

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT MOORE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 20-1027 (RCL)
)	
CENTRAL INTELLIGENCE AGENCY,)	
)	
Defendant.)	
_____)	

AFFIDAVIT OF MARK SAUTER

Mark Sauter hereby swears and affirms:

1. I am an author, investigator, and recognized expert on POW/MIA issues. My research has been cited or used by major media outlets, including The Associated Press, The New York Times, The Wall Street Journal, Los Angeles Times, ABC News, the Washington Post; POW/MIA family groups; Pentagon POW/MIA official; the State Department; and two U.S. Senate investigations. For more than 25 years I have researched the issue via hundreds of FOIA requests, research at Presidential Libraries and the National Archives, and research trips to Russia and North Korea. I have supervised multi-national, multi-lingual researchers. I co-authored four books, including *American Trophies: How American POWs Were Surrendered to North Korea, China, and Russia by Washington's "Cynical Attitude."* I served as a U.S. Army officer in the Korean Demilitarized Zone.

2. On May 23, 1991, the U.S. Senate Committee on Foreign Relations Republican Staff released its 105-page Report, *An Examination of U. S. Policy Toward POW/MIAs* ("*Report*"). The *Report* succinctly relates the history of communist regimes holding back POWs in World War I, World War II, the Korean War, and the Vietnam War. In his cover

letter accompanying the report, Senator Helms thanked me, among others, for my contribution:

Dear Colleague:

* * *

This report has required many hundreds of hours of work ... I would be especially remiss were not to mention Dr. Harvey Andrew Thomas Ashworth, John M.G. Brown, and Mark Sauter of CBS affiliate, KIRO, Seattle, Washington.

* * *

Jesse Helms

3. Paragraphs 4 through 23 of this affidavit summarizes and quotes some of the salient portions of the *Report*.

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

4. The *Report* correctly states that the long-standing communist policy is to hold back POWs in furtherance of political, intelligence and economic goals:

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. * * * 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.

Id. at 13.

5. The *Report* notes some of the federal government's bureaucratic motivations to declare POWs dead, which include "ideological imperatives" and "the natural tendency of the bureaucracy to eliminate its workload by filing cases marked 'closed' instead of finding the people." *Id.* at 8.

6. In February 1991, Colonel Millard Peck, Chief of the Special Office for Prisoners of War and Missing in Action, resigned because he could not overcome ongoing government dissimulation involving the matter.

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 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.

Id. at 79.

7. My contribution to the *Report* can largely be found in the section *The Korean War*. Excerpts follow.

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. Chinese and North Korean POWs were returned to North Korea, and U.S. and other U.N. troops were returned to South Korea.

* * *

However, U.S. government documents state that the U.S. government knew that...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.

Id. at 50.

8. 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."

Id. at 51.

9. 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.

10. The estimated 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.

* * *
 - 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."

Id. at 51.

11. In fact, the Defense Department did "drop them" from DOD records as "missing and presumed dead." It had done the same for non-repatriated U.S. POWs in World War I and World War II.

12. In Korea, the number – which subsequent information showed included some Americans known dead but omitted others last reported alive in communist hands -- 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.

13. 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 on 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."

14. 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.

Id. at 53.

15. The eleven U.S. "political prisoners," were not the only U.S. servicemen the Chinese secretly held during and after the Korean War, according to intelligence files. Only some of them were later released.

16. Reports of unrepatriated Americans, beyond approximately 21 Americans who publicly elected to stay behind, continued to come to the attention of the United States government. A Foreign Service Dispatch (cable) by Air Pouch dated March 23, 1954, sent to the State Department in Washington, sheds light on the fate of hundreds of U.S. POWs

captured during the Korean War. The report, one of several reporting Americans being moved through China into the Soviet Union via train and other transportation modes, read in part:

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.

Id. at 54.

17. An April 29, 1954 response to a request by Assistant Secretary of the Army, Hugh Milton, to "consolidate information on prisoners of war which may remain in Communist hands" cites this 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.

Id. at 56.

18. 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 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.
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.

Id. at 56-57.

19. In the years immediately after the war, intelligence reports, including those from an Air Force intelligence project devoted to the issue, continued to describe the secret detention of American POWs in Manchuria and the Soviet Union.

20. 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 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.

Id. at 57.

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.

Id. at 58.

21. 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.

Id. at 58.

22. The Soviet response is predicated on the definition of "American prisoners of war." In fact, the Soviets and their communist allies denied some American captives were prisoners of war, calling them "war criminals" instead. The Soviets were also known to strip prisoners of their nationalities. As a result--from the Soviet's standpoint—their denial may have been accurate. (This lesson—that the communists did not always acknowledge the POW status or citizenship of foreign prisoners—was never sufficiently heeded by the U.S. government.)

23. 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 suspect based on multiple government records generated following the Korean, Cold, and Vietnam Wars. One document dated January 21, 1980, a memorandum to Zbigniew Brzezinski, the National Security Advisor under President Carter, reveals the view of some U.S. government officials over the years:

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 whistleblower. The idea is to say that the President [Carter] is determined to pursue any lead concerning possible live MIAs.

Id. at 59.

Unrepatriated American POWs

24. The fate of most of the approximately 8,000 men listed as POW/MIA who were administratively found to be "presumed dead" is unknown. Most had died on the battlefield in communist areas where they could not be recovered during or after the war. But others had been alive in enemy hands but never returned. General Mark Clark, Commander-in-Chief of the United Nations Command and signer of the Armistice Agreement to end Korean War fighting, stated the communists had retained a significant number of American prisoners. "Why the Reds refused to return all our captured personnel we could only guess," Clark conceded.

25. 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 on 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" (some of these men were secretly held by China and eventually repatriated well after the Armistice was signed.)

26. The fate of most of the more than 8,000 men initially listed as MIA was to be administratively declared "presumed dead, remains unknown." In 1953, General Van Fleet, commanding General of United States Army forces during the Korean War, stated that "a large percentage of the 8,000 American soldiers listed as missing in Korea were alive."

27. On June 8, 1955, the Pentagon's Chief of Special Operations reported, "We have been unable, under existing national policy considerations, to bring about an

accounting by the Communists on the original 944 list." A week or so later, that office concluded:

The problem becomes almost 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 sort 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 [the POWs] for the political reasons."

28. In Korea, the number of Americans last believed alive but not returned had already been dropped from 954 to 618 through a series of presumed findings of death, including for those once considered "unaccounted-for Americans believed to be still held illegally by the Communists." This list was later proven to be deeply flawed. It did not include all U.S. service members last reported in enemy hands but did include some men known to have died on the battlefield or in communist prisoner-of-war camps. However, the DOD used the list to publicly discount the universe of American servicemen whose fates were in doubt. The federal government used presumed findings of death to whittle down the number of U.S. soldiers on this list and many more not on the list, but carried as MIA.

Soviet Support of Communist Forces

29. Soviet responses to the POW issue mirrored its wartime policy of deception regarding support for North Korean and Chinese aggression.

30. Though officially a "neutral party," Moscow provided Soviet-made and manned fighter jets and anti-aircraft weapons, which downed many American aircraft; large supplies of armaments; intelligence and logistics support; ground advisors; and, according to CIA reports, strategy, leadership and logistics for the communist POW system, including both acknowledged and secret camps, that housed American prisoners in North Korea, Manchuria and greater China.

31. The Soviet denial that it held "American prisoners of war [or] any such persons in the Soviet Union" was consistent with the communist side's frequent description of U.S. captives as "war criminals" or "air pirates," rather than POWS. Returning Americans reported that fellow prisoners, held in communist prisoner camps linked to shipments of Americans to China and the Soviet Union, had been convicted of "crimes" and given long sentences "not to be affected by repatriation." Multiple reports collected by the American government for decades after the Korean War recounted the survival in the Gulag (and North Korea) of U.S. POWs "convicted" of crimes, kept in special status and/or stripped of their citizenship.

US-Russia Joint Commission on POW/MIAs

32. While conducting POW/MIA research in Moscow during late 1991 and early 1992, I met with Vyacheslav Bakhmin, an assistant to Russian Foreign Minister Andrei Kozyrev, and presented him with information on US POWs taken to the Soviet Union. He stated Moscow would soon join an effort to investigate these cases.

33. In March of 1992, Washington and Moscow announced the creation of the Presidential US-Russia Joint Commission on POW/MIAs ("Joint Commission"), led by senior military, political, archival and intelligence officials from both countries. To provide investigative, logistical and other support to the US side of the Commission, the American government created the Joint Support Directorate. I provided the Directorate, and US members of the Commission, with substantial information on American POWs controlled by, and shipped to, the Soviet Union. This information included evidence suggesting the CIA held but was refusing to release information on such prisoners.

34. In 1993, Directorate investigators reported, "We believe that U.S. Korean War POWs were transferred to the Soviet Union and never repatriated. This transfer was a highly-secret MGB [KGB] program approved by the inner circle of the Stalinist dictatorship." Evidence of the transfers was included in the Joint Commission's 1993 report, "The Transfer of U.S. Korean War POWs to the Soviet Union."

35. As the Joint Commission gathered more information, including from those who reported they had seen or heard of imprisoned Americans in the Gulag, the US side of the Commission, consisting of senior American officials from the Departments of State and Defense, the Pentagon's top POW official and senators and congressmen, announced:

The U.S. side of the Joint Commission on POW/MIA Affairs has collected a significant amount of information that suggests that there is a high probability that during the Korean War American POWs were transferred from Korea to the Soviet Union. While information in support of this assessment that Americans were transferred is incomplete and sometimes ambiguous, it is, nevertheless, highly suggestive. Indeed, when viewed in a broad context, one can see a consistent pattern of events such that there is a high probability that some transfers took place.

36. A senior official of the Joint Support Directorate told me that the CIA never released to the Directorate important information on US POWs taken by the Soviets.

Date: January 15, 2022.

I hereby declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.



Mark Sauter