

# CRS Issue Brief for Congress

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## **POWs and MIAs: Status and Accounting Issues**

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## POWs and MIAs: Status and Accounting Issues

### SUMMARY

There has been great controversy about U.S. prisoners of war (POWs) and those missing in action (MIAs) during the Cold War. While few people familiar with the issue feel that any Americans are still being held against their will (other than POWs held during a war) in the few remaining Communist countries, more feel that some may have been so held in the past in the Soviet Union, China, North Korea, or North Vietnam. Similarly, few believe there was a “conspiracy” to cover up live POWs, but few would disagree with the statement that there was, and still may be, U.S. government neglect and mismanagement of the issue.

Normalization of relations with Vietnam exacerbated this longstanding debate. Proponents of normalization contended that Vietnamese cooperation on the POW/MIA issue has greatly increased and will be enhanced by normalization. Opponents argued that cooperation has in fact been much less than supporters say, and that the Vietnamese can only be induced to cooperate by firmness rather than conciliation.

Those who believe Americans are now held, or were after the war ended, feel that even if no specific report of live Americans has thus far met rigorous proofs, the mass of information about live Americans is compelling. Those who doubt live Americans are still held, or were after the war ended, argue that despite vast efforts, not one report of a live

American military prisoner remaining in Indochina after the end of the war has been validated (with one exception, a defector, who returned in 1979). The U.S. government says the possibility of Americans still being held in Indochina cannot be ruled out. Some say Americans may have been kept by the Vietnamese after the war but killed later. Increased U.S. access to Vietnam has not yet led to a large reduction in the number of Americans still listed as unaccounted for, although this may be due to some U.S. policies as well as Vietnamese non-cooperation.

There is considerable evidence that U.S. prisoners from the Korean War and “Cold War shootdowns” of U.S. military aircraft may have been taken to the USSR and not returned and that the same might have happened for a very few Americans liberated from German POW camps by the Soviets at the end of World War II. The evidence about POWs from Vietnam being taken to the Soviet Union is much more questionable.

In January 2001 the Navy changed the status of Navy pilot Scott Speicher, who was flying the only Coalition aircraft shot down on the first night of the Persian Gulf War (January 17, 1991) from “killed in action” to “missing in action” based on data developed in recent investigations. U.S. intelligence now believes that Speicher probably survived being shot down and, if so, was almost certainly captured by the Iraqis.

## MOST RECENT DEVELOPMENTS

*On November 10, 2001, eight remains, possibly of American soldiers killed in the Korean War during ground combat in North Korea, were repatriated to U.S. custody in Pyongyang, North Korea.*

## BACKGROUND AND ANALYSIS

### Areas of Congressional Interest

This issue brief summarizes numbers of U.S. POWs and MIAs lost during the Vietnam War (1961-1975) and the Korean War (1950-1953), compares these losses to other 20th century American wars, and describes the POW/MIA investigation and policy process. It discusses whether some POWs from the latter two wars were not returned to U.S. control when the wars ended, and whether some may still be alive. Further, it discusses whether Americans were captured by Communist countries during Cold War incidents, or by the Soviets after being liberated from German POW camps at the end of World War II, and whether any such Americans are still alive; it also treats a case involving similar issues related to the fate of a Persian Gulf War aviator. Finally, the issue brief describes legislation and congressional oversight concerning the POW/MIA issue. For information on other aspects of U.S.-Vietnam relations, and on the current controversy over the attempt by some American former POWs held by the Japanese during World War II to obtain compensation from Japanese corporations, see the **For Additional Reading** section at the end of this issue brief.

### Definition of Terms

The following terms are frequently encountered in analyses of the POW/MIA issue:

- **POW** (Prisoner Of War): Persons known to be, or to have been, held by the enemy as a live prisoner or last seen under enemy control.
- **MIA** (Missing In Action): Persons removed from control of U.S. forces due to enemy action, but not known to either be a prisoner of war or dead.
- **KIA-BNR** (Killed In Action-Body Not Recovered): Persons known to have been killed in action, but body or remains not recovered by U.S. forces — i.e., an aircraft exploding in midair or crashing; a body, or a person with unquestionably terminal wounds, not recovered due to enemy action or being lost at sea.
- **PFOD** (Presumptive Finding Of Death): An administrative finding by the appropriate military service Secretary, after statutory review procedures, that there is no current evidence to indicate that a person previously listed as MIA or POW could still be alive.
- **Unaccounted For**: An all-inclusive term — not a legal status — used to indicate Americans initially listed as POW, MIA, KIA-BNR, or PFOD, but about whom no further information is yet known.

Names are shifted, usually from the most uncertain status — MIA — to more certain categories, during and after hostilities, based on new information, or, in the case of a PFOD, lack of new information over time that indicates an individual is still living.

## U.S. POWs and MIAs in 20th Century Wars: Statistics

Statistics on U.S. POWs and MIAs in Vietnam and past wars are often mutually irreconcilable. The procedures and terminology used for classifying what we would now refer to as POW, MIA, KIA-BNR, and PFOD were different — or did not exist — for previous wars. However, data in the following tables provide a basis for some generalizations.

**Table 1. U.S. POWs in 20th Century Wars**

	WWI	WWII	Korea <sup>c</sup>	Vietnam
Captured	4,120	130,201	7,140	766
Still Classified POW	0	0	0	7 <sup>a</sup>
Died While POW	147	14,072	2,701	106
Refused Repatriation to U.S.	0	0	21	0
Returned to U.S. Control	3,973	116,129	4,418	653 <sup>b</sup>

**Source:** U.S. Veterans Administration Study, 1980.

- a. As of 1980; at this writing, no Americans are still listed as POWs. See **Table 3**, note b.
- b. Includes escapees, those returned by the enemy before and after the end of hostilities.
- c. Exact totals and subcategories of Korean War POW/MIA are a morass of conflicting data. These figures approximate those found in other sources and are used here for consistency with the other wars mentioned in the 1980 VA study from which these statistics are taken.

**Table 2. Americans Unaccounted For in Previous 20th Century Wars**

<b>World War I (1917-18) <sup>a</sup></b>	
Unidentified remains	1,648
<b>World War II (1941-45) <sup>b</sup></b>	
Remains not recovered	78,794 <sup>c</sup>
<b>Korean War (1950-53) <sup>d</sup></b>	
PFOD	4,735
KIA-BNR	1,107
MIA	24 <sup>e</sup>
<b>Total Korean War MIA</b>	<b>5,866</b>
<b>Total Korean War Unaccounted For</b>	<sup>f</sup>

a. Bruce Callender, "The History of Arlington's Silent Soldiers." *Air Force Times*, June 19, 1984: 23.

b. Source: U.S. Congress, House, Select Committee on Missing Persons in Southeast Asia. *Americans Missing in Southeast Asia, Final Report*, December 13, 1976. Washington, U.S. Govt. Print. Off., 1976 (94th Congress, 2nd session. H.Rept. 94-1764): 73-74.

c. An estimated 9,000-17,000 were subject to the equivalent of a PFOD. See *ibid*: 74.

d. *Ibid*: 75.

e. Still carried as MIA as of Sept. 30, 1954; known to be in Chinese prisons; all later either released alive or subject to a PFOD.

f. Current DOD statistic — breakdown not available and does not correlate with any other statistics in **Tables 1 and 2**. As stated above (note c, **Table 1**), Korean War POW/MIA statistics are a mass of inconsistencies. A Rand Corp. study prepared for DOD itemizes Korean War unaccounted-for Americans somewhat differently, but along lines that are broadly similar to those stated here: 8,140 KIA-BNR, of which the deaths of 5,945 were witnessed or otherwise well-documented, leaving 2,195 whose death cannot be explicitly established, although many were undoubtedly killed. Cole, Paul M. *POW/MIA Issues: Volume I, The Korean War*. Report no. MR-351/1-USDP. Santa Monica, CA, National Defense Research Institute, The Rand Corporation, 1994: xv-xvi.

## Vietnam War POWs and MIAs

North Vietnamese and Viet Cong authorities returned 591 POWs to U.S. control within the specified 2-month period after the signing of the Vietnam War peace treaty on January 27, 1973. 67 U.S. civilians, not part of the official list of Americans unaccounted for, were trapped or stayed voluntarily after South Vietnam fell in April 1975. All were released by late 1976. Since 1976, some Americans have been imprisoned in Vietnam (almost all for civilian offenses) and eventually released. Most Americans now in Vietnamese prisons for criminal offenses (some of which would be characterized as "political" crimes by the Vietnamese authorities) are naturalized Americans of Vietnamese birth or ancestry. Since 1973, only one U.S. military member has returned alive from Vietnam. Marine Corps PFC Robert Garwood was listed as a POW by U.S. authorities — but never by the Vietnamese — in 1965 and returned voluntarily to the U.S. in 1979. He was convicted of collaboration with the enemy, but his light sentence included no prison term.

After the return of the 591 POWs, 2,583 Americans were unaccounted for (not counting civilians trapped in Vietnam after the South fell, or who later visited Vietnam). Identified

remains of 637 Americans have been returned from Vietnam (456), Laos (156), Cambodia (23), and China (2) since the war ended on January 27, 1973. Of the 1,948 still listed as unaccounted for, DOD is still actively seeking to recover the remains of 1,291. DOD believes that, based on currently available information and its analysis, it will be unable to ever recover the remains of the other 657. Examples of the latter would include the 459 men lost over water, as stated in the note to **Table 3**, below, which summarizes data on Americans currently unaccounted for in Southeast Asia. Another example would be those crewmen of aircraft that, at the time, were observed by both Vietnamese and Americans to have exploded without any sign of the crew ejecting; and similar situations.

**Vietnam POW/MIAs: U.S. Government Policy and Organization.** Since 1982, the official U.S. position regarding live Americans in Indochina has been as follows: “Although we have thus far been unable to prove that Americans are still being held against their will, the information available to us precludes ruling out that possibility. Actions to investigate live-sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.”

The DOD Prisoner of War/Missing Personnel Office (DPMO), whose Director also serves as the Deputy Assistant Secretary of Defense for POW/Missing Personnel Affairs — DASD (POW/MIA) — provides overall direction and control of DOD POW/MIA policy, intelligence analysis, and operations, both for previous conflicts and the formulation of policies and procedures for future circumstances in which U.S. military personnel could become POWs or be missing in action. Indochina activities are supervised by DOD’s Joint Task Force—Full Accounting (JTF-FA), headquartered in Hawaii, which maintains POW/MIA files, conducts research and interviews in Indochina and elsewhere in Asia with refugees and others, and staffs the U.S. POW/MIA investigative organization in Indochina. The U.S. Army Central Identification Laboratory in Hawaii (CIL-HI) identifies remains returned from Indochina, Korea, and World War II.

In September 2001, the Defense Intelligence Agency (DIA) activated its own POW/MIA-related intelligence organization, totally separate from the DPMO. This appears, in large measure, to be part of the intelligence community’s response to congressional direction for the community to establish an “analytic capability with responsibility for intelligence in support of the activities of the United States relating to prisoners of war and missing persons,” contained in the FY2001 Intelligence Authorization Act (Section 304, P.L. 106-567, December 27, 2000). Although the initial impetus for this came from concern over the Persian Gulf War POW/MIA case of Lt. Cdr. Michael Scott Speicher (see section *A Persian Gulf War POW/MIA Case* below), it appears to have been greatly accelerated to be ready for any counter-terrorist military action in the aftermath of the September 11, 2001 attacks on the United States.

**Table 3. Americans Unaccounted for in Southeast Asia**  
(as of November 7, 2001)

Service	Country of Loss					Total
	N. Viet.	S. Viet.	Laos	Cambodia	China	
Army	9	479	101	28	0	617
Navy	274	90	28	1	8	401
Marine Corps	23	195	16	8	0	242
Air Force	217	160	254	18	0	652
Coast Guard	0	1	0	0	0	1
Civilians	1	20	12	5	0	38
<b>Total</b>	<b>525</b>	<b>948</b>	<b>415</b>	<b>60</b>	<b>8</b>	<b>1,956</b>

**Source:** Department of Defense. All U.S. servicemen are currently listed by DOD as KIA-BNR or, if formerly listed as a POW or MIA, a PFOD has been made. Until September 20, 1994, one U.S. Air Force officer, Colonel Charles Shelton, a pilot who was known to have reached the ground in good condition, and whose capture and POW status was verified by local civilians and defectors, remained listed as a POW for symbolic reasons. His status was changed to KIA-BNR at the request of his family. The total of 1,948 people includes 459 lost at sea or over water.

POW/MIA information comes from refugees and other human contacts and assets, physical evidence (such as “dog tags” worn by U.S. military personnel, photographs, and aircraft debris), communications intelligence and aerial reconnaissance, and open sources. Between the fall of South Vietnam in April 1975 and November 7, 2001, according to DOD, 21,794 reports of all kinds regarding the POW/MIA issue have been acquired by the U.S. government about alleged live Americans in Indochina, including 1,914 alleged first-hand sightings. Of the 1,914, 69.02% (1,321) correlate with persons since accounted for (i.e., returned live or known dead); another 27.74% (531) have been determined to be fabrications; and 2.35% (45) correlate to wartime sightings of Americans. The remaining 17, or 0.89%, involve sightings of Americans in either a captive (16) or non-captive (1) environment, “represent the focus of DPMO analytical and collection efforts,” and are still under investigation. Of the 17, 14 were reported to have occurred prior to 1976, and another two to have occurred between 1976 and 1980. The remaining one was supposed to have been seen sometime in 1999—a surprising development, which has only recently been reported to DPMO and associated DOD POW/MIA agencies (it was not mentioned in the last DPMO statistical summary of Vietnam War POW/MIAs, on September 18, 2001).

**U.S.-Vietnamese Interaction on POW/MIA Issues: Recent Developments and Issues.** Since 1991, the U.S. has gained substantial access to aircraft crash sites, Vietnamese records, and Vietnamese civilians, and has established a substantial permanent presence of military and civilian personnel. This increased access has not yet led to large numbers of Americans being removed from the rolls of almost 2,000 people who are unaccounted for; much of the material has turned out to be redundant, already in U.S. hands, or pertaining to resolved cases; and there continues to be evidence that the Vietnamese retain some unreleased data. Normalization has exacerbated the debate over Vietnamese cooperation on the issue. Proponents of normalization contend that Vietnamese cooperation on the POW/MIA issue has been greatly enhanced by normalization; opponents argue that cooperation has in fact been much less than supporters say, and that the Vietnamese can only be induced to cooperate by firmness rather than conciliation. In general, official U.S.



government statements generally give Vietnamese cooperation with U.S. recovery and research operations high marks, although they do say that some areas, notably those whose public release would suggest Vietnamese abuse of POWs, question Vietnamese veracity, or compromise Vietnamese national sovereignty (research in high-level government archives), the Vietnamese have been much less forthcoming. A similar general tone can be found in a broad range of relevant documents, studies, and analyses available at the DPMO website at [<http://www.dtic.mil/dpmo>].

Others suggest that the DPMO and the Administration are equating activity with results and resource inputs with true outputs in terms of the fate of unaccounted-for Americans. They claim that the true monetary costs of all U.S. military and diplomatic activities associated with DPMO operations relevant to post-1945 POW/MIAs is much higher than the stated DPMO outlays of approximately \$15 million yearly, perhaps in the \$50-100 million range. They allege that Vietnam and North Korea charge extraordinarily high fees for providing support to DPMO/JTF-FA operations — logistical support, aviation costs, food and lodging, and the like — and that the services received are by no means as lavish as the bills presented indicate. Some of the private discussions surrounding the April 7, 2001 crash of a Vietnamese Air Force military helicopter on a joint recovery operation for U.S. MIAs are used to illustrate these claims. The helicopter was carrying 16 people (seven Americans and nine Vietnamese Air Force personnel) from both nations, all of whom were killed. The old Soviet military helicopters used to support joint recovery operations have been alleged as “accidents waiting to happen,” but Vietnamese sensibilities allegedly preclude either use of modern U.S. aircraft or U.S. upgrading of Vietnamese planes and facilities to American safety standards — or the use of U.S.-paid fees for the purpose for which they are paid. Although JTF-FA operations were briefly restricted to surface transportation after the accident, helicopter flights have since resumed.

**U.S. Policy and the Remains Issue.** Increased access to Vietnamese records and materials raises the issue of whether the U.S. will insist on changing the status of an individual based only on recovery of remains. Will a person be formally removed from the list of unaccounted-for Americans based solely on records, no matter how conclusive? Or will the U.S. government continue to insist that only recovery of remains, no matter how fragmentary, will suffice? As noted above, DPMO believes that of the 1,956 Americans listed as unaccounted for as of November 7, 2001, 657 are definitely dead, and that further investigation could result in no more evidence or remains being found. These are cases in which the deaths resulted from aircraft explosions, crashes at sea, drowning, or the person simply disappearing in combat and never being seen again, with no evidence to account for their later location. However, some believe that the Vietnamese have documentary evidence about the fate of at least some of them. The Vietnamese are urging U.S. authorities to take names off of the list of those Americans not accounted for. It appears that concerns over public reaction, more than disagreements on the part of American analysts that the individuals concerned really are dead, are holding up the decision to close these cases. The question may be as follows: if evidence other than remains is not conclusive, what use is it, if no remains are available?

**1993-2001 (FY1994-FY2002) Congressional Action on Missing Personnel Matters.** After very detailed and often acrimonious debate in 1996 and 1997, during 1998-2001 Congress has apparently “taken a breather” regarding POW/MIA matters. None of the FY1999, FY2000, FY2001, or FY2002 National Defense Authorization or Intelligence

Authorization Acts contained any significant POW/MIA or missing persons-related provisions or any related broad policy implications, and occasional POW/MIA-related report language (without actual legislation) has engendered no controversy or even discussion. This follows five years (1993-1997, FY1994-FY1998) in which the annual defense authorization bill included POW/MIA-related sections with considerable policy significance or the object of political controversy.

**POW/MIA Issues: Current Relevance.** The POW/MIA issue is not merely a “historical” one. The congressional concerns over Americans unaccounted for from the Vietnam War have been an integral component of the discussion about how to account for Americans missing in the inevitable future conflicts. The fact that these are not purely theoretical issues is shown by the 49 Americans initially listed as missing in action during the Persian Gulf War (23 were captured by the Iraqis and released after the war ended, the remains of 13 were recovered, and another 13 were eventually determined to be KIA-BNR); the American soldier held captive in Somalia for almost two weeks in 1993; the three American soldiers held by the Serbs for a month in late spring 1999 during the NATO air war against Serbia; and the successful recovery of an Air Force pilot in 1995, and two others shot down in mid-1999, all over Serbia or Kosovo as well. Furthermore, it is possible, if not probable, that military operations against terrorism in the aftermath of the September 11, 2001 attacks on the United States will result in American prisoners being taken by enemy forces or in American personnel being designated as MIA; the DPMO and other U.S. government organizations concerned with missing personnel have already begun preliminary planning and preparation for dealing with these likely eventualities.

These incidents show how congressional oversight of POW/MIA issues can thus involve matters of relevance to future policy as well as issues that by now have become almost exclusively humanitarian in nature. Indeed, as noted below, there is now some controversy about the fate of one American pilot shot down during the Persian Gulf War. This appear to have been responsible for provisions of the FY2001 Intelligence Authorization Act, and the House report on the FY2001 National Defense Authorization Act, to strengthen intelligence community capabilities regarding POW/MIA matters and insure against DOD cutting POW/MIA resources, respectively.

#### **Vietnam POW/MIAs: Were Americans Left Behind? Are Any Still Alive?**

Those who believe Americans are still held, or were held after the war ended, feel that even if no specific report has thus far been proved, the numbers unaccounted for, and the cumulative mass of information — sightings, descriptions, and physical evidence — about live Americans is compelling. Those who doubt Americans are still held, or were when the war ended, argue that despite numerous reports, exhaustive interrogations, and formidable technical means used by U.S. intelligence agencies, no report of an unaccounted-for live American (with the exception of Garwood) has been validated as to who, when, and where the individual is or was. They believe that much of the “evidence” cited relates to already accounted-for Americans, wishful thinking, or fabrication. The fact that there have been no live-sighting reports since 1980 that DPMO has not been able to determine are not related to American POWs may lend credence to this point of view, although it is possible that skeptics would challenge DPMO’s evaluation criteria.

**The “Coverup” Issue.** Some say the U.S. government has engaged in a “coverup” of evidence about live Americans still being held in Indochina. Their assertions are based on

sources similar to those used by the government, but they attach greater credence to some sources than does the government, and suggest that the criteria set by the government for validating reports of live Americans are unreasonably, and perhaps deliberately, high. The government responds by stating that such assertions are based on data which DIA analysis has shown to be inaccurate, dubious, or fraudulent. It also asserts that numerous investigations have cleared DIA of coverup charges, and that the ability to maintain a coverup strains credulity in an era of press leaks and openness. Since 1982, it has been U.S. policy to provide intelligence to families of unaccounted-for Americans that pertains or may pertain to their missing men.

**Release of POW/MIA Materials.** Legislation was passed in the early and mid-1990s requiring the release of most Vietnam War, Korean War, and Cold War-related POW/MIA documents. The Library of Congress's Federal Research Division is responsible for much of the indexing and cataloging of these documents, and the Photoduplication Service of the Library makes copies of documents available to the general public at cost. A computer work station in the Library of Congress Computer Catalog Center in the Thomas Jefferson Building of the Library contains an automated data base of the documents. Copies are also available through interlibrary loans.

**The Senate Committee's Conclusions.** The most extensive independent investigation of the POW/MIA issue undertaken was that of the Senate Select Committee on POW/MIA Affairs (August 1991-December 1992). The committee concluded some POWs may not have returned at the end of the Vietnam War in 1973, although there was no credible evidence to suggest that any were still alive in captivity; that there was no "conspiracy" to cover up live POWs, but there was serious neglect and mismanagement of the issue; that about 100 U.S. POWs expected to be returned were not; and that despite some dismissals of the possibility that some POWs were still alive, the committee could not make a similar firm dismissal.

The committee said a lack of will to continue investigating the issue in the aftermath of Vietnam, on the part of both DOD and political leadership in successive Administrations in the 1970s, contributed to what observers have called "a mindset to debunk" reports of live Americans, as well as a desire on the part of successive Administrations to wash their hands of the issue. Committee hearings indicate that when the war ended senior policymakers, including then-President Richard Nixon, recognized the possibility of live Americans could not be ruled out, and disagreed over what could be done about it. Some wanted to be more forceful in public on the issue; others appeared to have been inclined to assume that little could be done, given the lack of military pressure the U.S. could apply to North Vietnam at the time, due to war-weariness.

These conditions may have contributed to the less vigorous effort on the issue that characterized not only the Nixon and Ford Administrations, but that of President Jimmy Carter (1977-1981) as well. The Carter Administration's unwillingness to elevate the issue to a higher profile, some have argued, also resulted from President Carter and members of his Administration having been opposed to the Vietnam War in the first place, and being desirous of expediting the normalization of relations with Vietnam until that country invaded Cambodia in late 1978. These problems have been held responsible by many for the lack of attention, and the loss of fresher information, regarding POW/MIAs in the 1970s.

**POW/MIA Private Organization Issues.** Many, perhaps most POW/MIA organizations, most notably the National League of Families of American Prisoners of War and Missing in Southeast Asia, are known for their long-standing efforts to solve the POW/MIA issue, as well as helping the families of unaccounted-for Americans. The League of Families, for example, is the only national organization composed solely of the families of unaccounted-for Americans, a registered non-profit organization, and for years was accorded unique status, as a private group, in the U.S. government interagency policy process regarding POW/MIA matters. However, DIA says some POW/MIA organizations have appealed for money based on “highly suspicious, and often demonstrably false claims,” and some individuals have been convicted of fraud in connection with POW/MIA fund-raising.

Impressionistically, the amount of activity, and the degree of national publicity, generated by and for private POW/MIA organizations seems to have declined considerably from the levels of the Cold War (assuming the end of the latter in 1991). This probably results from a combination of factors, some of which might be: the simple passage of time; the aging of members of families; the replacement of a long war ending in defeat with a short one ending in decisive victory (Vietnam and the Persian Gulf Wars, respectively) in the public consciousness; and the sense of closure that the Senate committee’s work may have assisted in generating.

**Have Americans Remained in Indochina Voluntarily?** Some think Americans may have stayed in Indochina voluntarily, citing Garwood as an example. Another deserter, Army PFC McKinley Nolan, defected to the Vietnamese Communists in 1967 and was killed by the Khmer Rouge (Cambodian Communists) in 1975 or 1976. Ideology, collaboration with the enemy and a fear of punishment upon return to the U.S., personal problems, a home, a local wife and children, “brainwashing” by Communist captors — or a combination of these factors — could have played a role in other Americans remaining in Indochina voluntarily.

The U.S. government does not seek forced repatriation of Americans living in Indochina voluntarily but would like to notify their families of their status. The Vietnamese deny Americans are living in areas “under their control,” i.e., do not explicitly rule out Americans not “under their control.” In addition, the U.S. government policy cited above on live Americans is careful to refer to “Americans ... still being held against their will.” U.S. officials have said they would not classify any American as being in Communist Indochina voluntarily until all facts were known. After more than a decade of many Caucasians living in a progressively more open and well-traveled Vietnam, it becomes less likely that Americans being held against their will exist, or existed in the past, although the latter cannot be ruled out.

**Vietnam POW/MIAs: What May Have Happened?** For many years, a huge gulf separated those who argued about whether live Americans were kept behind in Vietnam after the end of the war in 1973. Those who argued live Americans were, or had been, kept in Indochina after the war concentrated on factors including, but not limited to, the following: (1) the excellent physical condition of the mostly officer aircrew taken prisoner; (2) the habit of Communist governments holding prisoners for many years, up to several decades; (3) the apparent unwillingness of the Vietnamese to release records they almost certainly have; and (4) the fact that many Americans were shot down over Laos but few came home. Those who argued it was unlikely that live Americans were still in Indochina noted the following factors: (1) the very high cumulative death rates due to the ordeals of shootdown, poor medical care

from the enemy, and systematic Vietnamese Communist abuse and torture; (2) the apparent lack of use of Americans who could have been held as “negotiating chips”; and (3) the lack of any live Americans held after the end of the war being uncovered after roughly 15 years of Vietnam becoming a much more open society.

Most U.S. government analysts, many of whom have worked on the issue for several decades and have access to the huge amounts of information that the intelligence community and other agencies have amassed on POW/MIA matters, have come to believe that it is extremely unlikely that the North Vietnamese kept U.S. prisoners after the end of the war, or transferred any to the USSR. They fully appreciate the repressive nature of totalitarian Communist regimes — that the Vietnamese Communists *could* have opted to keep some Americans. They just feel that their examination of the evidence indicates that they did not.

One set of arguments that has, for many years, been considered persuasive by some analysts as to the strong possibility that some Americans were not returned in 1973 is, arguably, being slowly refuted by the passage of time. To some not involved with detailed POW/MIA issues on a day-to-day basis, it has seemed that there was a collective weight of evidence suggesting that at least *some* American prisoners were kept behind as a negotiating ploy, but were later killed when their utility was ended and the prospect of their discovery was damning to the Vietnamese government. However, the penetration of Vietnam by a large American official presence (JTF-FA and full diplomatic representation), as well as commercial interests, American tourists, and many Europeans, has failed to disclose any indications that this happened. While it cannot yet be ruled out, therefore, it is progressively becoming less likely. Finally, it has never been possible at the end of any major war in human history to account for *all* missing personnel, and even with modern identification technologies it seems unlikely that the 100% level will ever be reached in a conflict generating casualties in the thousands or more. It is therefore unlikely that the Indochina POW/MIA controversy will ever be completely stilled, even if much more information is forthcoming over time.

**Are the Vietnamese, Laotians, or Cambodians Still Holding the Remains of Dead Americans?** Few question the proposition that for many years the Vietnamese had a stockpile from which they released remains as they saw fit. The DPMO believes that this stockpile may have been exhausted by August 1990; after that month, none of the returned remains identified as Americans had the chemical characteristics which would indicate prolonged storage. Whether the Vietnamese hold other remains that, for whatever reason, they have not returned is not known. In general, while the intelligence community is convinced that a stockpile did exist, there is no consensus on more specific characteristics of this stockpile. In 1996 the intelligence community released an evaluation of the storage-of-remains issue, which stated that many of the previous assumptions about warehoused remains are much more tenuous than the government asserted throughout the 1980s and into the 1990s. This evaluation concluded that “Although the Vietnamese government collected and stored remains from the Indochina war, without further research it is not possible to estimate with a high degree of certainty the number of American remains that were under Hanoi’s direct control at any point in time.”

Vietnamese officials say they have provided detailed records to the U.S. which we have not released. Others suggest the Vietnamese have not released information which would indicate mistreatment of POWs and/or that some were alive when the war ended but died in Vietnamese custody thereafter (although such mistreatment is well known).

The large number of Americans lost in or over Laos, the number of known discrepancy cases, and the few Americans returned who had been captured in Laos suggest that the Laotians know more about the fate of unaccounted-for Americans than they have yet stated. On the other hand, most Lao governments, Communist or not, have exercised little control over large parts of their country, due to Vietnamese occupation and their own lack of resources. This suggests the Laotians may not have the ability to provide many answers about missing Americans, and such answers may be better found from the Vietnamese. Laos is, however, one area where searches of aircraft crash sites have resulted in the recent identification of some unaccounted-for Americans.

Until 1990, U.S. efforts to obtain Cambodian cooperation met with no response. However, during 1990-1992, U.S. personnel received 11 sets of remains at Phnom Penh, the Cambodian capital; three have been identified as American. In addition, just recently the remains of several Americans who were unaccounted for after the operations connected with the recovery of the ship *Mayaguez* in Cambodian waters in May 1975, shortly after the fall of South Vietnam, have been identified.

## Korean War POWs/MIAs

Since the Korean War ended in 1953, there have been rumors Americans captured by the North Koreans or Chinese were, or still are, held against their will in North Korea, China, or the former USSR. **Tables 1** and **2**, above, provide statistics on American POW/MIAs from the Korean War. There is little doubt that the Communist powers involved in the war have withheld much information on POW/MIA from the United States.

DPMO states that although there is no first-hand, direct evidence of Korean War POWs being transferred to the Soviet Union, the cumulative weight of circumstantial and secondary evidence is so compelling that they believe that at least small numbers of Americans were in fact so transferred. DPMO is still very actively investigating this issue. There are indications that some of these sightings of Caucasians by foreign nationals in North Korea may be of American soldiers who defected to North Korea in the post-Korean War era. At least four such Americans defected in the 1960s, and all four are known to be alive. Assertions of very large numbers of Americans (several hundred or more) being transferred, and/or their use as “guinea pigs” for Soviet and Soviet-bloc chemical and biological warfare experiments, has not yet been validated to any appreciable degree.

Some U.S. POWs were not released by China until 1955, two years after the war ended. Two civilian CIA aircrew members shot down over North Korea during the war, in 1952, were imprisoned for 20 years and not released until 1972. Declassified U.S. documents indicate that the U.S. government maintained an intensive interest in live POWs from the Korean War throughout the 1950s. The documents are more explicit than anything yet released regarding the Vietnam War. Throughout the 1950s and 1960s the Soviets, Chinese, and North Koreans maintained labor camps containing millions of political prisoners. The end of the Korean War in 1953 was followed by intensely bitter relations between the U.S., the North Koreans, and the Chinese. This suggests that the two Communist enemies of the United States during the Korean War, as well as a Stalinist Soviet Union, were inclined to hold live Americans — perhaps more so than Vietnam in the 1970s.

During the mid-1950s, the U.S. demanded the North Koreans and Chinese account for missing Americans. After 1955, due to the lack of response by the Communists (except for the return of 1,868 remains in 1954), the issue abated, although the United States periodically raised the issue. In 1957, House Foreign Affairs Committee hearings on the Korean MIA issue aired frustrations similar to those raised since 1973 on Indochina MIAs. In the early 1980s, although the issue of Korean MIAs began to get more attention in the early 1980s, concrete results of contact with the North Koreans were minimal until 1996. Between mid-1996 and mid-1997, negotiations took place in which United States and North Korea agreed on parameters for conducting field investigations and archival research for U.S. MIAs. Since 1996, U.S. personnel have completed 27 visits to North Korea which have resulted in some additional information and the return of 152 remains, of which 12 have been identified positively as Americans, and another 12 are close to such identification. In December 2000, the United States and North Korea agreed that there would be 10 U.S. recovery operations in 2001; the last one began on November 11, 2001. The most recent actual transfer of remains took place on November 10, 2001, when eight remains that are possibly of Americans killed in ground combat in North Korea were repatriated to U.S. custody in Pyongyang, the North Korean capital.

In general, it appears that the same controversy that exists over the U.S. presence in Vietnam relating to POW/MIA issues — whether the input in personnel, money, and time is generating equivalent output in terms of discovering the fate of large numbers of missing Americans — may be developing regarding the steadily-increasing U.S. POW/MIA-related operations in North Korea.

In an unusual “turn of the table,” DOD POW/MIA Office analysts have worked with *Russian* POW/MIA analysts to assist the latter in determining the fate of Russian MIAs, serving clandestinely as aircrew in the Chinese Air Force, who may have been shot down by U.S. pilots during the Korean War. In addition, DPMO personnel are resuming the first such work since 1955 looking for American MIAs in South Korea, where most ground combat took place. A massive effort by the U.S. Army during 1951-1955 uncovered thousands of remains of both South Korean and American soldiers, but archival research during the spring of 2000 suggests that more may be recoverable.

## **POWs and MIAs from Cold War and Other Incidents**

During the Cold War (1946-1991), some U.S. military aircraft were shot down by the USSR, Eastern European countries, China, and North Korea. Some of these aircraft were performing intelligence missions near or actually inside Soviet airspace; others were definitely in international airspace and/or were not involved in intelligence operations. While virtually all such aircraft losses were acknowledged at the time, often with considerable publicity, their intelligence functions were not.

Between 1946 and 1977, according to a DOD list released in 1992, there were at least 38 such incidents and one involving a ship (the seizure of the U.S.S. *Pueblo*, by the North Koreans in early 1968). Of the 364 crewmembers, 187 were eventually returned to U.S. custody, the remains of 34 were recovered, 11 were known to be dead from eyewitness reports but remains were not recovered, and 132 were “not recovered, fate unknown.” In 1956, the U.S. asked the USSR about the crews of two aircraft shot down by Soviet forces

in 1950 and 1952, citing intelligence reports (apparently obtained from German and Japanese POWs from World War II, several hundred thousands of whom were not released by the Soviets until 1954-1955) that some crewmembers of these aircraft had been seen and spoken to in Soviet concentration camps. In a 1992 letter to the U.S. Senate, Russian President Yeltsin acknowledged the shooting down of some U.S. aircraft by the Soviets and the recovery of some surviving crewmen.

The first tangible evidence of such incidents from Soviet soil came in 1994, when U.S. and Russian investigators found the remains of a U.S. Air Force officer who had been a crewmember of a U.S. plane shot down by the Soviets while performing an intelligence mission near Soviet territory in 1952. The Senate Committee report, based in large part on the Rand Corporation study described above, generally endorses this evidence. In addition, as yet unpublished work by the DPMO, based on analysis similar to that done regarding Korean War POWs, suggests strongly that some Cold War shootdown crewmen survived and were taken prisoner by the Soviets. In September 1998, the final remains from a U.S. plane shot down by the Soviets over Soviet Armenia in 1958 were buried in Arlington National Cemetery; some remains had been returned in 1958, and others had been gathered during U.S. operations in Armenia in 1993.

A second type of "Cold War incident" involves kidnapping of U.S. personnel in or near Soviet-occupied territory in Europe after the end of World War II, by Soviet intelligence agents. Some were allegedly identified as Americans in the late 1940s and early 1950s by German POWs who were kept by the Soviets until 1954-1955. Most, however, were defectors, or had wandered into Soviet-occupied areas for nonpolitical reasons (romantic entanglements, drunkenness, and the like). The full story of such kidnappings may well not have been told. DPMO staff is aware of some such kidnappings, but has not yet acquired any evidence about the permanent abduction of any Americans who were never returned.

The DPMO has expanded its work in the non-Soviet members of the former Warsaw Pact: Poland, the Czech Republic, Slovakia, Hungary, and so on. It may be that, having essentially been kept under Soviet control by force or the threat of force, these countries may have much less guilt, and much greater willingness, to disclose matters relevant to U.S. prisoners of war. However, such "rich finds" have not yet taken place. The work of DPMO with Eastern European and former Soviet countries has not been all one-sided. The United States has helped identify former Soviet POW/MIAs from the Soviet war in Afghanistan and has exchanged information on Soviet aircrew shot down over Yugoslavia by U.S. aircraft in the immediate post-World War II period and over Korea during the Korean War.

**A Persian Gulf War POW/MIA Case.** On January 10, 2001, the Navy changed the status of Lt. Cdr. Michael Scott Speicher, shot down over Iraq during the Persian Gulf War, from killed in action to MIA. This was a major development in a complicated and lengthy case involving Lt. Cdr. Speicher's exact fate. Several members of Congress have expressed interest in the circumstances surrounding the loss of Lt. Cdr. Speicher, who was the first U.S. pilot shot down during the Persian Gulf War, on the night of January 17, 1991. These concerns have led to continuing active oversight of the issue by the Senate Select Committee on Intelligence. Lt. Cdr. Speicher's body was never recovered. There is no doubt his aircraft was shot down and crashed in Iraq about 150 miles southwest of Baghdad; the issue is the lack of remains and resultant questions about whether he was in fact killed upon impact. Press reports have stated that satellite photography of the crash site in 1994 showed markings



that allegedly could be distress symbols, although in a desert environment with shifting sands, it is difficult if not impossible to imagine that such “sightings” could have any relevance to Cdr. Speicher’s fate.

In 1993, a group of hunters, including a Qatari senior military officer (the Persian Gulf nation of Qatar was one of the several Gulf Arab states allied with the United States during the war), found the crash site and eventually provided to U.S. officials some information on the site, including photographs showing the aircraft’s ejection seat and canopy at some distance from the plane itself. There are rumors that some U.S. officers wanted to stage a clandestine military operation to visit the site and remove material there, but that permission to do so was denied by the Chairman of the Joint Chiefs of Staff, then Army General John Shalikashvili. In late 1995, with the permission of the Iraqi government, U.S. military personnel visited the area to look for evidence regarding Cdr. Speicher’s fate; DOD later announced no remains were found, but some aircraft debris was removed for further analysis. This latter expedition found the canopy but not the ejection seat; it also found Speicher’s flight suit. An Iraqi defector has allegedly told American officials in Jordan that he had driven a live American pilot during the war from the crash area to Baghdad, and identified Speicher’s picture from several shown him. In July 1999, DPMO told the Senate Select Committee on Intelligence that the flight suit and some other equipment appeared to have been literally cut away from whoever was wearing them and that their condition suggested the wearer was severely injured or dead at the time. Other reports about the garments apparently suggest the opposite.

Several members of the Senate Select Committee on Intelligence requested in mid-1999 that the Director of Central Intelligence and the President ensure that a more thorough investigation of the matter be made. An unclassified version of the review was forwarded to the Senate committee on April 11, 2001, although it has not received wide distribution. This report states, “*We assess that Iraq can account for LCDR Speicher but that Baghdad is concealing information about his fate. LCDR Speicher probably survived the loss of his aircraft, and if he survived, he almost certainly was captured by the Iraqis*” (CRS italics). The unclassified report does not address the likelihood of his still being alive and imprisoned by Iraq. It also states that technical analysis of many of the objects found at the crash site, as well as the site itself, indicates that the Iraqis had been at the site, recovered a great many things, and then returned to “plant” some of them – including the flight suit – in an attempt to mislead U.S. investigations.

The Speicher case has had ramifications for general POW/MIA policy related to ongoing or possible future conflicts. Although the public and congressional attention it has received in the past few years appears to have been “put on hold” due to the ongoing hostilities and concerns of the anti-terrorism war, the Speicher case may indeed be relevant to the current fighting. The controversies and concerns voiced about Speicher’s fate, and the U.S. government’s management of his case, may well inform discussion and policies related to any U.S. military personnel captured by enemy forces in Afghanistan or elsewhere. In particular, the “mindset to debunk,” first raised regarding Americans unaccounted for from the Vietnam War but arguably present in some echelons of the U.S. government regarding Speicher, may be a cautionary tale for those making policy on Americans taken prisoner or missing in ongoing hostilities. (See also see the section above entitled *POW/MIA Issues: Current Relevance.*)

## World War II POWs and MIAs: Soviet Imprisonment of U.S. POWs Liberated from the Germans

There are allegations the USSR held in its prison camps up to 25,000 American POWs liberated from the Germans after World War II ended in Europe on May 8, 1945. This large number appears to have no foundation in fact, based on systematic research by the Rand Corporation, as well as the fact that the large flow of information on Soviet concentration camps since the early 1960s, both in writing and from emigre accounts, has provided no indication of mass imprisonment of Americans. Rand does, however, state that 191 Americans are known not to have been repatriated by the Soviets. In addition, in 1992 Russian President Yeltsin stated that about 450 Americans were not returned, sometimes on the basis of ethnic origin. Both figures are consonant with other knowledge of the arbitrary and brutal nature of the Stalinist USSR. Accounts of U.S. dealings with the USSR during and immediately after World War II on the POW issue are replete with accounts of Soviet obfuscation, truculence, and reluctant cooperation.

Some Americans were taken in arms against Soviet forces; these appear to have been U.S. citizens of German birth who were in Germany during World War II and served in the German armed forces, or who otherwise ran afoul of the Red Army as it advanced into Central Europe. Other accounts suggest the Soviet secret police singled out American soldiers with German, Russian, or Jewish names for special attention. The Joint U.S.-Russian Commission on POWs/MIAs set up by both countries to investigate the allegations of Soviet involvement with U.S. POWs in all wars since World War II has been operating since mid-1992 with mixed results. A good deal of information has been obtained. However, there has been considerable obstruction of the Commission's work by officials still sympathetic to Communist ideology and the former Soviet regime. The DPMO has recently published a list of alleged cases of Americans being sighted in the Soviet concentration camp system, or Gulag; it is available online and can be retrieved from the DPMO Web site at [[http://www.dtic.mil/dpmo/special/gulag\\_study.htm](http://www.dtic.mil/dpmo/special/gulag_study.htm)].

### FOR ADDITIONAL READING

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## **CRS Products**

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