

ACCOUNTABILITY

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

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

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

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

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

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

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

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

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

IDENTIFICATION OF REMAINS

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

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

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

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

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

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

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

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

THE MORTICIAN

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

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

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

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

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

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

THE CENTRAL IDENTIFICATION LABORATORY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRESUMPTIVE FINDINGS OF DEATH

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

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

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

The commission further stated:

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

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

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

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

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

⁷ *ibid.*

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

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

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

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

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

FRENCH POWS IN INDOCHINA

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

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

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

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

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

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

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

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

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

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

³ See Fall, pp.442-447.

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

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

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

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

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

⁴ See Fall, pp.438-442.

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

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

⁷ Fall, *Hell in a Very Small Place*, pp.438-442. Survivors of Viet Minh 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.

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

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

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

ANOTHER REPATRIATION EXPERIENCE

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

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

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

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

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

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

EPILOGUE

COLONEL PECK'S MEMORANDUM

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

DATE: 12 FEB 1991

ATTN: POW-MIA

SUBJECT: Request for Relief

TO: DR

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

2. BACKGROUND:

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

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

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

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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

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taskings was ever requested formally. There was, and still is, a refusal by any of the players to follow normal intelligence channels in dealing with the POW-MIA Office.

c. Duty, Honor and Integrity. It appears that the entire issue is being manipulated by unscrupulous people in the Government, or associated with the Government. Some are using the issue for personal or political advantage and others use it as a forum to perform and feel important, or worse. The sad fact, however, is that this issue is being controlled and a cover-up may be in progress. The entire charade does not appear to be an honest effort, and may never have been.

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

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

f. "Suppressio Veri, Suggestio Falsi". Many of the puppet masters play a confusing, murky role. For instance, the Director of the National League of Families occupies an interesting and questionable position in the whole process. Although assiduously "churning" the account to give a tawdry illusion of progress, she is adamantly opposed to any initiative to actually get to the heart of the problem, and, more importantly, interferes in or actively sabotages POW-MIA analyses or investigations. She insists on rewriting or editing all significant documents produced by the Office, then touted as the DIA position. She apparently has access to top secret, codeword message traffic, for which she is supposedly not cleared, and she receives it well ahead of the DIA intelligence

E P I L O G U E : T H E P E C K M E M O

analysts. Her influence in "jerk[ing] 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:

E P I L O G U E : T H E P E C K M E M O

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

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

MILLARD A. PECK
Colonel, Infantry
USA

DR. JEFFREY C. DONAHUE
SUMMARY OF INVOLVEMENT IN THE INDOCHINA POW-MIA ISSUE

- * Director - National League of Families of American Prisoners and Missing in Southeast Asia (also served as a Director in the mid-1970's);
- * Director - International Institute for Prisoners of War;
- * Member - National Alliance of Families of America's Missing Servicemen - World War II/Korean War/Cold War/Vietnam War;
- * Member - POW-MIA Connecticut Forget-Me-Nots, Inc.
- * Author of THE INDOCHINA POW TIMELINE and MANIFESTOS ON THE INDO-CHINA POW-MIA ISSUE;
- * Director and President - Friends for Humanitarian Aid to Laos, Inc;
- * Among the first Americans invited to Hanoi after the fall of South Vietnam (invited by Phan Hien, then Deputy Foreign Minister of the Socialist Republic of Vietnam, in October 1976 to discuss the provision of reconstruction and development aid to the SRV in return for an accounting of American POW-MIAs);
- * Travelled to Laos, 1974, 1975, 1988, 1990 (twice) and 1991 and to Thailand several dozen times in 1984-88;

I have been employed by Union Carbide Corporation for the past thirteen and one-half years. I presently hold the position of Manager of Project Finance and Treasurer of Latin America and Africa.

ADDENDUM TO THE REMARKS BY DR. JEFFREY C. DONAHUE

The Mandate for the Senate Select Committee on POW-MIAS

Ladies and Gentlemen of the Committee:

This Committee was formed to put the POW-MIA issue to rest and with it the suffering, acrimony, confrontation, distortion and deceit which has characterized it from all sides. The turmoil and tragedy surrounding the issue has done nothing but pit the public against their Government. A recent national poll shows 70% of Americans believe POWs were left behind. Yet, the Government maintains it did not happen.

Thus, your charter is a profound one. Your efforts will require serious research on the POW-MIA issue including going through the classified intelligence data in the Defense Intelligence Agency and Central Intelligence Agency. Indeed, the very fact that this data is classified is one of the principal problems obfuscating the issue. In addition, your efforts will have to go beyond the Vietnam War to the Korean War and World War II as many feel the Vietnam POW-MIA issue had a strong precedent in those wars.

Moreover, you will need to hear the testimony of the experts outside Government and the POW-MIA activist organizations such as Stephen Arkin, William Paul and James Sanders. Individuals such as these have conducted many years of research on the subject. Beyond them you should hear the testimony of both the Government and individuals outside Government involved in the issue. Indeed, I am honored to have the opportunity to appear before you.

Very basically, the elements of your mandate are straightforward. Fulfilling them is the only way to put the issue to rest and help this country heal. The elements are:

- * To conclude whether American servicemen were left behind in captivity in Indochina and, if so, why. (Fulfilling this mandate will make a very important contribution toward precluding future POW-MIA debacles such as we have experienced in Indochina.)
- * To recommend alternatives for securing as full as possible an accounting for the POW-MIAS. This should include a plan to bring home the live POWs. You will have to address whether an accounting should be a precondition to normalization of relations -- this is an immediate concern for the Committee.
- * To conclude whether American servicemen were left behind in captivity in Korea and, if so, why. Also, to recommend alternatives for securing as full as possible an accounting for them.
- * To conclude whether American servicemen were left behind in

captivity in World War II and, if so, why. Also, to recommend alternatives for securing as full as possible an accounting for them.

- * To opine as to the efficacy of the both the Government's efforts to obtain an accounting and its POW-MIA intelligence operations. However, I strongly recommend you adopt a "no fault" policy in doing so.
- * To investigate the Glomar Java Sea incident, as it is closely linked to the POW-MIA issue.
- * To set standards which will delineate what is "as full as possible an accounting of the POW-MIAs." Participants outside Government should work with you in this regard such that the public accepts a final accounting. This is because so very few people trust the Government regarding an accounting. Indeed, the polls indicate the American public is deeply suspicious of the Government's policy and actions on POW-MIAs.

I firmly hope that you will approach this complex subject with open minds and clear slates. It deserves your most complete attention.

Dr. Jeffrey C. Donahue
Brother of Major Morgan J. Donahue, MIA in Laos since 12.13.68

October 29, 1991

ADDENDUM TO THE REMARKS BY DR. JEFFREY C. DONAHUE

A POW-MIA Conspiracy and Cover-up? It's in the Policy!

Ladies and Gentlemen of the Committee:

The loud and in many cases credible voices charging a conspiracy and cover-up on the POW-MIA issue will not go away until you address the two things most responsible for the charges:

1. The large and growing body of evidence clearly showing that servicemen were abandoned alive and in captivity at the end of the Vietnam War and the growing body of evidence indicating that POWs still are alive in Vietnam and Laos;
2. The fact that POW-MIA intelligence data still is classified despite the War having been over for 18 years. Indeed, POW-MIA intelligence still is classified for the Korean War and World War II. As long as the Government classifies such data, charges of a conspiracy and cover-up will stick; it is just not possible to understand why such data is classified unless the Government is trying to hide the truth about live POWs. "National security" is an excuse which simply does not hold water after so many years.

Beyond this, though, is the conspiracy and cover-up embodied in the Government's POW-MIA policy itself; the policy, too, is in vital need of your investigation. Very simply, the Government has concocted and rigorously pursues a POW-MIA policy which actually precludes the return of live POWs! To understand this deliberate paradox, you should consider the elements of the policy:

- A. "The POW-MIA issue is humanitarian, not economic." To the Vietnamese the issue never was, is not now and never will be humanitarian. To realize this, all one has to do is read the testimony of Congressmen and other officials who visited Vietnam after the War verifying that to the Vietnamese the issues of POWs and economic reconstruction of Vietnam were absolutely linked. The Vietnamese consistently raised the two subjects together. And, of course, the Laotians merely mirrored their sentiments.

To me, the Vietnamese still are telling us the issues are linked. They consistently say to us, "We do not have the money or the manpower to search our remote provinces for missing Americans." What they really are saying is, "Look, give us some aid and trade -- and look who we found in the jungle." In other words, the Vietnamese want something for the POWs and need a face-saving way of giving them back! They are telling us they have our POWs and want to give them to us, but that they need (1) something for them, and (2) a face-saving way to let them go.

Very importantly, this affirms the need to make a return of the

live POWs and an accounting for the missing a precondition to normalization of relations with Vietnam and Laos. I firmly believe that unilaterally normalizing relations with Vietnam and Laos will lead them to kill the live POWs because the bargaining power they represent will have been obviated (by us, to compound the paradox).

- B. "The answers to the POW-MIA issue are in Hanoi, not Washington." This element of the policy is the ultimate cowardice, and the policy makers who formulated it should be excoriated for their complete avoidance of responsibility. It was our Government which sent the servicemen to Indochina, it was our Government which abandoned them, and it is our Government which is responsible for bringing them home. The answers are in Washington, not Hanoi. The policy makers do not have enough integrity to either tell the truth about the issue nor formulate a policy which will bring the live POWs home. Indeed, to avoid that responsibility they have subordinated the POW-MIA issue to other foreign policy objectives (normalization) such that the POWs are in danger of being forever wiped off the slate. This is something this Committee dearly needs to rectify. When government avoids responsibility for its actions, as has been happening so long with the POW-MIA issue, we as Americans have lost.
- C. "When somebody brings us proof of a live POW, we will move heaven and earth to bring him home." This is fraudulent on three fronts: (1) it shifts responsibility for proof of live POWs away from the Government to individuals such as myself; (2) the Government itself is sitting on mountains of classified evidence of live POWs which no one else can see; and (3) even when presented with proof, as in the case of Donald Carr, the Government proves itself impotent.
- D. "We have more intelligence resources than ever before dedicated to the POW-MIA issue." This is the classic Government approach to any problem -- throw more money at it (and it still will not be resolved). It does not take 500 intelligence analysts and a POW-MIA office in Hanoi to "resolve" the POW-MIA issue. Indeed, such a smoke-and-mirrors approach is certain to fail because the deceitful policy itself says there are no live POWs! All it takes is the Secretary of State getting on an airplane to Hanoi and Vientiane with a mandate from the President to negotiate the necessary deal to bring home the live POWs. And, we have all the bargaining chips we need in the form of normal commercial and diplomatic relations to strike such a deal. It is that simple.
- E. "We have looked into our files and we can't find any proof of live POWs." Here, the Government is trying to have its cake and eat it, too. This Committee needs to do the looking. The evidence is overwhelming that POWs were left behind alive and in captivity, the evidence is overwhelming that they still are alive today, and the Committee needs to take the initiative and do the right thing: tell the truth and bring the men home.

Much of the problem regarding the POW-MIAs boils down to no one in our Government, including five Presidents, having the courage to serve them as they served their country, and no one in our Government having the integrity to be accountable for them (which is the real issue of accountability). Won't this Committee please change that? The time is due; the POWs deserve it, their families deserve it, and the country deserves it. Time and results clearly demonstrate that the Defense and State Departments are not going to honorably and decently resolve the Indochina POW-MIA issue; rather, they are trying to make it go away through their ruthless deceit and cowardice.

Dr. Jeffrey C. Donahue
Brother of Maj. Morgan J. Donahue, MIA in Laos since 12.12.68

ADDENDUM TO THE REMARKS BY DR. JEFFREY C. DONAHUE

The Role and Activities of the National League of
Families of American Prisoners and Missing in
Southeast Asia

Ladies and Gentlemen of the Committee:

(Please also refer to the attached document, "The National League of Families: Undemocratic, Unfair and Unswervingly Dedicated to Defending the U.S. Government's Lies, and Deceit on the Indochina POW-MIA Issue".)

I have been a member of the League since 1971. I served two terms on the Board of Directors in the mid-1970's and was elected to the current Board this past summer with the second-highest vote count.

You may be aware that the Executive Director of the League and the past Board opposed the formation of the Select Committee. Indeed, the Executive Director and leadership of the League oppose almost every initiative which is not "policy correct", i.e., which is not supportive of the Government's POW-MIA policy. And now, the Executive Director of the League and her entrenched minions on the Board continue to hold this Committee in high contempt, as evidenced by their statements to the membership in the League Newsletter. For example, the Executive Director states in the October 21, 1991 Newsletter, "Hopefully, the (Select) Committee will not attempt to determine whether POWs are held or the extent to which accountability can be achieved..." To the family members, as opposed to the totally pro-Government Executive Director, these certainly should be two of the Committee's principal mandates.

The Executive Director and the entrenched members of the Board serve but one purpose which, sadly, is not the POW-MIA families. Rather, it is serving and only serving the Government's POW-MIA policy, a policy itself which has been formulated and is being pursued to make sure that no living POWs return from Indochina to the embarrassment of the Government. The League is little more than a mouthpiece for the Government and the Executive Director is for all practical purposes a spokesperson for the Government. The statistics for family participation in League activities affirm the families' dismay and frustration regarding League activities: only 22% of eligible family members even bothered to vote in the last election of Directors, and a 25% quorum consistently cannot be raised at the League Annual Meetings. It would appear that the family members have given up hope on the League. Furthermore, the League's financial support primarily is through non-family contributions including United Way.

I ran for the Board of Directors hoping to transform the League into an entity serving the families instead of the Government. I now realize that this is impossible. Even though I am a Director

of the League, I cannot have access to the League mailing list. Nor can I have any comments inserted into the Newsletter. Other barriers against family members seeing anything but official Government policy go far beyond this; indeed, no voices contrary to the Government's policy are ever invited to address the League or have their comments in the Newsletter. This includes well-known experts on the POW-MIA issue. The League is entirely a one-sided player, and the current League leadership is firmly dedicated to keeping it that way.

The Government's POW-MIA policy would not have what little credibility it does were it not for its very successful co-option of the League in the early 1980's. By bringing the Executive Director under its wings President Reagan could say, as does President Bush today, that he had the support of the family members in his "highest national priority" POW-MIA policy. Such a statement was and is part of the conspiracy which has deliberately kept the POWs from coming home. With so few families participating in the League and with those who do only being fed the pro-Government line, neither the League nor the Government can claim that the families support Government policy. Indeed, the League cannot validly claim to represent the families.

I believe the standard for evaluating the effectiveness of the League, and for that matter the effectiveness of the Government's POW-MIA policy, is accounting for the POW-MIAs and bringing home the live POWs. I cannot imagine any other standard which is relevant. The League and the Government have utterly and unequivocally failed. They have failed the live POWs, they have failed their families and they have failed their country. For the Select Committee to not prevail where the League and the Government have failed would be to lose the greatest opportunity ever to set the record straight on America's POW-MIAs and to deny this country the chance to finally close the books on the Vietnam War and get on with its future.

I would like to note that I do not believe the Executive Director of the League and certain Board members do not want the live POWs to come home. Rather, in blindly accepting the Government's POW-MIA policy they are unwittingly endorsing abandoning the live POWs because the policy has exactly that purpose and consequence.

Dr. Jeffrey C. Donahue
Brother of Major Morgan J. Donahue, MIA in Laos since 12.13.68

October 29, 1991

THE NATIONAL LEAGUE OF FAMILIES: UNDEMOCRATIC, UNFAIR AND UNSWERVINGLY
DEDICATED TO DEFENDING THE U.S. GOVERNMENT'S LIES AND DECEIT ON THE
INDOCHINA POW-MIA ISSUE

By: Dr. Jeffrey C. Donahue, Member of the League Since 1971 and
Brother of Maj. Morgan J. Donahue, USAF - MIA in Laos 12/13/68

The U. S. Government's POW-MIA policy has been debilitated by a series of coverup allegations over the years from individuals within Government and individuals and entities outside Government. Each time, the Defense Department or the State Department "investigate" the allegations and say, "Trust us; we've taken a look and affirmed there is no coverup." One thing the American public can count on is the inevitability of more allegations because anytime the Government says, "Trust us," you can bet it is lying. The Indochina POW-MIA issue is no different in this regard than Watergate or the Iran-Contra deal. Thank God that the American public knows better

One way the Government perpetuates its lies on the issue is through the National League of Families of American Prisoners of War and Missing in Southeast Asia. The League is merely a mouthpiece for the Government's policy, and this brief statement explains how the League goes about it.

Fundamentally, dissenting opinion has no forum within the League. Members are forbidden access to the membership roster or the League mailing list. Questions at the Annual Meeting are severely limited and no press is allowed during the General Session at the Annual Meeting.

Once upon a time, dissenting opinion could be put before the membership in the form of resolutions passed at Regional Meetings. Those resolutions were distributed to the membership for voting prior to the Annual Meeting in mailings accompanied by the voting for Board members. However, the Board also exhorted members to vote against resolutions which were considered contrary to League "direction." Thus, members would read only the resolutions and the recommendations to vote against them. No defense or explanations of the resolutions were allowed. And, the recommendations to vote against the resolutions usually were paragraphs or a page long when the resolutions themselves were only a few sentences. Members never had a chance to hear the other side and never had a chance to even ask questions. This year, the Regional Meetings were dropped, so not even the resolutions can be put before the membership.

At the other extreme, the Executive Director of the League has a totally unencumbered forum from which to espouse the Government's POW-MIA policy. She also distributes her personal views at will in periodic mailings (for example, her 6/14/91 letter) at League expense and in the Newsletter. Opposing opinions are never printed in any League document; rather, opinions and events contrary to her opinion

are attacked without the membership ever having the chance to make up their own minds by being given both sides of the story.

The Executive Director and the Board say that the League speaks for the POW-MIA families on the issue, and State/DoD often cite the League as the "voice" of the families. This, true to League form, is just another deception. In the first instance, many families have joined the National Alliance of Families for the Return of America's Missing Servicemen - World War II/Korean War/Cold War/Vietnam War. In the second, there is a universe of POW-MIA families and nobody knows how many belong to the League such that it represents the "voice." Finally, it is not certain as to what comprises a "family." In all probability the League would have folded years ago if membership had not been extended to aunts, uncles and grandparents.

Dissenting opinions are vehemently suppressed at the Annual Meeting and dissenters who either state or distribute opposing opinions are threatened with the hotel Security Department and arrest, as I was at last year's Meeting for merely passing out some literature. Questions are not allowed of Government officials at the Meeting except to innocuous junior-level personnel such as those representing CILHI and JCRC.

Experts on the POW-MIA issue from outside Government whose knowledge or opinions differ from the Government/League position never are invited to appear at the Annual Meeting, nor are their positions ever printed in League documents. Some of these individuals are widely acclaimed for their knowledge and research on the POW-MIA issue; examples include Bill Paul, Tom Ashworth, Jim Sanders, Eugene Tighe, Sen. Robert Smith, former Cong. John Rowland, former Cong. Billy Hendon and members of the POW-MIA research team of the Senate Foreign Relations Committee Republican staff. The only opinions presented to the League membership are those in support of Government policy. Does anyone think, concomitantly, that Col. Millard Peck, who recently resigned as head of the Defense Intelligence Agency's Special POW-MIA Office, will be invited to appear at the Annual Meeting to present a different view of the Government's policy? Of course not. Indeed, the League has become a party to the Government's coverup.

Of course, who will be invited to appear before the Annual Meeting? Only representatives of the U.S. Government -- the very same people who formulated and now perpetuate the Government's lies on the issue.

Sadly, the whole POW-MIA issue has come to the point where to know the truth one has to go outside the League and the Government. The truth is that American servicemen were knowingly abandoned alive and in captivity in Indochina and remain there today. The League and the Government are so dedicated to suppressing that truth and instead lying about the issue that they have concocted a policy which precludes the live POWs from coming home.

If the Government and the League wanted the live POWs home, they would be home. It is that simple.

THIS IS AN UNCLASSIFIED REPORT. IT IS FINALLY EVALUATED INTELLIGENCE

REPORT NO. CS-311/0826RDATE DISTR. 3 of November 1971COUNTRY Laos/North Vietnam/ThailandDOI 1966 - Early 19711-1594/2-1870

- SUBJECT
1. Kao I Dang Sat Weekly Bulletin Containing Photographs and Details of American Prisoners Captured by the Pathet Lao
 2. Location and Details of a PL Prison Near the NLS Supreme Headquarters in San Neua Province, Laos

ACQ Laos, Vietnam (22 October 1971)

SOURCE

Laos POW Release Tied to Truce

VIENTIANE (UPI)—A Communist Pathet Lao spokesman said Saturday his group is holding American prisoners of war who will be released after a cease-fire goes into effect in Laos.

Soth Petrasay, the Pathet Lao's 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.

White House adviser Henry Kissinger has said that North

Vietnam pledged to return American prisoners from Laos in Hanoi, an undertaking that was apparently contradicted by Soth's statement.

The exchange will take place in Laos, Soth said. "If they were captured in Laos, they will be returned in Laos," he told UPI.

HONOLULU (UPI)—American planes are continuing to bomb Laos and Cambodia, the Commander-in-Chief of the Pacific announced Saturday.

Few details were released about the air strikes.

An announcement issued on behalf of Adm. Noel Gayler said "U.S. aircraft, including B52s," are continuing bombing operations at the request of the Laotian and Cambodian governments.

F111 fighter-bombers, giant B52 strategic bombers and Phantom jets are being used to bolster troops trying to hold onto government-claimed territory before cease-fire can be arranged for Laos and Cambodia.

Private peace negotiations continued with little sign of progress in the impasse which has developed over the past week. Prime Minister Souvanna Phouma met for an hour Saturday with the special Pathet Lao negotiator, Phoumi Vongvichit. No details of the meeting were

disclosed. Government sources said that in a cabinet session Friday Souvanna failed to get approval for tentative areas of agreement that have been worked out so far in the private talks.

Continued fighting was also reported going on in south and central Laos with increased air strikes by American B52 bombers, F111 swing-wing bombers and tactical fighter-bombers being lifted to support CIA-sponsored irregular troops.

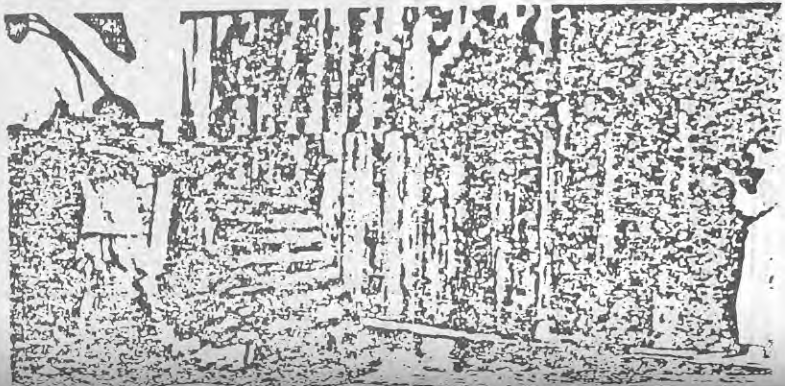
U.S. Embassy officials said Soth's comments Saturday were the first reference the Pathet Lao has made to American prisoners since the cease-fire went into effect in Vietnam Jan. 23.

Cambodia Reds Sink U.S. Barge

PHNOM PENH (UPI) — Khmer Rouge gunners ambushed a Mekong River supply convoy Friday night, sinking an American ammunition barge and badly damaging two cargo ships, transportation company sources reported Saturday.

The sources said the attack occurred three miles south of the naval base at Neak Luong, 32 miles southeast of Phnom Penh.

The American barge *Shance*,



[CIA DOCUMENT
OCTOBER 1973]

Copy No 21 of 12 Copies

Appendix 'A' to PW/AV/1
dated 11 October 1973PRISONERS CAPTURED AND HELD IN CAMBODIA1. In VIETNAMESE jail there are believed to be the following POWs:-

- a. NVA - 150
- b. PL between 40 and 60

For both types those who have already been let out are now:-

- c. Used in payoffs-type work (NVA/PL)
- d. Set free (NVA)
- e. Drafted into PAR (PL).

2. PAR and PM in PL hands are believed to number between 2000 and 5000, divided thus:-

- a. Now serving in PL units
- b. Used for pioneer type work
- c. Still in jail.

3. THAI POW information is scanty. Between November 1970 and August 1973 the US authorities admitted 750 men missing in action (MIA).4. In July 1973 an NVA unit reported to their superiors that 15 Thais had escaped from CHAMPA (BS 2157). These were also 15 PL who broke camp and who walked to US. The Thais never returned. The operation for these 30 men has been described as an incident but unfortunately there are no more details available to this intrajoint report.5. AMERICAN POWs have been listed as follows:-

- a. Category A: Last known to be alive on the ground - 86
- b. Category B: Probably died in captivity - 33
- c. Category C: Died in incident (but still listed as MIA) - 309
- d. Category D: Probably captured - 9
- e. Returned alive - 10

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DEPARTMENT OF THE AIR FORCE
 HEADQUARTERS AIR FORCE MILITARY PERSONNEL CENTER
 RANDOLPH AIR FORCE BASE TX 78150-6001

Colonel V.J. Donahue, USAF, Retired
 Box 1256
 Cocoa Beach FL 32931

2 NOV 1990

Dear Colonel Donahue

We are in receipt of three classified documents that were originated by the Central Intelligence Agency (CIA) which have been associated with your son, Major Donahue. They are identified as follows: *Morgan*

CIA 082022Z Apr 87 (Secret), CIA Cite 391100
 CIA 091931Z Jul 87 (Secret), CIA Cite 545934
 CIA 181916Z Feb 88 (Secret), CIA Cite 907494

The CIA has declined release of sanitized copies of these documents to you under exemptions (b)(1) and (b)(3) of the Freedom of Information Act (FOIA). However, they have asked that we advise you of your right to appeal their decision in this regard through the CIA Information Review Committee. Their address is: Central Intelligence Agency, Information and Privacy Coordinator, Washington, D.C., 20505.

Please contact me on our toll free telephone line (800-531-5501) if you have further questions concerning this matter.

Sincerely

George E. Atkinson
 GEORGE E. ATKINSON
 Chief, Missing Persons Division

1 Atch
 FOIA Exemption
 Explanation Sheet

**BEST
LSR**

Source / Address
 in USA / Phone No. Unavailable
 to name
 Govt. will not
 release this
 information.

April 20, 1987.

MR. Kimball Gaines, Col - USAF
 Chief Sp. ofc. POW / MIA
 Defense Intel. Agency
 Washington D.C
 20301

Sir:

I have information about 2 dead
 Military people in Laos. MC Adams and
 Cleve, I have photocopies of their
 Dogtags. the first is a Marine and the
 second is in the National Guard
 (Chicago).

I also have information about one
 live prisoner (Morgan Jefferson Donohy
 D.O.B. 2nd May 1944 / Airplane A.C. 123 / No.
 32981*) and 5 others unknown.

This is very urgent because my
 friends in Laos are afraid. The live
 prisoners will be killed or moved. If
 we hurry maybe we can rescue them.

NOTE: * The 5 digit no. is the number of the aircraft -
 generally on the vertical stabilizer (tail). The numbers are the last
 five, even if the tail number is 10 digits in length. That number a few years
 ago was the 216 code of General Beach, Lt. Morgan's hair. He attacked the analysts!

Data
 is
 correct
 except
 for