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THE USE OF THE POLYGRAPH  
FOR SEGREGATING PRISONERS OF WAR

RONALD O. BAILEY  
Major, MPC  
076942

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## PURPOSE

The purpose of this study is to examine the present system of segregating prisoners of war by political ideology and to determine if this system can be improved by polygraph examinations of prisoners of war. This study is concerned primarily with the segregation and internment of prisoners of war within camps and enclosures rather than the limited segregation which occurs in the combat zone.

## BACKGROUND

History reveals that prior to the middle of the eighteenth century, prisoners of war (hereafter referred to as PW) presented few, if any, problems to the capturing force. Captured soldiers were either executed or retained as slaves by their capturers. Later, with the advance of civilization, nations waging war would bargain for the exchange of prisoners. During the late nineteenth century, some nations engaged in pacts and treaties to improve the conditions and treatment of soldiers captured and interned. These pacts and treaties resulted in the formation of Geneva Conventions which now guide most of the nations of the world in the treatment and protection of PW.

During World War II, prisoners captured by the allied forces were treated in accordance with the Geneva Convention Relative to the Treatment of Prisoners of War, 27 July 1929. (14: p. 75.) The World War II PW interned by the United States presented few problems to the custodial personnel. There were attempts to escape, refusals to give information, and a few cases of kangaroo courts; but on the whole, the PW of World War II were a docile group that preferred to sit out the war in the comforts of a PW camp.

At the beginning of the Korean War, the United Nations announced that the United Nation Forces would adhere to the Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949. The task of administering the PW population fell to the United States, and specifically, the United States Army. (15: p. 32.) Since the United

States had primary responsibility for PW operations, throughout this study and for clarity, I will refer to the United States as the detaining power during the Korean War. 16

The United States expected to control and segregate PW in a way similar to that used during World War II. However, with the increase of captured enemy personnel, it became apparent that the communist PW presented custodial control problems and segregational problems which had not been encountered during World War II. Instead of a docile group, these PW still considered themselves active combatants. They were a highly organized group with political leaders in each compound receiving direct orders from their governments. These orders directed the PW to resist the detaining power with all available resources for the purpose of embarrassing the United States and thereby increasing the communists' bargaining power at the armistice table at Panmunjun. <sup>15a</sup> (17: p. 3.)

To insure effective communist political organization and control within the PW camp, political officers and commissars permitted themselves to be captured. (17: p. 5.) Special groups were trained and organized to enter the camps as captured prisoners and carry information or establish political groups among the prisoners. Females were used by the communist governments to act as refugees with orders to place themselves in positions where they could acquire and transmit information between the prisoners and the communist governments. (17: p. 13.)

The organization of the PW camps by the communist-oriented PW revealed three completely different groups within the confines of the camp: the pro-communists who were still the active combatants waging war behind the barbwire, the anti-communists who welcomed their capture and openly defied the communist party, and the "non-committals" who gave their allegiance to the group, pro or anti, controlling the compound in which they were interned. To achieve complete dominance of the camps, the pro-communists murdered and mutilated the anti-communists, and controlled the "non-committals" through fear, threats, and intimidation. (17: pp. 26-28.)

As a result of this power struggle within the camps, the United States realized that the PW must be segregated by political affiliation if any peace was to be restored. This segregation was accomplished through the use of force in May, 1952, and a degree of peace settled over the PW command. (17: pp. 11-12.)

The communist PW succeeded in causing embarrassment to the United Nations and to the United States. It is safe to assume that in any future war, PW will consider themselves active combatants and attempt to obtain the same results as did the communists in the Korean War.

One of the most important lessons learned to control the attitudes of PW was that, "Positive identification and documentation of communist PW must be initiated with prisoner number one." (1: p. 2.) The Korean War further revealed that segregation of PW by sex, grade/rank and nationality was not sufficient when dealing with the communists. The degree of success obtained by the pro-communists in controlling the camps revealed that in any future conflict, PW must be segregated according to their political ideology if the detaining power is to control the PW camps, enclosures, and compounds.

#### PRESENT METHOD OF SEGREGATING PW

To determine if the present method of segregating PW meets the new criteria created as a result of the Korean War, let us briefly examine the present system. Generally, the PW comes into contact with the combat soldiers first. The PW is detained by the combat troops for a time sufficient to disarm, search, interrogate, and segregate. Normally, at this level, segregation is by sex, officers, NCO, enlisted men, and if necessary, nationality. This segregation is consistent up through battalion, brigade, and division. Each level of command is allowed sufficient time to interrogate the PW for tactical intelligence. (10: para. 14.)

The prisoners may be further segregated at the division PW collecting point. At this point, civilian internees and retained personnel are segregated from the PW and from each other. Segregation is completed by the military police operating the collecting point and working in

conjunction with information provided by the various intelligence units that have interrogated the PW during the evacuation to the rear.

(10: para. 15.) The intelligence units will notify the military police of any political leaning and will provide information concerning PW whose identities are in question. These PW will be kept segregated from the remaining prisoners until identification is established.

PW are normally evacuated directly to the field army when they leave the division. A few select PW with information valuable to the corps are sent to corps headquarters for interrogation. If corps is operating independently, they will perform the same duties relative to the processing of PW as field army. At field army cage, PW are disarmed, searched and kept segregated. The PW remain basically in the same categories they were in when they departed the divisions and are not segregated into additional categories. Additional information concerning the political affiliations of individual PW, provided by intelligence units, will assist in segregating said PW into pro-communist or anti-communist groups. The PW will remain at field army for twenty-four to forty-eight hours and then be evacuated to a transient PW camp in the communications zone. Detailed processing of the PW will take place before they are assigned to a camp for final internment. (10: para. 19.)

The prisoners will receive necessary clothing and medical treatment at the transient PW camp. After a period of quarantine, <sup>15a</sup> PW are processed by the Military Police Prisoner of War Processing Company. (4: para. 16.) During this processing, the Prisoner of War Personnel Record (DA Form 19-2) will be initiated. (4: para. 17.) DA Form 19-2, if completed, provides information on PW next of kin, homes, and information to assist the detaining power in notifying the protecting power of the location of individuals. The personal record also provides a valuable source of information concerning strategic intelligence.

The completion of DA Form 19-2 depends on the willingness of the individual to provide the required information. The Geneva Convention

Relative to the Treatment of Prisoner of War, 12 August 1949, (hereafter referred to as GPW) states that:

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army regimental, personal or serial number, or failing this, equivalent information. If he willfully infringes this rule, he may render himself liable to a restriction of the privileges accorded to his rank or status. (11: para. 93.)

As was proven during the Korean War, many pro-communist PW did not give their correct names for the purpose of gaining access to the compounds where they could establish authority over the "non-committals." (17: p. 3.)

When the processing has been completed, PW will be segregated into two major groups: the pro-communist and the anti-communist groups. The "non-committals" are, at this time, placed with the anti-communist group. Segregation within the groups will also be by sex, officers, NCO, enlisted men, retained personnel, civilian internees, and if required, nationality. (10: para. 51.)

Briefly let us summarize the segregation of PW through the evacuation channel. First, we have segregated the PW by nationality, sex, rank/grade. Second, we have recognized and segregated the anti-communists. We will experience very few disciplinary problems with this group and fewer security personnel will be needed for control. Third, we have isolated and segregated a portion of the pro-communists. In addition to those openly pro-communist, our intelligence units have identified some of the PW who have entered the camps to organize and direct operations. Fourth, we have classified a percentage of the PW as "non-committals." The individuals in this group will go either pro or anti, but will eventually side with the group that wins the power struggle within the camp. The "non-committals" will be integrated with the anti-communists. However, within this group will also be pro-communists who have circumvented our efforts of identification and isolation and have been trained to enter our PW camps to organize and control the PW and create disturbances which will cause political repercussions. A power struggle can be expected between the anti and the pro-communists for the control

of the "non-committals." During this power struggle, the pro-communists will stop at nothing to obtain the complete control of the camp. They will employ persuasion, threats, and intimidation against the non-committed and will destroy the anti-communists through bribery, mutilation, and murder. (1: pp. 26-28.) These pro-communist individuals, who avoid identification and who will later create disturbances similar to those experienced at Kojo-Do, must be identified if we are to maintain control over the camps.

#### MEANS OF SEGREGATING POLITICALLY-ORIENTED FW

The question to be answered now is how do we eliminate trained pro-communists from the "non-committals" before they establish control? Initially, we can expect the anti-communists to keep us informed on pro-communist activities within the camps. However, we can also expect this source of information to gradually decrease and eventually cease entirely if severe action is taken by the pro-communists against the anti-communist leaders.

Another method used at present to identify the pro-communist is the placing of informers within the camps. Basically, this is a tried and proven method and can be expected to obtain significant results. However, there is the danger of the informers being identified and severe reprisal taken against them by the pro-communists. Also, the possibility exists that these informers will work both ends and while supplying us with only a limited amount of information, they may also be supplying the pro-communists with information concerning our activities.

Third, we can place listening devices throughout the FW camp to monitor conversations. This method also has its limitations as we are limited by the supply of listening devices, their detection by the enemy, and the number of personnel required to monitor. This method will probably be used more frequently after information has been obtained concerning possible pro-communist activity within the camp.

There is one final method which could offer a solution to the problem. A polygraph examination could be given FW to determine political

affiliations. Although the results of a polygraph examination are not normally admissable in a court of law, they have proven valuable as <sup>15a</sup> aides in criminal investigations.

#### POLYGRAPH EXAMINATIONS OF PW

First, we must examine the GPW to determine if there are restrictions on examining PW with the polygraph. Article 13 of the GPW states that:

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest. (11: para. 89.)

A polygraph examination cannot be considered inhumane nor can it be considered a medical experiment which is harmful to the person. Physiological changes occurring within the body are measured and recorded, but this is done with minor discomfort to the examinee.

Article 16 of the GPW states:

Taking into consideration the provisions of the present Convention relating to rank and sex, and subject to any privileged treatment which may be accorded to them by reason of their state of health, age or professional qualification, all prisoners of war shall be treated alike by the Detaining Power, without any adverse distinction based on race, nationality, religious belief or political opinions, or any other distinction founded on similar criteria. (11: para. 92a.)

The foregoing provision does not preclude the segregation of prisoners of war to maintain order in camps, to impose punishment, or for medical reasons. (11: para. 92b.)

Articles 13 and 16 of the GPW are the only two articles which could possibly restrict the utilization of the polygraph with PW. These articles do not positively deny its use, and therefore, we would not be violating the GPW if we were to use it to assist in segregating politically-oriented prisoners.

The utilization of the polygraph within the Department of Defense is guided by Department of Defense Directive 5210-48, July 13, 1965. This directive restricts the use of the polygraph to criminal and counter-intelligence investigations, intelligence operations, and cryptologic

information. (21: pp. 613-617.) Since the examination of PW with the polygraph does not coincide with these restrictions, it appears that we cannot use the polygraph to examine PW. However, in 1963, 3,494 polygraph tests were administered to Cuban enlistees prior to their induction into federal service. (22: p. 16.) This set a precedent for the use of the polygraph to determine political affiliation. Also, this directive states that exceptions to this directive

. . . may be made for cause by the Assistant Secretary of Defense (Administration) or the head of DOD component concerned. (21: p. 617.)

Therefore, it appears that if the polygraph examination will assist in segregating and thereby controlling PW, that Directive 5210-48 could be changed accordingly.

There are a number of limitations which restrict the use of the polygraph to examine PW. First, the polygraph examination must be voluntary. Without the individual's complete co-operation, the results of an examination will be invalid. The question here is how many PW will consent to the examination? It can be assumed that through ignorance and propaganda, many of the PW will be afraid to submit to an examination. However, through familiarization with the instrument and its purpose, many of the PW can be convinced of its reliability and then willingly submit to examination.

We cannot assume that all PW who refuse examination are pro-communist. However, PW who refuse should be segregated in a group apart from the cognizant pro-communist group in order to give intelligence personnel and polygraph examiners another opportunity for interrogation. We have not completely solved the problem by this method, but we have at least succeeded in segregating the larger number of "non-committals" from the pro-communists. It is my opinion that the larger percentage of the PW who absolutely refuse examination after orientation will be pro-communist.

In order to administer an objective polygraph examination, the examiner must have sufficient time for the examination. Under normal circumstances, this would require approximately one and a half hours per

PW examined. (12: ) When dealing with PW, the examiner may require the use of an interpreter. If an interpreter is utilized, the examiner will require a minimum of two hours. (12: ) The Military Police Prisoner of War Processing Company is capable of processing seventy-two PW per hour. (10: para. 81.) In order to maintain this processing rate and include a polygraph examination, it would be necessary to assign a minimum of one hundred and eight polygraph examiners to the Military Police Prisoner of War Processing Company. In 1964, there were 430 authorized polygraph examiners in the Department of Defense; 270 of these were in the Department of the Army. (21: p. 667.) It becomes apparent that if we capture the number of prisoners we did during the Korean War, it will be almost impossible to examine every PW. 15e

Another point that must be considered is the time of the examination. When the PW arrives at the transient PW camp for processing, approximately five days have elapsed since his capture. He is nervous, fatigued and may be suffering from shock. If any of these symptoms are present, the individual should not be examined as the results would not be valid. Before an examination is conducted, the PW should have opportunity to rest and be mentally alert. How long before this would occur is dependent on the individual and his environment. Again, the length of time the PW remains in the processing camp would be determined by the capture rate and the physical facilities available.

In addition to those limitations already discussed, there is one final limitation and that is the individual himself. Persons having physiological abnormalities such as high or low blood pressure cannot be successfully examined. Persons having mental disorders are poor subjects and results obtained from the tests may be inaccurate. (22: p. 12.) Consequently, some of the pro-communists we are attempting to segregate would not be detected or they would be erroneously classified. This would hold true for the other groups as well.

#### SUMMARY AND CONCLUSIONS

During this study, we have reviewed the present system of segregating PW. The system proves effective and proficient in all areas

except when segregating individuals by political tenets. This factor created the chaos experienced during the Korean War and unless a solution and new method is devised, the same chaos could, and likely will, occur in all future wars.

The use of polygraph examinations of PW as a possible solution to our problem has been examined and the following conclusions can be drawn:

1. Polygraph examinations can be of valuable assistance in segregating PW by political affiliations.

2. The following limitations restrict the use of the polygraph at this time:

a. Before polygraph examinations can be given to PW, a period of time must be spent orienting prisoners on the operation and purpose of the polygraph.

b. Based on the anticipated capture rate, time required for the examination, and limited number of qualified examiners, all PW could not be examined during their initial processing in the PW camp.

c. Due to physical and mental abnormalities, a number of PW could not be examined.

3. The GPW does not prohibit the examination of PW with the polygraph.

#### RECOMMENDATIONS

Recommendations proposed based on this study are:

1. A detailed study be conducted to determine ways and means of eliminating present limitations hindering the use of the polygraph when dealing with PW.

2. The Department of Defense Directive 5210-48 be amended to include polygraph examinations of PW for purpose of segregation.

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