

# 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 (and in one case after) the Cold War. While few people familiar with the issue feel that any Americans are still being held against their will in the 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 mismanagement of the issue.

Normalization of relations with Vietnam exacerbated this longstanding debate. Normalization’s supporters contend that Vietnamese cooperation on the POW/MIA issue has greatly increased. 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. 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, only one live American military prisoner remained in Indochina after the war (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 num-

ber 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 end of World War II, the Korean War, and “Cold War shootdowns” of U.S. military aircraft may have been taken to the USSR and not returned. The evidence about POWs from Vietnam being taken to the Soviet Union is more questionable. There is also evidence that Navy pilot Scott Speicher, shot down on the first night of the 1991 Persian Gulf War, and until recently listed as “killed in action” rather than “missing in action,” was almost certainly captured by the Iraqis. Information about his fate has not yet been discovered by U.S. and coalition forces in Iraq. All eight American soldiers captured by the Iraqis during the war that began March 19, 2003, and in which “major combat operations” had ended by May 1, were returned to U.S. control; all others ever listed as MIA were redesignated as killed in action due to recovery of their remains. No more Americans became POWs until April 9, 2004, when one American soldier was captured by enemy Iraqi insurgents. There has been no word about his fate since his POW status was confirmed by DOD on April 23; reports of his death that surfaced in late June have not been confirmed. A U.S. Marine who was first discovered to be missing from his unit on June 19 was returned to U.S. control in Lebanon in July 8. Allegations that he had deserted rather than being captured against his will remain unproved (he has denied such allegations), and the entire matter is still under investigation by U.S. military authorities.

## **MOST RECENT DEVELOPMENTS**

On October 6, 2004, the military commander of the Iraq Survey Group testified before the Senate Armed Services Committee that it had “exhausted all in-country leads regarding the fate of” Captain Michael Scott Speicher, USN, a Navy pilot shot down on the first night of the 1991 Persian Gulf War whose fate, including the strong likelihood that he was captured by the Iraqis, remains unclear. However, the Survey Group commander also stated that some leads could not be fully investigated due to possible danger from enemy insurgent action. On October 8, 2005, the FY2005 National Defense Authorization Act (NDAA) (H.R. 4200, 108<sup>th</sup> Congress) was reported out of conference. Section 582 of the bill mandates that Defense Prisoner of War/Missing Personnel Office (DPMO) staffing and funding levels be maintained at FY2003 levels, and that GAO study the adequacy of DPMO resources in light of its mission.

## **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 summarizes POW/MIA matters and controversies related to post-Cold War U.S. military operations, particularly the 1991 Persian Gulf War and the Iraq war that began on March 19, 2003. 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, such as 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. The data in both tables, and that in **Table 3**, also below, are not necessarily compatible in detail; such statistical comparisons always include mutually irreconcilable figures that preclude precise interchangeability of data.

**Table 1. U.S. POWs, World War I (1917-1918)  
through the Iraq War (2003-Present)**

	Total	WWI 1917- 1918	WWII 1941- 1945	Korea 1950- 1953	Vietnam 1961 -1973	Persian Gulf 1991	Somalia 1992- 1994	Bosnia 1995- Present	Kosovo 1999- Present	Afghan- istan 2001- Present	Iraq 2003- Present
Captured & Interned)	142,233	4,120	130,201	7,140	725	23	1	0	3	0	10
Returned to U.S. Military Control	125,208	3,973	116,129	4,418	661	23	1	0	3	0	9
Refused Repatriation	21	0	0	21	0	0	0	0	0	0	0
Died while POW	17,004	147	14,072	2,701	64	0	0	0	0	0	0
Still officially held by enemy forces	0	0	0	0	0	0	0	0	0	0	1*

**Sources:** All data except for Iraq from Stenger, Charles A., Ph.D. *American Prisoners of War in WWI, WWII, Vietnam, Persian Gulf, Somalia, Bosnia, Kosovo, and Afghanistan: Statistical Data Concerning Numbers Captured, Repatriated, and Still Alive as of January 1, 2003*. Prepared for the DVA [Department of Veterans Affairs] Advisory Committee on Prisoners of War. Mental Health Strategic Care Group, VHA [Veterans Health Administration], [by] the American Ex-Prisoners of War Association. Iraq data obtained from DOD documents and press releases, and regular press reports.

\*Reports of the death of this POW, first listed as missing on April 9 and confirmed as a POW on April 23, have not been confirmed, he is still listed as captured by U.S. military authorities..

**Table 2. Americans Unaccounted For,  
World War I through the Korean War**

<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 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 (South Vietnamese Communist; the so-called "National Liberation Front") authorities returned 591 POWs to U.S. control within the specified two-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 734 Americans have been returned from Vietnam (511), Laos (192), Cambodia (28), and China (3) since the war ended on January 27, 1973. Of the 1,849 still listed as unaccounted for, DOD is still actively seeking to recover the remains of 1,186. DOD believes that, based on currently available information and its analysis, it will be unable to ever recover the remains of the other 663. 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.

**Vietnam POW/MIAs: U.S. Government Policy and Organization.** Since 1982, the official U.S. position regarding live Americans 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.”

**Table 3. Americans Unaccounted for in Southeast Asia**  
(as of September 23, 2004)

Service	Country of Loss					Total
	N. Viet.	S. Viet.	Laos	Cambodia	China	
Army	9	459	97	24	0	589
Navy	263	90	19	0	7	379
Marine Corps	22	188	16	8	0	234
Air Force	197	161	237	18	0	613
Coast Guard	0	0	0	0	0	0
Civilians	1	20	8	5	0	34
<b>Total</b>	<b>492</b>	<b>918</b>	<b>377</b>	<b>55</b>	<b>7</b>	<b>1,849</b>

**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 1,849 personnel includes 468 lost at sea or over water.

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 (CIL-HI) 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 September 23, 2004, according to DOD, 22,519 reports "possibly pertaining to Americans in Southeast Asia" have been acquired by the U.S. government, including 1,956 alleged first-hand sightings. Of the 1,956, fully 1,942 (99.28%) have, according to DPMO, been resolved. More specifically, 68.56% (1,341) correlate with persons since accounted for (i.e., returned live or known dead); another 28.43% (556) have been determined to be fabrications; and 2.30% (45) correlate to wartime (pre-mid 1975) sightings of Americans, either military or civilian. The remaining 14, or 0.72%, involve sightings of Americans in either a captive (13) or non-captive (1) environment, and "represent the focus of DPMO analytical and collection efforts." Of the 14, 11 were reported to have occurred prior to 1976; two between 1976 and 1980; and one 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. For several years, the Vietnamese have allowed U.S. personnel some access to their government archives and permitted some interviews with senior Vietnamese military leaders from the war. This increased access, however, has not yet led to large numbers of Americans being removed *en masse* from the rolls of people who are unaccounted for (between September 3, 1991 and September 23, 2004, the total number dropped by 422, from 2,271 to 1,849, or about 32 per year). Much of the material or information obtained in Vietnam has turned out to be redundant, already in U.S. hands, or pertaining to resolved cases. In addition, DPMO has stated that a "Vietnamese Government disinformation program has been associated with recent reporting on missing Americans. Those reports all pertain to the alleged recovery of remains and identifying data (i.e., dog tags) by Vietnamese citizens." [Cited in recent editions of the *Vietnam-Era Unaccounted For Statistical Report of the DPMO*, located at the DPMO website.]

Some involved with the POW/MIA issue argue that Vietnamese cooperation on the POW/MIA issue has actually been spotty and uneven at best, arguing that the U.S. government has tended to equate activity with results and resource inputs with true outputs in terms of the fate of unaccounted-for Americans. They suggest that the true cost of *all* U.S. military and diplomatic activities associated with post-Vietnam War POW/MIA-related



activities is much higher than stated DPMO budget outlays of approximately \$15 million yearly, perhaps as much as \$50-100 million yearly. They allege that Vietnam and North Korea charge extraordinarily high fees for providing support to DPMO/JTF-FA operations, such as 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.

During June and July of 2004, Assistant Secretary of Defense (POW/Missing Personnel Affairs) Jerry Jennings and his staff completed two sets of talks with Vietnamese officials, including the Deputy Prime Minister of Vietnam, which were characterized as resulting in “clear and concrete positive steps” on POW/MIA matters from the Vietnamese. The latter agreed to greater access to Vietnamese Defense Ministry archives and discussions with “senior wartime Vietnamese leaders;” preparations for underwater POW/MIA search and recovery operations; access to the southern Vietnamese Central Highlands, where many U.S. military operations took place and which had been previously closed to foreigners due to “sporadic local unrest” against the Vietnamese Communist government; and participation in a regional, U.S.-hosted Indochinese POW/MIA conference in late July 2004. In return, the United States furnished Vietnam with “hundreds” of documents related to Vietnamese dead and missing from the war.

**U.S. Policy and the Remains Issue.** As noted above, DPMO believes that of the 1,849 Americans listed as unaccounted for as of September 23, 2004, 663 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? However, the number of cases listed for “No Further Pursuit” DPMO dropped from 659 to 657 in early March 2004, indicating that, even though DPMO thought that these two individuals would never be able to be proved as conclusively dead by the identification of remains, such identification was in fact possible. However, in July 2004, the “No Further Pursuit” category increased to 663, indicating that even more cases were unresolvable. So the issue remains fluid and uncertain.

### **Congress and the POW/MIA Issue, 1993-2004 (FY1994-FY2005).**

**2004 (FY2005) Congressional Action.** The conference version of the FY2005 National Defense Authorization Act (NDAA), H.R. 4200, 108<sup>th</sup> Congress, reported October 8, 2004, includes a provision (Sec. 582) which would require DOD to maintain the number of military and civilian personnel in the DPMO at 46 and 69, respectively, and the FY2005 budget at \$16.0 million, those levels in effect in FY2003. It also requires the GAO to study the adequacy of DPMO funding and personnel levels in relation to the missions it has to perform. This provision appears to have been engendered by congressional concern over DOD efforts to decrease the resources allocated to the DPMO, both personnel and funding. This provision essentially incorporates the House version of the bill, with some minor changes; the Senate version included no similar provision.

**2003 (FY2004) Congressional Action.** Section 588 of the FY2004 National Defense Authorization Act (P.L. 108-136, November 24, 2003; 117 Stat. 1392) expressed

the sense of the Congress that the United States should aggressively pursue the case of MIAs, with particular reference to Speicher, and authorized a \$1 million reward to individuals who provide information leading to the resolution of the Speicher case and others (see below, “A Persian Gulf War POW/MIA Case”).

**2002 (FY2003) Congressional Action.** The FY2003 National Defense Authorization Act (P.L. 107-314, December 2, 2002; 116 Stat. 2458), included two provisions related to POW/MIA matters. Section 551 prohibited DOD from reducing personnel or budget levels of the DPMO (this appears to have resulted from planned reductions of at least 15% in the size of the DPMO staff as part of a general effort to reduce headquarters staffs). Section 583 required the Secretary of Defense to submit a comprehensive report on the Speicher case (see below, “A Persian Gulf War POW/MIA Case”) to Congress within 60 days after the bill became law.

**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.

### **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. Frequently, people holding this view suggest that throughout the 1970s, in the bitter and sour aftermath of the Vietnam War, there was a lack of will in the government, which reflected that of the country as a whole, to continue investigating the POW/MIA issue. They posit that this contributed to “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.

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.

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 appear to appreciate the repressive nature of totalitarian communist regimes — that the Vietnamese *could* have opted to keep some Americans. They just feel that their examination of the evidence indicates that they did not. 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; four have been identified as American. In addition, 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.

In June 2004, Assistant Secretary of Defense (POW/Missing Personnel Affairs) Jerry Jennings conducted two days of talks with Laotian and Cambodian officials that were announced as leading to increased cooperation on POW/MIA matters. These are planned to include increased access to material in Laotian archives and increased participation by both Laos and Cambodia in regional Indochinese POW/MIA consultations and exchanges of information.

## 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 Russia/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, probably much more by the North Koreans and Chinese than Russia.

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 1950s or 1960s are known to be alive. In recent years, an issue regarding one such defector has arisen involving not only North Korea and the United States, but Japan. The Japanese wife — herself kidnapped by North Korean agents many years ago — of a U.S. Army deserter who defected to the North in 1965 was recently returned to Japan. She, and the Japanese government, requested that the United States allow the deserter, Charles Robert Jenkins, to leave North Korea with the couple's two children, and join his wife in Japan, without prosecuting him for desertion. Jenkins was allowed to leave North Korea on July 9 for Indonesia and thence to Japan. Since July 15 he has been hospitalized in Tokyo. The U.S. government has not yet stated what action, if any, it plans to take regarding Jenkins. In mid-August 2004, both Jenkins and another U.S. soldier who was still living in North Korea after defecting in 1962 confirmed that two other U.S. soldiers who defected in 1962 and 1963 had since died of natural causes.<sup>1</sup>

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

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<sup>1</sup> Hoo, Stephanie. "British film crew finds 1962 U.S. defector in N. Korea," *Army Times.com*, Aug. 16, 2004, downloaded Aug. 17, 2004; "Two former soldiers died in N. Korea, Jenkins says," *Army Times.com*, Aug. 11, 2004, downloaded Aug. 12, 2003.

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 27 visits to North Korea that have resulted in some additional information and the return of 190 remains, of which 14 have been identified positively as Americans.

In November 2003, U.S. and North Korean negotiators, meeting in Bangkok, Thailand, concluded discussions arranging for five further joint recovery operations on North Korean soil to be held in 2004. On February 12, 2004, the Department of Defense (DOD) announced that agreement had been reached with North Korea, in negotiations held in Bangkok, Thailand, “to improve markedly several areas of cooperation in operations to recover the remains of American soldiers missing in action from the Korean War.” These areas related primarily to logistical support and administration of the search operations [in particular, remains and supplies will be allowed to move across the Demilitarized Zone (DMZ) separating the two Koreas, rather than having to move by air], and the issue of live Americans remaining in North Korea. Therefore, the first 2004 joint recovery operations, which began in April, took place amidst an improved climate of cooperation with the North Koreans. On July 1, remains, believed to be those of an American soldier missing in action near the Changjin Reservoir in North Korea since December 1950, were returned to U.S. control.

There has been some controversy about the payments the U.S. has made to North Korea for POW/MIA-related search activity. Since 1993, DPMO has paid North Korea about \$15 million for recovery operations; “as with joint recovery operations in Vietnam, Laos, and other countries, the payments are calculated by negotiating the compensation provided for the workers, materials, facilities, and equipment provided by” the North Koreans. Payment is made in cash, literally, containers of U.S. paper currency, throughout the year, as the joint recovery operations take place. Some have alleged that the sums are a form of disguised subsidy and provide little benefit, in terms of remains found, for the amount North Korea charges, although it may be that the extremely austere conditions in North Korea make any sort of operations there difficult and expensive by American standards.

For further information, see CRS Report RL31785, *U.S. Assistance to North Korea*.

## POWs and MIAs from Cold War 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.

After the Cold War ended in 1989-1991, the United States began to receive substantial Russian cooperation about Soviet involvements in Cold War shootdowns. In addition to voluminous archival materials, some remains have been recovered. The first were returned to U.S. control in 1994, when U.S. and Russian investigators found the remains of a U.S. 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. In September 1998, remains from a U.S. plane shot down by the Soviets over Armenia in 1958 were buried in Arlington National Cemetery; some had been returned in 1958, and others had been gathered during U.S. POW/MIA recovery operations in Armenia in 1993. However, there is little doubt that the Russians have not released all available information, due to varying levels of obstructionism by Russian officials still sympathetic to communism and the former Soviet Union.

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 that these were permanent abductions. There is no question that numerous West Germans were kidnapped by Soviet and East German intelligence agencies in the late 1940s and early and mid-1950s.<sup>2</sup>

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<sup>2</sup> See Smith, Arthur L., Jr. *Kidnap City: Cold War Berlin*. Westport, CN, Greenwood Press, 2002.

## Post-Cold War POW/MIAs

The Iraq war that began on March 19, 2003, provides the most recent illustration that the POW/MIA issue is not merely one of historical interest. Congressional concerns over Americans unaccounted for during the Cold War have been an integral component of the discussion about how to account for Americans missing or captured since then. The largest conflicts since the Cold War began to end in 1989 were the two wars with Iraq.

### The Persian Gulf War of 1991 (Operations Desert Shield and Desert Storm)

A total of 49 American military personnel were initially listed as missing in action during the Persian Gulf War. Of these, 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. However, the status of one of the latter 13 was changed back to MIA in January 2001, based on evidence that he may have survived and been captured, as discussed below.

**The Speicher Case.** On January 10, 2001, the Navy changed the status of Lt. Cdr. Michael Scott Speicher from KIA to MIA. Speicher was the first U.S. pilot shot down during the Persian Gulf War, on the night of January 17, 1991. His body was never recovered. There is no doubt his aircraft was shot down and crashed in Iraq about 150 miles southwest of Baghdad. Issues include 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.

A joint DOD/CIA report prepared at the request of the Senate Select Committee on Intelligence, and first publicized in 2001, stated that *“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. The FY2003 National Defense Authorization Act (P.L. 107-314, December 2, 2002; 116 Stat. 2458) required the Secretary of Defense to begin submitting periodic reports on the Speicher case to Congress within 90 days after the bill becomes law. DIA has stated that, as with Vietnam War reports about live Americans, it has been receiving such accounts about Speicher several times a year. In addition, as noted above, the FY2004 National Defense Authorization Act contains a provision, and accompanying report language, expressing the sense of the Congress to aggressively pursue the case of MIAs, with particular reference to Speicher, and authorizes a \$1 million reward to individuals who provide information leading

to the resolution of the Speicher case and others. Significantly, the occupation of Iraq by U.S. and other coalition forces since March 2003, has not, so far, led to more substantive information about the Speicher case. Press reports indicate that various prewar aspects of the case, which U.S. intelligence organizations have pursued since the occupation of Iraq began, have provided no significant leads on Speicher's fate.<sup>3</sup> The Iraq Survey Group headed by Charles Duelfer, whose primary mission was to investigate the issue of weapons of mass destruction (WMD) in Iraq and recently reported to the Congress on its findings, also investigated the Speicher case. On October 6, 2004, the military commander of the Iraq Survey Group testified before the Senate Armed Services Committee that "the Speicher team exhausted all in-country leads regarding the fate of Captain Speicher." However, he also stated that some leads could not be pursued due to the security threat to team operations posed by the Iraqi insurgency.<sup>4</sup>

## The 2003 Iraq War: POW/MIA Matters

On April 13, 2003, the seven remaining American soldiers known to have been captured by the Iraqis since the war began on March 19 were recovered by U.S. troops. An eighth was rescued by U.S. special operations forces on April 1 (this was the widely reported case of Army PFC Jessica Lynch). A maximum of 21 U.S. military personnel were listed as MIA during the initial stages of the war. On April 28, 2003, DOD announced that the remains of the last remaining American listed as MIA at that time had been positively identified. There was clearly some mistreatment and abuse of the POWs, but it is not yet clear if it was as systematic and brutal as the torture inflicted on virtually all U.S. and Coalition POWs by Iraq during the 1991 Persian Gulf War. It was reported, shortly after their recovery in April 2003, that the bodies of five American soldiers, and Iraqi TV images of the bodies of two British soldiers, suggested that they had been killed after capture. However, there has been no further discussion of this issue in the public press since the spring of 2003.

On April 9, 2004, an American soldier was captured by Iraqi insurgents. He is the first prisoner taken by the enemy in Iraq since the eight captured in the early part of the war were liberated by U.S. forces in April 2003. Although there were rumors in late June that he had been killed, these reports were not confirmed and have since died down; U.S. officials say they have no reason to think he is not still a POW.

On June 19, a U.S. Marine of Lebanese extraction was determined to be absent from his unit in Iraq; he was declared missing on June 21 and classified a POW on June 28. There has been some speculation that he deserted (and was turned over to enemy forces by Iraqis who helped him desert and promised to assist him in traveling to relatives in Lebanon), but there has been no official statement to this effect. On July 9, he turned up at the U.S. Embassy in Beirut, Lebanon, denied that he had deserted, and stated that he had in fact been taken prisoner and held against his will. He was later taken to U.S. military hospital facilities

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<sup>3</sup> See, for example, Scarborough, Rowan. "U.S. team concludes Navy pilot died in Gulf war," *Washington Times*, July 22, 2004: A3.

<sup>4</sup> "No Clues to Fate of Missing Pilot," AP Story downloaded from [[http://www.military.com/NewsContent/0,13319,FL\\_pilot\\_100704.00html?ESRC=eb.nl](http://www.military.com/NewsContent/0,13319,FL_pilot_100704.00html?ESRC=eb.nl)] on October 8, 2004. This is an unofficial, commercial military news website oriented toward concerns of military personnel.



in Germany and then returned to the United States. He has since been released from hospitalization and is assigned to and working at a Marine Corps base in the United States. The results of investigations as to the exact circumstances surrounding his absence have not been publicly released, or even speculated on by the press to any appreciable extent, since he was returned to U.S. custody on July 9.

## **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.

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 investigating these issues has obtained a good deal of information. However, as was noted above in the section on Cold War shootdowns and similar incidents, there has been considerable hesitancy and obstruction of the Commission's work by officials still sympathetic to communism and the former Soviet regime. See also the DPMO website [[http://www.dtic.mil/dpmo/special/gulag\\_study.htm](http://www.dtic.mil/dpmo/special/gulag_study.htm)].

On April 13, 2004, U.S. and Russian historians and archivists began a three-day meeting at the National Archives and Records Administration in College Park, MD, with the stated purpose of improving U.S.-Russian cooperation in using those archives to obtain information about any U.S. military personnel removed to the former Soviet Union during the Cold War (1946-1991). "The conference will examine issues of declassification of military and political documents; technical aids to improve the operation of a modern [Russian] archive; Korean and Vietnam War documents held in Russian archives; and other issues of importance to the American effort to account for missing U.S. servicemen."<sup>5</sup> These meetings were followed by talks held during September 20-22, 2004, between Deputy Assistant Secretary of Defense (POW/Missing Personnel Affairs) Jerry Jennings and Russian officials in Moscow regarding U.S.-Russian cooperation on POW-related matters of both countries. This latter meeting, while having no negative connotations whatsoever, seems to have been

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<sup>5</sup> *U.S. POW/MIA Office Hosts Russian Archivists*. Department of Defense News Release 311-04. April 12, 2004.

more of a routine affair than one designed to announce major new initiatives in U.S.-Russian POW/MIA cooperation.

## **FOR ADDITIONAL READING**

Defense POW/Missing Personnel Office. Extensive statistical breakdowns, lists of individuals, and studies and analyses on POW/MIA matters from World War II to the present. [<http://www.dtic.mil/dpmo>]

Keating, Susan Katz. *Prisoners of Hope*. New York, Random House, 1994. 276 p.

Nenninger, Timothy K. "United States Prisoners of War and the Red Army, 1944-45: Myths and Realities." *The Journal of Military History*, July 2002: 761-82.

Swift, Earl. *Where They Lay: Searching for America's Lost Soldiers*. Boston, Houghton Mifflin Co., 2003. 307 p.

U.S. Congress. Senate. Select Committee on POW/MIA Affairs. *POW/MIA's. Report*. January 13, 1993. Washington, U.S. Govt. Print. Off., 1993 (103rd Congress, 1st session. S.Rept. 103-1). 1223 p.

Yarsinske, Amy Waters. *No One Left Behind: The Lt. Comdr. Michael Scott Speicher Story*. New York, Dutton/Penguin Putnam, Inc., July 2002. 292 p.

## **CRS Products**

CRS Report RL30606. *U.S. Prisoners of War and Civilian American Citizens Captured and Interned by Japan in World War II: The Issue of Compensation by Japan*.

CRS Issue Brief IB98033. *The Vietnam-U.S. Normalization Process*.