A. BACKGROUND INFORMATION

1. When the Democratic Republic of Vietnam (DRV) and the Provisional Revolutionary Government (PRG) released their lists of U.S. prisoners to the United States Government on 27 January 1973, none of the prisoners from Laos on either list. The absence of any names of U.S. prisoners from Laos on either the DRV or PRG list was particularly disconcerting because it was known at the time that a small number of Americans had been captured in Laos, moved to North Vietnam for detention, and were still in North Vietnamese prison camps. As a result of pressure applied by U.S. officials, a list of nine American prisoners and one Canadian prisoner captured in Laos was produced in Paris on 1 February 1973.

2. Some of the circumstances leading to the release of these ten men became complicated due to a question of whose prisoners they were, the Pathet Lao's or the North Vietnamese'. The list of "Laos prisoners" was far below expectation because it contained the names of only ten individuals: nine Americans (seven military and two civilian) and one Canadian. The list was also below expectation in two other regards:

   a. It contained absolutely no information on men who died in captivity (both the DRV and the PRG lists provided names of men who died in captivity).

   b. It contained the names of men who were apparently captured by the North Vietnamese troops operating in Laos, not by Pathet Lao forces. The North Vietnamese, on their part, created the facade that these ten "Laos prisoners" were truly captives of the Pathet Lao, not the North Vietnamese. For example, the North Vietnamese actually produced the list of the ten "Laos prisoners." However, when they released the list, the North Vietnamese maintained they were "informed by the Pathet Lao that the ten personnel on the list had been captured in Laos."
6. Since Operation Homecoming, the Pathet Lao claim to hold no other U.S. personnel except Mr. Emmet J. Kay, captured in Laos on 7 May 1973. On 6 April 1973, Soth stated that the Pathet Lao are holding no more prisoners in Laos, and he went on to say that the U.S. prisoners returned on 28 March 1973 in Hanoi were the only ones the Pathet Lao held.

B. CURRENT SITUATION

1. Although the Pathet Lao claim that is the only U.S. prisoner currently held in Laos, the following unconfirmed reports provide information to the contrary:

a. Eyewitness Sighting of a Small Group of Caucasian PWs in the Sam Neua Area Prior to Operation Homecoming.

During previous years there have been numerous U.S. PW sightings in the Sam Neua area (see map, Appendix A, point A). However, the most recent eyewitness sighting of a small group of U.S. PWs still being held in that area occurred between January and May 1972. A telephone lineman serving with the Pathet Lao reported that he entered a man-made cave on three occasions during January-May 1972 to repair the telephone line running into the cave. On all three occasions, he claimed to have observed seven or eight male Caucasians and a small number of indigenous prisoners. He was allegedly told by Pathet Lao guards that the Caucasian males were American prisoners. According to the lineman, two Pathet Lao guards were stationed outside the cave entrance door, and these guards controlled entry into the cave. In the immediate vicinity of the cave, security was provided by a Pathet Lao guard element of fifty men. His information has not been confirmed by any subsequent reports, and the identities of the Caucasian prisoners he allegedly saw cannot be determined. Moreover, debriefing information established that none of the ten "Laos returnees" was ever detained in Sam Neua; consequently, this fact eliminated the possibility that any of them correlated to the alleged Caucasians sighted in that area.

b. Two Hearsay Reports Concerning U.S. PWs in Laos after Operation Homecoming.

(1) One report concerning the possibility of a single American prisoner being held in Khammouane Province, Laos, was supplied by a controlled source who provided his information fourth hand. The source reported that a U.S. pilot was moved from Bung Kwang to nearby Namthon (see map, Appendix A, point B) on 7 December 1973.
3. The Canadians also became involved in this confusing situation shortly after the release of the list of "Laos prisoners." On about 3 February 1973, Canadian officials met with the Pathet Lao and North Vietnamese representatives in Vientiane in an attempt to have Mr. Lloyd Oppel, the Canadian national whose name appeared on the list, released to the Canadians. Responding to the Canadian request, Soth Petrasv (permanent Pathet Lao representative in Vientiane), disclaimed any knowledge of the list or of an agreement to release prisoners captured in Laos through Hanoi. During another meeting with Soth later in February 1973 regarding Mr. Oppel's release, Soth indicated he was not familiar with the subject and would inquire through Pathet Lao Headquarters in Sam Neua. However, on 6 March 1973, Soth informed the Canadians that Mr. Oppel would be released very soon, and he indicated that the modalities of the release would probably involve Mr. Oppel's being flown back to Vientiane where the official return would take place in a "small ceremony" at the airport there.

4. During the time the Canadians were negotiating for the release of Mr. Oppel, similar inquiries were being sought concerning the release of the nine Americans. Approximately two weeks after the release of the list of "Laos prisoners," Soth declined to give detailed comments concerning U.S. prisoners in Laos, but said that a detailed accounting of prisoners and their places of detention was held by the Pathet Lao and that the exchange of prisoners would take place upon the cessation of fighting in Laos. Further reiterating that the exchange was to occur in Laos, he emphatically stated: "If they (the prisoners) were captured in Laos, they will be returned in Laos." Moreover, on 7 February 1973, Soth was told that at a press conference Mr. Kissinger had stated that the responsibility for the identification and repatriation of all prisoners captured in Indochina had been taken by the DRV. To this statement Soth replied: "Whatever U.S. and North Vietnam agreed to regarding prisoners captured in Laos is not my concern. The question of prisoners taken in Laos is to be resolved by the Lao themselves and cannot be negotiated by outside parties over the heads of the Lao."

5. Despite a few delays and Pathet Lao insistence that prisoners captured in Laos would be returned in Laos, the ten "Laos prisoners" were released at Gia Lam Airport in Hanoi on 7 March 1973. The nine Americans and one Canadian were turned over to their respective receiving delegations, and Lt Col Thoong Sing, head of the Pathet Lao delegation in North Vietnam, was in attendance at the release ceremonies.
(2) Another controlled source, supplying thirdhand information, reported that in September 1973 nine U.S. prisoners were being held with four Thai and 82 Lao prisoners at a Pathet Lao/North Vietnamese Army PW camp at Pha Dakthong (see map, Appendix A, point C). According to source's information, the nine American and four Thai prisoners were sent to Hanoi during September 1973. The validity of this information has not been ascertained. The information does not correlate either to any previously received reports or to any confirmed data. Based on a review of this report, the only possibly equatable information is that there were nine Americans captured in Laos who were released in Hanoi during Operation Homecoming; however, this may only be a coincidence.

(3) In both of the above-mentioned reports, the sources were not able to provide any details regarding the descriptions or capture circumstances of the alleged American prisoners. Both of the above reports are viewed as unconfirmed until additional information is received.

2. Although recent reports and sightings of U.S. prisoners in Laos have been unconfirmed, it is clear that the Pathet Lao had captured some U.S. personnel who were not released. Regarding this point, on the day preceding the release of the ten "Laos prisoners," a U.S. official expressed to Soth the U.S. Government's hope that the Pathet Lao were holding additional U.S. prisoners other than those appearing on the list. At the time, U.S. officials brought up the names of Mr. Eugene Debruin, U.S. civilian, and Lt Col David Hrdlicka, USAF, and showed Soth Petrasys photographs of both men in captivity that had appeared in Pathet Lao publications. Neither PW was on the list for release, and the Pathet Lao had not provided any information on their current fate. At this meeting, Soth was also given a copy of a May 1966 memorandum of conversation in which he acknowledged that the Pathet Lao were holding Mr. Debruin and that he was in good health. Soth replied he would refer the matter of other U.S. prisoners in Laos to his superiors in Sam Neua. Mr. Debruin and Lt Col Hrdlicka are examples of the few men who were definitely known to have been captured by the Pathet Lao, but were not released. The Pathet Lao have yet to provide any information regarding the fate of these men.

3. The Pathet Lao themselves have made various statements over the years that indicate their knowledge of U.S. PWs in Laos. The following examples illustrate such statements:
a. In September 1968, Soth Petrasv told a U.S. official that "pilots are generally kept near the area in which their plane is downed and therefore may be found throughout Laos from the south to the north."

b. In the course of a February 1972 interview, Soth made a statement to the effect "that some tens of prisoners are presently being held" by the Pathet Lao.

c. During an April 1972 interview, Soth spoke about prisoners, including many U.S. airmen, being detained in secured areas inside various caves in northern Laos.

d. On 4 April 1972, Soth reportedly stated that "there are many American POWs held in liberated areas of Laos," but he would not provide specific figures.

e. During an April 1971 interview with a Swedish correspondent, Prince Souphanouvong, Chairman of the Lao Patriotic Front Central Committee, was asked to comment on the Pathet Lao policy toward captured enemy soldiers and American pilots. In response, Prince Souphanouvong made the following statement:

"The LPF (Lao Patriotic Front) has made public a concrete policy toward enemy soldiers or agents captured or giving themselves up, including GIs. All the American pilots engaged in bombings or toxic chemical sprays on Lao territory are considered criminals and enemies of the Lao people. But once captured, they have been treated in accordance with the humane policy of the LPF. The question of enemy captives, including U.S. pilots, will be settled immediately after the U.S. stops its intervention and aggression in Laos first, and foremost, ends the bombing of Laos territory."

Prince Souphanouvong's statement, together with statements made by Soth Petrasv, indicates that the Pathet Lao were holding American prisoners. As previously mentioned, the ten "Laos returnees" during Operation Homecoming were captured and held by the North Vietnamese, not the Pathet Lao, and, with one exception, they were moved expeditiously out of Laos to North Vietnam. Their experiences do not conform to the statements mentioned above. Therefore, if true, the Pathet Lao statements cited above refer to POWs other than the ten released during Operation Homecoming.
C. SUMMARY

There is no doubt that the Pathet Lao have yet to provide even a partially satisfactory accounting of the approximately 300 U.S. personnel unaccounted for in Laos. This accounting should be provided as the February 1973 Vientiane Peace Agreement and associated protocols are implemented. Because there has not been an official accounting furnished by the Pathet Lao and since there are only unconfirmed reports of U.S. PWs alive in Laos except for Mr. Kay, one can only speculate about the current fate of the Americans who were known to have been held captive by the Pathet Lao in previous years.