FROM: New York  
November 15, 1952  
2:42 a.m.

TO: Secretary of State

NO: DELGA 156, November 15, 1952, 12:34 a.m., (PART 2 OF 2).

PRIORITY

Re Korea.

While Secy was discussing situation with Eden and Pearson, Gross held long conversation with Ariranga Menon (India) re latter's latest draft of res on Korea (transmitted to Dept in DELGA 153) which had been received at USUN few minutes before Monon's arrival.

Key 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 repatriation of FNs 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 FNs made in para 6 might apply to Am discpline or anything else. Menon said this was a typographical error and that para 8 should specifically make point that FNs shld not be used to prevent or effect return. Menon insisted there was no significance in separation of res into two parts, one of which would be sent to negotiators. As far as he could see the entire res 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 would make no commitments.

3. In discussion re para 5 of draft res concerning freedom of parties to persuade FNs re their rights, Gross repeated point previously made to Menon by Secy that we objected to mental coercion and third degree methods as such 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 wd insur against that.

Menon stated...
Menon stated some principle which govern 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 him.

4. Gross then raised basic point that we cannot accept res 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 emphasised two reasons why fate of Pows refusing to return shld not be remitted to Polit 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, Polit Conference was designed to settle polit questions re Korea and Pows shld, therefore, become more 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 shld be authorized to release Pows and not merely to turn them over bound hand and foot to Polit Conference.

Menon thought concept that comm shld 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 shld 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 shld 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 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
Therefore, he was inclined to think that if it were possible for him to modify para 16 so as to authorize the comm eventually to release non-virtuists, 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 comm. Gross indicated he was disturbed by this comment because it showed that Menon considered detention period as a sort of "purge" period. This was not our view. US wished to assure PPs wd be processed as rapidly as possible and regarded time limit as maximum period for that procedure. Gross felt that any attempt to use time limit as a minimum period of detention wd do violence to purposes for which whole procedure was being arranged.

5. In course of discussion re unacceptability present version para 16, Menon remarked it wd not help particularly if US agreed to this res. Gross asked whether Menon meant it wd help if US opposed the res; what help wd it be to Indians and US if Comms were led to accept a bad res on ground US opposed it? Menon said this was not his meaning but that he thought it wd help if we abstained. Gross said US wd not abstain on any res it believed to be bad either there wd be a good res on US wd vote against it. Gross then asked Menon whether he had reason to believe CHICOMS wd accept this or any res. Menon replied that so far as he knew no summary or text had gone to Peking. 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 Polit Conference old reach quick decision; that it wd be so composed as to permit it to make decisions of this sort; and that in all probability UN element opposing forced repatriation wd 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. Comms in the Polit Conference old 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 old be agreed upon, which he doubted, umpire wd be overloaded with decisions and his position wd be especially difficult if he became involved in question of fate of PPs after they were turned over to Polit Conference. Gross asked Menon whether he had any reason to believe CHICOMS wd be prepared to agree to an umpire. Menon said he had not and that there might be real difficulties on this point. Hence he had included in his draft provision for referring matter to OA if Repatriation Comm did not reach agreement within three weeks.

Gross asked
Gros asked if Menon meant that GA wid then be expected to designate an empir, Menon sought to evade this question and finally said this wid be a natural assumption because there wid be no one else who old do it. Gros repeated point previously made to Menon that we wanted to be sure comm wid not deadlock on a basis which wid reduce whole problem from a moral issue clearly understood throughout the world to a technical issue on a procedural problem. Therefore, negotiators shld be given discretion and opportunity to work out arrangement which both sides felt was workable. That old not be done in NY. Menon denied vigorously anything in present draft res tied negotiators 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, Gros personally expressed view a great disservice wid be done to India itself, US and all our friends if Menon tabled a res prematurely. Gros referred in some detail to discussion with 21 co-sponsors. He stated they unanimously agreed it wid be very desirable if Menon wid 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 objective wid not be achieved if he were to incur resentment of a group of 21 countries. Gros admitted circulating anything to so large a number wid be almost tantamount to releasing text publicly, but wid not 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. He old tell Russians that any time res old be changed. In his view CHICOMS wid 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 Chinese wid not 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 fact situation as it exists today. Gros stressed importance of retaining maximum of solidarity in GA. Most members of GA, he pointed out, wid 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 old get a two-thirds majority. Menon stated that he wanted to assure GA US wid not oppose his res and therefore promised, reluctantly, he wid not circulate his draft before Nov 17 or 18, promising he wid meanwhile think over this conversation.

ACHERSON

MAN: NLB