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US ARMY PRISONER OF WAR DOCTRINE REPORT

Doctrine For Captured/Detained United States Military Personnel, Short Title: USPOW

ACN 15596, March 1972

United States Army Combat Developments Command, Special Operations Agency

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MARCH 1972

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ACN 15596

**DOCTRINE FOR CAPTURED/DETAINED UNITED STATES
MILITARY PERSONNEL (U)**

(Short Title : USPOW (U))
FINAL STUDY

VOLUME IV

MAIN REPORT

APPENDIX K, POLICIES AND PROCEDURES OF OTHER US ARMED SERVICES
APPENDIX L, ROLE OF PRIVATE AND INTERNATIONAL ORGANIZATIONS
APPENDIX M, COORDINATION

**UNITED STATES ARMY
COMBAT DEVELOPMENTS COMMAND
SPECIAL OPERATIONS AGENCY**



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APPENDIX K.

~~(C-NF)~~ POLICIES AND PROCEDURES OF OTHER US ARMED SERVICES (U)

1. (U) GENERAL. The purpose of this appendix is to provide a description of the programs pertinent to doctrine for captured/detained military personnel, which are currently being carried out by the other Armed Services and the CIA. These programs are reviewed here to establish yardsticks against which the efficiency and comprehensiveness of the Army's programs could be measured. In those areas where there are no comparable Army programs, or where the salient points appear valuable, such programs or parts thereof were considered for adoption by the Army. A comparative analysis is conducted between the other Service programs and those in the Army whenever such comparison is possible. Where no comparable program exists, only the essential elements of the other Service programs are discussed. The three phases of internment are covered. Each phase is covered as an annex to this appendix and presented in the following order:

a. Pre-Internment Phase: (See Annex I)

(1) Code of Conduct position:

- (a) US Navy.
- (b) US Air Force.
- (c) US Marine Corps.

(2) Resistance Training:

- (a) US Navy.
- (b) US Air Force.
- (c) US Marines.
- (d) Central Intelligence Agency.

b. Internment Phase: (See Annex II)

- (1) US Navy.
- (2) US Air Force.
- (3) US Marine Corps.

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or services are joint doctrine, and, as such, align the programs of the four Services. The primary difference between the other Services and the Army is that they publish a guide to services/benefits to the NOK of personnel in MIA/PW status. This manual also serves as a guide to the family assistance officers assigned to aid the NOK.

d. (U) The other Services have published EGRESS RECAP Operations Plans, which comprehensively cover all aspects of the return of USPW's from the Southeast Asia conflict. The Army counterpart to these OPLANS is AR 190-25, which is less comprehensive and places greater reliance on subordinate commands to implement the general guidance.

ANNEX I - Other Service Pre-Internment Phase Programs.
ANNEX II - Other Service Internment Phase Programs.
ANNEX III - Other Service Postinternment Phase Programs.

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ANNEX I

~~(S)~~ OTHER SERVICES PRE-INTERMENT PHASE PROGRAMS (U)

1. (U) GENERAL. The purpose of this annex is to demonstrate the attitudes and established programs of the other Services in regard to preparing their members for captivity.

2. ~~(S)~~ INTERPRETATIONS OF THE CODE OF CONDUCT:

a. ~~(S)~~ US Navy:

(1) (U) The Pueblo incident fostered a reassessment of the Navy's policy in regard to the Code of Conduct. An inquiry designed to evaluate the Navy's training programs indicated that "uncertainty and doubt still persist in the minds of some of our people."¹ To reduce the effect of individual interpretations of the Code, the Navy Department consolidated its statements pertaining to the Code and published these as "Navy Policy."² This policy was recommended to the Secretary of Defense "for adoption as the Department of Defense position" on the Code.³

(2) (U) The Navy's position on the Code was delineated in a series of three paragraphs. This position included several modifying statements in a subsequent section. The basic policy states:

1. The Code of Conduct represents a formal expression of the standards of military conduct understood and accepted by most countries for centuries. It serves as a guideline to be followed by all members of the armed forces, particularly when in a captured or detained status.

2. It is a professional and inspirational rather than a penal code. Failure to live up to the full extent of its obligations is not a criminal offense. Adequate authority exists under the Uniform Code of Military Justice for those malfeasances which

¹ Officer Personnel Newsletter, NAVPERS-15892, Volume 14, Number 1 (July 1969), p. 3.

² "Navy Policy on the Code of Conduct," COMNAVAIRPACINST 03305.3A, NAVAIRPAC 36-(6 Jan 70), Inclosure 4. Except where otherwise noted, the statements on the Navy's Code policy are based on this document.

³ Officer Personnel Newsletter, op. cit.

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can properly be termed criminal acts. Should a serviceman engage in actions punishable under the UCMJ, he may be prosecuted under the statute, but not under the Code of Conduct.

3. It is recognized that inhuman treatment and the application of psychological techniques have succeeded in individual cases in forcing involuntary departures from the standards set forth by the Code, and can be expected to do so in the future. Notwithstanding these past and possible future departures, it would be unwise to officially advocate voluntary departures for any reason. The individual must be expected to adhere to both the spirit and the letter of the Code of Conduct to the full extent of his physical, mental and moral resources. The wisdom of this view of the Code of Conduct has been confirmed by former captives in Southeast Asia who found it a source of strength in situations of severe duress.

(3) (U) These qualifying statements proposed by the Navy reduce the rigidity of adherence to these tenets. There is concern with making the Navy program of "training and administration of the Code . . . more responsible." The principal issue is the question of prisoner/captor communication. The Navy policy provides some additional guidance.

Since the matter of going beyond name, rank, serial number and date of birth during interrogation has been the center of most of the controversy (surrounding the Code of Conduct), we must acknowledge that certain additional information might be divulged by the prisoner without fear of undue compromise or disclosure. However, from a tactical standpoint, it is considered most unwise for the prisoner to depart voluntarily from the secure base of name, rank, and serial number during the interrogation or captivity period. To advocate otherwise would leave the man completely on his own to exercise clever discretion under highly unusual and adverse circumstances. In short, simple and unequivocal standards are needed to sustain and buttress the man during captivity. This is the basic approach now being taken in our survival school training and should be understood and adhered to throughout the Navy.

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(4) (U) The program of instruction at the US Navy Survival, Evasion, Resistance, and Escape (SERE) Schools at North Island Naval Air Station, California, and Brunswick Naval Air Station, Maine, modifies the Code's position to a great extent. The SERE schools' interpretation of the Code is significant since these facilities are concerned with the preparation of Naval personnel for the possibility of capture.

(5) ~~(C)~~ The Code of Conduct training at the North Island training facility is highly realistic and demonstrates a flexible approach to the Code. The theme of the instruction, from lectures to the Resistance Training Laboratory, underscore the idea that strict adherence to name, rank, serial number, and date of birth is not only impractical but impossible without risking mental and physical harm. The SERE school recognizes the importance of individual judgment regarding application of the tenets of the Code. By its reference to the Code as a professional military ethic, the SERE school encourages the student to develop and maintain personal resistance concepts, complementing his personality and physical capacity, yet retaining the notion that the Code is a foundation for honorable performance.

b. ~~(C)~~ US Air Force:

(1) ~~(C)~~ The policy of the Air Force was revealed in a letter from the Department of the Air Force in February 1969. This letter was in response to "correspondence from the major commands (which) reflected some uncertainty concerning the application and purpose of the Code of Conduct."⁴

(2) ~~(C)~~ The expression of the Air Force's policy is similar to that of the Navy. The tenets of the Air Force policy are:

2. The standard of conduct prescribed by the Code is a formalization of the basic obligations of a member of the United States Armed Forces to his country, his service and his comrades. These obligations are traditional and would be effective irrespective of the promulgation of a formal Code of Conduct. The Code provides a unified and purposeful standard of conduct which not only serves the nation, but also best serves the individual serviceman. Its precepts provide the best guide to counteract the conditions of captivity.

⁴ GEN John D. Ryan, USAF, "Code of Conduct," Letter from the Office of the Chief of Staff, USAF (12 February 1969), paragraph 1, p. 1.

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3. Uncertainty concerning the Code of Conduct results from a tendency to judge PW behavior vis-a-vis the Code. Such judgments are inappropriate and moreover are irrelevant when considering guidance on expected behavior. The Code of Conduct is not nor was it ever intended as a means for judgment. It is not a vehicle for enforcement. The several precepts of the Code are phrased deliberately in the first person as a personal standard for the individual. Viewed as a set of principles to serve as a personal guide and standard of expected behavior, the Code provides direction and guidance which can be retained under conditions of stress. Where a judgment of behavior may be indicated, such judgments are not made against the precepts of the Code of Conduct. There is, in fact, no arbitrary standard against which behavior is judged. All of the circumstances of captivity are considered on an individual basis. The individual who adheres to the Code to the utmost of his ability can be assured that behavior as a prisoner will be considered with justice and understanding.

4. The needs of duty, discipline, command, and leadership within the United States Air Force are such that the Code of Conduct remains a basic obligation of airmen. An effort is required to resolve uncertainties concerning the Code, to strengthen it, to give it more meaning to the individual, and to help assure its viability and perpetuation as an inspirational Code for the military man. These objectives can be achieved by instilling in each individual a determination to apply the Code, understanding fully that its precepts represent his basic obligations to country and at the same time serve best his own interests.

5. Care must be exercised to avoid misleading individuals into believing that actions while a prisoner are not punishable at all. A prisoner remains subject to the Uniform Code of Military Justice and other applicable directives. Captive status does not change this, and an act that is an offense under the Uniform Code of Military Justice is neither condoned nor rendered unpunishable because that act is also within the purview of the guidance of the Code of Conduct.

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(3) ~~(C)~~ Subsequent to the dissemination of this policy, Air Force training units experienced difficulty in implementing the provided guidance. In response to a query from the 3636th Combat Crew Training Group, a Memorandum for Record was circulated to clarify the Air Force's policy.

The directive (i.e., 1300.7) is considered to provide adequate guidance and sufficient flexibility to permit effective Code of Conduct training for situations of captivity. However, a training problem can arise if there is insufficient emphasis on the varying circumstances of captivity and the guidance provided in recognition of difficult circumstances.⁵

(4) ~~(C)~~ This Air Force Memorandum for Record stated policy in regard to prisoner/captor communications and Article V of the Code:

It is necessary to acknowledge that there may be circumstances, as in Southeast Asia, in which an individual would find it humanly impossible to adhere strictly to name, rank, service number and date of birth during interrogations. In recognition of such circumstances, Article V states: ". . . I will evade answering further questions to the utmost of my ability." The discussion of Article V contained in DOD Directive 1300.7 also recognizes such circumstances.⁶

(5) This memorandum also provided a statement on the effect of duress upon prisoner/captor communications.

Under duress, there is no prohibition to responses beyond name, rank, service number and date of birth which are consistent with the guidance in DOD Directive 1300.7. Such responses must be based upon the individual's judgment and the circumstances with which he is faced: he is responsible for his responses to insure that they do not compromise the basic intent of the Code of Conduct.⁷

⁵ LTC Vincent A. DiMauro, MFR on "Code of Conduct Training," (2 September 1970), paragraph 1, p. 1.

⁶ Ibid., paragraph 2.

⁷ Ibid., paragraph 3.

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(6) Air Force policy in regard to prisoner/captor communications is predicated upon the DOD Directive:

As it pertains to communication, the training guidance provided by DOD Directive 1300.7 specifies the necessity to adhere to name, rank, service number and date of birth during interrogations. However, the Code does not require inflexible adherence to this minimum of responses. The routine of existence in captivity requires additional communication. DOD Directive 1300.7 recognizes the necessity to communicate on matters of health, welfare, and camp administration. It further provides responses and techniques beyond name, rank, service number and date of birth which may be employed during interrogation.⁸

c. (U) US Marine Corps:

(1) The policy of the Marine Corps was consolidated and expressed subsequent to the Pueblo inquiry and related Congressional hearings. Although the Marine Corps statement professes traditional precepts and includes allusions to intangible virtues, the theme is unmitigated and unequivocal.⁹

The Code of Conduct constitutes a National affirmation of the standards of conduct traditionally expected of the American fighting men in the face of capture or detention by the enemy. In itself, it comprises no punitive authority. It does, however, establish a paragon which premises both guidance for and judgment of individual performance. It is one additional weapon, added to faith and courage, with which the individual must resist capture and exploitation by the enemy, and as such, is a source of strength.

There must be no disparity of opinion as to the meaning of the Code, for fear that it will create confusion and misunderstanding that will contribute to the already great burden of the individual; there must be no indecision as to the intent of the Code for fear that the weight of decision may be passed to the

⁸ Ibid., paragraph 4. See DOD Directive 1300.7 (July 8, 1964), Inclosure T, Section I, paragraph 3, p. 1.

⁹ "The Marine Corps Position on the Code of Conduct and Its Interpretation," AOIC-mjs-4, provides the major source for this section of the US Marine Corps statement in regard to the Code.

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individual who is ill-equipped to make it; there must be no dilution of our National heritage in application to the Code, for fear that other areas of military conduct will be subject to degeneration, or that the National interest will be subjugated in order to enhance the lot of the individual.

The Code of Conduct must be seen and applied from two points of view: one, the Code which announces its precepts to the world and its guidance to the military establishment, to the commander or the senior military man present, to the instructor and to the individual; the other, the Code which provides a basis of judgment of the performance of the commander, the senior or the individual. The two are not in conflict, because there must always be a place for judgment in retrospect, separate from design.

In the role of providing a guidance, the Code must predicate teaching in unmistakable language that the US fighting man will be depended upon to have a sense of conviction and dedication to the National cause exceeding that of our enemies, that he will give his life in defense of that cause, that he is responsible for his actions and is morally bound to adhere to the spirit and letter of the Code as long as he has the means and the power to do so. It must teach that there is no sanction for giving information however irrelevant, other than name, rank, serial number, date of birth, and the information required by the accepted Capture Card for prisoners of war; that there is no sanction for attempt at deceptive revelations or false confessions, or for aiding the enemy in any way however trivial.

In the role of providing a basis for judgment, it must be clearly and widely understood that the spectrum for deviation from the precepts of the Code of Conduct is as wide as human behavior itself, that each case of departure from the Code must be judged in the full light of its circumstances, that the individual must be spared from premature judgment and unjust defamation. In this connection, the effectiveness of mental and physical torture and other means of coercion must be recognized, as must be the reasonable assumption that

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each man possesses a different but fixed capability to resist these means. Failure to uphold the Code of Conduct itself (unless it also involves a punitive article of the Uniform Code of Military Justice) is no more a criminal offense than failure to uphold the Ten Commandments, or the rules of leadership, although it cannot fail to be considered in judgment of character.

The Marine Corps supported the Code of Conduct at its inception in 1955 and continues to support it today. The preponderance of our experience to date supports not only this position towards the adequacy of the Code as it is written but the interpretation outlined above. On the other hand, the Marine Corps has no objection to a review of the Code at the end of the Vietnam conflict and after all American prisoners of war have been returned to United States control. Furthermore, the Marine Corps would, at any time, wholeheartedly support a joint effort to review, and update and clarify the supporting documents of the Code of Conduct as may be necessary on the basis of such a review.

3. ~~(C-NF)~~ Resistance Training:

a. ~~(FOUO)~~ US Navy:

(1) (U) The Navy has a comprehensive program for instruction on Survival, Evasion, Resistance, and Escape (SERE). The Navy operates two facilities which conduct this training. The Pacific Fleet SERE training is conducted at North Island Naval Air Station, San Diego, California. The Atlantic Fleet is trained at the Brunswick Naval Air Station, Brunswick, Maine.

(2) ~~(FOUO)~~ SERE Training Programs:

(a) Two-Day Course:

1. A 2-day course is conducted for the "low risk of capture" personnel scheduled for overseas deployment. The course is academic and averages 100-300 students per week.

2. Classroom discussions include survival, escape, and rescue techniques which are "area oriented" to the theatre of deployment.

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The significance of the Geneva and Hague Conventions and the Code of Conduct is discussed during the course. The latter is reviewed in light of Communist prisoner of war management principles and the courses of action that can be taken to reduce their effect. It is during this discussion that the Navy's liberalization of the adherence to name, rank, serial number, and date of birth (the Big Four) is presented to the trainees.

3. This 2-day course is a "cram course" aimed at providing the essential information to sailors with remote likelihood of being captured.

(b) Five and One-Half-Day Course:

1. The 5 1/2-day course is a combined academic/field exercise which provides instruction on techniques of evasion and resistance to exploitation. The students are "high risk personnel" i.e., attack pilots, navigators, SEALs, riverine forces and personnel of the Pueblo category. The course is designed for 100-125 students per week.

2. The first 2 days of the course are spent in classroom training on Code of Conduct, Geneva and Hague Conventions, PW rescue apparatus, construction of survival shelters, traps and snares, primitive medicine, first aid, and identification of edible flora and fauna.

3. The night of the second day, the students are taken to the seashore where they fish and/or trap shellfish for their dinner. Recognition that what is caught may have to sustain them for the next 3 days provides impetus to the students' efforts.

4. The students spend the third and fourth days in the mountains where they are required to survive on their ingenuity. They eat only what they can catch and are harassed continuously by "aggressor" patrols.

5. The fifth day and a half of the sixth constitute the evasion and resistance to exploitation phase. On the morning of the fifth day the students are collected and placed on a predetermined evasion course which they must traverse without being captured by aggressor search parties. All students are ultimately "captured" and from that point begins a unique training experience entitled the "Resistance Training Laboratory."

a. The objective of the Resistance Training Laboratory (RTL) is to provide the captured student a chance to survive

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with his honor and dignity intact. The RTL is a dramatization of a prisoner of war camp wherein school personnel portray the ruthless captor.

b. The students are subjected to controlled physical abuse which is sufficient to prevent the student from mentally "drifting out of the problem." All abuse is conducted in the presence of a medical officer and safety is the first and foremost consideration. Examples of stress applied are: Water Board (student is strapped to a board and with a soaked rag over his face, water is poured on his nose and mouth--the effect is one of drowning and is highly effective); Wall-boarding (by firmly grasping the trainee's collar the instructor can sharply force the student against a wall without his head striking the wall--the effect, especially with hollow plywood paneling, creates more a psychological effect because of noise than the actual physical impact); Stressful Positions (the student is placed in a physical position in such a manner that the preponderance of his weight or extremity weight is on a portion of the body not normally used to such stress, e.g., fingers, knees, uplifted arms, etc.--such exercises have strict time limits of application); Small Box Isolation (student is placed in a small box where he is forced to remain in a folded position on his knees in complete darkness--as in the case of stressful positions, application time is closely monitored).

c. During the RTL, the student is kept in isolation away from his fellow PW's. He receives intense interrogations at least twice during the training period and is subjected to at least one "hate America" indoctrination session. Throughout the RTL, the students are harassed and brutalized. Because of the credible threat of physical abuse, the student must search his own conscience for a response to the captor's incessant demand for compliance. It permits the student to evaluate Article V of the Code of Conduct in a stressful environment.

d. The last third of the RTL is the "open compound" phase where the students are released from isolation and are given the opportunity to organize a covert camp committee. The students have the opportunity to observe the need for establishing a chain of command and the benefits derived from such action.

6. The heart of the 5 1/2-day exercise is the critique at the close of the RTL. During this critique, constructive, but not degrading, criticism of the mistakes is made. No student fails the course. The strong points and fallacies of various predetermined categories of resistance are discussed in detail.

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(c) Three-day Seminar: A 3-day seminar is given only at the West Coast training facility and is for the officer aircrews scheduled for deployment to Southeast Asia. It consists of lectures and discussions on the internment situation in that theatre as well as a comprehensive look at the Code of Conduct. Completion of the above described 5 1/2-day course is a prerequisite for attending this seminar.

(3) Navy SERE training is a graduated program aimed at providing increasing levels of training depending on the risk-of-capture potential of the target audience. The key point for Army consideration is that the Navy addresses an entire package as an entity and incorporates instruction on the related material as appropriate. The student receives survival, evasion, resistance, and escape doctrine as one block of instruction. This approach permits the student to comprehend the interrelated facets.

b. (U) US Air Force:

(1) (U) The Air Force also operates special activities for instruction on survival, escape, evasion, rescue, and resistance. The school for resistance training is located at Fairchild Air Force Base, Spokane, Washington. Survival Training Course S-V80 is a 2-week course which covers the five subject areas mentioned above. There are other survival schools in the Air Force training program but these do not include Resistance: Water Survival, Jungle Survival, and Arctic Survival.

(2) (U) The survival training course is divided into two phases; academic (classroom--60 hours) and operational (field training--129 hours.) One hour is devoted to critique and 10 hours to water survival training.¹⁰

(3) (U) Eighteen percent of the academic portion of the program is devoted to the Code of Conduct. During this 11 hours the students receive:

(a) A historical development of prisoner manipulation from the time of slavery to the present, with emphasis on prisoner manipulation by the Communists.

¹⁰ USAF Pamphlet Survival--Resistance Training Seminar, 3636th Combat Crew Training Group (ATC), Fairchild Air Force Base, Spokane, Washington.

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(b) The events leading up to the promulgation of the Code of Conduct, a discussion of the Code, and the necessity for practical application of the Code.

(c) The concepts of early escape, resistance, organization, and later escape.

(d) The need for and development of PW overt and covert organizations. The significance and role of communication and cooperation is stressed.

(e) Historical concepts and preparation for escape and overcoming escape problems.

(f) Instruction on the typical patterns of exploitation and student-derived (instructor-guided) solutions.

(g) Instruction on the relationship of personal and area hygiene.

(h) A definition of interrogation and the forms in which it can take, along with a discussion on how best to resist.

(i) A discussion of the relevance of the Geneva Conventions to the USPW and the significance of Communist reservations to Article 85 of the Convention of 1949 Relative to Prisoners of War.

(4) (U) The remainder of the academic portion deals with survival principles and techniques.

(5) (U) Approximately 28 percent of the operational (field) training is devoted to a practical exercise on the Code of Conduct. An orientation is given to set the scene. This is followed by thrusting students into a dramatization similar in nature to that conducted by the Navy, i.e., a Resistance Laboratory. The Air Force program differs from the Navy in two respects:

(a) There is no physical abuse in the Air Force Laboratory.

(b) Students are pulled "out of the problem" for on-the-spot critique as opposed to the Navy's method of waiting until the end of the Laboratory to give a comprehensive and all-encompassing debrief.

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(6) (U) The Air Force Resistance Laboratory is divided into three phases: the Isolation and Interrogation Laboratory, the Group Resistance in Captivity Laboratory, and the Code of Conduct Laboratory Critique.

(a) The Isolation and Interrogation Laboratory:

1. This training presents a series of practical exercises where solitary confinement and interrogation resistance are alternated. A minimum of two, preferably three, interrogation exercises are given each student. After each interrogation the student is critiqued on his performance.

2. Each exercise is designed to provide opportunities to apply the Code of Conduct. Critiques are structured to point out to the student instances where he adhered to, or failed to abide by, the precepts of the Code.

3. The placement of the student in isolation subjects him to the stresses and conditions of his environment. Careful checks and controls are maintained to insure he is not overstressed. Students are withdrawn and critiqued so that they recognize and deal constructively with these stresses.

(b) The Group Resistance in Captivity Laboratory:

1. This Laboratory is divided into three main phases. The first is a "closed institution" problem. Students are segregated, thus making communication and use of previously formed organizational structure difficult.¹¹ The second exercise is an "open prison" environment. Students are allowed to intermingle. Some "enemy" controlled activities involve all the prisoners at a time. This makes communication and use of organization easier and provides additional opportunities for active group resistance. The third exercise presents the students with an almost "hands off" enemy control of the prison. It requires active use of prisoner organization and command lines.

¹¹ Each class prior to the start of the Resistance Laboratory is permitted to preestablish prisoner of war overt and covert organizations to be used during the conduct of the Laboratory.

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2. Various exploitative activities are carried out by the "enemy" which illustrates exploitation-in-action. Political classes are presented, "prisoners" are used for labor, various punishments are levied against "reactionaries," etc. Each of these activities is carefully structured to teach or bring out a lesson to be learned.

3. All exercises are structured to provide the students opportunities to use the Code as a tool for resistance.

(c) The Code of Conduct Laboratory Critique. The goal of the critique is to permit the student to see the interrelationship of the various situations during the Laboratory exercises, and to relate his personal experience and feelings to these situations.

(7) (U) S-V80 is the course for both officer and enlisted Air Force personnel. The instruction is intended for application worldwide. As in Navy training, SERE is considered a single entity. The student learns how to evade and survive until rescued or in the event he is captured, how to survive and resist until the opportunity to escape arises or he is released.

c. ~~(S)~~ US Marine Corps:

(1) (U) The US Marine Corps approach to resistance training mirrors that of the United States Army. There is no identifiable block of instruction which could be considered resistance training. Rather, the subject of resistance is part of the training on the Code of Conduct.

(2) ~~(S)~~ Training relative to captured/detained personnel consists of:¹²

(a) Recruit Training. A 2-hour Code of Conduct lecture and training film.

(b) Individual Combat Training. A 2-hour lecture on personal conduct, addressing both the Code of Conduct and the Geneva Convention.

(c) Predeployment Training. Depending upon the rank of the individual, up to 7 1/2 hours of training are presented. Subject matter

¹² Reply from Commandant of Marine Corps, HQ, USMC, 8 September 1970.

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covered includes the Geneva Convention, Communist Treatment of PW's, Interrogation Methods, PW Compound Organization, Escape, Evasion and a taped account of the successful escape and evasion of two Marines from Viet Cong captivity.

(3) (U). Although not as comprehensive in scope as the programs of the Air Force and the Navy, the predeployment training received by USMC personnel addresses some of the key points brought out by this study; however, resistance techniques and the means to survive once captured are not addressed. The USMC position on the Code of Conduct training may prove to be inadequate for the current and future conflicts.

d. ~~(C-NF)~~ Central Intelligence Agency (CIA):

(1) (U). The CIA does not qualify as an "other Service" per se; however, by the nature of its mission, its members are subject to the same hazards of capture/detention as that of the military forces. During peacetime, CIA agents are far more susceptible. Their Risk of Capture Program which has been developed and refined over several years is based on experiences, not only of its own agents, but also former PW's.

(2) ~~(C-NF)~~. The CIA Risk of Capture Program has two phases. As in the Air Force and Navy, one is purely academic while the second is a "laboratory" where the student has an opportunity to practice what he was taught in the "classroom."

(3) ~~(C-NF)~~ Academic Risk of Capture Phase:

(a) The academic portion of the training consists of a 6-hour film series which delves into most of the areas related to doctrine for captured/detained US military personnel. The low-key approach used in the film is unique and effective. Instead of the normal training film techniques of dramatization, the film series entails an authoritative lecturer speaking from a podium to the audience.

(b) The 6-hour series consists of five phases:

1. Introduction. The introduction sets the scene for the students. The lecturer briefly reviews what will be covered in the subsequent films and then describes a typical incident which results in the capture of an individual. This leads to the lecture.

2. Psychological Stresses of Captivity. This is the heart of the series. The lecturer describes the psychological depression

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which occurs immediately upon capture and the significant drain it has on the captive's energy. The psychological stresses (e.g., fear of death, omnipotence of the captor, humiliation, isolation, etc.) are described in detail. There is a discussion of the reversal of precapture values to the extent that family becomes the sole issue for resistance and survival. The students learn the depth of despair experienced by the captive.

3. Countering the Stresses. In this phase, each of the psychological stresses enumerated in the second hour are again discussed, but in light of what the captive can do to lessen their impact upon his mental state and his ability to survive. Guidance is provided on means to get along with ones captors. This guidance is not in the form of advising total capitulation and subservience, but rather avoidance of acts and/or attitudes which are insulting or demeaning to the captor.

4. Personal Affairs. If there is one subject which is stressed more than any other during the course it is that of emphasizing the necessity of having personal affairs in order. The programs available to the agents prior to their departure, and the programs established for next of kin should the agent be captured/detained, are explained in detail. Examples of case histories where NOK were well taken care of, and of others where the sponsor had failed to take proper measures, are cited for emphasis. It is significant that an entire hour is spent in detailing what must be done before, and what will be done during, captivity should that event occur.

5. Cover Story/Kidnapping and Skyjacking/Interviews. The remaining hours are spent explaining topics which are more relevant to CIA personnel than to military personnel. The importance and examples of cover stories prior to capture are discussed. The threat and possible actions in the event of kidnapping and skyjacking are the subjects of another film. The academic Risk of Capture Program concludes with filmed interviews of personnel who have experienced detention.

(5) ~~(C NF)~~ Laboratory Risk of Capture Phase. A detailed discussion of this phase will not be provided in this study. This phase places the student in a realistic situation where he is subject to the psychological stresses and provided the opportunity to assess his capability to resist and survive during such an ordeal.

(6) ~~(C)~~ In a 6 August 1970 response to a question pertaining to the training of agents, the "risk of capture" personnel of the Agency provided this unofficial assessment:

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Our problems are in many ways very different from those of the services but also some are shared. We try in our training to reduce the amount of really important and sensitive information, which the individual must keep from his captors, to an absolute minimum. We then try to give the man an opportunity to protect that information by practicing, or role-playing, a debriefing or interrogation in which he is questioned regarding these areas, and must substitute something in their place which is of little value to his captor. We tend to have little fear in these cases, that much intelligence of any damaging nature is apt to be given. We accept the fact that an extremely high percentage of prisoners will talk and engage in dialogue with their captors. We realize that there will be great pressures upon the prisoner to agree to certain statements that their captors make. This is particularly true when they are in Communist hands. A great many of the statements and requests made by captors are not unreasonable or illogical. There are often demands which are in fact true. We encourage an individual to resist making or signing statements which would be truly damaging to the United States or its Allies. But we do not want the man to feel overly guilty if under the stresses of prison life he cooperates to some degree. We tend to take a note from the prisoner's book in which they generally will not point an accusing finger at any other prisoner for collaboration unless they have personally witnessed what they considered to have been weak behavior. Most prisoners tend to take a charitable view of those who have succumbed to certain pressures. To some extent they share the feeling that "there but for the grace of God go I." We attempt to absorb these realities of prisoner behavior into our training.

(7) ~~(C-NF)~~ Through the medium of film, the Central Intelligence Agency attempts to provide their personnel with a realistic view of what to expect physically and psychologically should they be captured or detained. With the lecturer discussing the stresses and effects in the second person (e.g., "At the moment of capture, you will experience a sinking feeling in the pit of your stomach which will totally depress and exhaust you."), the students recognize the impact and relationship to themselves. It is a highly effective method for instructing doctrine for captured/detained personnel.

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ANNEX II

(U) OTHER SERVICE INTERNMENT PHASE PROGRAMS

1. GENERAL. The purpose of this annex is to examine programs of the other Services as they relate to the notification and assistance of the next of kin (NOK) of missing or captured military personnel. Emphasis is placed on differences in the programs.

2. THE AIR FORCE PROGRAM:

a. Responsibility for Casualty Services. The casualty services program includes casualty reporting and notification, administration of the Missing Persons Act, and administration of casualty assistance programs. Responsibility for the casualty services program rests at Headquarters, US Air Force. The Air Force has established procedures for reporting casualties which are prompt and efficient. It has an extensive program for offering advice and assistance to the next of kin regarding their benefits.

b. Casualty Program Objectives. The objectives of the USAF casualty program are:

(1) To insure that casualties are reported promptly and accurately and that next of kin are notified as expeditiously as possible.

(2) To establish effective control procedures and maintain close surveillance of all casualty messages and notifications.

(3) To furnish sympathetic assistance to the family during the period following a casualty and until all claims and personal affairs have been settled.

(4) To eliminate delay in settling financial and related benefits which are offered the family as a result of the missing status.

c. Meeting Objectives. To meet these objectives, the Air Force has formed the "Personal and Family Service Program," and established Air Force Specialty Codes (AFSC-73231 and 73271) for personal affairs. The personal affairs technician (airman) and the personnel officer receive the training necessary to cope with the problems and personal affairs of the airman and his dependents.

d. Family Service Center (FSC). Responsibility for the Family Service Program rests with the Family Service Center. The FSC has the mission to:

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(1) Assist Air Force families with their problems.

(2) Advise NOK on benefits, services, and available facilities.

e. Notification. When an Air Force member is missing, detained, or a prisoner, the Air Force Casualty Division at Randolph Air Force Base contacts the Air Force installation nearest the NOK. This installation appoints an Air Force officer who personally notifies the NOK. He (or she) notifies the family of the casualty and informs the NOK that the member's commander will send a letter of circumstance relating all facts concerning the incident. Other correspondence concerning the member's status comes directly from the Air Force Casualty Division. The Casualty Division evaluates and passes on to the next of kin reports, messages, letters, and eyewitness accounts as they are received.

f. Monetary Affairs. The procedure consists of the Service member allotting a percentage of his pay and allowances so that his dependents will have sufficient funds to meet daily living expenses. When the member enters MIA/PW status, the Air Force Accounting and Finance Center, Claims Division, furnishes the NOK a complete resume of his pay. If it is deemed that sufficient funds have not been allocated to the NOK, the Secretary of the Air Force is authorized to increase the amount.

g. Health Benefits. The Uniformed Services Health Benefits Program (utilized in all Armed Services) provides certain hospitalization and outpatient care in civilian medical facilities, as well as in uniformed services facilities, for eligible dependents of active duty members and NOK of missing or captured personnel.

h. Housing. The Air Force maintains a list of government installations having housing in excess of the needs of assigned personnel. The list is updated on a monthly basis, and a new list is issued quarterly. A dependent of a MIA/PW member can move into these quarters at government expense.

i. Travel Available. If the NOK is dependent upon the Service member for livelihood and receives official notice that he (without regard to pay grade) is reported missing or captured, they may travel at government expense to any location to establish residency (that is, if the member has been missing 30 days or more). This is a one-time entitlement and ends within 1 year after notification. If the member's status changes, an additional move may be authorized. If the NOK is entitled to travel at government expense, he (she) is also authorized shipment of household goods to that destination. This entitlement ends, however, if the household goods are not turned over to a transportation officer or a carrier for

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shipment within 1 year from the date of the official report that the member is missing or captured. The NOK may also temporarily store household goods for 180 days if desired, or if the household goods are in storage at the time the member entered his present status, the goods may remain there for 180 days. One privately-owned vehicle may also be shipped at government expense.

j. Personal Effects. The personal property of the MIA or captured member is safeguarded as prescribed in Air Force regulations. A summary court officer, appointed by the member's commander, assures proper disposition. Personal property is usually held 30 days or longer if circumstances warrant. At the end of the waiting period, the property is transferred directly to the custody of the person legally entitled to receive it.

3. COMPARISON OF ARMY AND AIR FORCE PROGRAMS. The Air Force casualty program is similar to that of the Army. However, there are some exceptions:

a. The Air Force program fails to provide guidance concerning the rank of the notification officer that is to be appointed. The Army program provides such guidance.

b. In the area of dissemination of personal information, the USAF has published a pamphlet entitled "Benefits for Dependents and Survivors of Air Force Casualties," which is made available to the NOK immediately upon notification. This pamphlet provides the NOK with a ready reference of the benefits and services available. The Army has no similar pamphlet.

c. The Army has no specialty code in the family assistance area. Air Force personnel with specialty designations are trained in casualty assistance and act as the liaison between the NOK and the Air Force in lieu of an FSAO (Family Services and Assistance Officer). Due to the limited numbers of these individuals, one of them may be assisting several families in a given area, but there are three considerations to this procedure:

(1) All casualty officers are specialists, having received training in all casualty procedures and assistance.

(2) The AFSC training assures complete and unified training of all casualty officers.

(3) The Air Force casualty officer has only one job--assisting the dependent or NOK.

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4. THE NAVY PROGRAM:

a. Notification of Next of Kin.

(1) The NOK of MIA/PW Navy personnel are notified in person by a uniformed Navy representative. Every personal notification is later confirmed in writing by telegram or personal delivery letter. If undue delay in notification is foreseen, the Chief of Naval Personnel is informed by telephone. Undue delay is considered to be in excess of 24 hours. If a ship is in port at the time of casualty and sailing is imminent or notification impractical, the Chief of Naval Personnel will effect the necessary notification, if so requested.

(2) When the casualty occurs outside the Continental United States (CONUS), the commanding officer provides personal notification to either or both primary and secondary next of kin who reside in the immediate vicinity of the command or activity. The Chief of Naval Personnel effects the personal notification to either or both primary and secondary next of kin when they reside within CONUS (through the responsible naval district commandant) or overseas when beyond the immediate vicinity of the command or activity (and nearer to the Chief of Naval Personnel than to the command or activity).

b. Casualty Assistance Calls Program:

(1) The Casualty Assistance Calls Program (CACP) requires that an officer be designated to assist the primary next of kin of members who become missing while on active duty or on active duty for training. The purpose of this program is to advise and assist the next of kin. The primary responsibility for implementation of this program lies with the commandant of the naval district in which the next of kin resides. In those cases in which the next of kin resides outside the boundaries of a naval district, the command located closest to the next of kin provides such assistance.

(2) The duties of the designated officer are as follows:

(a) Act as liaison between the Chief of Naval Personnel and next of kin.

(b) Determine allotment changes required for those next of kin who are dependent on the missing member.

(c) Contact the next of kin of long-term missing personnel at least once a month.

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c. Casualty Assistance Calls Officer. A Casualty Assistance Calls Officer (CACO) is appointed by the Naval District Commandant and is the personal representative of the Navy Department. He is the Navy counterpart to the Army's Family Services and Assistance Officer (FSAO). His responsibility is to assist the NOK in any way possible. Although he cannot be considered an expert in all areas, he is expected to be able to obtain necessary information. He can provide assistance in such areas as obtaining new identification cards, advice on medical, legal, or pay matters, movement of household effects, and can keep the NOK advised of all developments concerning the missing/captured service member.

d. Dependents' Benefits and Special Benefits:

(1) Allotments executed prior to the beginning of the absence of a member may be continued under the provisions of the Missing Persons Act of 1942, as amended. The act specifically provides that in the absence of an allotment, or where an allotment is insufficient, such new allotments or increases may be registered as the circumstances warrant in the interest of the absent person, his dependents, or the government. Previously registered allotments may be suspended, resumed, discontinued, or decreased when the circumstances justify such actions.

(2) Duties and authorities pertaining to the administration of the Missing Persons Act, as amended, have been delegated by the Secretary of the Navy to the Director, Personnel Affairs Division, Bureau of Naval Personnel.

e. Financial Matters. The Navy closely adheres to the Missing Persons Act of 1942:

(1) The Bureau of Naval Personnel administers the pay and allowances of Navy members who are in a missing or captured status and unable to act for themselves. The primary considerations in executing this responsibility are the carrying out of the indicated or apparent intentions of the Navy member and providing for the proper care of his dependents.

(2) The Director, Personal Affairs Division, Bureau of Naval Personnel (Pers-G2), has been delegated the authority to initiate, continue, or modify allotments for the families of missing or captured members when such action is considered essential for the protection and well-being of dependents.

(a) In cases where an allotment for dependents has not been established, one can be started in an amount commensurate with the member's instructions recorded on his Record of Emergency Data form.

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(b) In the case of an individual who has incurred an indebtedness prior to the captured/missing status, provisions exist for the Bureau of Naval Personnel to establish an appropriate allotment to pay off the obligation.

(c) With the exception of the Uniformed Services Savings Deposit Program, which is discussed later, the Missing Persons Act authorizes the Director to initiate or modify allotments only in those cases considered essential for the protection and well-being of dependents. Increases or decreases in family allotments, any changes in established allotments or the creation of new allotments must be approved by the Director.

f. Uniformed Services Savings Deposit Program (USSDP):

(1) Members of the Uniformed Services who are actually serving on a permanent duty assignment outside the United States or its possessions may deposit, during that tour of duty, not more than their unallotted pay and allowances in the USSDP. Interest at the rate of 10 percent compounded quarterly will accrue on amounts deposited. Funds may be retained in this account for a period up to 90 days following return to the United States.

(2) Two amendments to the USSDP have been passed, which make the program applicable to captured/missing personnel:

(a) The first amendment, which became effective September 1966, permitted the unallotted pay of captured and missing personnel to be deposited in this program, thus putting to beneficial use the unallotted portions of a man's pay, which might otherwise accumulate on his pay account in a noninterest earning capacity. All unallotted pay and allowances of missing and captured personnel are automatically deposited to this program unless the wife or dependent stipulates otherwise.

(b) A second amendment, which became effective February 1970, allows the Services to continue to make deposits to the program for missing, detained, or captured personnel without regard to the \$10,000 statutory limit applicable to other servicemen.

(3) Wives or other dependents who wish to have a reduction made in the allotment that they are receiving, so as to provide additional funds for the USSDP, may do so. If they do not desire to have their sponsor's unallotted pay deposited in this program, they may make this stipulation as well.

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(4) Deposits in the USSDP are not readily available for withdrawal by dependents. Withdrawals may be made only in an emergency when the health or welfare of the member or his dependents would be jeopardized. Requests for withdrawals must be made to the Bureau of Naval Personnel stating the amount of money needed and the reasons for the withdrawal.

(5) Dependents receive a quarterly statement of the account.

g. Dependent Travel by Military Aircraft. Travel on a space available basis by military aircraft within the Continental United States for humanitarian reasons is available for wives and children of missing or captured Naval personnel. Foreign-born wives and their dependent children may travel on a space available basis to and from overseas locations for the same reasons.

h. Travel and Household Goods. Benefits are applicable to dependents of a member, without regard to pay grade, in active service other than training duty, who is officially reported in a status of missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered by a hostile force, or detained in a foreign country against his will. Upon receipt of official notice that the member has been determined to come within the purview of one of these situations, transportation of dependents is authorized at government expense to the member's official home of record, to the residence of his dependent, or to another location as may be determined in advance or later approved by the Secretary of the Navy or his designee.

i. Temporary Lodging Facilities. Temporary lodging facilities, which are vacant on Navy installations, are available to dependents of Navy personnel. The wives and children of PW/MIA personnel are entitled to use these facilities and receive a priority immediately following that of families who are on permanent change of duty station orders.

5. COMPARISON OF NAVY AND ARMY PROGRAMS. The Navy casualty program parallels that of the Army. Terminology and responsibilities change, but the basic procedures for notification and assistance follow those specified by the Department of Defense directives. The Navy publishes a NOK information manual (MIA/PW Family Information) which lists all benefits and services available to the NOK. The Army publishes no such manual.

6. MARINE CORPS PROGRAM:

a. Notification of Next of Kin. The responsible command notifies by telephone the appropriate Director of the Marine Corps district in which

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the primary next of kin resides. Sufficient details are provided to enable the notification to be accomplished as tactfully and humanely as possible. This Director of the Marine Corps district relays the information to the nearest Marine Corps activity in the vicinity of the primary next of kin with instructions to make the notification, extend condolences, and assist the next of kin as appropriate. The activity responsible for the release of telegrams in the event of inclement weather, or other circumstances which may preclude a personal notification. Notification by telegram is authorized under these circumstances. The Commandant of the Marine Corps effects notification of next of kin and other interested persons in all cases when personnel enter a missing status from combat-committed organizations. After the initial notification telegram, subsequent telegrams are normally provided to the next of kin every 5 days or until the end of search operations. Should any new information be received in the interim period, it is immediately processed and passed to the next of kin. When a notification is to be made by a personal visit from the command responsible for reporting, an appropriate official notification is prepared in standard message format and delivered in person.

b. Savings Deposit Program. Generally, any Marine entitled to participate in the Savings Deposit Program at the time of entry into a missing status retains such entitlement during the period he may be carried in a missing status. Marines who may have an allotment in effect for the purpose of making deposits may expect continuation of such allotment, unless, due to circumstances, a modification or cancellation is required. This procedure is practiced in all Armed Services and, therefore, will not be repeated in this section. For further discussion, see Chapter 5, Section I, page 5-9.

c. Casualty Assistance Program. Assistance to the next of kin of Marine Corps personnel carried in a missing status is a continuing requirement until such time as the Marine returns to military control, or until an official determination of death is made. The first action after notification of next of kin is to provide NOK requiring financial support with information relating to pay and allowances and the status of all allotments placed in effect by the Marine. A letter is provided to the dependent by the Commandant of the Marine Corps and a copy is provided to the officer assigned to make the casualty assistance call. This letter is provided within 10 working days following notification. The intent is to eliminate any fears the dependents may have concerning loss of pay and allowances and to give them an opportunity to review their financial requirements and to advise the Commandant of the Marine Corps if any increase in their existing allotment is required to meet their current needs. During the period in which search efforts are continuing, the family is

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provided all information reported in progress reports. When search efforts have discontinued, families are advised that an investigation of the circumstances is being conducted and is being forwarded to the Commandant of the Marine Corps. Upon completion of the review and determination by the Head, Personal Affairs Branch, the primary next of kin is provided a resume of the circumstances revealed by the investigation and the determination made by the Head, Personal Affairs Branch. If the determination is made that a Marine is to remain in a missing status, and the Marine has dependents, a casualty assistance call is assigned to an activity by the Commandant of the Marine Corps. Normally, the activity responsible for the initial notification of next of kin is assigned the casualty assistance call. The officer assigned the casualty assistance call is directed to make the initial call within 10 days after receipt of the assignment letter. Thereafter, a limited casualty assistance call is required quarterly, until such time as the Marine returns to military control or is declared dead. Casualty assistance calls in the case of personnel in a missing status will only be assigned by the Commandant of the Marine Corps in an assignment letter. Information of general interest to families is provided the casualty assistance officer for delivery to the next of kin at the time of the initial call.

d. Pay and Allowances:

(1) The Missing Persons Act, 37 US Code 551-558, provides that a Marine in a missing status (missing in action, captured, interned, detained, etc.) will be entitled to receive all of the pay and allowances to which he may subsequently become entitled by reason of promotions, military pay raises, longevity, etc. In order that the missing member's dependents may receive adequate financial assistance, the Missing Persons Act authorizes the Marine Corps to continue any existing allotments and to provide additional allotments for the support of the Marine's dependents. The Marine Corps is, in effect, placed in the position of an administrator of the affairs to a missing member in relation to his military pay and allowances. The purpose of the Missing Persons Act is to permit the Armed Service concerned to administer the needs of the absent service member's dependents. Thus, the Marine Corps is empowered to provide for adequate financial support through the adjustment of the Marine's pay and allotments in order that his dependents' standard of living may be reasonably maintained while awaiting word of his status.

(2) When it is determined that a Marine is missing, his pay and allotment status is reviewed and all existing allotments for the support of his dependents, the purchase of savings bonds, payment of commercial insurance premiums, savings, etc., are continued. Deductions for Social

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Security and government insurance are also continued. Withholding for Federal income tax will be terminated in all cases involving personnel missing in designated combat areas. In connection with allotments for the support of dependents, the following procedures apply: The primary dependent of each missing Marine is furnished an accounting of the Marine's current pay, allowances, and deductions and advised of the provisions of the Missing Persons Act as it relates to these funds. This information is furnished by letter and normally follows the initial notification of the casualty by approximately 2 working days. If the dependent is currently receiving an allotment from the Marine's pay in an adequate amount, no further action is necessary. If additional funds are required, the allotment may be increased to any amount up to 100 percent of the Marine's current unobligated pay and allowances. Each dependent is cautioned, however, to request an allotment for only an amount necessary to meet the family's current needs, thus permitting the balance of the Marine's pay to be deposited in the Uniformed Services Savings Deposit Program (USSDP). Any amount on deposit in the Marine's account in the USSDP may be paid to the dependent in the event of an emergency or other financial need.

(3) The Head, Personal Affairs Branch, Personnel Department Headquarters, US Marine Corps, has been designated by the Secretary of Navy to make all determinations regarding financial support to be provided from the pay and allowances of Marine Corps personnel in a missing status.

e. Transportation of Dependents and Shipment of Household Goods. The dependents of a Marine who has been officially reported as having entered a PW/MIA status are entitled to a shipment of household goods. Transportation of the dependents and shipment of the household goods may be made to: The Marine's official residence of record; the residence of his dependents, next of kin, or other persons entitled to receive custody of the goods; or to any designated place if a reasonable relationship exists between the conditions and circumstances of the dependent and the destination to which transportation is requested. In this case, approval must be obtained from the Commandant of the Marine Corps. In the event storage of the household goods is necessary, rather than receipt and immediate possession, storage in transit up to 180 days may be authorized in connection with a shipment. In some cases, nontemporary storage of not more than 1 year may be authorized. These latter cases are among those which are subject to the determination of the Traffic Management Officer involved in handling the shipment. Should a Marine be declared dead at a later date, a further move at government expense is authorized. Should the Marine return to military control, no additional move is authorized without PCS orders or other competent authority. Only one movement of the same lot of household goods may be authorized in connection with each official

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status report on the Marine involved. The entitlements described above expire 1 year from the date of the official report of the missing status, or 1 year after the Marine's death, unless an extension is approved by the Commandant of the Marine Corps. In the cases cited above, eligibility is not dependent on rank and includes shipment of a privately owned vehicle.

f. Family Housing. Eligibility for family housing is based upon grade and time in service. Married personnel in pay grade E-4 with over 4 years service and above are entitled to assignment of public quarters. Excess housing may be made available to dependents of eligible personnel serving on unaccompanied tours of duty overseas, based on current availability at individual installations. Such occupancy is subject to termination based on the needs of the Service. Dependents must pay for transportation and/or shipment of household goods, unless otherwise authorized by the Joint Travel Regulations. No special provisions for family housing have been made for dependents of personnel in a missing status. Dependents who are currently occupying government housing may continue to do so as long as the commanding officer of the installation makes it available, and the sponsor's status does not change. Dependents of Marines in a missing status may move into government quarters provided they are eligible and the housing is available. Assignment to public quarters is automatically terminated upon the death of the sponsor; however, a reasonable period will normally be allowed for the dependents to vacate such quarters, not to exceed 60 days. Occupancy will be on a rental basis.

g. Disposition of Personal Effects:

(1) When a Marine enters a missing status, the commander appoints an officer or staff noncommissioned officer to collect and inventory the Marine's belongings. These belongings are disposed in accordance with the following:

(a) Government property is disposed locally.

(b) Personal effects are packed and shipped to the Marine Corps Personal Effects and Baggage Center, Marine Corps Base, Camp Pendleton, California; or Marine Corps Base, Camp Lejeune, North Carolina.

(c) Monies in excess of \$3 are turned in to the disbursing officer for issuance of a check payable to the commander. The commander endorses the check in favor of the missing Marine's next of kin or, when the proper recipient cannot be determined, to the Officer in Charge of the Personal Effects and Baggage Center. Monies in amounts less than \$3 will be entered on the inventory of personal effects and included in the shipment.

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(2) Personal effects of personnel in a missing status are stored at the Personal Effects and Baggage Center until otherwise directed. When the next of kin desire these personal effects, they have to write to the Commandant of the Marine Corps.

h. Legal Assistance. Dependents are entitled to legal advice and assistance, and are advised to contact the Legal Assistance Officer of the nearest Armed Forces installation on any legal problems that may arise. If the dependents do not reside within a reasonable distance of an Armed Forces installation, they are advised that local agencies, such as the American Red Cross, Veterans Administration, American Legion, etc., may be able to provide the legal advice or assistance required.

i. Navy Relief Society. The responsibility of the Navy Relief Society is to provide aid for dependents of missing/captured Navy and Marine Corps personnel. Although assistance is given by the Society in a multitude of situations, financial assistance is given on the basis of emergency or nonrecurring need which cannot be met from family resources. Recurring or long-term needs are referred to other agencies by the Navy Relief Society. Aid may be rendered in the form of money as a gratuity or a loan without interest. No discrimination is made as to rank or length of service of the personnel involved. Auxiliaries of the society have been established at all the larger Navy and Marine Corps stations and branches for these auxiliaries at some of the smaller installations.

j. Military Medical Benefits. Dependents of missing or captured Marine Corps personnel continue to be entitled to all medical benefits.

k. Promotion. A Marine who is officially carried in a missing status receives standard consideration for promotion.

7. COMPARISON OF MARINE AND ARMY PROGRAMS. The Marine Corps Casualty Program is identical to the Navy program, and the Navy versus Army comparison is applicable. Marine policies are designed to meet DOD directives with variations from the other Services because of limitations in personnel and facilities. This point is indicated in the limited casualty assistance calls (p. K-II-8). During recent years the Marine Casualty Program has not been punctuated with urgency like those of the Army.

8. CONCLUSIONS:

a. The casualty programs of the Army, Air Force, Navy and Marine Corps, although structured differently, are based on the same objectives:

(1) To provide prompt; humane notification.

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(2) To provide complete assistance to the NOK.

b. Basic guidance is established by the Department of Defense and supplemented by the various Services.

c. Exceptions in the casualty program are made to cope with unique problems. The greatest variances are the emphases placed on the MIA/PW area and on the casualty system structure. The Air Force has seemingly taken the initiative to improve or update its casualty program by developing an AFSC to deal with the casualty problem and increasing the NOK information program.

d. The Navy and Marine Corps procedural manual provides a ready source of information for action officers and supervisory personnel. A similar procedural manual would serve to improve the Army program. There are no other areas of either program to be considered for adoption by the Army.

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ANNEX III

~~(S)~~ OTHER SERVICE POSTINTERMENT PHASE PROGRAMS (U)

1. ~~(S)~~ GENERAL:

a. (U) The Navy, Marine Corps, and Air Force have each formulated operation plans which establish the procedures for all aspects of processing. The comparable Army document is AR 190-25.

b. (U) The relevant provisions of the EGRESS-RECAP plans of the other Services will be examined in this section. The purpose of this is twofold:

(1) To determine what the other Services have done/are doing.

(2) To identify methods and procedures of the other Services that are worthy candidates for incorporation into Army doctrine.

c. ~~(S)~~ The doctrine/plans of all the Services are intended to be in accordance with the policies of DOD. The documents which form the basis of DOD policy are two memoranda (8 June 1968 and 8 January 1969) from the Deputy Secretary of Defense to the Secretaries of the Military Departments and the Chairman, Joint Chiefs of Staff. Numerous citations from these memoranda have been made in the chapter on Postinternment (Chapter 6). However, in each subsection, prior to a description the programs of the other Services, the relevant provisions of DOD policy, as it appears in these memoranda, will be summarized.

2. ~~(S)~~ PROCESSING:

a. (U) DOD Policy. Applicable portions of DOD memoranda follow:

(1) The respective Services have the inherent responsibility for processing their returned prisoners of war and other detained military personnel and will assume control of these individuals as soon as possible (8 June 1968):

(2) Each Service will process its own members (8 June 1968).

(3) The welfare and morale of returned personnel shall be of prime importance. All reasonable efforts will be

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made at all stages to provide for their personal, psychological, and special needs (8 June 1968).

(4) With proper regard for the returnees' needs immediately following their initial release and return to the Unified Commander's control, they will be evacuated regardless of Service affiliations from this release point by the most expeditious mode of transport consistent with medical considerations to a single processing location in Vietnam or elsewhere in WESTPAC if circumstances require (18 January 1969).

(5) The returnees' immediate needs and the requirements of the Services will be fulfilled. Time required to accomplish this phase, with proper regard for the health and welfare of the men, security, and other administrative matters, should involve a minimum of 36 hours at the central processing location, but not more than 72 hours unless exceptional circumstances require variance from these norms (18 January 1969).

(6) Factual information will be made available to the public through news media, subject to appropriate consideration of:

(a) Security requirements.

(b) The welfare of the returned personnel and their families.

(c) The safety and interests of other personnel who may still be detained (8 June 1968).

b. ~~(c)~~ EGRESS-RECAP-NAVY:

(1) ~~(c)~~ Description:

(a) ~~(c)~~ The Navy divides the processing of returnees into three phases.¹

¹ EGRESS-RECAP-NAVY, Office of the Chief of Naval Operations (8 May 1969) (C), p. A-11.

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1. Phase I: Commences with the return of Navy personnel from captivity to US control and continues until parent Service control has been established.

2. Phase II: Includes those actions and that period of time from the assumption of Navy control by the CINC representative until arrival in CONUS.

3. Phase III: Commences with repatriate's arrival in CONUS and continues to completion of all processing.

(b) ~~(C)~~ Annex A of EGRESS-RECAP-NAVY consists of the "Concept of Operations."² The tone of this annex is extremely sensitive to the welfare of the individual returnees:

All phases of processing must proceed with full consideration of the hardships experienced during captivity, which are inherently degrading, debilitating, and disorienting. Particularly thoughtful treatment is required to develop the best possible rapport with returnees. Captivity is not a breach of conduct and processing should not belittle the repatriate's dignity but rather strive to bolster it and restore his pride and confidence in himself and his Service.³

Returned personnel should be received with genuine fraternalism. A carnivalistic or fanfare atmosphere should be avoided.⁴

(c) ~~(C)~~ There are 10 additional annexes to EGRESS-RECAP-NAVY. These cover the processing of a returnee from the point at which he comes under Navy control until the processing (Phases II and III) is completed. The tone of Annex A is carried through and reiterated in each of the substantive subject areas covered by a separate appendix.

² Ibid., pp. A-1 - A-15.

³ Ibid., p. A-2.

⁴ Ibid., p. A-5.

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(d) ~~(c)~~ The purposes of the personnel administration (Appendix C) portion of processing are listed as follows:

1. To ensure that the personal needs of the repatriated personnel are expeditiously and sympathetically met.
2. To ensure that the psychological readjustment from captivity is eased as much as possible.
3. To ensure that the returned personnel are promptly and properly advised about their personal affairs and assisted in matters concerning their welfare.
4. To establish personnel and administration procedures relative to processing returnees.
5. To ensure that the needs of families are met with optimum consideration.⁵

(e) ~~(c)~~ The implementing instructions for these objectives include the designation of Casualty Assistance Calls Officers to maintain a continuous input of information to the NOK of returnees, the provision of chaplains to concern themselves with the spiritual welfare of returnees and their families, the matters to be covered in personal counseling sessions (e.g., duty assignments), and the need to expeditiously transfer the returnee's pay records from the Navy Finance Center (Cleveland) to the CONUS hospital where he is assigned.

(f) ~~(c)~~ The public affairs guidance (Annex G) is the application of DOD policy which establishes responsibilities in implementing this policy. This annex also has an appendix entitled, "Points to be Covered in Returnees' PAO Briefing." This is an actual briefing which can be delivered verbatim to the returnees. The guidance which it contains clarifies the right of individual returnees not to grant interviews. It also details sensitive areas which should not be mentioned, and offers public affairs assistance to the dependents of returnees.⁶

(g) ~~(c)~~ EGRESS-RECAP-NAVY explicitly assigns funding responsibility with respect to the costs incurred in processing returnees (Annex J).

⁵ Ibid., Annex C, p. C-1.

⁶ Ibid., G, p. G-1.

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(h) ~~(c)~~ The "welfare and morale of returned personnel" is considered by the Navy to be of "prime importance" in the assignments of escorts.⁷ These escorts are charged with providing "for the personal, psychological, and spiritual needs of the repatriates."⁸ Naval District Commandants are required to provide public affairs escorts.⁹

(2) ~~(c)~~ Comparison:

(a) ~~(c)~~ It has previously been determined in Appendix J. this study, that AR 190-25 lacks sufficient emphasis on the welfare of the individual returnees. This deficiency is in contrast to the provisions of EGRESS-RECAP-NAVY which continually show the need to understand the problems of the returnee during each step in the repatriation process. The "Concept of Operations" (Annex A) of EGRESS-RECAP-NAVY sets the tone for the entire Naval operational plan. This annex is 15 pages long. The equivalent section of AR 190-25 is entitled "Concept" and is one paragraph in length:

1-2 Concept. The intent of this regulation is to assure that captured, missing, detained, or returned US personnel and their families are provided unfailing attention and are always considered as honorable and respected individuals with special needs. Being captured is not, in and of itself, a state of culpability. Extreme care will be exercised to ensure that implication of guilt is not attached to a returnee simply because he was captured and outside of US Army control for an extended period of time. Policies and procedures established herein are designed to be applicable to both the individual and mass releases and subsequent processing of captured or detained US personnel.¹⁰

(b) ~~(c)~~ AR 190-25 lacks the detail which is present in EGRESS-RECAP-NAVY. For example, Appendix A of AR 190-25 deals with public information policy. It contains a single, two-sentence paragraph which constitutes the public information guidance that commanders will give to returnees:

⁷ Ibid., Annex K, p. K-1.

⁸ Ibid.

⁹ Ibid.

¹⁰ AR 190-25, Ibid., p. 2.

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Commanders will advise personnel returned to Army control of their right to grant or refuse interviews with the press. In the event that any returnees desire to meet the press, they may discuss the publicly known aspects of their release and should generally restrict their comments to their feelings about being free and about their health.¹¹

(c) ~~(C)~~ This is in contrast to the PAO Briefing Guide which is contained in EGRESS-RECAP-NAVY. This guide is designed to be read to returnees and insures a uniform policy throughout the Navy. After advising the individual that "you do not have to talk to newsmen or pose for pictures," the Naval briefing continues:

If you do decide to talk with them, remember, you are not being muzzled, but there are some areas you should avoid:

1. No hearsay.
2. Do not discuss controversial policies or operations of our sister Services, other government agencies and our Allies.
3. Watch out for classified information.
4. What you say to newsmen may affect the treatment of other personnel still being detained or future captives.¹²

(d) ~~(C)~~ Guidance in AR 190-25 could result in a lack of uniformity in processing procedures as well as the humanitarian aspects of repatriation. An example of the latter is concern for the spiritual welfare of the returnee. EGRESS-RECAP-NAVY instructs commanders during Phase II and Phase III to make chaplains available to returnees for a variety of purposes to include private worship and confession, counseling on family problems including conveying of bad news and general counseling.¹³ Similar purposes are set down as the reason for having chaplains available for the NOK.

¹¹ Ibid., p. 30.

¹² EGRESS-RECAP-NAVY, Annex G, op. cit., p. G-I-1.

¹³ Ibid., Annex C, p. C-II-1.

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(e) (U) AR 190-25 does not give sufficient emphasis and guidance in this area. AR 190-25 inadequately states the following:¹⁴ "Spiritual Support. Each returnee will be offered appropriate pastoral and religious support." This single sentence, which is buried in a list of other factors, such as "personal grooming" and "uniforms," allows a variety of interpretations due to the inexact nature of the word "appropriate." The need to provide for spiritual support would be much clearer to the responsible commanders if the relevance of such support were set forth in some detail.

c. ~~(c)~~ EGRESS-RECAP-MARINE:

(1) Discussion:

(a) There are four administrative phases in the Marine Corps plan. These are:¹⁵

1. Phase I (Initial Processing Period). Begins with Marine Corps assumption of custody of the returnee and ends with individual's departure from a location outside CONUS enroute to CONUS.

2. Phase II (Transit Period). Begins with the returnee's departure from overseas enroute to CONUS and ends with his admittance to the designated CONUS hospital.

3. Phase III (Hospitalization Period). Begins with the returnee's admittance to the CONUS hospital and ends with the completion of the detailed debrief and release from hospitalization.

4. Phase IV (Posthospitalization Period). Begins with the returnee's release from hospitalization and ends at either such time as there is no further requirement for debriefing or inquiry or the returnee's separation from the Service.

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¹⁴ AR 190-25, op. cit., p. 18.

¹⁵ EGRESS-RECAP-MARINE, Marine Corps Order 03461.1 (C) (19 Feb 70), p. 9.

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(b) Unlike the parent Service program, EGRESS-RECAP-MARINE lacks a "Concept of Operations" section. A similar paragraph exists under the heading "Information" and consists of a single sentence:¹⁶ "The Commandant of the Marine Corps places primary importance on the health, morale and welfare of returned personnel and desires that immediate attention be given to their medical, psychological, spiritual, and personal needs."

(c) Inclosure 2, "Administrative Instructions/Personal Affairs," consists of brief descriptions of the various steps which must be taken in the four phases. Provision is made here for "personal counseling" to cover "all basic matters such as pay and allowances, promotions, duty assignments, new ID cards, claims for loss of personal effects, leave and liberty, decorations and medals, and legal assistance on tax matters and other personal problems."¹⁷

(d) Advance pay of up to 2 months is authorized prior to arrival in CONUS.¹⁸ After arrival, the Marine Corps Finance Center is to forward the returnee's pay account to the assigned hospital.

(e) The nature of Public Affairs guidance in EGRESS-RECAP-MARINE is similar to that contained in EGRESS-RECAP-NAVY. The general introductory paragraph to this section outlines in specific language the nature of the issues involved:

General. The public affairs aspects of the repatriation program must be responsive to the requirement of the Marine Corps, the returnee, and other personnel who still may be detained. Factual information will be made available to the public through the news media consistent with security requirements. The sensitive nature of this information combined with the aggressive, competitive, headline-seeking nature of some medical members provides a potentially explosive situation. All personnel concerned with the repatriation program must understand the goals and mission of the news media. This will serve to improve

¹⁶ Ibid., p. 1.
¹⁷ Ibid., p. 14.
¹⁸ Ibid., p. 15.

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the working relationship and will give a greater degree of assurance to the success of the public affairs aspects of the repatriation program.¹⁹

(f) An appendix to the Public Affairs section contains a "Marine Corps Returnee's Public Affairs Briefing Outline." Many of the points in this outline are identical to that found in the similar section of EGRESS-RECAP-NAVY. The significant point is that the inclusion of such an outline insures a uniform policy throughout the Corps.

(g) The Phase II (Transit) escort has four assigned tasks.²⁰

1. To provide for the security, safety, welfare and comfort of the returnee.
2. To ensure that the initial debriefing is completed if required.
3. To maintain custody of the returnee's dossier and related initial debriefing information/material until delivered to the initial debriefers.
4. To preclude unauthorized persons from contacting or harassing the returnees.

(2) Comparison. The Public Affairs guidance contained in EGRESS-RECAP-MARINE possesses the same advantages as that found in EGRESS-RECAP-NAVY. These include sufficient detail to enable processing personnel to understand the issues involved, as well as a public affairs briefing outline which succinctly conveys the necessary information while insuring a uniform Service policy. As noted previously, the Public Information Appendix in AR 190-25 is deficient in these areas (see page K-III-6.)

d. ~~(c)~~ EGRESS-RECAP-AIR FORCE:

(1) ~~(c)~~ Discussion:

(a) This is a detailed operations plan, similar to EGRESS-RECAP-NAVY, and EGRESS-RECAP-MARINE. The format parallels the other two

¹⁹ Ibid., p. 25.

²⁰ Ibid., p. 10.

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with an introductory overview ("Basic Plan") followed by eight annexes (each of which deals with one of the substantive problem areas associated with processing returnees):

(b) Annex E ("Personnel") has to do with personnel policy. The objectives of this action are the following:

1. To insure that the personal needs of returned USAF prisoners of war and other detained USAF personnel are expeditiously met.
2. To insure that the psychological readjustment from captivity to freedom is eased as much as possible.
3. To insure that returned USAF prisoners of war and other detained USAF personnel are promptly and properly advised about the state of their personal affairs and about the course of the processing to be undergone in their immediate future.²¹

(c) Under the heading "Basic Guidance," this annex of EGRESS-RECAP-AIR FORCE advises that "competent personnel fully conversant with this plan and with appropriate personnel policies will be available to answer questions and to brief returned personnel as appropriate. Tentative processing procedures and time schedules for travel will be matters of interest."²²

(d) The commander at the first installation at which returnees are not in a transient status is to provide information briefings to the returnees.²³ These briefings are of two types:

1. Comprehensive informational briefings to cover significant events affecting the United States which occurred during the period of activity.
2. Comprehensive, individual briefings to include status of finances, policies on

²¹ EGRESS-RECAP-AIR FORCE ~~(C)~~ (1 July 1968), Annex E, p. E-1.

²² Ibid., p. E-3.

²³ Ibid., p. E-4.

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assignment, separations, flying status, promotion, and any other information desired by the returned persons.²⁴

(e) The USAF Military Personnel Center (USAFMPC) is charged with the responsibility of preparing individual brochures "to assist the returned personnel in adjusting to release from captivity and to assist personal affairs counselors."²⁵ The brochure will include:²⁶

1. Location and telephone numbers of the returned person's next of kin together with information on any special problems of which USAFMPC is aware.
2. A recapitulation of pay and allowances with statement of disposition while in captivity.
3. Awards and decorations approved for service prior to captivity.
4. A statement of policies outlined in subparagraph 5, below.
5. Personnel policy guidance: Personnel policy outlined in appropriate Air Force directives is applicable to returned USAF prisoners of war and other detained USAF personnel with the following modifications:
6. Active duty service commitments which may have incurred prior to or during captivity as a result of training or promotion will not impede separation or (release, resignation, retirement) if such action is the desire of the returned person. Before separation is approved, appropriate Air Staff agencies will be requested to concur in such action.

24 Ibid.

25 Ibid.

26 Ibid.

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7. Assignment after restoration to duty will be processed in the manner outlined in AFM's 36-11 and 39-11 for other hospital releasees. Returned officer personnel should be encouraged to amplify their preferences by personal letter addressed to the USAF Military Personnel Center (AFPMRE). Choices of assignment will be honored for returned USAF prisoners of war or other detained persons unless extraordinary circumstances intervene.

8. Hospital commanders may grant convalescent leave in accordance with current procedures. Returned USAF prisoners of war and other detained personnel will be advised that:

9. On 1 July of each year, members of the Armed Forces must forfeit all leave accrued in excess of 60 days. No authority exists for commanders to waive this requirement.

10. No authority exists for monetary payment for leave lost during captivity.

(f) Annex D of EGRESS-RECAP-AIR FORCE deals with Information/Public Affairs. This annex is based upon four assumptions which reveal the delicate issue involved in formulating any information policy:

1. US policy and tradition maintain that news media be allowed free access to unclassified and nonsensitive information relative to returned USAF personnel, as well as their personal experiences while detained.

2. News media interest in the returned personnel will be intense.

3. Access to returned personnel by the news media cannot be delayed indefinitely, except for medical or security reasons, or when an individual elects not to meet the press.

4. The integrity, health and legal rights of the individual and the welfare of his

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family and welfare of possible remaining prisoners of war and/or detained personnel must be safeguarded.²⁷

(g) The public information guidance provided specifically states that "public affairs will be handled in a manner that will avoid any implication of culpability, or that returned personnel are being sequestered, or are under custody."²⁸

(2) ~~(C)~~ Comparison:

(a) ~~(C)~~ AR 190-25 assigns to the CONUS hospital commander the responsibility "for insuring that necessary briefings are provided returned personnel concerning basic matters such as pay and allowances, promotions, claims for loss of personal property, pass and leave, decorations and awards, and legal assistance on tax matters and personal problems."²⁹ These briefings are comparable in nature to the "Comprehensive, individual briefings" required by EGRESS-RECAP-AIR FORCE. (See page 11)

(b) ~~(C)~~ AR 190-25 makes no provision for what EGRESS-RECAP-AIR FORCE calls "comprehensive informational briefings" which bring the individual up to date on significant current events. Such briefings can be instrumental in diminishing the "cultural shock" involved in the termination of captivity and the return to the United States.

(c) (U) AR 190-25 requires the compilation of "dossiers" on "each captured, missing, or detained individual."³⁰ These dossiers are the responsibility of the Adjutant General who is also responsible for the dissemination of the information contained therein.³¹ AR 190-25 requires that they contain the following information:

1. A copy of the most recent official or other appropriate photograph(s).
2. A summary or reproduction from personnel and medical records of complete identification data.

²⁷ Ibid., Annex D, p. 2.

²⁸ Ibid.

²⁹ AR 190-25, op. cit., p. 22.

³⁰ Ibid., p. 46.

³¹ Ibid., p. 46.

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3. A copy or extract of official orders and other documentation covering assignment at the time individual became a casualty.

4. A summary of the best available information on the circumstances of the individual becoming a casualty.

5. A copy of the proceedings of Board of Officers determining captured or missing status.

6. All information concerning the individual received subsequent to his becoming a casualty.

7. A list of all material within the dossier forwarded to the Department of the Army.

(d) ~~(C)~~ At first glance, the Army system of "dossiers" might seem similar to the "brochures" which EGRESS-RECAP-AIR FORCE requires to be prepared for each returnee. However, there is a basic distinction between the two: the Air Force brochures are prepared for the convenience of the returnee, while the Army dossiers are prepared for the convenience of the personnel processing the returnee. For example, the information in these dossiers will also be used as the basis on which the Deputy Chief of Staff for Personnel will determine whether a returnee be advised of his rights under Article 31 (UCMJ) prior to the initiation of the debriefing portion of processing.

(e) (U) The Air Force coordinates the contents of their brochures with the families of USPW's during the period of internment. Current photographs are solicited for inclusion in these brochures. The Air Force also attempts to keep track of any possible deaths in the family, as well as whether or not the family desires the former PW to be notified of such deaths by the Air Force upon his return to U.S. control. The Army dossiers also contain information on changes in status of NOK, but it is apparently assumed that the Army will notify the returnee. No choice is given the family as to whether they would prefer to inform the returnee personally of family deaths.

3. ~~(C)~~ DEBRIEFING:

a. ~~(C)~~ DOD Policy:

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(1) Intelligence/counterintelligence debriefing is essential and will be conducted concurrently with medical treatment and evacuation whenever possible (8 June 1968).

(2) Medical personnel will provide optimum debriefing conditions consistent with treatment (8 June 1968).

(3) The Director, Defense Intelligence Agency, will provide technical direction and coordination of the Services' debriefing programs (8 June 1968).

(4) Debriefing tasks will be accomplished consistent with the significance and perishability of the information. The nature of the intelligence gain will determine the priority and kind of action necessary (18 January 1969).

(5) Returnees will be accorded all of the legal rights and privileges to which they are entitled as military personnel. In view of the physical and/or psychological pressures to which they may have been subject, particular care must be taken to ensure that their rights and privileges are in no way compromised or diluted (8 June 1968).

(6) In the event there is evidence of misconduct on the part of a returnee, it will be referred to the Service concerned, and any cases of suspected misconduct will be disposed of in accordance with normal practices (8 June 1968).

(7) Intelligence debriefings shall be conducted so as to afford full protection to the rights of the individuals (18 January 1969).

(8) To provide the proper environment for the return of these men and to maximize the intelligence obtained, a returnee will be given the warning specified in Article 31 of the Uniform Code of Military Justice and advised of his right to counsel only when the individual has been charged with having committed an offense punishable under the Uniform Code of Military Justice, or when previously acquired reliable information clearly indicates that he has committed such an offense, or when his responses lead the debriefer reasonably to believe that he has committed such an offense and that an investigation should be made (18 January 1969).

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b. ~~(C)~~ EGRESS-RECAP-NAVY:

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(1) Discussion:

(a) The subject of debriefing is dealt with in general terms in the "Concept of Operations" (Annex A) of EGRESS-RECAP-NAVY. Concern for the welfare of the individual is to be given priority in the debriefing sessions. Debriefing personnel are instructed to "attempt to obtain perishable intelligence as soon as possible consistent with medical considerations."³² In order to "facilitate medical evaluation and assist debriefers to evaluate information received" it may be "appropriate" to have a doctor/psychiatrist present during debriefings.³³

(b) The Concept of Operations acknowledges that "debriefing is a delicate matter and it is natural to expect that some repatriates will view it skeptically."³⁴ Consequently, the debriefer must make an effort to insure that "the debriefing should be conducted along the lines of a cordial interview with patience and demonstrated personal interest. It is important that a repatriate understand that the purpose of the debriefing is to obtain positive information that may prove invaluable to other missing personnel and their families or to future captured Americans."³⁵

(c) The debriefer is advised that "recovered personnel are presumed to have conducted themselves properly."³⁶ Following from this, "it should not be the goal of debriefers to seek documentation to determine a repatriate's own culpability."³⁷

(d) The Concept of Operations requires that "debriefers should be mature, experienced and thoroughly prepared to expertly perform their mission in a fully informed manner and aware of the sensitivities involved."³⁸

³² EGRESS-RECAP-NAVY, Annex A, op. cit., p. A-3.

³³ Ibid., p. A-4.

³⁴ Ibid., p. A-3.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid., p. A-4.

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(e) Annex D of EGRESS-RECAP-NAVY sets forth the procedures and responsibilities for debriefing. This annex advises that "the highest intelligence collection priorities are to obtain information on other prisoners or detainees who are not returned and on PW locations."³⁹

(f) A separate annex (Annex F) provides for the legal rights and legal counseling of returnees. Legal assistance will be made available to returnees and their dependents.⁴⁰ Such services for the returnee "may be deferred until they have returned to CONUS."⁴¹

(g) This legal annex specifically states that "in view of the physical and psychological pressures to which they may have been subjected, particular care must be taken to ensure that their rights and privileges are in no way compromised or diluted."⁴²

(h) The warning of rights which may be required under some circumstances is given in the legal annex.⁴³ The appendix to this annex contains the "Rights Acknowledgement" and the "Waiver of Rights" form. If the individual does not desire to exercise his rights, he will be requested to sign these forms in the presence of the debriefers and one witness.⁴⁴

(i) EGRESS-RECAP-NAVY emphasizes that: "If at any time prior to or during any intelligence or conduct debriefing session, a returnee indicates that he wishes to remain silent or terminate the session, the debriefing session must cease."⁴⁵ Likewise, the session must terminate if the returnee expresses the desire to consult with counsel.⁴⁶

(j) EGRESS-RECAP-NAVY sets a strict policy with respect to disciplinary action against returnees. Annex F states that "no charges with respect to the conduct of any returnee during the time of his captivity or detention will be referred to trial, nor will any courtmartial be convened for the trial of such charges without the prior permission of the Secretary of the Navy."⁴⁷

39 Ibid., Annex D, p. D-1.
40 Ibid., Annex F., p. F-1.
41 Ibid.
42 Ibid.
43 Ibid., p. F-2.
44 Ibid.
45 Ibid.
46 Ibid.
47 Ibid., p. F-6.

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(2) Comparison:

(a) EGRESS-RECAP-NAVY recognizes that the debriefing process is an important step in the reintegration of the returnee into society. Consequently, the "Concept of Operations" emphasizes the need for the debriefer to be sensitive to the plight of the returnee. The "cordial interview" approach of the Navy stands in contrast to the interrogation techniques outlined in FM 30-15, to which USAINTC Reg 381-100 refers the debriefer for guidance in small-scale repatriation.

(b) Annex B of USAINTC OPLAN 107-71 is entitled "Concept of Operations." This is applicable in instances of large-scale repatriation. However, this concept lacks the detail of EGRESS-RECAP-NAVY. Only a single paragraph is concerned with the welfare of the returnee:

Captivity is not a state of culpability and returned prisoners of war will be treated accordingly. Returnees will be accorded all of the legal rights and privileges to which they are entitled as military personnel at every stage of processing, including intelligence/counterintelligence debriefings. The welfare and morale of returned personnel are of prime importance, and all reasonable efforts will be made at all stages to provide for their personal, psychological, and spiritual needs.⁴⁸

The terms used in this paragraph are too general to provide any guidance for the recognition of the debriefing process as a step in the reintegration of the individual into society.

(c) The Navy considers the debriefer/returnee relationship to be so sensitive that a program has been initiated by which reserve Naval intelligence officers are brought on active duty to attend 2 weeks of EGRESS-RECAP training which is designed to sensitize them to the fragile mental state of the returnee.⁴⁹ Contact with ex-PWs is stressed as part of this training. The requirement has been established by the

⁴⁸ USAINTC OPLAN 107-71 ~~(c)~~ (April 1971), p. B-1.

⁴⁹ Letter from Commander, Naval Intelligence Command, to USACDCISSO, Ft. Bragg, NC (U) (7 April 1971).

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Navy that 200 such inactive duty reservists be so trained. The rationale for the participation of reserve officers is the following:

The rationale for the participation of reserve officers stems from the Navy plan to have at least one EGRESS-RECAP trained intelligence officer for the debriefing of each Navy prisoner of war released from Southeast Asia, and the uncertain date for occurrence of contingency. The availability of EGRESS-RECAP trained active duty intelligence officers does vary as a result of losses to inactive duty or the transfer of those officers to assignments which preclude participation in EGRESS-RECAP. Participation by members of the Ready Reserve will assure the availability of trained EGRESS-RECAP debriefers when the contingency occurs.⁵⁰

(d) There is no comparable plan to use Army reserve officers. ACSI's position is that this is unnecessary, as sufficient debriefers will be available in CONUS. These Army MI debriefers are currently receiving training in support of OPLAN 107-71 in an effort to sensitize them to the plight of the returnee.

(e) The policy with respect to the reading of Article 31 (UCMJ) is identical for AR 190-25, OPLAN 107-71, and EGRESS-RECAP-NAVY. All are in accordance with DOD policy.

(f) The need for the prior approval of the Secretary of the Navy before referring charges on a returnee dealing with the period of detention is similar to guidance contained in AR 190-25. The AR specifies that "no action will be taken to formally prefer charges" until the appropriate commander has been advised by HQ, DA, that this is consistent "with the security and national interests of the United States."⁵¹

c. ~~(c)~~ EGRESS-RECAP-MARINE:

(1) Discussion:

⁵⁰ Ibid.

⁵¹ AR 190-25, op. cit., p. 25.

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(a) This operation plan is consistent with the debriefing provisions of EGRESS-RECAP-NAVY.

(b) This plan does refer to the possibility of granting immunity in debriefing. Under the heading "Conditions of the Debriefing," it is stated:⁵² "At such time as competent authority may authorize, legal immunity may be granted to individual returnees relative to specific violations of the UCMJ."

(c) It should be noted that although not referred to in EGRESS-RECAP-NAVY, the debriefings by "the Office of Naval Intelligence (ONI)", of the Pueblo crew were conducted with the understanding that what was said was "privileged information" not available at a court-martial.⁵³

(2) Comparison. The question of immunity relates to the problem of intelligence requirements being in conflict with the legal requirement of reading Article 31 to an individual. AR 190-25 does mention that HQ, DA, can grant immunity.⁵⁴ However, the granting of immunity on a case-by-case basis after lengthy determination by higher headquarters does not effectively deal with the possibility of desired intelligence information being lost because the debriefing was terminated by the reading of Article 31.

d: ~~(C)~~ EGRESS-RECAP-AIR FORCE:

(1) Discussion:

(a) The Air Force plan is similar to those of the Navy and Marine Corps in that it contains both legal and intelligence/counter-intelligence annexes.

(b) The objective of debriefing is to gather information on the following areas:

1. Information of immediate value to include identification and location of individuals known to have been in enemy hands but who were not returned to US control. (or known to be dead).

⁵² EGRESS-RECAP-MARINE, op. cit., p. 17.

⁵³ Lloyd Bucher, Bucher: My Story (New York: Doubleday, 1970) p. 379.

⁵⁴ AR 190-25, op. cit., p. 25.

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2. Information of tactical and strategic value.

3. Details on the coercive pressures used by the captive for the purpose of inducing compliance, the interrogation procedures and techniques used in efforts to extract military information, and the techniques used in any indoctrination efforts.

4. Details of knowledge of US military operations, plans, systems, etc., displayed by captor interrogators.

5. Details on location and prisoner routine to include security, handling, processing, granting of mail privileges, general treatment, and other aspects of captivity.

6. Details concerning enemy intelligence apparatus, composition, modus operandi, etc.

7. Information indicative of attempts to subvert or recruit USAF returned personnel for military intelligence purposes.

8. All other information of interest to or required by the intelligence/counterintelligence community.⁵⁵

(c) The Intelligence/Counterintelligence Annex states that "captivity is not a state of culpability and returned USAF prisoners of war and other detained USAF personnel will be treated accordingly."⁵⁶

(d) The legal rights of all returnees are to be safeguarded during debriefing.⁵⁷ The legal annex points out that "experience from the Korean period reflects that indications of misconduct usually appear during intelligence debriefings as unsolicited statements."⁵⁸ A guideline consists of two categories:⁵⁹ "Accusatory Statement Against Another" and "Self-Incriminating Statement."

⁵⁵ EGRESS-RECAP-AIR FORCE, Annex C, op. cit., p. C-2.

⁵⁶ Ibid., p. C-4.

⁵⁷ Ibid., Annex F. p. F-2.

⁵⁸ Ibid., p. F-3.

⁵⁹ Ibid.

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1. In the event of an accusatory statement against another, the debriefer is instructed to "be alert to recognize any indication that the person making the accusation may be an accomplice of, fellow conspirator, or liable as a principal in the person against whom the accusation is made."⁶⁰ If this is the case, the debriefer must act as if self-incrimination is taking place.⁶¹ On the other hand, if there is no suspicion against the makers of the statement, he should be allowed to complete his accusation.

2. In the event of a self-incriminating statement, "that stage of processing must be terminated immediately and the accused must be advised of his legal rights."⁶² Furthermore, this warning must be given at the moment the debriefer "first suspects that person of an offense, or possible misconduct."⁶³

(e) A format is given for the acknowledgement and waiver of rights.⁶⁴

(f) No action will be taken to formally prefer charges until the immediate commander is advised that there is no policy objection to his proposed action.⁶⁵

(2) Comparison:

(a) The policy of the Air Force coincides with that of the other Services and DOD.

(b) There is no mention of the possibility of immunity being granted.

4. ~~(c)~~ MEDICAL:

a. ~~(c)~~ DOD Policy:

(1) All returned personnel will be placed under medical auspices as soon as possible and evacuated to an appropriate facility, normally in CONUS, when medically and operationally feasible (8 June 1968).

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid., p. F-4.

⁶³ Ibid.

⁶⁴ Ibid., p. F-5.

⁶⁵ Ibid., p. F-9.

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(2) Medical evacuation channels will normally be utilized and suitable escorts will be provided to accompany such movements (8 June 1968).

(3) All returnees will return by aeromedical evacuation to CONUS accompanied by appropriate parent Service escorts (18 January 1969).

b. ~~(c)~~ EGRESS-RECAP-NAVY:

(1) ~~(e)~~ Discussion:

(a) The "Concept of Operations" states that "medical processing will take precedence as long as medical concern is paramount."⁶⁶ In compliance with DOD policy, returnees are to be put into a patient status as soon as feasible.⁶⁷

(b) EGRESS-RECAP-NAVY contains a Medical Annex which reaffirms the DOD guideline of 36 hours as the minimum processing time in-theatre with 72 hours being the allowable maximum.⁶⁸ The Bureau of Medicine and Surgery is the agency responsible for designating the CONUS hospital destination of a returnee.⁶⁹ This is done upon receipt of a message marked REPATRIATE REPORT which will include diagnosis, prognosis, and patient preferences.⁷⁰ This message must include also a "patient category code" which will be one of the following:

1. Code A - requires treatment at a special treatment facility.

2. Code B - requires minimal continuing treatment or no immediate treatment.⁷¹

(c) In the event a returnee is categorized Code A there are five subcategories:⁷²

⁶⁶ EGRESS-RECAP-NAVY, Annex A, op. cit., p. A-3.

⁶⁷ Ibid.

⁶⁸ Ibid., Annex E, p. E-1.

⁶⁹ Ibid., p. E-2.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

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1. Psychiatric.
2. Active TB.
3. Amputees.
4. Tropical Diseases.
5. Long-Range Treatment Medical/Surgical.

(d) Eight hospitals are listed as eligible to receive Code A patients of one or more subcategories. There are 11 hospitals designated to receive Code B returnees.⁷³

(e) All returnees are to remain on the sick list until they have appeared before a Medical Board.⁷⁴ Provision is made for further evacuation to another CONUS hospital nearer their home "if moderately prolonged treatment is necessary."⁷⁵

(f) Prior to action being taken on the recommendations of the Medical Boards, BUPERS must receive these recommendations. "This will ensure uniformity of policies in making final determinations for fit duty."⁷⁶

(g) The hospital commanding officer may grant up to 90 days convalescent leave.⁷⁷ EGRESS-RECAP-NAVY further states that "it is not desired that return to duty for these patients be expedited unless their physical and emotional status clearly indicates that any action is warranted."⁷⁸

(h) With respect to separation from the Service, the "Concept of Operations" advises that "it is considered decidedly in the interest of the repatriates not to be released from active duty until medical processing is complete. They should be counseled to avoid making decisions hastily and should proceed on a leisurely basis until their condition normalizes, executing approved extensions to Service contracts or accepting approved medical extensions as applicable."⁷⁹

73 Ibid.
74 Ibid.
75 Ibid., p. E-4.
76 Ibid., p. E-5.
77 Ibid.
78 Ibid.
79 Ibid., Annex A, p. A-9.

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(1) This paragraph on expiration of service concludes with a reference back to the Legal Annex, not the Medical Annex, of EGRESS-RECAP-NAVY. The referenced section requires that all cases involving an expiration of service "will be expeditiously referred to the Chief of Naval Personnel for advice regarding disposition. No separation (for purpose of reenlistment or otherwise), reenlistment, or other action affecting the status of any returnee will be effected without prior approval of the Chief of Naval Personnel."⁸⁰

(2) ~~(C)~~ Comparison:

(a) ~~(C)~~ AR 190-25 requires that returnees be put "under medical auspices without delay."⁸¹ This procedure coincides with EGRESS-RECAP-NAVY and is in accordance with DOD policy.

(b) ~~(C)~~ The hospital designation procedures are similar for both Army and Navy returnees. In both instances, the diagnosis is the factor which overrides all other considerations in hospital assignment. There are more Army hospitals eligible to receive returnees than there are Navy hospitals, which increases the difficulties associated with prior planning, especially for MI debriefing teams.

(c) (U) Both AR 190-25 and EGRESS-RECAP-NAVY provide for up to 90 days convalescent leave at the discretion of the hospital commander.

(d) ~~(C)~~ In instances where an individual returnee has passed his ETS, EGRESS-RECAP-NAVY outlines clearer lines of authority than does AR 190-25. The AR states that a hospital commander may not initiate separation action until "informed by DA that the returnee is eligible for release from active duty."⁸² This leaves the responsibility of retaining a returnee in Service with the hospital commander. The Navy considers such retention a legal matter rather than a medical matter. Consequently, EGRESS-RECAP-NAVY makes the Chief of Naval Personnel responsible rather than the hospital commander.

⁸⁰ Ibid., Annex F, p. F-6.

⁸¹ AR 190-25, op. cit., p. 16.

⁸² Ibid., p. 27.

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c. ~~(C)~~ EGRESS-RECAP-MARINE:

(1) ~~(C)~~ Discussion:

(a) The Marine Corps plan provides that returnees be put into "medical channels for the purpose of affording screening, treatment, and evacuation."⁸³

(b) There is no separate medical annex to EGRESS-RECAP-MARINE except for a list of CONUS hospitals for Marine Corps returnees. Eight hospitals appear on this list and six of these previously appeared in EGRESS-RECAP-NAVY. The two additions are the US Naval hospitals at Camp Lejeune and at Camp Pendleton. However, in the event that "special medical requirements exist," "other hospitals" may be utilized; but these are not listed.⁸⁴

(c) The problem of expiration of service during captivity is dealt with as a legal matter. "The cases of all such individuals, officers and enlisted, will be expeditiously referred to the Commandant of the Marine Corps for advice regarding disposition. No separation (for the purpose of enlistment or otherwise), reenlistment, or other actions affecting the status of any returnee will be effected without the prior approval of the Commandant of the Marine Corps."⁸⁵

(2) ~~(C)~~ Comparison:

(a) The medical processing of Marine returnees coincides largely with that of the Navy.

(b) The Marine Corps regards retention beyond ETS as a legal matter with the Commandant's approval necessary for separation. This is a clearer policy than AR 190-25 demonstrates.

d. ~~(C)~~ EGRESS-RECAP-AIR FORCE:

(1) ~~(C)~~ Discussion:

(a) The Air Force provides that "returned personnel will be given an initial medical examination to determine their suitability

⁸³ EGRESS-RECAP-MARINE, op. cit., p. 9.
⁸⁴ Ibid., p. 34.
⁸⁵ Ibid., p. 32.

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for immediate aeromedical evacuation to the CONUS."⁸⁶ Furthermore, "all effort will be expended to airlift returned personnel from the initial CONUS receiving hospital to the medical facility closest to their primary next of kin, or that facility so designated by the affected personnel. Throughout the processing, primary considerations will be given to the medical needs of the returned personnel. Duration of hospitalization will depend on medical requirements."⁸⁷

(b) Annex B of EGRESS-RECAP-AIR FORCE is concerned with "Medical Services." The purpose of this Annex "is to insure uniformity in the medical processing of returned USAF prisoners of war and other detained USAF personnel."⁸⁸

(c) Subsequent to an in-theatre base line medical examination, returnees will be evacuated through normal medical channels to one of the following CONUS installations:

1. Malcolm Graw USAF Hospital, Andrews AFB.
2. Wilford Hall USAF Hospital, Lackland AFB.
3. USAF Hospital, Scott AFB.
4. David Grant USAF Hospital, Travis AFB.

(d) The Air Force Surgeon General will designate one of these hospitals on the basis of "home address and medical treatment required."⁸⁹ At this medical facility, "returned personnel will receive appropriate medical examinations, treatment and personal processing before being transferred to another facility for definitive care or returned to normal duty or civilian status."⁹⁰

(e) EGRESS-RECAP-AIR FORCE requires that a Report of Medical Examination (SF 88) and Report of Medical History (SF 89) be executed on each returnee. This is done in order "to establish a base line reflecting the individual's status at the time of release/repatriation."⁹¹

⁸⁶ EGRESS-RECAP-AIR FORCE, op. cit., p. 3.

⁸⁷ Ibid., p. 4.

⁸⁸ Ibid., Annex B, p. B-1.

⁸⁹ Ibid., p. B-2.

⁹⁰ Ibid.

⁹¹ Ibid., p. B-3.

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(f) No provision is made for situations in which returnees have passed their ETS.

(2) ~~(e)~~ Comparison:

(a) ~~(C)~~ The designation of four primary receiving hospitals greatly facilitates the prior planning of intelligence/counterintelligence debriefings. Evidence of this is given by the listing of these four hospitals as receiving sites under the heading "Assumptions" of the Intelligence/Counterintelligence Annex.⁹² This is in accordance with the designation by the OTSG of Class II hospitals as "primary" locations for returnees.

(b) (U) The execution of SF 88 and SF 89 as required by EGRESS-RECAP-AIR FORCE is similar to the special medical debriefing required by AR 190-25 which requires the same forms to be executed.⁹³

(c) (U) AR 190-25 does mention and attempt to deal with the problem of returnees who have passed their ETS.

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⁹² Ibid., Annex C, p. C-3.

⁹³ AR 190-25, op. cit., Annex B, p. 33.

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APPENDIX L

ROLE OF PRIVATE AND INTERNATIONAL ORGANIZATIONS

1. INTRODUCTION:

a. This appendix provides a discussion of the roles played by agencies and groups of a national or international character in their relation to prisoner of war issues. Although not an integral component of any national decision making body, insofar as they relate to prisoner of war matters, such agencies often exert considerable influence upon official policy positions. As such, a consideration of their activities is highly important in an analysis of prisoner of war doctrine.

b. Those aspects of the prisoner of war issue included in this appendix are:

(1) First, the significance of PW-related activities by international organizations is examined. The focus is on the role played by the United Nations and the International Red Cross in PW matters, and the manner in which their activities impact upon the treatment and legal status accorded detainees. The operations and effectiveness of such organizations will be discussed in the context of the Korean and Vietnam hostilities.

(2) Second, this appendix includes a discussion of the activities and intentions of public and private organizations operating on the domestic level. The key question examined here is the degree of influence such groups exert upon the government, and the extent to which their views align with national policy objectives.

(3) Third, the final aspect considered in this appendix is an analysis of the significance and capabilities of international and domestic public opinion in their function as a lobby for government policies. In a variety of ways their activities both complement and inhibit the efforts of the United States in the implementation of prisoner of war policy measures.

2. ROLE OF INTERNATIONAL ORGANIZATIONS:

a. The function of any international agency is to represent the feelings and opinions of its member states. In the field of prisoner of war affairs, their role is primarily one of seeking to effect the acceptance and implementation of the provisions of the 1949 Geneva PW Convention by the parties to a conflict.

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b. While the role of international agencies in PW affairs is clearly defined in international law, in practical application such a role is subject to obvious constraints. These constraints, as outlined below, have a pronounced impact upon the effectiveness of such organizations, and noticeably inhibit their flexibility.

c. In a great many cases, international organizations are limited in the degree of pressure they can effectively bring to bear upon an issue. Other than in carefully defined situations described in its Charter, the United Nations has no resort to unified military force and, therefore, is limited to the application of moral pressure and persuasion.

d. The International Committee of the Red Cross is completely limited to moral persuasion in efforts to effect courses of action prescribed in international law as its responsibility. Thus, in the event an international agency attempts to implement certain courses of action during a conflict and is confronted by an intransigent or hostile state, there is little or nothing it can do to further promote its objectives in the face of such hostility and uncooperativeness.

e. Another factor inhibiting the effectiveness of international organizations is the difficulty experienced in arriving at a unified course of action with their member organizations and working in a concerted fashion to achieve successful results. Depending upon procedures enunciated in its charter, an organization confronted by a complex and impassioned issue, such as one in which several powers perceive their national interests involved, often finds efforts to arrive at a common course of action thwarted by quarreling among its member organizations. In such a situation, effective methods to deal with the issue may be all but impossible to attain.

f. The role of the United Nations in the Vietnam War is instructive in this regard. Unlike operations during the Korean War, which it was able to conduct due to the absence of the Soviet Union at the time of a crucial Security Council vote, the United Nations has found itself all but powerless to deal with events in Southeast Asia. The immediate involvement of the great powers in an area where they perceive their national interests to be so clearly at stake has rendered effective action by the United Nations impossible.

(1) United Nations:

(a) By virtue of its position as one of the parties to the conflict of the Korean War, the United Nations was able, to only a limited

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degree, to influence the prisoner of war policies of the Communist forces in regard to US and UN PW's. In contrast to the cooperative attitude of the UN Command regarding inspection of PW detention facilities, North Korean and Chinese authorities consistently refused third-party inspection of Communist PW detention camps. Such refusals called into question Communist claims of adherence to the principles of the 1949 Geneva PW Convention which specifically calls for inspection of PW camps by states or agencies neutral to the conflict. The UN Command, through both the General Assembly and the U.S. government, declared at the outbreak of hostilities its recognition of the procedures contained in the PW Convention. Throughout the war the UN Command scrupulously observed the standards of the Convention--subject to constraints imposed by military necessity--in all aspects of its PW program.

(b) Among the constraints affecting Communist treatment of PW's perhaps one of the most significant was the restraining effect of the principal of reciprocity. The recognition that humane treatment of UN prisoners of war was the most likely way to obtain similar treatment for captured Communist military personnel possibly exerted a restraining influence upon Communist detention camp cadre. Generally, Communist policy provided for the observance of the PW Convention insofar as its provisions were compatible with Communist PW management techniques.

(c) The United Nations has enjoyed a considerably less active role in prisoner of war matters during the Vietnamese conflict. Pronouncements on the war by the world body and its representatives have more often dealt with political issues and the matter of negotiating an end to hostilities, rather than with the circumstances of PW's detained by the opposing forces. For the most part, the purpose of such statements has been to encourage compliance with the Geneva PW Convention by opposing sides in their treatment of detained military personnel.¹

(d) On occasion, with varying degrees of success, the forum provided by the UN has been used by both UN members to comment upon the PW problem. When in mid-July 1966, North Vietnam announced that captured American pilots were to be tried as war criminals in accord with North Vietnamese reservations to Article 85 of the Geneva PW Convention, the immediate protests by UN Secretary General U Thant were an obvious factor in the subsequent decision by the North Vietnamese to cancel (at least temporarily) the announced trials.² The Secretary General has also

¹ Department of State Bulletin, "Treatment of American Prisoners of War in North Vietnam," 22 December 1969, p. 596.

² Colonel Walton K. Richardson, "Prisoners of War as Instruments of Foreign Policy," Naval War College Review, September 1970, p. 58.

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called upon North Vietnam to permit inspections of PW camps by impartial authorities, as in his statement of October 30, 1969, when he requested North Vietnam to give "an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam"³

(e) Representatives of the US government have also appealed through the medium of the United Nations for more humane treatment of US prisoners of war held by the North Vietnamese. Rita Hauser, the US delegate to the UN Human Rights Commission, has consistently raised the subject of the treatment of USPW's before the United Nations. On one occasion - 11 November 1969 - her remarks dealt with the refusal of North Vietnam to acknowledge its international and legal obligations:

"North Vietnamese authorities have refused to identify the prisoners they hold.... Even the minimum protection that would be afforded by inspection of POW facilities by an impartial international body has been denied.... The United States has tried again and again to persuade Hanoi to apply the basic minimum standards guaranteed by the (Geneva) Convention.... The tragic fact is, however, that North Vietnam and the National Liberation Front refuse to acknowledge their legal and moral duty to apply similar standards of treatment to the helpless prisoners in their power, Vietnamese as well as Americans.... We remain immensely grateful to the governments which have cooperated in these regrettable unsuccessful efforts" to persuade North Vietnam to conform to the provisions of the Geneva Convention.⁴

(2) The International Committee of the Red Cross:

(a) According to its position in international law, the International Committee of the Red Cross (ICRC) is to exercise a substantial role in monitoring the PW policies of states party to a

³ Department of State Bulletin, 22 December 1969, p. 596.

⁴ Department of State Bulletin, "US Brings Hanoi's Treatment of American Prisoners of War to Attention of UN Committee," 1 December 1969, p. 473.

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conflict. Its position in PW matters, as defined by the Geneva PW Convention, is equally clear and has been discussed previously in the examination of the Convention. A study of the activities of the ICRC during the Korean and Vietnam wars, however, reveals a disappointing record.

(b) Shortly after the outbreak of the Korean War, all parties to the conflict had declared their intentions to abide by the provisions of the 1949 Geneva PW Convention. The UN Command cooperated in every way with the ICRC and by mid-July 1950, representatives of the ICRC were admitted to South Korea to commence on-site inspection of detention camp facilities and to report concerning United Nations Command treatment of North Korean prisoners of war.⁵

(c) The North Korean response to overtures from the ICRC took a different course. As of 2 August 1950, the North Korean government had not responded to any ICRC query or message on the condition of UNC prisoners of war.⁶ Repeated attempts to gain permission for an ICRC delegate to enter North Korea met with silence and inaction.

(d) Even after presentation of lists of 5,230 North Korean soldiers held captive by the UNC in mid-September 1950, the ICRC could not elicit any communication or reaction from the North Korean government.⁷ Similar attitudes were exhibited throughout the war by North Korean and Chinese authorities, hindering the relief efforts by the ICRC. Requests by the ICRC for inspections, lists of prisoners of war, and compliance with stipulations of the Convention met with no success.

(e) The ICRC in the Vietnam war has performed in a much more active--though perhaps no more successful--role than has the United Nations in the same conflict. Shortly after the introduction of American forces into the Vietnam war, the ICRC in June 1965 reminded the governments of the United States, South Vietnam and North Vietnam of the provisions of the Geneva Conventions of 1949 and of their previous commitments to adhere to the Conventions. The ICRC also indicated it would attempt to deliver the letter to the National Liberated Front (NLF), the political arm of the Viet Cong.⁸

⁵ Richardson, op. cit., p. 52.

⁶ Ibid.

⁷ Ibid., p. 53.

⁸ Ibid., p. 56.

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(f) All parties, including the NLF, replied to the ICRC letter. The United States and South Vietnam gave unqualified assurances of their compliance with the Conventions and authorized the ICRC to send designated inspection representatives. North Vietnam indicated that it would treat captured personnel in compliance with the PW Convention but reserved the right not to do so. The NLF flatly refused to be bound by the Geneva Conventions; however, they affirmed that "prisoners held were humanely treated and that, above all, enemy wounded were collected and cared for." Upon sending troops in support of South Vietnam, all other nations in reply to the ICRC acknowledged the Geneva Conventions as binding. Thus, all active participants in the Vietnam war, except the NLF, formally have announced their general adherence to the Conventions.⁹

(g) In August 1965, the ICRC addressed an appeal to the principal parties to the Vietnam conflict, calling on them to abide by "the humanitarian provisions of the Geneva Conventions" in treatment of prisoners of war. The ICRC appeal specified five points: the ICRC should be permitted to serve as a neutral intermediary, prisoners of war should be treated humanely, PW lists should be exchanged, ICRC delegates should be authorized to visit PW camps, and civilians should be spared.¹⁰

(h) In reply, the US and South Vietnam undertook to respect the Geneva Convention in their treatment of PW's and arranged for the ICRC to visit PW camps in South Vietnam. North Vietnam and the NLF in separate letters to the ICRC rejected the applicability of the Geneva Convention and in particular refused to accept the ICRC as a neutral intermediary. North Vietnam further indicated it would refuse to extend the Convention to captured pilots, claiming the Convention did not apply because there had been no declaration of war and because the pilots were, in reality, war criminals.¹¹ Legally, the "declared war" argument is patently false by the very terms of the Geneva PW Convention itself, and the arbitrary classification of pilots as "war criminals" is in accord neither with the North Vietnamese reservations nor with the Nuremberg principles.

(i) In the years since the ICRC first rendered its services in the conflict in Vietnam its efforts have met with frequent and exemplary cooperation from the US and South Vietnam. In the South, ICRC delegates and doctors regularly visit PW camps, prisoner collection points, and civil prisons, conducting private interviews with individual prisoners, examining the conditions of detention, and reporting

⁹ Ibid.

¹⁰ Department of State Bulletin, 22 December 1969, p. 598.

¹¹ Ibid.

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their findings to the parties concerned. Any complaints or comments are promptly reported by the ICRC and corrective action is then taken by South Vietnamese authorities. ICRC inspection of PW camps in South Vietnam helps assure that the prisoners are treated properly, with adequate food, medical care, recreation, and other rights set forth in the PW Convention.¹²

(j) ICRC has had an altogether more difficult and frustrating experience dealing with the North Vietnamese. As has been mentioned, the government of North Vietnam refused to accept the ICRC as a neutral intermediary in the conflict and has further refused to accept the good offices of the ICRC as a substitute for a Protecting Power, pursuant to Article 10 of the Convention. Despite repeated requests, North Vietnam has refused to permit the ICRC to visit US and other allied prisoners. It has refused to allow the ICRC to investigate charges of US bombing of villages, hospitals, and civilian targets in North Vietnam. In spite of appeals by the ICRC, North Vietnam has refused to identify the prisoners it detains, it has rebuffed ICRC efforts to speed mail and packages to PW's, and it has refused to utilize the intermediary of the ICRC to repatriate sick and wounded PW's or to even furnish their identities.¹³

(k) The Department of State Bulletin of 25 May 1970 characterizes the North Vietnamese reaction to efforts of the ICRC to insure the implementation of the Geneva PW Convention:

"The Communist authorities have rebuffed all ICRC efforts to gain access to the prisoners. The ICRC has pressed its efforts without polemics, in the Red Cross tradition of neutrality and humanity. Yet, Hanoi has spurned this recognized, impartial organization, whose responsibility for prisoners of war is established by international law and tradition."¹⁴

(l) As a final note, it would be instructive to present an excerpt from a US-sponsored resolution adopted unanimously during the

¹² Richardson, *op. cit.*, p. 57.

¹³ Department of State Bulletin, 22 December 1969, pp. 598-599.

¹⁴ Department of State Bulletin, 25 May 1970, "Department Gives Views on Proposed Congressional Resolution on US Prisoners of War in Southeast Asia," p. 67.

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20th International Conference of the Red Cross, which met at Vienna October 2-9, 1965. The resolution reads in part:

"The XXth International Conference of the Red Cross: Recalling the historic role of the Red Cross as a protector of victims of war, calls upon all authorities involved in an armed conflict to ensure that every prisoner of war is given the treatment and full measure of protection prescribed by the Geneva Convention of 1949 on the Protection of Prisoners of War, including the judicial safeguards afforded to every prisoner of war charged with any offense, and that the International Committee of the Red Cross is enabled to carry out its traditional humanitarian functions to ameliorate the conditions of prisoners of war."¹⁵

(3) Summary. The role of international organizations in the Vietnam war is in many respects similar to that during the Korean War. In each case both the United Nations and the International Committee of the Red Cross have been able to achieve only a limited degree of success in persuading certain parties to the conflict--the Communist states--to accept their obligations--contractual or otherwise--to implement the Geneva PW Convention in the treatment of prisoners of war and to accept the role of the ICRC as impartial intermediary in the conflict. It would seem, then, that confronted with the obduracy of Communist states, international agencies are able to exert little influence upon the conduct of PW management programs. Beyond focusing world opinion upon their efforts and upon the reactions of the states involved in the conflict to those efforts, international organizations can point to few tangible results to justify their expenditures of time, effort, and concern.

3. ROLE OF PRIVATE ORGANIZATIONS:

a. Private agencies and organizations whose functions impact upon PW matters are little more than a fraction of the number of groups that deal with the affairs of government. Often, however, such groups exert degrees of influence upon prisoner of war policy affairs disproportionate to their actual numbers or size.

¹⁵ Department of State Bulletin, "Red Cross Calls for Application of Convention to War Prisoners," 1 November 1965, p. 726.

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b. The reasons for such degrees of influence are several. In most cases, such reasons are specifically associated with the emotional impact and public sensitivity of the prisoner of war cause with which such groups are concerned.

c. Issues as sensitive as the treatment of PW's during the prosecution of a conflict are likely to arouse strong feelings from the society as a whole. It is through the structuring and channeling of opinion generated by the prisoner of war issue that organizations concerned with its problems are able to achieve their purposes and to demonstrate a remarkable degree of impact upon policy affairs.

d. Organizations and groups active in the field of prisoner of war affairs whose actions may influence PW policy may be divided into two types. Such a division reflects the divergence of purpose and outlook characteristic of such groups.

e. First, there are organizations of a pacifist nature. The activities of such groups have become especially popular during the Vietnam War and have been directed principally toward efforts designed to effect the cessation of hostilities.

f. A second group of organizations focus their concern directly upon the condition of detained prisoners of war. Within the scope of this concern come such items as the legal status of PW's and the standards of treatment accorded PW's by their Communist captors. Groups with such goals as their objectives have not necessarily adopted a particular attitude toward the Vietnam conflict, although more often than not, such organizations have tended to support the policies and aims enunciated by the US government.

(1) Pacifist Organizations:

(a) For the most part, pacifist organizations are concerned with prisoner of war matters only insofar as they relate in some fashion to the pacifist aims and orientation of the organization. Activities of such groups that have an impact on the PW field are more often acts of public relations designed to focus public attention upon the functions of the organization, rather than measures undertaken solely from humanitarian concern with the plight of US prisoners of war.

(b) Activities of pacifist organizations depend to a great extent upon the political condition of the society in which they operate, and the degree of commitment of that society to the continued prosecution of a war. Generally, the less controversial the war and the less

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pronounced its impact upon the society, the less likely will groups of a pacifist persuasion be able to derive support for their purposes from the society.

(c) During the Korean War, pacifist groups had little influence upon PW affairs. Pacifist sentiment, for the most part, was confined to appeals for an end to the fighting and for the establishment of negotiations to speed an end to the war. No effort of any great significance was directed toward the unfortunate situation of US and UN troops held as PW's by Communist forces.¹⁶

(d) The situation prevailing during the Vietnam conflict is of a substantially different nature. The role of pacifist organizations during the conflict has been one of impressive dimensions. Throughout the period of hostilities, pacifist groups have sought to identify themselves with the prisoner of war issue in order to legitimize both the aims and the nature of their organizations. The most obvious of these methods is cooperation in the release of American prisoners of war from North Vietnam.

(e) During initial states of the war, pacifist and peace groups visited North Vietnam in a series of what are called, "humanitarian gestures." The objective of such visits more often appeared propagandistic rather than humanitarian.

(f) Medical supplies were furnished the North Vietnamese by such groups, but, more importantly, the recognition of such groups by the North Vietnamese government was apparently designed to lend legitimacy and publicity to both the nature of the group and to its aims. Besides making propaganda forays, such as inspections of bomb damage, these organizations usually brought home some bits of information concerning US prisoners of war held by the North Vietnamese. Such information was often gained from visits to detention camps and in interviews with the PW's themselves.

(g) More productive results are evident in more recent instances of the release by the North Vietnamese of selected American PW's under the auspices of pacifist delegations. As of May, 1971, the nine US military personnel released by North Vietnam had been released in such a manner.

¹⁶ LLOYD M. BUCHER, Bucher: My Story, (Garden City, N.Y.: Doubleday and Co., 1970) p. 387.

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(h) As a case in point,¹⁷ the release of three US personnel in August 1969 - the most recent release - was conducted through a delegation of US pacifists including Rennie Davis, a member of a major peace group, and David Dellinger, an identified pacifist. Dellinger was contacted by North Vietnamese envoys in Paris in July and requested to assemble a select group of pacifists to compose a peace delegation through whose auspices three US prisoners of war were to be imminently released.

(i) Unlike two previous releases, the North Vietnamese insisted upon the continued escort of the released PW's by the peace delegation for the complete return to the United States. The insistence upon the retention of a pacifist escort avoided having the PW's delivered into the hands of representatives of the US government and thus minimizing the propaganda impact of such an action.

(j) On this occasion, the United States government, through the US Ambassador to the Paris peace talks, Henry Cabot Lodge, gave assurances that the peace delegation would be allowed to escort the released PW's for the complete journey from Hanoi to the United States. The position of the US government appeared to be approval of any means or procedures, if they result in the release of US prisoners of war from North Vietnam. In this, or similar situations, the US government finds itself aligned indirectly and unwillingly with groups which are seeking to inhibit US participation in the war in Southeast Asia.

(k) The intention of the North Vietnamese in such exchanges is evidently to lend respectability to peace organizations and to embarrass the US government. Such has been the case in the past, and is likely to be the situation in the foreseeable future. By associating the release of US prisoners of war with peace organizations, North Vietnam attempts to accomplish two things. First, it seeks to create the impression that US military personnel detained in North Vietnam are being treated in a humane and considerate fashion. It does so by permitting peace delegations to visit PW's in detention camps and allowing the calculated release of selected PW's through peace delegations for maximum propaganda impact.

(l) Second, such releases lend credibility and respectability to pacifist groups and further establish them as legitimate

¹⁷ "How the Prisoners were Released," Time Magazine, 15 August 1969, p. 22.

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organs for the expression of anti-war feelings by segments of the US public.¹⁸ Efforts in this respect are calculated to diminish public confidence in support for the policies of the US government, and to accentuate anti-war feeling in the United States in the hope of bringing about a termination of American involvement in Southeast Asia.

(2) Non-Pacifist Organizations:

(a) Organizations, not of a pacifist nature, involved with PW issues are, for the most part, concerned primarily with the health and well-being of US prisoners of war. Groups of this type, such as the Remember the Pueblo Committee, the National League of Families of Prisoners and Missing in Southeast Asia, and others of similar character, direct their activities toward efforts to secure for detained prisoners of war the rights and privileges due them under the 1949 Geneva PW Convention and often denied them by their captors.

(b) The activities of such groups have included such programs as the sending of letters and petitions to both North Vietnam and the North Vietnamese delegation in Paris, requesting such actions as the release of detained American prisoners of war, the release of lists of names of USPW's, or the adherence of North Vietnam to the provisions of the Geneva PW Convention in their treatment of detained Americans.

(c) Such groups have also presented the cause of USPW's before the US Congress in House and Senate committee meetings.¹⁹ Testimony before the committees is designed both to publicize the efforts of prisoner-assistance groups and thus increase public support for their activities, and at the same time to encourage the US government to continue to press for the acceptable treatment for US prisoners required by international treaty.

(d) Finally, delegations from groups whose aim is to assist PW's, as well as private parties, have sought to personally contact North Vietnamese diplomatic and government officials either in North Vietnam itself or, more often, in Paris through the North Vietnamese delegation to the Paris negotiations. Such visits are intended to publicly apply pressure upon the North Vietnamese to accede to requests

¹⁸ "Unanswered Questions," Newsweek, 18 August 1969, p. 43.

¹⁹ "Congress Focuses on POW Problem," Armed Forces Journal, 27 September 1969, pp. 10-11.

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to either free USPW's or grant access to such prisoners held in North Vietnam. To date, all such efforts, as well as others designed to secure for USPW's the rights due them, have met with little success.

(e) Such groups as the National League of Families have succeeded, however, in enlisting the support of a significant portion of the American public in behalf of USPW's held in Southeast Asia. This mobilization of public support, through such activities as petitions, letters, and rallies, has shown to both the United States and the North Vietnamese governments the concern of the American people for the condition of American prisoners and has attempted to impress upon both governments the urgency of achieving some resolution of the PW issue.

(f) An interesting question here is the extent to which such efforts by private organizations are supported by the US government and how the views of such groups align with stated policy objectives. Department of Defense policy guidance on the subject is contained in the following communication from DOD dated January 1971:²⁰

"The Department of Defense fully supports legitimate private initiatives that advocate humane treatment and release of US prisoners of war and missing in action (PW/MIA) personnel and enemy compliance with the Geneva Conventions of 1949."

Further:

"Commanders are authorized to assist such efforts including those of PW/MIA family groups, provided the assistance is within the bounds of existing directives. Petitions on the PW/MIA issue may be circulated on military installations if deemed appropriate by the installation commander."

"A military person may express his opinion to a foreign government on the PW/MIA issue even using his military rank or title. Military individuals should avoid political comments and restrict the context of their letters to the humane treatment

²⁰ Department of the Army, Staff Communications Division, January 1971, pp. 1-2.

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and release of PW's by the enemy, and compliance with other provisions of the Geneva Conventions of 1949."

(3) Summary. Private organizations of the nature discussed in this section had little significant role in prisoner of war matters during the Korean conflict. However, the treatment and status accorded USPW's by North Vietnam have aroused a great deal of active sympathy within the United States. Such sympathy has often been channeled into groups able to more effectively formulate such convictions. The impact of such agencies is primarily reflected in the influence exerted over public opinion as such organizations attempt to mobilize support behind efforts to secure for detained American PW's the rights due them under international law.

4. INTERNATIONAL AND DOMESTIC OPINION:

a. The question of the role and effectiveness of public opinion in the prisoner of war field is complex and difficult to define. To an extent, public opinion is a measurable quantity in terms of surveys and statistics. Yet by its very nature it often seems to be of such an indeterminate quality that to adequately quantify and evaluate it is quite difficult.

b. This section considers the operation and the effect of public opinion impacting upon US prisoner of war policy on both the domestic and international levels. The examination centers its attention on situations during the Korean War and more especially during the Vietnam War where the utilization of public opinion by states party to the conflict is more pronounced.

(1) The Korean War:

(a) The extent and impact of public opinion during the Korean War is not easily ascertained. Within the United States there was, particularly in the later years of the conflict, a strong degree of anti-war sentiment. It is difficult to judge the effect upon executive policy of expressions of such sentiment, as well as criticism of US involvement in the war by some members of Congress. In any event, expressions of public opinion by the American society in regard to the treatment and exploitation of US prisoners of war seem to have had little, if any, discernable effect upon Communist detention procedures.

(b) On the international level, opinion concerning the treatment of United Nations troops was generally channeled through such

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agencies as the General Assembly of the UN and the ICRC. These organizations called upon North Korea and Communist China to abide by the provisions of the Geneva PW Convention in their treatment of UN prisoners of war and to open their detention camps to inspection by representatives of impartial third parties to the conflict. Other than such efforts, no unstructured, spontaneous expressions of public opinion exerted any measurable impact upon the PW policies of the belligerent states.

(2) The Vietnam War:

(a) Public opinion has occasionally exerted a considerable effect upon the prisoner of war policies of the North Vietnamese government. The plight of USPW's held in North Vietnam has aroused considerable sympathy both within the United States and in the world at large. In the United States sympathy and expressions of concern have been manifested in a variety of ways. Among the first of these have been actions by members of the US government addressing the North Vietnamese, in the name of the American public, to respond in a constructive fashion to the call for observance of the PW Convention.

(b) Resolutions on the prisoner of war issue have been introduced in Congress by concerned members of both the House and Senate. Similarly, sympathetic articles have been inserted in the Congressional Record by members of Congress to demonstrate their concern.

(c) In this regard, perhaps the most noteworthy instance of such concern for the condition of PW's was the insertion of 1969 in the Congressional Record of an article by Louis R. Stockstill, "The Forgotten Americans of the Vietnam War," by Senators Allott and Fannin and Representative Talcott.²¹ The response to this article was overwhelming and typified the widespread concern and sympathy among all elements of American society for its imprisoned soldiers.

(d) Petitions by the thousands and letters by the hundreds of thousands have been sent to North Vietnam and to the North Vietnamese delegation to the Paris peace talks, seeking to register the concern of millions of Americans over the treatment and legal status accorded USPW's. The National League of Families of Prisoners and Missing in Southeast

²¹ "Can World Opinion Sway Hand?, " Air Force/Space Digest, December 1969, pp. 61-64.

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Asia has been especially prominent in protesting the abridgement by the North Vietnamese of those rights guaranteed USPW's by the Geneva PW Convention.²²

(e) Wives and mothers of pilots downed over North Vietnam have sought by personal contact with representatives of the Communist government to determine whether their husbands and sons are alive or dead, but such efforts have met with little success.

(f) Unlike the policy of the Johnson Administration, the Nixon Administration has decided to exert increased public pressure upon the North Vietnamese. The Johnson Administration was no less concerned with the welfare of US prisoners, but the issue was deemphasized somewhat, partly out of fear of reprisals against the men and partly because it was believed that intergovernmental efforts might still prove successful.

(g) The Nixon Administration apparently believes that although it has pressed North Vietnam by every available means and channel, diplomatic and private, the responses have been negative and uncompromising. Thus, it holds that vocal public concern about US prisoners of war may be the most effective way to bring pressure on the Communist authorities to treat such men in a humane manner.²³ Following such policy guidelines, repatriated US prisoners in the United States are encouraged to familiarize the press and the public with conditions in North Vietnam. Though such methods contain a large measure of risk, little else seems to offer any more substantial chance of success and, regardless of the final outcome, the world as a whole will bear witness in any final judgment of North Vietnam's actions.

(h) On the international level, the reaction to the treatment of USPW's has taken a less concerted, and at the same time, less intensive approach. A variety of officials including heads of state, the Pope, and representatives of international bodies have appealed to the North Vietnamese government for third-party access to American prisoners and the application of more lenient and humane standards of confinement.

²² Ruth Chandler, "They Wait and Hope," Family Magazine, 4 March 1970, p. 5.

²³ Eric C. Ludvigsen, "Missing, Dead, or Captured," Army Magazine, February 1970, p. 31.

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(i) Of particular interest was the reaction of the world at large to the declaration by North Vietnam in mid-July 1966 that it intended to bring to trial captured US pilots for alleged "war crimes."²⁴ The response was immediate and unmistakable. United Nations Secretary General U Thant, Pope Paul VI, and American organizations and officials opposed to the war sent immediate appeals to President Ho Chi Minh to cancel the scheduled trials.

(j) A groundswell of international opinion joined in the demand that such "war crimes" trials and the parades and flagrant exploitation of USPW's be halted. Pope Paul VI addressed to the North Vietnamese leaders "an ardent and respectful prayer to grant prisoners the safety and treatment called for by international rules." North Vietnam realized its propaganda play had backfired, and on 23 July 1966 Ho Chi Minh relented and announced to the world that "no trials were in view."

c. Summary:

(1) An evaluation of the effect public expressions of concern for the treatment of US prisoners of war have had upon the government of North Vietnam reveals an uncertain record. It is apparent that on several occasions the North Vietnamese have shown considerable concern for adverse publicity directed against them in regard to their treatment of US pilots--most specifically in the cancellation of proposed "war crimes" trials for American fliers in response to international pressure. Such concern has otherwise manifested itself through such actions as the permitting of the interviewing of PW's by newsmen of unaligned nations, or by the release of films purporting to depict the congenial circumstances in which American prisoners are detained.

(2) Whether measures such as these can be said to have been taken in response to the pressures of international and domestic American public opinion is difficult to determine. Certainly, in some respects, public opinion has had an impact upon North Vietnamese policies, but it may be too much to assert that the pressure of public opinion, whether American or international, can be completely effective in seeking to redress the actions of the North Vietnamese government regarding American prisoners of war.

²⁴ Richardson, op. cit., pp. 57-58.

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(U) APPENDIX M

COORDINATION

This study has been coordinated with the commands and agencies listed below. Following the list is a summary of the comments received and the consideration given:

Coordination List	<u>Concur</u>	<u>Comment Number</u>	<u>No Comment</u>
Deputy Chief of Staff for Personnel	X	1	
Deputy Chief of Staff for Logistics	X		
Assistant Chief of Staff for Intelligence	X	2	
Assistant Chief of Staff for Force Development	X	3	
Office of The Judge Advocate General	X	4	
Office of the Provost Marshal General	X	5	
Office of the Surgeon General	X	6	
Office of the Adjutant General	X	7	
Office of the Chief of Information	X		
Defense Intelligence Agency	X	8	
HQ, USA Combat Developments Command	X	9	
USACDC:			
USACDC CONFOR Group	X	10	

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Coordination List

	<u>Concur</u>	<u>Comment Number</u>	<u>No Comment</u>
USACDC Infantry Agency	X	11	
USACDC Judge Advocate Agency	X	12	
USACDC Medical Service Agency	X	13	
USACDC Personnel and Administrative Services Agency	X		
USACDC Intelligence Agency	X		
USACDC Military Police Agency	X		
USACDC Chaplain Agency	X		
United States Continental Army Command	X	14	
CONARC:			
USA Institute for Military Assistance	X	15	
USA Infantry School	X	16	
USA Medical Field Service School	X	17	
USA Intelligence Center and School	X	18	
USA Judge Advocate School	X	19	
USA Military Police School	X		
Central Intelligence Agency	X	20	

Comments and Responses.

1. Deputy Chief of Staff for Personnel (DCSPER).

a. Comment. "The subject study contains sound doctrine for US Prisoner of War matters. The relatively new ideas, such

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as those pertaining to evasive answers and guarded responses - ideas nurtured in the Korean War and Vietnam War experience - are excellent. In the same regard, the study focuses attention on the need to establish something better than the interrogation atmosphere surrounding the interview sessions with returnees (Volume II, Part 1, page 1-3)."

b. Response. Concur.

c. Comment. "The positions on returnee welfare, halfway houses for returnees and families, and guidance on press releases are valid. It should be understood, however, that a mass release of PW's could necessitate a more austere treatment of returnees than that visualized for PW's released individually by the enemy."

d. Response. Concur. The extremes of personalized attention which have surrounded past small group or individual repatriations from SEA in the past will not be feasible during mass repatriation. However, the atmosphere of fraternalism and the concern for the welfare and morale of each and every returnee must not be sacrificed to efficiency or impersonal, bureaucratic processing.

e. Comment. "DCSPER supports the study conclusion that Article 31 warnings to returnees are counterproductive. Recommend TJAG explore this matter in depth."

f. Response. Concur. See comments of TJAG (Comment 4c.) and USACDC JA Agency (Comment 12c.). Based on comments of the latter, the discussion of Article 31, UCMJ warning in Appendix C was expanded and strengthened. The recommendation was revised to read: "Recommend that DA (TJAG) publish guidance which eliminates, except for cases specifically designated by DA (ACSI/DCSPER), the necessity for any reading of Article 31, UCMJ during the initial debriefings of returned US Army Prisoners of War when such debriefings are for intelligence purposes only and not associated with conduct investigation."

g. Comment. "Recommend that the policies incorporated in C3, AR 614-30, 'Oversea Service' as they pertain to the nonassignment of former PW's to combat areas be incorporated as appropriate, into those parts of the study concerned with the post-internment phase."

h. Response. Nonconcur. Although the restriction to sending former SEA USPW's back to SEA or to job assignments which would involve the training of individuals or units designated to deploy to SEA is significant, commentary or inclusion within the

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study would be beyond the scope of the study. The intended cutoff on discussion within the post internment phase is the return of the repatriate back to active duty or release to civilian status. Future assignments or restrictions on future assignments following medical release are not applicable to study discussion.

2. Assistant Chief of Staff for Intelligence (ACSI).

a. Comment. "The study does not make an appropriate distinction between general policy guidance of DOD concerning processing of returnees and guidance limited to a particular case, e.g., 'to the repatriation or return of a relatively large group of USPW/ Detainees who are returned on the SEA land mass...' (DepSecDef Memo, 18 Jan 69). The latter should not be interpreted as being general DOD policy, since it does not apply to any other releases or conditions beyond the case specified."

b. Response. Concur. The difference, however, is more in degree rather than kind. In the initial part of the discussion on receipt and processing procedures in chapter 6; and in the discussion of DOD policy in general in chapter 3, the fact that most DOD directives are clearly weighted toward the conflict in Southeast Asia is established. It was the intent of the study to examine these directives to determine the adequacy of the concepts directed, with a view toward identifying salient points which should be improved immediately to assist in the processing of returnees from that theater. The examination also served to identify current procedures which, if modified, would assist in the handling of PW/detainees in any future conflict/situation.

c. Comment. "Portions of study which address intelligence reflect a general lack of knowledge on the use and meaning of intelligence terminology, the role of intelligence in general, and the intelligence staff relationships. Rather than attempt a more comprehensive and meaningful discussion of the subject of intelligence, the majority of general discussion on the subject should be deleted; as it adds nothing to the study but additional length. This does not apply to debriefing, however."

d. Response. Concur. Both the section on PW Intelligence (section II, chapter 5) and PW Information (section III, chapter 5) appeared in the study for information only. The treatment in both areas was, as stated by ACSI, very superficial. Inasmuch as the final study is fairly voluminous and that neither section led to substantive findings, conclusions, or recommendations, they both were deleted from the final draft study.

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e. Comment. "The Executive Summary (Volume I) does not effectively summarize the study or highlight its findings, conclusions, and recommendations. This is essential because of the importance which will be placed on the summary in view of the great length of the study."

f. Response. Concur. The Executive Summary has been significantly revised to make it more representative both in content and structure to the main report. Findings, conclusions, and recommendations plus supporting rationale have been expanded in order to strengthen the Summary presentation.

g. Comment. (Synopsis) 17 of ACSI's comments were directed at material found in the PW Intelligence Section of chapter 5. Comments emphasized the shallow depth to which the subject was examined within the study.

h. Response. See comment and response 2c and d, above. Inasmuch as this section was deleted, no response to these comments is required.

i. Comment. (Synopsis) 58 comments were received which delved into specific items of intelligence which ACSI felt could be improved by expansion or which were used out of context. Specific phrases and updated information were provided for insertion into the study. Majority of the comments dealt with DOD policy in chapter 3 and Receipt and Processing (to include debriefing) in chapter 6.

j. Response. All 58 comments were reviewed, found valid, and incorporated into the final draft.

k. Comment. "In volume II, page 3-76, delete Doctrinal Requirements #21 and #22 from "Debriefing" subparagraph and place under the heading titled "Protection of Rights" or other similar title."

l. Response. Nonconcur. The post internment phase was examined in four phases: receipt and processing, medical treatment, debriefing, and rehabilitation. Although the two requirements in question deal with the preservation of the returnee's rights during the entire processing cycle, it was considered that the most crucial point and the point where his legal rights might most likely be diluted would be his initial and/or subsequent debriefings. It was for this reason that the two requirements in question were placed under the debriefing section rather than one of the other three.

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m. Comment. "In volume II, page 5-21 through 5-27, delete paragraph on League of Families. The League of Families (not official title of organization described) is only one of the many organizations which, along with numerous private individuals and public figures of many countries, have played a significant role in USPW affairs during the conflict in Southeast Asia. Thus, singling out this one group gives the impression of DA, DOD, or US Government official support of the group. Any discussion of unofficial organization activities is of doubtful value, since it does not appear to contribute to meeting the objectives of the study."

n. Response. Nonconcur. The section in which the discussion on the National League of Families of American Prisoners and Missing in Southeast Asia appears is devoted to discussion of programs and activities which aid the next of kin. Early in the discussion of the League, the study identifies that the League is "not an official instrument of the United States Government." It is incorporated in the study only to provide an example of a non-governmental activity which works to assist the NOK. In response to the ACSI comment, the section has been revised considerably and its length shortened 60 percent.

o. Comment. (Comment is in regard to questionnaire sent to former USPW's in Vietnam and found in appendix G, Data Appendix, on page G-III-2.) "Listing is an inaccurate breakdown of possible captors. NVA is the abbreviation for 'North Vietnamese Army', which is known to operate in North Vietnam (NVN), South Vietnam (VN and SVN), Cambodia, and Laos. VC is the abbreviation for the Vietnamese words 'Viet Cong' which means literally - South Vietnamese Communist. VC is also generally used to describe the military arm of the National Liberation Front (NLF). The NLF is a communist front organization composed of the military arm, the Provisional Revolutionary Government (PRG), and the various labor, peasant, youth, women's and other organizations. Thus, the statistics in this paragraph are invalid."

p. Response. Nonconcur. The listing on the questionnaire of VC, NVA, VC/NVA Combined, or NLF as possible captors would at first appear to confuse the results of the survey. However, the returnees apparently had no problem in making the distinction of precisely who their captors were. Furthermore, for the purpose of using the answers provided on the questionnaire, the precise nature of the captor is a moot point. Throughout the discussion on the South Vietnam experience in chapter 2, reference is made to the captor as VC/NVA making little distinction between the North

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or South Vietnamese Communist operating in the South. Whether held by NVA, VC, or both, and with the exceptions of far more primitive physical facilities and moving to avoid combat operations, the USPW in the South had strikingly similar experiences with the Communist management principles as his counterpart held in the North. Thus, for its intended purpose, the questionnaire proved valid and useful.

3. Assistant Chief of Staff for Force Development (ACSFOR).

a. Comment. "Recommend that the Executive Summary be strengthened. Due to the size of the study, it is important that the Executive Summary be able to provide an understanding of the study thrust without referring to the backup volumes."

b. Response. Concur. The Executive Summary has been rewritten in line with the above comment.

c. Comment. "Recommend that a follow-on study be made of prisoner of war management principles employed by countries outside of the Communist bloc. Prisoner of war management practices employed by countries such as Great Britain, Israel, the Arab Bloc, India, and Pakistan should prove to be a worthwhile addition."

d. Response. Concur. For the time frame considered in this study (1972-1976), existing doctrine coupled with that recommended in the study provides adequate guidance for U.S. soldier conduct and survival regardless of the nationality of the captor. However, if information gained from recent conflicts (e.g., Bangla Desh/West Pakistan and Arab/Israeli) expand the data base to a point where an additional "threat" may be recognized, such a follow-on study may be beneficial.

4. Office of The Judge Advocate General (TJAG).

a. Comment. (Synopsis) The discussion of the PW's rights and obligations under the GPW-1949 would best be conducted during a comprehensive SERE course of instruction. As an integral part of the internment situation, comprehension of its impact would best be gained if presented in relation to the other aspects of internment. The time available for and allocated to general Geneva and Hague Conventions training is extremely limited and this specific time must emphasize the conduct of US Armed Forces in the role of combatants and captors. To go into detail and particularly to engage in discussions concerning the meaning and effect of Communist reservations and related matters would detract from the force of teaching the soldier's obligations as a combatant and captor.

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b. Response. Concur. It is the main thrust of the USPOW study in the preinternment phase to urge the development of a composite block of instruction entitled "Survival, Evasion, Resistance, and Escape" (SERE), which would encompass all subjects related to the internment environment. It is agreed that instruction on the rights and obligations of the USPW while interned and the impact of Communist reservations to Article 85, GPW-1949, would best be discussed during this instruction rather than the scheduled GPW training time. Concomitantly, such topics would best be presented doctrinally in the revision of FM 21-76 or an entirely new manual entitled "Doctrine for Prisoners of War." Based on the above comment, the USPOW study has been revised to more clearly reflect this concept.

c. Comment. "Delete recommendation 'g' on page 25, volume I, and substitute 'DA (TJAG, ACSI, and other interested agencies) attempt to develop practical guidelines for use by debriefers in determining when the Article 31 UCMJ warning is required during intelligence debriefing and consider development of a centralized procedure whereby rapid grants of immunity may be obtained in appropriate cases where it appears that valuable intelligence information may be lost as a result of issuing the Article 31 warning.'"

d. Response. Nonconcur. In a commentary provided by USACDC Judge Advocate Agency (see Comment 12c), rationale was provided that if the initial debrief of a returning former PW is solely for intelligence purposes and has no conduct connotation, there is no requirement to read Article 31, UCMJ unless previously acquired information concerning misconduct exists. Any statements made during the intelligence debrief may not be used against the returnee in a court of law. If in the course of the debrief, the returnee discloses information which places his conduct while a PW in question, it would be practical to initiate a conduct debrief after the intelligence debrief is concluded. The appropriate time for reading the warning under Article 31 would be at the initiation of the conduct debrief. Paragraph 3, appendix C, "Follow On Action Appendix," which deals with the mandatory reading of Article 31 has been significantly revised to reflect the position taken by the Judge Advocate Agency of Combat Developments Command. The resultant recommendation has been changed to read: "Recommend that DA (TJAG) publish guidance which eliminates, except for cases specifically designated by DA (ACSI/DCSPER), the necessity for any reading of Article 31, UCMJ, during the initial debriefings of returned US Army Prisoners of War when such debriefings are for intelligence purposes only and not associated with conduct investigations."

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e. Comment. "For Recommended Action relative to AR 350-216 in volume I and chapter 7, volume II, substitute: 'No change required' and place subject recommended action under Recommended Actions for FM 21-76."

f. Response. Concur. Based on reasons given in paragraph 4a and b, above, currently scheduled time for Geneva and Hague Convention training will be devoted solely to the US soldier in his role as combatant and captor. His role as USPW in light of the two conventions will be discussed as part of an overall SERE program and in FM 21-76 (or new manual).

g. Comment. "For recommended action relative to ASubjScd-27-1, substitute 'No change required'."

h. Response. Concur. See paragraph f, above. With the development of a composite block of instruction on SERE matters, a corresponding Army Subject Schedule will be required. Information as to the rights and obligations of the USPW pertinent to the Geneva and Hague Conventions would be considered.

i. Comment. "To the last paragraph of "Recommended Action" relative to FM 21-76 add 'Point out that categorization of the PW as a war criminal is usually specious and arbitrary.' Also add a statement noting the importance of knowing one's rights under GPW."

j. Response. Concur. Appropriate additions have been made to the "Recommended Action" for FM 21-76. In the event a new manual is created, subject material would be included.

k. Comment. "For the sentence beginning in line 9, page 2-122, paragraph 6, substitute: 'Although North Vietnam's reservation, referring to persons 'prosecuted and convicted for' war crimes, creates some superficial ambiguities, it is clear even under Communist reservations that war criminal status can only be established by conviction.'"

l. Response. Nonconcur. Although the substituted item is correct and accurately reflects an existing specific situation, it would not be apropos in the paragraph in question. The paragraph as written is a part of the general discussion on Communist national policy. The difference in North Vietnam's reference to prosecution as well as conviction as opposed to the USSR's and Red China's reference to only conviction is a distinction without a difference in the last analysis. As such, a change to reflect the "difference" of a specific case in a general treatise did not appear necessary.

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m. Comment. "In paragraph (2), page 2-181, for 'tacit understanding', substitute 'accepted practice based upon a common understanding'."

n. Response. Nonconcur. The insignificant difference in meaning of the two phrases does not justify the administrative effort required to make the change.

o. Comment. "Delete paragraph (2)(a), page 4-121, and substitute: "ASubjScd 27-1, "The Geneva Conventions of 1949 and Hague Convention No. IV of 1907," 8 October 1970, is reasonably thorough in its treatment of the Geneva Conventions. Its treatment of Hague IV does not deal with PW's, since GPW generally reincorporates and expands upon the Hague IV rules in this area, but addresses the Hague IV rules relative to the manner of conducting military operations."

p. Response. Concur. Subject paragraph has been revised to reflect the substance of the above comment.

q. Comment. "For the first sentence of paragraph (5), page 4-129, substitute: 'There is, then, a need to instruct U.S. personnel in their legal rights and obligations as PW's. Geneva and Hague Convention training presently emphasizes the obligation of the soldier vis-a-vis helpless individuals who have come under his control, i.e., his role as captor. The other side of the coin should be the subject of separate training in a comprehensive SERE program'."

r. Response. Concur. The recommended change reflects the position that training time currently programmed for the GPW properly emphasizes the US soldier in the captor role. The role of the USPW vis-a-vis the GPW would best be presented during the proposed SERE course of instruction. (See comment/response 4a and b, above.)

s. Comment. "Reference page G-I-b-1, with regard to training requirements in Geneva and Hague Conventions, CSA Message, subject: Army Training Policy, 201320Z Jun 71, discontinues mandatory annual unit training."

t. Response. Comment refers to a CONARC response to a questionnaire sent out by USACDCSOA in the early stages of the study and prior to publication of the subject message. Since it is a recorded response from CONARC and appears only as a data reference item, there is no justification for its amendment.

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5. Office of The Provost Marshal General (OTPMG).

a. Comment. "The study is useful and should prove to be an important reference source. Principal problems with the study lie with an inconsistent and sometimes vague terminology discipline, and often inferior documentation used to support otherwise worthwhile points. It is recommended that recent changes in the Army management of captured US personnel matters should be incorporated in the study, and, most importantly, a relevant Executive Summary be developed in order that ranking officers and civilians in the government may be able to survey the findings of the overall encyclopedia study. The present summary dwells unduly on Code of Conduct matters and fails to represent the significant findings on which realistic DA Staff action might be initiated. Further, appropriate agencies might be recommended as Offices of Primary Interest with some follow-up action as to what courses were being considered the OPI on a given point. It appears that ACSFOR will inherit most of the study recommendations, but it is not always clear which OPI was in the focus of the writer. Finally, it is recommended that an appropriate CDC Special Operations Agency representative visit with the DA Staff and coordinate broader specific comments which time precluded from incorporating herein."

b. Response. The above general comment contains several specific comments responded to as follows:

(1) Vague terminology discipline and often inferior documentation. Nonconcur. Terminology employed in the study was taken from approved directives, circulars, OPLANS, AR's, DOD Memoranda, and the Army Dictionary. In every case, documentation was as complete as the source permitted. Without knowing the specifics of this particular comment, it is not possible to provide a specific response.

(2) Incorporate recent changes in the Army management of US personnel matters. Concur. All pertinent changes have been identified and incorporated in the final draft.

(3) Develop a relevant Executive Summary. Concur. The Executive Summary has been rewritten to reflect more specifically the details of the main report.

(4) The present summary dwells unduly on Code of Conduct matters. Concur.

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(5) The present summary "fails to represent the significant findings on which realistic DA Staff action might be initiated." Concur. The revised Executive Summary reflects in greater detail the specific findings and recommended staff sections for implementing action.

(6) It is recommended that an appropriate CDC Special Operations Agency representative visit with the DA Staff and coordinate broader specific comments. Concur. Such visits have already been made. Others will be made as necessary.

c. Comment. "There seems to be considerable evidence which suggests NVN/VC policies and practices toward captured US personnel were modified in part reflecting cognizance of the practices of US Armed Forces. The special circumstances of the abduction of the crew of the U.S.S. Pueblo is not a corollary. Enemy politics have denied any reciprocity; these practices indicate another kind of flexibility. The presentation in this study would either accurately reflect the circumstances of the modification of Communist policy and practices or better prove that a rigid arrangement exists."

d. Response. Nonconcur. Although it is possible that the NVA/VC have modified their PW management practices to account for standards of the US Armed Forces (e.g., accusing USPW's of violating their Code of Conduct), the modification in no way detracts from the conclusion that their overall management principles are in alignment with those used in the past by other Communist states. The study takes cognizance that the methods used by the NVA in particular evidence a sophistication which most likely has been attained through experience. It is only natural that a captor state would revise its PW management practices sufficiently to take advantage of what that state considers a potential weakness in its current foe. As regards the inclusion of the Pueblo incident as part of the Study's analysis, it can be readily seen that although physical brutality was more in evidence than in other conflicts/cases examined, the general "process" applied to the crew of that ship by the North Koreans fell into the Communist pattern.

e. Comment. "Editorially, it is incorrect to suggest that the Code of Conduct can be violated. It is clear that the writer in this sense has in mind any deviations from an excessively Spartan view or a deskbound interpretation of certain provisions of the Code of Conduct. The Code of Conduct is a guide for personal conduct of the captured US serviceman as promulgated by Executive Order 10631, 17 August 1955. It would seem that such deficiencies as may exist lie with the training and not with the list of simple ethics found

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in the Code of Conduct. The CDC Study should focus on the training inconsistencies and cite possible improvements and recommend who should execute same."

f. Response. Nonconcur. The reference paragraph (para 3b, page XVII, volume II, part 1) reads: ". . . experience has evidenced that under the mental and physical duress imposed by Communist captors, US prisoners of war cannot rigidly adhere to the provisions of the Code of Conduct and that survival often has depended upon their knowingly violating this code." What is inferred here is that as shown in the Study, the average soldier goes into combat with the notion that if captured, he is permitted to give only his name, rank, serial number, and date of birth. The study proves that almost without exception, USPW's in Korea and SEA have gone beyond this limit. It is the Army's "rigid" adherence to the "Big Four" in its instruction to the basic soldier which creates an atmosphere which assures "violation" of the Code as that soldier comprehends it. The study goes on to recommend a more liberal approach to the Code providing positive guidance for resistance and stressing the need to emphasize that part of Article V of the Code which states: "I will evade answering further questions to the utmost of my ability." (Emphasis added.)

g. Comment. "It is unclear as to what level recommended doctrinal or procedural changes should be undertaken. It would be hoped the study would be more specific and identify who should do what."

h. Response. Nonconcur. The referenced statement is a quote from the USPOW Study Directive. As stated, the objective of the study is to "develop new/revised Army doctrine and procedures relating to captured US military personnel." The study has met this objective and culminates in numerous recommendations tasking CDC, CONARC, and DA activities to disseminate and incorporate the identified new or revised doctrine and procedures. The recommendations are as specific as was considered appropriate for a USACDC Study.

i. Comment. (Reference page xiii, volume II, part 1) "This is inaccurate: The writer used excessive brevity in this instance, and it is unclear what is meant by "strictly interpreted by DOD and the Army." Existing training policy and practice may well be more narrow than the Code of Conduct and law provides. If this be the case, the writer should clearly spell this out."

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j. Response. Concur. The statement in para 4a(2), page XVII, volume II, part 1, has been changed to read: "Strict adherence to name, rank, serial number, and date of birth as the sole resistance to enemy interrogation/indoctrination is unrealistic."

k. Comment. "It is recommended that the Executive Summary provide a condensed brief of the study and all of the conclusions and recommendations derived in the study."

l. Response. Concur. The revised Executive Summary presents comprehensive conclusion and recommendations which more accurately reflect the main study and provide specific tasking of DA activities.

m. Comment. "Subparagraph (3), page 2-48, does not adequately differentiate the according of status by the NVN. If this is to be discussed, it warrants further explanations."

n. Response. Nonconcur. The analysis portrays that with only one exception all returnees from North Vietnam were denied legal status as prisoners of war. The sample is too small for statistical conclusion, but the chief purpose of this chapter is to portray the threat and developing trends. If viewed in this light, the narration is sufficiently complete.

6. Office of the Surgeon General (OTSG).

a. Comment. "Classified material should be published in a separate volume to encourage wider dissemination of the main portion of the study."

b. Response. Nonconcur. The deletion of classified material from the main study would disrupt its continuity and increase the cross-reference problem identified in paragraph 1c, below. The creation of a classified supplement/volume would not substantially facilitate mailing, distribution, or "in-house" filing. Current feedback indicates that the classification of the study has not materially affected its handling or review by proponent activities. If the main point of the comment is to get the requisite information to the Army in the field, then it can be replied that the appropriate means to accomplish this is through publication of a field manual and presentation during formal training. There is sufficient unclassified data (which could be supplemented by "sanitized" data) within the study to prepare and publish/present doctrine for captured/detained US military personnel.

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7. Office of the Adjutant General (TAGO).

a. Comment. "Reference figure 4, page 26, volume I, the proponency for AR 190-25 has been transferred from TPMG to TAG. The current edition of AR 190-25 is being revised to provide the latest detailed guidance to the field in Egress-Recap planning."

b. Response. Concur. Figure 4 has been deleted from the Executive Summary (volume I) but does appear as figure 25 in chapter 7, volume II, part 2. It has been revised to reflect the change in AR proponency and the main introduction to the study takes cognizance of the fact that AR 190-25 is being revised.

c. Comment. "Reference figure 4, page 30. A revised edition of AR 600-10 is being published. DA Pam 608-33, Survivor Assistance Officer and Family Services and Assistance Officer Handbook, was published 11 August 1971. It describes the functions and responsibilities of the SAO/FSAO. DA Pam 608-34, Handbook for Next of Kin of Army Prisoners of War/Missing Personnel, is being distributed. This pamphlet is designed to provide information on services and assistance available to the NOK of US Army PW/MIA personnel. A revised DA Pam 608-4, For Your Guidance, will be published in the near future. This pamphlet serves as a guide for survivors of deceased US Army members."

d. Response. Figure 4 no longer appears in Volume I, but it does appear in chapter 7, volume II, part 2 as figure 25. It has been revised to reflect these newest TAGO actions. DA Pam 608-4 is not included in the study inasmuch as the study concerns itself with PW's directly and MIA indirectly. Examination of policies for deceased members is beyond the scope of this study.

8. Defense Intelligence Agency.

a. Comment. (Synopsis) DIA provided 106 comments which were directed solely toward treatment of USPW's in North and South Vietnam and the detention facilities in North Vietnam. Updated photographs and sketches accompanied the comments. The majority of the comments were classified SECRET or SECRET-NOFORN. In essence, the comments consisted of short paragraphs or phrases to be added to existing paragraphs which expanded or clarified PW treatment or facility location or function. Four comments were directed toward material found in the section of chapter 5 covering PW Intelligence (section III, chapter 5).

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b. Response. With the exception of the four comments on PW Intelligence, all comments were incorporated into the study. Based on comments from ACSI (see ACSI Comment 2c and SOA Response 2d), the section on PW Intelligence was deleted from the final draft of the study. This deletion precludes the necessity of addressing DIA's four comments in this area.

9. Headquarters, USA Combat Developments Command.

a. Comment. "Change all references to USCONARC to read CONARC."

b. Response. Concur. Changes accomplished.

c. Comment. (Synopsis) Every effort should be made to strengthen the Executive Summary. Findings and recommendations in the summary could be improved by expanding to include more of those found in Annexes H, I, and J of main report.

d. Response. Concur. Executive Summary revised to strengthen it and bring it into better alignment with the information found in the main report.

10. USACDC CONFOR Group.

a. Comment. "There may be a need for further study in procedures, doctrine, and responsibilities for US military personnel held hostage in a friendly foreign country by dissident groups, or for US military personnel held hostage by dissident groups during civil disturbance."

b. Response. Nonconcur. At the direction of CG, USACDC, this Agency conducted a staff study to determine if a requirement existed for developing doctrine relative to incidents of peacetime detention. A paper, subject: "Doctrinal Implication of Deliberate Killing/Kidnapping of U.S. Civilian and Military Leaders" was submitted to Combat Developments Command on 1 June 1971. CDC evaluated the paper and on 24 August 1971 concluded that: (1) current doctrine is adequate, and (2) no requirement exists at this time to either revise old or create new doctrine.

c. Comment. "There may be a need for further consideration of the behavioral response of US military personnel to any or all types of captivity for the purpose of providing "type behavioral" responses which would influence the formulation of new and better training methods for military personnel."

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d. Response. Concur that the idea is worthy of consideration. The concept is in the realm of behavioral sciences and is outside the mission of the Special Operations Agency. There has been study in this field by other governmental agencies, but none can be identified as having been done by the Army. Neither is there indication of such a study currently being a part of any research and development schedule.

11. USACDC Infantry Agency.

a. Comment. "The study is a worthwhile and in-depth document containing information which can greatly enhance the Army instruction programs and better prepare the individual Soldier to honorably withstand imprisonment if detained by a foreign power."

b. Response. Concur.

c. Comment. USAIA believes that more emphasis must be placed on the Soldier's understanding of the true "spirit" of the "Code of Conduct" and that Communist POW management and interrogation methodology must be stressed not only in the classroom but also during realistic periods of practical exercise.

d. Response. Concur. Chapter 7 recommends that CONARC devise and conduct a course of instruction relating to "SERE" and that DA revise those regulations (AR 350-30 and 350-225) most directly related to Code of Conduct policy so that required doctrine and training insures the individual soldier is provided positive guidance, to include practical techniques on how to resist Communist interrogation and indoctrination to the utmost of his ability. If the study recommendation is implemented, the "positive guidance" would also include "understanding of the true spirit" of the "Code."

12. USACDC Judge Advocate Agency.

a. Comment. (Synopsis) This Agency agrees that the Soldier should be given the best advice and guidance possible to prepare him in resisting enemy interrogation to the best of his ability. The question then arises as to whether any guidance on standards of conduct, etc., should include a discussion of the defense of duress, which may be placed in issue if the Soldier can no longer resist enemy management techniques. Should the Army take the position of not providing the soldier with defenses, such a position would be based on an unrealistic assumption that the American soldier is physically and mentally able, under all circumstances, to resist any and all attempts to undermine his will. The best course of

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action appears to be complete disclosure of defenses and realistic standards of conduct to establish a proper foundation around which the Soldier can build his trust and confidence in his country and Armed Forces.

b. Response. Concur. It is essential that the US Army provide the soldier with positive guidance on what is expected of him should he become a PW. This guidance should take into account that duress, both physical and mental, may be applied and offer alternatives to the soldier. Training and doctrine must inculcate into the soldier that his standard is the Code of Conduct and he must strive to his utmost ability to meet that Code. He should be made aware that his actions are liable to judgment under the UCMJ, but such knowledge must not be imparted in a threatening manner. It is felt that the USPOW study clearly emphasizes the concepts enunciated by the Judge Advocate Agency.

c. Comment. (Synopsis). With regard to the reading of Article 31 to a repatriated PW, the JA Agency investigated three alternatives: (1) Read all returnees their rights under Article 31 regardless of the circumstances, (2) Read Article 31 only to those suspected of an offense or who, in the course of the debrief, appear to be incriminating themselves, or finally, (3) Do not read Article 31 to any returned PW. The JA Agency supports the third alternative with some reservations. In essence, the JA Agency stipulates that the legislative history of Article 31 reflects only concern with criminal prosecutions and the inadmissibility of statements in criminal proceedings. If the interview/debriefing is for a reason other than criminal prosecution (investigation of conduct), then there is no requirement to read Article 31. The only penalty for not warning an individual under Article 31 is the non-admissibility of the statement. Nor does the third alternative preclude criminal prosecution. If the PW is suspected of criminal conduct, a later interrogation can be conducted after the intelligence debriefing and an Article 31 warning can be given at this time. The JA Agency considers that if an Article 31 warning is not given, the most conducive atmosphere for intelligence gathering purposes is established, the purpose of the interview is facilitated, congressional and public criticism is minimized, and the rehabilitation of the PW is enhanced.

d. Response. Concur. The comments of the JA Agency succinctly and authoritatively establish a sound case for not reading Article 31 to returnees. Except in specific cases wherein there was prior knowledge of severe misconduct, SOA considers the JA Agency position the one that would best serve the US Army. In light of this,

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paragraph 3, appendix C, "Follow On Action Appendix" has been significantly modified by incorporating the majority of the comments made by the JA Agency and revising the resultant recommendation to read: "Recommend that DA (TJAG) publish guidance which eliminates, except for cases specifically designated by DA (ACSI/DCSPER), the necessity for any reading of Article 31, UCMJ, during the initial debriefings of returned US Army Prisoners of War when such debriefings are for intelligence purposes only and not associated with conduct investigation."

13. USACDC Medical Service Agency.

a. Comment. "Within the Study, Medical implications have been sufficiently aired and voids in training literature identified."

b. Response. Concur.

c. Comment. "The varied approaches and actions taken by the three services need more standardization. The variations in training may contribute to some lack of success in our overall program."

d. Response. Concur. This comment is addressed in the study recommendation that "DA initiate action to establish a service committee at DOD to review SERE and SERE related training with a view of attaining service uniformity."

e. Comment. "Consideration should be given toward formulation of one comprehensive manual at DOD level on Survival, Escape, Resistance, and Evasion (SERE), to contain much of the material now in DA pamphlets, etc. With the large number of reference documents involved at the present time, there is apt to be conflicting doctrine and confusion for the user."

f. Response. Nonconcur. The formulation of one comprehensive manual at DOD level is beyond the scope of this study which is to formulate doctrine for the Army in the Field. A prescribed limitation of the study is to the effect that the study not infringe upon US Air Force escape and evasion responsibility. It is possible that a single manual of suggested nature might evolve from the DOD Committee recommended (para 13d, above); but, as far as this study is concerned, it is constrained to doctrine for the Army.

g. Comment. In some manner, the young soldier in his early indoctrination needs to get an appreciation of the United States

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Governmental System and those foundation documents--and its constitution, particularly an understanding of the Bill of Rights--so that he can appreciate the country for which he is obliged to fight. Some insight into the Communist Governments and other non-Communist Governments of the world needs to be gained. The history, civics, and government the young Soldier of today has been exposed to has not accomplished these aims.

h. Response. Concur. However, it is impractical to instill an appreciation of these factors into the U.S. Soldier within the time available for training. This problem is analyzed in appendix H with the conclusion that, unless the recruit has acquired familiarity with such principles prior to induction, little can be done in training other than familiarizing him with Communist management principles and providing him with dynamic around-the-clock leadership.

i. Comment. "Doctrinal guidance could perhaps be gained by a study of a follow-up on the lives and actions of these USPOWs who collaborated too readily with their enemies. The death with honor or an after life with regret and remorse must be brought out."

j. Response. Nonconcur. It is impractical within the scope of this study to conduct a follow-up of such a nature. There are not many USPW's whose collaboration has been positively identified. Those who have been identified are no longer associated with the Army and investigation of them in their present status would quite possibly transgress into legal questions that would prove insurmountable. It is also impractical to delve into the psychological considerations of an after life and any emotional implications that may be involved in such a life. Doctrine evolving from the USPOW Study must be based on empirical considerations.

k. Comment. "The POW must have an identifiable personnel code or value system which will help him expound particular religious, political, or philosophical beliefs. These may involve second and third lines of resistance. We must give him positive rules to live by wherein he can succeed, survive, and be rehabilitated back to normal civilian life. It is essential to publish and republish, always with emphasis and worldwide dissemination, the full story on Communist purposes and methodology of handling prisoners of war. World opinion is most powerful and overclassification of information may be a disservice to the United States. The Communists know what they are doing, and we know a lot about what they are doing, but the world does not. Communist POWs of the United States or Allied Prisoner of War compounds are of little or no use to us as a lever against the enemy. They don't

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care about their prisoners and probably are not really interested in having them returned. We are too reticent to throw the facts before the world for fear of retribution. Experience has shown that USPOWs have fared better as world opinion surges against Communist inhumane measures."

1. Response. The above paragraph actually contains several comments. Each is addressed individually as follows:

(1) A POW personnel code or value system. Nonconcur. This concept is discussed in appendix "H" with the conclusion that it would be almost impossible to provide all US Soldiers with necessary background information or any types of code that will help him to contend in religious, political, or philosophical discussions with trained Communist political cadres. The appendix "H" discussion recommends that a USPW be permitted to engage in dialogue with his captor along suggested lines, but cautions that he must be forewarned of the fact that he will probably be at a distinct disadvantage.

(2) Providing positive guidelines. Concur. Discussion in appendix "H" derives the conclusion that the U.S. Soldier must be provided positive guidelines for resisting interrogation and indoctrination. A number of specific suggestions are identified that will assist the soldier in resisting and surviving. The suggestions are all along the lines of what he "can do" rather than what he "cannot do."

(3) Overclassification of information in regard to Communist PW Management Techniques. Concur. The study recommends that Communist PW Management Principles be incorporated into an unclassified manual (FM 21-76 or a new manual). Its contents would be made available to the Army in the Field and to others who have a need to know.

(4) Maximum use of world opinion. Concur. Appendix L contains a discussion of the steps that have been taken by governmental and private organizations to bring the PW issue to the attention of world opinion. It is too early to evaluate the results of these efforts, except to say that there are some indications that the efforts have caused North Vietnam to liberalize their policies on USPW mail and, in some cases, to observe practices that are somewhat more humane. There are no practical recommendations that can be made at this time that is within the scope of "formulating doctrine for the Army," but the comment is worthy of further consideration at higher governmental levels.

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m. Comment. "In those situations as in South Vietnam where the host government interns the enemy POWs, then we must have tight control over the management of these POWs, their treatment, the whole bit, if we expect to escape retribution from the enemy against our own USPOWs. If we are to fight for another country and provide the decisive forces, then we must have a heavy hand in running the entire operation; otherwise, "the tail wags the dog."

n. Response. Concur. Under international law, the country taking prisoners is responsible for their welfare. The fact that the United States has turned captured personnel in Vietnam over to the South Vietnamese government does not relieve the United States from responsibility for their welfare. The comment of the Medical Service Agency is a valid one; however, as it concerns enemy prisoners rather than USPOWs, further analysis of the comment is beyond the scope of this study.

14. Headquarters, United States Continental Army Command (CONARC).

a. Comment. "A definition of 'Humane Treatment' is required in para 1b(1), page 18 volume I, to include how it is defined by various countries expected to be adversaries in future conflicts."

b. Response. Para 1b(1) was deleted with the revision of the Executive Summary thus precluding necessity of meeting above comment.

c. Comment. "Para 4b(5), page 19, volume I, should be updated in view of the publication of DA Pamphlet 608-33 in August 1971. This publication now contains guidance which covers selection of personnel who will notify next of kin. Clarification of the duties and responsibilities of the Family Services Assistance Officer (FSAOO) is also included."

d. Response. DA Pamphlet 608-33, "Survivors Assistance Officer and Family Services and Assistance Officer Handbook," is designed for use by the SAO and FSAOO. It is written in "second person singular" and, in general, prescribes the duties of the two types of assistance officers. It does not stipulate any selection criteria for officers to fill these positions. This lack of selection criteria continues to be a significant deficiency in the Next of Kin assistance programs. The particular paragraph cited, para 4b(5), and all other portions of the study which were affected by the publication of DA Pam 608-33 have been updated to acknowledge both its publication and its impact.

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e. Comment. "Change para 1d, page 23, volume I, to read: Presently FSAO are selected from personnel available for assignment to the job. Criteria for selection and the requirements for command orientation/training periods should be specifically addressed by DA and included in AR 600-10."

f. Response. Recommendations found in volume I, Executive Summary, are less explicit than those found in the main study. Recommendations found in appendix I, "Discussion/Analysis Appendix - Internment Phase," specifically denote AR 600-10 as an appropriate publication in which selection criteria for FSAO should appear.

g. Comment. "Delete: 'Doctrinal literature offers less an education than a shallow attempt at indoctrination' from para 3a, annex VI, volume III."

h. Response. Concur. Sentence deleted.

i. Comment. "A reappraisal of paragraph 3b, annex VI, volume III, should be made. Several sentences are subjective and possibly lead to an incorrect recommendation in para 5. Indoctrination in the conflicting ideologies should not have the purpose of equipping the soldier to enter debating contests with his captors, but to give him a better understanding of the two systems. With the increased emphasis being placed on quality control, virtually every soldier should be academically qualified to grasp the difference between the two systems. Today's soldier is more mature, and should be more receptive to this "citizenship" training. This ideological "indoctrination" should have the connotation as defined by Webster and not be considered as an attempt to "brainwash" the soldier."

j. Response. Para 3b was revised to avoid misleading sentences; however, the basic concept of instructing the basic US soldier on the conflicting ideologies is still refuted. Current training requirements preclude the addition of the number of hours required to properly differentiate both the major and subtle differences between the two political beliefs and functions. In addition, the quality of the instruction received would be directly proportional to the quality of the instructor. The US Army does not have sufficient numbers of qualified instructors for this complex subject. It is felt that it is better for the US soldier to base his resistance upon faith in his country, faith in his fellow PW, adherence to the chain of command, and those virtues he acquired prior to joining the military service rather than a shallow and inadequate understanding of the differences between Communism and democracy. It was the intent

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of the study to describe instruction on conflicting ideologies as an optimum program but one not reasonably attainable.

k. Comment. "Concerning the revision of FM 21-76, recommend that consideration be given to the fact that the primary reason for limiting the information given to the captors is that experience has shown that every possible scrap of information is exploited by the captors for their own purposes; and often leads to fabrication of stories to demoralize the soldier, the prisoner, his family, and his comrades in the field.

l. Response. Concur. It is envisioned that this concept will be included in the revision of FM 21-76 or in the new field manual should that alternative be selected. The necessary background for this concept is provided in para 3, section III, chapter IV, "Role of Interrogation," and it is anticipated that this would be the basis for incorporating the concept.

15. US Army Institute for Military Assistance.

a. Comment. "Since the preinternment phase is of great concern to all levels of command, the Department of the Army should be requested to prepare a training directive that may be used by all service schools, operational units, and training centers responsible for MOS training, operational unit readiness training, and basic and advanced individual training. CONARC could be tasked to prepare common subject training material."

b. Response. Concur. The USPOW Study takes cognizance of the importance of the preinternment phase and strongly urges the development of a comprehensive course of instruction incorporating all facets of survival, escape, evasion, and resistance. (See para 3a, chapter 7.) In order to insure that the material is presented in a uniform, or common, manner to the soldier, it is further recommended that CONARC give consideration to presenting the subject through the media of a training film. The development of common subject training material is implicit in this requirement inasmuch as it would be required as backup material for such presentation.

c. Comment. "Prepare a new FM and renumber it FM 21-77, and entitle it "Evasion, Resistance, and Escape." Delete chapters 9 through 17 from FM 21-76, and incorporate it with the recommendations in the study to the new FM 21-77. The current (S) FM 21-77A

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Joint World-Wide Evasion and Escape Manual, could absorb the classified data developed. FM 21-76 will remain as a survival manual only."

d. Response. Concur. The decision to publish a new manual rests at Department of the Army, i.e., ACSFOR. The current trend is to reduce the number of manuals currently in existence. However, it is considered imperative that the doctrine/techniques described in the USPOW Study be presented in a manual, either as a rewrite of FM 21-76 or in an entirely new manual. The alternative selected is the prerogative of ACSFOR. In order to meet USAIMA's comment and to insure that the alternative is clearly stated, the USPOW Study has been revised to reflect after each recommendation concerning a revision to FM 21-76, an alternative of publishing an entirely new manual, FM 21-77, "Doctrine for Prisoners of War." This title was selected to avoid confusion with FM 21-76, "Survival, Evasion, and Escape" manual.

e. Comment. "This Institute is of the opinion that, because of the impact of USPOW Study's findings on the inadequacies of national/DOD guidance, any direction and guidance as to the proper development of training literature program should emanate from that level."

f. Response. Nonconcur. There are serious deficiencies in both Army doctrine and training pertaining to the internment environment. Many of these deficiencies do not exist within the other Services inasmuch as they have been more progressive in the approach to the problem. It is within the prerogative of Department of the Army to evaluate its current doctrine and training in light of the threat and make the necessary adjustments to insure that everything that can be done for the US soldier prior to his commitment into combat is being done. There is already sufficient latitude in DOD guidance to permit the incorporation of all recommendations found within the USPOW Study.

16. USA Infantry School.

a. Comment. "The USAIS recommends that the section pertaining to the Code of Conduct be declassified as soon as possible so it may be implemented within the POI."

b. Response. Concur. Chapter 4 of the main study is divided into two sections: section I dealing with the Code of Conduct, and section II covering SERE training. This entire chapter is unclassified, and the content therein is available for insertion.

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into the USAIS POI. Further, the majority of the material contained within chapter 2, "Communist PW Management Principles," is unclassified and is thus also available.

17. US Army Medical Field Service School.

a. Comment. "The basic philosophy of the prepared doctrine for captured/detained US military personnel (USPOW) study requires a much more in-depth study than is provided by the limited distribution in the forwarding letter. The reference material on this subject indicates that the problem has been thoroughly studied and documented; however, unless a greater part of the study is declassified, it would be meaningless to direct a training effort as recommended."

b. Response. Nonconcur. During the course of the study, contact was made with all elements of the Army and DOD and with individuals determined by staffing to have an area of interest, a measure of proponency, experience or expertise in the subject area. Most of these organizations, activities, and individuals attended one or more of the in-process reviews (IPRs) conducted during the course of the study. Distribution of the coordination draft was limited to those activities with an area of interest or need-to-know as prescribed by a recent Headquarters USACDC directive. Classification of the study was necessary as a result of incorporation of items of classified data from sources over which the Army has no command control for downgrading purposes. Regardless of the overall classification, large individual portions of the study are unclassified and approximately 98 percent of doctrine recommended and supporting material may be downgraded when extracted from the rest of the study.

c. Comment. "While the study recommends an apparent increase in the training effort, trends established by CONARC indicate the reverse. For example, subjects on escape and evasion are almost non-existent at some service schools."

d. Response. Concur. It is hoped that one of the prime results of the study will be the focusing of greater effort in this area.

e. Comment. "The number of Army Regulations and Department of the Army Pamphlets which have a direct bearing on the PW problem tends to confuse the picture. FM 21-76 under its new proposed title, "Survival, Evasion, Resistance and Escape (SERE)," should be expanded even further than now suggested so as to include all pertinent information on preventive and survival medicine as well as the legal aspects (Geneva Convention, etc.) of the PW status."

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f. Response. Concur. If the recommendations of the study are approved, it is anticipated that the proponent (IMA) will call upon the US Army Medical Field Service School and the USACDC Medical Service Agency for major input. At that time, all information considered pertinent should be included. The legal aspects, of course, will be addressed by the Judge Advocate School and the Judge Advocate Agency.

g. Comment. "The basic tenets of behavioral science indicate that the personality prerequisites to psychological survival under various kinds of stress develop slowly throughout early life. It therefore seems unlikely that any military training can significantly build the underpinnings of the "survival personality." It is likely, however, that short training can prepare the individual to best position himself in the face of threat and respond in a way that will maximize his chances of survival."

h. Response. Concur. The conclusions and recommendations of the study are girded toward preparing U.S. Soldiers to respond to captivity in a way that will maximize his chances of survival while keeping his honor and that of his country intact.

i. Comment. "Trainees and U.S. servicemen currently on active duty should be made aware of the fullest and most current knowledge regarding POW experiences and alien methods of indoctrination and the facts of the Communist PW methodology, i.e., as a standard procedure, captives are categorized as "war criminals" rather than prisoners of war. This is based on the demonstrated psychological principle that the known is less frightening, intimidating, and disorienting than the unknown. It also allows lead time for psychological defenses to evolve, even prior to capture."

j. Response. Concur. One of the principal recommendations of the study is to the effect that each U.S. soldier be made familiar with Communist management principles. Unfortunately, new information in regard to changes or modification of such principles is not immediately discernible and, when first learned, it must be carefully evaluated before it can be labeled as a bona fide Communist management principle. History shows that there have not been significant changes in Communist PW philosophy since World War II. Changes that have come have evolved slowly. In light of the evolutionary nature of these principles and the long periods that sometimes pass before they are known, the best that can be done is to update doctrine and training as rapidly as receipt of new and carefully evaluated information as received.

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k. Comment. "Include instruction and demonstration of the psychological and somatic effects of stressors known to be used by alien indoctrination agents, e.g., isolation, stimulus deprivation, etc. In many cases, there is an extensive body of research already accomplished in these areas by behavioral scientists, and this should be heavily drawn upon. Discussion of psychological defenses and maneuvers designed to cope with stress should be emphasized. Where research is lacking, reference should be made to anecdotal sources."

l. Response. Concur with the comment; however, its implementation is in the province of techniques that will be necessary to implement the doctrine recommended in this study. It is anticipated that if conclusions and recommendations of this study are approved, the techniques manual and the SERE training program developed by CONARC will incorporate such techniques. It is also anticipated that the Army Medical Field Service School will provide much of the input to the techniques in this very critical area.

m. Comment. "Reference was made in the study suggesting that advice should be given to enable PW's to have second or third lines of resistance to interrogation since it was quite impossible to cling indefinitely to the name, rank, serial number, and date of birth answers. There was, however, little reference made to the fact that as a result of starvation, isolation, and mental pressure, the entire capacity to respond was greatly altered. It has, for instance, been reliably reported that in a weakened, starved condition, it may take as long as 30 minutes for a person to get to his feet and move across a room to eat after food has been placed in the room. This state of diminished capacity for response applies to all areas of PW activity. The sustaining element for most PW's in this state is their basic dedication to a specific and identifiable personal code or value system and the memory of specific meaningful verses or quotations. An effort, therefore, should be made to encourage the commitment to memory of some simple but meaningful passages which the soldier could select and identify as his particular religious, political, or philosophical beliefs. Experience has shown that the PW who does not have an identifiable personal code or value system has a very poor survival rate in a PW camp."

n. Response. Concur. This comment is almost the same as one made by the USACDC Medical Service Agency. (See paragraph 13k and 13l(1).) Firm convictions on the part of the prisoner as to his faith in his country and his God are without doubt the foundations of resistance. However, these firm convictions must come from the individual's personal background and history. They can only be reinforced by the Army through example and leadership. The commitment

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to memory of stock phrases not of the individual's own creation, no matter how meaningful at the time he learns them, will not provide him the same degree of spiritual resistance he would gain from concepts developed throughout his life. The Army has an obligation to insure that its soldiers are the most highly motivated in the world. It can and it must strengthen the pre-enlistment/induction beliefs of its soldiers; but, in the short duration of its relationship with the soldier, it is not feasible to instill a totally new set of concepts or values.

o. Comment. "While there have been numerous accounts written by individuals who have escaped or been released from detention, the full story of the Russian, North Korean, Chinese, and North Vietnamese prisoner of war experience has not been publicized. In view of the likelihood that the US prisoners of Vietnam may be held for ransom, and some even indefinitely detained "war criminals," makes it essential that the world opinion be fully informed as soon as possible. There is little need to keep such information classified since it is not a secret to the Communist powers; its publication would have little effect on U.S. relations with Communist powers, and useful pressure could and should be brought to bear through world opinion, the one area where the Communist powers have shown some sensitivity."

p. Response: Concur. This comment is the same as that of the USACDC Medical Service Agency. (See Comment 1k and Response 11(4).)

18. USA Intelligence Center and School.

a. Comment. (Synopsis) Consideration should be given by Department of the Army of recommending to DOD that USPW doctrine be altered to allow all USPW's regardless of service, when under duress or coercion, to make any speech, participate in any broadcast, or to sign any document . . . Such a doctrinal change must consider the possible impact on the USPW because of the Communist reservations to Article 85 of the Geneva Convention Relative to Prisoners of War - 1949.

b. Response. The USPOW Study explicitly states that the USPW should avoid going beyond name, rank, serial number, date of birth, and matters pertaining to health and welfare to the utmost of his ability. If forced to go beyond this standard because of duress/coercion, he must avoid statements or acts which are detrimental to his fellow PW's or well defined national interests. The criteria for exceeding "The Big Four" must be set by the individual

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at the time he is experiencing the duress in full knowledge that ultimately his actions may be judged under the UCMJ in light of the circumstances and the nature of his act or acts. The Code of Conduct and adherence to the "Big Four" to the utmost of one's ability are considered realistic standards and vital to successful resistance. A "carte blanche" on discourse either written or oral, with the captor destroys the concept of resistance and degrades the PW's opportunity and obligation to practice it.

c. Comment. "Delete all references to inclusion in Army Regulations, Field Manuals, Pamphlets, and Training Schedules of listings and positive points that a USPW can discuss with his captor and substitute guidance that under duress or coercion a USPW may provide any information which does not jeopardize US national interests or his fellow PW."

d. Response. Nonconcur. The USPOW Study emphasizes the fact that current doctrine and guidance as to permissible discourse with the enemy is almost totally negative in its orientation. Interviews with former PW's indicate that a PW, when faced with the enemy, is not at all interested in what he cannot say or write. Rather, he is interested in what he can say or write. Further, it is not feasible to believe that an individual will be able to remain silent except for name, rank, serial number, and date of birth, even should no serious duress/coercion be applied. What the study provides is a list of nebulous, positive items which the study considers a PW could discuss with a captor without exceeding the criteria on national interests and fellow PW's. It is not expected that the US soldier will go into combat keeping in mind a "shopping list" of items which he can discuss with the enemy if captured. However, providing the soldier with a list of "examples" of permissible discourse will enable him to better comprehend what constitutes items detrimental to "national interests" or fellow PW's.

e. Comment. (Synopsis) "Recommend that AR 190-25 be amended to include the establishment of a departmental authority at national level to which is assigned specific overall supervision and control of the intelligence debriefings and/or the investigations of conduct, if deemed necessary, for all returned USPW's.

f. Response. Nonconcur. An Army Regulation establishes for Army programs and is not the appropriate vehicle to establish or recommend establishing a new activity/post at the Department of Defense or national level.

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g. Comment. "Delete recommended action for FM 30-15, Intelligence, Interrogation," and substitute: Delete all present data which states or implies that this manual is applicable to US escapees, evaders, and returnees and substitute a comment that some of the procedures contained therein may be applicable in certain cases to investigations of conduct of returned USPW's when such investigations are directed by appropriate headquarters with a reference to AR 190-25."

h. Response. Concur. Existing recommended action deleted and the above substituted.

19. USA Judge Advocate School.

a. Comment. (Synopsis) It is suggested that all training directly related to the conduct of U.S. military personnel while in a detained or captured status be categorized as Code of Conduct training. All other training relating to the Law of War would then be categorized as Geneva Convention training. Thus, the Communist reservation to Article 85 of the GPW-1949 as it affects treatment of personnel while in a captured or detained status, would be presented as part of Code of Conduct training. Conversely, instruction on how to treat an enemy prisoner and the problem of superior orders would be included in Geneva Convention training.

b. Response. Concur. This comment parallels the comment of The Judge Advocate General. (See Comment 4a and Response 4b.) The study recommends the development of a composite SERE course of instruction which would include among other topics the Code of Conduct and the rights and obligations of the USPW as enunciated in the GPW-1949. Discussion on treatment of enemy PW's appropriately belongs in the currently scheduled training on Geneva Conventions. The USPOW Study has been amended to better clarify this distinction.

c. Comment. "Reference, volume I, page 2, paragraph 3, line 13. The treatment of USPW's by North Vietnam has become more humane since 1965. It is not clear how much impact US policy of humane treatment toward enemy PW's has had on North Vietnam's actions. It certainly does appear to be at least a factor. It is questionable whether a statement should be made that U.S. policy, in effect, has failed."

d. Response. Nonconcur. Since its commitment of combat forces into SEA in 1963, the US has continuously monitored the

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the treatment of the NVA forces it captured. Since then, it has striven to insure their treatment is in accord with the provisions of the Geneva Convention. The most marked improvement in the conditions under which USPW's were being held in North Vietnam came six years later in 1969; and, although the facts may never be known, it would appear that the improvement was due more to embarrassing the North Vietnamese on the stage of world opinion than to adherence to humane treatment of captured NVA. It was in that year that Executive Policy changed to permit wide publicity on the conditions under which the USPW was being held. There is really no basis to assume the change in treatment was acknowledgement of reciprocity in treating prisoners of war.

e. Comment. "Reference, volume I, page 13, paragraph 4b, line 12. The last sentence should be rephrased for purposes of clarity, as follows: 'Prisoners of war remain subject to the provisions of the UCMJ for acts committed while in a detained or captured status'."

f. Response. Concur. Sentence has been revised.

g. Comment. (Synopsis) As regards recommendations in the study which appear to condone statements beyond name, rank, serial number, and date of birth when the individual is under "duress," the school makes the following point: "The concept of duress is based on provisions of the Manual for Courts-Martial and case law. The present state of the law does not appear to accept the general type of duress expressed by USPW's as a defense to an otherwise criminal act because the threat of death or serious bodily injury is not immediate but rather is psychological or a result of long term activity. It is questionable how a court would rule today on this concept. The recommended actions are not in accordance with the law as it is, but rather express an opinion as to what the law should be and perhaps would be.

h. Response. Nonconcur. The specific recommendations referred to in the comment have been revised to reflect the fact that responses beyond the big four in the face of duress "may be" acceptable but that they will be judged in light of the nature and circumstances surrounding the event. However, in defense of the study, it must be stated that throughout its content, every effort has been made to make the following points:

(1) The USPW should make every attempt (to the utmost of his ability) to live up to the precepts of the Code.

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(2) The Code is a standard and failure to live up to it is not in itself punishable under the UCMJ.

(3) In the face of duress, when pushed beyond the utmost of one's ability, going beyond the "big four" should not cause guilt feelings within the pressured USPW.

(4) The USPW must be aware that he remains subject to the provisions of the UCMJ for acts committed while in a detained or captured status.

Therefore, the recommended actions are, in effect, in accordance with the law. Each recommendation dealing in this area acknowledges the existence and jurisdiction of the UCMJ. They do not give the USPW the license to flaunt or bypass the law.

20. Central Intelligence Agency.

a. Comment. (Synopsis) Concerning section I of chapter 4, "The Code of Conduct," I feel that the effectiveness of the discussion would be greatly increased if it were significantly reduced in length. The length of the section coupled with the existing repetition of the points tends to detract from its impact. Reading the study is time consuming, and the reader is apt to resent repetition rather than be positively influenced by it.

b. Response. Concur. A review of the section was conducted based on this comment. Wherever possible, repetitive points and non-essential material were deleted. This review resulted in reducing the length of section I, chapter 4, by 12 percent without significant loss to continuity or content.

c. Comment. (Synopsis) I do not feel that the Executive Summary is an adequate substitute for a full reading. The Summary does not give the reader the necessary feel for the background relevant to the study and the reasons why its important recommendations are being made. I feel that were the summary to be written more in the vein of volume III it would provide a much more useful document.

d. Response. Concur. The Executive Summary has been significantly revised to make it more representative both in content and structure to the main report. Findings, conclusions, and recommendations plus supporting rationale have been expanded in order to strengthen the Summary presentation.

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BIBLIOGRAPHIC DATA

ASDIRS No.: Study Subcategory: Strategic Intelligence (220)
Training (380)
Study Category: Strategic (200) Starting Date: March 1970
Initiated by: US Army Combat Developments Command Completion Date: February 1972
Study Sponsor: Office of the Provost Marshal General Availability Date: February 1972
Study Agency: USACDC Special Operations Agency
Reference Number: USACDC Action Control No. 15596
Title: Captured/Detained US Military Personnel (U)

Abstract: The study develops new/revised US Army doctrine and procedures for captured/detained US military personnel. It analyzes key Communist prisoner of war management principles and applicable national/DOD policy in light of their impact upon Army doctrine in three phases; pre-internment (training), internment (family assistance), and postinternment (evacuation and processing). An analysis of current Army doctrine/procedures identifies voids/deficiencies in its adequacy to meet requirements generated by Communist treatment of prisoners of war and guidance from national/DOD level. Specific doctrinal recommendations are offered to correct the deficiencies and fill the voids.

Time Frame: 1972-75

Study Descriptors: Prisoners of War, Doctrine, Individual, Unit, Program, Concepts, Human Factor, Environment Factors, Effectiveness Measures, Performance.

Classification: ~~Secret-No Foreign Dissemination~~ Contributes to: Army 85 Concept Study (U);
CDOG ref: Chapter 1, Section I,
Paragraphs 110a, 111a, and 112j.

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