

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. In other words, the North Koreans wanted an agreement similar to the Yalta Agreement of World War II. The United States was reluctant to agree to this formula based on its World War II experience with 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, and 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; but only 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 nearly one thousand known captive U.S. POWs--and an undetermined number of some 8,000 U.S. MIAs--were not repatriated at the end of the Korean War.

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

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

⁴ The 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.

⁶ Memorandum, classified 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, classified 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

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. A concluding report, "Recovery of Unrepatriated Prisoners of War," stated:

⁹ Report, classified 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, classified 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.

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 C4. 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 that the Hong Kong 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 officer attached to the general headquarters of the Soviet Far Eastern Military District, controlled

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, classified 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.

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.

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.¹⁴

"...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. request 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.

¹⁴ 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 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.

The sincerity of the State Department's declared intention to follow "every credible lead in

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.*

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 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 [that the 944 U.S. men were never captured or had been repatriated] 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 others 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.*

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.

"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. In 1973, Chinese Communists released two American POWs who had been captured during the Korean

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.

War, along with a pilot, Philip Smith, who was shot down over the Gulf of Tonkin during the Vietnam war. During Smith's seven years in solitary confinement in a PRC jail, he had been shown the two U.S. POWs from the Korean War whom the Chinese Communists were still holding. 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 failed to pursue vigorously credible reports and left U.S. citizens, 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, recently "sanitized" by the United States government, originally contained the names of the two U.S. POWs, 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

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 listed MIAs could be actually alive and held captive.

The United States chief negotiator, 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 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, nor were they held by the Pathet Lao, but were handed over to 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.

One news report stated, three days after the 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 Petras, 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 UPL [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.

Mr. Kissinger's 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. Kissinger's 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.

fact of the matter is that the Pathet Lao publicly admitted to holding U.S. POWs in Laos, 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.

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 Administrations interpretation of the clause in the Paris Peace Accord in Article 21, 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.

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 American 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.¹²

It is unfortunate that the North Vietnamese did not understand the important Constitutional caveat inherent in the Kissinger 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

¹² 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.¹³

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 extent 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.¹⁴

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

¹³ United Press International dispatch, Washington, D.C., February 23, 1973.

¹⁴ United Press International dispatch, Paris, France, March 7, 1973.

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]¹⁵

The next day, one 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 5,000.¹⁶

In fact, only 591 U.S. POWs were repatriated by the North Vietnamese during Operation HOMECOMING, 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.

¹⁵ Associated Press dispatch, Washington, D.C., February 23, 1973.

¹⁶ 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.

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 plant 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 section, reports that U.S. prisoners were seen being transferred to Communist China and the Soviet Union during the Korean War were noted. The Korean War precedents give verisimilitude to the assertions received by the Minority Staff, 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. Henington, 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, Henington wrote:

U.S. casualties under North Vietnamese control would be accounted for and prisoners returned after fulfillment of the promise. [emphasis added]¹⁷

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 they 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 likely 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. But now they saw that it was unlikely the U.S. Congress would vote for billions in reparations.

¹⁷ Stuart A. Henington, Peace With Honor? An American Reports on Vietnam 1973-1975 (Novato: Presidio Press, 1983).

The political resistance to aid to North Vietnam grew, among other reasons, as a result of news reports that detailed North Vietnamese torture of 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.¹⁸

On April 6, 1973, the United States Senate voted

to bar any aid to North Vietnam unless Congress specifically approves.¹⁹

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 Nixons request for \$1.3 billion aid to Southeast Asia so far is either nebulous or nonexistent.²⁰

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.²¹

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 of abandoning POWs:

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

¹⁸ Associated Press dispatch, Washington, D.C., April 3, 1973.

¹⁹ Associated Press dispatch, Washington, D.C., April 7, 1973.

²⁰ Associated Press dispatch, Washington, D.C., April 13, 1973.

²¹ United Press International dispatch, Washington, D.C., April 14, 1973.

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, 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 letter's 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.

The House Committee's final report stated:

After the war, when the provisions for gaining an accounting failed to be followed,⁸⁹ 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 MLAs possessed by the U.S. government, instead of a cover-up, a concrete plan for implementing the provisions for gaining accounting of captives as described in the Paris Peace Accords, might have been crafted. 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.

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. First-hand live-sighting reports are defined as 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) explains 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).

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; and by the exclusion of such corroborating details, the report could 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 was not expended, however, to corroborate whether American POWs were in fact being held prisoner, or were working in 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 substantiating that premise. A more positive procedure would be to make every possible effort to substantiate the information before setting it aside.

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

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 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 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

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: COMNAVJILPERSCOM, date/time group 101802Z," April 1987, which references an earlier Cable, "From: JCRC, Bangkok, Thailand, date/time group 151000Z," January 1987.

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 jeep 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." 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: COMNAVMLPERSON, 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.

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.

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 the live-sighting report.