

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 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, at least during the 1970s and 1980s, 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 *en masse* 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 prisoners from the Korean War and “Cold War shootdowns” of U.S. military aircraft may have been taken to the USSR and not returned; the same might be true 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 more questionable. There is similar evidence about possible Iraqi capture of Navy pilot Scott Speicher, shot down on the first night of the Persian Gulf War (January 17, 1991), and until recently listed as “killed in action” rather than “missing in action” based on data developed in recent investigations. The recent consensus in the intelligence community is that Speicher probably survived being shot down and, if so, was almost certainly captured by the Iraqis. The FY2003 National Defense Authorization Act requires the Secretary of Defense to provide Congress with periodic reports on the Speicher case.

MOST RECENT DEVELOPMENTS

On December 2, 2002, the President signed the FY2003 National Defense Authorization Act (P.L. 107-314; 116 Stat. 2458), containing provisions that (1) placed a floor beneath which Defense POW/Missing Persons Office (DPMO) personnel and funding will not be allowed to fall during FY2003; and (2) required DOD to submit periodic reports on the status of Persian Gulf War POW/MIA Captain Michael Scott Speicher, U.S. Navy.

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 these 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 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 similar case involving 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; or a body 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 ^c	Vietnam
Captured	4,120	130,201	7,140	766
Still Classified POW	0	0	0	7 ^a
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 ^b

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

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

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 1, 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 683 Americans have been returned from Vietnam (487), Laos (169), Cambodia (25), and China (2) since the war ended on January 27, 1973. Of the 1,902 still listed as unaccounted for, DOD is still actively seeking to recover the remains of 1,245. 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 468 men lost over water, as stated in the note to **Table 3**, 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.

Table 3. Americans Unaccounted for in Southeast Asia
(as of November 27, 2002)

Service	Country of Loss					Total
	N. Viet.	S. Viet.	Laos	Cambodia	China	
Army	9	462	99	26	0	596
Navy	269	90	28	1	8	396
Marine Corps	22	194	16	8	0	240
Air Force	208	169	238	18	0	633
Coast Guard	0	1	0	0	0	1
Civilians	1	20	10	5	0	36
Total	509	936	391	58	8	1,902

Source: Department of Defense. All U.S. servicemembers are currently listed by DOD as KIA-BNR or, if formerly listed as a POW or MIA, a PFOD has been made. Until 1994, one POW, a pilot whose capture and POW status were verified, remained listed as a POW for symbolic reasons. His status was changed to KIA-BNR at the request of his family. The total of 1,902 personnel includes 468 lost at sea or over water.

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 Director of the DOD Prisoner of War/Missing Personnel Office (DPMO), who 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 matters, both for previous conflicts and the formulation of policies and procedures for future circumstances in which U.S. military personnel could become POWs or MIA. 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 U.S. POW/MIA operations in Indochina. The U.S. Army Central Identification Laboratory in Hawaii (CILHI) identifies returned remains from around the world. The Defense Intelligence Agency (DIA) also has its own POW/MIA-related intelligence organization, established totally separate from the DPMO at congressional direction.

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 27, 2002, according to DOD, 22,009 reports of all kinds regarding the POW/MIA issue have been acquired by the U.S. government about alleged live Americans in Indochina, including 1,918 alleged first-hand sightings. Of the 1,918, fully 1,903 (99.22%) have, according to DPMO, been

resolved. More specifically, 69.13% (1,326) correlate with persons since accounted for (i.e., returned live or known dead); another 27.74% (532) have been determined to be fabrications; and 2.35% (45) correlate to wartime sightings of Americans. The remaining 15, or 0.74%, involve sightings of Americans in either a captive (14) or non-captive (1) environment, “represent the focus of DPMO analytical and collection efforts,” and are still under investigation. Of the 15, 10 were reported to have occurred prior to 1976; one between 1976 and 1980; one between 1986 and 1990; one between 1991 and 1995, and the remaining two, perhaps surprisingly, as recently as sometime during the period 2001-present.

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. Most recently, the Vietnamese have agreed to expand access to their government archives with materials related to the issue, and to interview senior Vietnamese military leaders from the war for possible relevant data. This increased access over the past decade, however, has not yet led to large numbers of Americans being removed *en masse* from the rolls of over 1,900 people who are unaccounted for (between September 3, 1991 and November 27, 2002, the total number dropped by 371—from 2,273 to 1,902—or about 34 per year). 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. Relevant documents, studies, and analyses are available at the DPMO Web site 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.

U.S. Policy and the Remains Issue. As noted above, DPMO believes that of the 1,904 Americans listed as unaccounted for as of October 10, 2002, 661 are definitely dead, and that further investigation could result in no more evidence or remains being found. Such cases include those resulted from aircraft explosions, drowning, or simple disappearance. Some believe that the Vietnamese have documentary evidence about the fate of at least some of them. 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?

Congress and the POW/MIA Issue, 1993-2002 (FY1994-FY2003).

2002 (FY2003) Congressional Action. *Senate Action.* On June 27, 2002, the Senate passed its version of the FY2003 National Defense Authorization Act (S. 2514, reported May 15, 2002; S.Rept. 107-151). Section 1035 of the Senate bill required the Secretary of Defense to submit a comprehensive report on the Speicher case (see below, “A Persian Gulf War POW/MIA Case,” and also under Legislation) to Congress within 60 days after the bill became law.

House Action. On May 9, 2002, the House passed its version of the FY2003 National Defense Authorization Act (H.R. 4546, reported May 3, 2002, H.Rept. 107-436). Section 551 of the House bill prohibited DOD from making any planned reductions in the personnel levels or budget of the Defense Prisoner of War/Missing Personnel Office (DPMO), and in fact required the Secretary of Defense to increase the size of the DPMO. Section 551 of the House bill appears to have resulted from planned reductions of at least 15% in the size of the DPMO staff that had been scheduled as part of a general DOD effort to reduce headquarters staffs. The House committee, however, stated that “it believes the DPMO plays a crucial role in the fulfillment of the national commitment to provide a full accounting for the prisoners of war and missing in action of the nation’s wars.” This would apply to current operations in the War against Terrorism as well as past conflicts. It suggests that, even if the level of national concern about the POW/MIA issue has subsided compared to the 1970s and 1980s, it has by no means vanished.

Public Law. On December 2, 2002, the President signed the FY2003 National Defense Authorization Act (P.L. 107-314; 116 Stat. 2458). It includes, in Sec. 551, the House provision, with technical changes only, noted above regarding personnel levels in the DPMO, and the Senate provision, in Sec. 583, with changes in time limits that do not modify the basic character of the section, regarding the Speicher case.

1993-2001 (FY1994-FY2002) Congressional Action. From 1993 through 1997 (FY1994-FY1998 legislation), the annual defense authorization bill included POW/MIA-related sections with considerable policy significance and, frequently, political controversy. However, during 1998-2001 (FY1999-FY2002 legislation), Congress arguably “took a breather” on POW/MIA matters. None of the National Defense Authorization or Intelligence Authorization Acts of the latter period contained significant POW/MIA-related provisions or report language with broad policy implications.

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. 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 seems possible that military operations in the aftermath of September 11, 2001 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 began planning for these eventualities almost immediately after the beginning of hostilities. (For instance, in March 2002, a U.S. Navy SEAL fell from a helicopter during combat in Afghanistan and was captured by enemy forces; his body was recovered the next day, but he was seen to have survived the fall – it was from very low altitude – and apparently was tortured and then killed. Had his captors been less brutal, he could have been the first American POW.)

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 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.

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 shutdown, 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.

Many analysts have posited that a lack of will to continue investigating the issue in the aftermath of the Vietnam War, 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. This attitude 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.

Significantly, the progressively increasing 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 American POWs were kept behind in the early 1970s, let alone are still being held. It would seem unlikely that a secret of such magnitude could have continued to be concealed throughout the 1990s and into this decade, as thousands of Americans have visited Vietnam and some have taken up extended residence there.

The “Coverup” Issue. Some say the U.S. government has engaged in a “coverup” of evidence about live Americans still being held in Indochina; 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 that is inaccurate 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.

Have Americans Remained in Indochina Voluntarily? Some Americans stayed in Indochina voluntarily, Garwood being the best known. Another, Army PFC McKinley Nolan, defected to the Viet Cong 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 captors — or a combination of these factors — all could have played a role in other Americans remaining in Indochina voluntarily. The Vietnamese have always left room for such by denying Americans are living in areas “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.”

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 that 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. Vietnamese officials say they have provided detailed records to the U.S. that we have not released. Others suggest the Vietnamese have not released remains that 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. 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 evidence is so compelling that they believe that at least small numbers of Americans were in fact so transferred. There are indications that some 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 who defected in the 1960s 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, 2 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. 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 24 visits to North Korea that have resulted in some additional information and the return of 167 remains, of which 13 have been identified positively as Americans. The most recent actual transfer of remains took place on October 29, 2002, when 11 remains that are possibly of Americans killed in ground combat in North Korea were repatriated to U.S. custody. Talks with North Korea completed on June 10, 2002, provided for three further operations in 2002, involving 28-person U.S. teams and lasting about a month each. The first began July 20; the last began September 28 and ended October 29.

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 then-President Boris 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 1993 report of the Senate Select Committee on POW/MIA Affairs, a 1994 Rand Corporation study, and DPMO analysis all suggest 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. POW/MIA recovery 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 and may never be. 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.

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, resultant questions about whether he was in fact killed upon impact, and some evidence, from a variety of sources, that he was taken prisoner by the Iraqis when in relatively good physical condition.

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. This report received wide publicity in the press and media during the second week of March 2002, although its contents and basic findings had been known, on an unclassified basis, since its completion in March 2001. This report stated, "*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 report did not explicitly address the likelihood of his still being alive and imprisoned by Iraq at the time the report was completed. It merely suggested the strong possibility that he could have survived the crash of his aircraft and been captured alive at that time. It also stated 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.

Since early 2002, coverage of the Speicher case in the media has been steadily increasing, which has raised its profile among the American public and Congress. Indicative of this is that the FY2003 National Defense Authorization Act (P.L. 107-314, December 2, 2002; 116 Stat. 2458) requires the Secretary of Defense to begin submitting periodic reports on the Speicher case to Congress within 90 days after the bill becomes law.

Aspects of the Speicher case may be relevant to the current war against terrorism and a possible future war with Iraq. 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 that the USSR failed to repatriate up to 25,000 American POWs liberated from the Germans after World War II ended in Europe on May 8, 1945. This appears to have no foundation in fact and results in large part from an apparent lack of rigor and care in analyzing the issue. Archival research in the United States and Russia, combined with interviews in Russia, appears to establish conclusively that virtually all such prisoners were returned. In addition, the large flow of information on Soviet concentration camps of the Stalin era, beginning in the early 1960s, both in writing and from emigre accounts, has provided no indication of mass imprisonment of Americans.

A Rand Corporation study 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. It is clear that some U.S. citizens of German birth who served in the German armed forces or lived in Germany were taken prisoner by the Red Army as it advanced into Central Europe; in addition, the Soviet secret police singled out Americans with German, Russian, or Jewish names for special attention. 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. The Joint U.S.-Russian Commission on POWs/MIAs set up by both countries to investigate these matters and Soviet involvement with U.S. POWs in other post-World War II conflicts 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. See also the DPMO Web site [http://www.dtic.mil/dpmo/special/gulag_study.htm].

LEGISLATION

P. L. 107-258, S. 1339

Persian Gulf POW/MIA Accountability Act of 2001. Directs the Attorney General to grant refugee status to any alien or close relative thereof who is a citizen of Iraq or other Middle Eastern country who personally delivers into U.S. custody "a living American Persian Gulf War POW/MIA." Provides some exceptions to prevent the Act from being used by dangerous or undesirable individuals. S. 1339 reported favorably with an amendment by Senate Judiciary Committee, June 27, 2002; no written report. Passed Senate with an amendment by unanimous consent, July 29, 2002. Reported favorably by House Judiciary Committee without amendment October 15, 2002 (H.Rept. 107-749, Part 1). Passed House by voice vote October 15, 2002. Signed into law October 29, 2002.

P.L. 107-314, H.R. 4546/S. 2514

Bob Stump National Defense Authorization Act for FY2003. **House Action.** Report language (Sec. 551—Staffing and Funding of the Defense Prisoner of War/Missing Personnel Office, Subtitle F, Title V—Military Personnel Policy) requires the Secretary of Defense to increase military and civilian staffing levels and DPMO funding in FY2004 and subsequent years “to enable the DPMO to adequately perform its full range of missions.” Prohibits any reduction in staffing or funding below FY2003 budget request level of 46 military and 69 civilian personnel and \$16.0 million. Criticizes the Secretary for not increasing DPMO resources in accordance with committee report on FY2002 National Defense Authorization Act. States that a planned reduction in DPMO personnel levels of 15% “would be imprudent.” H.R. 4546 reported favorably by House Armed Services Committee (H.Rept. 107-436) on May 3, 2002. Passed House May 9, 2002, 359-58, Recorded Vote No. 158. **Senate Action.** National Defense Authorization Act for FY2003. Reported favorably by Senate Armed Services Committee (S.Rept. 107-151) on May 15, 2002. Amendment by Senators Ben Nelson and Roberts (S.Admt. 4101) adopted by voice vote, June 26, 2002 (*Congressional Record*, June 26, 2002: S6079-85). Sec. 1035: Requires reports on efforts to resolve whereabouts and status of Captain Michael Scott Speicher, USN. Requires the Secretary of Defense to report to Congress, no later than 60 days after enactment and every 90 days thereafter, on efforts of the U.S. government to determine whereabouts and status of Capt Speicher. Such reports to include information on (1) any contacts with Iraq related to Speicher; (2) any requests made to any other country regarding Speicher; (3) each current lead and assessments of such leads regarding Speicher’s status; and (4) any work with nongovernmental/international organizations regarding Speicher’s status and/or recovery. Passed Senate June 27, 2002, 97-3, Rollcall Vote No. 165. **Conference Action.** Conference version reported November 12, 2002, H.Rept. 107-772. Sec. 551: Adopted House version regarding DPMO staffing and funding levels with minor technical changes only. Sec. 583: Adopted Senate version regarding status of Captain Speicher, amending it to (1) change the dates specified to 90 days and 120 after enactment, (2) provide that the reports would cease upon a final determination as to Captain Speicher’s status, and (3) minor clarifying amendments. House approved conference report November 12, 2002, and Senate approved November 13, clearing measure for the President. Signed into law December 2, 2002 (116 Stat. 2458 et seq).

FOR ADDITIONAL READING

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