INCOMING TELEGRAM

Department of State

NO: DELGA 196, November 15, 1952, 12:34 a.m., (PART 2 OF 2).

RE: Korea

PRIORITY

While Secy was discussing situation with Eden and Pearson, Gross held long conversation with Krishna Menon (India) re latter's latest draft of reply to WBCP (transmitted to Dept in DELGA 193) which had been received at USUN few minutes before Menon's arrival.

Following are salient points of conversation:

1. Gross made clear at outset he was not authorized to negotiate with Menon or to make any commitments whatever. Gross wished to ask Menon a few questions and did not even wish Menon to assume these were the only relevant questions re draft.

2. First substantive point raised by Gross dealt with fact that specific provision for release or return of PWs to their homelands was not included in proposals to be transmitted to other side as basis for armistice. This was left for preamble while reference to specific areas made in para 6 might apply to gen discipline or anything else. Menon said this was a typographical error and that para 8 shld specifically make point for release or return. Menon insisted there was no significance in separation of para into two parts, only one of which would be sent to negotiators. As far as he saw the entire para might be transmitted, but it was more convenient to send those parts which were "mechanical". After considerable discussion as to what constituted "mechanical" parts, he said he would consider Gross' suggestions but old draft remains.

3. In discussion re para 5 of draft re concerns for freedom of partys to persuade PWs to rehr rights, Gross repeated point previously made to Menon by Secy that we objected to mental coercion and third degree methods as much as to any other kind of force. Menon stated it was not his purpose to permit third degree methods and that arrangements worked out by Repatriation Commission will insure against that.
Menon stated same principle that governed para 7 re freedom of Pows to communicate with Repatriation Comm. Gross accepted statement and pointed out this would be placing another burden upon already heavy task confronting umpire.

4. Gross then raised basic point that we cannot accept re the which confronts Pows with choice of either going back home or remaining in captivity indefinitely. Gross pointed out para 16 of Menon draft must be so construed.

5. Further, Gross emphasized two reasons why fate of Pows resisting return shall not be remitted to Polilt Conference. First Pows might resist transfer to custody of Repatriation Comm as much as they would resist repatriation if they knew they would continue indefinitely under constraint; and second, Polilt Conference was designed to settle status question re Korea and Pows; and, therefore, become mere pawns in conference activities. Gross stated we did not wish to get into a situation in which we would have to negotiate on repatriation after an armistice. Menon seemed somewhat impressed.

6. Menon said he thought that our objection arose from fact that para 16 seems to prohibit comm from releasing Pows and that we wished comm to be free to release them. Gross replied he did not wish to discuss drafting changes but at very least it should be clear that comm would be authorized to release Pows and not merely to turn them over bound hand and foot to Polilt Conference.

Menon thought concept that comm shall be "authorized" to release Pows was a little too positive. Gross stated he thought it would be better to direct comm to release Pows but that bare minimum would be to authorize such release. By "release", Gross said he meant giving Pows actual physical freedom to go where they wished provided country of destination was willing to receive them. Menon demurred, stating Pows shall not be permitted to go to Formosa. Gross evaded detailed discussion this question.

7. In this connection, Menon said he wanted to tell Gross frankly, but not for quotation, that there would undoubtedly be no problem re Korean Pows; that as to Chinese he had reason to believe that CHICOMS would not expect all Chinese Pows to return home. Gross asked whether Menon meant that some Chinese Pows were considered "Chiang Kai-shek agents" and Menon said "yes".

8. In discussion re release of non-repatriates, Menon referred to length of time for which each prisoner would be in custody of Repatriation Comm. He thought this would become a problem because of provision for delivery of Pows in agreed numbers.

Therefore, he
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Therefore, he was inclined to think that if it were possible for him to modify para 16 so as to authorize the CCM eventually to release non-victims, he might have to change the time period to refer to a minimum of 90 days from the time any particular prisoner was transferred to the CCM. Gross indicated he was disturbed by this comment because it showed that Menon considered the detention period as a sort of "purge" period. This was not our view. US wished to assure FWS wld be processed as rapidly as possible and regard time limit as maximum period for that procedure. Gross felt that any attempt to use time limit as a minimum period of detention wld do violence to purposes for which whole procedure was being arranged.

5. In course of discussion re unsuitability present version para 16, Menon remarked it wld not help particularly if US agreed to this res. Gross asked whether Menon meant it wld help if US opposed the res; what help wld it be to Indians and UN if Comities were led to accept a bad res on ground US opposed it? Menon said it was not his meaning but that he thought it wld help if we abstained. Gross said US wld not abstain on any res it believed to be bad; either there wld be a good res or US wld vote against it. Gross then asked Menon whether he had reason to believe CHICOMS wld accept this or any res. Menon replied that so far as he knew no summary or text had gone to Peing. In response to further questions, he said he had impression CHICOMS might accept something along these lines, but that impression was based on "climate" and "inferences". Reverting to substance para 16, Menon said he felt Polt Conference wld reach quick decision; that it wld be so composed as to permit it to make decisions of this sort; and that in all probability UN element opposing forced repatriation wld be in majority. (Selwyn Lloyd made similar observation to Gross this morning and was probably source of Menon's idea). Gross ended this phase of discussion by stating that as he saw it Menon's reasoning was wholly fallacious. Comities in the Polt Conference wld stall decisions easily, and conference was not intended or constructed to discuss armistice problems.

10. Conversation then turned to composition and operations of Repatriation Comm. Gross remarked that assuming an umpire cd be agreed upon, which he doubted, umpire wld be overloaded with decisions and his position wld be especially difficult if he became involved in a question of fate of FWS after they were turned over to Polt Conference. Gross asked Menon whether he had any reason to believe CHICOMS wld be prepared to agree to an umpire. Menon said he did not and that there might be real difficulties on this point. Hence he had included in his draft provision for referring matter to GA if Repatriation Comm did not reach agreement within three weeks.

Gross asked
Gros asked if Menon meant that GA would then be expected to designate an umpire. Menon sought to evade this question and finally said this would be a natural assumption because there would be no one else who could do it. Gros repeated point previously made to Menon that we wanted to be sure comm would not deadlock on a basis which would reduce whole problem from a moral issue clearly understood throughout the world to a technical issue on a procedural problem. Therefore, negotiators should be given discretion and opportunity to work out arrangement by which both sides felt was workable. That could not be done in NY. Menon denied vigorously anything in present draft restricted negotiator's hands and stated he thought he had limited himself to minimum details acceptable to CHICOMS.

11. In view of heavy US responsibility under UN decisions for carrying out mil operations and serious consequences of any unacceptable GA recommendations, Gross personally expressed view that it should not be done to India itself; US and all our friends if Menon tabled a res. prematurely. Gross referred in some detail to discussion with 21 go-sponsors. He stated they unanimously agreed it would be very desirable if Menon would circulate to co-sponsors a copy of his draft before he submitted it formally to GA. Menon saw great difficulties in this procedure, he said he was under great pressure; leaks were occurring; he had been under instructions for a week to submit some res. Gros commented that his objectives would not be achieved if he were to incur resentment of a group of 21 countries. Gross admitted circulating anything to so large a number would be almost tantamount to releasing text publicly, but said he would have formal aspects of submission of res. Menon said he was giving present text to the Russians. Gros expressed regret, stating this was bad way to keep res. conf. Menon replied he was not so much interested in Russian attitude, but did tell Russians that any time res. could be changed. In view CHICOMS would make decisions with or without consulting Russians. He realized this was not our point of view. However, we had failed to follow Indian advice. If we had not crossed 38th Parallel, China would have intervened. We had made mistake of bombing Yalu River plants just as Chinese were at point of agreeing to an armistice. Gros said he did not go into these problems; he did not have adequate information; but we must face situation as it exists today. Gross stressed importance of retaining maximum of solidarity in GA. Most members of GA, he pointed out, would support 21-power draft and we were perfectly willing to go ahead with it. We might change it in some particulars, but not substantially, and we should get a two-thirds majority. Menon stated that he wanted to assure US that US would not oppose his res and therefore promised, reluctantly, he would not circulate his draft before Nov 17 or 18, promising he would meanwhile think over this conversation.

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