

A HISTORICAL ANALYSIS OF UNITED STATES PRISONER OF
WAR/MISSING IN ACTION REPATRIATION AND REMAINS RECOVERY

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by

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The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army Command and General Staff College or any other governmental agency. (References to this study should include the foregoing statement).

ABSTRACT

A HISTORICAL ANALYSIS OF UNITED STATES POW/MIA REPATRIATION AND REMAINS RECOVERY by MAJ Chandler C. Sherrell, USA, 104 pages.

This study investigates the historical record concerning the repatriation of American service members and the recovery of remains during World War II, Korea, and the Vietnam War. The issue of accounting for American service members has been proclaimed as a matter of the highest national priority and that the fullest possible accounting will be achieved.

In reality, the results of U.S. policy fall short of the stated intent. This paper focuses on evidence from the historical record that illustrates that less than a full accounting occurred.

The thesis concludes that there has not been a cover-up or conspiracy involving this issue through the years. Rather, there has been a great deal of sloppiness, secrecy, and evasion on the political level, but nothing more. The research identifies several recurring themes consistent with each conflict that shaped the ability and commitment of the United States to fully carry out their POW/MIA and remains policy. With a better understanding of what led to less than a full accounting, perhaps future American conflicts will result in an accounting commensurate with America's highest national interest.

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I would also like to thank and pay my respect to each of those men and women who have not stopped pushing for the answers and seek to ensure that all Americans return from future conflicts. It is to the POWs that returned and to those Americans that did not that I wish to acknowledge in the hope that their sacrifice will not have been in vain for future generations to come.

Last, I thank my family. The first debt of gratitude goes to my father, Colonel (Retired) Wilson J. Sherrell, who served his country in Vietnam and later returned to assist in the search and recovery of Americans in Southeast Asia. His example and his commitment to his profession and to those that served, instilled in me the personal desire to prepare this thesis. I must also thank my wife, Lauri, and our daughters for their encouragement and support while researching and writing this paper.

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CHAPTER 1

INTRODUCTION

Perhaps one of the most enduring aspects of the individual soldier is the sense of camaraderie and loyalty demonstrated throughout history. During any conflict, each and every soldier is entitled to the certainty that they will not be forgotten when asked to defend the constitution of the United States. As former Prisoner of War (POW) Eugene McDaniel stated: I was prepared to fight, to be wounded, to be captured, and even prepared to die, but I was not prepared to be abandoned.¹

When American soldiers lay their lives on the line in the service of their country, the nation owes them much, but one thing in particular, the certainty that he or she will not be forgotten. The obligation that drives so many soldiers to sacrifice themselves or endure the hardships of capture in the interests of the nation is mirrored by the obligation of the people to provide an accounting of those that were held prisoner of war or those that will never return.

This thesis deals with perhaps one of the most controversial and enduring issues to emerge from any armed conflict, the repatriation of American service members. At the heart of the repatriation issue is the conflict between accepting the probability of death when the possibility of life still remains. Though it has received the most attention, the problem of recovering or returning American service members is not unique to the Vietnam conflict. In the last three major conflicts fought by American forces involving a large number of American prisoners of war/missing in action (POW/MIA), evidence exists that some American service members were not repatriated.

The policy of recovering America's war dead from foreign conflicts and repatriation to the United States developed over time.² During the Spanish-American War some American remains were removed from Cuba and returned to the United States.

It was not until World War I, however, that the United States established a Graves Registration Service to account for America's war dead.³ Review of the Allied Expeditionary Force (AEF) and the Northern Russian Expedition by the U.S. Senate Select Committee, indicates that between twenty and several hundred Americans were left unaccounted for upon the return of the AEF in Russia during World War I. When prisoners were exchanged as a result of the Riga Agreement, the U.S. expected the return of approximately twenty Americans. In fact, more than 100 Americans were exchanged. The great underestimation concerning the number of Americans officially believed to be held by the communist side or deceased, highlighted the deficiencies in our own accounting system and the difficulty in determining an accurate status of the missing with uncooperative allies or foes.

Throughout history, the United States has continually stated that the return of American soldiers and war dead is a nonnegotiable responsibility inherent in American culture. Following the Korean War, President Eisenhower signed a revised Code of Conduct for members of the Armed Forces. At the signing the President stated: No American prisoner of war will be forgotten by the United States. Every available means will be employed by our government to establish with, to support, and obtain the release of all our prisoners of war.⁴

The operational content of this mandate, however, has never been spelled out adequately. Past practice has shown no consensus on what is meant by "every available means" in practical terms or policy in order to realize the goal stated by President Eisenhower and every American president since. This issue has been discussed for decades at all levels of government with solutions ranging from paying ransom to starting World War III.⁵ The effect of the continuing political and moral debate can be measured today in the uninterrupted federal spending on MIA/POW resolution efforts.

President Reagan declared that a resolution of the POW/MIA issue is of the highest national priority. He stated:
When the Nation assumes the responsibility of sending its very best men into battle, it must also assume the responsibility of making every effort to bring them home again. If they have fallen in battle and cannot be found, then the Government is no less obligated to provide to their families and fellow citizens the fullest possible accounting for those lives given on behalf of America.⁶

In spite of the good faith statements of many U.S. Presidents, a complete accounting has not been achieved when compared against the historical record. In practice, the results of U.S. policy have left a great debate as to how complete an accounting was achieved, allegations of conspiracy, and general mistrust between the public and government. The debate about such an emotional issue is one that will not just go away. Rather, the resolve must be demonstrated by the government that the issue is of the highest national priority and that it is an issue in which compromise is not an option.

Purpose of Study

It is the intent of this thesis to introduce the recurring issues surrounding the debate of POWs and those listed as MIA from recent conflicts. Many issues will be examined that influence whether complete repatriation of U.S. prisoners and war dead is in fact a reasonable expectation. The U.S. government has the inherent responsibility to account for American citizens. If this responsibility is one that cannot be met, every soldier, sailor, or airman who serves must do so with the understanding that if someday they perish or are taken prisoner, limits exist as to whether they or their remains will return. If one examines the history of previous repatriation efforts, limits to ensuring full repatriation appear. It is this understanding that factors beyond the control and scope of the U.S. government may result in some Americans being left behind. Understanding

why previous efforts have failed may have the desired effect of negating the need for further research and debate on this issue.

Key Terms

Throughout this thesis several key terms and concepts will be used that are central to its understanding. The scope of this POW/MIA issue is vast. This thesis focuses upon a more finite aspect that is more definable and measurable given unclassified sources. The definition of repatriation as used is “to return to the country of one’s birth or citizenship.” This term encompasses remains of deceased combatants and those still alive.

Prisoner of War (POW) is defined as those lost under circumstances that are consistent with a **probability** of live capture or the individual was named in enemy propaganda broadcasts, seen alive in enemy custody, suspected but not confirmed to be a prisoner, or a known prisoner of war. This definition does not encompass those listed as missing and not believed to be alive. Rather it focuses upon those in which the U.S. had reason to believe were alive or alive at the time of their capture.

Primary Question

Given the purpose of this thesis and operational terms, the primary research question to be answered is: U.S. Prisoners of War: Why hasn’t the United States obtained a complete accounting and repatriation in America’s wars?

Secondary Questions

Central to examining the primary question is the examination of related issues integral to the POW debate, such as: (1) What POW policies has the United States pursued? (2) What procedures have been used to account for U.S. personnel? (3) What has the U.S. government known and done to account for and repatriation personnel given evidence that full repatriation has not occurred? and (4) How have foreign governments impacted our ability to repatriate all U.S. citizens?

Delimitations

This thesis is singularly focused upon evidence with regards to those believed to be in a POW status, their eventual repatriation, and the recovery of remains. It does not attempt to account for those listed as “missing in action” that do not fit the definition of POW used in this thesis. Thousands of service members were listed as MIA at the conclusion of World War II, the Korean War, and the Vietnam War. Many of these MIA are truly missing and whose remains will never be recovered. They were lost in situations in which their death was so violent that their remains will not be located. This group is not considered as an aspect of repatriation for this thesis. Also excluded from the focus group are those Americans that willingly chose to remain with the “enemy” and have accepted not to be repatriated.

Another delimiting factor in researching this issue is the amount of pertinent information that remains classified. With the fall of the Berlin Wall and communism in Eastern Europe, new documents have emerged that shed greater light on Soviet involvement and information concerning American POWs from each of these conflicts. This information is important to providing an insight into the role foreign governments have had on this issue and to what the U.S. government may have known concerning POWs. Unfortunately, additional documents concerning the topic of POWs from previous conflicts and efforts to obtain their release remain classified. This limitation will be partially overcome by reviewing alternative sources of declassified published accounts from each period, review of congressional committee reports, and other relevant research.

This thesis also deals with data that is, at best, confusing. Numbers cited by the Department of Defense and Congress are often contradictory, ambiguous, inconsistent, or a mixture of any of these. No plausible explanation is given for the discrepancies other than to note the volume of conflicting data that emerges, the change in status as

investigations continue over time, and the fact that figures quoted often rely on data that cannot be verified or are derived from multiple sources.

There are several issues that this thesis will address in the course of examining repatriation efforts. These issues will not attempt to be proven or disproved.⁷ Rather, primary source evidence will be reviewed that addresses these issues. Such issues to be discussed are the likelihood that American POWs remain alive in foreign territory, whether POWs were transported to the Soviet Union at the conclusion of World War II, or whether Americans were transported to China or the Soviet Union in either the Korean or Vietnamese conflicts. These issues continue to be debated but are not the focus of this examination.

Research Methodology

The research methodology is based upon historical analysis of primary and secondary sources to answer the thesis questions. Though the thesis is not based upon classified documents, the original classification for many declassified documents will be noted to assess the importance and validity of the information at the time it was generated. Primary sources such as sworn testimony before congressional committees, eyewitness accounts, Defense Intelligence Agency (DIA) reviews, and research sponsored and published by the Office of the Secretary of Defense will be used. Secondary sources such as theses, books, and periodicals will also assist in exploring the thesis question. All sources were obtained at the Combined Arms Research Library of the U.S. Army Command and General Staff College or through the interlibrary loan department.

After extensive research, the thesis is developed into four major chapters. Chapters 2 through 4, deal with World War II, the Korean War, and the Vietnam War respectively. Each chapter reviews the historical record on information regarding POW/MIA repatriation and remains recovery efforts during that timeframe. It seeks to

establish the basis for the conclusion that a complete accounting did not occur and discusses the relevant factors that influenced the repatriation and recovery results.

Chapter 5, the concluding chapter, further compares the research compiled during the course of the thesis for commonality of factors that have marked the repatriation and recovery issue. Whereas each individual chapter highlighted the factors relevant to that specific conflict, the conclusion will highlight the primary factors consistent with each conflict.

1

United States Senate, Report of the Select Committee on POW/MIA Affairs, POW/MIA's (Washington, D.C.: U.S. Government Printing Office, 1993), 2. (Hereafter referred to as Select Committee Report).

2 Paul M. Cole, POW/MIA Issues, vol. 1, The Korean War. (Washington, D.C.: National Defense Research Institute, 1994), 5.

3 Ibid.

4 Ibid., 6.

5 Ibid.

6 Select Committee Report, 856.

7

CHAPTER 2

WORLD WAR II

Background

In analyzing why the United States did not have a complete accounting of American personnel in World War II, data must be examined that leads to a conclusion that less than a full accounting occurred. This chapter will discuss the historical record concerning repatriation in World War II in order to examine if less than full repatriation occurred and what actions the U.S. government took to ensure full repatriation of her prisoners-of-war and war dead.

World War II was a great victory for the United States and her allies. In both the European and Pacific theaters, the allies were victorious and enemy forces subjected to unconditional surrender. Despite total victory on the continents of Asia and Europe, thousands of American soldiers, airmen, and marines were not repatriated.¹ Many can be assumed to have died in action but available data indicates hundreds, perhaps thousands of those not repatriated, in fact remained alive and were held against their will in the former Soviet Union.²

The liberation, recovery, and repatriation of American and Allied prisoners of war held in Europe was one of the major goals of the United States and its Allies.³ The term “Recovered Allied Military Personnel,” (RAMPS) was the name given to the program to account for members of the Allied forces who were either liberated or released from enemy prisons in Europe.

The problem of accounting for POW/MIAs was further complicated by the fact the Soviets were uncooperative in the repatriation of the millions of displaced civilians as well. In Europe and the Far East, the Soviets guarded prisoners not only of the Axis and Allied powers, but hundreds of thousands of displaced East and Western European citizens who wanted to leave territory controlled by the Red Army. As late as 1950, the

Japanese maintained that over 300,000 Japanese soldiers and civilians remained to be accounted for.⁴ Countries such as the Netherlands and France had little political or military leverage to ensure the repatriation of tens of thousands of their citizens at the end of the war.⁵

The French experience in World War II and the repatriation issue with the Soviets deserves mention. As in the case of many allied countries, controversy remains as to the extent of repatriation of French civilians and soldiers after World War II. In August of 1942, the Germany Army forced 130,000 Frenchmen into service for the Third Reich. Most of these men saw service on the Russian Front where many either deserted or were captured by Soviet Forces. The Soviets did not treat the French as allies or as friends. Rather, thousands of the 130,000 total were stripped of their possessions and transported to a camp east of Moscow known as Tambov, or the “French Camp”.⁶ Here many suffered more than Jews held in Dachau or Buchenwald in which so much has been documented. Over 10,000 Frenchmen died of starvation, neglect, and disease during their captivity. While there, they were required to perform forced labor, and were subjected to political indoctrination. The story of the French experience is important because it sheds light on Soviet practice and possible motives as well as adds to the evidence that American servicemen were imprisoned in the Soviet Union during and after the Second World War.⁷ Many of the 27,503 liberated French POWs had direct contact with Americans at Tambov and their stories have been reported in the French press. Their eye-witness accounts and the archival evidence continuing to be unearthed in the former Soviet Union, gives great credibility to the notion that U.S. service members remained behind the Iron Curtain long after VE Day.

The fate of Japanese POWs in the Pacific is similar in many respects. Writing in his memoirs, former Secretary of State under Harry S. Truman, James F. Byrnes recalls a conversation he had with Molotov, the Soviet Commissar of Foreign Affairs.

Mr. Molotov came to see me, on instructions from Moscow [Molotov] wanted to complain of the way in which the surrender terms [with Japan] were being carried out. He complained about the way the Japanese Army was being demobilized. It was dangerous, he said, merely to disarm the Japanese and send them home; they should be held as prisoners of war. We should do what the Red Army was doing with the Japanese it had taken in Manchuria--make them work....No one can say accurately how many Japanese prisoners have been taken to the Soviet Union. In mid-1947, the best guess was that approximately 500,000 were still there.

In the fall of 1944, Allied forces entered German territory. It became evident that retreating German forces were relocating their POWs with them, moving the camps between the advancing armies from the east and west. This action caused enormous problems for the recovery and care of liberated prisoners. It was not until 22 April 1945, that a "Standfast" agreement was reached between the Allies and Germany that held all Allied prisoners in place based on the assurance that liberated prisoners would not be rearmed or returned to combat duty.⁸ The ensuing "liberation" of U.S. forces from German POW camps by the Soviet Army resulted in still further problems and the impetus for the continuing repatriation conflict resulting from the Second World War.

Each nation at war with Germany accepted responsibility for the liberation, recovery and repatriation of prisoners from each allied nation.⁹ As of 15 March 1945, the number of Americans believed to be held prisoner by Germany was estimated to be 76,854. In actuality, 91,252 were recovered. The discrepancy was due to 14,398 being misidentified as Missing in Action. As the war in Europe moved closer to and closer to its conclusion, the Soviet Union and the United States reached an agreement at Yalta on 11 February 1945 concerning the repatriation of POWs.¹⁰

The Yalta agreement represented the first government to government agreement of the conflict that applied to displaced persons as well as liberated POWs. Each side was required to notify the other as to the location and number of liberated citizens, movement from one camp to another, and each retained the right of immediate access to camps or

collection points. Less than two months later, the Soviets failed to permit American liaison officers and British contact teams to advance with Soviet forces into Poland and Germany in violation of the Yalta agreement and met with US protest.¹¹ The only contact allowed in the Soviet Zone of Germany had been a single visit to one camp by one liaison officer representing the Supreme Allied Headquarters.

In contrast to the Soviet position, the U.S. continued to give access to all camps in which liberated Soviet citizens were held and given broad control over the management of the camps. By June of 1945, there were “153 Soviet Liaison Officers working under the direction of Major General Dragun who is charged with the responsibility of assisting us in the problem of repatriation.”¹² As stated, the United States was permitted one officer to serve the same function in the entire Soviet zone. The lack of US contact and observance of American prisoners in Soviet held camps raised doubts as to the accuracy of Soviet reporting on the location and number of liberated prisoners. In March 1945, the Supreme Allied Headquarters estimated that Red Army forces could be expected to uncover 134,000 POWs of the United States in their zone. A final accounting by the RAMPS report indicated that a total of 91,252 were ultimately repatriated.

The problems of mass repatriation were not resolved by the Yalta Agreement. Less than a month after signing of the agreement, U.S. Ambassador to Moscow W. Averell Harriman cabled an URGENT TOP SECRET Personal Message to the President of the United States. In it he stated:

Since the Yalta Conference General Deane and I have been making constant efforts to get the Soviets to carry out this agreement in full. We have been baffled by promises which have not been fulfilled.... I am outraged that the Soviet Government has declined to carry out the agreement signed at Yalta.... There appears to be hundreds of our prisoners wandering about Poland trying to locate American contact officers for protection. ¹³

Six days latter Ambassador Harriman sent another cable on the repatriation efforts

this time to the U.S. Secretary of State, Edward R. Stettinius, Jr. He states:

I assume the Department has been informed by the War Department of the great difficulties General Deane [head of the U.S. Military Mission to Moscow] and I have been having with the Soviet Government in regard to the care and repatriation of our liberated prisoners of war. In the beginning it appeared that the Soviet authorities were going to interpret our agreement substantially as we did...Our prisoners have suffered serious hardships from lack of food, clothing, medical attention, etcetera, in finding their way to concentration points in Poland and on the long rail trip to Odessa because we have been stopped from sending in contact teams and emergency supplies. It seems clear that the Soviets have changed their point of view during the last several weeks and are now rigidly determined that none of our officers shall be permitted in Poland. I saw Molotov again today about the situation. He maintained that the Soviet government was fulfilling its obligation under the agreement and both the Red Army authorities and the Polish Provisional Government objected to the presence of our officers in Poland. I am satisfied that the objection comes from the Soviet government and not the Provisional Polish Government. I feel that the Soviet government is trying to use our liberated prisoners of war as a club to induce us to give increased prestige to the Provisional Polish Government by dealing with it in this connection as the Soviets are doing in other cases. General Deane and I have not (repeat not) been able to find a way to force the Soviet authorities to live up to our interpretation of our agreement.¹⁴

After direct negotiation with Soviet authorities on the return of American soldiers failed solve the impasse on access to American prisoners in Red Army occupied territory with one exception, Ambassador Harriman requested consideration of retaliatory measures that might induce the Soviets to abide by the conditions of the Yalta Agreement.

We recommend further that the [State] Department and War Department come to an agreement on what retaliatory measure we can apply in the event an unfavorable answer is received by the President from Marshal Stalin. Consideration might be given to such actions as, or combination thereof: (One) That General Eisenhower issue orders to restrict the movements of Soviet contact officers in France to several camps or points of concentration of their citizens far removed from the points of liberation, comparable to Lwow and Odessa; (Two) That Lend-Lease refuse to consider requests of Soviet Government additional to our fourth protocol commitments for such items as sugar, industrial equipment or other items that are not immediately essential for the Red Army and the Russian war effort; (Three) That

consideration be given to allowing our prisoners of war en route to Naples to give stories to the newspapers of the hardships they have been subjected to between point of liberation and arrival at Odessa and that in answer to questions of correspondents, the War Department explain the provisions of our agreement and the Soviet Government's failure to carry out the provisions of our agreement.¹⁵

In response to this cable from the U.S. embassy, President Roosevelt sent a personal and secret cable to Marshal Stalin on 18 March 1945 requesting an explanation regarding accusations raised by Ambassador Harriman. Marshal Stalin claimed that much of the information was inaccurate and with regards to access to American POWs by U.S. liaison officers. He stated:

that in the given instance the matter concerns the interest of Soviet armies at the front and of Soviet commanders who do not want to have around odd officers who, while having no relation to the military operations, need looking after, want all kinds of meetings and contacts...and other things that divert the attention of the commanders and their subordinates from their direct duties....I do not see how I can restrict their rights to any extent.¹⁶

Apparently President Roosevelt accepted Marshal Stalin's explanation and rejected the measures that Ambassador Harriman put under consideration to ensure compliance with the Yalta Agreement. In response to the notion of publicizing mistreatment by Soviet authorities, General George C. Marshall, the U.S. Army Chief of Staff, issued a revised policy that required all European commands to "censor all stories. Delete criticism of Russian treatment...."¹⁷ Further, U.S. forces were ordered to ensure that no repeat no retaliatory action will be taken by U.S. forces at this time for Soviet refusal to meet our desires with regard to American contact teams and aid for American personnel liberated by Russian forces.¹⁸

This policy was exactly the opposite of what the Ambassador had proposed concerning publicity and contact with American POWs. It effectively ensured the public perception that the Soviet Union remained a committed ally of the United States and that no issues with regards to the return of Americans from the European Theater existed.

In the Pacific Theater, the pattern of denying access to U.S. military personnel sent to arrange for the wellbeing of Allied POWs continued. In sharp contrast, during the closing days of war with Japan, Japanese commanders cooperated with U.S. liaison teams and assisted in arranging for repatriation of American POWs. Our Soviet allies did not.

On 23 May, sixteen days after VE Day, a conference was held in Leipzig for the purpose of discussing the exchange of hundreds of thousands of liberated prisoners of war and displaced persons held by both sides. The senior U.S. representative was Major General R. W. Barker. After discussions the first day, he wrote to the Supreme Headquarters Chief of Staff:

the SHAEF representatives came to the firm conviction that the British and American prisoners of war were, in effect, being held hostage by the Russians until deemed expedient by them to permit their release. ¹⁹

At the same time negotiations were continuing to ensure the return of American POWs, the Soviets were requesting a \$6 billion credit line from the United States, the equivalent of \$59.8 billion in 1991 dollars, or more than the U.S. costs for the entire Gulf War. The concept of “credits” or economic assistance in other forms continued throughout the repatriation period. The perceived linkage between the request for “credits” and the denial of access to American POWs is seen by some as a form of blackmail and the equivalent of hostage taking.

The report from Major General Barker, is perhaps the first to conclude that the Soviets might not repatriate all Allied POWs now under the control of the Red Army. Barker concluded that he believed that the Russians would make a large and quick repatriation of our soldiers, but that the Soviets “may find a reluctance to return them all, for an appreciable time to come, since these men constitute a valuable bargaining

point.”²⁰ After the meeting in Leipzig, the complete return of all Allied POWs appeared to be in serious doubt.

The Leipzig agreement was ultimately signed on 28 May and formalized the plan for what many believe to be the greatest mass movement in history. It contained the following provisions: (1) all persons liberated by the respective armies would be delivered through the army lines to the custody of the other side, (2) each side would establish exchange points to receive repatriates, (3) the Soviets agreed to set up eleven exchange points, and (4) the western allies assumed responsibility for the transportation of liberated Soviet citizens into eastern Europe. By 1 September 1945, this amounted to over two million Soviet citizens.²¹

The agreements reached had the positive effect of safely returning millions of displaced persons as a result of war. On the negative side is the continuing debate today whether many of the allied countries in fact had a complete repatriation of refugees, displaced persons, or allied soldiers formerly held in Nazi POW Camps. In terms of U.S. soldiers alone, 91,252 were actually recovered through agreements such as Leipzig and Yalta, and the efforts of individuals and groups involved in successfully leading Americans to friendly territory.²² The safe return of over 90,000 soldiers is impressive and a testimony to the efforts of U.S. resolve to action to return America’s soldiers home at the wars conclusion.

In spite of the large repatriation, published accounts and sworn statements given to congressional subcommittees claim as many as 25,000 U.S. prisoners were estimated to remain in Russian control after VE Day. In the past few years, researchers have gained greater access to POW information in the U.S. through the Freedom of Information Act and in Soviet archives. Examination of many separate documents leads one to the same conclusion: that there were unrepatriated Americans in the Soviet Union

after the exchange of prisoners. What is not agreed upon is the question of number of POWs and what ability the U.S. government had to influence their eventual return.

On 19 May 1945, General Eisenhower informed General Marshall in cable S-88613 that an estimated “25,000 American POWs were still being held by the U.S.S.R. weeks after the Allies linked up at the Elbe River.”²³ On May 30, 1945, Major General Kenner, Surgeon General at SHAEF Headquarters stated that 20,000 Americans remained under Red Army control and an additional 324,000 POWs from Allied countries were still being held.²⁴ The next day, a top secret memorandum from Major General John R. Deane, the U.S. Army Commanding General of the U.S. Military

Mission in Moscow stated:

I have had a cable from General Marshall in which he states he has received information which indicates that 15,597 U.S. liberated prisoners of war are now under control of Marshal Tolbukhin.²⁵

Over the course of an 11 day period, General Eisenhower and his staff had reported through classified traffic that the number of American POWs estimated to be in Soviet hands to be either 25,000, 20,000, or 15,597. The discrepancy in these figures is statistically significant and much of the changes in number can be attributed to the continuing organized and unorganized flow of Americans to the west of the Elbe River. However, on the day after the report of 15,597 POWs remaining under Soviet control, General Eisenhower signed a cable stating:

It is now estimated that only small numbers of U.S. prisoners of war still remain in Russian hands. These no doubt are scattered singly and in small groups as no information is available of any large numbers in specific camps. They are being received now only in small dribbles and being reported as received.²⁶

At the same time General Eisenhower was proclaiming only small numbers of POWs were still in Russian hands, The War Department announced that substantially all the American soldiers taken prisoner in Europe are accounted for, this means that it is not expected that many of those who are still being carried as missing in action will appear later as having been prisoners of war.²⁷

Despite two reports to the contrary issued within 48 hours, it is this about face concerning reported numbers of POWs still in the Soviet zone simultaneously by the War Department and SHAEF Headquarters that lead some to say is a concerted attempt to gloss over a serious problem and the beginnings of a cover-up of the POW/hostage situation.²⁸

By 25 February 1946, some nine months later, an assessment by the Strength and Accounting Office, in the Office of the Chief of Staff of the War Department, concluded that 6,595 POWs remained missing from the conflict in which there was no evidence of death. Combining the declaration of Presumed Findings of Death for 5,900 individuals with the few still returning from Red Army occupied territory, the number of 6,595 missing was derived.

In addition to the continuing admission that thousands of Americans remained unrepatriated, one of the most striking aspects of assessment is the manner in which Presumed Findings of Death were determined. The major function of the office was to resolve each outstanding case by determining that each man is “permanently lost” as soon as enough time elapsed to make it legally possible.²⁹ Critics claim that this demonstrates that the War Department's efforts were not focused in the direction that most Americans would expect their government to proceed. One would assume that every effort was being made to locate or determine the fate of individuals as opposed to awaiting a legal determination of death based on time and lack of information received.

On 23 May 1991 the Senate Foreign Relations Committee Republican Staff produced a report alleging that 20,000 Americans who were “liberated” from German prison camps in 1945 were later moved into Soviet camps and not repatriated.³⁰ The following summer, Boris Yeltsin, in a letter to the U.S. Senate Committee and in an interview confirmed what many had believed: that not all American POWs captured

during the Vietnam War had been returned and that soldiers from WWII, the Korean War, and the Cold War had disappeared into the Gulag as well.³¹

In response to the mounting data that pointed to a conclusion that thousands of U.S. soldiers were not repatriated after World War II, the Department of Defense commissioned RAND to conduct a seventeen-month study focusing on American POW/MIA) issues from the Korean War. Later the scope of the investigation was broadened to include research into whether Americans were transported to the Soviet Union or its allies during World War II as well. The purpose of the study was to provide documentation from U.S. and Soviet archives on the possible fate of unrepatriated U.S. POW/MIAs and to document the U.S. governments efforts to obtain information on these individuals and their repatriation. ³²

The report presented to Congress on 10 November 1992 concluded that “an undetermined number of American POWs liberated by Soviet forces during World War II from Nazi Germany POW camps were not repatriated to the United States or otherwise accounted for by Soviet authorities.” One hundred ninety-one American POWs known to have been in German POW camps who were not repatriated are identified by name in the report. This list is derived from American and Soviet archives opened since the fall of the Berlin Wall. Whether this is a list of all unaccounted-for American POWs or whether this is only a fraction of a larger list cannot be determined from declassified sources. Information in the Soviet archives also indicates that the Soviets deliberately misled U.S. authorities concerning the fate of U.S. prisoners of war.

Archival research in the Soviet Union has produced primary source documentation that supports the theory that Americans were confined in Russian territory during and after World War II ³³ The RAND report includes the following primary source documents. In a summary dated 10 November 1944, the USSR People’s Commissariat for Internal Affairs noted that twenty-three American citizens were being

held at seventeen different detention facilities. As of December 20, 1945 (seven months after VE Day) a document entitled, Information on the POWs Belonging by Their Nationality to the States That Were Not at War with the USSR Who Are Confined in the NKVD Camps, indicates that thirteen Americans were being held at various NKVD Camps. Other documents state that six Americans were held as late as May 1946, one year after V-E Day, and were not to be released because they had been captured while serving in SS units.

Registration records of NKVD camps clearly indicate that Americans were imprisoned there. What is not known, is the number of Americans that may have been imprisoned in labor camps run by the People's Commissariat for Defense. Prisoners of War were not identified by nationality. In addition, "American" was recognized as a citizenship rather than nationality and therefore, one would not expect to find primary source evidence listing "Americans" as having been confined in labor camps. Thus, Americans could be listed in Soviet records by the nationality of their parents.

There is further archival evidence that links Americans to specific NKVD camps. In Rada Camp 188 at Tambov, referred to as the "French Camp" where between 1,500 and 15,000 Frenchmen are buried, prison archives indicate that a small number of Americans were imprisoned there. In 1992, an eyewitness account was provided by Roger Koehren, a former French prisoner. He said:

With me in barrack [quarantine] number one, there were American and English aviators. They had all been held in German Stalags or in eastern Germany and were. Like the Alsacians, gathered at Tambov to be repatriated. I do not know what happened to these poor pilots. They were not repatriated with us at the end of 1945.³⁴

In addition to eyewitness accounts from former prisoners, a former NKVD Camp officer and registrar both give eyewitness accounts claiming to have had contact with Americans. Camp records and documentation of nationality were incomplete at best.

Some idea of the detail and correctness associated with the documentation of nationality can be seen in the manner in which prisoners were disposed after death. Tambov Oblast Archives state, "During the inspection of the grave for 250 bodies it was found that in the trench, which was 2.5 meters deep, bodies were heaped up on top of one another one meter above the surface level. The graves are not covered with lime." In addition to this research, other evidence indicates that American POWs were held in Tambov after World War II.

In late April 1945, an NKVD directive ordered NKVD troops to confine Americans in Camp 188 less than a week after the signing of the Standfast agreement. Two weeks later, the Chief Administrator of Camp 188 at Tambov was ordered to prepare the camp for "2,500 French, Luxembourgish, Alsatian, American and British POWs who will arrive shortly."³⁵ The release of this once classified military traffic, gives increased credibility to the notion that Americans were held inside the Soviet Union both during and after the war. The search for additional information on this issue continues today through the mutual cooperation demonstrated with U.S.-Russian Joint Commission of POWs/MIAs established in 1992.

Recovery and Accounting Efforts

During World War II, United States policy was based upon the assumption that American forces would have access to battlefields and prison camps in order to obtain an accurate accounting of personnel not assumed dead as we did at the conclusion of the First World War. Congress authorized a "return of remains" policy that had a five-year limit imposed on it to identify and return remains to America. Though many were returned, thousands of combat casualties were declared unrecoverable and remain buried abroad.³⁶

After World War II, the U.S. government recovered the remains of some but not all of the U.S. servicemen who had been buried in Soviet controlled territory. As early as 1945, the U.S. began negotiations with Soviet authorities for the right to search, using American Graves Registration personnel to locate and recover the remains of American war dead. Primary source documents indicate that:

the Search and Recovery Teams were not permitted to move freely in the Soviet Zone, but were compelled to adhere to a Soviet previously approved itinerary. As a consequence, subsequent negotiations were no longer directed by the War Department but through the Department of State.³⁷

The Soviets demanded exact locations and names and insisted that the costs associated with the recovery efforts be covered by the United States. The U.S. agreed to cover the expenses as requested.

Later, Search and Recovery Teams were completely denied access to grave locations in Soviet controlled territory in order to exhume the remains of buried Americans. In September 1948, the remains of six U.S. airmen were returned after recovery by Soviet personnel. It appears that very few remains have been actually recovered through negotiation with the Soviets since the conclusion of World War II. Very few actual grave sites were known to the U.S. and it was the U.S. that had the responsibility to provide the names and locations of those deceased. Without cooperation from the Soviet authorities, the efforts to return America's war dead produced limited results.

As late as January 1950, the Quartermaster General estimated that a general area could be identified for the graves of 646 remains that were believed to be interned in Soviet controlled areas of eastern Europe. This figure did not include remains to be recovered in the Far East or in the Mediterranean Zone. The status of these remains continues to be unknown. Neither Soviet nor American archives have produced an answer as to the disposition of the 646 remains nor indicate what additional efforts were

taken to return additional remains from Soviet territory. Not until forty years later, did Task Force Russia again work to resolve the return of remains buried in USSR territory. This void in documentation of results over a forty-year period created a major credibility gap in the minds of the American people towards the U.S. government and their resolve to ensure the return of war dead.

As has been noted, the failure to allow American contact teams to inspect Americans POWs in camps under Soviet control and the denial of search and recovery teams access to Soviet held territory occurred. The U.S. response typically consisted of diplomatic notes or protests from the State Department to the Soviet Foreign Ministry. The sources of information on U.S. POWs consisted primarily of eyewitness accounts from returning Allied or American prisoners. Sources of information in Soviet occupied territory and the mobility of U.S. forces were severely restricted. The governments of Soviet client states did not permit U.S. diplomats to conduct independent investigations either.³⁸

The U.S. government systematically collected, analyzed, and followed up the claims made by repatriated Americans and foreigners that Americans had been seen in Soviet prisons. In the next decade as the Cold War ensued, this policy did yield the return of several Americans, most notably downed Air Force pilots. U.S. efforts that consisted solely of diplomatic dialogue contrast sharply with the efforts demonstrated by the Soviets in obtaining the release of their prisoners of war in the Far East. While they were denying access to U.S. authorities in the Far East and Europe, the Soviets even sent a delegation to Hanoi to forcibly repatriate any French Foreign Legionnaires POWs in custody of the Japanese who were identified as citizens of the Soviet Union, or as citizens of any of the east bloc nations, were surrendered by the Allies to the Soviets.³⁹

The aspect of applying or demonstrating the resolve to use force to repatriate imprisoned Americans once proposed by Averill Harriman, was neither implied or used in pursuit of releasing U.S. detainees after V-E Day.

In October 1953, the U.S. government learned that American citizens were being detained in Soviet prisons. After two months of diplomatic exchanges, two U.S. citizens were released after over six years of confinement between them. In January 1955 three Americans were handed over to American authorities in Berlin after several years of confinement in Soviet labor camps.⁴⁰ Two of the individuals, William Verdine and William Marchuk were U.S. soldiers that had been AWOL since 1949. Once in the Soviet zone, they were eventually imprisoned in a labor camp and remained there for six years. The return of these five individuals demonstrates concrete evidence that the Soviet Union did hold foreign citizens on its soil against their will. Between 1949 and 1955, the U.S. Embassy in Moscow had repeatedly requested information on these and several other individuals and received either no response or a denial as to their imprisonment. Their eventual release raised an important question in Washington. Should the United States file a protest to the USSR on the grounds that the Soviet government had not informed the U.S. government in violation of international law and the Litvinov agreement?⁴¹

The Litvinov agreement of 1933 required that representatives of the other government be notified within seven days whenever a national of the other country was arrested.⁴² For over two months the State Department debated the issue as to whether a diplomatic protest should be filed. Central to the debate was the affect a protest would have on ongoing diplomatic exchanges concerning the release of others believed to be imprisoned in the Soviet Union. Ultimately, a protest was filed with the Soviet Foreign ministry and nothing more came of the matter.

Over the next several years, there continued to be reports that Americans were being held by the Soviets. These reports primarily consisted of statements made by returning European nationals who claimed to have been confined in labor camps with American personnel. The State Department continued to have the responsibility for pursuing the release of possible Americans held captive inside foreign territory. As the Cold War began, primary focus was shifted from the issue of World War II POWs to the highly publicized issue of returning downed pilots shot down over Soviet airspace. Gradually, public attention shifted away from World War II and the issue of repatriation of former POWs and the return of our war dead.

Summary

The RAND report presented to Congress concludes that:
The number of American POWs who were not repatriated from German POW camps in World War II appears to be less than 200. Assertions that tens of thousands of American POWs were abandoned are “inconsistent with the historical record.”⁴³

The issue remains that if a single American soldier who fought for his country and was subjected to the conditions of a prisoner-of-war was not repatriated, then that is one to many. The data indicates that in the case of the Second World War there were those left unaccounted for and subsequently left behind.

In the final analysis, a great deal of data exists and is continuing to be unearthed that shed light on the disposition of many POWs from World War II. Eyewitness accounts from repatriated POWs, Soviet prison officers, and camp personnel indicate that Americans were held captive in the Soviet Union well after VE Day. Primary source documents uncovered in archives of the United States and Russia, such as previously classified military traffic as well as State Department and the Ministry of Foreign Affairs cables, give great credence to eyewitness accounts received.

Primary source information details the extent of Soviet cooperation after World War II. The Soviets denied access to POW camps in Europe as well as the Far East Theater, prevented Search and Recovery Teams from recovering our war dead, and did not allow independent investigations to take place that might have resolved the status of many Americans. Their mistreatment and imprisonment of European nationals and a defeated Japanese populace is now becoming known. The Soviets admittedly held tens of thousands of Japanese in labor camps years after the war was over and held American citizens in Soviet labor camps into the 1950s in violation of the Yalta and Litvinov Agreements. In essence the Soviets were uncooperative and used the POW issue as a means to add credibility to puppet governments of Eastern Europe and as an issue in negotiating economic assistance in post-war Europe.

The United States on the other hand, was forced to negotiate from a position of weakness. We had won the war, but had been denied access to Soviet occupied territory where tens of thousands of American soldiers were interned. The U.S. negotiated in good faith for the release of Americans known or believed held captive. In this instance, the U.S. allowed politics to drive our commitment to ensure the return of all soldiers and remains. Faced with the need for Soviet forces to defeat remaining Japanese Army forces in Manchuria and Korea, the U.S. chose not to publicize the repatriation issue and censored criticism of the Soviets by returning POWs in an attempt to portray the Soviets as a staunch and cooperative ally of the United States. The ensuing Cold War destroyed that myth.

What was established from this experience was the political will the United States would exercise to ensure the return of her soldiers. Retaliation and forcible retribution were not exercised which did not go unnoticed by the communist insurgencies we would face in Korea and Vietnam.

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Select Committee Report, 3-1.

2 Ibid., 3-1.

3 Paul M. Cole, POW/MIA Issues, vol. 2, World War II and the Early Cold War (Washington, D.C.: National Defense Research Institute, 1994), 1.

4 William F. Nimmo, Behind a Curtain of Silence: Japanese in Soviet Custody, 1945-1956 (London: Greenwood Press, 1988) 94.

5 Select Committee Report, 3-4.

6 Cole, World War II, 19.

7 Ibid.

8 Ibid., 4.

9 Ibid., 2.

10 Ibid., 6.

11 Ibid.

12 Select Committee Report, 3-20.

13 Ibid., 3-9.

14 Ibid., 3-11.

15 Ibid.

16 Ibid., 3-12.

17 Ibid., 3-13.

18 Ibid.

19 Ibid., 3-2.

20 Ibid., 3-19.

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- 21 Cole, World War II, 8.
- 22 Select Committee Report, 421.
- 23 R. Cort Kirkwood, James D. Sanders, and Mark Sauter, Soldiers of Misfortune (New York: Avon Books, 1992), 97.
- 24 United States Senate, U.S. Senate Committee on Foreign Relations, An Examination of U.S. Policy Toward POW/MIAs (Washington, D.C.: U.S. Government Printing Office), 3-20. (Hereafter referred to as Committee on Foreign Relations)
- 25 Ibid., 3-19.
- 26 Ibid., 3-20.
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- 31 Jim Sanders and Mark Sauter, The Men We Left Behind: Henry Kissinger, the Politics of Deceit and the Tragic Fate of POWs after the Vietnam War (Washington, D.C.: National Press Books, 1993) 25.
- 32 Cole, World War II, IX.
- 33 The Center for Historical Documentary Collections, Fond 1, Inventory 3A, File 2, 57.
- 34 Cole, World War II, 24.
- 35 Ibid.
- 36 Committee on Foreign Relations, 15.
- 37 Cole, World War II, 76.
- 38 Ibid., 88.

³⁹ Committee on Foreign Relations, 15.

⁴⁰ Cole, World War II, 139.

⁴¹ Ibid., 142.

⁴² Ibid.

⁴³ Select Committee Report, 149.

CHAPTER 3

KOREA

Background

Unlike World War II in which we achieved a military victory, the Korean War ended at the negotiating table between representatives of the United Nations (U.N.) and communist North Korea. The recovery of American dead and POWs held by communist forces was a matter of U.S. national and United Nations Command policy throughout the Korean conflict. Despite the repatriation situation remaining from the Second World War, policies initially followed by the United States in Korea were merely an outgrowth of the World War II experience in which a victor was clear and access to prison camps was initially presumed to be available. Despite the lessons learned in dealing with a communist government, few anticipated that the communists would initially refuse to fully account for POWs and would then attempt to exploit the issue over the course of the next four decades.¹ U.S. doctrine, planning, and policy, which were incompatible for the conditions of World War II, remained inadequate to meet the demands of limited war, stalemate on the battlefield, and intransigent opponents.

Just as primary source evidence established that at least one hundred and ninety-one American POWs known to have been alive in German POW camps were not repatriated after World War II, evidence from the Korean War demonstrates that U.S. repatriation policy did not account for all American service members either dead or alive. This chapter will establish what is known about the circumstances of loss for individuals whom served in the Korean War. In addition, it will present and assess the U.S. government's policy and efforts to obtain the release of those believed held as a POW, account for those determined to be MIA, and recover the remains of deceased U.S. service members.

To examine U.S. repatriation efforts during the Korean War a baseline must be established that demonstrates less than a full accounting occurred. Given the conflicting data on POWs and MIAs from sources mentioned previously, this thesis relies on data found in the Central Identification Laboratory, Hawaii Mapper database that consists of a computerized Korean War casualty database that combines a wide range of casualty data. The total number of American service members whose bodies were not recovered (BNR) used in this thesis is 8,140 (2,119 POW(BNR) whose deaths were witnessed while in captivity) and 6,021 BNR cases of all other categories.

Today, 8,140 U.S. servicemen are listed as “missing” from the Korean War in a variety of official and unofficial sources such as the U.S. State Department, U.S. Veterans Organizations, the American Battle Monuments Commission, and others.² It is reasonable to assume that, “most are truly “missing”--that is, they are airmen who went down at sea or in rugged mountainous terrain, soldiers and Marines who disappeared in the confusion of battle and whose bodies were never recovered.”³ Thus the number 8,140 accurately reflects those whose bodies were not recovered, not necessarily those that are MIA or unrepatriated POWs.

The official record of the Korean conflict POWs/MIA data is, at best, confusing. The numbers cited in Congressional hearings and by the Department of Defense are often contradictory. No explanation has been found for the discrepancy in the DOD or Congressional figures. When examining the POW(BNR) figures, it is seen that the figures also vary by source and year: Congress, 2,762 (1957); DOD, 2,730 (1955); Army, 2,638 (1954). The conflicting numbers are perhaps representative of the enormous amount of data generated in the three years of war. Some would argue that though these figures are not the same, statistically, they are similar. I would argue, however, when dealing with lives, a discrepancy of even one serviceman is relevant. More

appropriately, however, the conflicting data represents failure to devise and implement a repatriation strategy in order to account for all service members.

This thesis focuses on two groups of Korean War prisoners that remain unaccounted for: prisoners who made it alive to a POW camp, and those who did not. Cases where primary source evidence exists that conclude that a service member made it alive to a camp, but was not repatriated, are known as POW/BNR. Prisoners who did not survive the time between capture and arrival at a POW camp are known as “post-capture killed, body not recovered” or PCK/BNR.

Remains Recovery

Recovery and repatriation of Korean War dead were separate issues until December 1950, six months after the North Korean People’s Army crossed all along the 38th parallel into the south. Until then, U.S. forces followed a recovery practice established during World War II, which meant that temporary cemeteries were spread out and among the Korean peninsula from Pusan to the Yalu River.⁴ This policy would present serious challenges in the decades to come in accounting for and repatriating those buried during the conflict. From 1951 until the end of the conflict in July 1953, concurrent recovery and repatriation were the principles of U.S. policy in Korea. After the change in policy, bodies were recovered, buried, and disinterred several times until a recovery and repatriation system could be implemented.

Casualty data from the Korean conflict has always been dynamic. During the war, data changed as casualties increased or as information about the missing was collected or assessed. This process continued long after the end of hostilities. In many instances, there is no historical record describing the process by which data was processed and used to reclassify casualty figures. Thus, even though casualty reporting and tracking methods became more detailed as the war progressed, discrepancy remains in casualty figures resulting from ill-prepared policies and expectations.

It was not until the war had been underway for three months that the Department of the Army issued Special Regulations Number 600-400-5, *Personnel Casualty Reporting During Combat*. This regulation increased the number of casualty reporting categories from six to fourteen. By this time however, nearly 23 percent of all POW (Body Not Recovered (BNR)) cases and over 11 percent of all BNR cases had occurred.⁵

The Korean War saw an extensive record of cruelty and barbarism that led to atrocities committed by the North Korean People's Army against captured American servicemen. Many Americans were tortured, summarily executed, beaten, or marched to death and scattered randomly across vast geographical areas in shallow or unmarked graves.⁶ Upon capture, American POWs would be stripped of their clothes and boots and forced to march on frozen feet. Those that fell were killed by guards and those that survived would routinely lose as much as forty-five pounds. On a single march from Kuna-ri to POW Camp No. 5, 300 died of exposure and starvation or were murdered outright.⁷ At the end of the war, repatriated prisoners disclosed that "bodies of the dead were placed in shallow graves that were frequently washed out by heavy rains." Others stated that on forced marches prisoners too seriously wounded or exhausted to march were shot and the guards left the bodies of the dead unburied where they fell.⁸

Over 1,000 interviews with repatriated prisoners led the Judge Advocate Section War Crimes Division to conclude that at least 959 Americans died during forced marches. Today, no record appears to have been made of the location where these individuals eventually came to rest. This significant accounting problem further complicates the accounting process and remains a major obstacle in accounting for and repatriating American service members.

The effectiveness of U.S. repatriation efforts includes both the return of casualties and those presumed to be alive. Casualty resolution efforts were initially as improvised as the initial U.N. military response. Initially, the volunteer casualty affairs officer set up

a map in his office on which he recorded the locations of MIAs, KIAs and the Missing Air Crews Reports (MACR). This graves registration mission changed almost overnight when the two separate field commands began to fall back after the Chinese intervened in the fighting. No longer could the Graves Registration Service (GRS) operate cemeteries near the battle lines, now the emphasis shifted to evacuation to relatively secure rear areas for eventual shipment to America.

Perhaps one of the greatest shortcomings of the repatriation effort lies in the fact that the GRS was, by regulation, defined as a wartime service only. If war had not been declared, then it would operate on an ad hoc basis. Americans were dying and immediate support was needed at the outset. At the outbreak of the war when four U.S. divisions were in combat, the entire U.S. graves registration effort consisted of a single platoon.⁹ The first casualty officer was trained as a laundry officer and volunteered to take care of the dead only after the first body had been in the Pusan area for at least two days. Hundreds of dead U.S. servicemen were buried in temporary graves or unburied on the battlefield and could not be recovered as American forces retreated in the opening phase of the war.

The GRS manpower shortage was compounded by the policy that allowed separate U.S. divisions to maintain their own cemeteries. This policy was practiced in spite of the lessons learned from World War II that demonstrated that it was a deterrent to eventual identification of the deceased.¹⁰ By 24 October 1950 a string of cemeteries were scattered over a 350-mile expanse. The eventual retreat from the Yalu further complicated the immediate problem of Graves Registration and in the years to follow, to the recovery of those buried north of the 38th parallel. There were many isolated burials, remains left without burial, and thousands of MIAs.

The policy of recovering the dead from the battlefield, burying them in temporary cemeteries, and then repatriating them after the war proved impossible by the nature of

the war. For the first time in U.S. history, entire cemeteries were evacuated in the face of an enemy advance. Ten months of uneconomical, scattered cemetery operations finally came to an end in 1951.

The undermanned and ill-trained GRS also assumed the task for search and recovery operations. Initially, they were called Marker and Recovery Teams. They were tasked to mark graves once they were located and leave embossed plates or burial bottles to indicate that remains had been recovered. After the Inchon landing, the Eighth Army's advance opened up an enormous area to be searched by an inadequate number of search and recovery teams.¹¹ Emphasis was placed on processing the accumulated dead rather than a manpower intensive search for KIA(BNRs). This is one of the major reasons so many unidentified KIAs were accumulated in the early stages of the war.

The shortage of trained GRS personnel did not stop the accumulation of war dead. Less than a year into the conflict, the GRS had accumulated reports on 9,182 MIA cases, 5,000 of which were north of the battle line.¹² As time passed, recovery and identification became more difficult due to weather effects, tactical actions, and conversion of the battlefields to civilian use. Through mid-1951, the problem of manning the GRS mission remained. One GRS company serviced a combat area that included six widely separated divisions. Obviously, there was an inadequate ability to conduct search and rescue, consolidate those buried, and identify remains.

Not only did the GRS suffer from a trained manpower perspective, shipment of remains from Korea to Kokura, Japan for processing resulted in failed opportunities to positively identify remains and thus reduce the number of BNRs. Initially, remains were shipped to Kokura aboard unrefrigerated ships. Upon arrival, the remains of Americans often arrived "shoe-top deep in maggots".¹³ The prospect for positive identification was diminished by the time an individual had been buried and reburied two or three times then shipped in an unrefrigerated ship in the middle of the Asian summer heat.

Armistice

The Armistice Agreement that brought an end to the combat phase was signed on 27 July 1953. The remains recovery plan associated with the armistice was based on three faulty assumptions: (1) that each side desired to recover war dead, (2) that each side preferred to recover its own dead, and (3) that access to the more than 1,600 U.N. dead north of the 38th parallel would be granted. As negotiations proceeded, it became obvious to U.N. negotiators that permission would not be granted for searches above the DMZ and that any desire by the Korean People's Army to search for remains, would only be done for the express purpose of intelligence gathering or propaganda. The last search by American personnel for remains of American war dead in the DMZ or beyond, occurred on 21 November 1953. In the forty-four years since, not once have U.N. or American personnel searched for the remains of fallen American service members from the Korean War.

The Armistice specified the exchange of bodies and other remains began on 1 September 1954. During Operation GLORY, 1,879 sets of remains were returned. Of those, 1,020 were positively identified, and another 859 unidentified remains were declared unknown casualties. During this phase, the U.S. government funded groundbreaking research in forensic sciences in an effort to identify remains with a high degree of certainty.

Operation LITTLE SWITCH was the first exchange of "sick and wounded" prisoners that took place between 19-26 April 1953. During the operation, the North Koreans returned 149 American POWs. Debriefings of released POWs confirmed that under the terms of the agreement, an additional 258 U.N. prisoners eligible for return were being retained by the North Koreans. This led to the lodgment of an official protest to the Communists that fell on deaf ears.

The majority of Americans were released between 5 August and 6 September 1953 in Operation BIG SWITCH. At the end of the POW switches, 3,597 Americans were returned or 284 more than the North Koreans promised. As the POW exchange progressed, questions were raised as to whether the North Koreans and Chinese were abiding by the provisions of the Armistice. United Nations Command Commander in Chief, General Mark Clark said,

We do have certain evidence that indicates that there are additional prisoners alive who should be returned....The communists respect force and I know of no means of getting any reaction from them on this prisoner of war question other than the application of force, which is not in the cards, in my opinion. ¹⁴

U.S. efforts to obtain information about the release of detained personnel in North Korean custody was known as “Returned or Exchanged Captured American Personnel,” or RECAP. RECAP studies reached one very important conclusion: that the Communist forces had not accounted for all the American POWs held in Chinese or North Korean camps.

Unaccounted For Personnel (BNR)

Of the 8,140 servicemen listed as BNR from the Korean conflict, 5,945 servicemen can be accounted for where death was witnessed by repatriates or otherwise documented. A finding of death was determined in the following manner as: MIA at sea, confirmation by repatriated POWs of death in a prison camp or death enroute, total number of graves on North Korean territory, U.S. burials linked to aircraft crash sites, and BNR cases occurring outside North Korea.¹⁵ This total of 5,945 confirmed or documented BNR deaths, reduces the number of unrepatriated servicemen to 2,195 in which no evidence exists to confirm or deny their death.

On 9 September 1953 United Nations Command provided the Communist forces a list of 944 unaccounted for personnel. The UNC described the list as “personnel known to have been captured by you and to have been in your custody.” This description has

since been shown to be false. In essence, the list did contain some servicemen that were known to have been captured and held in communist custody, and yet others listed were in fact categorized as missing and presumed dead, POW (BNR), and several KIA (BNR). Some U.S. officials were aware that the “944 list” was more than a roster of confirmed POWs who had not been repatriated. Others such as General Mark Clark, the Far East Commander were not. After the war, he expressed the belief that “nearly 1,000” Americans were being held hostage by the Communist forces.¹⁶ No indication for the basis of his claim was made other than the 944 list. In the years since, the 944 list has continued to be misrepresented as unrepatriated POWs when in fact it represents a much broader category.

Since August 1954, the 944 list has been reduced to 389 today. This has happened through a number of mechanisms to include review of cases, obtaining eyewitness accounts, and recovered remains. But to truly determine if there was a repatriation problem of those in which death was not documented, the “389 list” must be examined for validity. When each individual case is cross-checked against three sources: casualty status cards, POW casualty assessments, and personnel files, the last known status of the 389 list indicates 181 POW, 207 MIA, and one case resolved.¹⁷ Therefore, of the 8,140 servicemen that did not return from the Korean War, the most likely probability is that less than 400 last known to be alive failed to return with an additional 2,508 known grave sites still in North Korea and 2,245 BNR cases located outside of North Korea.

Every American who did not return from the Korean War and for whom no information has been received for at least one year has been declared dead under the Missing Persons Act.¹⁸ Even so, given the amount of unknown or debated information on the repatriation issue, there is no reason to conclude that all American POW (BNR) cases are deceased. If they were not deceased at the conclusion of the final POW

exchange, why would Communist forces have retained them and what did the U.S. government do with any information they may have had?

Motivation To Retain

Evidence exists which documents that American servicemen were transferred to the territory of the Soviet Union and of the People's Republic of China during the Korean War. There is less compelling evidence that servicemen were retained in either of those two countries following the Korean War. At the time of the Korean War, the Soviet Union possessed the Sharashka prison camp system. Sharashka camps began to appear in the late 1920s and were created to exploit Soviet and foreign scientists and technicians who were forced to serve Soviet defense industry projects. ¹⁹ Foreign prisoners, including foreign POWs, were forced to work in the Sharashka camps. The purpose was to obtain military information that could accelerate the rate of Soviet military modernization. Perhaps the best example of this is documentation that shows how information derived from German POWs captured in World War II permitted the Soviets to accelerate design programs and better understand Western materiel and strategy. There is no reliable estimate of how many foreign POWs were exploited in this manner.

What is known is that the Koreans, Chinese, and Soviets were all very interested in the Air Force F-86 fighter and its pilots. During the war, a total of 110 F-86 fighters were lost as a result of enemy action.²⁰ According to Task Force Russia analysts, of the 56 pilots who became casualties, 29 of them, or 52% of all F-86 casualties are BNR cases. This rate for F-86 pilots represents the highest BNR rate for casualties associated with any aircraft or unit during the war. F-86 pilots figure prominently in Soviet archives, records and in interviews with Soviet officers. Soviet archives include the names of 16 F-86 pilots of whom 11 were repatriated. According to Soviet records, the remaining four died in custody though no information has been found to confirm this account.

The total number of F-86 aircraft lost as a result of enemy action offered ample opportunity for communist forces to obtain this aircraft intact or in pieces significant enough to be studied and technology exploited under the Sharashka camp system. In 1953, the Air Force estimated that 75 percent of the F-86 losses were considered losses that might have compromised USAF technological advances. In fact, Soviet efforts to capture and fly U.S. aircraft were successful. On at least one occasion, American pilots reported at least one F-86, painted in communist colors and protected by MIG-15s, was flown against U.S. aircraft.

Despite a declared Soviet policy of noninvolvement in the Korean conflict, it is apparent they were interested in information that could be derived from captured Americans. The Chinese on the other hand had no policy restrictions and their direct involvement with U.S. POWs is more extensive. One purpose of their interrogation was to obtain tactical, strategic, and political information from American prisoners. Early in the conflict, the UNC suspected that POWs were being transported from Korea to PRC territory. Archival evidence and reports from repatriated POWs indicates that early in the war, it was routine practice to transport prisoners from North Korea to China for interrogation and then back to North Korea. Apparently, this scenario was carried out for two reasons. First, UNC air power was forbidden to operate over China and second, the prevailing thought was that the war would end relatively soon which in turn created a sense of urgency in obtaining information from UNC POWs.

Repatriation Efforts

The U.S. government acted on reports that U.S. servicemen were either retained in North Korea or in the People's Republic of China. As in World War II, the primary method employed to gain the release of imprisoned servicemembers after the conflict was through diplomatic channels and, to some degree, the International Red Cross. From September 1953 to January 1954, six months after the Armistice, the UNC made repeated

efforts to obtain an accounting of UNC personnel that may have been in Communist custody. These efforts were unsuccessful.²¹ The Chinese Communists had indicated through indirect channels and through their actions with the Military Armistice Commission that the release of Americans could only be achieved through diplomatic rather than military-to-military channels.

At that time, it was believed that eighteen Air Force personnel were being retained in a non-POW status and that communist forces had information on 450 others whom remained unaccounted. In June 1954, the Communist Chinese formally admitted to holding fifteen American service members. In November of that year, they were sentenced as spies. To obtain their release, the U.S. demanded their immediate release in meetings of the U.S. consulate general in Geneva and the Chinese Communist consulate general. In addition the demand for release was assisted by U.N. condemnation and resolution, a personal visit from U.N. Secretary General Hammarskjold to China, and by representations from free-world nations having relations with the PRC. Eventually, these efforts were successful with eleven B-29 crewmembers and four fighter pilots returned. Three others were declared deceased on 4 August 1955.²²

The case of the fifteen repatriated servicemen held in China became political dynamite. First, the Chinese admitted having held Americans in confinement long after the Korean War in violation of the Armistice were sentenced on charges of espionage, not as POWs. This fueled the debate about the possibility of additional POWs being held in North Korea and or the PRC. Additionally, the U.S. public was now actively involved in a discussion on how to respond to the Chinese. This was an integral part of China's strategy to engage the American people in open conflict with the government and to pressure the government into accepting China's demands for direct negotiations. It worked.

In 1955, formal bilateral talks between the U.S. and the PRC began. Between 1 August 1955 and 1967, U.S. and Chinese diplomats met on an irregular basis 130 times, first in Geneva and then in Warsaw. The first U.S. ambassador to the talks, U. Alexis Johnson told Congress that: “I have brought up the prisoner question, this question of missing military personnel, on numerous occasions throughout these meetings.”²³ The PRC used these talks to further their foreign policy agenda and to broaden the discussions leading to eventual recognition. During the “Ambassadorial talks”, the PRC dished out U.S. prisoners piecemeal. When things got bogged down, the PRC routinely went over the heads of U.S. officials, making appeals to the American people through the press. This was seen as part of a deliberate negotiation strategy.²⁴

Repatriation by Force

Unlike World War II, greater effort was made by Army personnel to free or retrieve personnel once they had been taken prisoner. These efforts were not always successful, and yet, demonstrated U.S. resolve to obtain the return of captured service members. On 26 September 1950 U.S. troops arrived too late to liberate approximately 360 U.S. POWs held in Seoul. The next month, members of the 187th Airborne Regimental Combat Team rescued fifteen U.S. POWs from a train enroute to Pyongyang. In May 1951, a U.S. tank patrol rescued eighteen Marines and one soldier from the town of Chunchon.²⁵ Other rescue attempts were made during the war but the number of Americans actually rescued from captivity is not documented

The case of the fifteen prisoners held captive and later released also led to much discussion on the use of military force in repatriating U.S. citizens. After the Chinese initially refused to release the airmen, U.S. officials proposed strong measures. Admiral Arthur W. Radford, Chairman of the Joint Chiefs of Staff, proposed a naval blockade of

the Chinese mainland. This proposal was supported by Senate Republicans and Senator William F. Knowland in particular. He stressed that the U.S. government had a “moral obligation” to “use more than words” to protect Americans abroad.²⁶ Secretary of State John Foster Dulles quickly responded to using the threat of force by stating the U.S. would “react vigorously, but without allowing ourselves to be provoked into an action which would be a violation of our international obligations and which would impair the alliance of the free nations.”²⁷ Senate Majority Leader Lyndon B. Johnson who felt the blockade would invite war and retaliation on the very people we sought to liberate quickly expressed opposition to the blockade proposal.

On 1 December 1954 President Eisenhower stated in a press conference that a blockade would be an act of war. He said “in many ways the easy course for a President, for the Administration, is to adopt a truculent, publicly bold, almost insulting attitude...Those actions lead to war.”²⁸ Thus the U.S. continued to pursue release of imprisoned POWs through diplomatic channels and the United Nations. Though the repatriation of POWs was a central issue for the U.S., direct negotiations with the People’s Republic of China were ruled out because the U.S. did not recognize China.

This was not the first instance the U.S. government possessed information in which it was reported that U.S. citizens were held captive and elected not to use force to ensure repatriation. On 10 November 1992 Lieutenant Colonel Phillip Corso, US Army, Retired, a former member of the National Security Council Staff during the Eisenhower Administration testified before the Senate Select Committee on POW/MIA Affairs. LTC Corso had served as the head of the Special Projects Division of the Far East Command during the Korean War with responsibility for tracking North Korean POW camps as well as participated in discussions on Operation LITTLE and BIG SWITCH.

In 1954, accompanied by National Security Advisor, C.D. Jackson, he briefed President Eisenhower that based upon intelligence information from Chinese POWs,

North Korean POWs, civilian defectors and photographs of POW camps, he concluded that some 800-900 U.S. POWs had been moved to the Soviet Union and remained there after the Armistice. LTC Corso recommended to President Eisenhower “that the report not be made public because the POWs should be given up for being dead since we knew the Soviets would never relinquish them.” Out of concern for the POWs’ families, the President agreed.²⁹ According to LTC Corso, the President said, “we cannot give it (the information) to the families”. As of 1997, LTC Corso’s report remains classified though his account of the White House briefing has been confirmed by other records and Senate investigators.

Policy Limitations

Lieutenant Colonel Corso testified that it was his opinion that the effort to locate and retrieve U.S. POWs held by the Communists were impeded by the U.S. policy of not making strident and confrontational statements towards the Soviet Union, North Korea and China. He stated, “The big policy was the policy of fear. Fear of general war. That was the policy that was stopping us.”³⁰ Whether the intelligence reports were accurate or not, the alleged U.S. response was void of any overt or covert action to obtain the release of those believed imprisoned. Shortly after this White House briefing, President Eisenhower signed a revised Code of Conduct and stated:

No American prisoner of war will be forgotten by the United States. Every available means will be employed by our government to establish contact with, to support, and obtain the release of all our prisoners of war.³¹

Soon thereafter the U.S. government commissioned a special study to draw wider conclusions about the POW issue. In June 1955, the Pentagon’s Defense Advisory Committee on Prisoners of War issued a report entitled “Recovery of Unrepatriated Prisoners of War.” It summed up the dilemma stating, “We have been unable, under existing national policy considerations, to bring about an accounting by the Commies (for

the Korean War POWs).”³² It acknowledged that diplomacy had been ineffective and that the U.S. was not prepared to use force against the communists since it would probably kill more than it would save. Further, it went so far as to conclude:

Our current efforts in the political field, plus the standby alternatives developed by the military, represent the full range of possible additional efforts to recover personnel now in custody of foreign powers. On one hand, we are bound at present by the President’s peaceful means decree. The military courses of action apparently cannot be taken unilaterally and we are possessed of some rather reluctant allies in this respect. The problem becomes a philosophical one. If we are at war, cold, hot, or otherwise, casualties and losses must be expected and perhaps we must learn to live with this type of thing. If we are in for fifty years of peripheral fire fights, we may be forced to adopt a rather cynical attitude on this political course of action.³³

It had been decided that since there was no acceptable way of solving the Korean War POW problem, the government would just make it go away. Gradually the issue slipped from the political debate and remained alive only in the hearts of the relatives of the missing.

Summary

The United States was not prepared to implement a remains recovery strategy and accountability for its servicemembers at the onset of the Korean War. Policies that were in effect were not suitable for the task at hand and led to many of the repatriation and accounting problems that exist today. Until 1951, cemetery policies resulted in temporary cemeteries being established from Pusan to the Yalu River. As a result, 2,508 known grave sites remain in communist North Korea today in which we are denied access.

Over 23 percent of all POW (BNR) cases occurred during the first few months of the conflict when the Army’s Graves Registration Service was undermanned, ill-equipped, and poorly trained. The task of Search and Recovery was overwhelming and

resulted in a shift of priorities to processing the dead rather than recovery and identification of our war dead. The U.S. lost the ability to positively identify hundreds of sets of remains due to poor preparation and initial shipment of remains out of the theater.

The Armistice effectively concluded combat operations in Korea and yet the issue of remains recovery and repatriation of POWs was just beginning. Over the past forty years, the North Korean government has continually refused to provide information on “missing” American servicemen or returned remains on a piecemeal basis.

Between 1990 and 1992, North Korea delivered what were claimed to be forty-six sets of remains to the U.S. through the U.N. Command Military Commission. Not one set of remains has been found to be of an American servicemember. The forty-six “sets of remains” are actually fragments of more than seventy individuals.³⁴

Just as the People’s Republic of China used American airmen in pursuit of their foreign policy objectives, the North Korean’s appear to have attempted a similar strategy with the human remains issue. North Korea continues to view the delivery of remains in exchange for hundreds of thousands of dollars as a convenient way to subsidize the current regime. From their perspective, as long as the Americans engage in talks with North Korea, it will survive because the talks can be presented as a sign that Pyongyang is trying to improve North Korea’s international standing.

The U.S. emerged from the Korean War determined to ensure that no American prisoners of war would be forgotten by the United States. During the conflict, the U.S. actively pursued servicemen detained by the enemy. But, as in World War II, once hostilities ceased, return of remains and those unaccounted for was left to the diplomatic community.

U.S. policy ultimately resulted in the repatriation of 3,778 POWs and the remains of 1,879 servicemen. However, limitations of U.S. military and national policy were evident after the Armistice as evidence grew that thousands of Americans remained

unaccounted for. Over 8,000 U.S. citizens remain unaccounted for from a war where Americans were tortured, summarily executed, beaten, or marched to death and scattered randomly across vast geographical areas in unmarked graves. At least 959 died during forced marches. Forty-four years after the Armistice, no evidence of death can be produced for 2,195 Americans. More disturbing is the fact that 389 of the 2,195 are known to either have been in captivity or had a probability of live capture based upon eyewitness reports.

More importantly for the tens of thousands of Americans that would someday fight in Southeast Asia, the U.S. government viewed the reality that in “limited warfare”, the belligerents would not or could not be held accountable by Geneva Conference on POWs. As the U.S. involvement in Vietnam grew, this issue would loom even larger.

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Cole, Korean War, 9.

² Ibid., 20.

³ Harry G. Summers, Jr., Korean War Almanac (New York: Facts on File, 1990) 184-185.

⁴ Cole, Korean War, 5.

⁵ Ibid., 18.

⁶ Ibid., 24.

⁷ Ibid., 27.

⁸ Operation Little Switch, Korean War Crimes (KWC), Case 1825, RG153 Records of the Judge Advocate General, War Crimes Division, 1952-1954.

⁹ Graves Registration Service in the Korean Conflict: An Unofficial History, in History of the Korean War, vol. 3, Part 16 (HQ EUSA-J4 (DJ-VE-R)), 17.

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- 10 Ibid., 6.
- 11 Cole, Korean War, 56.
- 12 Ibid., 57.
- 13 Graves Registration Service, 56.
- 14 Cole, Korean War, 60.
- 15 Ibid., 182.
- 16 Ibid., 228.
- 17 Ibid., 240.
- 18 Ibid., 241.
- 19 Ibid., 104.
- 20 Ibid., 160.
- 21 Ibid., 206.
- 22 Ibid., 27.
- 23 Ibid., 218.
- 24 “Negotiating”, Department of State Bulletin, vol. 32, no. 841, 8 August 1955, (Washington, D.C.: U.S. Government Printing Office), 219-220.
- 25 Cole, Korean War, 48.
- 26 Ibid., 210.
- 27 “Text of Address in Chicago by Dulles Explaining Basic Aims of U.S. Foreign Policy,” New York Times, 30 November 1954.
- 28 “Transcript of Eisenhower Press Conference on World, Congress Affairs,” New York Times, 3 December 1954.
- 29 The Men We Left Behind, 43.
- 30 Select Committee Report, 413.
- 31 Cole, Korean War, 6.
- 32 The Men We Left Behind, 43.

³³ Ibid., 44.

³⁴ Cole, Korean War, 17.

CHAPTER 4

VIETNAM

Background

Just as the Korean War ended at the negotiating table, the U.S. military involvement in Vietnam ended thousands of miles away in Paris as part of a negotiated withdrawal of American forces from Southeast Asia. In the years since the U.S. pulled out of Vietnam, a controversy has raged as to whether a full accounting of missing servicemembers was obtained prior to our exit. Because it occurred relatively recently in our past, Vietnam has been at the forefront of the repatriation issue, overshadowing the status and repatriation efforts from World War II and Korea. Many of the factors that led to the POW/MIA controversy from Vietnam were present in the controversies from those earlier conflicts as well. Lack of access to former battlefields, barriers imposed by foreign governments, excessive secrecy on the part of our own government, and various reports or sightings about the fate of missing Americans were all present.

Much has been written concerning this timeframe and events that have occurred over the past twenty years that have undermined the public's trust. Though the Paris Peace Accords promised answers to the families of the missing, the war between the North and South Vietnam continued to rage until 1975 and the answers did not come.

This chapter will establish what in fact occurred in the jungles of Vietnam as well as at the negotiating table in France within the political, diplomatic, and military environment in 1973. It will examine what was known at various levels of the U.S. government, what if anything was or was not done, and what could have been done differently to achieve the stated objective of "the fullest possible accounting" of American servicemen. In addition it will focus upon wartime accounting efforts that

provide the baseline of those unaccounted for and efforts after the negotiated settlement to return remains and account for those classified as missing.

As in previous conflicts, discrepancies existed both during and after the war as to the status and number of those unaccounted for. According to testimony given to the Senate Select Committee on POW/MIA Affairs in 1993, the United States sustained casualties in Laos in 1961, not all of which were accounted for through the 1962 Geneva Accords on Laos. The accounting for U.S. servicemen and contracted civilians was complicated by the very nature of the conflict in Vietnam. The lessons learned and accountability doctrine from Korea and World War II were of little use in assisting in categorizing those unaccounted for while participating in a counter-insurgency war. This dilemma is best illustrated by U.S. policy to refer to Americans held prisoner during this timeframe as “detainees” to avoid a characterization associated with a formal involvement in war.¹

Without a declaration of war or large-scale mobilization in the part of the United States, it was questionable whether the 1949 Geneva Convention regarding the treatment of Prisoners of War was applicable. If it was questionable in our minds, it is certain how the North Vietnamese viewed the issue from their perspective. As late as 1965, with units of division size in Southeast Asia, there was still no clear-cut definition of the conflict. Finally, faced with the increasing number of casualties, reports of prisoner executions, and threats by the North to try U.S. “detainees” as war criminals, the Office of the Assistant Secretary of Defense issued a directive that “U.S. military personnel captured in Vietnam will be categorized as captured or interned rather than as detainees.”² Unfortunately, this new categorization, which by definition afforded protection under the Geneva Convention of 1949, was not shared by the North Vietnamese and their failure to abide by all provisions of the convention would lead, in large part, to the discrepancy in figures of the unaccounted.

As in World War II and Korea, the number of Americans listed as “unaccounted for” varied by source. The numbers used in this thesis are derived from published Congressional testimony that serves as the basis for what the U.S. government knew or should have known with regards to the missing. According to the Senate Select Committee, 2,264 Americans were listed as “unaccounted for” as late as 1993. Of the 2,264, 1,095 are in essence accounted for as they have been classified as killed in action/body not recovered (KIA/BNR).³ The remaining 1,169 were originally listed as MIA or POW. The focus of the conclusions drawn in this chapter will be upon those that were either known to have been taken captive, or who were lost under circumstances in which survival was deemed likely or reasonable. All others are addressed in terms of remains recovery efforts.

By late 1966, the Defense Intelligence Agency became a focal point in the POW/MIA accountability process. The loss of servicemen at an ever-increasing rate increased the urgency of the accounting process and the need for a greater intelligence effort in the accounting process. Though each service retained responsibility for accounting for their personnel using the basic methods used in Korea, the DIA’s role was to ensure a high priority was given to the collecting of POW intelligence.⁴ DIA’s role in the accounting process grew as it assumed the chairmanship of the Interagency POW Intelligence Ad Hoc Committee and participated in POW Intelligence Task Force formed in 1971. The DIA maintained an automated database reflecting who was believed to be a prisoner and who was missing. They did not maintain records on those believed to be killed, but whose bodies were not recovered. Key to the creation of the DIA list is the fact they had no “written criteria or procedures, either during the war or after, to determine who was a prisoner of war”.⁵ The DIA’s categorization of servicemen that would be taken to the negotiating table in Paris, was based upon an analytical judgement and not the result of clear criteria applied consistently throughout the conduct of the war.

This database was one of two databases maintained within the Department of Defense to determine the number of individuals unaccounted for in South Vietnam, North Vietnam, Cambodia, and Laos. The first consisted of casualty information provided by the services and maintained by the Directorate for Information Reports (DIOR) DIOR's "unaccounted for" lists were the "official" DOD statistics provided to the public and families.⁶ They were derived using the same techniques used by the military in previous conflicts. Unit commanders collected as much information as was available immediately after the loss and forwarded a casualty report through the chain of command ultimately to the Pentagon. The unit commander maintained responsibility for initially classifying the status of the missing and by law, the status could only be changed by the service Secretary or a designee.

The second database represented the DIA list that consisted of the casualty information from the DIOR and intelligence information. During and after the war, both the DIA and DIOR used their respective databases to generate lists of those unaccounted for. The accuracy of the lists depended on the reliability of the information initially placed in the system and the care taken by those entering it. Unfortunately, the DIA list differed from the DIOR list because of added intelligence data and was based upon analytical judgement and not a set of classification guidelines. Errors in the DIOR list caused error in both lists and the result were two lists with different numbers of those missing in action, prisoner of war, and KIA/BNR. Because the DIA list used intelligence information that was routinely classified as secret, the discrepancy between the "official" DIOR list and the DIA list became a source of growing mistrust as to what the government knew and was telling the American people.

Negotiating a Settlement

Beginning in May 1968 the United States and the Democratic Republic of Vietnam (DRV) conducted peace negotiations in Paris, France. In January 1969 the Paris Conference on Vietnam convened with the addition of representatives from the Government of South Vietnam (GVN) and the Viet Cong (Provisional Revolutionary Government (PRG)). A second channel consisting of secret talks was later opened in August 1969 between Dr. Henry Kissinger, Assistant to the President for National Security Affairs, and Xuan Thuy, Chief DRV representative to the Paris Peace Conference. Five months later, Xuan Thuy was replaced by Le Duc Tho, a man of much higher standing in the Communist party of Vietnam.⁷

The meetings took place on a weekly basis from January 1969 until the agreement on 27 January 1973. The United States concentrated much of its discussions on the perceived failure of the DRV to abide by the 1949 Geneva Convention concerning the treatment of prisoners of war which they signed with reservations in 1957.⁸ In particular, the U.S. criticized the DRV's refusal to identify all prisoners held in North and South Vietnam, as well as Laos; its refusal to allow regular correspondence to families; its failure to permit inspections by the International Red Cross and its unwillingness to release the sick and badly injured. The DRV viewed the American captives as those captured while committing war crimes by virtue of the U.S. bombing of the DRV. They insisted that the captives were treated with leniency and humanity but would not consider them covered by the conditions of the accord. Therefore, the U.S. was not able to use the provisions of the accord as a means of obtaining the release of the sick and wounded nor obtain an accurate accounting of those help captive by inspection or receipt of mail.

The United States negotiators consistently maintained the position that the release of all prisoners should be unconditional.⁹ The DRV, on the other hand, called for the complete withdrawal of U.S. troops from Vietnam as a precondition for the release of

prisoners.¹⁰ The U.S. began the secret negotiations with three goals foremost in mind. The first was to obtain the fullest possible accounting of the missing. Second, ensure that the government of South Vietnam could stand-alone after the U.S. withdrawal; and third, establish the framework for the self-determination of the South Vietnamese. To achieve these goals, U.S. negotiators sought:

1. The unconditional release of prisoners and a means to account for the missing throughout Indochina.
2. An internationally supervised ceasefire throughout Indochina
3. The right to continue supplying military aid to include training and advisers to the GVN.
4. The withdrawal of DRV military forces in the south, and
5. A plan for free and fair elections in South Vietnam.¹¹

Neither the weekly public talks nor the sporadically held secret talks resulted in much progress until May 1971. On 31 May 1971, Dr. Kissinger expressed willingness to agree on a deadline for the complete withdrawal of U.S. troops in return for the repatriation of U.S. POWs. This concession led to an exchange of comprehensive proposals that would ultimately lead to an agreement. Following a North Vietnamese Easter Offensive in 1972 in which the U.S. responded by the bombing of North Vietnam and the mining of the Haiphong Harbor, negotiations increased and by October, the outline of an agreement had taken place. The key concession from the U.S. side was willingness to accept a ceasefire that did not require the withdrawal of DRV forces in South Vietnam. On the part of the DRV, they dropped their demand of the prior removal of the Thieu government as a condition of the ceasefire agreement.¹²

Between October and December 1972, U.S. negotiators perceived that the DRV was not prepared to stop withdrawing agreed-upon positions and insisting on linguistic changes. Following President Nixon's cable to Hanoi warning of grave consequences if

the DRV did not resume negotiating in good faith by 17 December 1972, ten days of intensive bombing ensued. After Hanoi's surface-to-air missile defense system and large quantities of stockpiled military supplies destroyed, the DRV returned to the negotiating table.¹³ Negotiations started again in early January and concluded with the formal signing of the "Agreement on Ending the War and Restoring Peace in Vietnam" and four protocols including one on prisoners and detainees.

That same day, President Nixon announced that: "Within 60 days from this Saturday (the day the agreement was to be signed), all Americans held prisoner of war throughout Indochina will be released. There will be the fullest possible accounting for all of those who are missing in action."¹⁴ Unfortunately, the U.S. did not know how many prisoners were held nor did they fully anticipate the difficulty we would face in implementing the accord.

Provisions for the release of prisoners and accounting for MIAs were contained in Chapter III, Articles 8(a) and 8(b). They state:

- a The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.
- a The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

Several key issues agreed upon in the accord would prove contentious in the first sixty days. The exchange of POW lists was important because the U.S. had ample reason to question whether the DRV would provide a complete and accurate accounting.¹⁵ The trustworthiness of the DRV was doubted as a result of the 1954 Geneva Accords on POW

exchange that concluded the French experience in Indochina and the release of previous “comprehensive” lists earlier in 1970. Although the Geneva Accords called for the release of all prisoners of war following the French defeat at Dien Bien Phu in 1954, more than 20,000 personnel were not accounted for and a large number of POWs were forcibly marched more than 600 kilometers to their point of release.¹⁶ During this march many POWs died and almost half the prisoners that were known to have been captured alive never came back to France after they reached a deal with the Vietnamese.

The second reason for serious concern about whether the DRV would meet its obligations surrounded the controversy of a list the DRV gave to Senator Edward Kennedy in December 1970 containing the names of 368 Americans that were either alive or had died in captivity. The U.S. quickly characterized the list as incomplete because it did not include some Americans thought to have been captured alive by the DRV. G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, testified four months after the release of the list that, “We cannot accept the list as definitive, we know that the other side holds or has held many men not included on the list.”¹⁷ In January 1972, the U.S. delegation to the Paris meetings provided to the DRV a list of fourteen downed airmen who were known to have been alive on the ground or who at one time were actually identified by the DRV as having been captured. None of those men appeared in the list of 368 names.

Another major point that would prove contentious was the attempt to gain an accounting for U.S. prisoners who were held in Laos or Cambodia. Though the DRV was active in both areas, they insisted that it was beyond their sovereign power to ensure the release of U.S. servicemen in Laos or Cambodia. U.S. negotiators stressed not only should the accord apply specifically to U.S. prisoners, but that a means to account for the missing also be established. Despite DRV insistence that formal provisions concerning Laos and Cambodia be excluded from the Accord, on 9 January 1972 Le Duc Tho

assured Dr. Kissinger for the first time that the U.S. prisoners captured in Laos would be returned in the same sixty day timeframe as those in Vietnam.¹⁸ This verbal commitment would not prove to be an ironclad guarantee and its omission from the formal accord would prove costly.

Though the U.S. was attempting to hold the DRV responsible for the missing in Laos and Cambodia, the Pathet Lao and the Lao Government were concluding their own agreement for a ceasefire in their country. Under the terms of the agreement, the Pathet Lao indicated that the timing of the release of U.S. POWs would depend upon the negotiation and implementation of a ceasefire with the Lao Government and not on a timetable established between the U.S. and the DRV. The provisions for release of military and civilians captured during the war were not implemented until April 1974. In testimony before the Select Committee in 1992, then National Security Staffer Winston Lord stated:

The general problem we had with Laos and Cambodia in negotiating this agreement [is that] Hanoi wanted to maintain the fiction that it had no control over its friends in those other two countries that they were sovereign governments. In retrospect, with respect to Cambodia, that turned out to be largely true. In fact Vietnam invaded Cambodia a few years later, so they clearly didn't have control over the Khmer Rouge and some of the other elements...But they certainly had large control Laos, so our dilemma was to try and make this agreement as airtight as we could, *and we came up with, frankly, compromises that were not fully satisfactory.* We didn't get everything we wanted, including the Laos and Cambodia dimensions were clearly not as good as we would have liked. *The final agreement was certainly not airtight.* (emphasis mine)¹⁹

Upon the exchange of the official list of POWs after the signing of the Peace Accord, the failure to specifically address this issue would prove crucial.

The issue of U.S. aid to the DRV has also become a factor in the repatriation of remains and the missing. The concept of U.S. contributions to postwar reconstruction was first raised by President Johnson on 7 April 1965. References to such aid were later made by members of both the Johnson and Nixon Administrations. During the secret negotiations,

the DRV made it clear that U.S. economic assistance was essential to any agreement reached between the two parties. Under Secretary of State Philip Habib, stated: “In one of the first lists of negotiating points put forward by the North Vietnamese, the Communist side bracketed the release of prisoners with what they described as U.S. responsibility for war damage in Vietnam.”²⁰ During negotiations, the DRV referred to the possible aid as “reparations” while the U.S. insisted that it be referred to as “reconstruction aid” and attempted to avoid any binding commitment. Article 21 of the accord states:

The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional role, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

Four days after the signing of the agreement, a secret letter from President Nixon was hand delivered to DRV Premier Pham Van Dong that in part included the following U.S. commitments:

The Government of the United States of America will contribute to postwar reconstruction in North Vietnam without any political conditions. Preliminary U.S. studies indicate that the appropriate programs for the U.S. contribution to postwar reconstruction will fall in the range of \$3.25 billion of grant aid over 5 years. Other forms of aid will be agreed upon between the two parties.²¹

The record of negotiations supports Dr. Kissinger’s contention that he informed the DRV that any reconstruction assistance would have to be approved by the U.S. Congress and that there was no linkage between provisions concerning the release of POWs and the question of reparations. However, the wording of Article 21 and the secret Nixon letter delivered after the signing of the accord added to the DRV belief that aid was forthcoming. It was the U.S. position that the prisoners must be released whether or not the aid was provided. The DRV position, on the other hand, was that aid would be provided whether or not the prisoners were to be released. Though the accord avoids any

linkage between the two issues, they could not prevent the DRV from raising the issue of aid in response to U.S. demands that they comply more fully with the POW/MIA provisions of the accord.²²

On 27 January 1973 the lists of U.S. prisoners were placed in American hands shortly after noon, Eastern Standard Time. The lists from the DRV and PRG included a total of 586 Americans to be returned and 64 as having died in captivity. As mentioned previously, the U.S. was hampered in its effort to produce one "accurate" list because the DRV had failed to abide by the provisions of the 1949 Geneva Agreement concerning POWs and as a result, maintained two separate lists, neither completely accurate. Because of fear that prisoners would be withheld or used as bargaining chips, the U.S. did not present the DRV with any list of Americans expected to be returned during the negotiations in France. Thus, the U.S. did not know how many servicemen would return or how many were held.

Prior to the receipt of the DRV/PRG lists, the DIOR and DIA lists consisted of the following: DIA- 1,932 unaccounted for consisting of 1,306 missing and 626 held POW, DIOR- 1,929 unaccounted for consisting of 1,338 missing and 591 held POW. The DOD (DIOR) list also included 1,118 KBNR.²³ On 28 January 1973 the DIA completed its first analysis of the DRV/PRG lists and reported that based upon what they were provided, 555 servicemen would be repatriated alive leaving 1,269 listed as missing and fifty-six listed as POWs still unaccounted for. DIA analysis of the same DRV/PRG list produced still different numbers of how many POWs would return. Based upon their analysis, 566 were to be repatriated alive with 1,278 listed as missing and eighty-seven POWs still unaccounted for.

On 1 February, the DRV provided U.S officials with an additional list of ten persons who had been captured in Laos. With this information, the DIA concluded that sixty-seven military POWs and 1,276 remained unaccounted for. Therefore, after the

exchange of the DRV/PRG list and the DRV/Laos list, the DIA concluded that sixty-seven military POWs were unaccounted for on any list and the DOD concluded that fifty-three military POWs were unaccounted for.²⁴ With one exception the DIA changed its listing to conform to the services within six months of the exchange of prisoners named Operation Homecoming.

At the end of Operation Homecoming, 591 American POWs returned. Those involved in the accounting process expressed disappointment and frustration over the low number of returnees and the results of the POW debriefings. Dr. Roger Shields, DOD's Deputy Secretary for International Economic and POW/MIA Affairs testified to the Senate Select Committee in 1992 that:

We knew immediately upon receiving this list of those to be repatriated and those said to have died in captivity, that men whom we knew had, at one time, been alive and in captivity were omitted from the list altogether. After debriefing those who returned, we knew also that the names of some men who may have died in captivity were also not on the lists.²⁵

On 2 February 1973, the day after the DRV/Laos list was received; President Nixon sent a letter of protest to the DRV that said in part:

The list of American prisoners held in Laos, which was presented in Paris on February 1, 1973 is unsatisfactory. U.S. records show that there are 317 American military men unaccounted for in Laos and it is inconceivable that only ten of these men would be held prisoner in Laos."²⁶

Dr. Kissinger met with the DRV in Hanoi from 10-12 February, but there was no resolution of the Laotian problem and the impasse continued. On 13 March the National Security Council recommended to Dr. Kissinger that the withdrawal of the last American troops not begin until the U.S. had received the list of the last group of POWs, and the withdrawal not be completed until all of the POWs, including those in Laos, had been released.²⁷

The DRV responded that “they had no authority to discuss the release of prisoners from Laos...The Pathet Lao were responsible for negotiating the release of any U.S. prisoners detained by them.”²⁸ The next day, Dr. Kissinger sent a message to Le Duc Tho which stated in part,

The U.S. side has become increasingly disturbed about the question of American prisoners held or missing in Laos. As the DRV knows, there is a firm and unequivocal understanding that all American prisoners in Laos will be released within 60 days of the signing of the Vietnam agreement...the U.S. side expects an immediate response to this message and the firm assurance of the DRV side that it will live up to its solemn responsibilities. Failure to do so would have the most serious consequences.²⁹

Unfortunately, there was no firm and unequivocal understanding on the part of the DRV that the issue of U.S. POWs in Laos was tied to the troop withdrawal. The U.S. had absolutely no written agreement on the issue contained in the accord.

The dilemmas facing the Nixon Administration during the sixty-day period following the signing of the PPA were two-fold. First, with respect to military provisions of the ceasefire to include withdrawal of advisors, withdrawal from Cambodia and Laos, and arms supply, all sides violated the agreement to some extent. Second, with respect to U.S. POWs and those unaccounted for, the issue boiled down to whether the administration could force or persuade the DRV to do more to meet its obligations under the provisions of the accord.

Enforcement of the Paris Peace Accords

Negotiations at any level require leverage in order to gain advantage over your opponent. During the PPA negotiations and the implementation that followed, the U.S. lacked the necessary leverage to enforce the provisions of the PPA on the DRV. It has been shown that the Nixon Administration was advised by the DIA and DOD of the possibility that there were American POWs in Indochina who were not on either the

DRV/PRG list or the DRV/Laos list. The area of most concern remained Laos, but there were a substantial number of discrepancies with regards to personnel in North and South Vietnam as well.³⁰

In the face of uncertainty surrounding compliance by the DRV in regards to the provisions of the PPA, what could the Nixon administration have done and what leverage did they have to ensure a full accounting and repatriation occurred? Despite the fact that air strikes were considered and ordered on ceasefire and infiltration violations, President Nixon never seriously considered overt military action on the POW/MIA issue after the signing of the PPA. Though the U.S. did not carry out air strikes over the POW/MIA issue, it did use the suspension of troop withdrawals as leverage to obtain concessions from the DRV. During February and March 1973, the U.S. briefly suspended troop withdrawals on two occasions: After the DRV failed to produce the list of POWs scheduled to be released the following day and when the DRV threatened not to go forward with the release of those on the DRV/Laos list. In each situation, the leverage worked.

Despite the public and private accounts of strong concerns over the completeness of the POW release, a number of factors argued against a suspension of troop withdrawals and the resumption of military force. First, the signing of the Accords and ceasefire were welcomed by the American people and signaled the end to U.S. involvement in Southeast Asia. Any action on the part of the administration that disrupted the return of American soldiers or would have the effect of resuming and even escalating the conflict was politically unacceptable. Second, the Administration was concerned that any military action taken during the period in which POWs were to be returned, would endanger those not yet released. Third, the Administration could not be sure that a resumption of hostilities could lead to the release of additional POWs. Though intelligence reports pointed to a likelihood that there were many unaccounted

for, there was not a high degree of certainty that any particular individual was alive and held in a known location.³¹ The bombing of Hanoi or other military target may have been more likely to create new POWs than gain the release of those already held. Fifth, the unfolding Watergate scandal, in effect, reversed the results of the 1972 election and made congressional approval of Nixon Administration policy efforts difficult at best.

President Nixon may have elected not to use force to gain leverage in the negotiation and implementation of the Accord, but was prohibited by Congress on 31 May 1973 by congressional action. Senators Bob Dole and Jesse Helms offered an amendment that would authorize President Nixon to use force to ensure full compliance.

It stated:

If the President finds and forthwith so reports to the Congress that the government of North Vietnam is not making an accounting, to the best of its ability of all missing in action personnel of the United States in Southeast Asia, or is otherwise not complying with the provisions of article 8 of the agreement signed on Paris on January 27, 1973, and article 10 of the protocol.³²

By a greater than a two to one margin, the amendment was defeated, cutting off all funds that might have provided the President leverage and sending a clear signal to the DRV and Pathet Lao that the U.S. would not retaliate for any reason whatsoever. For America, the war was over.

Dr. Kissinger blamed this opposition by Congress for the Administration's inability to obtain DRV compliance in accordance with the PPA. In testimony to the Senate Select Committee, he states:

In theory, we had three sources of leverage available; bombing the north, offering economic aid to Hanoi and giving military and economic aid to Saigon to deprive Hanoi of the hope of military victory. The Congress took all three levers away, denying us both the carrot and the stick. When Congress eliminated our leverage, we were trapped in the classic nightmare of every statesman. We had nothing to back up our tough words, but more tough words. Under such conditions, we had no bargaining position.

President Nixon expressed similar views. He states:

As it became clear to the North Vietnamese that the Congress would not permit a resumption of the bombing to enforce the Paris Accords, their incentive for complying with the agreement regarding MIAs and POWs as well as other provisions was completely destroyed. The return of all our POWs and an accounting of all our MIAs was difficult to achieve because of the intransigence of the North Vietnamese and the substantial sentiment in the country and in Congress for an unconditional withdrawal from Vietnam in advance of any North Vietnamese commitment to return our prisoners and account for our missing.³³

Admiral Thomas Moorer, Chairman of the Joint Chiefs of Staff further testified as to the state of the country and the options available to implement the Accord. Admiral Moorer reflected that when the POWs came back there was a very euphoric atmosphere throughout the country and press release after press release stated we were withdrawing our troops and at that point, “no President could have said, ‘Oops, we’re not going to withdraw the troops because these people won’t agree with us. They’re not carrying out their part.’ At that point in history, we didn’t have the stomach for doing it....” Admiral Moorer went on to add, “I think we almost would have had a rebellion if we had turned around and started fighting like hell in Laos again.”³⁴

Thus, the fate of those classified as POW, missing, and killed/body not recovered was left in the hands of the DRV to return in accordance to their own desire to abide by the terms of the PPA. If terms of the PPA were violated, the U.S. had no leverage in a military sense to enforce the provisions. In the words of Dr. Kissinger, those who today assert that better provisions could have been achieved should be obliged to specify how they would have successfully negotiated such provisions given the political, diplomatic, and military environment in early 1973.³⁵

In essence, what we obtained in terms of concessions from the DRV were as good as we could get given the mood and public opinion in America. America had had enough of the war, and competing interests were driving the degree of accounting and repatriation we would obtain.

Use of Force

Though military force was denied as leverage with regards to the POW issue, military operations had previously been used during the Vietnamese war in an attempt to obtain the release of POWs. Perhaps the best known was the Son Tay raid on 21 November 1970 to free what was believed to be fifty-five U.S. POWs. On 9 May 1970 USAF intelligence concluded that fifty-five POWs were being held in a compound outside of Son Tay, approximately seventy-five miles west of Hanoi. Six months later on 21 November, a raiding party penetrated North Vietnam and the prison complex and finding no prisoners, successfully returned to its staging area in Thailand. Though the mission could be faulted for its lengthy delay from discovery to execution and in retrieving no prisoners, it demonstrated our national will and resolve to free our POWs and improved the morale of the POWs in captivity.

The use of force such as bombings and raids were recognized as the tool providing the greatest leverage during the many years of negotiation. Dr. Kissinger stated, "I had no confidence whatever that the "side agreement" by itself would result in the accounting of our missing or in the repatriation of live POWs held in Laos and Cambodia." Throughout the war, "we found that the North Vietnamese responded only to force or threats of force." When the U.S. drove the DRV back to the negotiating table after the December 1972 bombing, Admiral James Stockdale, a then POW and future Medal of Honor winner, described the effects of the bombing. He remarked, "Cheers started going up all over the cell blocks of that downtown prison. One look at any Vietnamese officer's face told the whole story. It telegraphed accommodation, hopelessness, remorse, fear. The shock was there. Our enemy's will was broken."³⁶ Over time though, it became clear that the Congress would not permit any resumption of military activity, the incentive of the DRV for complying with the agreement was destroyed.

Remains Recovery

Though Article 8(a) of the PPA received the primary focus during the first sixty days of the Accord, Article 8(b) dealt with determining the location of the graves of the dead and facilitating the exhumation and repatriation of remains. In addition, each party was required to take any other measures that may be necessary to account for those still considered missing in action. Just as the DRV violated Article 8(a), they would do the same with locating and returning remains of the deceased.

Under the terms of the Accord, a Four-Party Joint Military Commission (FPJMC) was established as an entity to carry out the specific tasks which were to lead toward ending the war and peace for all of Vietnam during a sixty day period. The four parties consisted of the United States, the Republic of Vietnam, the DRV, and the Viet Cong. There were no representatives of the Pathet Lao or from Cambodia. At the end of the 60 day period, the same parties established the Four-Party Joint Military Team (FPJMT) to carry on the search and accounting for those classified as missing and remained in existence until the fall of Saigon on 30 April 1975.³⁷

The U.S. delegation consisted of less than twenty military personnel from all the services and represented the U.S. position in matters pertaining to compliance with Article 8(b). One of the members of the U.S. delegation, Mr. Paul Mather, described the negotiations as “testing the patience of the U.S. personnel...the DRV and PRG continued to stall, using any pretext to avoid substantive discussion.”³⁸ In this environment, efforts to achieve progress towards resolving the cases of missing individuals generally proved futile. Over the course of the two years, the good intentions of the U.S. were met with delaying tactics and inaction on the part of the DRV and PRG. Consequently, only twenty-three sets of remains were returned prior to fall of Saigon and little progress was achieved in carrying out the casualty resolution tasks in Article 8(b).

While the FPJMT constituted the negotiating element of the U.S. remains recovery effort, the Joint Casualty Resolution Center (JCRC) was created as the operational element responsible for carrying out field searches, excavation, recovery and repatriation negotiated through the FPJMT.³⁹ The JCRC began its collection of individual case files from the case files of the Joint Personnel Recovery Center (JPRC) that during the war had the mission of attempting to rescue POWs and had developed extensive information in which to begin. The JCRC was unique in U.S. military history in that it consisted of members of each service and existed solely to resolve the cases of their comrades missing from a previous conflict.

To increase the effectiveness of the JCRC operation it attempted to establish liaison offices in Saigon, Hanoi, Vientiane, and Cambodia. Due to the failure to negotiate a transfer, offices in Cambodia and Hanoi were never established. In Vientiane, a one man office was set up that was limited by the inability to deal with the Pathet Lao and then closed in mid-1975 when the communists seized power. The failure to establish offices in these areas would hamper the ability of the JCRC to deal with losses in those areas.

Essential to the effectiveness of the remains recovery effort was access to the battlefield location where remains were believed to be or where a soldier was last known. The JCRC faced this same dilemma throughout its existence. The DRV and PRG delegates to the FPJMT refused to grant approval for search activities within territory which they claimed was under their control. As a result, the only sites selected for exploration were those which were believed to be within the control of the RVN. Since there was no clear delineation of who controlled what areas, each mission was carefully assessed to ensure minimal risk to the JCRC members. The risk began to increase as a result of the resurgence of fighting after the Accord was signed and the fact the Accord required the field teams to be unarmed. Finally, on 15 December 1973 an unarmed JCRC

field team was ambushed with one American killed and several Americans and Vietnamese wounded. As a result of this fatal ambush, the U.S. devised a plan in which most future search and recovery operations would be executed exclusively by RVN forces with U.S. personnel providing the panning and technical distance from a safe location. This change in method of operation was accompanied by a deteriorating military situation in the RVN, deterioration of talks within the FPJMT, and indifference on the part of the DRV and PRG in complying with provisions of the Accord.

As the situation within Vietnam deteriorated, the JCRC effort began to ground to a halt. With RVN forces now totally preoccupied with survival, they could no longer assist the JCRC in conducting field site excavations or on resolving the fate of American servicemen. Within the JCRC itself, the situation called for JCRC personnel to not focus on remains recovery, but rather, evacuation from South Vietnam.

With the fall of Saigon, Phnom Penh, and Vientiane, the future of the casualty resolution issue seemed very much in doubt. Though there were statements from within the Nixon Administration in support of the casualty resolution effort, it appeared that faint enthusiasm existed in renewing contact with the new government of the Socialist Republic of Vietnam (SRV). On 11 August 1975 the U.S. vetoed Vietnamese membership in the United Nations. As a result of this vote, the Vietnamese withdrew their offer to return the remains of three U.S. pilots they had announced as possessing and willing to return five months earlier. Dr. Kissinger summed up the frustration over the Vietnamese use of human remains for political purposes:

I feel that they will use the missing in action for their political purposes, and we do not believe that American foreign policy should be shaped by the holding of hostages--and even less by the remains of Americans who died in action. ⁴⁰

In this environment, return of remains were spotty and only conducted on the part of the Vietnamese when the act would perhaps lead to concessions and assistance to the (SRV).

It was to take until September 1978 before Vietnamese officials reversed themselves and agreed that normalization could proceed without the precondition of U.S. reconstruction assistance and aid. U.S. officials in the Carter Administration believed that only with the normalization of relations would we gain Vietnamese cooperation on resolving the fate of those unaccounted for. Despite the Carter Administrations desire to pursue a normalization of relations, other events were again going to delay that inevitable event.

Negotiations with another communist state, China, were also proceeding at the same time. President Carter was convinced that it was in the long term interest of the U.S. to establish normalized relations with the Chinese and that normalization could not occur simultaneously with both. This policy change that favored the Chinese over Vietnam was later accompanied by a Chinese invasion of Vietnam by 300,000 troops. Then, during the Chinese occupation of parts of northern Vietnam, the U.S. and China opened embassies and exchanged ambassadors for the first time. In the minds of the Vietnamese, this overt tilt in favor of the Chinese, their traditional enemy, was clearly viewed as a hostile act toward Vietnam. Therefore, normalization with Vietnam was put on indefinite hold and thus began a lengthy period of diminished progress toward a full accounting of those still classified as missing and a recovery of remains.

As the Carter administration came to a close, there was no staunch organizational advocate in Washington for the continuation of the casualty resolution task. During the Carter Administration, U.S. action had been generally carried out through a loose cooperation between the State Department and DOD. Under the new Reagan Administration, a more aggressive posture was taken on the POW/MIA issue with the creation of a unified strategy and the creation of a POW/MIA Interagency Group (IAG). Created in 1982, for the first time representatives from State, DOD, the JCS, DIA, the

National League of Families and from relevant committees in the House and Senate were brought together to ensure a coherent effort on the MIA issue.⁴¹

While U.S. policy makers debated the issue in Washington, the JCRC continued in their attempt to maintain dialogue with the Vietnamese at the technical level. Their ability to conduct meaningful discussions was held hostage by the atmosphere in which the SRV and the U.S. interacted on the national level. These technical talks were deemed necessary prior to eventually conducting investigation into remains recovery and resolving the numerous POW/MIA cases. Progress was agonizingly slow with the few remains returned normally inspired by the visitation of congressional members in which the media was readily available in which to portray the “goodwill” of the Vietnamese government. Following a statement by U.S. Secretary of State George Shultz in which he commented publicly on the “cruel and heartless action” by the Vietnamese in withholding the remains of Americans, the technical meetings ground to a halt.⁴² Such was the nature of the “on again, off again” nature of the negotiation progress.

Eight months later in February 1984, Assistant Secretary of Defense Richard Armitage again led a U.S. delegation to Hanoi in an attempt to increase the pace of cooperation. As a result of this effort, the Vietnamese agreed to reopen the stalled technical talks. As talks progressed, U.S. officials once again approached the issue of conducting joint on-site investigations with the Vietnamese. Again, the Vietnamese continued to rule out joint activities, citing as the primary reason the continued lack of mutual diplomatic relations. Over ten years had passed since the fall of Saigon and not one joint investigation had ever occurred. Finally, in April 1985, the Vietnamese announced that they would agree to U.S. participation in a joint excavation of an aircraft crash site. The first such excavation was carried out from 18 November until 3 December 1985 and though no identifiable remains were found, it had a much wider significance in terms of precedent.

This precedent notwithstanding, progress in Vietnam and Laos continued at an extremely slow pace. In January 1986, during discussions between Mr. Armitage and SRV Foreign Minister Thach, the Vietnamese agreed to the position that the issue of missing Americans was indeed a strictly humanitarian matter on which progress could be made irrespective of other bilateral issues which separated the U.S. and the SRV, including the issue of normalization of relations.⁴³ This key understanding was unaccompanied by a concerted effort in Washington to increase the tempo and in February 1987, General (Retired) John W. Vessey, Jr. was named special POW/MIA emissary to Hanoi. With an impeccable reputation for integrity and honesty, General Vessey was able to extract a number of concessions on the part of the SRV during an August 1987 visit. Among them was a commitment by Foreign Minister Thach to resuming joint efforts to resolving the MIA issue and an agreement on the need to address the recovery of remains of those identified as having died in captivity. The effort began with the presentation of some 220 cases for examination and review that included 119 cases which were singled out for priority attention because of the likelihood that information would be found resolving their status.

Thus, the Vessey-Thach discussions generated high expectations. Something that had not been achieved in the past 15 years since the accords had been signed and fewer than 150 sets of remains returned. 1988 also saw the Vietnamese expressing a willingness to discuss the conduct of joint excavations and possible joint excavations of possible crashsites. Progress was also beginning to be achieved in Laos as well. In February, two sets of remains were returned by Laos, the first such unilateral Lao action in nearly ten years. This willingness by both the Lao and SRV governments to cooperate was in part driven by the willingness of the U.S. to assist Laos and the SRV with their own humanitarian problems. In Laos, U.S. non-governmental organizations provided a medical clinic to the Laotian people. In Vietnam, prosthetics were provided to assist

those soldiers injured during the war. In addition, substantial donations of pharmaceutical supplies were provided as well as a later visit by volunteer surgeons who would conduct numerous operations to repair disfiguring disorders among children.

Of the “discrepancy” cases provided by General Vessey to the SRV, many were investigated with remains returned. General Vessey was later to testify that as of 1992, 232 sets or remains had been returned with 125 identified and returned to their families and 107 sets were still undergoing analysis. Of the discrepancy cases, 22 were resolved through joint recovery, 39 were concluded to be unrecoverable, the remaining 93 were still being investigated.⁴⁴ Finally, it appeared that after years of little progress, there was now reason for optimism toward resolving the fate of the missing and unaccounted for. By 1991, a landmark agreement was reached establishing an office in Hanoi, manned by U.S. casualty personnel to conduct liaison and improve coordination between the SRV and U.S. For the first time since the mid-1950s, U.S. officials were now based in northern Vietnam.

As the JCRC increased in tempo during 1992, it was absorbed into a newly established organization called the Joint Task Force-Full Accounting (JTF-FA). Under the JTF-FA, the size of the remains recovery program grew and offices were established in Bangkok, Laos, Hanoi, Vientiane, and Phnom Penh. With the impetus now towards resolving the thousands of individuals listed as unaccounted for, it appears the remains recovery issue is on the right track. Real progress is finally being made. Today, nearly two and a half decades after the signing of the Paris Peace Accords and the formation of the FPJMC, only now are we at the point we had hoped to reach in resolving the fate of the missing.

Summary

As of November 1997, the Department of Defense and the State Department report that 2,104 Americans remain unaccounted for from the Vietnam War.⁴⁵ Of that

number, 574 were reported missing in North Vietnam; 994 in South Vietnam; 452 in Laos; seventy-six in Cambodia; and eight in China. The negotiated settlement in Paris that ended the war in Southeast Asia was negotiated from and then implemented from a position of weakness. That negotiating position left the U.S. dependent upon the willingness of the SRV, the Pathet Lao and Khmer Rouge to ensure that a full accounting of U.S. servicemen was achieved.

Many factors led us to the negotiating table in Paris and to accept the limitations of the Accord. Though some argue that the Accord was perhaps the best deal we could get from the DRV in hopes of repatriating American POWs and recovering our war dead, the factors that led to that position are truly the focus of analysis.

During the war, the DRV violated the provisions of the Geneva Convention of 1949 by not providing a complete list of prisoners, prohibiting or restricting the rights of prisoners to exchange mail, failing to permit inspections by the International Red Cross and its unwillingness to release the sick and wounded. This resulted in the U.S. not knowing the true status of its missing throughout the conflict.

The accurate accounting and classification of the missing was further compounded by the maintenance of two separate databases managed by the DIA and DOD tracking the number of individuals unaccounted for throughout Indochina. This system added to the confusion both during and after the war as to the “official” status and the classified status. The DIA list was based upon the analytical judgement by intelligence analysts that factored in classified intelligence reports but did not apply a clear set of classification criteria throughout the war. Thus, when the U.S. received the first DRV/PRG list of those detained or whose remains they possessed, both the DIA and DOD reached different conclusions as to the number of POWs to be returned and the number of those unaccounted for. After receipt of the list, between fifty-three and sixty-seven individuals believed to be held in POW status, were not accounted for in any status

whatsoever. Based upon intelligence data collected during the war, there was ample evidence to support the conclusion that the DRV was withholding information on the fate of missing Americans. Both the initial DRV/PRG list and DRV/Laos list were immediately protested by the Nixon Administration and DOD.

During negotiations and in the following decade, the DRV consistently linked cooperation on the POW/MIA issue to other issues, including a demand for reconstruction aid from the U.S. The DRV linked the failure of the U.S. to comply with Article 21 of the Accord and perceived promises of aid in the “Nixon letter” with their violations of Articles 8(a) and 8(b). In their mind, these Articles were linked and served as the basis for their noncompliance and cooperation in obtaining a full accounting.

The failure of the DRV to abide by Article 8(a) and 8(b) of the Accord was to become a major dilemma for the U.S. The language of the Accord did not require the DRV to obtain the release of POWs or remains of Americans in Laos or Cambodia, though they had verbally agreed to do just that during the course of the negotiations. Neither the peace agreement nor verbal assurances established procedures for accounting for the missing in Laos and Cambodia.

Our ability to enforce the provisions of the Accord set the stage for the two and a half decade “on-again, off-again” attempt at remains recovery. The U.S. had very limited leverage in negotiating and implementing the accord. It was U.S. policy, fully known to the DRV, that the U.S. sought to disengage from a war that was increasingly unpopular in America. President Nixon had been elected on a platform calling for an end to U.S. involvement; support was building in Congress for a withdrawal based solely on the return of prisoners; and the antiwar movement had become increasingly active and visible. Restricted by congressional action from responding to violations of the Accord with the use of force, the U.S. had no leverage to force compliance after the agreement was signed. Dr. Kissinger would later describe his negotiating position as:

I was dealing with a man [Le Duc Tho] who knew reality. I had no means of pressure left. I had no economic aid left. The Congress was in the process of passing a series of resolutions that banned military action, and all I could do was bluff my way through this due to the actions taken by Congress.⁴⁶

This lack of leverage was also affected by the increasing debilitating effects of the Watergate scandal on the Nixon Presidency. Support of any kind was quickly fading within Congress and the Watergate crisis would eventually result in the President's impeachment. The DRV held all the cards; they controlled the territory in which we desired to investigate; controlled the people that might have assisted in locating bodies; and they held records of incidents of death or imprisonment. We had neither the "carrot" nor the "stick."

Yet another factor limiting the success of the agreement was the absence of Lao and Cambodian representatives at the peace negotiations. The Accords technically applied only to Vietnam. Our failure to ensure their participation and obtain written, iron-clad guarantees led to no Americans held captive in Laos for a significant period of time being returned during Operation Homecoming.

Competing long-term national interests led to the establishment of diplomatic relations with the Chinese following their invasion of the SRV and led to a continued period of limited progress in obtaining access to and recovery of remains. The JCRC made a major impact on the casualty resolution issue as the operating element responsible for the actual recovery and excavation of potential gravesites. Since 1973, 479 sets of remains have been accounted for from Southeast Asia. Their progress however, has been inextricably held hostage to concessions that the SRV believed they could wrest from the United States and has only been as effective as the degree of relations between the U.S. and SRV allows.

The agreement by the SRV that the casualty resolution issue is a strictly humanitarian matter has led to increased cooperation and major inroads over the past decade in stark

contrast to the first decade following the U.S. withdrawal. Today, under the JTF-FA, dialogue and joint excavations and field offices throughout Indochina are contributing to resolving the fate of the missing from the Vietnam War.

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Select Committee Report, 135.

² Ibid., 135.

³ Ibid., 15.

⁴ Ibid., 136.

⁵ Ibid., 137.

⁶ Ibid., 134.

⁷ Ibid., 62

⁸ House of Representatives , Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs,, American Prisoners of War in Southeast Asia, 1971 (Washington D.C.: U.S. Government Printing Office, 1971), 480.

⁹ Lewis M. Stern, Imprisoned or Missing in Vietnam: Policies of the Vietnamese Government Concerning Captured and Unaccounted For United States Soldiers, 1969-1994 (McFarland & Company, Inc., 1995), 5.

¹⁰ Paul D. Mather, MIA: Accounting for the Missing in Southeast Asia (Washington, D.C., National University Press, 1994), 2.

¹¹ Select Committee Report, 64.

¹² Stern, 5.

¹³ Ibid., 9.

¹⁴ Select Committee Report, 65.

¹⁵ Ibid., 66.

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- 16 Ibid.
- 17 Ibid. 67.
- 18 Ibid., 71.
- 19 Ibid., 73.
- 20 Ibid., 74.
- 21 Ibid., 75.
- 22 Select Committee Report, 75.
- 23 Ibid., 144.
- 24 Ibid., 146.
- 25 Ibid., 158.
- 26 *The Men We Left Behind*, 133.
- 27 Ibid., 137.
- 28 Ibid., 139.
- 29 Ibid., 139.
- 30 Select Committee Report, 115.
- 31 Ibid., 118.
- 32 Ibid., 484.
- 33 Ibid., 119.
- 34 Ibid., 119.
- 35 Ibid., 487.
- 36 Ibid., 496.
- 37 Mather, 6.
- 38 Ibid., 8.
- 39 Mather, 6.
- 40 Department of State Bulletin, vol. 73, no. 1893, (Washington, D.C.: U.S. Government Printing Office), 6 October 1975, 520.

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- 41 Mather, 93.
- 42 Ibid., 128.
- 43 Ibid., 153.
- 44 Select Committee Report, 1149.
- 45 National Archives, POW/MIA Database, Summary Report, Figure 2.
- 46 Select Committee Report, 103.

CHAPTER 5

CONCLUSIONS

It is said that those who ignore the lessons of history are condemned to repeat it. In World War II, Korea, and Vietnam, it has been shown that many lessons were learned from one conflict to the other but others, that still impact today, were not. Each conflict was different in its own respect, yet each conflict concluded with a substantial number of Americans unaccounted for.

Each presidential administration has proclaimed that the POW/MIA issue is of the highest national priority, that the fullest possible accounting will be achieved, and that no American POW will be forgotten by the United States. In reality, the results of U.S. policy lie somewhere in between. The answer to how high amongst the hierarchy of national priorities the issue lies has been demonstrated in practice. Certainly, it is not the highest of priorities based upon the results of U.S. policy. The desire may have been there, but the results indicate a failure of policy to achieve the stated intent of a full accounting.

Nine months after the conclusion of World War II, the War Department concluded that 6,595 POWs remained unaccounted for. As of 1993, 191 American POWs known to have been imprisoned in German POW camps and moved to areas under Soviet control in the waning days of the war were still not repatriated or remains returned. In fact today, thousands of sets of remains are still buried in the former battlefields of Europe and Asia, a forgotten aspect of the repatriation issue.

Today, 8,140 U.S. servicemen are listed as “missing” from the Korean War. Of the 8,140 missing, 5,945 are known to have died as their death was witnessed by repatriates or otherwise documented. There is no evidence of death concerning the remaining 2,195 soldiers that remain classified as missing. When that number is further

analyzed against casualty status cards, POW casualty assessments, and personnel files, 389 were last listed as prisoner of war.

In Vietnam, after the exchange of prisoners of war, between fifty-three and sixty-seven servicemen known to be held as a POW were not accounted for as either a POW or as having died in captivity. Today, 2,104 Americans remain unaccounted for. Like the previous conflicts, a majority of these remains cannot be recovered because of the nature of the loss. In Vietnam, the number approaches 1,095. However, for many of the missing a last known location is known and remains have yet to be repatriated.

Each chapter has served to develop the information of what was known by or provided to U.S. policy makers concerning the probability that known POWs remained unaccounted for and remains of deceased servicemen not returned. Though each individual chapter has explored the characteristics of that particular conflict and the results of U.S. policy concerning the POW/MIA issue, several recurring themes can be identified as underlying principles consistent throughout each conflict that led to less than a full accounting. These characteristics answer the question as to why we haven't had a complete accounting and repatriation in America's wars. These six principles are: competing national interests, faulty assumptions during the negotiation process, negotiation from a position of weakness, cooperation from foreign governments, lack of military preparedness and wartime accounting, and exploitation of the MIA/POW issue. Each of these factors is significant in their own right and yet each of them affect the other to a large degree. It is this web of factors that have truly led to less than a complete accounting in America's wars.

Competing National Interests

Each American military conflict involves the concept of national will in deciding which interests we will protect and defend. In the case of World War II, Korea, and

Vietnam once the conflict was concluded, a new set of competing national interests emerged. These interests had to be weighed versus continuing the conflict by “dragging on” the battle to ensure a complete accounting took place.

In World War II, the U.S. chose not to publicize the repatriation issue even after Soviet violations. The U.S.S.R. violated the Yalta Agreement by denying access to U.S. prisoners held in Soviet camps and access to grave locations in Soviet controlled territory. Even after reports that perhaps thousands of U.S. prisoners remained under Soviet control, the Army Chief of Staff issued a policy to “censor all stories, delete criticism, and take no retaliatory action ... for Soviet refusal to meet our desires.” In 1945, the U.S. was still involved in the Pacific Theatre in the war with Japan. The U.S. counted on the Soviets to defeat remaining Japanese forces on Manchuria and Korea. The U.S. realized the huge loss of life that would result if the Soviets did not engage the Japanese in Manchuria and Korea, and were instead, able to reinforce the home islands. This national interest of maintaining the myth of staunch alliance and close cooperation with the Soviets in order to further the defeat of the Japanese in the Pacific, led the U.S. to remain silent in spite of known violations and available information that less than complete repatriation occurred.

In the decade that followed, the Cold War emerged between the U.S. and the communist world as they fought for control in their perceived spheres of influence. Both during and after the conflict, a major U.S. concern was the escalation of the war beyond the borders of Korea. What developed was a policy of fear, fear of general war. Our primary interest remained in containing war in Korea and preventing escalation into general war with the Chinese. When the Chinese government refused to release fifteen American airmen, the Chairman of the Joint Chiefs of Staff proposed a blockade of mainland China to liberate the prisoners. Some within the administration stressed that the U.S. had a moral obligation to use “more than words” to protect Americans abroad.

Secretary of State John Foster Dulles quickly responded by stating that the U.S. would react vigorously, but without allowing the U.S. to be provoked into an action, which would violate our international obligations. Senator Lyndon B. Johnson added that the blockade would invite war and retaliation on the very people we sought to liberate. President Eisenhower concluded “in many ways the easy course for a President, for the Administration, is to adopt a truculent, publicly bold, almost insulting attitude....Those actions lead to war.” The U.S. was not prepared to go to war, and sought a diplomatic resolution for the repatriation of remains of the 8,140 missing Americans from the conflict of which 349 were last known to be alive.

The POW issue was not to shape U.S. foreign policy in Vietnam either. Dr. Henry Kissinger stated, “We do not believe that American foreign policy should be shaped by the holding of hostages--and even less by the remains of Americans who died in action.” America’s primary interest was “peace with honor”, or withdrawal from the nightmare that our involvement in Southeast Asia had become. Politically, the Nixon Administration was unraveling as the allegations of Watergate crept onto the scene and Congress demonstrated less and less of an inclination to support the Presidents political agenda. The ship was sinking and many had decided not to go down with the ship. The U.S. became involved in Indochina because stopping the spread of Communism was deemed to be of national interest. When America was no longer willing to shed the blood of her sons and daughters in a far away land, it signaled the decline in relative importance the defense of Vietnam had become. Our primary interest in the region had shifted to military withdrawal. Diplomatically, our long-term strategic interest was placed on recognition of the People’s Republic of China, the historical enemy of the Vietnamese people. The veto of SRV membership in the United Nations and recognition of China following their invasion of Vietnam, demonstrated to the SRV the importance America attached to serious negotiation on the issue of resolving the POW/MIA question.

Vital national interests must always be weighed in the conduct of foreign policy and in many instances, those interests conflict. In each war, conflicts in national interest occurred and the result was a less than complete accounting that has lasted for many years. In evaluating what our most vital interests are, we should ask ourselves, if the lives or remains of our citizens are not worth fighting for, then what is?

Faulty Assumptions

As an instrument of power, the military is superceded by diplomatic instruments as negotiations take place to end hostilities. Unfortunately, the gains made during the course of the conflict are sometimes eroded as the result of the negotiation process. As Dr. Kissinger stated, “negotiation is never perfect.” It is my contention, however, that when negotiations deal with human lives, they must be perfect.

In World War II, the U.S. made the assumption that American forces would have access to former battlefields in order to exhume remains and prison camps in order to account for those listed as POW. This assumption drove our remains policy in which we buried our dead on the battlefield and then were later denied access by the USSR to recover or search for remains. Had this assumption not been made, hundreds of deceased soldiers would be buried on American soil today.

Demonstrating that we sometimes fail to learn from past mistakes, the U.S. carried out the same remains policy in Korea. As a result, hundreds of dead servicemen were buried in temporary graves or unburied on the battlefield and could not be recovered as American forces retreated in the opening phase of the war. Eventually, the assumption that we could negotiate access to the terrain north of the 38th parallel after the conflict, complicated the immediate problem of graves registration and eventual repatriation.

In negotiating a withdrawal from the Vietnam conflict, major assumptions were made that when proven wrong, made the repatriation issue all the more difficult. A major

assumption lies in the fundamental question would the DRV in fact abide by the provisions of the Paris Peace Accords. If we had examined the results of the French experience in Indochina in which remains were not returned and many reported as POW were never accounted for, we might not have made this error. The U.S. also made the assumption that the informal agreement with the DRV would result in a complete accounting of the missing in Laos and Cambodia. With no formal agreement and exclusion of Pathet Lao and Khmer Rouge representatives from the peace talks, President Nixon stated that the list of American prisoners held in Laos was unsatisfactory. U.S. records indicated that 317 servicemen were unaccounted for in Laos and that it was inconceivable that only ten of the 317 would be held prisoner in Laos. As a result of this faulty assumption, the accountability of those lost in Laos and Cambodia raise the largest questions.

Negotiation From a Position of Weakness

In all three conflicts the U.S. was forced to negotiate from a position of weakness. Competing national interests combined with an enemy that knew what those competing interests were and understood the political, military, and diplomatic climate at the time made gaining concessions on the POW/MIA issue difficult. The other side held all the cards and our hand was shown early in the negotiation process. The only terms the enemy understood were the use of force, and in each instance competing interests deemed that option unacceptable.

The competing national interests of portraying a staunch alliance with the Soviet Union and our interest in having the USSR defeat the Japanese in Manchuria and Korea, left us in a position in which we could not force or obtain concessions. As a result, the USSR held all the cards. They occupied the territory in which we desired to search, controlled the people that may have had assisted in locating remains, and they held any

records that may have existed of death or imprisonment. This comment holds true in 1945, 1953 or 1973. As Dr. Kissinger said, we had neither the “carrot nor the stick.”

The decision not to blockade the Chinese mainland and the fear of turning the conflict into general war, left the U.S. in a position in which we were unable to gain an accounting for the thousands that were missing. The U.S. had no leverage to apply and decided that not only would we not pursue an accounting through the media and public opinion, but would not threaten or use force to achieve the desired goal of employing every available means to obtain the release of all prisoners, account for the missing, and release of remains.

At the time the Paris Peace Talks began, the U.S. had already begun troop withdrawals out of South Vietnam. One wonders how an end state of 50,000 U.S. troops left in South Vietnam for air and logistical support could persuade the DRV to negotiate seriously when 500,000 could not. The message was clear. It was only a matter of time before the U.S. would leave in its entirety. The domestic political climate and competing interests of the U.S. were well known to the DRV at the negotiating table. Dr. Kissinger stated his tenuous negotiating position best when he said, “all I could do was bluff my way through this due to the actions taken by Congress.” Bombing the north, the offer of economic aid to Hanoi and giving military and economic aid to Saigon were potential sources of leverage denied by Congress. The DRV had no incentive for complying with Articles 8(a) and 8(b) of the PPA given that there was no way to up the ante and ensure compliance. From their perspective, the U.S. had violated Article 21 of the PPA and the secret Nixon letter “promising” aid, and they linked our adherence to these provisions with their corresponding compliance with the POW/MIA issue. For these reasons, less than a full accounting occurred.

Cooperation By Foreign Governments

The only way to truly achieve a complete accounting in an armed conflict involves either total, unconditional surrender by the enemy or the full cooperation of allies and defeated enemies. If we have no leverage to enforce complete cooperation on the ceasefire accords, then we are forced to appeal on humanitarian grounds for an accounting of our missing.

As the chill of the Cold War emerged out of the ashes of World War II, the USSR went quickly from ally to adversary. The Soviets failed to cooperate with agreements made during the war concerning the return of POWs and recovery of remains. Even though the Red Army occupied much of Eastern Europe, the USSR refused to negotiate with the U.S. for access to those areas. Instead, they sought direct communication between the U.S. and the puppet governments installed in those areas which, in their view, would lead to legitimacy and eventually diplomatic recognition. The failure of the Soviets to cooperate prevented the U.S. from inspecting and accounting for POWs held in Red Army prison camps and interred in Eastern Europe. Not until some forty years later with the fall of the Iron Curtain did we have access to potential remains sites throughout Europe and access to archives within the former Soviet Union. Ultimately, the fall of the Iron Curtain will lead to the fullest possible accounting that can occur fifty years after the fact for the families of those missing from World War II.

The last search north of the 38th parallel for American war dead, occurred on 21 November 1953. The Korean War involved some of the harshest treatment seen in any conflict with Americans tortured, beaten, and upon death, scattered randomly across vast geographical areas in unmarked graves. Little or no cooperation existed either during or after the war on any level with North Korea. Accompanied by our nonrecognition of the Chinese government, negotiations had to take place between third parties to achieve any resolution. Of all the conflicts, the closed North Korean society which remains some

forty years after the ceasefire, is the most frustrating and least likely to present a complete accounting in the near future.

Of all the conflicts, the failure of the SRV to cooperate is perhaps the most well known and documented. The level of U.S.--Vietnamese cooperation in the accounting process has varied over the years depending on the degree of emphasis placed on the issue by the U.S. and the political conditions of the time. The SRV has continually linked cooperation in accounting with reparations and economic aid from the U.S. Clearly, they violated the conditions of the PPA and failed to influence the Lao and Cambodian governments to provide the repatriation and remains information agreed to verbally by Le Duc Tho. The disintegration of the Soviet Union deprived the SRV of many external sources of economic assistance. This condition accompanied with their agreement to treat the issue as a humanitarian one, has led to reciprocal humanitarian assistance on the part of the U.S. and eventual diplomatic recognition in 1995. Today, 335 Americans who were originally considered either POW or MIA, are still unaccounted for in Laos. The Pathet Lao has provided minimal information and cooperation since the U.S. withdrawal on these individuals. Though the Lao government failed to cooperate adequately on the POW/MIA issue over the last twenty years, the JCRC and JTF-FA have created inroads in recent years into joint excavations in the Lao countryside to resolve many of these cases.

Because warfare has continued in Cambodia both internally and with Vietnam in recent years, little information has been received. Though the present Cambodian government has expressed their cooperation in resolving discrepancy cases, their inability to guarantee security in areas controlled by the Khmer Rouge continues to hamper the accounting process.

Military Preparedness and Wartime Accounting

In each of these three major conflicts, the U.S. entered the conflict unprepared to account for missing American servicemen and to locate and identify remains. This failure in wartime accounting which generated a wide variety of incorrect categorizations of missing personnel is derived in large part to the failure of the U.S. military to be prepared for the type of conflict we would fight and the huge number of cases of the missing and dead. Given that in each conflict there remain thousands of unaccounted Americans is illustration that our efforts in preparing for and conducting wartime accounting have been deficient.

The United States held the erroneous assumption that U.S. forces would retain access to the former battlefields of World War II. This assumption negated the need for a concurrent return policy of remains and led to the belief that those held POW would all be returned. Everyone else would be classified as missing and if they remained missing one year after the return of POWs, would be classified as deceased. This limited and simplistic wartime accounting methodology caused the U.S. to grossly underestimate the number of Americans held POW. Because there was no stringent accounting requirements, the U.S. estimated that 76,854 Americans were to be returned either from German or Soviet POW Camps at the end of the war. In fact, 91,252 returned; a discrepancy of 14,398 American servicemen.

The history of the Korean conflict gives even greater credence that the U.S. was illprepared for combat losses and continued to lack a feasible wartime accounting policy. Almost a quarter of all POW/BNR cases and over 11 percent of all BNR cases occurred in the first three months of the conflict prior to the issuing of new regulations that increased and better defined casualty reporting categories. Failure to have such regulatory guidance in place placed a burden on the system in which data was irretrievable.

A lack of preparation was also exhibited in the designation of the Graves Registration Service (GRS) as a wartime service only. As a result, there was no GRS in place at the onset of the conflict. One GRS platoon was initially responsible for 4 U.S. Divisions and its leader was a volunteer trained as a laundry officer. Given responsibility of search and recovery as well, the GRS platoon was undermanned and illtrained for this task. Eventually, the task became so enormous that greater emphasis was placed on processing accumulated dead than searching for KIA(BNRs).

A cemetery policy that pre-dated WWII of temporary graves in theater and separate cemeteries for each Division, led to entire cemeteries being evacuated in the face of an enemy advance. The U.S. did not consider that American forces could be overrun by North Korean or Chinese forces. The necessary abandonment of remains behind enemy lines and isolated burials complicated the immediate task of graves registration and long term task of recovery and repatriation. Added to the dilemma was the initial movement of remains out of theater for positive identification. Failure to properly care for remains made the positive identification in Japan after shipment in an unrefrigerated ship in the middle of the Asian summer heat, difficult if not impossible.

Though the U.S. learned from their recent past and retained the concurrent recovery and repatriation of remains, it failed in other areas to be prepared and to conduct an accounting in Southeast Asia. The classification of American prisoners through 1965 as “detainees” by the U.S. and non-compliance on the part of the DRV complicated the proper accounting and classification of missing Americans. The compilation of two separate accounting databases throughout the war, one without established classification guidelines led to confusion as well. The wartime accounting system was forced to rely upon the DRV to properly account for our servicemen and supplement the failures within our own system. Upon receipt of the DRV/PRG list in Paris, the DOD and DIA still

could not resolve the number to be repatriated nor could we ascertain the status of those that remained unaccounted for.

Exploitation Of The POW/MIA Issue

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In each of these major conflicts, the POW/MIA issue has been used to seek concessions from the U.S. Whether the opposing government held “live” Americans or not, each adversary has tried to tie the possibility of repatriating remains or trading information on the status of American servicemen to a larger issue as opposed to one humanitarian in nature. In large part, this linkage between accounting and concessions derives from the high value America places on the accounting issue. Each adversary has recognized this as an American vulnerability when our own accounting process is unable to bring about a “complete” accounting on its own merits.

The senior U.S. representative to the Leipzig Conference wrote that the SHAEF representatives had come to the conclusion that American POWs were, in effect, being held hostage by the Soviets until deemed expedient to permit their release. Concurrently, the Soviets were requesting over \$60 billion in 1997 dollars in the form of a credit line. Though the message may have been subtle, the linkage has been made by many that the request for “credits” and denial of access to American POWs was a form of blackmail.

The Soviets also linked the POW/MIA issue to recognition and/or legitimization of the puppet government in Poland in negotiating for the remains of Americans or to resolve the status of those missing. Though the U.S.S.R. could clearly produce any information that may have been available, they used the issue to force direct contact and negotiation with the puppet government of Poland.

After the Armistice in Korea, the UNC made repeated efforts to obtain a complete accounting of those that may have been in North Korean or Chinese custody. In June 1954 the People’s Republic of China (PRC) admitted to holding fifteen Americans long

after the Armistice and exchange of POWs. This fueled the debate as to whether the PRC was indeed holding additional POWs or had additional information on the missing. The PRC exploited the issue in order to engage in formal bilateral talks as early as 1955. Though diplomatic recognition would not come until more than twenty years later, the PRC and the U.S. met on an irregular basis 130 times between 1955 and 1967. The PRC used these talks to further their own agenda and only resulted in the release of U.S. prisoners on a piecemeal basis.

The most blatant and overt use of the POW/MIA issue was in Vietnam. The DRV had ample indications from as far back as the Johnson Administration that the U.S. would contribute to postwar reconstruction in Vietnam. Article 21 of the Accord and the infamous Nixon letter, fueled the SRV belief that aid would be forthcoming. When the U.S. Congress failed to approve any “reparations” for war torn Vietnam, the SRV viewed negotiation and cooperation to the POW/MIA as perhaps the only bargaining tool they had. In the twenty plus years since the Accord was signed, the SRV continued to exploit the issue on their own terms. With recognition today by the U.S. and its inclusion in the community of nations, their exploitation of the issue has essentially worked over the long-term. Though the SRV did not receive U.S. aid for many years in rebuilding their country, the U.S. is now receiving unprecedented cooperation from the SRV in resolving the fate of those missing in return for U.S. investment in Vietnam. By law, the President must certify that the SRV is cooperating on the issue in order to receive assistance and investment, and the SRV is more than happy to provide it.

The POW/MIA issue is not an issue that can ever be put behind us. It must remain in the forefront of our planning process when placing soldiers in harms way is contemplated. When soldiers are lost, their well being must remain the foremost priority among competing national interests and the failure of an adversary to satisfactorily assist in the accounting of our missing should be met with irrefutable force. Not only is the

issue of the highest national priority, it must be clear that American citizens are “The American interest.”

There has not been a conspiracy or cover-up involving this issue through the years. There has been a great deal of sloppiness, secrecy and evasion on the political level, but not a conspiracy that many want to believe. Because less than a complete accounting has occurred, U.S. officials cannot produce evidence that all of the missing are dead. Because they have been so careful not to raise false hopes, they have left the government open to the charge of abandonment and inaction. Since the end of each conflict, many dedicated individuals and organizations have worked tirelessly to resolve the POW/MIA issue. Unfortunately, the results of U.S. policy have placed these same people in a position in which a complete accounting is either impossible or will take decades to achieve. As a people, the citizens of the U.S. have accepted the status quo of a less than complete accounting. Through our elected officials, the country has allowed other interests to grow higher on the ever changing list of national priorities. Collectively, the country as a whole shoulders the blame for any failure to account for the missing. To some degree, each presidential administration has talked the talk, but not walked the walk.

For those that have lost loved ones or friends in the service to their country, the accountability question has become almost a religious issue of faith. But it is not. Hope must never be lost that the missing will someday return or that their status will be resolved bringing closure to their families. The answers are there. The POW/MIA issue is a material human issue that can be answered with preparation, dedication and a national will to doing what is morally right, not politically expedient or acceptable. The American people are our most precious resource and number one national priority. As a soldier, I can think of no higher value than the redemption of those missing or imprisoned

for our sake and who, along with the dead, went to war believing they had the support of those who sent them.

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