballard Jr., Lt. Col., Chief, Strength and Accounting and Statistical Office, OCS (Office of the Chief of Staff), February 26, 1946.

Possibility that several hundred American prisoners of war liberated from Stalag Luft 1, Barth, are now confined by the Russian Army in the Rostock area pending identification as Americans is reported by an American who recently returned from such confinement.

S/Sgt. Anthony Sherg was one of 1000 air force officers and non-commissioned officers who left Stalag Luft 1 immediately prior to assumption of control in Barth by the Red Army in order to obtain rumored air transport from Wismar. The group of ten in which Sgt Sherg travelled was arrested by Russian soldiers and held in jails in Bad Dorberan, then Rostock. Ten other Americans were soon under similar circumstances in Rostock.

Russian authorities demanded identification papers, which no prisoner possessed, and refused to consider dog tags proof of the Americans' status. The Americans were well fed and well treated but Sherg complains there was no disposition to speed identification and evacuation. After 25 days he escaped from jail and made his way to British Forces.

From his own observations and conversations with other former prisoners he believes several hundred Americans may be held in like circumstances in the Wismar-Bad Doberan-Rostock Area.⁶⁴

"LAGER CONFINES WILL NEVER BE REPATRIATED"

In fact, there continued to be many reports of Americans being held by the Soviets. For example, the catalogue of the National Archives lists a memorandum from the State Department Special Projects Division, date February 6, 1946, regarding a conversation between Colonel Kavanaugh, from War Department and Captain George, and Mr. Baily, regarding Doolittle fliers interned by the Soviet Union.⁶⁵ These fliers were never repatriated.

Again, a letter to the leader of France's National Constituent Assembly dated August 17, 1946 from the Deputy of the Bas-Rhin stated:

I have brought to the attention of the Minister for ex-Prisoners of War the testimony of Mr. Joseph Bogenschutz, 55 Grand Rue, at Mulhouse (Haut Rhin), who was repatriated on last July 7 from Russia, from Camp 199-6 at Inskaya, which is 70 kilometers from Novisibirsk[...]Bogenschutz states that he wrote at least three cards a month through the Red Cross (Red Crescent) since September 1944 and that none of these cards ever arrived. Bogenschutz, in addition thereto, alleges that there still remain American, British, Belgian, Polish, Rumanian Luxemburg, etc. nationals in the Camp.⁶⁶

⁶⁴ Cable, "To: DEANE MOSCOW, HQ 21st ARMY GROUP cite SHGAP signed SCARF (Eisenhower), From SHAEF MAIN, No. 6590," June 25, 1945.

⁶⁵ Listed in the catalog of the National Archives as Memo No. FW 740.00114 PW. However, the actual document is missing. The Doolittle flyers were crew members of the daring surprise "Doolittle raid" on Tokyo, a one-way bombing mission in April, 1942 by 16 B-24 bombers, from the aircraft carrier USS Hornet.

⁶⁶ Copy of translation of a letter written on Republic of France's National Constituent Assembly stationery, Paris, dated August 17, 1946, signed Henri Meck, Deputy of the Bas-Rhin.

W O R L D W A R I I

Another example is a report from the Headquarters of the United States Forces in Austria, to the Director of Intelligence, the General Staff of the U.S. Army, dated June 15, 1946 which stated:

SUBJECT: USSR - American Army Personnel in Confinement

SUMMARY OF INFORMATION

The following information was obtained from a former forced laborer who claimed to have been confined in an unregistered lager with Subject personnel. Informant claimed to have been released through an error committed by the commandant of the Moscow hospital where she was transferred because of infantile paralysis.

Approximately 60 km from Moscow, in the direction of Kaline, there is an unregistered labor camp. The confinees, 150 men and 50 women, work in coal mines in the vicinity of the camp. Among those confined are 3 American Air Force soldiers who were captured by the German Wehrmacht, Czechoslovakia, during, April 1945. These men are:

Charlie, 21 years, 170 cm, blond, blue eyes, has paralyzed right shoulder.

Joe...165 cm, dark blond, dark eyes, has stomach wound and is confined in lager infirmary.

Albert, 27 years, 170 cm, black hair, brown eyes, has stiff left hip and burn scar on left side of face, is from Texas.

The lager confinees will never be repatriated and are not permitted to write letters.⁶⁷

The reasons that the Soviets kept U.S. POWs and other Western European citizens and POWs are difficult for the citizens of free countries to fathom. However, one may speculate on at least five explanations:

First, for economic concessions, or as Major Vershenko stated, for 'credits.'

Second, to satisfy the Soviet view--as described by Molotov--that it "was dangerous" merely to disarm an adversary (or in the case of the U.S., an ally who may be a future adversary) but it was also necessary to "make them work."

Third, as a source of slave labor to rebuild their industrial base.

Fourth, as the British cable stated, to satisfy the Soviet "inclination to blackmail us into dealing with Warsaw authorities" and for other political concessions.

Fifth, to ensure that the Allies forcibly repatriated Russian and other eastern European citizens who did not wish to return to their countries under Soviet control.

⁶⁷Memorandum, CONFIDENTIAL, "To: Director of Intelligence, General Staff, U.S. Army, Washington D.C. From: C. P. Bikel, Colonel GSC, Director of Intelligence for the Headquarters, United States Forces in Austria," July 13, 1948.

W O R L D W A R I I

The daughter of one such U.S. Army officer--Major Wirt Thompson--was never told that in 1955 a German POW repatriated from the Soviet concentration camp system reported to the United States government that while he was in prison, he met her father. The German repatriate told American officials that Thompson told him that he had been imprisoned at Budenskaya prison near Moscow, and also in the Tayshet labor camp after World War II. Not only was Thompson's daughter "overwhelmed" when she found out early in 1991 that this information existed, but she wondered how her family could have been told by the United States government in 1944 that Major Thompson had been killed in action, body not recovered.⁶⁸

⁶⁸ See "Men Who Never Returned," Editorial, *The Washington Times*, March 13, 1991.

THE KOREAN WAR

Unlike the result in World War II, Allied forces did not achieve a military victory in Korea. The Korean War ended at the negotiating table between Communist North Korean representatives and United Nations representatives.

With regard to POW repatriation, the North Koreans initially demanded an "all-for-all" prisoner exchange. The United States was reluctant to agree to this formula based on its World War II experience with the Yalta agreement and mandatory repatriation, knowing that thousands of those forced to return to the Soviet Union were either shot or interned in slave labor camps, where most of them died. After two long years of negotiations, the North Koreans agreed to the principle of voluntary or "non-forcible repatriation." This agreement stated that each side would release only those prisoners who wished to return to their respective countries.

Operation BIG SWITCH was the name given to the largest and final exchange of prisoners between the North Koreans and the U.N. forces, which occurred over a one-month period from August 5, 1953 to September 6, 1953.¹ Chinese and North Korean POWs were returned to North Korea, and U.S. and other U.N. troops were returned to South Korea. Approximately 14,200 Communist Chinese POWs elected not to return to the Peoples Republic of China; while 21 American POWs elected to stay with the Communist forces, and likely went to China. These 21 Americans are defectors and obviously are not considered as unrepatriated U.S. POWs.

However, U.S. government documents state that the U.S. government knew that nearly one thousand U.S. POWs--and an undetermined number of some 8,000 U.S. MIAs--were still held captive after operation BIG SWITCH and were not repatriated at the end of the Korean War. These U.S. POWs were never repatriated.

Three days after the start of operation BIG SWITCH, the *New York Times* reported that

Gen. James A. Van Fleet, retired commander of the United States Eighth Army in Korea, estimated tonight that a large percentage of the 8,000 American soldiers listed as missing in Korea were alive.²

¹ Korean War Almanac, Harry G. Summers, Jr., Colonel of Infantry, Facts on File, pp. 33,62.

² "8,000 Missing, Van Fleet Says," *The New York Times*, August 8, 1953.

"LEAVES A BALANCE OF 8,000 UNACCOUNTED FOR"

A report by the U.N. Combined Command for Reconnaissance Activity, Korea, five days into operation BIG SWITCH, stated:

"Figures show that the total number of MIAs, *plus known captives, less* those to be US repatriated, leaves a *balance* of 8,000 unaccounted for." [emphasis added]³

The report mentions numerous reports of U.N. POWs who were transferred to Manchuria, China, and the USSR since the beginning of hostilities in Korea.⁴ Specifically, the report stated

many POWs transferred have been technicians and factory workers. Other POWs transferred had a knowledge of Cantonese and are reportedly used for propaganda purposes.⁵

The number of known U.S. POWS not repatriated from the Korean War was cited by Hugh M. Milton II, Assistant Secretary of the Army in January, 1954, in a memorandum he wrote four months after the conclusion of operation BIG SWITCH. Section 3, Part B reads:

B. THE UNACCOUNTED-FOR AMERICANS BELIEVED TO BE STILL HELD ILLEGALLY BY THE COMMUNISTS (SECRET)

1. There are approximately 954 United States personnel falling in this group. What the Department of the Army and other interested agencies is doing about their recovery falls into two parts. First, the direct efforts of the UNC Military Armistice Commission to obtain an accurate accounting, and second, efforts by G2 of the Army, both overt and covert, to locate, identify, and recover these individuals. G2 is making an intensive effort through its information collection system world-wide, to obtain information on these people and has a plan for clandestine action to obtain the recovery of one or more to establish the case positively that prisoners are still being held by the Communists. No results have been obtained yet in this effort. The direct efforts of the UNC [United Nations Command] are being held in abeyance pending further study of the problem by the State Department....

2. A further complicating factor in the situation is that to continue to carry this personnel in a missing status is costing over one million dollars annually. It may become necessary at some future date to drop them from our records as 'missing and presumed dead.'⁶[emphasis added]

³Report, U.N. Combined Command for Reconnaissance Activity Korea, (CCRAK). CCRAK SPECIFIC REQUEST Number 66-53.

⁴The United States had not recognized the People's Republic of China and, as a result, the U.S. did not deal directly with the Chinese throughout the negotiations.

⁵(CCRAK) Report, REQUEST Number 66-53.

⁶Memorandum, SECRET, "TO: Secretary of the Army, Subject: The Twenty-One Non-Repatriates and the Unaccounted-For Americans Believed to be Still Held Illegally by the Communists, From: Assistant Secretary Milton," January 16, 1954.

In fact, the Defense Department did in fact "drop them" from DOD records as "missing and presumed dead," as were the non-repatriated U.S. POWs from the American Expeditionary Force in World War I and World War II. In a memorandum to Milton from Major General Robert Young, the Assistant Chief of Staff, G-1 of the U.S. Army, Young updates Assistant Secretary Milton on the progress on dropping the U.S. POWs from DOD records:

2. Under the provisions of Public Law 490 (77th Congress), the Department of the Army, after careful review of each case and interrogation of returning prisoners of war, has placed 618 soldiers, known to have been in enemy hands and unaccounted for by the Communist Forces in the following categories:

313 - Finding of Death - Administratively determined, under the provisions of Public Law 490, by Department of the Army.

275 - Report of Death - reported on good authority by returning prisoners.

21- Dishonorable Discharge.

4 - Under investigation, prognosis undecided. Missing in Action for over one year.

2- Returned to Military Control.⁷

The number had already been dropped from 954 to 618 through a series of presumed findings of death for the "unaccounted-for Americans believed to be still held illegally by the Communists." Presumed findings of death were also used to whittle down the number of U.S. soldiers listed as MIA.

According to the "Interim Report of U.S. Casualties," prepared by the Office of the Secretary of Defense, as of December 31, 1953 (Operation BIG SWITCH ended September 6, 1953), the total number of U.S. soldiers who had been listed as Missing in Action from the Korean War was 13,325. Still listed as MIA in January 1, 1954 were 2,953, and the figure for died, or presumed dead, was 5,140. 5,131 MIAs had been repatriated and 101 were listed as "Current captured."⁸

"THESE PEOPLE WOULD HAVE TO BE 'NEGOTIATED FOR'"

On June 17, 1955, almost two years after the end of operation BIG SWITCH, the Office of the Secretary of Defense, issued an internal report titled, "Recovery of Unrepatriated Prisoners of War." The report admitted that,

⁷ Memorandum, SECRET, "To: Hugh Milton, the Assistant Secretary of the Army, (M&RF) Subject: United States Personnel Unaccounted for by Communist Forces, From: Major General Robert N. Young, Assistant Chief of Staff, G-1," April 29, 1954.

⁸ See "Interim Report of U.S. Battle Casualties," as of December 31, 1953 (Source: Progress Reports and Statistics, OSD, as of January 25, 1954).

After the official repatriation efforts were completed, the U.N. Command found that it still had slightly less than 1000 U.S. PWs [not MIAs] "unaccounted for" by the Communists.⁹

Although frank and forthright, this report--written by staff of the Office of Special Operations --provides a glimpse into the thinking of those involved in the Korean POW issue. Sections of the report follow:

At the time of the official repatriation, some of our repatriates stated that they had been informed by the Communists that they (the Communists) were holding 'some' U.S. flyers as 'political prisoners' rather than as prisoners of war and that *these people would have to be 'negotiated for' through political or diplomatic channels.* Due to the fact that we did not recognize the red regime in China, no political negotiations were instituted, although [the] State [Department] did have some exploratory discussions with the British in an attempt to get at the problem. The situation was relatively dormant when, in late November 1954, the Peking radio announced that 13 of these 'political prisoners' had been sentenced for 'spying.' This announcement caused a public uproar and a demand from U.S. citizens, Congressional leaders and organizations for action to effect their release.¹⁰ [emphasis added]

The eleven U.S. "political prisoners," were not the only U.S. servicemen the Chinese held after the Korean War. The *New York Times*, reported

Communist China is holding prisoner other United States Air Force personnel besides the eleven who were recently sentenced on spying charges following their capture during the Korean War. This information was brought out of China by Squadron Leader Andrew R. MacKenzie, a Canadian flier who was released today by the Chinese at the Hong Kong border. He reached freedom here two years to the day after he was shot down and fell into Chinese hands in North Korea....Held back from the Korean war prisoner exchange, he was released by the Peiping [sic] regime following a period of negotiations through diplomatic channels.... Wing Comdr. Donald Skene, his brother-in-law who was sent here from Canada to meet him, said guardedly at a press conference later that an undisclosed number of United States airmen had been in the same camp with Squadron Leader MacKenzie.... Wing Commander Skene said none of the Americans in the camp was on the list of eleven whose sentencing was announced by the Chinese November 23[, 1954].¹¹

"AMERICAN POWs REPORTED IN ROUTE TO SIBERIA"

Despite some political inconvenience to the Department of Defense, the government felt that the issue and controversy had been controlled. The conclusion of the report, "Recovery of Unrepatriated Prisoners of War," stated:

⁹ Report, CONFIDENTIAL, prepared by Defense Advisory Committee on Prisoners of War, Study Group III, titled "Recovery of Unrepatriated Prisoners of War," a document presented by the Office of Special Operations, Office of the Secretary of Defense, written by James J. Kelleher, Report No. CPOW/3 D-1, June 8, 1955.

¹⁰ *ibid.*

¹¹ "Freed Flier Says Peiping Is Holding More U.S. Airmen, Canadian Now in Hong Kong Brings News of Americans Other Than 11 Jailed," *The New York Times*, December 6, 1954.

Such as they are, our current efforts in the political field, plus the 'stand-by' alternatives developed by the military, represent the full range of possible additional efforts to recover personnel now in custody of foreign powers. On one hand, we are bound at present by the President's 'peaceful means' decree. The military courses of action apparently cannot be taken unilaterally, and we are possessed of some rather 'reluctant' allies in this respect. The problem becomes a philosophical one. If we are "at war," cold, hot or otherwise, casualties and losses must be expected and perhaps we must learn to live with this type of thing. If we are in for fifty years of peripheral 'fire fights' we may be forced to adopt a rather cynical attitude on this for political course of action something like General Erskine outlined which would (1) instill in the soldier a much more effective 'don't get captured' attitude, and (2) we should also push to get the military commander more discretionary authority to retaliate, fast and hard against these Communist tactics.¹²

Reports of the fate of these Americans continued to come to the attention of the United States government. One such report, a Foreign Service Dispatch (cable) by Air Pouch dated March 23, 1954, sent from the U.S. diplomatic post in Hong Kong to the State Department in Washington, sheds some light on the fate of hundreds of U.S. POWs captured during the Korean War. The report reads:

American POWs reported en route to Siberia

A recently arrived Greek refugee from Manchuria has reported seeing several hundred American prisoners of war being transferred from Chinese trains to Russian trains at Manchouli near the border of Manchuria and Siberia. The POWs were seen late in 1951 and in the spring of 1952 by the informant and a Russian friend of his. The informant was interrogated on two occasions by the Assistant Air Liaison Officer and the Consulate General agrees with his evaluation of the information as probably true and the evaluation of the source as unknown reliability. The full text of the initial Air Liaison Office report follows:

First report dated March 16, 1954, from Air Liaison Office, Hong Kong, to USAF, Washington, G2.

"This office has interviewed refugee source who states that he observed hundreds of prisoners of war in American uniforms being sent into Siberia in late 1951 and 1952. Observations were made at Manchouli (Lupin), 49 degrees 50'-117 degrees 30' Manchuria Road Map, AMSL 201 First Edition, on USSR-Manchurian border. Source observed POWs on railway station platform loading into trains for movement into Siberia. In railway restaurant source closely observed three POWs who were under guard and were conversing in English. POWs wore sleeve insignia which indicated POWs were Air Force noncommissioned officers. Source states that there were a great number of Negroes among POW shipments and also states that at no time later were any POWs observed returning from Siberia. Source does not wish to be identified for fear of reprisals against friends in Manchuria, however is willing to cooperate in answering further questions and will be available Hong Kong for questioning for the next four days."

Upon receipt of this information, USAF, Washington, requested elaboration of the following points:

¹² Report, CONFIDENTIAL, prepared by the Defense Advisory Committee on Prisoners of War, Study Group III, "Recovery of Unrepatriated Prisoners of War," a document presented by the Office of Special Operations, Office of the Secretary of Defense, written by James J. Kelleher, Report No. CPOW/3 D-1, June 8, 1955.

T H E K O R E A N W A R

1. Description of uniforms or clothing worn by POWs including ornaments.
2. Physical condition of POWs.
3. Nationality of guards.
4. Specific dates of observations.
5. Destination in Siberia.
6. Presence of Russians in uniform or civilian clothing accompanying movement of POWs.
7. Complete description of three POWs specifically mentioned.

The Air Liaison Office complied by submitting the telegram quoted below.

'FROM USAIRLO SGN LACKEY. CITE C 4. REUR 53737 following answers submitted to seven questions.

(1) POWs wore OD outer clothing described as not heavy inasmuch as weather considered early spring. Source identified from pictures service jacket, field, M1943. No belongings except canteen. No ornaments observed.

(2) Condition appeared good, no wounded all ambulatory.

(3) Station divided into two sections with tracks on each side of loading platform. On Chinese side POWs accompanied by Chinese guards. POWs passed through gate bisecting platform to Russian train manned and operated by Russians. Russian trainmen wore dark blue or black tunic with silver colored shoulder boards. Source says this regular train uniform but he knows the trainmen are military wearing regular train uniforms.

(4) Interrogation with aid of more fluent interpreter reveals source first observed POWs in railroad station in spring 1951. Second observation was outside city of Manchouli about three months later with POW train headed towards station where he observed POW transfer. Source was impressed with second observation because of large number of Negroes among POWs. Source states job was numbering railroad cars at Manchouli every time subsequent POW shipments passed through Manchouli. Source says these shipments were reported often and occurred when United Nation forces in Korea were on the offensive.

(5) Unknown.

(6) Only Russian accompanying POWs were those who manned train.

(7) Three POWs observed in station restaurant appeared to be 30 or 35. Source identified Air Force non-commissioned officer sleeve insignia of Staff Sergeant rank, stated that several inches above insignia there was a propeller but says that all three did not have propeller. Three POWs accompanied by Chinese guard. POWs appeared thin but in good health and spirits, were being given what source described as good food. POWs were talking in English but did not converse with guard. Further information as to number of POWs observed source states that first observation filled a seven passenger car train and second observation about the same. Source continues to emphasize the number of Negro troops, which evidently impressed him because he had seen so few Negroes before.

...Comment Reporting Officer: Source is very careful not to exaggerate information and is positive of identification of American POWs. In view of information contained in Charity Interrogation Report No. 619 dated 5 February 54, Reporting Officer gives above information rating of F-2. Source departing Hong Kong today by ship. Future address on file this office.'

In this connection the Department's attention is called to Charity Interrogation Report No.

619, forwarded to the Department under cover of a letter dated March 1, 1954, to Mr. A. Sabin Chase, DRF. Section 6 of this report states, "On another occasion source saw several coaches full of Europeans who were taken to USSR. They were not Russians. Source passed the coaches several times and heard them talk in a language unknown to him."¹³

"PRISONERS IN PEACE AND REFORM CAMPS WILL NOT BE EXCHANGED"

The report from Hong Kong was specifically discussed in Major General Young's April 29, 1954 memorandum to Assistant Secretary of the Army, Hugh Milton, II. Young, responding to Milton's request to "consolidate information on prisoners of war which may remain in Communist hands," states in his memorandum written six months after the last U.S. POW returned from North Korea, that the above quoted intelligence report

corroborates previous indications UNC POWs might have been shipped to Siberia during Korean hostilities....reports have now come [to the] attention [of the] U.S. Government which support earlier indications that American prisoners of war from Korea had been transported into Soviet Union and are now in Soviet custody. Request fullest possible information these POWs and their repatriation earliest possible time.¹⁴

One CIA intelligence report, which had an information date as of October 1950 - February 1951, confirmed that hundreds of Negro troops were held by the North Koreans. The CIA report stated:

1. One Republic of Korea soldier who was captured by the Communists on 29 October 1950 was sent to a war prison camp at Pyoktong (125-26, 40-36) in North Pyonman. This camp in early November had about 1,000 American war prisoners, of whom about 700 were negroes, approximately 1,500 ROK prisoners, and about 300 civilian employees of the United Nations forces.¹⁵

A different three page CIA intelligence report, on Prisoner of War Camps in North Korea and China, with information dated January-May, 1952, described the Chinese Communist system of camps for U.N. POWs.

War Prisoner Administrative Office and Camp Classification

1. In May 1952 the War Prisoner Administrative Office (Chan Fu Kuan Li Ch'u) (2069/0199/4619/3810/5710) in P'yongyang, under Colonel No-man-ch'i-fu (6179/7024/1148/1133), an intelligence

¹³ Cable, Foreign Service Dispatch "From: AMCONGEN, Hong Kong, To: The Department of State, Washington, by Air Pouch, signed Julian F. Harrington, American Consul General, cc: Taipei, Moscow, London, Paris, No. 1716," March 23, 1954.

¹⁴ Memorandum, SECRET, "To: Hugh Milton, the Assistant Secretary of the Army, (M&RF) Subject: United States Personnel Unaccounted for by Communist Forces, From: Major General Robert N. Young, Assistant Chief of Staff, G-1," April 29, 1954.

¹⁵ Report, CIA, No. S0 6582, Country: Korea/China; Date of Info: October 1950 - February 1951.

officer attached to the general headquarters of the Soviet Far Eastern Military District, controlled prisoner of war camps in Manchuria and North Korea. The office, formerly in Mukden, employed 30 persons, several of whom were English-speaking Soviets. LIN Mai (2651/6701) and NAM IL (0589/2480) were deputy chairmen of the office.

2. The office had developed three types of prisoner-of-war camps. Camps termed 'peace camps,' detaining persons who exhibited pro-Communist leanings, were characterized by considerate treatment of the prisoners and the staging within the camps of Communist rallies and meetings. The largest peace camp, which held two thousand prisoners, was at Chungchun. Peace camps were also at K'aiyuan Ksien (124-05, 42-36) and Pench'i (123-43, 41-20).

3. Reform camps, all of which were in Manchuria, detained anti-Communist prisoners possessing certain technical skills. Emphasis at these camps was on re-indoctrination of the prisoners.

4. Normal prisoner-of-war camps, all of which were in North Korea, detained prisoners whom the Communists will exchange. *Prisoners in peace and reform camps will not be exchanged.* [emphasis added]

5. Officials of North Korean prisoner of war camps sent reports on individual prisoners to the War Prisoner Administrative Office. Cooperative prisoners were being transferred to peace camps. ROK [Republic of Korea] officers were being shot; ROK army soldiers were being reindoctrinated and assimilated into the North Korean army.

...13. On 6 January four hundred United States prisoners, including three hundred negroes, were being detained in two buildings at Nsiao Nan Kuan Chaih, at the southeast corner of the intersection, in Mukden. One building, used as the police headquarters in Nsiao Nan Kuan during the Japanese occupation, was a two-story concrete structure, 30 meters long and 20 meters wide. The other building, one story high and constructed of gray brick, was behind the two-story building. Both buildings had tile roofs. All prisoners held here, with the exception of three second lieutenants, were enlisted personnel. The prisoners, dressed in Chinese Communist army uniforms, with a red arm band on the left arm, were not required to work. Two hours of indoctrination were conducted daily by staff members of the Northeast Army Command. Prisoners were permitted to play basketball in the courtyard. The attempt of three white prisoners to escape caused the withdrawal of permission for white prisoners to walk alone through streets in the vicinity of the camp. Two Chinese Communist soldiers guarded groups of white prisoners when such groups left the buildings. Negroes, however, could move outside the compound area freely and individually. Rice, noodles, and one vegetable were served daily to the prisoners in groups of 10 to 15 men. One platoon of Chinese Communist soldiers guarded the compound.¹⁶

"...DEVOID OF ANY FOUNDATION WHATSOEVER..."

In an attempt to resolve the unrepatriated U.S. POW problem from the Korean war by diplomacy, the United States officially communicated with the Soviet government on May 5, 1954. The official U.S. diplomatic note to the Soviet Union stated:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Union of the Soviet Socialist Republics and has the honor to request the Ministry's assistance in the following matter.

¹⁶ Report, CIA, "Subject: Prisoners-of-War Camps in North Korea and China," No. SO 91634, July 17, 1952.

The United States government has recently received reports which support earlier indications that American prisoners of war who had seen action in Korea have been transported to the Union of Soviet Socialist Republics and that they are now in Soviet custody. The United States Government desires to receive urgently all information available to the Soviet Government concerning these American personnel and to arrange their repatriation at the earliest possible time.¹⁷

On May 12, 1954, the Soviet Union replied:

In connection with the note of the Embassy of the United States of America, received by the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics on May 5, 1954, the Ministry has the honor to state the following:

The United States assertion contained in the indicated note that American prisoners of war who participated in military actions in Korea have allegedly been transferred to the Soviet Union and at the present time are being kept under Soviet guard is devoid of any foundation whatsoever and is clearly far-fetched, since there are not and have not been any such persons in the Soviet Union.¹⁸

The Soviet response predicates denial of access to the men on its refusal to characterize the U.S. personnel as "prisoners of war." In fact, the Soviets made it a practice to refuse to acknowledge the U.S. citizenship of the U.S. soldiers; as a result--from the Soviet's standpoint-- the Soviet denial is accurate.

Nor was this lesson -- that the Soviets do not acknowledge the citizenship of U.S. POWs -- ever learned. According to a April 15, 1991 press advisory issued by the United States Department of State, the United States once again requested that the Soviets "provide us with any additional information on any other U.S. citizens who may have been detained as a result of World War II, the Korean conflict or the Vietnam War,"¹⁹ a request that repeated the mistake of asking for information only about U.S. citizens that the State Department made 37 years earlier.

The State Department also made a point of including in its recent press advisory the government's usual statement that "in the interest of following every credible lead in providing families of U.S. service members with information about their loved ones."²⁰ Furthermore, according to the press advisory, the State Department specifically asked the Soviets only about "two U.S. planes shot down in the early 1950s,"²¹ and did not ask the Soviets any specific questions about any non-repatriated POWs from World War II, the Korean War, and the Vietnam War. It seems apparent that if the Department of State had expected to get solid information from the Soviet government, then the State Department would have sent a much more comprehensive and appropriately phrased request.

¹⁷ See diplomatic note.

¹⁸ U.S. State Department press release 249, May 13, 1954.

¹⁹ See United States Department of State press advisory, Office of the Assistant Secretary/Spokesman, "USSR: Allegations of U.S. POWs in the USSR," April 15, 1991.

²⁰ *ibid.*

²¹ *ibid.*

The sincerity of the State Department's declared intention to follow "every credible lead in providing families of U.S. service members with information about their loved ones" is, therefore, suspect. One U.S. government document dated January 21, 1980, a memorandum from Michael Oksenberg to Zbigniew Brzezinski, the National Security Advisor under President Carter, reveals the cynical view and attitude of at least one U.S. government official with regard to the non-repatriation issue,

a letter from you is important to indicate that you take recent refugee reports of sighting of live Americans 'seriously.' This is simply good politics; DIA and State are playing this game, and you should not be the whistle blower. The idea is to say that the President [Carter] is determined to pursue any lead concerning possible live MIAs.²²

"...POWS WHO MIGHT STILL BE IN COMMUNIST CUSTODY..."

The executive branch's disinformation tactics against concerned mothers and fathers extended to Congressmen and Senators. One case is found in a December 21, 1953 letter sent to the Secretary of State from Senate Majority Leader Lyndon B. Johnson with regard to a constituent letter from Mr. Paul Bath of Marshall, Texas, who wrote Senator Johnson about a *U.S. News and World Report* article titled "Where are 944 Missing GI's?"

The first reaction of the Secretary of State's office was to call Johnson and dispose of the matter by phone. However, as a written reply was requested, Thruston B. Morton, the Assistant Secretary of State for Congressional Relations, was tasked to reply. The evolution of the text of Morton's letter to Johnson--which took four rewrites to complete--definitively illustrates the ambivalence with which the United States government has approached the non-repatriation issue. The four drafts still exist today, and they illustrate how the State Department artfully sought to mislead the future U.S. President, and the most powerful leader in Congress at the time.

The first draft of the State Department's response contained the following text:

On September 9, the United Nations Command presented to the Communist representatives on the Military Armistice Commission a list of approximately 3,404 Allied personnel, including 944 Americans, about whom there was evidence that they had at one time or another been in Communist custody. The kinds of evidence from which this list was drawn included letters written home by prisoners, prisoners of war interrogations, interrogations of returnees, and Communist radio broadcasts. The United Nations Command asked the Communist side for a complete accounting of these personnel.

On September 21, the Communists made a reply relative to the list of names presented to them by the United Nations Command on September 9, in which they stated that many of the men on the list had never been captured at all, while others had already been repatriated.²³

²² Memorandum, National Security Council, "To: Zbigniew Brzezinski, From: Michael Oksenberg," January 21, 1980.

²³ Letter, first draft "To: Senator Johnson, From: Assistant Secretary of State for Congressional Relations, Thruston B. Morton," file number SEV 611.61241/12-2153.

This entire section was crossed out by Morton, but a persistent foreign service officer sent Morton back the second draft, with the section quoted above unchanged, as well as a new sentence at the end of the introductory paragraph which read:

He [Mr. Paul Bath of Marshall, Texas] can be assured that efforts are being made to obtain the release of all our men in Communist custody and may be interested in having the following information about this matter.²⁴

The second draft also contained a new page which followed the paragraphs used in the first draft. The second page of the second draft read:

General Clark, in a letter of September 24 [1954], two and a half weeks after Operation BIG SWITCH ended] to the Communist side, stated that he considered their reply wholly unacceptable, and pointed out that by signing the armistice agreement the Communists had undertaken a solemn obligation to repatriate directly or to hand over to the custody of the Neutral Nations Repatriation Commission all of the captured persons held by them at the time the armistice was signed. He pointed out that this obligation was binding upon them and applied to all United Nations Command persons regardless of where captured or held in custody. I am enclosing a copy of General Clark's letter of September 24 which you may wish to send to your constituent.

On November 21, the United Nations Command provided the Communist side with a revision of its original list of unaccounted for Allied personnel which it had presented to the Communists on September 9. The revised list contained a total of 3,400 names, and the figure for United States prisoners of war unaccounted for was increased by eight to a total of 952.

On November 21, the United Nations Command protested in the Military Armistice Commission to the Communists that they had still failed to give a satisfactory reply concerning the list of unaccounted for United Nations Command personnel, and pointed out that additional evidence provided by three Korean prisoners of war who recently defected to the United Nations side corroborated the United Nations Command statements that the Communists were withholding prisoners of war. The United Nations Command demanded that the Communists "hand over to the custody of the Custodian Forces of India all those prisoners that your side still retains."

Ambassador Arthur Dean has also referred to this problem in the course of his negotiations with the Communists at Panmunjom.

Your constituent may be assured that it continues to be our determined purpose to obtain the return of all personnel in Communist custody and the United Nations Command will make every effort to accomplish the objective.²⁵

Assistant Secretary Morton rejected all the proposed changes in the second draft by crossing them out. The third draft of the letter to Johnson was so disagreeable to Morton that he typed out two sentences and attached it to the draft and crossed out all other sentences that related to the State Departments reply. As a result, the final letter read:

²⁴ Letter, second draft "To: Senator Johnson, From: Assistant Secretary of State for Congressional Relations, Thruston B. Morton," file number SEV 611.61241/12-2153.

²⁵ *ibid.*

T H E K O R E A N W A R

My dear Senator Johnson:

I refer to your letter of December 21, acknowledged by telephone on December 30, with which you enclose a letter from Mr. Paul Bath of Marshall, Texas concerning an article in the December 18 issue of *U.S. News and World Report*. It is believed that Mr. Bath refers to the article "Where are 944 Missing GI's?" on page 27 of this publication.

I am enclosing copies of a statement recounting the efforts being made to secure the return of American prisoners of war who *might* still be in Communist custody which I believe will be of assistance to you in replying to your constituent. As the statement points out, it continues to be our determined purpose to obtain the return of all personnel in Communist custody and we will do everything possible to accomplish this objective. [emphasis added]

With regard to questions as to whether there are military personnel or other United States citizens in the custody of the Soviet Government, a few of the prisoners-of-war of other nationalities recently released by the Soviet Government have made reports alleging that American citizens are imprisoned in the Soviet Union. All of these reports are being investigated by this Department with the cooperation of other agencies of the Government.

You are probably aware that representations which the United States Government recently made to the Soviet Government resulted in the release in Berlin on December 29 of Homer H. Cox and Leland Towers, two Americans reported by returning [German] prisoner-of-war as being in Soviet custody. The Department will investigate, as it has done in the past, every report indicating that American citizens are held in the custody of foreign governments.

Sincerely Yours,

For the Secretary of State,

Thruston B. Morton²⁶

It is noteworthy that Morton's letter contained no specific or accurate information, as contrasted with the three rejected drafts which had such information. The rhetoric of the State Department could not go beyond the word "might" to describe the possibility of U.S. soldiers being held by Communist forces. On the one hand, the State Department was taking credit for having released two Americans from the Soviet gulag and for investigating "every report indicating that American citizens are held in the custody of foreign governments," but on the other it was dismissing any real possibility that there could be more POWs in Communist prisons. Meanwhile, the State Department knew that the North Koreans had not returned nearly 1,000 U.S. POWs, as well as an undetermined number of the 8,000 MIAs who were actually captured alive and imprisoned by the North Koreans.

²⁶ Letter, final "To: Senator Johnson, From: Assistant Secretary of State for Congressional Relations, Thruston B. Morton", file number SEV 611.61241/12-2153, January 20, 1954.

"THEY...WOULD HOLD ME LIKE THEY HAD DONE THESE OTHER GUYS"

The People's Republic of China, as noted earlier, released a Canadian Squadron Leader thirteen months after the last U.N. POW was repatriated by the Communist forces three months after Operation BIG SWITCH. In 1973, Chinese Communists repatriated two American POWs who had been *captured* during the Korean War, along with a pilot, Philip Smith, who was shot down over the Gulf of Tonkin during the Vietnam war. During interrogation sessions in Smith's seven years of solitary confinement in a PRC jail, these two U.S. POWs from the Korean War were paraded before him. Smith said the Chinese told him:

they wouldn't release me, and would hold me like they'd done to these other guys until I recanted.²⁷

Most Americans would find it incomprehensible that the Chinese would hold U.S. POWs from the Korean War, and release them two decades later; yet, to the Chinese Communists, this policy had some rationale.

At the conclusion of Operation BIG SWITCH, the United States Government left U.S. POWs, held against their will, in custody of the North Koreans, the mainland Chinese, and the USSR. Whether any of these men are still alive is --tragically--unclear.

The fate of the more than 8,000 men listed as MIA who were administratively found to be "presumed dead" is a mystery. No rebuttal was ever made to General Van Fleet, who stated in the fall of 1953 his belief that a large percentage of the 8,000 American soldiers listed as missing in Korea were alive.²⁸ "A large percentage" translates into thousands of U.S. soldiers who were never repatriated by the Communist forces after the Korean war.

Seven years after operation BIG SWITCH, one Foreign Service Dispatch to the State Department in Washington contained the names of two U.S. Korean POWs working in a Soviet phosphorus mine.²⁹ The cable, "sanitized" by the United States government, originally contained the names of the two U.S. POWs. However, but the names were blacked out in the sanitized version. According to the United States government, the names were blacked out to protect the abandoned POWs' "privacy." It is absurd that the U.S. government, having abandoned soldiers to a life of slave labor and forced captivity, is attempting to protect the same abandoned soldiers' "privacy."³⁰ Perhaps this example best illustrates the U.S. approach to repatriating our abandoned POWs.

²⁷ "ExPOWs Recall Psychological Terror, Coercion," *The Free Press Enterprise*, January 22, 1991.

²⁸ "8,000 Missing, Van Fleet Says," *The New York Times*, August 8, 1953.

²⁹ Cable, "From: the American Embassy in Brussels, To: the State Department in Washington," September 8, 1960.

³⁰ "Men Who Never Returned," Editorial, *The Washington Times*, March 13, 1991.

THE SECOND INDOCHINA WAR

The war widely known as the Vietnam War was the second war fought by Communist forces in Vietnam and in Southeast Asia. The Vietnamese forces, after defeating the French, fought the Second Indochina war against the United States and U.S.-backed forces. In the final analysis, however, this war was a political and moral defeat for the United States.

As a result, the United States was forced at the Paris Peace Conference to negotiate its withdrawal from Southeast Asia from a weak military and political position. Internal divisions in the United States and mounting political pressure to extricate the nation from the war, exacerbated this weak negotiating position. As a result, the United States, as in World War I, World War II, and the Korean War, found itself, once again, unable to guarantee the repatriation of all U.S. POWs and MIAs who were alive and held captive.

The United States' chief negotiator at the Paris Peace Conference, Henry Kissinger, admitted as much in his book, Years of Upheaval, published in 1982. Kissinger wrote:

Equally frustrating were our discussions of the American soldiers and airmen who were prisoners of war or missing in action. We knew of at least eighty instances in which an American serviceman had been captured alive and had subsequently disappeared. The evidence consisted of either voice communications from the ground in advance of capture or photographs and names published by the Communists.¹

Operation HOMECOMING, the name given to the last repatriation of U.S. POWs by the North Vietnamese began February 12, 1973, and ended March 29, 1973. A grand total of 591 United States servicemen were repatriated.

However, news reports and other documentation stated that the United States Government knowingly left men--perhaps thousands of men--in the captivity of Communist forces in Southeast Asia.

On January 27, 1973, an agreement to end the war and restore peace in Vietnam was signed in Paris, France. Signatories to this agreement were the United States, North Vietnam, South Vietnam, and the South Vietnamese Provisional Revolutionary Government (PRG). This agreement consisted of a preamble, and nine chapters, covering 23 Articles and four protocols.

¹ Henry Kissinger, Years of Upheaval, (Boston: Little, Brown and Company, 1982) pp.33-34.

In Chapter VII, Articles 21 and 22 outlined the future relationship between the United States and the Republic of North Vietnam. These read in part,

Article 21: ...In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to post-war reconstruction of the Democratic Republic of Vietnam and throughout Indo-China.

Article 22: The ending of the war, the restoration of peace in Vietnam, and the strict implementation of this agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each others independence and sovereignty, and non-interference in each others internal affairs. At the same time, this will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indo-China and South East Asia.

The Paris accord stated that the return of prisoners of war, would be

carried out simultaneously with and completed not later than the same day as the troop withdrawal.

"THERE ARE NO MORE PRISONERS IN SOUTHEAST ASIA."

The United States did not receive the list of Americans POWs the whom North Vietnamese admitted they were holding in captivity until after the peace accords were signed. Significantly, the list included only nine Americans captured in Laos. While these men were captured in Laos, they were not prisoners of the Pathet Lao, but were handed over to, and held by, the North Vietnamese after their capture.

In fact, it was widely known that the Pathet Lao were holding many other U.S. POWs. On March 25, one news report stated :

U.S. sources believe that a substantial number of the missing [in Laos]--perhaps as many as 100--still may be alive. The conclusions are based on inspections of crash sites by search teams and on intelligence reports.²

The absence of names on the U.S. POW list handed over by the North Vietnamese of Americans captured in Laos and held by the Pathet Lao was one of the great blunders of the Paris Peace Accord negotiations and caused great confusion and emotional duress among family members of missing and captured personnel.

² United Press International dispatch, Vientiane, Laos, March 25, 1973.

THE SECOND INDOCHINA WAR

One news report stated, three days after the Paris Peace accords were signed:

The North Vietnamese have failed to furnish the United States with a list of American fighting men taken prisoner in Laos, Pentagon officials and an organization of POW families said Sunday...Mrs. Phyllis Galanti, board of chairman of the National League of Families of American Prisoners and Missing in Southeast Asia told a reporter there are no Laos names on lists provided to U.S. authorities in Paris Saturday after the Vietnam cease-fire agreement was formally signed. Everything we have been told had led us to believe there would be a list, said Mrs. Galanti...Pentagon spokesman Jerry W. Friedheim said it is true that no Laos list was provided...We do expect to receive a list Friedheim said.³

In fact, the United States government never received such a list. Two weeks later, one news report carried the United States government explanation for the absence of names of American POWs held by Pathet Lao. The report quoted State Department officials who stated

they believe that the list of nine persons submitted by North Vietnam was incomplete and that there are more Americans held by Laotian Communists.⁴

In other words, the U.S. governments explanation for the lack of names of U.S. POWs held in Laos was that the North Vietnamese and the Laotians were holding back the names. Indeed, the next day, the Pathet Lao confirmed that they were holding back names. According to a news report from Laos, the Pathet Lao publicly announced through

a Communist Pathet Lao spokesman...[that]...his group *is holding American prisoners of war* who will be released after a cease-fire goes into effect. Soth Petrasy, the Pathet Laos permanent representative in Vientiane, declined to give any details about American POWs in Laos. But he said the Pathet Lao leadership has a detailed accounting of prisoners and where they were being held and that both sides in the cease-fire negotiations are ready to exchange prisoners once the fighting ends....The exchange will take place in Laos, Soth said. If they were captured in Laos, they will be returned in Laos, he told UPI. [emphasis added]⁵

The Pathet Lao wanted a cease-fire agreement and were holding American prisoners until such an agreement between the United States and the Pathet Lao was reached. However, State Department officials, responding to the Pathet Lao statement quoted above:

pointed out today that the Pathet Lao statement was not consistent with more detailed statements made by Kissinger and that it was possible that Kissingers statements were based on some misunderstanding in his dealings with the North Vietnamese.⁶

³ Associated Press dispatch, Washington, D.C., January 30, 1973.

⁴ *The Washington Post*, February 18, 1973.

⁵ United Press International dispatch, Vientiane, Laos, February 19, 1973.

⁶ "Pathet Lao Says No to Truce, No American POWs," *The Washington Post*, February 18, 1973.

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Mr. Kissingers misunderstanding was that the United States believed, as Kissinger stated in a January 24, 1973 press conference, that

American prisoners held in Laos and North Vietnam will be returned to us in Hanoi.⁷

However, during the 60 day cease-fire period required by the Paris Peace accords, American airmen were still flying combat missions and being shot down in the secret war over Laos. Mr. Kissingers misunderstanding was never cleared up, and at the conclusion of Operation HOMECOMING more than a month later, no American prisoners of war held in Laos were released by the North Vietnamese or the Pathet Lao. These men, and the men that the Pathet Lao forces publicly stated they were holding after the Paris Peace Agreement was signed, have never come home.

On March 26, 1973, the North Vietnamese announced that the last American prisoners of war would be repatriated March 27 and March 28, 1973. The hopes of the nation and of family members that American prisoners of war held by the Pathet Lao would be released by the North Vietnamese were crushed. As one news report stated

North Vietnam told the United States Sunday it intended to release the last group of American prisoners it holds at Hanoi's Gia Lam Airport on Tuesday and Wednesday, *but said the U.S. demand that it also release POWs captured in Laos is beyond the jurisdiction of the [Paris] agreement.* [emphasis added]⁸

The North Vietnamese publicly concurred with the Pathet Lao's policy with regard to the repatriation of the U.S. POWs the Pathet Lao were holding. Two weeks into this stalemate over the repatriation of U.S. POWs held by Pathet Lao, between the Pathet Lao and the North Vietnamese on one side, and the United States on the other, the United States announced that

There are no more prisoners in Southeast Asia. They are all dead.⁹

Furthermore, one news report quoted a United States government spokesman, who stated,

Rumors that there were hundreds of U.S. Servicemen held in Laotian prison camps, does the families [of the missing] a disservice.¹⁰

These statements were made notwithstanding the eighty men cited by Henry Kissinger held by the North Vietnamese, and notwithstanding the fact the no U.S. POWs held by Pathet Lao forces have ever been repatriated. Clearly, both of the above United States Government statements were demonstrably false; they were designed--one can only speculate--to persuade the media that information with regard to prisoners still alive in Southeast Asia had no foundation whatsoever, and furthermore, only compounded the emotional anxiety of anxious and grieving family members. The

⁷ *ibid.*

⁸ Associated Press dispatch, Saigon, South Vietnam, March 26, 1973.

⁹ Statement issued by the Department of Defense, Washington, D.C., April 13, 1973.

¹⁰ United Press International dispatch, Washington, D.C., April 14, 1973.

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fact of the matter is that the Pathet Lao publicly admitted to holding U.S. POWs in Laos, and Kissinger implicitly agreed when he said

American prisoners held in Laos and North Vietnam will be returned to us in Hanoi.¹¹

Yet the U.S. government abandoned any attempt to bring them back home, by announcing "they are all dead."¹²

THE KISSINGER HAND-CARRIED LETTER

Five days after the signing of the Paris Peace Accords, Kissinger hand-carried a letter, dated February 1, 1973 to the North Vietnamese Prime Minister a letter which detailed the Administration's interpretation of Article 21 of the Paris Peace Accords, which pledged that the United States would

contribute to the healing the wounds of war and post-reconstruction of the Democratic Republic of Vietnam.

The letter, and the commitments it implied, were not revealed even to the highest-ranking Senators and members of Congress. The text of the letter follows:

The President wishes to inform the Democratic Republic of Vietnam of the principles which will govern United States participation in the postwar reconstruction of North Vietnam. As indicated in Article 21 of The Agreement on Ending the War and Restoring the Peace in Vietnam signed in Paris on January 27, 1973, the United States undertakes this participation in accordance with its traditional policies. These principles are as follows:

- 1) The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions.
- 2) Preliminary United States studies indicate that the appropriate programs for the United States contribution to postwar reconstruction will fall in the range of \$3.25 billion of grant aid over five years. Other forms of aid will be agreed upon between the two parties. This estimate is subject to revision and to detailed discussion between the Government of the United States and the Government of the Democratic Republic of Vietnam.
- 3) The United States will propose to the Democratic Republic of Vietnam the establishment of a United States-North Vietnamese Joint Economic Commission within 30 days from the date of this message.
- 4) The function of this Commission will be to develop programs for the United States contribution to reconstruction of North Vietnam. This United States contribution will be based upon such factors as:

¹¹ "Pathet Lao Says No To Truce, No American POWs," *The Washington Post*, February 18, 1973.

¹² Statement issued by the Department of Defense, Washington D.C. April 13, 1973.

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- a) The needs of North Vietnam arising from the dislocation of war;
 - b) The requirements for postwar reconstruction in the agricultural and industrial sectors of North Vietnam's economy.
- 5) The Joint Economic Commission will have an equal number of representatives from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The Commission will attempt to complete this agreement within 60 days after its establishment.
- 6) The two members of the Commission will function on the principle of respect for each others sovereignty, non-interference in each others internal affairs, equality and mutual benefit. The offices of the Commission will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.
- 7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of The Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on January 27, 1973.

UNDERSTANDING REGARDING ECONOMIC RECONSTRUCTION PROGRAM

It is understood that the recommendations of the Joint Economic Commission mentioned in the Presidents note to the Prime Minister will be implemented by each member in accordance with its own constitutional provisions.

NOTE REGARDING OTHER FORMS OF AID

In regard to other forms of aid, United States studies indicate that the appropriate programs could fall in the range of 1 to 1.5 billion dollars depending on food and other commodity needs of the Democratic Republic of Vietnam.¹³

It is unfortunate that the North Vietnamese did not understand the important Constitutional caveat inherent in the Kissinger hand-carried letter. Any funds paid to the North Vietnamese, or any funds to purchase any aid given to the North Vietnamese, would have to be appropriated by the United States Congress.

But Congress knew nothing of the Kissinger commitments. Had key Senators and Congressmen been told of the policy, they would have had the opportunity to tell the President that voting for billions of dollars of aid or funds for North Vietnam would have been an admission of culpability. The United States had failed in its mission to protect South Vietnam from the totalitarian Communist regime in the North.

The suffering, brutality, death and dehumanization borne by the Vietnamese people since the war is proof that the American goals in Vietnam were correct. However, the failure of the

¹³ The U.S. State Department Bulletin, June 27, 1977, pp.75-76.

civilian leadership to achieve those goals had to do more with the collapse of political leadership in the United States than with the morality of the goals. Congress realized full well, if Kissinger did not, that the soothing word "reconstruction" actually meant "reparations." The American people would never pay reparations when no crime had been committed. Congress saw Kissinger's plan as a betrayal and an admission of guilt.

However, there is no doubt that the North Vietnamese concluded that the President's emissary had pledged billions of dollars in reparations to the Democratic Republic of Vietnam.

Two weeks after the date of the letter delivered by Kissinger, the United States and the North Vietnamese announced the formation of the **Joint Economic Commission**, in fulfillment of paragraph (3) of that letter. The announcement, according to one news report stated that

The United States and North Vietnam will create a **Joint Economic Commission** to oversee rebuilding of the war-torn country with U.S. dollars, the two sides announced Wednesday. A communique issued by the White House and Hanoi on four days of talks by President Nixon's envoy, Henry A. Kissinger, and North Vietnamese leaders in Hanoi listed no specific figures for U.S. post war aid.¹⁴

Negotiations were underway between Kissinger and the North Vietnamese to implement specific aspects of the Kissinger letter. However, the White House was beginning to understand the depth of the political problems it was going to have with its aid plan. One news report from Paris stated the U.S. negotiators refused to acknowledge whether reparations to North Vietnam were being discussed, or the amounts which were being discussed. According to the report ,

U.S. and North Vietnamese representatives met Monday to discuss American postwar reconstruction aid to the North Vietnamese...the American peace delegation declined to confirm the opening of the talks on President Nixon's plan for the postwar financing of North Vietnam's reconstruction...Nixon answered Congressional critics by saying aid money would come out of Defense and Agency for International Development funds instead of the domestic budget. The president said giving money to help North Vietnam rebuild its bombed country would contribute to 'lasting peace and stability in the area.'¹⁵

In fact, U.S. reparations to North Vietnam were being discussed in Paris, France from April through June of 1973. The negotiations were extensive and detailed. A list of specific items was drawn up for the first year of U.S. aid. Among some of the items on the list:

700,000 square meters of prefabricated housing and warehouses; 200,000 metric tons of steel building supplies; 50,000 cubic meters of timber; 40 million meters of cloth; 2,000 metric tons of Rayon fibers; between 2,650 and 2,900 tractors, bulldozers and excavators; three repair plants for the equipment; 20,000 metric tons of steel tubes; 25-50 tug boats; 3 floating ports and 3 cranes, one floating; 600

¹⁴ United Press International dispatch, Washington, D.C., February 23, 1973.

¹⁵ United Press International dispatch, Paris, France, March 7, 1973.

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metric tons of barges; 570 trucks; 10 diesel locomotives; between 250-500 freight cars; 10,000 metric tons of rail; 10 6-25 ton pile hammers; 15,000 metric tons of synthetic rubber; 10,000 metric tons of caustic soda; 10,000 metric tons of steel; 5,000 metric tons of steel alloy; 2,500 metric tons of copper; 3,000 metric tons of high tension copper cable; 50,000 metric tons of coal; 1 million meters of tire cord; among other specific aid negotiated.

The negotiators had even drawn up a larger list of aid items to be given to North Vietnam as reparations by the United States from 1973 thru to 1978.

Political problems, however, were working against the Administrations plans to aid North Vietnam. One news report three weeks after the United States and North Vietnam announced the creation of the **Joint Economic Commission** illustrates the problems the senior Administration officials were encountering on Capitol Hill,

Secretary of State William P. Rogers Wednesday refused to rule out reconstruction aid to North Vietnam by presidential order if Congress fails to appropriate the funds....Rogers three times called for restraint by members of Congress in making adverse comments on the aid issue, *at least until American troops are out of Vietnam and all American prisoners are released.* [emphasis added]¹⁶

One other news report stated:

Secretary of State William P. Rogers said Tuesday the Nixon administration will seek prior authority from Congress for any economic assistance program to Vietnam...in a Monday session before the Senate Foreign Relations Committee Rogers asked that the controversy over aid be kept to a minimum for the next month or so. Such a recess in debate would *allow the release of American prisoners to be completed* and would also provide time for the administration to formulate its proposals...While the North Vietnamese did not list a number of prisoners they wanted freed, *The New York Times* reported from Saigon today that American sources set the demand at 5,000.[emphasis added]¹⁷

In fact, only 591 U.S. POWs were repatriated by the North Vietnamese during Operation **HOME COMING**, which is 12% of the figure of 5,000 U.S. POWs held by the North Vietnamese reported by *The New York Times*.

The number of prisoners which *The New York Times* reported that the United States government demanded from the North Vietnamese--5,000--correlates with the statement of a former employee of the United States government. This former National Security Agency (NSA) employee said in a sworn affidavit that the North Vietnamese repatriated only 15% of the U.S. servicemen they held in captivity. In other words, according to this source, the North Vietnamese kept 85% of the American POWs who were alive after March 28, 1973.

¹⁶ Associated Press dispatch, Washington, D.C., February 23, 1973.

¹⁷ Associated Press dispatch, Washington, D.C., March 8, 1973.

"A SOVIET, A CHINESE AND A VIETNAMESE GREETED THE PILOTS..."

Some evidence suggests that a number of nonrepatriated Americans may have been turned over to Soviet control, and subsequently transported to the Soviet Union. A former U.S. military serviceman, assigned to the NSA provided the Minority Staff sworn affidavits that during the Vietnam war he "tracked" a certain number of U.S. servicemen from their point of capture to their release to the Soviets for debriefings by the both North Vietnamese and Communist Laotians officials. This has not been corroborated, but information provided to the Minority Staff indicates that American POWs may have been sent to the Soviet Union for interrogation and subsequent use of their special skills.

Indeed, a declassified CIA report gives graphic details of a debriefing incident in Vinh Phu Province involving a group of U.S. pilots captured in Vietnam. Soviet personnel were present at the debriefing. At the conclusion of the debriefing, the U.S. POWs were turned over to a new set of guards who evidently wore distinct uniforms, suggesting a different kind of custody.

A review of declassified documents asserts that the phosphate plant described was a site for transfer of U.S. POWs to Soviet custody. Declassified portions of the CIA document available to the Minority Staff are as follows.

Report No. CS-311/04439-71

Date Dist. 10 June 1971

Country:North Vietnam

DOI:1965-June 1967

Subject:Preliminary debriefing site for captured U.S. Pilots in Vinh Phu Province and presence of Soviet Communist and Chinese Personnel at the site

1. A preliminary debriefing point for U.S. pilots shot down over Vinh Phu Province, North Vietnam/NVN/, was located at the Lam Thao district, Vinh Phu Province. Two U.S. pilots were taken to the debriefing point on one occasion in 1965; eight in 1966; and unknown number in 1967. The prisoners were escorted to the site by personnel of the Armed Public Security Forces /APSF/, and students from a nearby school served as perimeter guards. Each time prisoners were brought to the site they rode in an open car of Chinese origin resembling an American jeep. Some of the escort guards rode in a lead car and others rode in two cars following the prisoners. Upon their arrival at the plant, the guards lined up, forming a corridor through which the pilots entered the building. At this point a Soviet, a Chinese, and a Vietnamese greeted the pilots and led them into the building. The pilots usually remained in the building for several hours. When they emerged they had changed from uniforms into civilian clothing. [deleted] said [deleted] had told him the foreigners were Soviet and Communist Chinese. Soviet personnel had been stationed at the plant since its construction in 1963, but in 1965 the number of Soviets was reduced to three or four, and it remained at that level as of June 1967. About 20 Communist Chinese personnel arrived at the plant in 1966 and there were still about 20 there as of June 1967 as far as [deleted] knew, the Soviet and Communist Chinese personnel got along well.

along well.

2. After shaking hands with the Soviet and Chinese, the prisoners were led to a different vehicle from the one which brought them to the site. They were escorted from the plane by a different set of guards who wore yellow and white uniforms and were armed with rifles and pistols. [Deleted] did not know the destination of the prisoners.

In a previous chapter, U.S. government intelligence cables, and diplomatic and other official memorandum, and correspondence showed that U.S. prisoners were seen being transferred to Communist China and the Soviet Union during the Korean War. The Korean War precedents give verisimilitude to the assertions received by the Minority Staff, that U.S. POWs were sent and kept in the Soviet Union; although the available evidence is not yet conclusive.

"PRISONERS RETURNED AFTER FULFILLMENT OF THE PROMISE"

United States government officials have been told by North Vietnamese officials that the North Vietnamese government was still holding U.S. POWs well after the conclusion of OPERATION HOMECOMING. Lt. Col. Stuart A. Harrington, who worked on the POW/MIA issue as a military intelligence and liaison officer with the North Vietnamese and Peoples Republic of China from 1973 to 1975, stated that North Vietnamese officials told him U.S. POWs would be returned when the reparations that Kissinger promised to the North Vietnamese were paid. In his book, Peace with Honor? An American Reports on Vietnam, 1973-1975, Harrington wrote:

U.S. casualties under North Vietnamese control would be accounted for and *prisoners returned* after fulfillment of the promise. [emphasis added]¹⁸

The North Vietnamese--apparently--were waiting for the reparations that Kissinger had promised them, before the vast majority of American POWs reported by *The New York Times* were to be repatriated. Doubtless the North Vietnamese and Pathet Lao held the prisoners back as human collateral. It should be noted that the 5,000 POW figure cited by *Times* is slightly less than twice that of the United States official POW and MIA totals. However, it is possible that the 5,000 figure reflected the total number of individuals believed to be held by Communist forces in Southeast Asia at that time. This total would have included the total number of covert or "Black Cowboy" POWs and MIAs who were not factored into the official United States government MIA and POW casualty figures for the entire Second Indochina war throughout Southeast Asia.

The North Vietnamese knew well enough that the internal political dynamics of the peace movement in the United States had forced the United States to the bargaining table in a weakened condition. Through this same political network, they clearly saw that it was unlikely the U.S.

¹⁸ Stuart A. Harrington, Peace With Honor? An American Reports on Vietnam 1973-1975 (Novato: Presidio Press, 1983).

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Congress would vote for billions in reparations.

The political resistance to aid to North Vietnam grew, for among other reasons, because of numerous news reports that detailed North Vietnamese torture of repatriated U.S. POWs:

Reports from returning prisoners of war of torture and mistreatment by Hanoi [which] have stirred new attacks in Congress against U.S. aid for North Vietnam...Senate Democratic leader Mike Mansfield of Montana said the torture stories have not changed his own position that aid to Hanoi would help ensure the peace. But, he added, he does not know what effect the stories will have on getting aid through Congress. 'Even before this it looked difficult,' stated Rep. Joel T. Broyhill, (R-VA), who said the stories convince me that not a cent of American aid money should be spent on rehabilitating a country that is apparently run by savages.¹⁹

On April 6, 1973, the United States Senate voted

to bar any aid to North Vietnam unless Congress specifically approves.²⁰

The 88-3 roll call vote in the Senate, combined with the general political sentiment in Congress, indicated there was very little chance that Congress was going to vote for the Administrations request for aid to North Vietnam.

The final death-knell for the payment of reparations to North Vietnam occurred a week later when

Armed Services Chairman F. Edward Hebert...served notice he will introduce a proposal to prohibit any U.S. aid for Hanoi. The Louisiana Democrat also said justification for President Nixon's request for \$1.3 billion aid to Southeast Asia so far is either nebulous or nonexistent.²¹

It was the very next day after Chairman Herbert announced his intention to introduce a proposal to prohibit aid for Hanoi, that the United States made its definitive statement that there were no more Americans alive in Southeast Asia and that "rumors" did the families a disservice.²²

Several weeks later, in June, 1973, the American Embassy, Saigon, sent a cable to the Secretary of State, in Washington, D.C. which documents one of the attempts to cover up evidence that the U.S. Government abandoned U.S. POWs in Southeast Asia:

Subject: PW REPORT BY NVA DEFECTOR
REF: STATE 112133

1. NVA Rallier/Defector Nguyen Thanh Son was surface by GVN to press June 8 in Saigon. In follow on interview with AP, UPI and NBC American correspondents, questions elicited information that

¹⁹ Associated Press dispatch, Washington, D.C., April 3, 1973.

²⁰ Associated Press dispatch, Washington, D.C., April 7, 1973.

²¹ Associated Press dispatch, Washington, D.C., April 13, 1973.

²² United Press International dispatch, Washington, D.C., April 14, 1973.

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he had seen six prisoners whom he believed were Americans who had not yet been released. American officer present at interview requested news services to play down details: AP mention was consistent with embargo request, while UPI and NBC after talk with Embassy press officer omitted item entirely from their stories.

2. Details on rallier's account being reported SEPTTEL through military channels by BRIGHT LIGHT message today. WHITE HOUSE.

This cable appears to be an active step on the part of the U.S. government to insure there would be no media reports of American servicemen still being held captive in Southeast Asia, since such reports would have conflicted with the United States government's policy statement that there were no U.S. POWs left in Southeast Asia, because "they are all dead."

In a September, 1978 hearing before the U.S. House of Representatives Special Committee on Southeast Asia, Congressman Benjamin Gilman (R-NY) asked former Under Secretary of State Philip Habib about the existence of any

agreements we are not aware of, secret memorandum that this committee is not aware of?

Mr. Habib responded to Congressman Gilman's question in this fashion:

There is no agreement or secret memorandum which this Committee is not aware of in this respect. There were, as the Committee is aware, some letters and exchanges. With respect to those letters, I think the committee has been informed of the content of those letters and exchanges.

Mr. Frank McCloskey (D-IN) then stated:

With all due respect, Mr. Secretary, this committee asked the Secretary of State and you the same question before we went to Hanoi last December. You did not advise us of that secret [Kissinger hand-carried] letter and we discovered its existence only when we got to Hanoi... We didn't have any idea the letter existed. We asked you in November if there were any secret agreements that we should know about before we went to Hanoi and we were not advised by you or the Secretary of State of the letters existence or of the \$3.25 billion figure which we later ascertained.

Mr. Habib, in response to Mr. McCloskey's question, stated:

That [the letter] is not an agreement. It never developed into an agreement. I didn't know of the existence of the letter...either.

Given the intensity of the negotiations which both the United States and the North Vietnamese undertook specifically at the time to implement the contents of the secret letter, including the creation of the Joint Economic Commission and extensive negotiations, it is hard to accept Mr. Habib's assertion that the letter did not constitute--at least as far as Kissinger represented to the North Vietnamese--a secret executive agreement.

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The House Committee's final report stated:

After the war, when the provisions for gaining an accounting failed to be followed, the State Department tried other means to achieve that end. It tried government-to-government appeals, demands, and protests. It enlisted the assistance of international humanitarian organizations, sought the aid and support of third-party nations and the pressure of world opinion...Short of recommencing the war there were few remaining alternatives on the diplomatic level. North Vietnam was already under a total embargo, and when South Vietnam, Laos, and Cambodia fell to Communist forces in 1975, South Vietnam and Cambodia were soon included in the embargo.

Perhaps if Congress and the American public had known of the existence of the secret letter, perhaps if Congress had been given a full accounting of the information on MIAs possessed by the U.S. government, instead of a cover-up, then a concrete plan for implementing the provisions for gaining accounting of captives as described in the Paris Peace Accords, might have been implemented. But there was no way that Congress, with honor, could be blackmailed into accepting the payment of reparations with its tacit implication of surrender to a ruthless Communist regime.



Washington, D.C. 20505

9 March 1988

MEMORANDUM FOR: Colonel Joseph A. Schlatter, US Army
Chief, Special Office for Prisoners of War
and Missing in Action

⁶
SUBJECT: Alleged Sightings of American POWs in
North Korea from 1975 to 1982 [REDACTED]

REFERENCE: Memo for the DDI fm Colonel Schlatter,
dtd 19 Feb 88, Same Subject

1. In response to your request, [REDACTED]

[REDACTED] three separate reports of
such sightings, which are attached:

- o The first report, dated April 1980, indicates that [REDACTED]
[REDACTED] sighted two Americans in August 1986
on the outskirts of P'yongyang. [REDACTED]
[REDACTED] about 10 military pilots
captured in North Vietnam were brought to North Korea.
- o The second report, also dated in April 1980, apparently
describes the same incident [REDACTED]
[REDACTED]
- o In the third report, dated March 1988, [REDACTED]
[REDACTED] indicated sighting
as many as 11 Caucasians, possibly American prisoners from the
Korean war, in the fall of 1979 on a collective farm north of
P'yongyang. [REDACTED]

PROLOGUE TO PART II

The original plan of the Minority Staff was to review the U.S. government's handling and evaluation of "live-sighting reports." These reports are first-hand narratives by witnesses who believe that they have seen American military personnel alive in various locations in Southeast Asia. They provide tantalizing glimpses of POW/MIAs who then vanish into the mist of a bureaucratic nightmare at DOD. For example, American POW/MIAs from the Korean War were reportedly seen alive as late as 1982 in the censored CIA document (obtained under a FOIA request) dated 1988 which is reproduced on the opposite page. There is no reason to believe that this is the last report on U.S. POW/MIAs held in North Korea.

For Vietnam, the U.S. Government has at least 1,400 such reports, including reports that have been received up until the publication of this report in May, 1991. In addition, the U.S. Government has received thousands and thousands of second-hand reports--accounts often full of vivid detail, such as "my brother told me he saw 11 American POWs being transported in a truck at such and such a place."

Yet, amazingly, the U.S. Government has not judged a single one of these thousands of reports to be credible. Instead, the policy enunciated by an official statement of the U.S. Government in 1973 was that "There are no more prisoners in Southeast Asia. They are all dead." That policy--in the face of extensive evidence that all U.S. POWs in Southeast Asia were not dead--evolved to the U.S. government's present policy that there is no credible evidence that there are any U.S. POWs still alive in all of Indochina. In spite of 1,400 unresolved reports of first-hand live-sightings, the Department of Defense, remarkably, still believes it has "no credible evidence." How does it dismiss these reports?

In reviewing hundreds of the raw intelligence files on the 1,400 reports, Minority Staff investigators found a predisposition by DOD evaluators to ignore corroborative evidence, and has little interest to follow-up what normal searchers would consider as good leads. Many cases, of course, were quite properly disposed of.

Yet often DOD evaluators seemed more intent upon upholding the validity of the "no credible evidence" policy.

It is contrary to common sense that all of the reports--all 1,400--are spurious, especially in the light of such obvious contradictions as the actual return of the unfortunate Private Robert Garwood in 1979.

Garwood was a battle casualty taken into custody by the North Vietnamese under fire. However, his court martial as a collaborator and deserter solved two problems for DOD: By bringing up the charges DOD sought to redefine his case as a voluntary expatriate and therefore not technically a prisoner--and it enabled DOD evaluators to dismiss fully 64% of the live-sighting reports as sightings of Garwood. Since Garwood reported that he had been moved from prison to prison, the faulty logic of DOD seemed to demand that any report from the prisons he cited must have been a sighting of Garwood. The policy that there was "no credible evidence" of living prisoners made it necessary to assume that other U.S. prisoners in those prisons could not and did not exist.

Garwood was convicted of one count of simple assault on a fellow POW, one count of aiding the enemy by acting as a translator, interpreter, and interrogator, one count of wearing black pajamas--the enemy uniform--and one count of transporting an AK-47 (unloaded) during a patrol. Whether these convictions added up to meaningful collaboration with the enemy or not, it was never proven that he was a voluntary deserter. Nevertheless the living proof that the "no credible evidence" policy was not correct, thoroughly discredited the policy.

Convenient as the Garwood case was for DOD, the embarrassment still remained. Garwood was alive. There had been a live-sighting report on him in 1973 after DOD had publicly issued the "they are all dead" policy. Indeed, documents and witnesses available to the Minority Staff show that CIA and DIA knew of Garwood's location, as well as other so-called U.S. deserters in Vietnamese custody, after 1973.

And these reports of Garwood, obviously, proved to be correct. Since Garwood was alive in Indochina from 1973 to 1979, DOD policy was salvaged to some degree by his court martial. As a "collaborator" he may have been in North Vietnamese custody in 1973, but he no longer fit the definition of "prisoner." Nevertheless, Garwood, upon his return, reported seeing another presumed deserter, Earl C. Weatherman, alive in 1977. He stated also that a third presumed deserter, McKinley Nolan, was also alive after 1973. It may be assumed that Garwood was not reporting a live-sighting of Garwood in these cases.

Indeed, a list has circulated among POW/MIA families purporting to show that 20 U.S. personnel listed as deserters, or AWOL, were left in North Vietnamese custody after OPERATION HOMECOMING, the 1973 prisoner exchange. Four others are listed as disappearing under unexplained or unusual circumstances. The Minority Staff takes no position on the validity of this list, but it does note that almost all of the individuals cited appear on a DIA alphabetic list entitled "U.S. Casualties in South East Asia," dated 2/26/80, but are conspicuously absent from a similar DIA list dated 8/22/84.

Garwood stated publicly upon his return as well as to Committee investigators when questioned that he had seen at least thirty U.S. POWs off loading from a box car in Vietnam in the late 1970s. In the light of what appears to be a compelling need on the part of DOD to uphold the "no credible evidence" policy, the Minority Staff believes that every live-sighting should be pursued vigorously without prejudgment. Even if one POW who was detained in South East Asia is still alive, then no resources of the U.S. Government should be spared to locate him and effect his return to the United States if he so desires.

In recent days, the Government of North Vietnam has announced that it is willing to open its territory to relatives to search for any POW/MIAs or their remains. While that is an encouraging development, DOD should reciprocate with a similar gesture. DOD should open its territory too. The files of live-sighting reports and second-hand reports should be made available to families of the POW/MIAs and to any qualified investigator, particularly to Senators, Members of Congress, and their staffs.

Such openness has not, up to this time, characterized the operations of DOD's Special Office of POW/MIA Affairs. On February 12, the Director of that office, Col. Millard A. Peck wrote a letter of resignation to his superior decrying the mind-set of cover-up and the policies of the U.S. POW/MIA interagency group, which have prevented a vigorous search for POW/MIAs who might still be living.

Observers described Colonel Peck as a man who had accepted the position with high motives and a sense of deep dedication. Yet his letter shows that he felt that he could no longer fulfill the demands of duty, honor, and integrity under the policies which he was asked to implement.

Nevertheless, he did not rush to seek publicity for himself. Colonel Peck's resignation first became known and was discussed publicly at a meeting of the Senate Committee on Foreign Relations in early April, but his memorandum of resignation, written February 12, 1991 did not become public until May, 1991.

The verbatim text of the colonel's letter appears at the end of this report. It is in itself a sufficient commentary on the findings of this report.

Colonel Peck confirms that a "cover-up" has been in progress. He speaks of a "mindset to debunk"--that is, to discredit witnesses rather than to ascertain the truth of their statements. He says that there was no effort to pursue "live sightings." He states that "any soldier left in Vietnam, even inadvertently, was, in fact, abandoned years ago." He also criticizes the U.S. government's treatment of the families and friends of the POW/MIAs.

These statements should be evaluated in the light of Colonel Peck's long career of faithful service in the U.S. Army, including three combat tours in Vietnam, for which he was awarded numerous medals of gallantry, including the nation's second-highest award, the Distinguished Service Cross. These are serious charges put forth by a man who knows their seriousness. Moreover, he is one of the few who have intimate knowledge of the way the U.S. Government's POW/MIA policy operates.

Finally, the Minority Staff notes that Colonel Peck's conclusions are remarkably similar to the conclusions which were contained in the Minority Staff's Interim Report on U.S. POW/MIA in Southeast Asia published in October, 1990. The staff arrived at these conclusions independently, having worked for nearly a year before Colonel Peck was appointed to the POW/MIA office. Our only acquaintance with him was during the few days in which his superiors allowed only Senator Grassley and staff to review live-sighting reports under strict constraints. Because of the atmosphere of tension surrounding these issues in the Executive Branch, our observations were limited to the fact that Colonel Peck was a competent professional acting according to his instructions. We now know in addition that he is a person of sound judgment and integrity.

LIVE SIGHTING REPORTS

The Department of Defense (DOD) has been gathering reports on live sightings of American prisoners since the United States became involved in the war in Southeast Asia. Live-sighting reports are defined as first-hand eye-witness accounts of a person or persons whom the witness believes to be an American POW or American POWs seen in captivity in Southeast Asia.

The DOD states that it has received in excess of 1,400 first-hand live-sighting reports since the end of the Second Indochina War (1955-1975). With the exception of a very small percentage of live-sighting reports that remain "unresolved," DOD has concluded that the vast majority of live-sighting reports do not pertain to any American POWs still in Southeast Asia. Given DOD's record of disproving these hundreds of live-sighting reports, there is little reason to assume that the few live sighting reports that are still "unresolved" will ever be determined by DOD to be valid eye-witness accounts of American POWs.

In the opinion of staff, many of the "resolved" live-sighting reports should be re-examined. There are numerous instances in which the Defense Intelligence Agency (DIA) attempts to explain away the validity of a report with a flawed or, at least, questionable analysis. Among the common explanations used by DIA to resolve live-sighting reports are the following: that a particular report in question is:

- 1) a fabrication;
- 2) a sighting of Soviet, Cuban, or other East bloc advisors;
- 3) a sighting of volunteers from Western countries working in Southeast Asia;
- 4) a pre-1979 sighting of Robert Garwood, the American POW who returned in 1979 and was, later, convicted of collaborating with the enemy;
- 5) a sighting of American civilians detained for various violations of the Vietnamese criminal code;
- 6) a sighting debunked or discredited--in other words, disregarded--because the source's statement was found to be inconsistent with information DOD considered to be factual; or,
- 7) an out-of-date sighting of POWs who were repatriated during OPERATION HOMECOMING (1973).

LIVE SIGHTING REPORTS

Many times such rationales are valid for particular reports; however, the same explanations are also used in a rigid, bureaucratic manner in order to resolve reports and close the files. Staff reviewed hundreds of classified and declassified live-sighting reports. In the opinion of staff, many live-sighting reports were closed prematurely and disregarded when minimal additional effort may have resolved the veracity of live-sighting reports.

In some instances, the analysis and conclusion that these sightings do not refer to American prisoners cannot be supported by the contents of the respective files. The findings, in these cases, were premature or, worse, could not be supported by the facts of the case. Moreover, DIA's analysis in a general sense reflects an approach by DOD that appears to be geared toward disproving each live-sighting report, rather than each report receiving, as proscribed by official DOD policy, the "necessary priority and resources based on the assumption that at least some Americans are still held captive."¹

Thus, DOD has been able to construct a rationale to discredit "officially" nearly each and every live-sighting report. Staff found instances where DOD merely excluded from its analysis certain details of a valid sighting, such as a source's statement about the number of POWs sighted, their physical condition, a description of the camp or cave they were held in, whether they were shackled, or, whether they were gesturing for food. By the exclusion of such corroborating details, the report could -- under the convoluted DOD bureaucratic process -- be labeled a fabrication. Furthermore, the exclusion of these details would not be known to anyone reading just the summary of the live-sighting report, or even by reading DOD's analysis of the report. Only by reading the "raw intelligence" can one learn such details.

DIA's greatest effort at corroborating a source's report is directed at the source's information about themselves, the source's description of the location of the live-sighting, and the source's explanation of how and when the sighting occurred. Great effort is not expended, however, to corroborate whether American POWs were in fact being held prisoner, or were working at or being transported through a particular location.

Any slight indicators of what DOD felt was an inconsistency in the source's description of the time, location, or circumstances of the sighting was used by DIA to erode, and therefore disprove the credibility of the source and/or the source's information. This lack of credibility of the source becomes the basis by which the source's live-sighting report is disregarded. It should also be noted that the debunking of such reports was not confined just to allegations of inconsistencies in the source's information; some live sighting accounts were dismissed for what, in the opinion of staff, seems to be dysfunctional analytical reasoning.

Once an analyst makes a conclusion, it seems to be cut in stone. In other words, the DIA is reluctant to change its conclusions concerning some individuals even when reliable evidence to the contrary is presented for review. Although it is obvious that the reliability of sources varies, it appears that DIA starts with the premise that every source is lying, and then works toward

¹ See Department of Defense "POW/MIA Fact Book," 1990.

substantiating that premise. A more positive procedure would be to make every possible effort to substantiate the information before setting it aside.

One example of DIA's debunking mentality is illustrated by the case of U.S. Navy pilot LCDR James E. Dooley.² Dooley was shot down, October 22, 1967, conducting a bombing run near Hanoi flying an A-4E aircraft. He crashed just south of Do Son, Haiphong Province, Democratic Republic of Vietnam (North Vietnam). Fellow pilots saw Dooley's aircraft after it was hit, watching it go down gradually until it hit about one mile offshore in the vicinity of Do Son. They did not see him eject from the aircraft. Limited observation by fellow pilots, weather, and the swiftness of the incident may have led to some confusion over whether or not Dooley survived the crash of his aircraft.

Dooley is officially listed as KIA-BNR. Dooley was not returned or accounted for during OPERATION HOMECOMING in 1973. In 1987, a North Vietnamese refugee was interviewed by U.S. intelligence personnel at a refugee camp. The refugee described the shootdown of an American jet aircraft he witnessed in 1968 while in the area of Do Son, Haiphong Province. According to the source, he saw the pilot bail out with a tri-colored parachute and try to swim out to sea to escape capture. The pilot fired a pistol, while swimming out to sea, at his pursuers before being captured. The refugee said, the captured pilot was stripped of his one-piece flight suit, placed in the sidecar of a motorcycle, driven across Do Son airfield and taken away by North Vietnamese officials to a waiting Chinese automobile.

An early DOD evaluation of the fisherman's information concluded the fisherman probably witnessed the shootdown of a Navy pilot named J. M. Hickerson, who was shot down two months after Dooley in the same general area of Dooley's shootdown. Hickerson was captured, and repatriated from North Vietnam in 1973.³

However, after OPERATION HOMECOMING, information that Dooley was alive began to surface. In 1973, a U.S. POW who had been repatriated said he saw Dooley's name written on the wall of a prison cell in Hanoi. Two Thai special forces soldiers released from North Vietnamese custody in 1973 identified Dooley's photograph as a fellow inmate. Finally, a Communist propaganda photograph of captured U.S. pilots in Hanoi, dated after Dooley was shot down, shows a partial profile of a person that strongly resembles Dooley.

In April 1989, former POW Hickerson, in a written statement, described the details of his parachute landing and capture. Hickerson was disturbed that the fisherman's eyewitness account of the shoot down of an American Navy pilot was wrongly attributed to his shoot down. In his statement, Hickerson pointed out that he landed on the inside of the peninsula at Do Son, and therefore, he could not have been swimming out to sea when he was captured, as the fisherman described. Furthermore, Hickerson wrote, he did not fire his pistol before capture, as the fisherman

² After Dooley was shot down he was promoted to his current rank, lieutenant commander, which was shortly before the U.S. Navy declared him dead.

³ Message, "From: JCRC, Barbers Pt., HI, To: COMNAVMILPERSCOM, date/time group 101802Z," April 1987, which references an earlier Cable, "From: JCRC, Bangkok, Thailand, date/time group 151000Z," January 1987.

described. Hickerson stated that his parachute was all white, not tri-colored as the fisherman stated. Hickerson further stated that when he was shot down he wore a Marine utility uniform, consisting of pants and shirt, not a one piece flight suit as the fisherman described. Finally, Hickerson was taken to prison riding on the back of a bicycle, not in a car as the fisherman described.

Despite these sharply contrasting differences between the actual events of Hickerson's capture, and the fisherman's description of the shoot-down he witnessed, DOD refused to change its original conclusion that the captive witnessed by the fisherman was Hickerson.⁴ The fisherman may indeed have witnessed a capture, but the description of events more closely resembles the capture of Dooley, not Hickerson. In other words, a significant question remains: was Hickerson's shoot-down correlated to the fisherman's live-sighting report--despite the significant factual discrepancies between the two events--only because Hickerson was repatriated, and therefore the fisherman's live-sighting could be "resolved"?

In a message dated April 10, 1987, the Joint Casualty Resolution Center at Barbers Point sent an evaluation of the Dooley file to the National Security Council (Col. Childress), noting Dooley was listed in a "presumptive status of dead, body not recovered."⁵ The message says that Dooley's case was presented to North Vietnamese officials in August 1984 as a case under consideration during a POW/MIA technical meeting in Hanoi. What was the status of the JCRC inquiry in 1984? Were they looking for remains, or were they trying to ascertain the fate of a person believed to have been a POW in Hanoi's custody and not accounted for?

As with a number of cases in JCRC's files, there are conflicts. It is not known how many potential cases of mismatch in casualty incident information there are in DOD files. The Dooley case is but one example of questionable analysis of live-sighting information by DOD of unaccounted-for airmen and soldiers from the Second Indochina War.

INTELLIGENCE COLLECTION

Beyond the problem of flawed, or questionable analysis are more fundamental problems. Staff has identified numerous weaknesses in the methodology and procedures for collecting and analyzing information from refugees. These weaknesses may be found in the procedures for soliciting the information, follow-up interviews, mobilization of adequate manpower, weak linguistic capabilities, the improper methodology for identification of sources; and the failure in many cases to obtain native language statements from sources during initial contact.

The primary responsibility for collecting this information originally rested with the JCRC, a Joint Chiefs of Staff organization within DOD. Presently, that responsibility rests with DIA. After the fall of the Republic of Vietnam (South Vietnam) government in 1975, JCRC offices were stationed within Thailand to carry out this mission.

⁴ Cable, "From: JCRC Barbers Pt., HI, To: COMNAVMIIPERSON, time/date group 251800Z," July 1988.

⁵ The Navy issued a DD Form 1300, 12/4/73, changing Dooley's status from missing to dead, body not recovered.

LIVE SIGHTING REPORTS

In Thailand, the procedure for collecting POW information was as follows: JCRC officials, depending on the availability of resources, traveled to various refugee centers to collect information on purported live-sightings of U.S. POWs within Laos, Vietnam and Cambodia. At each refugee camp, JCRC officers would make announcements in the camps requesting that any refugees who have knowledge of American POWs should report, at a certain time, to a certain location, for debriefing. On occasion, volunteer workers at refugee camps, when initially processing the arriving refugees, would also elicit such information, and report it to JCRC.

The problem with this procedure is that it depends too much upon the initiative of frightened, confused refugees, who have been traumatized by their experience of fleeing their country, and are deeply suspicious of any governmental authority, even one that is trying to help them. The practice of making a general announcement--often referred to contemptuously by government officials as the "cattle call," with the subsequent interviews as the "round-up"--could easily be seen as a threat or danger signal to anyone who had contact with American POWs; contrariwise, it might suggest to a refugee with a manipulative mind that providing information, even if false, might be a way to get ahead in the refugee resettlement system. In the first case, opportunities to get valid reports are lost through fear; in the second, false reports are encouraged.

A more effective method is the so-called "canvassing method." Each refugee is asked questions about possible POW sightings as part of their initial refugee processing, thereby making it unnecessary for a prospective informant to stand out publicly, and lowering the threshold of resistance to discussing the topic. However, the canvassing method requires that JCRC personnel be stationed within easy reach of the refugee camps, a practice which was not followed.

Another failure in collecting information from refugees involves follow-ups to initial interviews. Follow-up procedures require JCRC officials to conduct interviews once a source indicates having information pertaining to American POWs still in Southeast Asia. The information would then be sent to DIA for analysis and follow-up interviews, if necessary. Originally, DIA provided to the JCRC staff additional questions to be asked; however, since JCRC did not have adequate manpower to cover the number of refugees pouring out of Laos, Cambodia (Kampuchea), and Vietnam, this procedure was not followed.

In excess of 300,000 Asian refugees fled from these countries; yet JCRC staff never exceeded thirty-four officials in number on-site in Southeast Asia. The cumbersome nature of this procedure impeded the timeliness of the follow-up interviews. As a result, the information collected was dated and, therefore, its usefulness was diminished.

Limited manpower and the methodology used for both initial and follow-up interviews were major weaknesses in JCRC's collection procedures. Initially, this limitation was especially true of the shortage of trained linguists. Indeed, DOD recognized this problem and sought to increase manpower. In 1987, DIA groups were established throughout Southeast Asia to collect POW information first-hand. This effort was code-named "STONEY BEACH." The program added greatly to the quality, quantity and timeliness of information provided by the refugees.

LIVE SIGHTING REPORTS

The STONEY BEACH program enabled subsequent debriefings of refugees to be conducted in a more comprehensive manner. Unfortunately, once information was obtained, no effort was spared to utilize other intelligence methods available to corroborate selected content of these live-sighting reports.

"BLACK" OPERATIONS

Notwithstanding numerous government documents available under the Freedom of Information Act (FOIA), documents in public archives, and published works, most of the extensive covert military operations throughout Southeast Asia between 1955 and 1975 remain classified. As a result, DOD's list of U.S. personnel lost while on covert, or "black" military operations in Southeast Asia (i.e., Laos, Cambodia, Thailand, North Vietnam, South Vietnam, Burma, and the southern provinces of the Peoples Republic of China) is highly suspect.

As a result, this precludes a presentation of evidence that the lists of POW/MIA and KIA-BNR from Southeast Asia are skewed as a result of withholding of casualty counts from black operations. But the continued effort by the U.S. government to keep records of these operations classified, or to withhold information related to these operations under FOIA exemptions tends to indicate information on U.S. casualties related to these activities may not be accurate. An early 1970s Senate hearing on military operations on Southeast Asia was given classified information on losses from classified operations in Southeast Asia, but that information remains classified and is not included in this report.

Needless to say, due to the covert nature of classified operations, they must remain secure even when personnel involved disappear. According to sources interviewed for this report, if an individual on a covert "black" military or intelligence operation is lost i.e. either captured MIA or KIA-BNR--he might be declared dead immediately (KIA-BNR); or he might be listed MIA, followed by a presumptive finding of death issued after 12 months elapsed. According to these sources, benign cover stories were sometimes prepared to explain the disappearance of individuals lost on covert or classified missions in Southeast Asia to reflect a MIA or KIA-BNR status. If such a cover story remains as the official account of such casualties, then it would impact on any future evaluations of an individual casualty file because the official case file contains erroneous information as to circumstances or location of the casualty.

One source interviewed alleges that, in order to protect the existence of some classified operations conducted during the Second Indochina War, U.S. casualties from these operations may have been explained away as training accidents in an entirely different geographic location (e.g., Thailand or Okinawa), or as battle losses in areas of South Vietnam even though the loss occurred in another Indochina location (e.g., Laos, Cambodia, or North Vietnam). If casualty information has been manipulated, as alleged by some people, to protect the secrecy of special operations, then what guarantee is there of any oversight of accountability for U.S. personnel who were declared KIA-BNR or MIA from such covert operations?

"BLACK" OPERATIONS

Due to the classified nature of these covert or special warfare missions, there exist no easily accessible records of those involved in these missions; therefore, "presumptive findings of death" might be based upon faulty data in such individual case files. Or, if the review boards for individual casualty cases for persons lost during classified operations in Southeast Asia had access to the true circumstances of the loss, then they might be able to make an absolute finding of death in some cases rather than prolonging the agony of the survivors by publishing faulty findings based on circumstances contrived to conceal covert operations.

In order to arrive at a true accounting for U.S. personnel from "black" operations in Southeast Asia, the following fundamental questions must be answered:

- 1) When did the United States begin covert operations in Southeast Asia?
- 2) Which U.S. agencies or military departments participated in such operations?
- 3) How many U.S. citizens served in Southeast Asia on classified operations during those years?
- 4) What were the losses of personnel in these operations?
- 5) Where did the losses occur?
- 6) What efforts have been made to account for those persons who failed to return from the classified missions?

The extent of United States covert operations in Southeast Asia identifiable through nonclassified, or declassified sources indicates a large number of U.S. military and civilian personnel were lost on these missions. DOD has publicly stated, after release of this investigation's Interim Report last October, all personnel lost on covert missions during the Second Indochina War are on the public casualty lists and that there is no secret list of casualties from covert operations in Southeast Asia.

However, sources interviewed by staff indicate otherwise. Are the public versions of these lists accurate as to the time, date, place, and status of the individuals engaged in classified operations when lost? Are survivors from classified operations the source of live-sighting reports of American POWs in Laos? There is reason to question DOD further on this problem of losses related to classified or covert operations in Southeast Asia.

One case in point is the combat loss of a U.S. Air Force communications/navigation site located on top of Phou Pha Thi, Sam Neua Province, Laos, known as Site 85.

Site 85 provided the Air Force with all-weather capabilities for bombing Hanoi and Haiphong, North Vietnam. Its primary electronic navigation system was known by the acronym TACAN. The site was identified with a nearby classified landing strip operated under CIA covert

"BLACK" OPERATIONS

funding and known as Lima Site 85. The former Air Force TACAN site on Phou Pha Thi is generally referred to as "Site 85."

The site was classified, its mission classified, and the circumstances of these March 1968 battle casualties remained classified for many years. Even today, much of the information related to Site 85's equipment, purpose, effectiveness, and battle loss is still classified.

Site 85 was built in 1967, over the objections of the U.S. Ambassador to Laos, and manned by a handpicked team of Air Force technicians in 1968. The Air Force technicians for Site 85, listed as Lockheed Aircraft Systems employees on paper, had been discharged from the military and were paid through Lockheed. The Air Force promised that their service credit would be restored once their classified mission was completed. This cover was necessary to avoid violating the provisions of the 1962 Geneva Peace Accords for Laos prohibiting foreign military presence in Laos.

Site 85 was attacked by Pathet Lao forces March 10, 11, 1968. Eleven U.S. Air Force personnel were lost when the site was overrun by Communist forces. Except for four personnel lifted out by an Air America helicopter during the battle, the remaining eleven personnel manning the site that day are officially listed KIA-BNR.

Almost immediately after the attack, the Thai and Hmong indigenous forces which provided security to the site, were ordered to destroy it with heavy weapons fire before retreating from the mountain top on March 11. These U.S. sponsored, CIA led indigenous guerrilla troops carried out their orders. To insure the complete destruction of the site, American A-1 aircraft in Laos attacked the site with rocket and machine gun fire.

After the successful Communist attack on the mountain site, the U.S. Ambassador to Laos declared the eleven missing Air Force personnel dead. No U.S. bodies were recovered or, for the most part, none identifiable with this group were seen after the attack. Finally, U.S. jet fighters were brought in from out of country to finish the destruction of the mountain site with bombs and rockets. On March 12, 1968, the U.S. indigenous guerrilla force from the mountain site were all accounted for at a rendezvous point. They had no Site 85 survivors with them.¹

However, the Thai sergeant in charge of the indigenous guerrilla force guarding Site 85 told Committee staff that three of the Air Force technicians at the TACAN site were taken prisoner by the North Vietnamese/Pathet Lao attacking force. He gave this information to American intelligence officers in 1968.

A review of POW live-sighting documents, declassified under FOIA rules and released in 1978, contain reports that three American prisoners were brought to a village near Site 85 by North Vietnamese troops about the time of the attack on Site 85. Documents from these files also refer to Americans held in the caves near Site 85, while other caves in Sam Neua were used by Pathet Lao, North Vietnamese, and advisers from the Peoples Republic of China.

¹ According to a declassified CIA message, the heavy weapons fire and initial air attacks used to destroy the site were carried out on March 11, 1968.

Throughout the declassified POW files used by this staff, it was not uncommon to see reports that American prisoners were seen in these caves in Sam Neua Province. No bodies were ever recovered from Site 85 by U.S. forces, and there are no eyewitnesses to say that all eleven missing men were killed in the battle.

The Air Force officer in command of Site 85 and other similar activities in Laos was at the unit's Udorn, Thailand headquarters when Site 85 was overrun. According to him, he was told the destruction of Site 85 was not attempted until after there was reasonable evidence that no Americans were still alive on the mountain top.

But a declassified CIA report of the incident show the destruction of the site by the indigenous guerrilla force and American A-1 aircraft was started almost immediately. The jet aircraft bombing of Site 85 on March 12 was a day or more sooner than what the former commander believed to be the truth. According to reports of the loss of Site 85, aerial photos taken on March 11 and 12, 1968 show bodies on the ground, but the bodies cannot be identified as non-Asian or, U.S. military personnel assigned to Site 85.

Then, in September 1990, an Air Force captain traveling in Laos while conducting research related to his doctoral study arranged to interview a Pathet Lao general officer. During the interview, the Lao officer claimed to have taken part in the March 10-11, 1968 assault on Site 85. The Lao officer told the Air Force captain that three U.S. Air Force technicians survived the Phou Pha Thi mountain battle and were turned over to North Vietnamese troops for transport to North Vietnam.²

This information corroborates the Thai sergeant's report that three U.S. personnel were captured during the battle for Site 85.

In view of this most recent information on survivors from Site 85, the prisoner of war intelligence reports concerning three Americans seen at a village near Phou Pha Thi after the attack on Site 85 and other POW reports for that time period need to be reviewed and reevaluated to determine if any of them pertain to the Site 85 personnel. If three men survived the battle at Site 85, why haven't they been accounted for by the North Vietnamese? What was their actual fate? Given that no prisoners were ever repatriated from Pathet Lao control this incident takes on even greater significance.

The Air Force losses at Site 85 are only one example of the controversy over U.S. casualties in Southeast Asia as a result of covert, or classified military operations. Cross-border operations by U.S. Special Forces (SF), Army Long Range Reconnaissance Patrol (LRRP), and Marine Force Recon sometimes resulted in their members never being seen or heard from again. Air Force air support operations in Laos under the name of the "Ravens" resulted in numerous casualties, while

² Cable, "From: JCRC Bangkok, TH, To: CDR, JCRC Barbers Point, HI, time/date group 110910Z, September, 1990," provides this information without names of individuals. Institute of East Asian Studies, Indochina Chronology, Vol. IX, No.3, July-September 1990, p.42, identifies the captain as Timothy Castle. Another source identified the Lao as Singkapo Sikhotchounamaly.

members of the Ravens were officially listed as "civilians" serving in Laos. Navy SEAL, swift boat, or riverine force operations into North Vietnam, Laos, or Cambodia remain classified, including their non-recovered casualties. The so-called "black operations" undertaken by DOD organizations, the Department of State, and the CIA in Indochina are still not openly discussed by veterans.³ Moreover, military history monographs and a number of other books have been published on Navy Riverine Forces in Southeast Asia, but preliminary research show the true story of these shallow draft boats is still buried in U.S. Navy files.

Who has accounted for their battle casualties and how accurate are those records? In addition to the military operations, there is ample evidence of Americans participating as civilians in covert operations, or classified activities outside of the Republic of Vietnam (e.g., Air America, Continental Air Services, CIA para-military operations). Who accounts for those losses resulting from such "civilian" activities?

U.S. military and civilian losses in Southeast Asia during the entire period of the Second Indochina War must be reviewed for accuracy, as well as a means of providing information to the next of kin of these battle casualties. DIA, in its news release concerning the Interim Report released by Committee staff in October 1990, asserted that *all* American casualties are accounted for on its lists of MIA, POW, or KIA-BNR for the war in Southeast Asia. Without cross checking between operational reports from covert and/or classified missions and unclassified casualty lists, this will remain an open question.

³ See Christopher Robbins, The Ravens: The Men Who Flew in America's Secret War in Laos (New York: Crown Publishers, 1987); Shelby L. Stanton (Novato: Presidio Press, 1985). These are two well-documented works on clandestine or special warfare operations in Indochina. The Ravens describes clandestine air operations in Laos and The Green Beret at War describes Special Forces operations in Indochina from 1955 through 1973.

ACCOUNTABILITY

Two methods are used by DOD to account for missing Americans in Southeast Asia. One is the statutory presumptive finding of death in individual cases; the other is categorizing casualties as Killed in Action-Body Not Recovered (KIA-BNR). In either case, when human remains are repatriated from Southeast Asia, they are identified against persons in these two categories. When an identification is made, the individual is accounted for as having died while in the Indochina War zone.

Individually, members of the military services, or U.S. Government employees who were missing while serving in Indochina and remain unaccounted for, can be declared dead by the secretary of the military service or head of the government agency responsible for that individual.¹ Basically, the U.S. Code permits the secretaries and/or heads of agencies to declare an individual dead after the person has been missing for 12 months under circumstances indicating he or she may have died. Each case is decided on its own merits and cases may be reopened if sufficient evidence is presented indicating the individual may still be alive, although not physically returned to U.S. control.

Both presumptive findings of death, and KIA-BNR status strongly prejudice subsequent evaluations of live-sighting information. For example, live-sighting information is much more likely to be disregarded in the field as a result of an individual having been already assigned to one of the legal status-of-death categories without identifiable human remains to substantiate the status.

Supposedly, KIA-BNR status has a stricter evidence criteria than does a presumptive finding of death. However, even KIA-BNR status has its problems when it comes to accounting for missing Americans in Indochina. Two illustrative cases of KIA-BNR problems--that were not among classified files reviewed by staff--follow.

In one case, a Vietnamese source identified the picture of a U.S. Marine as a person he saw in the custody of North Vietnamese forces. However, the U.S. official debriefing the source concluded the source was mistaken because the Marine identified in the photograph by the Vietnamese source was officially listed as KIA-BNR.² As a result of the U.S. official's conclusion, this live-sighting report is considered to be "resolved." Since even in the extremely short Gulf War, Americans officially reported to be killed in battle were in fact captured, and later repatriated by

¹ Authority for "presumptive findings of death" is found in Title 5 USC, Section 5565 through 5566 for civilian employees; Title 37 USC, Section 555 through 557 for U.S. military personnel. These codified sections of law are implemented through regulations issued by the various departments and agencies responsible.

² This case was taken from DIA's 1978 declassified message traffic titled "Uncorrelated Information Relating to Missing Americans in Southeast Asia."

the Iraqis, it is likely that some servicemen reported to be KIA-BNR were in fact captured in Southeast Asia.

In another case, a U.S. serviceman who was reportedly last seen wounded on a Vietnam battlefield was subsequently listed as KIA-BNR. But a year afterward, he had to be reclassified as POW when a handwritten letter from him, dated after his presumed death, was found on the body of a dead Viet Cong soldier in South Vietnam. The letter was addressed to the serviceman's family and talked of life in a Viet Cong prison camp. Based this information, the Marine Corps changed the corporal's status to POW and promoted him in absentia to sergeant. At the conclusion of OPERATION HOMECOMING in 1973 he was not repatriated. Since then, based on a lack of evidence that he is alive, the serviceman has been found, presumptively, to be dead.

IDENTIFICATION OF REMAINS

Part of DOD's solution to "resolve" POW/MIA or KIA-BNR cases is to identify recovered remains of individuals from Southeast Asia, and match those remains with unaccounted-for or missing Americans on the Vietnam-era casualty lists. However, the Committee has reviewed numerous cases that pieces of bone, or bone fragments were the basis for the identification of the remains of POW/MIA or KIA-BNR cases. These cases, if measured against court room body identification and death evidence criteria, would not be acceptable in court proceedings, except to infer, or to provide circumstantial evidence that something happened to a human being(s) at that location. Furthermore, a scientific evaluation of remains identification methodology used by DOD can be most politely described as not being based on any known and accepted forensic procedures.

In many cases, remains identified by DOD show that there is a probability that such remains are likely of the persons thought to have perished at a particular place. This determination is further complicated since individual skeletal were consumed by natural or in some cases, manmade forces. However, proof that bone fragments belonging to an individual were recovered is sorely lacking in many instances.

In some cases, DOD has made "identifications" of individual servicemen based on less than a handful of bone *fragments*. Further, in some cases, this finding was made by DOD, despite live-sighting reports that some of the individuals declared dead, and there remains "identified" at a crash site, were seen in captivity after the supposed date of death.

For example, on October 5, 1990, at Arlington National Cemetery, DOD buried the "remains" (bone fragments) of four U.S. servicemen presumed to have died when a helicopter crashed in Laos during the war. These remains were buried with full- military honors. Then, their names were taken from the unaccounted-for list, and added to the list of those accounted for from the Second Indochina War. However, according to family members, and admitted by DOD, two of the caskets of "remains" contained no bones at all--no physical matter, whatsoever. The two coffins were empty.

The burial charade was based on specious deductive DOD procedures. The aircraft

manifest for that flight listed four American military personnel and nine South Vietnamese troops on board the helicopter when it crashed in Laos. Based upon the flight manifest documentation, the identification of a ring belonging to one of the Americans on the flight, and supposed positive identification of two teeth (one each allegedly identified for the two persons whose caskets had bone fragments in them), each of these cases were closed with everyone accounted for and buried with full military honors at Arlington National Cemetery.

These remains buried October 5, 1990 could not be identified as a specific individual by any known or accepted scientific forensic analysis. In the statements released to the press at the time of these "burials," DOD referred to "remains" and new cases "accounted for." Clearly, the implication in these statements is that physical remains had been recovered and restored to the families of the servicemen. Yet that is not what DOD means. DOD obviously has its own language, its own definitions of ordinary words, and its own purposes--mainly "resolving" cases--to be served.

Furthermore, there is some information that at least one of the four Americans may have survived the helicopter crash in Laos, but his actual death took place much later and he was buried at the Pathet Lao prison camp in which he was being held. In 1986, a Laotian eyewitness, a member of the Royal Laotian Army, reported that he had been imprisoned with Captain Nelson--one of the four "buried" at Arlington National Cemetery. The Laotian stated that he nursed Captain Nelson until he died, and that he was the one who buried Nelson. The Laotian identified a photograph of Captain Nelson, and provided DOD specific locations, geographical details as well as a hand-drawn map of the camp, with Nelson's grave site marked. Although the Laotian's report did indeed confirm the death, the death was not the result of being killed in action. Moreover, the alternate explanation of his death revealed the flaws in DOD methodology. Despite this evidence, DOD made a determination that the Laotian was not credible, and closed the case.³

THE MORTICIAN

Another problem in identification arises from the Vietnamese practice of warehousing remains of U.S. POWs for purposes of barter. In 1979, a former North Vietnamese government official, commonly referred to as "The Mortician," defected to the United States. The Mortician testified before the United States Congress that he was personally responsible for preserving and storing in excess of 400 remains of American servicemen. The United States Defense Intelligence Agency, uncharacteristically, has publicly vouched for The Mortician's credibility with regard to his statement that he cared for the U.S. remains. These remains are warehoused in Hanoi.

To date, since the end of hostilities with North Vietnam, only 255 sets of remains of U.S. servicemen have been returned to the United States. Many of these remains have been recovered as the result of "joint-excavations" of plane and helicopter crash sites by United States and Vietnamese government personnel. Characteristic of the complete lack of cooperation the Minority Staff of the United States Senate Committee on Foreign Relations has received from the Executive branch throughout in this inquiry, DOD has consistently refused give the Committee the

³Statement by Senator Helms (R-NC) printed in the *Congressional Record*, Friday, October 5, 1990, "The Mock Burial of MIAs," pp.S14625-S14627.

number of U.S. remains, out of the total 255, that have been excavated, despite the Committee's repeated requests for this information.

Given the statement of The Mortician, it is apparent that the Vietnamese have not returned many of the remains of U.S. servicemen in their possession. Even assuming that every one of the 255 remains returned to the United States was from the Vietnamese warehoused stock--which the Committee knows is not the case--they would still have 145 remains stored in Hanoi.

While this policy of doling out remains of U.S. servicemen, one set at a time, in an on-again, off-again fashion, may be repugnant to Americans, it accurately reflects the Vietnamese government's ideology, history, and the repatriation policies of its Communist allies.

THE CENTRAL IDENTIFICATION LABORATORY

The responsibility for forensic identification of remains of U.S. Armed Forces personnel in the Pacific theatre rests with the Army Central Identification Laboratory, Hawaii (CIL-HI). According to DOD, by early 1990 CIL-HI had identified 255 sets of repatriated remains from Indochina as the remains of U.S. personnel unaccounted for from the Second Indochina War. For a number of years, CIL-HI has been identifying remains of missing U.S. personnel from the Korean War and World War II's Pacific Theater still being discovered or, in a recent case, returned by foreign governments.⁴

A prominent physical anthropologist, Dr. Michael Charney, Professor Emeritus, at the University of Colorado and an internationally recognized expert in the science of forensics has conducted an extensive review of physical remains "identified" as missing Americans from Southeast Asia by CIL-HI. He concluded that it was scientifically impossible to have identified the cases he reviewed from the bone fragments returned to the next of kin.

In fact, according to Charney, the misidentification of these individuals had to be intentional, since there was no scientific basis to make any type of identification. Dr. Charney has reviewed CIL-HI's identification of remains in many other cases. According to Dr. Charney, CIL-HI has falsely identified as many as eighty separate sets of remains of U.S. servicemen previously listed as MIA or KIA-BNR.

Dr. Charney has levied these serious charges against CIL-HI both publicly and to Committee staff. Dr. Charney states,

This facility [CIL-HI], entrusted with the analysis of mostly skeletonized remains of our servicemen and women in the identification process, is guilty of unscientific, unprofessional work. The administrative and technical personnel have engaged knowingly in deliberate distortion of details deduced from the bones to give credibility to otherwise impossible identification.

Dr. Charney also went on to say that CIL-HI has blatantly and deliberately lied about a large number of the remains CIL-HI has identified. Dr. Charney states that, in his professional opinion,

⁴ In May 1990, North Korea returned five sets of remains of U.S. servicemen from the Korean War.

CIL-HI technicians have in some instances made identifications of remains based on human remains or other material not capable of providing such an identification. He further states that many of the technicians who performed the identifications lacked advanced training in the field of forensic anthropology. Prior to 1986, CIL-HI's technicians referred to themselves as "doctors," when, in fact, they had never been awarded doctorates in medicine or any other recognized scientific or medical discipline.

After 1986 U.S. House of Representatives hearings on the CIL-HI facility⁵ in which Dr. Charney and Dr. George W. Gill, another expert in the field of forensic anthropology, both testified on about CIL-HI, the Army attempted to correct the deficiencies in procedure and staffing identified by Drs. Charney and Gill, as well as other witnesses. The Army hired recognized experts with doctoral credentials for the staff, even though the senior anthropologist--who had the final authority to make identifications at CIL-HI--was a person with questionable academic credentials.

The senior anthropologist, a longtime employee of CIL-HI, did not hold a doctorate in the field of anthropology but had worked in the field of forensic anthropology since the end of World War II. To accomplish his tasks at CIL-HI he insisted on using a theory he developed for the identification human remains, a theory that was roundly rejected by the anthropological scientific community.

Between 1985 and 1987, Dr. Charney reviewed CIL-HI's identification of thirty sets of repatriated remains from North Vietnam and he concluded that CIL-HI had wrongly identified these remains as those of individual U.S. servicemen from the MIA or KIA-BNR lists. In each of these cases, the physical matter available to the CIL-HI forensic examiners (bone parts and fragments) was not sufficient to identify a specific individual by sex, race, height, weight, physical peculiarities, etc. In order to make their so-called "identifications", CIL-HI technicians responsible for identifying remains, in some instances, employed forensic methods and procedures not recognized by the international community of professional forensic anthropologists.

According to Dr. Charney, the CIL-HI technicians deliberately misidentified remains as individual U.S. servicemen off the list of unaccounted for during the U.S. war in Southeast Asia. He believes the only conceivable reason for this demonstrable pattern of misidentification was a desire to clear the lists of MIA while deceiving the MIA families through the return of so-called identified remains.

Dr. Gill, former secretary of the physical anthropology section, American Academy of Forensic Sciences, and a member of the board of directors of the American Board of Forensic Anthropology, substantiates Dr. Charney's statements concerning CIL-HI. Dr. Gill has publicly stated

It is clear from the bones that the problem in the CIL-HI reports results either from extreme carelessness, incompetence, fabrication of data, or some combination of these things.

⁵ U.S. Congress, House, "Activities of the Central Identification Laboratory," Hearing Before the Investigations Subcommittee of the Committee on Armed Services, House of Representatives, 99th Cong., 2d Session, 1986.

These charges levied by Dr. Charney and Dr. Gill against CIL-HI have not been refuted by DOD, and this inquiry has found no evidence that contradict Dr. Charney or Dr. Gill.

PRESUMPTIVE FINDINGS OF DEATH

The problem of accountability for individual American casualties has been addressed by every administration since the 1973 conclusion of the Second Indochina War. During the Carter Administration, for example, a DOD commission--politically sensitive questions are best handled by Commissions, especially if the object is to show the government is taking action to resolve the issue of unaccounted for servicemen--was established to review the status of individual MIA cases.

In these cases, for purposes of compensation to the next-of-kin, the commission issued the following directive:

The Commission has used the date of April 1, 1973 as the last date of entitlement to prisoner of war compensation in cases where the actual date of death is not known and where a finding of death has been issued after that date...[because]...the last known prisoner of war was returned to the control of the United States.⁶

The commission further stated:

There have been reports of sightings of Americans in Southeast Asia after that date [April 1, 1973], but neither the identities or status of those persons nor the reliability of the reports are known to be established....Therefore, the Commission finds that, in the absence of evidence to the contrary, April 1, 1973 is the last date when members of the U.S. Armed Forces were held prisoners of war by a hostile force in Southeast Asia.⁷

After a presumptive finding of death has been issued, surviving spouses, next of kin, or children are entitled to government-sponsored death benefits, e.g., six-months pay for spouses of deceased military members, government life insurance, etc. The individual is then removed from the active roles of the military service or agency responsible for him/her.

Among the issues yet to be determined by this inquiry are the following:

- 1) Was all intelligence reviewed pertaining to each individual who was presumptively found to be dead?
- 2) Have any cases ever been reopened and the presumptive finding withdrawn based upon live-sighting information, or any cases where the date of presumptive death was not changed to match information received well after the initial finding?

⁶ As declared in the legal presumptive finding of deaths that were issued by the Commission.

⁷ *ibid.*

THE FRENCH EXPERIENCE

On May 6, 1991, the newspaper *Figaro* published in Paris a statistical summary of the fate of French forces fighting in Indochina who had been taken prisoner. The French forces were composed of French nationals, French Legionnaires, Africans and North Africans, indigenous members of the French Expeditionary Force drawn from Indochina, and local forces from Laos and Cambodia.

The statistical table was compiled by the Historical Service of the French Army and shows that of 39,888 prisoners held by the Vietminh, 29,954 were not repatriated. This total includes 2,350 French nationals and 2,867 Legionnaires who were taken prisoner but not repatriated.

Today in France there is great interest in the fate of French prisoners of the Indochina war. Owing to the efforts of French Senator Jean-Jacques Beucier, what has come to be called the "Boudarel Affair" became front page news in France in February, 1991.

The Boudarel Affair involves the discovery of Georges Boudarel, a Frenchman who acted as a deputy political commissar in Vietnamese prison camps during the First Indochina War. He was in charge of brain-washing and interrogating French prisoners, and has been accused of being an accessory to torture. Nothing was known of his whereabouts for years. Then it was discovered that, after serving in the Communist International underground in Southeast Asia and in Eastern Europe, he had obtained a teaching post at a university in France.

A new book by a former prisoner who charges that he was tortured by Boudarel has just appeared in France. Written by Claude Bayle, *Prisonnier au Camp 113* is a detailed revelation of life as a prisoner of the Vietnamese revealing the primitive conditions under which thousands of French prisoners were held.

FRENCH POWS IN INDOCHINA

In 1946, after a series of armed clashes with Ho Chi Minh's forces in North Vietnam, France agreed to allow Ho's group to establish an autonomous state of the Democratic Republic of Vietnam (DRV) as a somewhat-independent state within French Indochina. The DRV's capital became Hanoi with Ho Chi Minh and the Indochina Communist Party in control.

Problems persisted between the French colonial government and the DRV. As various other political factions and nationalist forces within Indochina collectively resisted French colonial rule of Indochina, armed conflicts intensified. Finally, in late 1946, the Vietnamese communists and various nationalist forces combined into a revolutionary army that is commonly referred to as the Viet Minh. A full scale "war of liberation" was started in 1946 to remove the French colonial

government from Indochina. The Viet Minh took to the mountains and jungles to wage their war. When the Viet Minh left the cities of Vietnam they took several hundred French prisoners, military and civilian, into the jungles and mountain highlands with them. The Viet Minh's war with France, now referred to as the First Indochina War, refers to the period 1946 through 1954, when the Geneva Peace Accords were signed by the French and Viet Minh. The war also included revolutionary factions in Vietnam, Laos and Cambodia.

The 1954 Geneva Accords required France to withdraw its colonial government from Indochina, provide for an exchange of prisoners, repatriation of remains of war dead, and division of Vietnam (i.e., North and South Vietnam divided at the 17th parallel) pending elections for public determination of a form of government and the unification of Vietnam into a single state.

During the war, the largest group of French prisoners taken by the Viet Minh was at the battle at Dien Bien Phu, North Vietnam. On May 8, 1954, when the French forces surrendered to the Viet Minh, about 6,500 French troops (including French regulars, Foreign Legionnaires, colonial troops from Africa and North Africa, and colonial troops from Indochina, as well as some civilians with the troops at Dien Bien Phu) were taken prisoner by the Viet Minh. French casualties related to Dien Bien Phu were approximately 2,242 KIA and 3,711 MIA. During the war, about 39,000 French-forces POWs were taken by the Viet Minh, with approximately 11,000 were returned during repatriation.¹

None of France's war dead from Dien Bien Phu or other battle sites in North Vietnam, and none of its war dead from Viet Minh prison camps or military hospitals were repatriated. By contrast, all French prisoners held by nationalist or communist forces in Laos and Cambodia were returned or accounted for, as were many of the remains of French war dead in those two areas.

According to historians on the First Indochina War, the high rate of deaths in Viet Minh camps occurred because of the harsh conditions in those isolated camps. Also, prisoners with severe wounds, such as head, chest, and abdominal wounds, stood little chance of survival in these camps because of a total lack of medical treatment facilities and/or supplies.² In addition to the harsh camp conditions and inadequate medical facilities, the Viet Minh marched the French prisoners taken at Dien Bien Phu many miles to camps, causing many deaths during the march. And, during the prisoner exchange, the Vietnamese again marched the French prisoners over long distances, causing the death of a number of the prisoners en route to exchange points.

Only a very small number of French Union troops were able to escape after the siege at Dien Bien Phu. Seventy eight are recorded as having successfully made it back to French custody by traveling overland towards Laos. Of that number, nineteen were Europeans, the remainder were troops indigenous to Indochina.³

¹ Bernard B. Fall, *Hell in a Very Small Place*, (New York: J.B. Lippincott, 1966), pp.483,484. App. B., Table III provides the breakdown of French losses at Dien Bien Phu. The table includes three American pilots from the Taiwan based Civil Air Transport (CAT) company.

² During the siege of Dien Bien Phu, the Viet Minh had only one qualified medical doctor for 50,000 of their own troops. After the surrender, the French military doctors had to provide medical care for both the Viet Minh and the French POWs. Bayle's new memoir gives dramatic details.

³ See Fall, pp.442-447.

There are reports that some French POWs were kept in forced labor status, while others were given years of indoctrination in Marxist-Leninist revolutionary doctrine and North Vietnam's anti-colonial philosophy at re-education centers before being returned to French African and North African colonies. The Vietnamese separated officers from non-commissioned officers, and non-commissioned officers from other enlisted troops. The separated colonials from *Legionnaires*, and French regulars from all other troop. They further separated the prisoners by race and emphasized the differences in races between the Europeans, the blacks, and the Arabs. Reeducation (Marxist-Leninist indoctrination) was concentrated on African and North African colonial troops.⁴

Just as the Soviets did at the conclusion of World War II in the Pacific and Europe in 1945, after the signing of the 1954 Geneva Accords, the Soviets sent a delegation to North Vietnam to repatriate, forcibly, French Foreign Legion POWs identified as former nationals of Soviet bloc nations.⁵

The North Vietnamese repatriated some *Legionnaires* and large numbers of colonial troops from non-Soviet bloc countries directly to their homelands, via China, without notification to the international commission overseeing the Indochina prisoner exchanges. As a result of the forced repatriations by the Soviets and unreported repatriations by North Vietnam, there are great disparities in accounting for French POWs released by the North Vietnamese after the 1954 Geneva Accords.

In 1962, about forty "Metropolitan" French POWs were returned to France. After their return, the French government charged these former POWs as deserters, or "ralliers"⁶ and court martialed them, giving some of them prison sentences of up to five years and no back pay for the period they were prisoners in North Vietnam. Another group of about twenty Metropolitan French POWs chose to remain in North Vietnam. This latter group was court martialed in absentia for capital crimes committed during the war and elected to remain in North Vietnam rather than return to France and face execution.

Writer William Stevenson, a noted BBC correspondent who covered the French Indochina War, told the staff about interviews he had with French soldiers held captive by the North Vietnamese. He was of the opinion that the French prisoners seemed to be mentally deficient, possibly as a result of their long, harsh imprisonment, or severe brainwashing techniques known to have been employed by the North Vietnamese.⁷ Robert Garwood, a former U.S. POW who

⁴ See Fall, pp.438-442.

⁵ As noted, the Soviets carried out a similar policy in 1945 in Hanoi at the end of World War II.

⁶ "Rallier" is a term used by the French and Viet Minh to describe persons who rallied to the opposite cause. U.S. military intelligence documents from the Second Indochina War reviewed for this research also use the term "rallier" to describe an American serviceman who went over to the National Liberation Front or North Vietnamese side.

⁷ Fall, *Hell in a Very Small Place*, pp.438-442. Survivors of Viet Minh brainwashing techniques had a myriad effect on the French POWs. Some carried guilt for their conduct in prison after their release; colonial soldiers became revolutionaries after return to their home states; and, oddly, *Legionnaires* and paratroopers became the French extreme right-wing militarist.

voluntarily returned from Vietnam in 1979, stated that, during the mid-1970s, he saw French prisoners used as forced laborers in a North Vietnamese dairy farm not far from Hanoi. Garwood believed the French POWs he saw were former Legionnaires who had not yet earned French citizenship when taken prisoner during the First Indochina War.⁸ Because of that, they had no home country to accept them after the war.⁹

During the 1954 French withdrawal from North Vietnam, the French left the North Vietnamese construction equipment, railway equipment, and various pieces of land and water transport equipment, as well as other stores of non-military supplies already in North Vietnam. From 1955 until sometime in the 1970s, the French government paid the Democratic Republic of Vietnam (North Vietnam) an estimated \$30 million, via Hungarian banks, for maintenance of French military graves. In return, the North Vietnamese periodically repatriated remains of French military dead to France. However, all the remains repatriated were exhumed from graves already known to French authorities. The best information available indicates none of the war dead from Dien Bien Phu, the Viet Minh prison camps, or the death marches were ever repatriated to France.¹⁰

In 1971, to resolve the lingering problem over the unaccounted-for POW/MIA from the First Indochina War, the French Foreign Minister declared all unaccounted for French POW/MIA in Indochina dead. According to author/historian Bernard Fall, the actual number of French casualties in the First Indochina War was never made public. In 1973, the French resumed diplomatic relations with North Vietnam.

ANOTHER REPATRIATION EXPERIENCE

In 1975, after the successful invasion into South Vietnam by North Vietnamese and Communist forces, the North Vietnamese captured two high-ranking South Korean officials who were assisting the South Vietnamese in the defense of their country. The North Vietnamese promptly imprisoned the two South Koreans. During their imprisonment, the South Korean government negotiated continually with the Vietnamese for the release of the two South Koreans.

The two South Koreans remained imprisoned throughout the years of negotiation for their release. The Vietnamese never admitted--not even once--that the South Korean POWs were being held in prison. Even after the South Korean government presented the Vietnamese government incontrovertible photographic evidence that showed that the two South Korean POWs incarcerated in Vietnam, the Vietnamese government continued to deny holding the men.

Five years after the South Koreans were captured--in 1980--the Vietnamese government repatriated the two prisoners to South Korea. Still, after their release, the Vietnamese government denied that it ever held the men.

⁸ Individuals must complete, honorably, their initial six-year enlistment in the Legion to be eligible French citizenship.

⁹ Garwood's information on French POWs still being used as forced labor by the North Vietnamese was not verifiable without access to classified files.

¹⁰ Source material for the French Experience includes books by Bernard B. Fall, Jules Roy, and Archimedes L. A. Patti. Testimony of Anita Lauve before the House Select Committee on Missing Persons in Southeast Asia, April 1976, was also used. Other material was developed through interviews conducted by staff.

EPILOGUE

COLONEL PECK'S MEMORANDUM

[The following is a verbatim et literatim reproduction of Colonel Milard A. Peck's memorandum of resignation.]

DATE: 12 FEB 1991

ATTN: POW-MIA

SUBJECT: Request for Relief

TO: DR

1. PURPOSE: I, hereby, request to resign my position as Chief of the Special Office for Prisoners of War and Missing in Action (POW-MIA).

2. BACKGROUND:

a. Motivation. My initial acceptance of this posting was based upon two primary motives: first, I had heard that the job was highly contentious and extremely frustrating, that no one would volunteer for it because of its complex political nature. This, of course, made it appear challenging. Secondly, since the end of the Vietnam War, I had heard the persistent rumors of American Serviceman having been abandoned in Indochina, and that the Government was conducting a "cover-up" so as not to be embarrassed. I was curious about this and thought that serving as the Chief of POW-MIA would be an opportunity to satisfy my own interest and help clear the Government's name.

b. The Office's Reputation. It was interesting that my previous exposure to the POW-MIA Office, while assigned to DIA, both as a Duty Director for Intelligence (DDI) and as the Chief of the Asia Division for Current Intelligence (JSI-3), was negative. DIA personnel who worked for me, when dealing with or mentioning the Office, always spoke about it in deprecating tones, alluding to the fact that any report which found its way there would quickly disappear into a "black hole."

c. General Attitudes. Additionally, surveys of active duty military personnel indicated that a high percentage (83%) believed that there were still live American prisoners in Vietnam. This

idea was further promulgated in a number of legitimate veterans' periodicals and professional journals, as well as the media in general, which held that where there was so much smoke, there must be fire.

d. Cover-up. The dark side of the issue was particularly unsettling because of the persistent rumors and innuendoes of a Government conspiracy, alleging that U.S. military personnel had been left behind to the victorious communist governments in Vietnam, Laos and Cambodia, and that for "political reasons" or running the risk of a second Vietnam War, their existence was officially denied. Worse yet was the implication that DIA's Special Office for POWs and MIAs was an integral part of this effort to cover the entire affair up so as not to embarrass the Government nor the Defense Establishment.

e. The Crusade. As a Vietnam veteran with a certain amount of experience in Indochina, I was interested in the entire POW-MIA question, and willingly volunteered for the job, viewing it as sort of a holy crusade.

f. The Harsh Reality. Heading up the Office has not been pleasant. My plan was to be totally honest and forthcoming on the entire issue and aggressively pursue innovative actions and concepts to clear up the live sighting business, thereby refurbishing the image and honor of DIA. I became painfully aware, however, that I was not really in charge of my own office, but was merely a figurehead or whipping boy for a larger and totally Machiavellian group of players outside of DIA. What I witnessed during my tenure as the cardboard cut-out "Chief" of POW-MIA could be euphemistically labelled as disillusioning.

3. CURRENT IMPRESSIONS, BASED ON MY EXPERIENCE:

a. Highest National Priority. That National leaders continue to address the prisoner of war and missing in action issue as the "highest national priority" is a travesty. From my vantage point, I observed that the principal government players were interested primarily in conducting a "damage limitation exercise", and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". Progress consisted in frenetic activity, with little substance and no real results.

b. The Mindset to Debunk. The mindset to "debunk" is alive and well. It is held at all levels, and continues to pervade the POW-MIA Office, which is not necessarily the fault of DIA. Practically all analysis is directed to finding fault with the source. Rarely has there been any effective, active follow through on any of the sightings, nor is there a responsive "action arm" to routinely and aggressively pursue leads. The latter was a moot point, anyway, since the Office was continuously buried in an avalanche of "ad hoc" taskings from every quarter, all of which required an immediate response. It was impossible to plan ahead or prioritize courses of action. Any real effort to pursue live sighting reports or exercise initiatives was diminished by the plethora of "busy work" projects directed by higher authority outside of DIA. A number of these grandiose endeavors bordered on the ridiculous, and -- quite significantly -- there was never an audit trail. None of these

taskings was ever requested formally. There was, and still is, a refusal by any of the players to follow normal intelligence channels in dealing with the POW-MIA Office.

c. Duty, Honor and Integrity. It appears that the entire issue is being manipulated by unscrupulous people in the Government, or associated with the Government. Some are using the issue for personal or political advantage and others use it as a forum to perform and feel important, or worse. The sad fact, however, is that this issue is being controlled and a cover-up may be in progress. The entire charade does not appear to be an honest effort, and may never have been.

d. POW-MIA Officers Abandoned. When I assumed the Office for the first time, I was somewhat amazed and greatly disturbed by the fact that I was the only military officer in an organization of more than 40 people. Since combatants of all Services were lost in Vietnam, I would have thought there would at least be a token Service representation for a matter of the "highest national priority." Since the normal mix of officers from all Services is not found in my organization it would appear that the issue, at least at the working level, has, in fact, been abandoned. Also, the horror stories of the succession of military officers at the O-5 and O-6 level who have in some manner "rocked the boat" and quickly come to grief at the hands of the Government policy makers who direct the issue, lead one to the conclusion that we are all quite expendable, so by extrapolation one simply concludes that these same bureaucrats would "sacrifice" anyone who was troublesome or contentious as including prisoners of war and missing in action. Not a comforting thought. Any military officer expected to survive in this environment would have to be myopic, an accomplished sycophant, or totally insouciant.

e. The DIA Involvement. DIA's role in the affair is truly unfortunate. The overall Agency has generally practiced a "damage limitation drill" on the issue, as well. The POW-MIA Office has been cloistered for all practical purposes and left to its own fortunes. The POW Office is the lowest level in the Government "efforts" to resolve the issue, and oddly for an intelligence organization, has become the "lightening rod" for the entire establishment to the matter. The policy people manipulating the affair have maintained their distance and remained hidden in the shadows, while using the Office as a "toxic waste dump" to bury the whole "mess" out of sight and mind to a facility with the limited access to public scrutiny. Whatever happens in the issue, DIA takes the blame, while the real players remain invisible. The fact that the POW-MIA Office is always the center of an investigation is no surprise. Many people suspect that something is rotten about the whole thing, but they cannot find an audit trail to ascribe blame, so they attack the DIA/POW-MIA "dump", simply because it has been placed in the line of fire as a cheap, expendable decoy.

f. "Suppressio Veri, Suggestio Falsi". Many of the puppet masters play a confusing, murky role. For instance, the Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously "churning" the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and, more importantly, interferes in or actively sabotages POW-MIA analyses or investigations. She insists on rewriting or editing all significant documents produced by the Office, then touted as the DIA position. She apparently has access to top secret, codeword message traffic, for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence

analysts. Her influence in "jerking around" everyone and everything involved in the issue goes far beyond the "war and MIA protestor gone straight" scenario. She was brought from the "outside", into the center of the imbroglio, and then, cloaked in a mantle of sanctimony, routinely impedes real progress and insiduously "muddles up" the issue. One wonders who she really is and where she came from.

4. CONCLUSIONS:

a. The Stalled Crusade. Unfortunately, what began on such a high note never succeeded in embarking. In some respects, however, I have managed to satisfy some of my curiosity.

b. Everyone is Expendable. I have seen firsthand how ready and willing the policy people are to sacrifice or "abandon" anyone who might be perceived as a political liability. It is quick and facile, and can be easily covered.

c. High-Level Knavery. I feel strongly that this issue is being manipulated and controlled at a higher level, not with the goal of resolving it, but more to obfuscate the question of live prisoners, and give the illusion of progress through hyperactivity.

d. "Smoke and Mirrors". From what I have witnessed, it appears that any soldier left in Vietnam, even inadvertently, was, in fact, abandoned years ago, and that the farce that is being played is no more than political legerdemain done with "smoke and mirrors", to stall the issue until it dies a natural death.

e. National League of Families. I am convinced that the Director of this organization is much more than meets the eye. As the principal actor in the grand show, she is in the perfect position to clamor for "progress", while really intentionally impeding the effort. And there are numerous examples of this. Otherwise it is inconceivable that so many bureaucrats in the "system" would instantaneously do her bidding and humor her every whim.

f. DIA's Dilemma. Although greatly saddened by the role ascribed to the Defense Intelligence Agency, I feel, at least, that I am dealing with honest men and women who are generally powerless to make the system work. My appeal and attempt to amend this role perhaps never had a chance. We all were subject to control. I particularly salute the personnel in the POW-MIA Office for their long suffering, which I regrettably was unable to change. I feel that the Agency and the Office are being used as the "fall guys" or "patsies" to cover the tracks of others.

5. RECOMMENDATIONS:

E P I L O G U E: T H E P E C K M E M O

a. One Final Vietnam Casualty. So ends the war and my last grand crusade, like it actually did end, I guess. However, as they say in the Legion, "je ne regrette rien..." For all of the above, I respectfully request to be relieved of my duties as Chief of the Special Office for Prisoners of War and Missing in Action.

b. A Farewell to Arms. So as to avoid the annoyance of being shipped off to some remote corner, out of sight and out of the way, in my own "bamboo cage" of silence somewhere, I further request that the Defense Intelligence Agency, which I have attempted to serve loyally and with honor, assist me in being retired immediately from active military service.

MILLARD A. PECK
Colonel, Infantry
USA