DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

11 October 2002

MEMORANDUM FOR THE RECORD

Subj: CAPTAIN MICHAEL "SCOTT" SPEICHER, USN

1. On January 17, 1991, Captain Speicher was shot down during a night combat mission over Iraq. He was placed in a Missing in Action (MIA) status the next day, and on May 22, 1991, following a Secretary of the Navy Status Review Board, his status was changed to Killed in Action/Body Not Recovered (KIA/BNR). In December 1995, working through the International Committee of the Red Cross, (ICRC), investigators from the Navy and Army's Central Identification laboratory entered Iraq and excavated the crash site. In September 1996, based on a comprehensive review of evidence accumulated since the initial KIA/BNR determination, Secretary of the Navy John Dalton approved the presumptive finding of death, but modified the date of that determination from May 22, 1991 to September 30, 1996.

2. The U.S. government and the Navy have continued to seek and analyze information to resolve Captain Speicher's fate. My predecessor, Richard Danzig, was actively involved in this matter during his tenure as Under Secretary of the Navy and then as Secretary of the Navy. In January 2001, he took the courageous and unprecedented step of changing Captain Speicher's status from KIA/BNR to MIA. Secretary Danzig based his decision on information that, rather than confirming Captain Speicher's death, actually revived uncertainty about Captain Speicher's fate and underscored the absence of any satisfactory accounting from the government of Iraq. Additionally, he hoped that the status change to MIA might "increase the likelihood" that the government of Iraq would "be made to answer for [Captain] Speicher's whereabouts." In reaching his decision, Secretary Danzig focused entirely on the significant status change from KIA/BNR to MIA. Categorizing Captain Speicher as Missing/Captured was not considered.

3. Once a status determination is made in the case of a missing service member, a Service Secretary may modify that determination under 37 U.S.C. 556(d), "when warranted by the circumstances." I have given significant attention to Captain Speicher's fate since the earliest days of my tenure. Based on all of the information now available, I believe the logical extension of Secretary Danzig's status determination, and the more appropriate category for Captain Speicher, is Missing/Captured. This category denotes that a service member has been seized as the result of the action of an unfriendly military or paramilitary force in a foreign country. Determining that Captain Speicher "has been seized" does not mean we know his location or whereabouts. Only Iraq can provide that information. Moreover, if the government of Iraq is holding Captain Speicher, he is entitled to Prisoner of War status under international law and the Geneva Convention, and would have been entitled to such status from the day he first came under Iraqi control. Although the controlling missing persons statute and directives do not use the term "Prisoner of War," the facts supporting a change in Captain Speicher's category from Missing in Action to Missing/Captured would also support the conclusion that, if alive, he is a Prisoner of War.

4. The following factors contributed to my conclusion:

- Analysis of the wreckage concluded that Captain Speicher survived the initial damage to his aircraft, initiated the ejection sequence, jettisoned the canopy, and ejected before the crash. F/A-18 ejection statistics reveal that 90% of pilots survive; the injury rate is 70%.
- A flight suit was found near the crash site and handed over by the Iraqis to the ICRC team during the December 1995 survey. The size and markings suggest this was Captain Speicher's flight suit, and the flight suit's condition indicates that the aviator wearing it was not in the aircraft at ground impact.
- The ICRC team determined that the cockpit area had been expertly excavated before the ICRC team's arrival. All significant cockpit debris was removed.
- The cumulative information received since Captain Speicher was shot down continues to suggest strongly that the government of Iraq can account for him.

5. Like Secretary Danzig, I have no evidence to conclude that Captain Speicher is dead. While the information available to me now does not prove definitively that Captain Speicher is alive and in Iraqi custody, I am personally convinced the Iraqis seized him sometime after his plane went down. Further, it is my firm belief that the government of Iraq knows what happened to Captain Speicher. I am committed to resolving this matter and will continue to review and analyze all available information. It is my fervent hope that this change in category will hasten the necessary and long overdue accounting.

Gordon R. England
Secretary of the Navy

cc:
ASN (M&RA)
CNO (N2, N3/5)
CNP