INCOMING TELEGRAM

Department of State

TOP SECRET SECURITY INFORMATION

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

TO: Secretary of State

NO: DELGA 196, 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 Arjuna Menon (India) re latter's
latest draft of res on Korea (transmitted to Dept in DELGA 193)
which had been received at USUN few minutes before Menon's ar-
ival.

Fol 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 proviso force shld not be used to prevent or effect
return of F's to their homelands was not included in proposals to
be transmitted to other side as basis for armistice. This was
left for preamble and reference to force made in para 8 might
apply to gen discipline or anything else. Menon said this was a
typographical error and that para 8 shld specifically make point
force shld not be used to prevent or effect return. Menon in-
sisted there was no significance in separation of res into two
parts, only one of which will be sent to negotiators. As far as
he did 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 will consider Gross suggestions but will make no com-
mittments.

3. In discussion re para 5 of draft res concerning freedom of
parties to persuade F's re their rights, Gross repeated point pre-
viously made to Menon by Secy that we objected to mental coercion
and third degree methods as much as 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

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Mr. Menon stated some principle which governed para 7 re freedom of Pows to communicate with Repatriation Comm. Gross accepted statement and pointed out that this would be placing another burden upon already heavy task confronting umpire.

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 that para 16 of Menon draft must be so construed.

5. Further, Gross emphasised two reasons why fate of Pows receiving to return shld not be remitted to Political Conference. First Pows shld resist transfer to custody of Repatriation Comm as much as they would resist repatriation if they knew they would continue indefinitely. Second, Political Conference was designed to settle political questions re Korea and Pows would 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 in 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 shld be clear that comm shld be authorized to release Pows and not merely to turn them over bound hard and fast to Political Conference.

7. Menon thought concept that comm shld be "authorized" to release Pows was at all too positive. Gross stated he thought it would be better to direct comm to release Pows but that bare minimum had to be authorized 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.

8. In discussion re release of non-repatriates, Menon referred to length of time for which each prisoner shld 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-violent prisoners, 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. We wished to assure Pows that would 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 would do violence to purposes for which whole procedure was being arranged.

9. In course of discussion re unsuitability present version para 16, Menon remarked it would not help particularly if US agreed to this. Gross asked whether Menon meant it would help if US opposed the rest; what help would it be to Indians and UN if Commies were led to accept a bad rest on ground US opposed it? Menon said this was not his meaning but that he thought it would help if we abstained. Gross said US would not abstain on any rest it believed to be bad; either there would be a good rest or US would vote against it. Gross then asked Menon whether he had reason to believe CHICOMS would accept this or any rest. 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 could reach quick decision; that it would be composed to permit it to make decisions of this sort; and that in all probability UN element opposing forced repatriation would 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. Commies in the Polit Conference could easily decide this matter, 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 could be agreed upon, which he doubted, umpire would be overloaded with decisions and his position would be especially difficult if he became involved in question of fate of POWs after they were turned over to Polit Conference. Gross asked Menon whether he had any reason to believe CHICOMS would 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 GA if Repatriation Comm did not reach agreement within three weeks.
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 repeatedly pointed 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 arrangements which both sides felt was workable. That could not be done in NY. Menon denied vigorously anything in present draft res tied 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, Gros personally expressed view a great disservice would 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 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 objective would not be achieved if he were to incur resentment of a group of 21 countries. Gros admitted circulating anything to so large a number would be almost tantamount to releasing text publicly, but did 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 said no Russian was interested in Russian attitude. He did tell Russians that any time res could be changed. In his 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 should 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 he must fact situation as it exists today. Gros 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 did get a two-thirds majority. Menon stated that he wanted to assure GA US would not oppose his res and therefore promised, reluctantly, he would circulate his draft before Nov 17 or 18, promising he would meanwhile think over this conversation.