

# "BLACK" OPERATIONS

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

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

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

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

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

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

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

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

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

One case in point is the March 11, 1968 combat loss of a U.S. Air Force communications/navigation site located on top of Phou Pha Thi, Sam Neua Province, Laos, known as Site 85. Eleven U.S. Air Force personnel were lost when the site was overrun by Communist forces. Except for four personnel lifted out by an Air America helicopter during the battle, the remaining eleven personnel manning the site that day are officially listed KIA-BNR.

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

The site provided the Air Force with all-weather capabilities for bombing Hanoi and Haiphong, North Vietnam. Its primary electronic navigation system was known by the acronym TACAN. The site was identified with a nearby classified landing strip operated under CIA covert funding and known as Lima Site 85. The former Air Force TACAN site on Phou Pha Thi is generally referred to as "Site 85."

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

Almost immediately after the March 10-11 attack on Phou Pha Thi, the indigenous forces, Thai and Hmong, providing security to the site were ordered to destroy it with heavy weapons fire before leaving the mountain top on March 11. These U.S. sponsored, CIA led indigenous guerrilla troops carried out their orders. To insure the complete destruction of the site, American A-1 aircraft in Laos attacked the site with rocket and machine gun fire.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# ACCOUNTABILITY

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

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

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

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

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

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

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

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

### ***IDENTIFICATION OF REMAINS***

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

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

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

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

The burial charade was based on specious deductive DOD procedures. The aircraft manifest for that flight listed four American military personnel and nine South Vietnamese troops on board the helicopter when it crashed in Laos. Based upon the flight manifest documentation,

identification of a ring belonging to one of the Americans on the flight, and supposed positive identification of two teeth (one each allegedly identified for the two persons whose caskets had bone fragments in them), each of these cases were closed with everyone accounted for and buried with full military honors at Arlington National Cemetery.

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

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

## THE MORTICIAN

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

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

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

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

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

## THE CENTRAL IDENTIFICATION LABORATORY

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

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

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

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

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

Dr. Charney also went on to say that CIL-HI has blatantly and deliberately lied about a large number of the remains CIL-HI has identified. Dr. Charney states that, in his professional opinion, CIL-HI technicians have in some instances made identifications of remains based on human

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

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

After 1986 U.S. House of Representatives hearings on the CIL-HI facility<sup>5</sup> in which Dr. Charney and Dr. George W. Gill, another expert in the field of forensic anthropology, both testified on about CIL-HI, the Army attempted to correct the deficiencies in procedure and staffing identified by Drs. Charney and Gill, as well as other witnesses. The Army hired recognized experts with doctoral credentials for the staff, even though the senior anthropologist--who had the final authority to make identifications at CIL-HI--was a person with questionable academic credentials.

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

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

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

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

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

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

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

## **PRESUMPTIVE FINDINGS OF DEATH**

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

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

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

The commission further stated:

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

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

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

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

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

<sup>7</sup> Ibid.

# THE FRENCH EXPERIENCE

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

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

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

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

A new book by a former prisoner who charges that he was tortured by Boudarel has just appeared in France. Written by Claude Bayle, Prisonnier au Camp 113 is a detailed revelation of life as a prisoner of the Vietnamese revealing conditions so primitive that is not surprising thousands never returned.

## ***THE FRENCH EXPERIENCE WITH INDOCHINA POWS***

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

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

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

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

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

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

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

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

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

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

<sup>3</sup> See Fall, pp.442-447.

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

Just as the Soviets did at the conclusion of World War II in the Pacific and Europe in 1945, after the signing of the 1954 Geneva Accords, so too they sent a delegation to North Vietnam to repatriate forcibly French Foreign Legion POWs identified as former nationals of Soviet bloc nations.<sup>5</sup> The North Vietnamese repatriated some Legionnaires and large numbers of colonial troops from non-Soviet bloc countries directly to their homelands, via China, without notification to the international commission overseeing the Indochina prisoner exchanges. As a result of the forced repatriations by the Soviets and unreported repatriations by North Vietnam, there are great disparities in accounting for French POWs released by the North Vietnamese after the 1954 Geneva Accords.

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

Writer William Stevenson, a noted BBC correspondent who covered the French Indochina War, told the staff about interviews he had with French soldiers held captive by the North Vietnamese. He was of the opinion that the French prisoners seemed to be mentally deficient, possibly as a result of their long, harsh imprisonment, or severe brainwashing techniques known to have been employed by the North Vietnamese.<sup>7</sup> Robert Garwood, a former U.S. POW who voluntarily returned from Vietnam in 1979, stated that, during the mid-1970s, he saw French prisoners used as forced laborers in a North Vietnamese dairy farm not far from Hanoi. Garwood

<sup>4</sup> See Fall, pp.438-442.

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

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

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

believed the French POWs he saw were former Legionnaires who had not yet earned French citizenship when taken prisoner during the First Indochina War.<sup>8</sup> Because of that, they had no home country to accept them after the war.<sup>9</sup>

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

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

### ***ANOTHER REPATRIATION EXPERIENCE***

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

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

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

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

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

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

# EPILOGUE

## THE PECK LETTER

DATE: 12 FEB 1991

ATTN: POW-MIA

SUBJECT: Request for Relief

TO: DR

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

2. BACKGROUND:

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

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

c. General Attitudes. Additionally, surveys of active duty military personnel indicated that a high percentage (83%) believed that there were still live American prisoners in Vietnam. This idea was further promulgated in a number of legitimate veterans' periodicals and professional journals, as well as the media in general, which held that where there was so much smoke, there must be fire.

d. Cover-up. The dark side of the issue was particularly unsettling because of the persistent

rumors and innuendoes of a Government conspiracy, alleging that U.S. military personnel had been left behind to the victorious communist governments in Vietnam, Laos and Cambodia, and that for "political reasons" or running the risk of a second Vietnam War, their existence was officially denied. Worse yet was the implication that DIA's Special Office for POWs and MIAs was an integral part of this effort to cover the entire affair up so as not to embarrass the Government nor the Defense Establishment.

e. The Crusade. As a Vietnam veteran with a certain amount of experience in Indochina, I was interested in the entire POW-MIA question, and willingly volunteered for the job, viewing it as sort of a holy crusade.

f. The Harsh Reality. Heading up the Office has not been pleasant. My plan was to be totally honest and forthcoming on the entire issue and aggressively pursue innovative actions and concepts to clear up the live sighting business, thereby refurbishing the image and honor of DIA. I became painfully aware, however, that I was not really in charge of my own office, but was merely a figurehead or whipping boy for a larger and totally Machiavellian group of players outside of DIA. What I witnessed during my tenure as the cardboard cut-out "Chief" of POW-MIA could be euphemistically labelled as disillusioning.

### 3. CURRENT IMPRESSIONS, BASED ON MY EXPERIENCE:

a. Highest National Priority. That National leaders continue to address the prisoner of war and missing in action issue as the "highest national priority" is a travesty. From my vantage point, I observed that the principal government players were interested primarily in conducting a "damage limitation exercise", and appeared to knowingly and deliberately generate an endless succession of manufactured crises and "busy work". Progress consisted in frenetic activity, with little substance and no real results.

b. The Mindset to Debunk. The mindset to "debunk" is alive and well. It is held at all levels, and continues to pervade the POW-MIA Office, which is not necessarily the fault of DIA. Practically all analysis is directed to finding fault with the source. Rarely has there been any effective, active follow through on any of the sightings, nor is there a responsive "action arm" to routinely and aggressively pursue leads. The latter was a moot point, anyway, since the Office was continuously buried in an avalanche of "ad hoc" taskings from every quarter, all of which required an immediate response. It was impossible to plan ahead or prioritize courses of action. Any real effort to pursue live sighting reports or exercise initiatives was diminished by the plethora of "busy work" projects directed by higher authority outside of DIA. A number of these grandiose endeavors bordered on the ridiculous, and - quite significantly - there was never an audit trail. None of these taskings was ever requested formally. There was, and still is, a refusal by any of the players to follow normal intelligence channels in dealing with the POW-MIA Office.

c. Duty, Honor and Integrity. It appears that the entire issue is being manipulated by unscrupulous people in the Government, or associated with the Government. Some are using the

issue for personal or political advantage and others use it as a forum to perform and feel important, or worse. The sad fact, however, is that this issue is being controlled and a cover-up may be in progress. The entire charade does not appear to be an honest effort, and may never have been.

d. POW-MIA Officers Abandoned. When I assumed the Office for the first time, I was somewhat amazed and greatly disturbed by the fact that I was the only military officer in an organization of more than 40 people. Since combatants of all Services were lost in Vietnam, I would have thought there would at least be a token Service representation for a matter of the "highest national priority." Since the normal mix of officers from all Services is not found in my organization it would appear that the issue, at least at the working level, has, in fact, been abandoned. Also, the horror stories of the succession of military officers at the C-5 and C-6 level who have in some manner "rocked the boat" and quickly come to grief at the hands of the Government policy makers who direct the issue, lead one to the conclusion that we are all quite expendable, so by extrapolation one simply concludes that these same bureaucrats would "sacrifice" anyone who was troublesome or contentious as including prisoners of war and missing in action. Not a comforting thought. Any military officer expected to survive in this environment would have to be myopic, an accomplished sycophant, or totally insouciant.

e. The DIA Involvement. DIA's role in the affair is truly unfortunate. The overall Agency has generally practiced a "damage limitation drill" on the issue, as well. The POW-MIA Office has been cloistered for all practical purposes and left to its own fortunes. The POW Office is the lowest level in the Government "efforts" to resolve the issue, and oddly for an intelligence organization, has become the "lightening rod" for the entire establishment to the matter. The policy people manipulating the affair have maintained their distance and remained hidden in the shadows, while using the Office as a "toxic waste dump" to bury the whole "mess" out of sight and mind to a facility with the limited access to public scrutiny. Whatever happens in the issue, DIA takes the blame, while the real players remain invisible. The fact that the POW-MIA Office is always the center of an investigation is no surprise. Many people suspect that something is rotten about the whole thing, but they cannot find an audit trail to ascribe blame, so they attack the DIA/POW-MIA "dump", simply because it has been placed in the line of fire as a cheap, expendable decoy.

f. "Suppressio Veri, Suggestio Falsi". Many of the puppet masters play a confusing, murky role. For instance, the Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously "churning" the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and, more importantly, interferes in or actively sabotages POW-MIA analyses or investigations. She insists on rewriting or editing all significant documents produced by the Office, then touted as the DIA position. She apparently has access to top secret, codeword message traffic, for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence analysts. Her influence in "jerking around" everyone and everything involved in the issue goes far beyond the "war and MIA protestor gone straight" scenario. She was brought from the "outside", into the center of the imbroglio, and then, cloaked in a mantle of sanctimony, routinely impedes real progress and insidiously "muddles up" the issue. One wonders who she really is and where she came from.

4. CONCLUSIONS:

a. The Stalled Crusade. Unfortunately, what began on such a high note never succeeded in embarking. In some respects, however, I have managed to satisfy some of my curiosity.

b. Everyone is Expendable. I have seen firsthand how ready and willing the policy people are to sacrifice or "abandon" anyone who might be perceived as a political liability. It is quick and facile, and can be easily covered.

c. High-Level Knavery. I feel strongly that this issue is being manipulated and controlled at a higher level, not with the goal of resolving it, but more to obfuscate the question of live prisoners, and give the illusion of progress through hyperactivity.

d. "Smoke and Mirrors". From what I have witnessed, it appears that any soldier left in Vietnam, even inadvertently, was, in fact, abandoned years ago, and that the farce that is being played is no more than political legerdemain done with "smoke and mirrors", to stall the issue until it dies a natural death.

e. National League of Families. I am convinced that the Director of this organization is much more than meets the eye. As the principal actor in the grand show, she is in the perfect position to clamor for "progress", while really intentionally impeding the effort. And there are numerous examples of this. Otherwise it is inconceivable that so many bureaucrats in the "system" would instantaneously do her bidding and humor her every whim.

f. DIA's Dilemma. Although greatly saddened by the role ascribed to the Defense Intelligence Agency, I feel, at least, that I am dealing with honest men and women who are generally powerless to make the system work. My appeal and attempt to amend this role perhaps never had a chance. We all were subject to control. I particularly salute the personnel in the POW-MIA Office for their long suffering, which I regrettably was unable to change. I feel that the Agency and the Office are being used as the "fall guys" or "patsies" to cover the tracks of others.

5. RECOMMENDATIONS:

a. One Final Vietnam Casualty. So ends the war and my last grand crusade, like it actually did end, I guess. However, as they say in the Legion, "je ne regrette rien..." For all of the above, I respectfully request to be relieved of my duties as Chief of the Special Office for Prisoners of War and Missing in Action.

b. A Farewell to Arms. So as to avoid the annoyance of being shipped off to some remote corner, out of sight and out of the way, in my own "bamboo cage" of silence somewhere, I further request that the Defense Intelligence Agency, which I have attempted to serve loyally and with honor, assist me in being retired immediately from active military service.

MILLARD A. PECK  
Colonel, Infantry  
USA

Further information may be available from this organization:

★15691★ NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS  
AND MISSING IN SOUTHEAST ASIA (Missing-in-Action)  
1001 Connecticut Ave. NW, Ste. 219 Phone: (202)223-6846  
Washington, DC 20036 Ann Mills Griffiths, Exec.Dir.  
Founded: 1970. Members: 3810. Staff: 4. Budget: \$1,000,000.  
Regional Groups: 8. Local Groups: 50. Family members of American  
servicemen who are missing and/or prisoners in Southeast Asia as a result of  
the Vietnam War; returned prisoners of war. Works to determine the status  
of servicemen still listed as missing-in-action in Southeast Asia, secure the  
release and return of all POWs, secure the return of the remains of American  
servicemen who died during the Vietnam War, and educate the public on these  
issues. Acts as liaison among the families of POW/MIAs and the U.S.  
government. Conducts educational programs. Telecommunications Services:  
POW/MIA 24-hour information line, (202)659-0133. Committees: Misin-  
formation; P & A.

Publications: *Annual Report*. • *National League of Families of American  
Prisoners and Missing in Southeast Asia*—Newsletter, bimonthly. Provides  
current status updates on all efforts and activities. Price: Free. Circulation:  
18,000. Advertising: not accepted. • Also issues brochures, flyers, and  
educational materials.

Convention/Meeting: annual - always Washington, DC.

ES-0274-0222

# ENCYCLOPEDIA OF ASSOCIATIONS

SOURCE:

A Guide to Over 23,000 National and International Organizations, Including: Trade, Business, and  
Commercial; Environmental and Agricultural; Legal, Governmental, Public Administration and  
Military; Engineering, Technological, and Natural and Social Sciences; Educational; Cultural;  
Social Welfare; Health and Medical; Public Affairs; Fraternal, Foreign Interest, Nationality, and  
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