

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

My dear Senator Johnson:

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

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

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

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

Sincerely Yours,

For the Secretary of State,

Thruston B. Morton²⁶

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"THERE ARE NO MORE PRISONERS IN SOUTHEAST ASIA."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

⁷ *ibid.*

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

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

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

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

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

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

THE KISSINGER HAND-CARRIED LETTER

Five days after the signing of the Paris Peace Accords, Kissinger hand-carried a letter, dated February 1, 1973 to the North Vietnamese Prime Minister a letter which detailed the Administration's interpretation of Article 21 of the Paris Peace Accords, which pledged that the United States would contribute to the healing the wounds of war and post-reconstruction of the Democratic Republic of Vietnam.

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

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

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

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

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

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- a) The needs of North Vietnam arising from the dislocation of war;
- b) The requirements for postwar reconstruction in the agricultural and industrial sectors of North Vietnam's economy.

5) The **Joint Economic Commission** will have an equal number of representatives from each side. It will agree upon a mechanism to administer the program which will constitute the United States contribution to the reconstruction of North Vietnam. The **Commission** will attempt to complete this agreement within 60 days after its establishment.

6) The two members of the **Commission** will function on the principle of respect for each others sovereignty, non-interference in each others internal affairs, equality and mutual benefit. The offices of the **Commission** will be located at a place to be agreed upon by the United States and the Democratic Republic of Vietnam.

7) The United States considers that the implementation of the foregoing principles will promote economic, trade and other relations between the United States of America and the Democratic Republic of Vietnam and will contribute to insuring a stable and lasting peace in Indochina. These principles accord with the spirit of Chapter VIII of The Agreement on Ending the War and Restoring Peace in Vietnam which was signed in Paris on January 27, 1973.

UNDERSTANDING REGARDING ECONOMIC RECONSTRUCTION PROGRAM

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

NOTE REGARDING OTHER FORMS OF AID

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

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

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

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

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

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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. postwar aid.¹⁴

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

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

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

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

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

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

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

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

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

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

One other news report stated:

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

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

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

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

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

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"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.

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

"PRISONERS RETURNED AFTER FULFILLMENT OF THE PROMISE"

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

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

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

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

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

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Congress would vote for billions in reparations.

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

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

On April 6, 1973, the United States Senate voted

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

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

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

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

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

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

Subject: PW REPORT BY NVA DEFECTOR
REF: STATE 112133

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE SECOND INDOCHINA WAR

The House Committee's final report stated:

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

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

Central Intelligence Agency



Washington, D.C. 20505

9 March 1988

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

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

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

1. In response to your request, [REDACTED]

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

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

PROLOGUE TO PART II

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

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

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

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

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

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

PROLOGUE TO PART I I

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

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

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

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

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

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

PROLOGUE TO PART II

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

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

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

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

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

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

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

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

LIVE SIGHTING REPORTS

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

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

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

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

LIVE SIGHTING REPORTS

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

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

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

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

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

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

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

L I V E S I G H T I N G R E P O R T S

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

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

Dooley is officially listed as KIA-BNR. Dooley was not returned or accounted for during OPERATION HOMECOMING in 1973. In 1987, a North Vietnamese refugee was interviewed by U.S. intelligence personnel at a refugee camp. The refugee described the shutdown of an American jet aircraft he witnessed in 1968 while in the area of Do Son, Haiphong Province. According to the source, he saw the pilot bail out with a tri-colored parachute and try to swim out to sea to escape capture. The pilot fired a pistol, while swimming out to sea, at his pursuers before being captured. The refugee said, the captured pilot was stripped of his one-piece flight suit, placed in the sidcar 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 shutdown of a Navy pilot named J. M. Hickerson, who was shot down two months after Dooley in the same general area of Dooley's shutdown. Hickerson was captured, and repatriated from North Vietnam in 1973.³

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

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

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

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

LIVE SIGHTING REPORTS

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

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

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

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

INTELLIGENCE COLLECTION

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

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

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

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

LIVE SIGHTING REPORTS

"BLACK" OPERATIONS

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.

"BLACK" OPERATIONS

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

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

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

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

"BLACK" OPERATIONS

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

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

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

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

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

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

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

" B L A C K " O P E R A T I O N S

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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