

NSC review completed

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PSYCHOLOGICAL STRATEGY BOARD  
STAFF STUDY ON REPATRIATION OF  
PRISONERS OF WAR IN KOREA

I. THE PROBLEM

From the standpoint of psychological strategy to recommend U.S. policies governing the repatriation and exchange of prisoners of war in Korea.

II. FACTS BEARING ON THE PROBLEM

1. The U.S. is a signatory of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, but has not yet ratified the Convention.
2. Official views are set forth as follows:
  - a. View of the Joint Chiefs of Staff.
    - (1) By memorandum to the Secretary of Defense, 8 August 1951, the Chairman of the Joint Chiefs of Staff indicated that from the military point of view, no objection was raised by the Joint Chiefs of Staff to the adoption of a policy authorizing the UN commander:
      - (a) Not to repatriate Chinese or North Korean prisoners of war to Communist-controlled territory without their full consent;
      - (b) To repatriate to Formosa all Chinese prisoners of war who were found to be acceptable to the Chinese Nationalist Government and who claim to be ex-

Nationalists or Nationalists at heart and elect such repatriation;

The adoption of such policies to be subject to the provision of adequate safeguards for United Nations prisoners

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in Communist hands.

b. View of the Secretary of State.

(1) By letter, August 27, 1951 to the Secretary of Defense, the Secretary of State reviewed the 8 August 1951 memorandum by the Joint Chiefs of Staff. He expressed serious concern over the feasibility of carrying out the proposed policy without conflicting with the Geneva Prisoner of War Convention of 1949. He suggested that, in order to achieve the desired psychological warfare and humanitarian objectives, individuals who had rendered outstanding assistance to the United Nations command or whose return to the Communists would in all probability result in their deaths should be paroled as provided for in the Geneva Convention prior to the reaching of an armistice agreement.

(2) Additionally, the Secretary of State indicated that under no circumstances should Republic of Korea personnel who were forcibly pressed into the North Korean army (and subsequently recovered by UN forces) be returned to the Communists.

c. View of the Secretary of Defense:

By memorandum to the Joint Chiefs of Staff, 25 September 1951 the Secretary of Defense indicated that while he recognized the military advantages inherent in General Ridgway's present instructions, authorizing him to negotiate an exchange of prisoners of war on a one-for-one basis, he felt that, in order to avoid any solution which might involve bargaining with the welfare of our own prisoners, General Ridgway should be ad-

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vised initially to seek exchange of prisoners of war on a one-for-one basis but that he be authorized to agree to an overall exchange, if such action were deemed necessary in order to effect the release of our own prisoners of war.

III. DISCUSSION

See TAB A.

IV. CONCLUSIONS

1. There is no perfect safeguard to prevent Communist reprisals against US/UN POW's short of forcibly liberating them. However, expectations with respect to reprisals can be greatly influenced by the specific psychological actions we take to put the Hostile Power in a defensive position with respect to the treatment of prisoners of war (See TAB B).
2. It appears from the Convention that parole of POW's prior to the cessation of hostilities, as recommended by the Secretary of State, can be accomplished in accordance with the Geneva Prisoner of War Convention of 1949. Furthermore, by implication, prisoners of war can be given the right of voluntary release without parole prior to cessation of hostilities. The genuineness of the voluntary character of the release can best be shown by inspection and observance by a neutral body such as the International Red Cross.
3. An all-for-all principle of prisoner exchange offers a better chance of the return of US/UN prisoners of war than does any limited one-for-one method of exchange. However, for administrative purposes CINCUNC might well

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be advised to exchange prisoners group-for-group, composed of mixed GCP and NKPA for mixed US/UN and ROK groups.

4. There is adequate moral and legal justification for releasing to the Korean government ROK military personnel who were impressed by the North Korean regime and subsequently recovered.

V. RECOMMENDATIONS

1. That subject to security requirements the United States take action to release unconditionally prior to the termination of hostilities, selected enemy prisoners of war in small numbers who express the desire not to be repatriated at the close of hostilities; that adequate provision be made for their subsistence and welfare.
2. That in order to demonstrate full compliance with both the spirit and the letter of the Geneva Convention, the United States publicly notify the Hostile Powers of the unconditional release of such prisoners of war, to include a statement of the humanitarian reasons which governed such action.
3. That the United States policy with respect to exchange of prisoners of war upon cessation of hostilities be on an all-for-all basis. Administratively, this should be handled by exchanges in equal numbers (one-for-one); each group exchanged to be of mixed nationality, with the expectation that some US/UN prisoners will be returned in each group.
4. That Republic of Korea personnel forcibly enrolled in the North Korean people's army and subsequently

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recaptured by United Nations forces be released to Republic of Korea jurisdiction.

5. That vigorous measures in support of the above-recommended policies be undertaken by the Psychological Operations Coordinating Committee of the Department of State along the general lines indicated in TAB B.

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TAB A

III. DISCUSSION

1. The basic problems involved in formulating U.S. policy towards prisoners of war are:
  - a. The complications of the legal requirements under the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, including the psychological consequences of any suggested modifications to or violations of that Convention.
  - b. The dilemma of liberalizing U.S. policy with respect to repatriation of enemy prisoners of war while maintaining adequate safeguards for the protection of UN prisoners in the hands of the Communists (as well as public confidence in the adequacy of those safeguards.)
2. Legal position and its psychological consequences.
  - a. The United States has signed but has not ratified the Geneva Convention of August 12, 1949 for the Protection of War Victims. Without prejudice to the question of ratification, it is the announced policy of the United States to abide by the provisions of this Convention, with respect to the Korean conflict. This policy of scrupulous adherence to international agreements is accepted as a fundamental controlling consideration in the resolution of the problem.
  - b. International law recognizes the following ways of terminating captivity: Parole, exchange, simple release without parole, successful flight, liberation by an invasion of the Army to which the prisoners belong, transportation to neutral territory by captors who take refuge in such

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territory, and termination of hostilities. (Oppenheim, 3d edition, Vol. II, p. 195)

- c. Article 118 of the Geneva Prisoner of War Convention requires the repatriation of all prisoners of war upon the cessation of hostilities.
- d. There is, however, no restriction upon release without repatriation prior to the cessation of hostilities. This can be accomplished with or without parole. Under the Convention the permissibility of parole is governed jointly by the policy of the Detaining Power and the policy of the Power on which the prisoner depends. Assuming the Detaining Power offers parole, the conditions under which the prisoner may accept parole are governed by the rules stated by his government at the beginning of hostilities. The two hostile regimes have failed to impose any such rules with respect to the Korean conflict, and enemy prisoners may therefore accept parole if they wish. If parole is permissible, then, by inference release without parole is also permissible if the Detaining Power so elects.

3. Policy Prior to Cessation of Hostilities

- a. It appears then that a policy of releasing prisoners of war is feasible which does not require modification of the Geneva Convention. This policy would entail the voluntary release of prisoners of war prior to the cessation of hostilities either with or without parole. To be effective from the propaganda standpoint, such release must include arrangements for the future welfare of these persons.

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- b. The wholesale release of enemy POW's does not appear desirable for the following reasons:
  - (1) It would considerably increase the risk of reprisals.
  - (2) It would pose difficult administrative problems of screening and resettlement.
- c. Selective release with or without parole would serve the purpose of permitting publicity on the granting of asylum, without the disadvantages cited above.

4. Psychological duplications of this policy.

a. General

- (1) In order to maintain its position of caring for prisoners of war according to the letter and spirit of the Convention, the United States should notify the Hostile Power of the unconditional release of such prisoners of war.

b. Specific advantages

- (1) It would re-enforce the principle of United Nations asylum from tyranny.
- (2) The effectiveness of future United States psychological warfare programs would be enhanced by the adoption of this policy.
- (3) It would obviate the disadvantage cited in the Joint Chiefs of Staff memorandum of 8 August of establishing a precedent contrary to Article 118 of the Prisoner of War Convention of 1949.

TOP SECRETc. Specific Disadvantages of Recommended Policy

- (1) The Hostile Power might impose deprivations on US/UN prisoners of war as a retaliatory measure, although this is much less likely in the case of selective release than of wholesale release. This might exert psychological pressure upon Allied publics and US/UN troops, although it is not predictable whether these psychological effects would result in strengthening or weakening of Allied morale. This disadvantage can be in part offset to the extent that specific psychological actions by the U.S. (See TAB B) effectively place the Hostile Power on the defensive with respect to treatment of prisoners of war.
- (2) The disadvantage cited in sub-paragraph 3d of the Joint Chiefs of Staff paper (that UN action might be used by the Communists as a reason for breaking off peace negotiations) is not considered fundamental, inasmuch as political issues more important to the interests of the Hostile Power than the prisoner of war issue exist as agenda items.

6. Policy Upon Cessation of Hostilities.

- (a) Exchange of prisoners on a one-for-one basis is subject to the disadvantage that the Communists can impress Koreans and pass them off as genuine POW's. This would enable them to retain a residue of US/UN prisoners after all exchanges have been made.

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- (b) Exchange of POW's on an all-for-all basis offers the best assurance of the protection and return of US/UN prisoners of war. This should be our announced policy.

Administratively, the return of US/UN prisoners of war can be accelerated by exchanges of groups mixed in nationality, on an approximate basis of one-to-one. Lack of good faith on the part of the Communists can thus be detected early, and propaganda designed to influence their actions can be instituted.

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TAB B

PSYCHOLOGICAL STRATEGY BOARD  
Washington, D. C.

CHECK LIST OF SUGGESTED PSYCHOLOGICAL ACTIONS  
WHICH MAY BE TAKEN AT THE APPROPRIATE TIME IN SUPPORT  
OF GOOD TREATMENT AND RELEASE OF US/UN POW's

1. Immediate release of selected prisoners of war who do not desire to return to Communist territory, especially prisoners of war held in United Nations hospitals.
2. Removal of the above category of prisoners of war from the immediate combat area under scrutiny of an International Board or Commission, under either UN or Red Cross auspices with an accompanying request to the Hostile Power to allow a similar Board or Commission to supervise removal of sick and wounded POW's. (Article 111 of the Geneva Convention on Treatment of Sick and Wounded Prisoners of War).
3. Renewed publicity through efforts of the International Red Cross to inspect prisoner of war camps in Communist area. Refusal of such inspection will be the signal for sustained psychological operations designed to focus world opinion on Communist intransigence.
4. Demonstrations, protests in the UN General Assembly, protests in UN member nations' parliamentary bodies, newspaper campaigns citing the number of days which have passed since request for permission has been unanswered, publicity attendant upon flying inspection teams to takeoff points, etc., invitations to neutral correspondents, various international organizations to observe and report conditions in UN prison camps.
5. Offering bounties for return of, or aiding escape of, US/UN prisoners of war.
6. Organizations of guerrilla task forces to harass POW camps and effect rescue of key personnel.

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TAB B

7. Intensification of escape and evasion measures.
8. Leaflet drops to Prison Camps' Areas containing messages for prison authorities and/or prisoners. These messages should include offer of bounty for release, aid and escape.
9. Leaflet campaign to combat areas on the subject, with appropriate themes.
10. Balloon campaign with leaflets, provided technological limitations can be solved.

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