

# THE LONG ROAD HOME

U.S. Prisoner of War Policy  
and Planning in Southeast Asia

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# THE LONG ROAD HOME

U.S. Prisoner of War Policy and  
Planning in Southeast Asia

Vernon E. Davis

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## Foreword

**T**he author of this book, Vernon E. Davis, died before he could see it in print. A scholar of exceptionally high standards, Davis was thorough in research, passionate in quest of accuracy, and unceasing in his pursuit of clarity of expression. The result of his exacting effort is a work that makes an authoritative and illuminating contribution to a complex and controversial subject.

Vernon Davis earned A.B. and M.A. degrees in history from the University of Rochester. After service in combat as an infantryman in Europe in World War II he joined the Historical Division of the Joint Chiefs of Staff, where he spent more than 30 years as a historian, deputy chief, and editor. He authored a two-volume work, *The Organizational Development of the Joint Chiefs of Staff in World War II*, and edited volumes in the series, *The Joint Chiefs of Staff and National Policy*. After retirement from the JCS Historical Division he undertook and completed the preparation of this volume.

*The Long Road Home* is a companion work to the recently published book on the prisoner of war experience in Southeast Asia—*Honor Bound* by Stuart I. Rochester and Frederick Kiley. The two books were prepared at the request of former Deputy Secretary of Defense William P. Clements, Jr. Some of the early research and drafts of a few chapters are the contribution of Wilber W. Hoare, Jr., and Ernest H. Giusti, former JCS historians who helped initiate the project. Davis carried forward the research and writing to completion over a period of many years and is entitled to the fullest credit for production of the final text and documentation.

This history of Washington's role in shaping prisoner of war policy during the Vietnam War reveals the difficult, often emotional, and vexing nature of a problem that engaged the attention of the highest officials of the U.S. government, including the president. It examines frictions and disagreements between the State and Defense Departments and within Defense itself as a sometimes conflicted organization struggled to cope

with an imposing array of policy issues: efforts to ameliorate the brutal conditions to which the American captives were subjected; relations with families of prisoners in captivity; the proper mix of quiet diplomacy and aggressive publicity; and planning for the prisoners' return. At a pivotal juncture the Department of Defense exerted a major influence on overall policy through its insistence in 1969 that the government "Go Public" with information about the plight of prisoners held by the North Vietnamese and the Viet Cong. There is evidence that this powerful campaign contributed to the gradual improvement in the treatment of the prisoners and to their safe return in 1973. The detailed account of negotiations with the North Vietnamese for the withdrawal of American forces from South Vietnam makes clear how important in all U.S. calculations was securing the release of the prisoners.

The volume was prepared for publication by Stuart Rochester, who edited the final draft with a diligence and care that reflected Davis's high standards. Frederick Kiley, drawing on a vast store of knowledge of the subject, was a valued colleague and reliable source of information and advice throughout the project. Alice Cole, Ronald Landa, Max Rosenberg, John Glennon, Dalton West, and Josephine Dillard all made significant contributions along the way. Ruth Sharma provided editorial assistance and superior skills in preparing the several drafts and the final version of the manuscript.

Davis benefited greatly from oral histories, especially those with former Secretary of Defense Melvin Laird, Roger Shields, and Frank Sieverts, as well as with others who played key roles during this period. Their generous granting of interviews and willing responses to queries helped to resolve issues that might otherwise have remained puzzles.

This publication has been reviewed and its contents declassified and cleared for release by concerned government agencies. Although the manuscript itself has been declassified, some of the official sources cited in the volume may remain classified. This is an official publication of the Office of the Secretary of Defense, but the views expressed are those of the author and do not necessarily represent those of the Department of Defense.

ALFRED GOLDBERG  
OSD HISTORIAN

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# **THE LONG ROAD HOME**

**U.S. Prisoner of War Policy  
and Planning in Southeast Asia**

# *I*

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## Prisoner of War Policy Before Vietnam

**T**reatment of prisoners of war has often excited strong passions between nations since the earliest days of organized warfare, but rarely has it attracted and held the attention of the public during a conflict as it did in the United States during the Vietnam War. The plight and uncertain future of American servicemen in the hands of the enemy in Southeast Asia had a powerful emotional impact on the government and people of the United States far out of proportion to the number of captives involved. Indeed, the fact that the prisoners were not so numerous as to lose their individual identity no doubt contributed to the acute public and official reaction to evidence of mistreatment, enemy threats of war crime trials, and the prolonged duration of confinement. The relatively high rank of the prisoners in Vietnam and their high visibility as propaganda pawns also help explain the intensity of the public reaction compared with World War II and the Korean War, which claimed far larger numbers of prisoners and missing.\* The contentious aftermath of the Vietnam War, marked by lingering uncertainty and acrimonious recriminations over the fate of captured or missing servicemen who never returned and who are presumed dead, assured continuing controversy with respect to the U.S. government's own official policies relating to the prisoners of war, which are the primary subject of this volume.

Law and custom, designed to make warfare as humane as possible by eliminating unnecessary cruelty and bloodshed, evolved haltingly and erratically over the millennia. In modern times the progress of law can be charted

\* American prisoners of war, missing, and unaccounted for numbered some 3,000 for the Vietnam War, about 15,000 for the Korean War, and more than 200,000 for World War II. The figures for Korea and World War II must be regarded as approximations at best.

through such landmarks as the two international conferences at the Hague, in 1899 and 1907, and the subsequent conference in 1929 that produced the Geneva Convention on prisoners of war (PWs). Following World War II, representatives of the United States and 60 other nations gathered in Geneva to undertake the revision and extension of international law in the light of the experience of the recent conflict. Four treaties, known collectively as the Geneva Conventions for the Protection of War Victims, resulted from these deliberations. Three were revisions of earlier agreements, one on ameliorating the condition of the sick and wounded in land warfare, another dealing with sick, wounded, or shipwrecked sailors, and the third, the prisoner of war agreement. The fourth was entirely new—the Geneva Convention Relative to the Protection of Civilian Persons in Time of War.<sup>1</sup>

#### *The Geneva Conventions*

The most widely known of the four treaties and the one of primary importance to this history is the Geneva Convention Relative to the Treatment of Prisoners of War, signed on 12 August 1949.\* Notably longer than the 1929 document it replaced (143 articles compared to 97), the new convention defined in more detail the rights of prisoners of war and the conditions of their captivity. The revised version also sought to deal with special problems that had emerged during World War II, an example being the attempt to remove uncertainties about the status of such participants as the Free French Forces and members of organized resistance movements. The underlying principle remained that of the 1929 document and the earlier Hague Convention: Persons removed from the fighting through capture were not to be the objects of further violence. No longer a menace to the detaining power, prisoners were to be treated humanely and with respect for their persons, under rules that would neither lessen the chances of victory nor increase the likelihood of defeat for any belligerent.

The Geneva Convention of 1949 took effect as the 61 original signatories deposited their ratifications and other nations acceded. It became binding on the United States on 2 February 1956, six months after Senate ratification. The agreement embodied the international consensus on the standards for humane treatment of prisoners of war, their rights and privileges, and the obligations of their captors. It won nearly universal endorsement as the years advanced. By 1970, 123 governments had subscribed to the convention, including all those then involved in the hostilities in Southeast Asia.<sup>2</sup>

\* When appearing in the text hereafter, “the Geneva Convention” refers to this agreement.

Particular provisions of the 1949 Geneva Convention will be described as they become pertinent to this study. On the striking subject of war crimes, however, which became a key element of the captivity experience in North Vietnam, some introductory comment is desirable.

The Geneva Conventions were drafted at a time when thought on war crimes and the manner of passing judgment on them was dominated by the precedents set by the Allied Powers at the conclusion of World War II. Those precedents arose from the establishment, proceedings, and judgments of the International Military Tribunals at Nuremberg and Tokyo and from the subsequent trials conducted in the American Zone under a law passed by the Allied Control Council for Germany. Basic to what came to be called "the Nuremberg principles" was the conviction that international law applied to individuals, who were therefore responsible and liable to judgment for their actions. Accordingly, individual officials and persons in military service could be arraigned for complicity in crimes that formerly were chargeable only to governments.

By agreement in August 1945, the United States, the United Kingdom, France, and the Soviet Union issued a charter for the Nuremberg Tribunal's trials of major Axis war criminals whose offenses had "no particular geographical location." The charter listed three categories of offenses: war crimes, crimes against peace, and crimes against humanity. The first encompassed such long-recognized violations of the laws and customs of war as the killing of hostages, abuse or murder of prisoners of war, wanton destruction of towns and cities, and other devastation not justified by military necessity. The other two categories defined additional offenses under international law for which individuals might be held responsible. Crimes against humanity included extermination, enslavement, deportation, and other large-scale atrocities against a civilian population. Crimes against peace, the Nuremberg Charter read, consisted of "planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing."<sup>3</sup>

In 1945 and 1946 some questioned the wisdom or validity of these extensions of international law; others criticized the *ex post facto* nature of the law's application and the exceptional, *ad hoc* jurisdiction the victors claimed for their tribunals. Although these questions continued to be raised thereafter, they had been largely overridden by Resolution No. 95 of the United Nations General Assembly. Approved unanimously on 11 December 1946, it reaffirmed "the principles of international law recognized by the Charter of the Nuremberg Tribunal and the Judgment of the Tribunal."

A year later the General Assembly instructed its International Law Commission to formulate the Nuremberg principles more precisely when preparing a draft code of offenses against the peace and security of mankind.<sup>4</sup>

Thus, at the time the 1949 Geneva Convention was drafted, it was accepted that individuals might be tried for violations of international law and among these were offenses variously described as crimes against peace or against mankind or, more loosely, as "war crimes," principally the purposeful initiation and waging of aggressive war.<sup>5</sup> Directly or by indirection, the Geneva Convention incorporated the elements of this concept. It did so with certain refinements and with constant attention to preserving the particular rights of prisoners of war.

In the Geneva Convention's section on judicial proceedings, Article 99 read as follows:

No prisoner of war may be tried or sentenced for an act which is not forbidden by the law of the Detaining Power or by international law, in force at the time the said act was committed.

No moral or physical coercion may be exerted on a prisoner of war in order to induce him to admit himself guilty of the act of which he is accused.

No prisoner of war may be convicted without having had an opportunity to present his defense and the assistance of a qualified advocate or counsel.

The insistence on providing for an effective defense was repeated elsewhere in the Convention; indeed, Article 130 stated that "willfully depriving a prisoner of war of the rights of fair and regular trial" was a "grave breach" of the Convention, in a category with willful killing, torture, and subjection to biological experiments. Articles 102 and 106 declared that prisoners of war might be sentenced only by the same courts and under the same procedures as applied to members of the armed forces of the detaining power, and that they must have the same rights of appeal as such members.

Another safeguard against arbitrary action, strongly advocated by the United States and other Western nations at Geneva, had been included by less than unanimous vote. It lay in the single sentence of Article 85: "Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture [alleged war crimes, almost exclusively] shall retain, even if convicted, the benefits of the present Convention." Thus an individual's status as a prisoner of war would be unaffected during proceedings arising from war crimes charges or while serving any sentence imposed. In the latter circumstance, provision would continue for unhampered visits and interviews by delegates of the nation designated as

Protecting Power, or by representatives of the International Committee of the Red Cross (ICRC) and the prisoner would still have the right to register complaints with them about the conditions of captivity. He would also be entitled to send and receive mail, including at least one parcel monthly, to take regular exercise in the open air, and to receive medical care as needed and spiritual assistance as desired.

The Soviet Union had led the opposition to adoption of this version of Article 85, and it entered several reservations when signing the Convention. One read, in part: "The Union of Soviet Socialist Republics does not consider itself bound by the obligation, which follows from Article 85, to extend the application of the Convention to prisoners of war who have been convicted under the law of the Detaining Power, in accordance with the principles of the Nuremberg trial, for war crimes and crimes against humanity..." On its face, and as later clarified in a note to the Swiss government in 1955, this Soviet reservation did not portend a wholesale subversion of the Geneva Convention's protections. Prisoner of war status would lapse only upon conviction of a war crime, after the fair trial assured by the Convention and the exhaustion of all appeals. The individual would then be confined under the same penal conditions as convicted nationals of the detaining power, without special privileges. The Soviets gave assurance that upon completion of his sentence the prisoner would regain PW status, including the right to ultimate repatriation under the same terms as his fellows.<sup>6</sup>

More serious grounds for concern arose when all other Communist nations subscribing to the Geneva Convention attached a similar reservation regarding Article 85, with some variations in wording. North Vietnam in 1957, for instance, spoke of prisoners "prosecuted and convicted for" war crimes. Again, if strictly construed, this would appear not to divest a man of PW status until the moment of conviction, but the North Vietnamese might apply a different interpretation, insisting that the language justified denying his rights from the beginning of prosecution.<sup>7</sup>

As with all other provisions of the Geneva Convention, the force of Article 85 or of the reservations attached to it depended on an idealized conception of how sovereign nations would behave. The underlying assumption was that in all circumstances the signatories would give greater allegiance to strict fulfillment of their obligations under the Convention than to any other national interest. The soundness of this assumption was open to doubt and, indeed, the Korean War of 1950-53 had already provided an example of the way Communist nations were likely to conduct themselves.

Since the war in Korea began less than a year after initial signing of the Geneva Convention, few nations had completed the ratification process, and



the convention had not yet come into force as a solemn obligation of the several participants in the hostilities. Nevertheless, North and South Korea, Communist China, and the United States on behalf of the United Nations forces all certified their intention to abide by the convention to some degree. North Korea ignored the offer of the International Committee of the Red Cross to send observers to check on compliance, however, and it identified only 110 of its prisoners in two token reports to the ICRC's Central Prisoners of War Information Agency. The United Nations Command had transmitted data on 192,495 prisoners in its custody by the end of 1951, and it was facilitating the regular visits of ICRC inspectors to some 50 PW camps in South Korea.<sup>8</sup>

More to the point, the Communists disregarded the carefully drawn provisions of the Geneva Convention relating to conviction for war crimes. North Korea and Communist China condemned the participation of the United Nations forces in the hostilities as a gross act of aggression. When UN military personnel were taken captive, the Communist nations held their guilt as war criminals to be self-evident and beyond any need of confirmation by judicial proceedings. As war criminals, the prisoners deserved summary execution, and the world should know that only the "humane and lenient policy" of their captors caused them to be spared. This lenient policy, the Communists said, followed from recognition that the prisoners were but common men who had been misled into serving as agents of the imperialist warmongers who controlled their governments. Though their acts had denied them the rights of prisoners of war, such men deserved the opportunity to receive instruction that would allow them to learn the truth while in captivity. Then they would surely perceive the duplicity of their leaders, renounce their own role in the conspiracy against world peace, and acknowledge the justice of the Communist struggle against the forces of aggression.<sup>9</sup>

Later, in 1955, the United States ratified the Geneva Convention without reservations, but with a stipulation rejecting those made by other nations. It stated that "the United States accepts treaty relations with all parties to that convention, except as to the changes proposed by such reservations."<sup>10</sup>

### *Korean War Experience*

The Korean War served to illuminate the uses of the Geneva Convention and the current state of international law, but even more significant was the influence it had subsequently on consideration of prisoner of war matters within the United States. The war of 1950-53 was the most recent major

conflict involving U.S. forces. More importantly, it was the first in which American servicemen suffered extended captivity in Communist hands. When the United States later became involved in Vietnam, once again with Asian Communists, the experience of the Korean War appeared even more pertinent.

Brutality, degradation, and neglect marked the treatment of prisoners by the North Koreans and the Communist Chinese, who shared little concern for the survival of individuals and paid little heed to the Geneva Convention, despite pretensions to the contrary. Official records, admittedly incomplete, placed the death rate among U.S. prisoners at 38 percent, nearly four times that of World War II. The total included large numbers of men who perished during long winter marches to prison camps in the northernmost reaches of North Korea. Ill-fed and confined with limited protection against the severity of the climate, many others succumbed to sickness, exposure, and mistreatment, with death hastened in a few instances apparently by simple despair.

Still, maltreatment and deprivation had often enough been the lot of prisoners of war. The Korean experience added a new dimension—the comprehensive exploitation and indoctrination of the Americans in furtherance of the enemy's political aims. As official U.S. writings later stated, the Communists made the prison compound an extension of the battlefield, and their treatment of prisoners was "but another weapon in the world-wide war for the minds of men." In the camps, political and ideological warfare continued, directed against the prisoners and, through them, against world support for the United Nations effort.<sup>11</sup>

In Korea, systematic interrogation formed part of the Communist program against the prisoners, but with unexpected features that caught many men off guard. Except for officers and others suspected of having technical knowledge, the questioning for military information was usually not extensive. When prolonged, it more often had the purpose of forcing the American to sign a false statement than of wringing a disclosure of classified data from him. For use in their worldwide propaganda, the Communists valued most highly the "confession" of a downed airman that the United States had engaged in bacteriological warfare. More commonly, however, the questioning on military particulars gave way to an insistence that the prisoners provide accounts of their home life and educational background, their work experience and political beliefs, even their hobbies and club memberships. The man who complied with a seemingly harmless request for a written personal history often found himself enmeshed in further difficulties. The interrogator compelled him to write more, supply greater detail, explain inconsistencies, or defend himself against charges of lying, in a process intended to increase the man's sense of helplessness and supply the

questioner with leverage for further pressures. Already controlling all physical aspects of the prisoner's existence, the enemy sought to establish moral and psychological dominance as well.

The interrogation also helped the enemy to spot weaknesses and identify potential collaborators. Concurrently, the captives had to endure an unrelenting indoctrination, whose rationale, under the "lenient policy," has already been described. Besides instructing the prisoners in the "truth" regarding the war, the enemy wanted to erode their normal allegiance and enlist them in the Communist cause. It would best serve the enemy's purpose if the prisoners became willing converts in response to the constant lectures, discussion sessions, and readings of Marxist literature. Failing that, the Americans might at least be led into uncertainty about the justification for U.S. involvement in the war and into suspicion of the motives of the national leaders who had brought it about. Thus sensitized to Communist arguments, they might ultimately return home with a greater disposition to see evidence that U.S. policy was in thrall to Wall Street and that capitalism meant oppression of the many for the benefit of the few. But more immediately the indoctrination sought to induce prisoners to sign peace petitions, issue condemnations of their country's role in the hostilities, and send letters home appealing for abandonment of an unjust war. These statements, like the confessions of germ warfare and the deliberate bombing of civilian targets, provided grist for Communist propaganda.

Response among the American prisoners varied. A minority accepted the Communist world view expounded by their captors or sought safety and favored treatment by appearing to accept it. Known as "Progressives," these men willingly joined peace committees and advanced study groups; they responded when called upon to write articles, make propaganda broadcasts, or exhort other prisoners to join them in denouncing "American aggression in Korea." Another minority, called "Reactionaries," urged resistance to the indoctrination and refused to write or sign statements, despite the consequences. The majority were neither active resisters nor active collaborators. This middle group included many young servicemen who were genuinely confused and reduced to indecision by the ideological onslaught. Unversed in political argument and generally ill-informed regarding their nation's history and the actual workings of its economic and political institutions, they could not oppose enemy discussion leaders who criticized America's foreign policy and internal problems in a way that made the Marxist interpretation of them seem unanswerable. Others, with more worldly experience or armed with a native skepticism of all political dogma, were less affected and later reported that they had "played it cool." They adapted as best they could, giving enough attention to the lectures and required readings to offer

no provocation, yielding what seemed necessary to assure survival but volunteering little.<sup>12</sup>

In the end the prolonged indoctrination had little permanent effect on the political and social outlook of the prisoners. Few, if any, were converted to a genuine allegiance to the Communist faith. But the indoctrination program, which spread doubt and suspicion and set some Americans against others, did serve the enemy's purpose of preventing concerted resistance among the prisoners. The captors applied further measures of control, such as separating officers and senior noncommissioned officers (NCOs) from the remaining prisoners, removing strong resisters to special detention, encouraging the fear of informers, and assigning Progressives to positions of minor authority within the camps.

During the war, Communist broadcasts gave heavy play to the germ warfare confessions, peace petitions, and other statements by prisoners. The record of the U.S. servicemen in Korean captivity reached the American public more fully with the return of the survivors following the armistice agreement of July 1953. The early assessments of their behavior tended to emphasize the failures and provided material that lent itself readily to sensational treatment in popular articles. News accounts of investigations of alleged misconduct within the military services reinforced this negative emphasis. Readers could easily gain the impression that collaboration with the enemy had been widespread, that the U.S. prisoners generally had lacked strong attachment to American ideals and principles, and that many had been subverted by "brainwashing" techniques employed by their captors.

An unfavorable judgment of the performance of the U.S. prisoners became established in the public consciousness. The impression that there had been a broad failure to exhibit the discipline, courage, and unity that the nation expected of its fighting men hardened into accepted fact, and with it a belief that in compiling this record the prisoners had departed widely from the standards of the past. Some publicists writing on the subject during the 1950s saw evidence of a "softness" in American society and a decline in the effectiveness of home, church, and classroom in instilling patriotism and strong moral character in the rising generation—a deterioration that they held must be reversed if the United States was to survive the challenge of the Cold War. Other and possibly more objective study of the Korean War record showed much that could be used to dispute the unfavorable verdict, but the results of such investigation appeared for the most part after the prevailing view had become established and interest in the subject had waned. Earlier publications under such titles as "Why Did Many GI Captives Cave In?" had had their effect, and the negative opinion had already passed into the realm of common belief.<sup>13</sup>

During the immediate postwar years another set of unfavorable impressions arose over the treatment of the recovered prisoners of war by their parent services. It was here, more than in appraising the overall performance of the American prisoners, that the normal public sympathy for those who had undergone the ordeal of captivity came into play. Also, at the conclusion of a war whose failing public support and unsatisfying results created an atmosphere quite different from the euphoria of V-J day in 1945, the military officials who would judge, and sometimes indict, the returning PWs were not held in particularly high esteem themselves.

On 24 September 1953, as repatriation of the main body of former prisoners was drawing to a close, Secretary of Defense Charles E. Wilson issued a statement concerning the judgments that might be passed on their conduct while in enemy hands. He sought to allay suspicions that the military authorities were intent on punishing every instance of culpable behavior and would press charges that made little allowance for the conditions of captivity. Wilson pledged that any action resulting from the investigations "will be on an individual basis" and "will be just and fair and in line with established facts and evidence." "We do not as a general principle condone those who made false confessions contrary to the interests of their country, or whose actions caused their fellow prisoners added misery," he continued, but such cases would be "carefully and sympathetically examined by the service concerned to ascertain whether in any of them there has been an unreasonable failure" to meet the standards expected of prisoners of war. He also expressed "high praise and admiration for those who resisted the Communists' efforts to break them down. Their fortitude will be recognized."<sup>14</sup>

As the services proceeded with their investigations, real or apparent differences in the treatment accorded the returnees began to attract attention. Constantly in the news for a period of more than two years, the unfolding story sometimes inspired charges that officers were being dealt with less severely than enlisted men, but the strongest public dissatisfaction arose over inequities ascribed to lack of uniformity among the services.<sup>15</sup>

An article in the *New York Times* in May 1954 was captioned "Policy on P.W.'s Now Shaping Up: Air Force Is Lenient, Marines Most Strict, and the Army Somewhere in Between." By the following year the Army was commonly thought of as the service most inclined to a stiff-necked, by-the-book approach. It was the only one with cases still under investigation in 1955 and the only one to bring charges that required trials by court-martial. However, the underlying statistics had all but guaranteed a higher incidence of Army cases. The 3,973 Army men recovered from Korean captivity represented nearly 90 percent of all returnees. The Navy, in contrast, had

repatriated only 31 men and quickly announced that its investigations revealed no evidence sufficient to justify charges of misconduct.<sup>16</sup>

The contrast remarked upon more frequently, however, was between the Army's resort to courts-martial leading to penal sentences and the decisions of the Air Force, reached in the closed sessions of a board of review. After surveying 83 cases of suspected misconduct, the board cleared 69 officers and airmen and concluded that none of the charges before it warranted court-martial proceedings, since in all instances it had found evidence of duress and other extenuating circumstances. For the 14 men not cleared, the board recommended separation from the Air Force, though with honorable discharges, unless during further hearings the men could show cause why they should be retained. Thus there was an appearance of inequity, and probably some substance of it as well, and unfavorable public and congressional comment on the matter had not lessened during 1955. In June, the national commander of one veterans group charged the Department of Defense with "double talk" in its reply to his call for imposition of a uniform policy in handling prisoner of war cases.<sup>17</sup>

#### *The Defense Advisory Committee*

DoD officials had in fact been concerned from the first with the PW problems revealed by the war, and, more recently, with the emerging question of public confidence in their handling. Initial assessments of the prisoner experience all pointed to the conclusion that the U.S. servicemen had been unprepared for the indoctrination and interrogation procedures they encountered in Korea. Officials were quickly convinced that service training must be redirected and extended to cover such contingencies. Efforts to define policy and prescribe new training culminated in the appointment of the Defense Advisory Committee on Prisoners of War in May 1955. In informing President Eisenhower of this action, Secretary Wilson stressed "the importance to our national security of providing members of the Armed Forces with every means we can devise to oppose the techniques of physical, mental and moral persuasion employed by nations within the Soviet orbit." He forthrightly described another concern—the fact that "divergent action of the Military Departments has created in the minds of the public an impression of injustice with respect to repatriated prisoners from the Korean conflict."<sup>18</sup>

The Defense Advisory Committee on Prisoners of War began its work under the chairmanship of Carter L. Burgess, assistant secretary of defense (manpower and personnel), with General John E. Hull, USA (Ret), as vice chairman. The other committee members were the assistant secretaries with

manpower responsibilities in the three military departments, one retired senior officer from each of the four services, and the assistant secretary of defense (health and medical). The advisory committee studied reports and heard testimony from an extensive list of public officials, military commanders, educators, representatives of labor, religious, and veterans groups, psychologists, psychiatrists, and other medical experts, and former prisoners of war. It completed two months of deliberations with the preparation of a report, transmitted on 29 July 1955 to Secretary Wilson, who released the main body of the text as a pamphlet, entitled *POW: The Fight Continues After the Battle*.<sup>19</sup>

In reviewing the prisoner experience in Korea, the advisory committee concluded that the unfavorable picture that resulted from the early assessments was overly harsh. It cautioned against making "the some-equals-all deduction" and cited from the record instances of courageous resistance and selfless devotion to comrades. It pointed out, for instance, that of the 78 Air Force men against whom the Communists had applied extreme physical and psychological coercion to extract confessions of germ warfare, 38 had signed, but 40 had not. Overall, the committee averred, when full account was taken of the conditions of captivity, "the record seems fine indeed."

To show that crimes against fellow prisoners and unforced participation in acts harmful to the United States occurred less frequently than commonly supposed, the advisory committee recounted the statistics on follow-up disciplinary actions. Of 4,428 prisoners recovered, 565 had emerged from the initial screening by military intelligence agencies with their conduct under question, but 373 of these cases had been cleared or dropped after further investigation. Thus there appeared to be substantial evidence of culpability against only 192 suspects. This figure, less than 5 percent of the total number of returnees, might be further reduced, since 112 of the cases were still in various stages of investigation.

The advisory committee also tried to remove what it considered a public misapprehension that the services had differed in their handling of misconduct charges, that some men had "had the book thrown at them" while others went free." It asserted that each of the services had thoroughly investigated all alleged cases of misconduct, following "generally identical criteria" and under the overall surveillance of higher DoD officials. The disposition of all cases was "as consistent, equitable, and uniform as could be achieved by any two or more boards or courts" and "no case was brought for court martial action in which there was evidence of duress, brainwashing or any other type of coercion." Even so, the committee recommended further

review of the sentences resulting from such proceedings, so that any found to be excessive might be reduced.

Thus the Defense Advisory Committee went to considerable lengths to counter misconceptions and blunt criticism of the experience and handling of the Korean PWs, but their effort to correct the record had little lasting effect.\* If their report did little to alter prevailing assumptions, their recommendations had important consequences nonetheless, for even as they sought to balance the postwar indictment, members saw a need for new measures of training and indoctrination to prepare U.S. servicemen to perform with greater steadfastness and discipline when in captivity. The final sentence of the report bespoke the same concern that had led to the committee's appointment: "The Korean story must never be permitted to happen again."

#### *The Code of Conduct and Its Implementation*

The committee's investigation confirmed that "the U.S. Armed Forces have never had a clearly defined code of conduct applicable to American prisoners after capture." All the services had regulations bearing in part on the subject, as well as traditions of loyalty and fortitude that historically had generally been well exemplified by the performance of captured Americans, but there was no comprehensive codification of expected behavior. The committee unanimously called for "a unified and purposeful standard of conduct for our prisoners of war backed up by a first class training program," and recommended that the president issue as an executive order the six-point Code of Conduct that it had prepared. Clearly, the committee viewed the code as a document of cardinal importance, with a status and authority higher than that of a DoD directive.

A series of short declaratory statements made up the proposed Code of Conduct, each supported by several paragraphs of explanation. The primary text of the articles read as follows:

#### I

I am an American fighting man. I serve in the forces which guard my country and our way of life. I am prepared to give my life in their defense.

\*The book that probably did most to fix the negative image of prisoner performance in the public mind had yet to be published—Eugene Kinkead's *In Every War But One* (1959).



II

I will never surrender of my own free will. If in command I will never surrender my men while they still have the means to resist.

III

If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.

IV

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information nor take part in any action which might be harmful to my comrades. If I am senior, I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

V

When questioned, should I become a prisoner of war, I am bound to give only name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause.

VI

I will never forget that I am an American fighting man, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

The drafting of Article V, regarding behavior under interrogation, generated the most discussion. Since this was also the section of the code whose interpretation and translation into training programs caused the most controversy in the future, its origin and intent are of particular interest.

In taking testimony the committee had heard a variety of opinions on standards that should guide the serviceman when subjected to enemy interrogation. Some witnesses called for adherence to what was termed the "Spartan Code," an absolute refusal to answer any question beyond providing name, rank, serial number, and date of birth in fulfillment of the Geneva Convention's requirement that prisoners identify themselves. Others argued that this prescription was unrealistic; few prisoners had succeeded in holding to it in the past and fewer still could be expected to do so when facing the type of physical and psychological coercion the potential enemies of the United States were known to employ. As the report noted, "doctors and

psychiatrists generally conceded that 'every man has a breaking point.' Many prisoners in World War II were forced beyond 'name, rank and serial number.' And nearly every prisoner in Korea divulged something." If it was accepted that a determined interrogator would almost always draw some response from a prisoner, the guidance might better be along the lines of "talk, but don't say anything." Some intelligence experts counseled that an interrogator's questions could be evaded and that training could provide a man with the means of holding his own in such a contest.

One distinguished officer put forward a more novel suggestion, both in a magazine article and before the advisory committee. Rear Adm. Daniel V. Gallery believed that the United States could frustrate the enemy's purpose entirely and spare its men the ordeal of torture by authorizing U.S. servicemen to "sign any document the communists want them to or appear on radio or TV programs and deliver any script the Reds hand them." At the same time the United States should declare to the world that it was following this policy, under which any prisoner statement or confession broadcast by the captors must be held to have no validity.<sup>20</sup> The committee rejected Gallery's proposal, primarily because of the consequences a man might suffer if his confession enabled the enemy to convict him as a war criminal. According to the reservation maintained by the Communist-bloc nations, this would remove him from the protection of the Geneva Convention.

The section of the report that reviewed the conflicting views concluded:

The Committee agreed that a line of resistance must be drawn somewhere and initially as far forward as possible. The name, rank and service number provision of the Geneva Conventions is accepted as this line of resistance.

However, in the face of experience, it is recognized that the POW may be subjected to an extreme of coercion beyond his ability to resist. If in his battle with the interrogator he is driven from his first line of resistance he must be trained for resistance in successive positions. And, to stand on the final line to the end—no disclosure of vital military information and above all no disloyalty in word or deed to his country, his service or his comrades.

Throughout, the serviceman must be responsible for all of his actions. This in brief is the spirit and intent of the Code of Conduct which the Defense Advisory Committee recommends.<sup>21</sup>

Though formally published and apparently clear, this statement may not have expressed exactly the meaning most committee members intended.\* Certainly one of its elements did not appear explicitly in the text of the Code of Conduct. The second sentence of Article V read "I will evade answering further questions to the utmost of my ability." The idea of resistance in successive stages, while possibly derivable from the verb "evade," did not stand out as the obvious meaning, particularly in view of the overriding imperative in the first sentence: "I am bound to give only name, rank, service number, and date of birth." And though helpful in other respects, the explanatory paragraphs that the committee attached to Article V also lacked any delineation of the idea of resistance in successive positions:

When questioned, a prisoner of war is required by the Geneva Conventions and permitted by this Code to disclose his name, rank, service number, and date of birth. A prisoner of war may also communicate with the enemy regarding his individual health or welfare as a prisoner of war and, when appropriate, on routine matters of camp administration. Oral or written confessions true or false, questionnaires, personal history statements, propaganda recordings and broadcasts, appeals to other prisoners of war, signatures to peace or surrender appeals, self criticisms or any other oral or written communication on behalf of the enemy or critical or harmful to the United States, its allies, the Armed Forces or other prisoners are forbidden.

It is a violation of the Geneva Conventions to place a prisoner of war under physical or mental torture or any other form of coercion to secure from him information of any kind. If, however, a prisoner is subjected to such treatment, he will endeavor to avoid by every means the disclosure of any information, or the making

\* When consulted several years later during the controversy over interpretation, Burgess and Hull apparently gave little support to the advocates of training for resistance in successive positions. One spokesman who did insist that this, rather than a single line of resistance, was what the committee had intended to endorse was Brig. Gen. S.L.A. Marshall, USAR (Ret), military historian and principal editorial writer for the *Detroit Free Press*. First a witness before and then an informal consultant to the Advisory Committee, Marshall had actually taken part in the drafting of the Code of Conduct, but he was not a committee member. His account of his role and his impression of the Burgess committee's intention may be found in Report of the Air Force Advisory Committee on Prisoners of War, 25 Nov 63, 153-59, TF files. He later repeated the story when the Code of Conduct reclaimed public attention after return of the crew of the U.S.S. *Pueblo* from North Korean captivity in December 1968. Marshall, ltr to ed, *New York Times*, 23 Mar 69; Marshall, "The Pueblo and the Code," *The New Leader*, 14 Apr 69, 10-11.

of any statement or the performance of any action harmful to the interests of the United States or its allies or which will provide aid or comfort to the enemy.

Russia and the Communist Bloc nations have made a significant reservation to Article 85 of the Geneva Conventions of 1949. Under this reservation a prisoner of war who may be convicted of an alleged war crime under the laws of the captors, loses the protection afforded a prisoner of war by these Conventions. Therefore the signing of a confession or the making of a statement by a prisoner is likely to be used to convict him as a "war criminal" and thus, according to this Communist Bloc device, deny to him any protection under the terms of the Geneva Conventions, including repatriation until his sentence is served.<sup>22</sup>

President Eisenhower issued the "Code of Conduct for Members of the Armed Forces of the United States" as Executive Order 10631 on 17 August 1955. The introductory text, which invoked his authority as commander in chief as well as president, included the following paragraph:

Every member of the Armed Forces of the United States is expected to measure up to the standards embodied in this Code of Conduct while he is in combat or in captivity. To ensure achievement of these standards, each member of the Armed Forces liable to capture shall be provided with specific training and instruction designed to better equip him to counter and withstand all enemy efforts against him, and shall be fully instructed as to the behavior and obligations expected of him during combat or captivity.<sup>23</sup>

The next day Secretary Wilson moved to disseminate the Code of Conduct and to institute the training that it required by issuing a memorandum to the secretaries of the Army, Navy, and Air Force on "Training and Education Measures Necessary to Support the Code of Conduct." It was notable both for the comprehensiveness of the training objectives and for the latitude allowed the services in developing the program "required by their particular needs." The objectives ranged from "education in the basic truths and advantages of our democratic institutions and in the fallacies of Communism" to instruction in "methods by which enemy interrogation and indoctrination are resisted or avoided." Further, "specialized training appropriate to service and individual requirements must be given in evasion and escape, resistance, prisoner organization and survival." The training, progressing from general to more detailed instruction, was to continue throughout the serviceman's career.

Wilson attached the outline for a training and education program developed by the Defense Advisory Committee. It, too, contemplated that each service would “design its own program” in line with Defense guidance. Resistance in successive positions was again not mentioned specifically in the committee document, but one section on the training of units and individuals destined for combat would be cited in later discussions as providing sanction for that concept. Instruction, the committee wrote, should be designed to:

d. Equip the individual to resist enemy interrogation for military advantage and efforts to exploit him for propaganda and other purposes harmful to our cause by training in—

(1) Enemy methods and techniques of interrogation and coercion.

(2) The enemy use of “false confessions,” questionnaires, written and oral statements and other devices to further his purposes.

(3) Methods and techniques of thwarting interrogation and exploitation; the use of ruses and stratagems to evade and avoid the disclosure of important information; the necessity of concealing vital military information.

It should be noted, however, that Wilson sent the committee’s training guide to the departmental secretaries “for your information”—that is, without the force of a directive.<sup>24</sup>

The Code of Conduct, lastingly identified as the response of the U.S. government to deficiencies that the Korean War had revealed in the performance of its fighting men in captivity, constituted the principal but not the sole product of the advisory committee’s labors. Other committee recommendations, most of them classified, did not appear in the published report. One, in a confidential memorandum of 11 July, dealt with the lack of an organization that might insure uniform treatment of returned prisoners. Although the committee members had referred approvingly in their public report to higher level DoD supervision, when writing privately they showed a clear awareness that this oversight had covered only a limited segment of service dealings with the returned men. Higher authorities had reviewed only the misconduct cases in which court-martial action was proposed; these were not to proceed to trial without the approval of the secretary of defense. There had been no review or testing of the comparability of the many instances in which a military department decided not to press charges. The committee stated:

At present there is no single Agency or Office designated to coordinate all matters pertaining to prisoners of war. This lack of over-all coordination has caused the Department of Defense embarrassment, fostered unilateral action and contributed to public dissatisfaction with Service actions. In addition, the Committee is convinced there must exist some effective means to supervise implementation of such of the Committee recommendations as may be approved.<sup>25</sup>

To remedy this deficiency the committee offered a draft directive, which Secretary Wilson issued on 18 August 1955 as DoD Directive 5120.22. It designated the assistant secretary of defense (manpower and personnel) "as having primary cognizance within the Department of Defense for coordinating all policy matters pertaining to prisoners of war and Department of Defense civilian employees in Communist hands." Subject to his coordination, normal responsibilities touching on the PW area were to be performed by the assistant secretary of defense (legislative and public affairs), the general counsel, and the assistant to the secretary of defense (special operations). A later agreement accorded the assistant secretary of defense (international security affairs) somewhat greater autonomy when dealing with the Department of State on aspects of PW policy having political or diplomatic implications.<sup>26</sup>

It appeared that DoD Directive 5120.22 had erected a framework of responsibilities and relationships that would stand Defense in good stead whenever questions of prisoner of war policy arose in the future. The more immediate employment for the system, however, was the one the advisory committee had highlighted—to oversee the implementation of Code of Conduct training and other recent decisions pertaining to PW affairs.

### *The Training Issue*

The training programs developed by the military services displayed differences of scope and emphasis—legitimately enough, in view of the nature of Secretary Wilson's memorandum of 18 August 1955 and the differing requirements of their respective operational circumstances. It is possible, however, that the extent of variation in approach that might result had not been fully appreciated. The Marine Corps, for instance, preferred to stress the broad inspirational statements in Articles I, II, and VI of the Code of Conduct in training designed to instill fighting spirit and unit pride and to foster "a Marine's inherent distaste and contempt for ever becoming a prisoner of war."<sup>27</sup> The Marine Corps program also covered those parts of

the Code that governed conduct in captivity, but less intensively than the instruction given in the Air Force. That air crews operating over enemy territory were vulnerable to capture was undeniable, and the obligation to see that their men were realistically prepared for that contingency weighed heavily on Air Force leaders.<sup>28</sup>

All of the services adopted the broad terminology of the Advisory Committee's training guide: Phase I, general and introductory training; Phase II, more intensive instruction for units and personnel preparing for combat; Phase III, advanced and sometimes individually designed training for special mission forces. The Air Force program, the most fully developed, drew on the results of psychological studies of group and individual behavior under stress and gave more prominence than the other services to exercises involving simulated interrogation and confinement. The latter activity was a feature of the Phase II training, centered at the USAF Survival School at Stead AFB, near Reno, Nevada, which all combat crews had to attend.

The Air Force set forth its doctrine on resistance to interrogation in two command messages during January 1956. The first, whose language showed a clear derivation from the statement of intent in the Defense Advisory Committee's report, read as follows:

Air Force policy is that its captured personnel will give only name, rank, serial number, and date of birth and will evade answering further questions to utmost of his ability. Article 5 of the serviceman's Code of Conduct, however, recognizes that the enemy may not adhere to the Geneva Convention and that under extreme duress not all men in all situations can strictly maintain such policy without undue risk to health and life. Consequently, if in his battle with the interrogator, the airman is driven from his first line of resistance, he should assume successive positions of resistance, standing on the final line that "there will be no disclosure of vital military information." Above all, the Air Force will not condone disloyalty in word or deed to his country, service or comrades.<sup>29</sup>

The second message, 15 days later, responded to queries from field commands by describing the concept more fully:

Code of Conduct training should be with objective of convincing airmen that resistance to interrogation and exploitation by enemy is possible even under pressure, as illustrated by many ruses successfully employed in past.

Successive positions of resistance include:

1. Adhere to name, rank and number and evade answering all further questions by outright refusal. Claim ignorance, inability to talk, to think, to comprehend, to remember, etc., as long as possible.
2. If forced repeat forced into second position speak only of things which are known beyond doubt to be unclassified. If in doubt, information will be considered classified.
3. If forced to assume more active resistance, use tactic of:
  - a. Overload interrogator with misleading, inaccurate data.
  - b. Distort statements.
  - c. Stall, ramble, use idiomatic language, be stupid or vague.
  - d. [Claim duties did not involve access to particular classified information.]
  - e. Contradict himself, have poor memory.
4. Final resistance—no disclosure of vital military information and above all, no disloyalty to country, service or comrades.

Position #1, designed for Phase I training, is overriding mandate and should receive full emphasis. Subsequent positions are exceptions repeat exceptions to be used only in extreme repeat extreme emergency and are not to be introduced in training program prior to second phase. Their application is limited only by individual ingenuity and training effort expended . . . .<sup>30</sup>

The steps taken by DoD to insure wide dissemination and publicity for the Code of Conduct included the production of a series of posters using the work of prominent artists to illustrate each of the Code's articles. Also, a revised and expanded unclassified pamphlet for troop information and education replaced an earlier issue that had not gone much beyond presentation of the text of the Code. The new version of "The U.S. Fighting Man's Code" appeared in August 1959. The section that discussed Article V concluded with the following:

In the face of experience, it is recognized that you, if you should become a POW, may be subjected to an extreme of coercion. Still, you must resist to the limit of your ability. Don't expect to fall back to successive lines of resistance. Once you have gone beyond the first—your name, rank, service number, and date of birth—in almost any respect whatever, you have taken the first step that



leads to collaboration. On the first line you must endeavor to stand to the end.<sup>31</sup>

This approach clearly conflicted with the Air Force approach in its Phase II training, yet the pamphlet had been published for use throughout the Department of Defense; it bore the endorsement of the secretary of each military department and the chiefs of all the services. Air Force leaders had apparently found themselves able to accept the pamphlet on the assumption that it was intended for use in general and introductory training, where it would meet the need for instructional material easily comprehended by all servicemen. In fact, the pamphlet's text was not incompatible with the Code of Conduct training that the Air Force provided to its new recruits in Phase I. But the Air Force assumed that its different principles of instruction would continue to be justified in the Phase II program, tailored to the particular needs of a more select group: combat-ready air crews of above average education and professionalism, capable of absorbing complex training in the techniques of resistance they might have to utilize in captivity. The Air Force continued to rely on Wilson's guidance of August 1955 as authority for its separate program to meet its unique requirements.

Whether intentionally or not, the Air Force acquiescence in publication of the 1959 pamphlet had avoided a confrontation over the difference between its view of the Code of Conduct and the interpretation given by the other services. The Army, Navy, and Marine Corps had resolved the question of how to teach resistance to interrogation and propaganda exploitation in favor of single-minded adherence to the name-rank-and-serial-number line for both Phase I and Phase II training. Service traditions played a strong part in shaping this view, but it also derived from a plain reading of the Code of Conduct's text. The Air Force had looked beyond that to find justification for the training it believed its combat crewmen must have, to material in the Defense Advisory Committee's report and training guide and to the results of scientific studies sponsored by the Air Force.

Several more years elapsed before the doctrinal differences became a serious issue. In January 1963, the commander in chief, Pacific Fleet, raised the matter in the following message to the chief of naval operations:

1. U.S. Navy pilots who have attended the USAF Advanced Survival School at Stead AFB, Nevada, have received training in "second posture of resistance to interrogation." This training, which permits disclosure of information beyond name, rank and serial number, is in direct conflict with U.S. Navy interpretation

of Article V of U.S. Military Code of Conduct as taught by Navy Fleet survival schools. The resulting confusion detracts from resistance training . . . and may severely jeopardize the position of American POW's detained in any type conflict.

2. Request the above difference in interpretations . . . be resolved, and guidance be provided which establishes a firm policy with respect to any Cold War situation as well as general war.<sup>32</sup>

Thus the problem came before the Joint Chiefs of Staff (JCS). Predictably, as an issue involving strongly held views and touching on individual service prerogatives, it proved a difficult matter for that body to deal with. Months of discussion merely confirmed that the differences were irreconcilable at the JCS level, and on 3 October 1963 the Joint Chiefs submitted the issue to Secretary of Defense Robert S. McNamara.<sup>33</sup>

The Army, Navy, and Marine Corps chiefs, with the concurrence of JCS Chairman General Maxwell D. Taylor, USA, contended that the Code of Conduct, as set forth in Executive Order 10631 of 1955 and amplified in DoD Pamphlet 1-16 of 1959, permitted a captive serviceman only one line of resistance to interrogation: name, rank, serial number, and date of birth. They noted, however, that the "permissive language" of Secretary Wilson's memorandum of 18 August 1955 and the fact that its attached training guide was open to broad interpretation had encouraged service divergences in the indoctrination of military personnel regarding Article V, resulting "in two codes of conduct—one which does not permit successive lines of resistance, and one which does." Such ambiguity could lead to a senior prisoner of war adhering to one code while others junior to him lived by another. "The effect on POW discipline would be chaotic."

The majority members strongly recommended replacement of the Wilson memorandum of 1955 by a directive specifying that all personnel would be "deeply and similarly indoctrinated in a single standard of resistance to POW interrogation." They considered that the officially approved pamphlet of 1959 already superseded the advisory committee's training guide, which Secretary Wilson had circulated "for information." Further, the majority held that training that allowed for fallback positions weakened the will to resist, gave advantage to the enemy, and placed an unreasonable demand on the serviceman for rational decision and evaluation when under extreme stress. They were convinced that the man would be better prepared for interrogation by thorough and unvarying indoctrination in a single line of resistance.

Air Force Chief of Staff General Curtis E. LeMay presented the opposing view with equal conviction. He declared that "any policy which

recommends name, rank, service number and date of birth as the prisoner's sole defense against enemy interrogation and exploitation is unrealistic." This policy had not worked in past wars, where prisoners with few exceptions had gone beyond that line when subjected to intensive questioning. He argued that the wording of Article V showed a "clear acceptance of the fact that in certain cases it will not be humanly possible to stop at this point" when in the hands of an enemy whose actions were not constrained by regard for the Geneva Convention. Though pledged to evade further questions to the utmost of his ability, the man "must be trained as to how he can still honorably resist" if pushed beyond his utmost limits. A policy that permitted giving this level of training, apart from the general indoctrination, was of particular concern to the Air Force. Not only did air crews face the hazard of capture, but their technical knowledge and other expertise made them prime targets for the enemy interrogator. Given their mission, these officers were also more likely to be the object of attempted exploitation for propaganda purposes, as in the germ warfare confessions extorted during the Korean War. Men likely to become special targets needed special training; such training the Air Force was providing at Stead AFB, in full conformity, its leaders believed, with the spirit and intent of the Code of Conduct.

LeMay thought Wilson's memorandum and the attached training guide soundly conceived. They permitted the services to "vary their training in keeping with the learning capability of the individual and the importance of the information he is required to possess." By authorizing instruction in techniques of resistance beyond the single line of name, rank, and serial number, they took account of the probability that that line would sometimes be breached. Rather than the cancellation recommended by his JCS colleagues, LeMay urged reaffirmation of the 1955 policy.

#### *Resolution of the Training Issue*

In his response to the JCS memorandum three months later, on 3 January 1964, Secretary McNamara rejected the recommendations of both parties to the controversy. He recognized, he said, an inconsistency in the guidance and in the approaches the several services had been following. This required correction, but he saw a need for additional information before a policy decision could be made. He doubted that any service was providing proper and sufficient instruction to its men with regard to the situation that would confront them as prisoners of war. A possible exception was the Air Force, but he was concerned that by giving instruction in successive line-of-resistance techniques that service might be unintentionally encouraging

its personnel to use them "before they have reached the point beyond which they cannot be expected to hold to the short response." Furthermore—and significantly—the secretary could not agree to different types of training being given personnel who were "equally susceptible to capture."

McNamara asked the Joint Chiefs to review thoroughly the Code of Conduct training currently under way within each service and then to "develop specific recommendations for instructional materials for use in training all members of the Armed Forces." His further comments, moreover, prescribed what the nature of those instructional materials should be:

I believe that the wording of Article V of the Code of Conduct, providing that the individual will evade answering questions beyond name, rank, service number and date of birth "to the utmost of my ability," must continue to be binding on military personnel. I believe further in the principle that once a man is placed in a position where it is beyond his ability to resist answering further questions, he must understand that any further responses are made entirely on his own responsibility, and that the degree of accountability to which he will ultimately be held will depend upon the nature of those responses and their results. Accepting these fundamental principles, I can see the need for a program which will ensure (a) that the military man clearly understands his obligations and responsibilities in this regard, (b) that he is properly informed and instructed as to what he can expect from his captors, and (c) that there is a consistent approach by all Services in this matter.<sup>34</sup>

By the date of the McNamara memorandum the issue had been in contention for nearly a year. The Air Force leaders continued to strive for an outcome that would accommodate their view. The belief that the USAF program fulfilled the true intent of the Code of Conduct was held as fervently by the department's secretary, Eugene M. Zuckert, as by his professional subordinates. Further, as one internal communication had put it, "part of the Air Force stake in this ideological controversy is the fact that we have trained over 70,000 combat crew members along the Air Force line."<sup>35</sup>

In September 1963, a month before the Joint Chiefs of Staff submitted their opposing views to the secretary of defense, Zuckert had appointed a special Air Force Advisory Committee on Prisoners of War to evaluate the resistance training for airmen. Some of the members came from civilian life, including the distinguished lawyer who served as chairman, Victor A. Sachse, but this hardly lessened the partisan character of the committee in the eyes of many observers. The Sachse committee reviewed Air Force training materials, heard the testimony of Air Force

experts, studied USAF scientific reports, and sent one of its members to participate in the resistance training course at Stead AFB. "In brief," read the committee report of 25 November 1963, "we conclude that United States Air Force policies are consistent with, and in fact required by, Executive Order 10631." Limiting military personnel to a single line of response they again considered "unrealistic." So, too, was the DoD pamphlet that appeared to set that limit, if the only acceptable interpretation was one that would "equate the endeavor of the prisoner of war to stand on name, rank, serial number, and date of birth, with a rigid requirement that he succeed in doing so."<sup>36</sup>

The advisory committee recommended that the secretary of the Air Force reaffirm existing policies and training and that he "respectfully advise the Secretary of Defense" of the committee's conclusions. Zuckert immediately brought the report to the attention of the Office of the Secretary of Defense (OSD), but it was evident that it did not greatly influence McNamara's reply of 3 January 1964. Later in January, Zuckert formally submitted the advisory committee's report to McNamara, with three recommendations based on its conclusions. First, Zuckert urged that it be considered by the Joint Chiefs in developing their recommendations. A 314-page document, the report reproduced a number of studies as well as much of the testimony taken, and Zuckert characterized it as the most extensive and up-to-date review of the subject available within the military services. Second, he suggested the desirability of establishing within Defense an agency with responsibility for gathering, analyzing, and retaining all information on PW policy, training, and prisoner recovery activities. Third, adopting the boldest of his advisory committee's proposals, Zuckert recommended that the USAF resistance training program be considered for joint use by all services until uniform instructional materials could be developed.<sup>37</sup>

It is perhaps understandable that there was a touch of asperity in McNamara's rejection of the last of these recommendations, which he termed inconsistent with the guidance in his memorandum of 3 January. But he did refer the Air Force Advisory Committee's report to the Joint Chiefs for consideration in connection with their existing assignment, and he also asked them for recommendations on the proposed establishment of a Defense repository for all PW information.<sup>38</sup>

The Joint Chiefs submitted their memorandum to the secretary of defense on 28 May 1964. With the major questions already settled by the secretary's guidance, they voiced no dissenting views. They endorsed unanimously the interpretation of the Code of Conduct McNamara had provided, and their statement, often in the secretary's own words, could not be faulted for lack of rigor. As a controlling principle, the JCS declared that "there

must be uniform indoctrination in support of the entire Code of Conduct." Their survey of training within the services had confirmed that there already existed a general uniformity of scope and content, except for the manner and methods of teaching resistance to enemy interrogation. To supersede the Wilson memorandum of 1955, "which has caused the existing divergency," they recommended a new Defense directive, for which they provided a draft.<sup>39</sup>

The JCS draft appeared on 8 July 1964, with only technical changes, as DoD Directive 1300.7, "Training and Education Measures Necessary to Support the Code of Conduct." The emphasis on uniformity of indoctrination ran throughout the directive. Its objectives were to insure that:

A. The Military Departments maintain energetic, uniform, and continuing training programs in behalf of the Code of Conduct, including training whereby individuals are taught to resist under the varying degrees of hostile interrogation.

B. All training programs in support of the Code of Conduct inculcate in each member of the Armed Forces:

1. A clear and uniform understanding of his obligations, responsibilities, and the behavior expected of him in combat or captivity.
2. A positive and unswerving acceptance of, belief in, and devotion to the spirit and letter of the Code of Conduct, and the recognition that the Code is a binding military obligation.
3. An unqualified determination and belief in his ability to oppose and defeat physically, mentally, and morally all enemy efforts against him, his fellow Serviceman, and his country during peacetime, combat, or captivity.
4. A confidence in his ability to deny information and to resist enemy interrogation, exploitation and indoctrination.

C. There is a consistency in all Department of Defense Code of Conduct training programs and training materials.

The assistant secretary of defense (manpower), in coordination with the secretaries of the military departments, received the task of insuring "that all joint training materials conform with the above policies and the guidance contained in the inclosures hereto."<sup>40</sup>

The major enclosure—the extensive and specific "Guidance for Development of Training Programs and Instructional Material in Support of the Code of Conduct"—set forth the principle of resistance on the single line of name, rank, serial number, and date of birth. Its paragraph I B (3) specified

that each serviceman would be instructed, among other things, in enemy interrogation methods and techniques. The instruction should:

(a) Include description of the adverse physical and mental conditions under which these methods and techniques are effected.

(b) Explain how resistance can be accomplished under the varying interrogation techniques and degrees of coercion which may be utilized by an enemy in order to assure the Serviceman's ability to adhere to the provisions of subparagraph (c) below.

(c) Explain that dogmatic refusal to answer a question of an interrogator with: "I will not answer your questions"; "I will not say anymore"; "My orders are to give my name, rank, Service number, and date of birth; I will not give you anything else"; or to claim inability to think, to claim ignorance, to claim inability to talk, and to claim inability to comprehend, constitute adherence to name, rank, Service number, and date of birth.

This instruction will be so explicit that each serviceman understands:

1. The consequence of not holding to name, rank, Service number, and date of birth.

2. [almost verbatim from the McNamara memorandum] That the wording of Article V of the Code of Conduct providing that the individual will evade answering questions beyond name, rank, Service number, and date of birth "to the utmost of my ability," is binding on all military personnel. It is a principle that once a man is placed in a position where it is beyond his ability to resist answering further questions, further responses are made on his own responsibility.

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3. That should he be subjected to extremes of coercion, he will avoid the disclosure of any information, the making of any oral or written statement, or the performance of any act harmful to the interests of the United States or its Allies, detrimental to fellow prisoners, or which will provide aid or comfort to the enemy.

At the drafting stage Air Force representatives had made an effort to introduce statements that would still allow USAF instructors some opportunity to speak of what a man might do when forced to go beyond the prescribed response.<sup>41</sup> But the passage taken from the McNamara guidance clearly ruled out official teaching of successive line-of-resistance techniques. Equally definite was the requirement for uniform

training methods and materials. But beyond that, the strict construction embodied in the Defense directive of 8 July 1964 introduced a new and more demanding tone that affected all activity in support of the Code of Conduct. Instruction should lead each member of the armed forces to "the recognition that the Code is a binding military obligation"—a statement in some degree more exacting than President Eisenhower's original declaration in 1955 that every member of the armed forces was "expected to measure up to the standards embodied in this Code of Conduct." Thus, more than formerly, the Code tended to take on the attributes of a military order, with the corollary that any failure to fulfill its provisions would be a chargeable military offense.

In their reply of 28 May 1964 the Joint Chiefs had also referred briefly to the report of the Air Force Advisory Committee, noting their consideration of its findings and recommendations. They dealt at some length with the question of establishing a Defense agency charged with the assembly, analysis, and maintenance of all information on prisoner of war policy, training, and recovery and recommended against it. Observing that each service already had an office with functional responsibilities in this area, they maintained that the existing organization at the OSD and JCS levels could handle any joint actions desired by the secretary of defense. Also, the JCS had already included in the proposed DoD directive a requirement that each military department establish a system for "exchanging lessons learned and other material incident to the Code of Conduct to further coordination and cross-fertilization of knowledge and effort."

The Joint Chiefs closed their memorandum by stressing a principle that would underlie much of the future consideration of captivity matters—that the dedication to duty that the Code imposed on every member of the armed forces required in turn that the U.S. government fulfill its "unqualified obligation to spare no reasonable effort in obtaining the earliest possible release of any US military personnel should they have the misfortune to become prisoners."<sup>42</sup>

Nothing more was heard of the idea of establishing a central DoD repository for PW policy information and relevant research findings. Even if accepted, however, it would have gone only a short way toward filling an organizational void that had opened at the OSD level. Wilson's Directive 5120.22 of 18 August 1955 had placed responsibility for department-wide coordination of policy matters pertaining to prisoners of war with the assistant secretary of defense (manpower). On 26 June 1963 this directive was rescinded, with a simple notation that it had "served the purpose for which it was issued."<sup>43</sup> The action was a routine one, apparently an incident in a



general review for the purpose of removing outdated and unnecessary regulations. Along with other evidence, the fact that the cancellation generated no recorded discussion indicates that the directive was already a dead letter.\*

Apart from the contention over Code of Conduct training, prisoner of war matters were not of major concern at that moment in 1963, but rescision of the directive may have been unfortunate. The time when the United States would participate on a large scale in the Southeast Asian hostilities lay less than two years ahead. The introduction of U.S. ground combat forces into South Vietnam and the launching of air operations against the North in 1965 made inevitable the emergence of a PW-MIA problem of constantly widening dimensions. Whether DoD would have benefited from the existence—on record but long in disuse—of a formal assignment of central coordinating responsibility can only be a matter for speculation. As it was, several years elapsed before the department's leaders developed a comprehensive and purposeful organization, directed from the OSD level, to manage the complex of PW/MIA problems.

\* The responsibility vested in the assistant secretary of defense (manpower) by DoD Directive 5120.22 quickly became identified almost exclusively with the task of assembling and presenting reports to the Defense Advisory Committee, which Secretary Wilson had asked to reconvene briefly each year to review progress in the implementation of the several decisions that had resulted from its report. The last of these annual meetings occurred in 1958. The lack of pressing policy questions in the area of PW affairs thereafter may help to explain the lapse of the 1955 directive into an inactive status, which appears to have been complete by late 1960. The basic definition of the functions and authority of the assistant secretary of defense (manpower) was contained in DoD Directive 5120.27. A revision of this document issued on 31 January 1961 made no mention of the PW coordinating responsibility, either directly or by cross-reference to DoD Directive 5120.22.

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### Organizing for Policy Decision and Planning

The dominant role of the Office of the Secretary of Defense in Operation Homecoming—the return to the United States in the spring of 1973 of nearly 600 Americans from their captivity in Vietnam—was a marked departure from the practice of previous conflicts. Under similar circumstances at the time of the Korean armistice in 1953, the Joint Chiefs of Staff had largely established policy, while the military services and the U.S. Far East Command had provided detailed planning, coordination, and direction of recovery of U.S. prisoners of war. In 1973, by contrast, a small full-time task force in the Office of the Assistant Secretary of Defense, International Security Affairs (ISA), augmented by a few representatives of the military services, directed the homecoming activity on an almost minute-by-minute basis. This arrangement followed from a decision made in mid-1967 whereby OSD assumed primary responsibility for policy formulation in prisoner of war matters.

Since 1953 OSD had grown in size, authority, and competence. In particular, the Office of the Assistant Secretary of Defense (ISA) had established its primacy as the foreign affairs arm of the Department of Defense and the principal channel for dealing with the Department of State. But the distinctive organization that evolved for PW matters under OSD developed only haltingly until 1967 because of bureaucratic resistance to change, slow recognition of the increasing scope of the problem, and some delay in accepting that the United States was, and would continue to be, engaged in a full-scale war.

Organizational development for PW matters within the Department of Defense lagged also because of the unchallenged oversight of the Department of State, until 1969, in all matters of policy and operations looking toward return of the captured Americans. Pursuit of that goal was almost exclusively

a diplomatic function, involving relations with foreign governments and international organizations and attempts to engage the captors in negotiations. Since these activities lay squarely in State's realm of authority and expertise, Defense agencies generally were limited to a supporting role—one that officials tended to see as best discharged without disturbing existing methods and relationships. A memorandum from Deputy Secretary of Defense Cyrus Vance in July 1966 reinforced State Department authority. It enjoined Defense personnel to defer to State's principal officer in this field as the "single spokesman" for the U.S. government in matters affecting prisoners of war.<sup>1</sup>

Proposals for organizational change within DoD generally derived from a desire to strengthen interdepartmental relations and to improve the channels for exchange of information with the State Department. Most of the proposals also reflected the continuing dissatisfaction in the Pentagon with the apparent ineffectiveness of State's efforts on behalf of the prisoners. The latter feeling had a part in shaping recommendations that the Joint Chiefs of Staff submitted to the secretary of defense on 26 February 1964—the date that may be taken as a starting point for tracing the evolution of high-level organization for prisoner of war policy and planning within DoD.

#### *DoD Discontent with State PW Activities*

Unhappiness in the Pentagon with State's handling of PW matters was not exclusively a product of the Vietnam War. It first became manifest following an incident in Korea in May 1963, when two U.S. Army captains on a helicopter check of the Demilitarized Zone (DMZ) landed in North Korea and were held there on charges of spying. Despite diplomatic efforts to obtain their freedom, including approaches to the Soviets and to the Chinese Communist representative in Warsaw, discussion in the UN General Assembly, mediation attempts by the International Committee of the Red Cross, and agreement by some U.S. allies to refuse visas to North Koreans, the pilots remained in captivity.

In January 1964 State and Defense officials in Washington were preparing a joint message to the commander in chief, United Nations Command, concerning a direct approach he proposed to make to the North Korean commander about return of the pilots. The Joint Chiefs of Staff decided to broaden their consideration of the specific problem to embrace the release of other U.S. military personnel in Communist hands, including seven Army men held by the Viet Cong in Vietnam since the fall of 1963, and to look to future cases as well. It was typical of the way Washington perceived the problem at the time that the Joint Chiefs did not treat the incidents in

South Vietnam as a special category nor did they anticipate that the U.S. military involvement there was destined to expand into the major commitment it ultimately became.

In a memorandum for the secretary of defense on 26 February 1964, the Joint Chiefs expressed their increasing concern about recovering military captives from the Communists. They pointed out that U.S. security interests would continue to require military personnel to expose themselves to capture in such situations as the patrols along the Korean DMZ, advisory duties in Vietnam, and reconnaissance missions over Communist-bloc territory. The U.S. government had an obligation to protect these men insofar as possible and to obtain their release if detained. The chiefs recognized that continuing diplomatic efforts had been made to free the nine captives held by the North Koreans and the Viet Cong,\* but without success. They realized that part of the difficulty lay in the lack of formal relations with either North Korea or North Vietnam, which limited the opportunities for direct diplomatic leverage. The experience to date led them to conclude that "stronger, nondiplomatic pressures should be considered."

The Joint Chiefs recommended that Secretary McNamara propose to the secretary of state and perhaps the National Security Council new and more effective measures to secure the release of U.S. personnel then in Communist custody. In addition, the United States should improve its readiness to institute countermeasures in response to any capture incident in the future. The chiefs believed the actions open to consideration should include both military and diplomatic measures of varying degrees of severity. They explored the possibilities in more detail in several attachments to the memorandum.<sup>2</sup>

While ISA studied the JCS proposal, a new capture incident occurred; waiting to observe its outcome may have contributed to the delay in further action. On 10 March 1964 a U.S. Air Force RB-66 strayed into the air space of East Germany and was shot down by Soviet aircraft. The three crewmembers parachuted into Soviet custody. Foremost among the representations made by the State Department was Secretary Rusk's solemn assurance to the Soviet ambassador on 19 March that the reconnaissance bomber had not been engaged in an intelligence mission. Rusk coupled this with a warning not to make a major incident of the affair and with firmly worded reminders of the effect that continued detention of the airmen might have on other projects requiring U.S.-Soviet cooperation. The Soviet authorities returned one flyer two days later and the remaining two on 27 March.<sup>3</sup>

\* The commonly used term for the insurgent force in South Vietnam, more formally known as the National Liberation Front.

Writing to Rusk on 4 April 1964, Deputy Secretary Vance expressed appreciation for the State Department's efforts to date, including the recent success in Germany, but said he shared fully the JCS concerns. In view of the continuing difficulty of applying diplomatic leverage to the Communists, he proposed a search for new and more effective means of obtaining the release of captured U.S. personnel. Vance named Deputy Assistant Secretary of Defense (ISA) Peter Solbert as his representative and suggested that a State Department official work with Solbert to develop a program.<sup>4</sup>

In connection with Solbert's assignment, ISA asked the Defense Intelligence Agency for a study of incidents since the Korean War involving release by Communist countries of captive U.S. military personnel. ISA believed that insight into past Communist behavior could assist in the assessment of measures that might now be proposed. While it seemed unlikely that any "universally applicable formulae" would be revealed, any information that might lead to improved methods of dealing with Communist-bloc countries on prisoner release or exchange would be welcomed.<sup>5</sup>

The resumé of release incidents reached ISA late in April, with an accompanying commentary from the Joint Staff. Analysts in the Joint Staff had been unable to discern a pattern or identify factors consistently favorable to release of captives in the evidence available. If any conclusion could be drawn it was simply that prisoners were freed when their intelligence or propaganda value was exhausted or when the Communists expected to profit in some way from their release. Diplomatic representations could be effective where normal relations existed and a range of quid pro quo inducements was available; they were obviously less effective where direct contact did not exist. The International Committee of the Red Cross was perceived as useful in contacting prisoners and ascertaining their welfare but of little help in procuring their release.<sup>6</sup>

On 5 May 1964 Solbert sent the Joint Staff resumé and a copy of the original JCS memorandum of 26 February to Jeffrey C. Kitchen, deputy assistant secretary of state for politico-military affairs, with a proposal that they meet to discuss the matter. Since no clear-cut findings had emerged from the study, Solbert suggested that Kitchen's staff might improve its usefulness by filling in the political context in which each incident had occurred. His own conclusion was that "what might be called extraneous factors are at least as important in influencing Communist behavior as any specific steps we might take."<sup>7</sup>

At this stage the momentum generated by the Joint Chiefs' February memorandum began to subside in a mixture of inconclusive meetings and further study. On 8 June Solbert advised the director of the Joint Staff that

he and Kitchen had concluded that "our experience in negotiations for the release of U.S. military prisoners of the Communists still does not permit us to choose confidently between alternate means." Therefore, State would survey the experience of the CIA in captivity matters and request of the British any pertinent data from their anti-guerrilla campaign in Malaya. Defense had agreed to obtain the views of the commanders of the unified commands regarding incidents in their areas.<sup>8</sup>

Replies from the commanders revealed no more of patterns and common factors than the earlier resumé.<sup>9</sup> Whether the State Department ever obtained any useful information from the CIA and the British is not clear from DoD records. In any case, the study effort ended by early fall. Meanwhile, after a full year of detention the two helicopter pilots had been returned by the North Koreans in May, under conditions humiliating to the United States.<sup>10</sup> Now the only U.S. military prisoners were those held in South Vietnam by the Viet Cong, with whom not even an indirect channel of negotiation existed.

In one of his earlier exchanges with Solbert, Kitchen had indicated some of the basis for State's reservations regarding the course advocated by the JCS. Military measures applied against North Vietnam in an effort to secure prisoner releases would "run the risk of being confused with military pressures for other goals," with effects that might be contrary to overall U.S. policy in Vietnam. Kitchen thought "an inherent ambiguity" in the situation came to light when the following question was considered: "Should pressures be applied on North Vietnam, or on the Viet Cong in South Vietnam, in order to effect release of American prisoners?" Writing in May 1964 he observed that "the US is not in a position to exert direct military pressure on the Viet Cong, and it would be difficult or impossible to relate South Vietnamese pressure on the Viet Cong to the case of American prisoners. North Vietnam would most likely deny any connection with the Viet Cong or the American prisoners if efforts were made to apply pressure on it in order to effect their release."

Currently State's principal attempts to aid the captive Americans were made through the International Committee of the Red Cross, Kitchen wrote. "Such efforts at the moment appear to offer the best channel through which to establish contact with the prisoners and to work for their ultimate release."<sup>11</sup>

Suspicion persisted in some quarters of Defense that State lacked wholehearted commitment to finding a solution to the PW problem. After a meeting of State and Defense officials in November 1964, Solbert observed that the questions and comments of the military representatives had showed them clearly skeptical that everything possible was being done to retrieve

the prisoners of war. Contributing to this skepticism was a lack of knowledge concerning the actions undertaken by the Department of State, and Solbert thought there was a corresponding ignorance in that department of information available in Defense.

In a memorandum for Solis Horwitz, assistant secretary of defense (administration), on 29 December 1964, Solbert underscored the need for improvement in the exchange of PW information among State, Defense, and the intelligence agencies. Further, he believed State needed to clarify its internal organization for handling PW affairs, ideally through the designation of a single office to exercise that responsibility. Defense, also, should develop clear lines of authority. Within OSD, he noted, manpower, ISA, and public affairs officials, the comptroller, and the assistant to the secretary of defense for legislative affairs all were concerned with some aspect of the PW problem, and "there may be others." Solbert saw the need for a focal point established in Defense to deal with a counterpart in State. The designated OSD office could also establish uniform procedures within DoD, respond to congressional queries, and assist the military departments in meeting the needs of the prisoners' next of kin.

Apparently Solbert had thought the Office of the Deputy Assistant Secretary of Defense (Manpower) for Military Personnel Policy would be the appropriate focal point in OSD, but his discussions revealed that officials there opposed changing the arrangement under which the military services dealt directly with State. While reaffirming ISA's responsibility for policy directed at obtaining the release of prisoners, Solbert asked Horwitz to determine where responsibility properly lay for policy and procedures relating to the exchange of information with State on individual prisoner cases.<sup>12</sup>

On 11 January 1965 Horwitz announced in a memorandum to ISA his conclusion that ISA should have the responsibility for information exchange with State.

The establishment within OSD of a special office or agency to act as a DoD focal point to carry out procedures does not appear to be necessary. ISA is already the focal point for policy aspects. The military departments are capable of and have traditionally exercised direct contact as operating agencies with State, the Congress and next of kin on matters pertaining to individual service members, and no reason is seen to superimpose an OSD operating office over the military departments in this instance.

It is recommended that a Department of Defense Directive be developed by ISA, assisted by the military departments, in which the policy is enunciated, desired procedures are delineated and

the responsibility for carrying out the policy and procedures is assigned to the military departments.<sup>13</sup>

ISA accepted the decision and instigated the next move. At a State-Defense meeting on 15 January 1965 the two departments agreed to provide each other with a list of points of contact for various actions relating to prisoners of war. In transmitting the Defense list to State on 3 February, the director of ISA's Policy Planning Staff, Brig. Gen. John W. Vogt, USAF, made it clear that on casualty reporting, dealings with next of kin, and all matters concerning specific individuals, the military services would communicate directly with State. For this purpose he listed officials in all four of the services. Since no redrawing of lines of responsibility had occurred at the OSD level, points of contact there remained about as before, in ISA, Public Affairs, and the Office of Legislative Liaison. The contact list contained no reference to OASD(Manpower).<sup>14</sup>

This essentially ended the process begun by the JCS in calling for new and more effective measures on behalf of the prisoners. No such measures were adopted; no improved organization for formulating them was developed; even the suggestion that ISA draft a DoD directive was not pursued. Pentagon officials continued to view the State Department's approach to PW matters as largely reactive and tending to concede the initiative to the Communists.

The military leaders made further recommendations for strong action after the Viet Cong executed three captive Americans later in 1965, but again JCS proposals gained little more than acceptance in principle, even though by then the United States was engaged both in ground combat in the South and an air campaign against North Vietnam and was committing ever larger forces to these undertakings. The first incident, the murder of an Army sergeant in June, was coupled with Viet Cong threats of further executions if the South Vietnamese government carried out the death sentences it had imposed on imprisoned VC terrorists. On 1 July the Joint Chiefs requested approval of retaliatory air strikes against a power plant and a fuel storage area in North Vietnam if another prisoner execution occurred or a U.S. official was kidnapped or assassinated. Secretary McNamara approved the concept but ruled out advance decisions on specific reprisal targets; he decided the listing of possible targets should continue, however, along with efforts to ensure the readiness of retaliatory forces.<sup>15</sup>

When the Viet Cong executed two more U.S. soldiers in September the Joint Chiefs firmly supported the retaliatory measures recommended by Ambassador Henry Cabot Lodge in Saigon, which included striking a new category of targets in North Vietnam and publishing a list of the Viet Cong's



political leaders with notice that the United States considered them to be individual war criminals subject to legal trial and punishment. Expanding on the first of these proposals, the Joint Chiefs declared that timely military operations were essential when attempting to deter the Communists from further atrocities. The air strikes should occur with a minimum of delay and "should depart significantly from the restraints observed" in previous operations so that Hanoi would unmistakably recognize the attacks as reprisals for the execution of prisoners. They recommended two targets for immediate strike whenever word was received that another U.S. serviceman had been put to death. Further, the Joint Chiefs of Staff believed that "the adoption of an appropriately firm and clear policy with regard to US protection of the rights of our prisoners should be confirmed by an early public pronouncement of this policy, at the highest official level, in the plainest and strongest terms."<sup>16</sup>

In his reply in early November 1965 McNamara noted that the JCS recommendations had been reviewed with the Department of State. He reaffirmed the permission to list possible reprisal targets but pronounced that "no decision on U.S. military courses of action in the event of future executions of U.S. prisoners should be taken in advance." As for the recommended high-level public statement, McNamara wrote that "the two Departments are considering whether a demarche to the USSR might be more effective in transmitting our views regarding treatment of prisoners."<sup>17</sup> It was a reply likely to heighten the military leaders' impatience with the apparent unwillingness of State to countenance any action beyond its own customary diplomatic procedures.

During the last months of 1965 the search for new and more effective measures to obtain release of prisoners of war took second priority to halting the executions and forestalling war crimes trials. The State Department achieved success in the first of these emergency objectives and won at least a temporary stay in the second, chiefly by exercising unpublicized diplomatic pressure through third countries. Within the Pentagon these accomplishments seem to have received less than full credit, owing perhaps to incomplete information or to a tendency to discount State's actions as no more than should be expected. The main concern continued to be the lack of perceptible progress toward freeing the U.S. captives, who numbered over 70 by the end of 1965.

#### *Informal Interdepartmental Relations*

Operating under a rather tenuous point-of-contact arrangement, interdepartmental relations on PW matters were intermittent during 1965

and lacked the coherence that regularly scheduled meetings of designated representatives might have given them. The need for more detailed information and more frequent discussion of mutual concerns manifested itself at the working level, however, and there an effort arose to draw the interested parties together in an informal association that would partially fill the organizational void. The initiative came from the Army staff, mainly officers under the deputy chief of staff for personnel (DCS/PER), who telephoned invitations to State, OSD, DIA, the American Red Cross, the Navy, and the Air Force to a meeting in the Pentagon on 1 September 1965.<sup>18</sup>

Three State Department officials and a vice president of the American Red Cross (ARC), Robert C. Lewis, attended the meeting, as did nine members of various Army staff agencies, a DIA representative, and the chiefs of the Navy and USAF Casualty Branches. Although invited, ISA and OSD Public Affairs did not participate. The purpose stated in the agenda was simply "to exchange information pertaining to detainees and personnel missing in Vietnam," but in fact the discussion at the September gathering ranged over most of the subjects that were to persist as problems throughout the war—release of information, notification of next of kin and subsequent relations with the families, mail and packages, and actions to gain release of the captives. At the session's end the attendees voted overwhelmingly to continue the meetings and to hold another the first of the following month.<sup>19</sup>

Meetings occurred monthly thereafter, with the Army acting as sponsor and providing the chairman, and with a Joint Staff officer added to the attendance. Much of the discussion went toward developing standard procedures for handling the basic aspects of PW administration, leading finally to a special meeting on 9 November 1965. There representatives of State, ARC, and the casualty branches of the four military services produced a "Memorandum of Understanding. . . on the Assignment of Responsibilities for Americans Held Captive in South East Asia." This agreement defined for the first time the methods by which the services would render casualty reports to the State Department and to the American Red Cross, the responsibilities of the ARC in its dealings with the International Committee of the Red Cross, and the procedures for handling letters and packages to and from prisoners of war. With some alterations to conform to changing circumstances, this agreement remained in effect throughout the period of the Vietnam War.<sup>20</sup>

When the informal interdepartmental group met again in December, attendance by State, ARC, DIA, the Joint Staff, and Army continued, but the other military services did not appear, possibly having concluded that

drafting of the memorandum of understanding had largely fulfilled the purpose of the sessions. In any case, the desire to bring the other services back to the table prompted the Army members to begin seeking a sponsor for the meetings at the OSD level. They found some encouragement in the fact that in December an ISA official was present for the first time, with promise of regular attendance thereafter.<sup>21</sup>

By the February 1966 meeting Navy and Marine Corps representatives had returned, and OSD Manpower and OSD Public Affairs had also joined. Army members pressed again for sponsorship at the OSD level. They argued that the matters discussed affected the Department of Defense as a whole and that OSD chairmanship would stimulate additional representation from the other services, possibly extending to officials at the policy level. The ISA, Manpower, and Public Affairs attendees "agreed to take it under advisement and provide an answer at the next meeting."<sup>22</sup>

Officials in ISA soon concluded that the matters dealt with in the conference were chiefly in the realm of personnel services and hence did not fall in their area of primary concern. The meetings seemed worthwhile and ISA would still participate, but the topics discussed were "not of such a policy nature" as to warrant assumption of the chairmanship.<sup>23</sup>

Meanwhile the OSD Manpower representative, Col. M. P. DiFusco, investigated whether his own office might provide OSD oversight of the conference while leaving the administrative burden of arranging, convening, and recording the meetings to be borne by the military services on a rotating basis. To discuss this and other possible arrangements he met with representatives of the four services in late February. DiFusco reported to his superior that while all parties recognized that the conference could not substitute for normal policy and operational channels, it was beneficial to those attending and should continue. Moreover, the Navy and the Air Force (which had missed the last three meetings) had agreed to participate actively thereafter and would enlarge their representation to include personnel policy officials as well as those responsible for casualty reporting. He recommended informing ISA and the other interested DoD agencies that Manpower would assume responsibility for OSD's role in arranging future meetings.<sup>24</sup>

Beginning with the meeting on 17 March 1966 the conference was sponsored by OSD Manpower, though the meeting chairmanship rotated among the services. In an opening statement DiFusco emphasized that the purpose of the conference was to exchange information and to discuss mutual problems and ideas for their solution; the conference was not intended to act on its own or "outside the Service oriented channel." The 22 attendees included the usual representation from State, ARC, DIA, ISA, and the Joint Staff, plus the four military services.<sup>25</sup>

With little change in form and attendance, the conference continued to meet thereafter. Its name, like its procedures and recordkeeping, was never formally standardized, though it appeared most frequently as "the OSD Conference on Prisoners and Missing in Vietnam." Discontinued in June 1971, it resumed meeting in mid-1972 to serve as a lower-level coordinating mechanism during the intensified planning for Operation Homecoming. During its early years, however, the OSD conference was the one forum in which PW problems were discussed freely among the interested agencies, where administrators of casualty branches could informally review their requirements with OSD policymakers, and where matters could be pursued directly with the representative of the American Red Cross, who was unfailing in his attendance. These features yielded benefits in the entire area of PW affairs, but even with the assumption of sponsorship by OASD Manpower in March 1966 the conference clearly did not have the stature to carry the principal burden of interdepartmental coordination. Further developments in that direction, however, were soon to come.

*A New Level of Activity—the Emergence of Harriman*

In the spring of 1966, when North Vietnamese threats of war crimes trials intensified, the highest levels of the U.S. government began to give serious attention to the development of an organization to deal with PW matters. The spur to action came from an influential member of Congress, Senator Robert F. Kennedy of New York. In a letter to Secretary of State Dean Rusk on 19 April 1966, Kennedy expressed his concern and frustration over the paucity of imaginative action undertaken on behalf of the prisoners of war. He had come away from a meeting with Philip B. Heymann, acting head of State's Bureau of Security and Consular Affairs (SCA), convinced that the government was not doing enough for the prisoners or their families. His criticism of State Department inaction corresponded with the thoughts of many in the Pentagon:

Too often. . . we neglect a possible course of action because we think it will not work—instead of trying it to see if it works or not. For example, I asked whether any attempts had been made to negotiate prisoner exchanges directly with either North Vietnam or the Viet Cong. The answer was that approaches had been made through the International Red Cross. But no approaches had been made either directly or through the Soviet Union. No efforts had been made to find a non-governmental third party to negotiate on behalf of the prisoners or their families—to take the role James Donovan played in the Cuban prisoner exchange, for example.

Mr. Heymann suggested that all the efforts we have made have been rebuffed by the DRV and the VC. But in at least one case—the negotiations for the release of Gustav Hertz—the VC did make a responsive offer last year, which we then refused. They no longer stand by the offer, which we are now prepared to accept; but they did make at least this one positive step.

At any rate, I do not think we can speculate on what the VC or DRV response would be to any approach. . . . I want to add my concern to yours, to urge that efforts to free them go forward with all possible speed.<sup>26</sup>

Kennedy's complaining stirred not only the State Department but the White House as well and led to the creation of an Interdepartmental Prisoner of War Committee "to devise and obtain action on additional measures looking toward establishment of contact with, and hopefully release of, American prisoners of the Viet Cong and the DRV." It met for the first time on 29 April 1966 under Heymann's chairmanship. Membership came mainly from the bureaus of the State Department, with single representatives of the CIA, the Joint Staff, and OSD.<sup>27</sup>

Three weeks after formation of the Interdepartmental Committee, Secretary Rusk took an action that proved to be of greater significance. On 18 May 1966 he announced the appointment of Ambassador at Large W. Averell Harriman to assume general supervision of the department's actions relating to both U.S. and enemy prisoners of war in Vietnam.<sup>28</sup> This appointment appears to have evoked enthusiasm and high expectations in the Pentagon. Mainly to avoid confusion in public statements concerning the threatened war crimes trials, but at least partly to indicate DoD support for Harriman, Deputy Secretary Vance issued a directive on 26 July 1966. "I believe it would be most desirable if one individual in the Department of State were designated to be the spokesman for the entire Government on all matters relating to POW's," he wrote. Vance indicated that DoD officials should confine their comments to a simple statement that the United States was doing everything possible to protect the rights of its missing personnel and leave all substantive statements on U.S. or enemy prisoners of war in Vietnam to the State Department. Thus, the memorandum had the effect of making Harriman the single spokesman for the U.S. government on all PW matters.<sup>29</sup>

The Interdepartmental Prisoner of War Committee began its work with optimism and a schedule of monthly meetings. As time went on, however, and the few projects that did emerge from its discussions foundered on Vietnamese Communist intransigence, the meetings became less frequent and the discussions less consequential. The departure of Heymann from his

post in SCA may also have been a factor. The meetings trailed off in 1967, and by midyear they had ceased.<sup>30</sup>

The Interdepartmental Committee proved no more effective in reaching a solution to the PW problem than had earlier arrangements. Harriman's efforts, though pursued with considerable vigor and evident personal concern for the plight of the prisoners of war, also brought few immediate results. True, the executions ended and threats of war crimes trials diminished. But the release of the prisoners, or even the assurance of humane treatment, seemed as distant as ever in early 1967, and dissatisfaction with the situation grew more pronounced in the Pentagon. That feeling ranked high among the influences that soon converged to produce a signal advance in the DoD organization for dealing with PW affairs.

#### *Decision to Establish a Prisoner of War Policy Committee*

Formation of the Department of Defense PW Policy Committee in July 1967 occurred largely as the result of strong Air Force initiatives. A major figure in influencing Air Force officials to take the lead was Col. James L. Monroe, a reservist who had been closely associated with PW matters since the end of World War II, while on active duty and later as a social science research contractor working in the Washington area. His views crystallized during his service as the secretary to the Air Force Advisory Committee on Prisoners of War that assisted the secretary of the Air Force during the Code of Conduct controversy in 1963. Thereafter Monroe became increasingly convinced that responsibility for dealing with prisoner of war matters within DoD was too diffused when located at the level of the military departments. He saw a need for central direction and stronger organization at the OSD level to permit both comprehensive and uniform treatment of PW problems and more effective representation of Defense interests within the U.S. government. At various times, including periods of active duty in his mobilization assignment in the Air Force Directorate of Plans, Colonel Monroe sought opportunities to press his views on officials in the Pentagon.

In mid-1965 Monroe succeeded in attracting the attention of Secretary of the Air Force Eugene M. Zuckert, but his proposals for organizational change were turned back by a report to the secretary from the Air Force chief of staff, General John P. McConnell. On the basis of a full review by the Air Staff, McConnell found Air Force programs in the PW area in good order, with no need to establish a central office at the secretary's level

to provide coordination and greater emphasis. He thought even less desirable the formation of a separate OSD agency to monitor PW activities, pointing out that the Joint Chiefs had recommended against such a proposal in 1963 and Secretary McNamara had accepted their advice. As for Monroe's belief that the Air Force should be more active in initiating recommendations to the Department of Defense and the State Department, McConnell held that the Joint Chiefs were adequately discharging this responsibility.<sup>31</sup>

Failure did not dissuade Monroe, and the unfolding events of 1966 deepened his conviction that primary oversight of PW affairs belonged at the OSD level. This was the year when it became generally recognized that the United States was indeed engaged in major hostilities in which the number of prisoners lost to the enemy would undoubtedly increase. In early August 1966 Monroe presented his ideas in a conversation with Dr. E. T. Ferraro, deputy under secretary of the Air Force for manpower. To explore the subject further Ferraro convened a meeting on 16 August, attended by Lt. Gen. J. B. Lampert, deputy assistant secretary of defense (manpower), and Brig. Gen. W. W. Berg, deputy assistant secretary for military personnel policy, in addition to Monroe and several Air Staff representatives. General Lampert dominated the discussion with his insistence that the existing arrangements were proper and sufficient. The main conclusion reached was that there was "no wish to encourage further centralization of authority in OSD. Those present appeared to believe that the Service Secretaries should retain maximum responsibility."<sup>32</sup>

It could be argued that this view merely restated a principle embodied in recent pronouncements by the highest officers of the Defense Department. General Lampert pointed to a letter of 25 July 1966 in which Deputy Secretary Cyrus Vance had advised Harriman that he was relying on the secretaries of the military departments and their staffs to manage PW affairs within each service (in this instance, specifically, to see to the just and uniform treatment of returned prisoners). Lampert also stressed the contribution made to the effectiveness of the existing system by the meetings of the OSD Conference on Prisoners in Vietnam, monitored and supported by General Berg's office. The conference was "designed to be the clearing-house for exchange of information so that representatives who attend can insure that adequate action is taken in their own agencies."

Nevertheless, an acknowledgment of the possibility that present arrangements might not be sufficient to address the ultimate need appeared in another recorded conclusion of the discussion on 16 August 1966: "There was general concern that the situation be watched very closely so that we will be prepared for any contingencies which might develop. It was noted

that the number of prisoners is increasing steadily and that if these numbers became extremely large, it may then be necessary to create some sort of a standby central mechanism to monitor their situation."<sup>33</sup>

The possibility of organizational change, thus tentatively raised, received reinforcement as the war intensified. Less than a year later Colonel Monroe's advocacy was to be rewarded with success. During a brief period of active duty in June 1967 he received the task of preparing a short statement that would provide information and reassurance to the next of kin of prisoners of war in Southeast Asia. In a memorandum for Secretary of the Air Force Harold Brown he called attention to what he saw as deficiencies in DoD's handling of PW affairs.

Starting with his immediate problem, communication with next of kin, Colonel Monroe described Air Force casualty reporting and assistance to the families as well organized and receiving closer attention from OASD (Manpower) than formerly. Nevertheless, performance of these duties suffered from lack of timely information and recurring turnover of staff personnel, so that those involved were often ill-prepared to advise families on conditions of captivity, the progress of diplomatic and other recovery efforts, and what to expect when their serviceman returned home.

As for intelligence, Monroe observed that while CIA had increased the number of personnel assigned to PW matters, no comparable increases had occurred within DIA or the military services. He believed that lack of enterprise by Defense officials had allowed CIA to assume the chairmanship of the weekly meeting with DIA and service representatives, held primarily for analysis of PW letters received by the next of kin. This correspondence, obtained from the families with specific promises that it would be used only in the interests of the individual prisoner, had been too widely disseminated. Moreover, it was being filed by some security agencies for possible use as evidence of misconduct, a breach of faith he found greatly disturbing.

Monroe noted that ISA held primary responsibility for the Defense aspects of interdepartmental coordination, but it had insufficient authority and expertise to take the lead in a broader program to obtain the prisoners' release. Other Defense activities in such areas as personnel management, public affairs, and intelligence he judged too compartmentalized as discrete functions. There existed a need for comprehensive policy guidance and a central action office to infuse energy, impose uniformity on service plans and programs, and strengthen the Defense performance in interdepartmental consultations.

Of more fundamental concern, Monroe found a lack of positive action and initiative in general. U.S. counterpropaganda efforts, especially those of



the State Department in publicizing enemy violations of the Geneva Convention, he judged essentially defensive and reactive. He believed the United States wholly in the right in protesting violations and advocated exploiting this advantage more widely, particularly in the West. In the sufferings of the U.S. prisoners and their families he saw a theme that could erode North Vietnam's "pious image" as the unoffending victim of U.S. bombardment. If properly organized, DoD could play an important role in a government-wide effort to place the North Vietnamese on the defensive through "sustained and orchestrated" publicity on the PW issue.<sup>34</sup>

When Secretary Brown received Monroe's memorandum on 6 July 1967 it already bore a strongly favorable endorsement from his executive assistant, Col. Brian S. Gunderson, who had several years' experience with PW matters. Gunderson offered his own views on the subject in a covering memorandum. Seconding most of Monroe's criticisms and adding detail to some, he stressed the fragmentation of decisionmaking both in the Air Force and DoD and the urgent need for a top-level, centrally directed program. He recommended that Brown forward Monroe's proposal for a unified Defense approach to Deputy Secretary of Defense Nitze and urge its approval.

Gunderson also commented forcefully on the use being made of the prisoners' letters by several agencies, including the FBI, in developing files of derogatory information on some individuals. Gunderson said that the program of soliciting such correspondence from the wives lacked authoritative guidance regarding the sensitivity of the letters and the need for controlled and limited distribution, leaving the military services open to being justly accused of betraying a trust. Moreover, he found it unacceptable that outside agencies should presume "to judge our flyers." This responsibility belonged to the Department of Defense alone; controlled distribution of the PW letters on a strict need-to-know basis was necessary to safeguard that prerogative.<sup>35</sup>

When Secretary Brown asked for a review of the Monroe and Gunderson memorandums by the Air Staff, officers disputed some of the allegations of specific deficiencies but endorsed the central idea of raising primary consideration of PW affairs above the service-JCS level. The Air Staff prepared documents for General McConnell's use in placing the proposal before the JCS, but it suspended the action on learning that Brown had sent his own memorandum to the deputy secretary of defense.<sup>36</sup>

Secretary Brown's 17 July memorandum for Nitze combined elements of the Monroe and Gunderson submissions with other material in an effective presentation of the need for organizational change. Brown cited diffusion of responsibility within the department as a leading explanation for the fact that Defense contributions to solution of the PW problem "have

to date been infrequent and piecemeal." Stronger central direction could encourage initiatives and more readily engage DoD's full resources in a well-ordered program. Brown noted that the Air Force chief of staff and other senior officials shared his belief that raising the direction of PW affairs to the OSD level would promote positive policies and the effective advocacy of Defense ideas in interdepartmental councils. Such a demonstration of DoD's dedication to the welfare and protection of the prisoners would also yield benefits in terms of public understanding.

Brown recommended the establishment of a DoD committee with broad powers in PW affairs. He also called for a directive prohibiting the use of letters received from the families for any purpose "adverse to the interests of the POW concerned."<sup>37</sup>

Deputy Secretary Nitze approved Brown's proposals with little delay. After a brief investigation of the organizational aspects of PW efforts in OSD by Assistant Secretary Horwitz had confirmed that such activities were indeed scattered among many agencies, Nitze issued a comprehensive directive on 26 July 1967. Recognizing a need for "formal policy guidance and better definition of the functional responsibilities covering POWs," the memorandum prescribed new organizational arrangements as follows:

Mr. Paul C. Warnke, Assistant Secretary of Defense-Designate (International Security Affairs) is assigned primary staff responsibility for the Defense POW Program. He will exercise overall supervision within DoD for the totality of the program and will insure timely and proper coordination among those DoD components concerned. In addition, he will act as the point of contact for DoD with the Department of State on POW matters.

To advise and assist Mr. Warnke, there is established, under his chairmanship, a DoD POW Policy Committee. This Committee will consist of the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Assistant Secretary of Defense (Manpower), the Assistant Secretary of Defense (Public Affairs), the General Counsel and the Director, Defense Intelligence Agency, or designees of the foregoing who can speak authoritatively for their principals. The Committee will meet upon the call of its Chairman.

With the assistance of the Committee, Mr. Warnke will coordinate ongoing programs, develop plans and policies and recommend new courses of action in the following areas:

1. POW welfare.
2. Propaganda and counter-propaganda campaigns.
3. Correlation and analysis of information about POWs from all sources.
4. Assistance and information for families of POWs.

5. Recovery efforts.

6. Repatriation planning.

Recommended plans and actions with respect to the above or related areas will be forwarded to the Secretary or Deputy Secretary of Defense for approval.

The directive also prohibited use of letters from the prisoners in any way that might be adverse to their interests. Such correspondence, when received from the families, was to be used only for intelligence purposes and "shall be privileged." Access to it by any investigative agency was denied.<sup>38</sup>

Brown had emphasized the need for a "positive, imaginative, and centrally directed" program; Nitze's directive of 26 July 1967 gave promise that this might be achieved. Certainly it meant that henceforth DoD would at least be as coherently organized to deal with PW matters as the Department of State. The appointment of Warnke to "exercise overall supervision within DoD for the totality of the program" nearly duplicated the wording of Ambassador Harriman's assignment within State and made him Harriman's counterpart in the Pentagon. The provision that plans and actions developed by the DoD PW Policy Committee would be recommended to the secretary or deputy secretary of defense for approval held the further promise that the subject would receive continuing high-level attention.

The Nitze directive did not appear to excite resentment or opposition in any quarter of the military departments or the JCS organization. Under Secretary of the Navy Robert H. B. Baldwin quickly announced his support and revealed that the Navy had been preparing to second Brown's recommendations. "We all agree," he wrote Nitze on 28 July, "that POW policy is a most important subject which requires the type of high-level coordination and attention directed by you."<sup>39</sup> By this date, recognition of the potential scope of the PW problem and dissatisfaction with the results obtained under existing arrangements had made service officials receptive to change. They were willing to abandon the traditional view that responsibility for PW affairs should in all respects be retained by the military departments and were ready to seek a more effective and coherent policy under OSD direction.

#### *Organization and Working Methods of the DoD PW Policy Committee*

Warnke moved immediately to organize the committee authorized by the directive. He called on the agency heads named as members to send representatives to an initial meeting on 11 August and asked each member

to provide a briefing paper describing PW activities in his area of responsibility and to submit suggestions for improving current programs or starting new ones.<sup>40</sup>

Initial appointments of representatives to the DoD Prisoner of War Policy Committee reflected not only organizational differences among the services in managing PW affairs but also uncertainty regarding the subjects that would be most prominent on the committee's agenda and the level at which the committee would deal with them. This in turn reflected the nature of the PW problem itself, which cut across many different areas of activity, from personnel to international relations, at levels ranging from routine casualty administration to the highest policy consideration. In choosing representatives, some agency heads named personnel policy officials while others selected legal advisers or operational staff officers. As the scope of the committee's business became clearer, agencies altered their representation, often sending more than one expert and making increasing use of experienced action officers. Thus, during the 18 months that Warnke headed the committee, attendance grew from 16 at the first meeting to a relatively consistent 24, half of them officers below general or flag rank.<sup>41</sup>

Initially, most agencies appointed top-echelon officials to the committee. OSD representation included General Berg from Manpower, Deputy Assistant Secretary of Defense (Public Affairs) Daniel Z. Henkin, and both Frank A. Bartimo and Benjamin Forman from OSD General Counsel.

Administrative support for the committee came initially from one of Warnke's assistants in ISA, Charles W. Havens III, who provided the agenda, wrote and distributed summary minutes of the meetings, and acted as chief adviser to Warnke on PW matters. In early November 1967, Capt. John W. Thornton, USN, joined ISA to provide full-time support to the chairman in his committee duties. Thornton, who had been a prisoner for more than two years during the Korean War, was given the title of assistant for prisoner of war matters, later changed to military adviser for prisoner of war affairs. Gradually he took over the administrative duties from Havens and became the expert to whom Havens and Warnke turned for advice.<sup>42</sup>

Among its first items of business, the policy committee took up its relationship to two working groups already in existence. The first was, of course, the OSD Conference on Prisoners and Missing in Vietnam. At the October 1967 meeting of the conference an OSD representative announced that Havens considered the group to be associated with the Warnke committee and that it should furnish its meeting minutes to the policy committee for study and possible action. Some members opposed any formalization of the conference since this might inhibit the free exchange

of information the group enjoyed. There may have been a further thought that the consistent attendance of State and ARC representatives, who contributed so notably to the worth of the meetings, would not be compatible with designation of the conference as a subcommittee of a Defense Department agency.<sup>43</sup>

After further consideration, Warnke's staff indicated in December that a change of status was no longer contemplated, and the OSD conference continued to meet on an informal basis, without any direct organizational relationship to the DoD PW Policy Committee. Since, under its ground rules, it took no formal actions and developed no recommendations to higher authority, the conference was only indirectly the source of proposals that occasionally reached the Warnke committee. In turn, it received no communications or assignments from that body. Notice of the policy committee's actions was itself a part of the information exchange that continued to be the principal activity of the conference.<sup>44</sup>

The second working group was the informal conference of intelligence representatives of the services, DIA, and CIA that CIA had organized in October 1966, called the Interagency Prisoner of War Intelligence Group (IPWIG). It met weekly at CIA headquarters, primarily to analyze letters from captives to their next of kin. Shortly before the initial meeting of the DoD PW Policy Committee a CIA spokesman indicated that because of IPWIG's informal character it was experiencing certain "support problems." Actions of the policy committee on 11 August 1967 responded both to that situation and to the recently enhanced concern over DoD responsibility for maintaining the privileged status of the letters. The military services undertook to "review funding and personnel policies" relating to IPWIG. In addition, DIA's deputy director, Vice Adm. Vernon L. Lowrance, was to "review DIA's participation in IPWIG and submit his recommendations for improving this group"—the unspoken purpose being to bring the IPWIG function under DoD control as soon as possible.<sup>45</sup>

Approved terms of reference appeared in October for what was now formally titled the Interagency Prisoner of War Intelligence Ad Hoc Committee (IPWIC). Chaired by DIA and responsible to the policy committee, IPWIC would provide a focal point within Defense for all intelligence concerning missing or captured U.S. personnel. The four military services, DIA, and CIA made up the membership, and IPWIC continued to meet weekly.<sup>46</sup>

From time to time the policy committee used other ad hoc groups and committees. At the initial meeting in August it had asked a recently formed Navy-Air Force Air Crew Working Group to review the basis on which the two services were classifying airmen lost in Southeast Asia as

either prisoners of war or missing in action and to seek agreement on a uniform standard. The working group produced an agreed set of classification criteria by the beginning of November, after which it apparently ceased to function. Much more enduring was the Working Group for Proposed Publicity Programs, established in November 1967 and composed of representatives from Public Affairs, Manpower, ISA, and the four services. Its title was soon shortened to Public Affairs Working Group to reflect the broadening of its concern from a few specific proposals to the whole range of publicity problems relating to prisoners of war.<sup>47</sup>

While the policy committee under Warnke made considerable use of subcommittees and working groups, the committee itself accomplished the greater part of its business, with all members taking an active part in the discussion. During the first five months of its life, in 1967, the committee met frequently and without a set schedule, averaging somewhat more than one meeting every two weeks. As it made assignments and launched programs to deal with the most pressing issues, the committee's meetings became more regular but less frequent; throughout 1968 they occurred monthly. Decisions appeared in the summary minutes, which also specified who was to take implementing action. Though normally restricting attendance to members and their representatives, the policy committee allowed one exception. Ambassador Harriman's special assistant, Frank A. Sieverts, appeared by invitation at a December meeting in 1967 and soon afterward was placed on the distribution list for the committee's minutes. Sieverts became a regular attendee in August 1968.<sup>48</sup>

#### *Scope and Accomplishments of the Policy Committee Under Warnke*

Nitze's directive of 26 July 1967 bestowed on Warnke a broad and inclusive authority over all PW matters within the Department of Defense. It placed responsibility on him as assistant secretary of defense (ISA) and not on the DoD PW Policy Committee as a whole. Warnke was to coordinate ongoing programs, develop plans and policies, and recommend new courses of action "with the assistance of the Committee." In preparation for the first meeting he asked members to make suggestions for improving current programs or initiating new ones, and after identifying the most pressing problems, he set the committee to work at once. From the range of the problems and Warnke's manner of attacking them it became immediately apparent that he harbored no doubt that his authority extended to all areas of the Department of Defense touching on PW affairs and that he meant to wield this authority decisively.<sup>49</sup>

The main limitation on the scope of Warnke's actions was the policy established by Nitze's predecessor, Deputy Secretary Cyrus Vance, which made the Department of State and particularly Ambassador Harriman the "single spokesman" of the U.S. government in PW matters. Discussion at the initial meeting of the policy committee revealed strong feelings within the services over the restrictive effect of the policy on release of information about DoD's own activities. Without exception service representatives viewed the Vance memorandum as creating an image of service indifference to the POW question.<sup>50</sup>

In August Warnke asked Daniel Henkin, the OSD public affairs representative on the committee, to investigate the origins of the policy and recommend any changes required by current circumstances. Henkin's research convinced him that the Vance memorandum had aimed primarily at avoiding untimely statements and maintaining a single policy line in the period when war crimes trials were threatened. He thought the directive should remain in effect as general guidance, since lower echelons of the defense establishment had no reason to be commenting on PW affairs in any event. Some modification of the policy appeared necessary, however, when applied to officials at the OSD level. Henkin believed the policy had dampened initiative and imaginative thought within OSD, even as it fostered in the State Department a disposition to act in PW matters without fully consulting other interested agencies. Under the current rules, Henkin pointed out, DoD could not even announce that it had formed a policy committee, nor could it release, except through the State Department, information on DoD activities that would be reassuring to PW/MIA families and the public. He recommended seeking an agreement with State on what subject areas that department would reserve to its own spokesmen and what types of information DoD might release after suitable coordination.<sup>51</sup>

Later in August 1967 Warnke advised the committee members that he had taken up the single spokesman policy with McNamara and Nitze but found them unwilling to disturb the existing arrangement. Accordingly, the policy would continue in force, with the understanding that when Defense wanted PW information released, Public Affairs would coordinate with State's public affairs office and Warnke would communicate with Harriman. One item of information had been cleared, however. Warnke stated that as soon as next of kin had been notified by the services, DoD would announce formation of the Prisoner of War Policy Committee, the existence of which, originally secret, was no longer classified.<sup>52</sup>

Although State's official primary role in PW affairs continued, the advent of the DoD PW Policy Committee had brought a change of spirit

nevertheless. In responding to Warnke's request for program suggestions, several members had stressed the need for greater initiative. If the single spokesman policy was not to be changed, it should at least be construed as imposing no restraints on the forceful presentation of DoD recommendations. As Henkin put it, there was no need "to act as if State's monopoly on talking about these matters extended also to thinking about them."<sup>53</sup> Under Warnke's leadership DoD showed itself less disposed to defer to the Department of State. Since Defense now had a high-level committee devoted to PW affairs while Harriman continued to operate without a comparable supporting organization in the State Department, State often found itself reacting to DoD-initiated proposals.

Despite expanding activity during the first 18 months of the policy committee's existence, results were not readily visible. By early January 1969 few of the major problems the committee had faced at its beginning had been resolved; few seemed even close to resolution. Little success had been registered in improving the lot of the U.S. captives held by North Vietnam, much less those held by the Viet Cong. Public affairs efforts, still impeded by the single spokesman policy, remained limited and of little effect. Intelligence, although improving rapidly, was not yet reliable enough to support forcible recovery efforts. Much had been accomplished in providing assistance and information for the families of prisoners of war, as Warnke noted in his final report to Nitze before leaving office, but coordination with the State Department in the information area and cooperation by the public media on news coverage still needed improvement. So much detailed work remained to be done on repatriation planning that it would be the principal problem occupying the committee and its subordinate structures for the next four years.

Nevertheless, the policy committee under Warnke had made substantial contributions. The policies, precedents, and procedures it developed had a controlling influence on the progress of events through the return of the captive Americans in 1973 and beyond. First in importance was the basic directive governing repatriation and the treatment of returnees, issued in June 1968. Though subsequently modified by more detailed instructions, it established the principles that guided the ultimate homecoming operation. Other significant actions included the committee's contributions to keeping the PW issue in the forefront at the Paris negotiations and its decision to defer all consideration of changes to the Code of Conduct while the war was in progress.

In summing up the work of his committee on 14 January 1969, Warnke wrote: "I do not want to give the impression that the Committee feels that



it has realized its objectives or that it is comfortable with the present PW situation. The enemy still have not recognized the basic guarantees of the Geneva Convention such as providing us with the names of the men it holds. Similarly, numerous items of unfinished business will remain until our men are returned home." Nonetheless, he was proud of the committee's efforts "and generally pleased with our accomplishments to date."<sup>54</sup>

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## The Department of State and Prisoner of War Policy, January 1964 to May 1966

### *Initial Perception of the PW Problem*

During 1963 and 1964 the declared purpose and the gradual, incremental nature of U.S. involvement in Vietnam hardly suggested that the United States would eventually become a full participant in the war. As U.S. forces in increasing numbers entered into combat in 1965 and after, recognition that the United States was engaged in a large-scale war came only slowly to many in Washington. The absence of any dramatic event or pronouncement that marked a definite transition to a state of war, together with a lingering resistance to the idea itself, delayed the realization. Given this climate of opinion, it is not surprising that awareness of the intractable nature and potential dimensions of the PW/MIA problem developed slowly as well.

At the end of 1963 Washington perceived the position of the seven men held by the Viet Cong in South Vietnam as scarcely different, in a legal sense, from that of the two helicopter crewmen imprisoned following an emergency landing in North Korea. Since the United States did not consider itself at war, none of the captured was designated a "prisoner of war." Instead, beginning in 1964, they were officially referred to as "detainees," in conformance with a recent amendment to the Missing Persons Act that defined a category of captive "detained in a foreign country against his will." This designation gave way to prisoner of war, in mid-1966, partly out of recognition that the United States was a belligerent in Southeast Asia, but chiefly to bring the terminology into accord with the U.S. claim that the captives were entitled to the protections of the Geneva Convention.<sup>1</sup>

Detainees, who might be termed "prisoners of the Cold War," had earlier included air crews forced down in Communist countries and other personnel

who had crossed a Communist boundary, usually inadvertently, and who had been held for varying periods. Retrieval of such detainees was a diplomatic responsibility, except in Korea where, under the armistice agreement, the United Nations Command and Communist forces maintained a "military situation" on opposite sides of a demilitarized zone. Therefore, the Department of State exercised an unquestioned authority over efforts to obtain the return of servicemen held by Communist governments other than North Korea. It conducted formal negotiations, as in the case of flyers who landed in the USSR, or, where governments not recognized by the United States were the detaining powers, through third countries or the Red Cross.

By and large, these methods sufficed through 1963. Because they did succeed to an acceptable degree, officials gave little thought to changing them, especially in the absence of a state of war. They found it possible to view the advisory personnel captured by the Viet Cong as differing from the usual detainees only in that they had been taken forcibly rather than interned after straying across a border. In 1963 and 1964 there seemed to be no particular reason to doubt that the measures that had freed earlier captives would prove effective, however slowly, for those held in Vietnam. This point of view, combined with State's perception of no feasible alternative course, accounted in large part for the department's devotion to the customary practices of diplomacy and to what sometimes seemed to Defense officials to be an excessively legalistic approach to the problem of the detained men.

An important result of the gradual transition to a war status in Vietnam was that early release of captured U.S. personnel became the basic objective of PW policy. The numerous official documents supportive of this policy often quoted two statements of the post-Korean War period. When submitting their recommended Code of Conduct in July 1955, the members of the Defense Advisory Committee on Prisoners of War had said that "America must always stand behind every American upon whom befalls prisoner of war status and spare no reasonable effort in obtaining their earliest possible release back to our side." When promulgating the code President Eisenhower declared that "no American prisoner of war will be forgotten by the United States. Every available means will be employed by our government to establish contact with, to support and to obtain the release of all our prisoners of war."<sup>2</sup>

Nevertheless, early return of its captured men is not the normal expectation for a power at war. Article 118 of the Geneva Convention provides, and the rest of the document presumes, that prisoners of war will be repatriated "after the cessation of active hostilities." Exceptions are set forth in Articles 109, 110, and 111. Seriously sick or wounded prisoners, if willing, are to be sent back to their own country. Those expected to recover within one year

may be interned in a neutral country. If agreed to by the powers concerned, prisoners of war held in captivity for a long period may likewise be interned on neutral territory. But U.S. officials viewed the few early instances of capture in South Vietnam as not differing greatly from other incidents in the Cold War, and they sought to obtain early release. Had there been a formal declaration of war before the United States committed sizable forces to combat, or had a recognizable front developed, as in Korea, early release might have been abandoned in favor of the more conventional post-hostilities repatriation. But by the time the U.S. government began to act in full recognition that it was engaged in a major war, early release had already been the declared objective for several years and was firmly established as policy.

In Washington there appeared to be an unspoken resolution not to give in to the idea that the captives faced an imprisonment stretching into the indefinite future. To some officials a sudden break that would allow a quick solution to the PW problem seemed an ever-present possibility. Even after Americans had been held in Hanoi for several years and U.S. authorities had begun giving serious attention to internment in a neutral country as a desirable alternative, the hope of early, direct repatriation was kept alive by the occasional release of a few U.S. prisoners of war and the opening from time to time of seemingly promising channels for negotiation with the Communists.

#### *Department of State Organization for PW Affairs*

Until the appointment in May 1966 of W. Averell Harriman to exercise general supervision over all PW matters, the diffusion of responsibility for policy and administrative actions among several bureaus and offices of the State Department often troubled Defense officials. Earlier DoD attempts to establish precise points of contact within the State Department had enjoyed only short-term success at best. In April 1966 the director of the Joint Staff again asked ISA to identify those in State responsible for PW functions. Rear Adm. F. J. Blouin responded for ISA that the Bureau of Security and Consular Affairs had recently been designated the principal point of contact, but the Legal Adviser and certain other bureaus would continue to handle operational matters within their purview.<sup>3</sup>

At first glance, the Bureau of Security and Consular Affairs (SCA) seemed a somewhat unusual agency in which to lodge responsibility for PW policy and administration. Its functions, and the statutes from which they derived, appeared far afield from the concerns of war. Major activities included administration of the immigration and nationality laws, issuance of passports and

visas and related services, and coordination of U.S. participation in refugee programs. The title of SCA's chief, although he ranked with the assistant secretaries of state, was administrator, in keeping with the largely administrative activities of the bureau. His involvement in PW affairs followed from another responsibility—protection and welfare of U.S. citizens and interests abroad. Within the bureau this function belonged to the Office of Special Consular Services (SCS), which also had responsibility for coordinating the representation of U.S. interests through a third government when regular diplomatic relations did not exist.

As the agency whose regular business included the extrication of U.S. citizens from misadventures abroad, SCA had been called upon as a matter of course to respond to the early instances of capture in Vietnam. The incidents, some of which had more the character of abductions than military actions, were not regarded at the time as foreshadowing a PW problem of increasing proportions. The slight expansion of SCA's usual role that occurred seemed natural enough, and without a declaration of war or other jarring event to cause a change, the administration of PW affairs not only began but continued in a peacetime mode.

In addition, SCA discharged certain routine administrative functions that brought it into regular touch with the military services and made the bureau by far their most frequent point of contact in the State Department. The services sent their casualty reports to SCA, which placed them in Red Cross channels, thereby initiating a request to the International Committee of the Red Cross (ICRC) to "intercede"—that is, to seek information on the status, health, and whereabouts of the missing servicemen. It was to SCA, until November 1965, that the next of kin sent their letters for the prisoners, to be forwarded through Red Cross channels. Beginning in September 1965, SCA representatives regularly attended the monthly meetings of the OSD Conference on Prisoners and Missing in Vietnam, which the military services viewed as their most valuable forum for exchange of information and discussion of PW policy.

Although SCA was the State Department agency most intimately involved in PW affairs, it had no comprehensive authority in the field. As Admiral Blouin had advised the Joint Staff, even the recent designation of SCA as the principal point of contact did not mean that other State Department elements would defer to it when prisoner matters fell within their respective purviews. For example, the Legal Adviser had an important role in preparing the U.S. resolution denouncing reprisals that the XXth International Conference of the Red Cross adopted in Vienna in October 1965—one of the measures in the campaign to halt executions of U.S. prisoners in Vietnam. The Vietnam desk of the Office of Southeast Asian Affairs in the

Bureau of Far Eastern Affairs had cognizance over actions requiring negotiations with the South Vietnamese government. And on major issues of prisoner policy the senior leaders of the department, particularly Under Secretary George W. Ball and his immediate staff, became directly involved.

Nevertheless, for day-to-day operations and coordination with DoD, the American Red Cross, and the ICRC, State's center for PW affairs was SCA, at least up to May 1966. Even after the appointment of Harriman, the SCA chief continued to chair the new Interdepartmental Prisoner of War Committee.\* Much of the time he and his assistants were more visible and certainly more accessible to the Joint Staff and officials most concerned with PW matters within the military departments than was the "single spokesman" himself. During most of this period, until early 1966, the SCA administrator was Abba P. Schwartz, who had headed the bureau since 1962.

#### *The Problem of Executions Commands Attention*

In the months between the spring of 1964 and mid-1965 the State Department's activities on behalf of the prisoners remained at a routine level. Its officers generated few initiatives and achieved no visible results. The attention of the nation, and especially of the Congress and executive branch, focused elsewhere—on the Tonkin Gulf incidents in August 1964 and the resulting congressional resolution, the increasing terrorist forays against U.S. installations in South Vietnam, the beginning of limited air strikes against targets in North Vietnam in February 1965, and the introduction of combat units thereafter that brought the number of U.S. military personnel in South Vietnam to the 50,000 mark by June. It was widely expected that these displays of U.S. power would soon bring Hanoi to halt its aggression or even to negotiate a general settlement in Vietnam. In these circumstances State saw few opportunities to attempt to talk to the Communists about the prisoners of war, and it confined itself largely to pursuing the customary ICRC procedures on behalf of the missing men. At this time, repatriation of the handful of prisoners was only a secondary objective compared to the more consequential results expected from the U.S. intervention.

Furthermore, the situation of the captives did not seem particularly alarming. Officials in Washington assumed that those in the hands of the Viet Cong were suffering some privation, probably including frequent movement and other hardships arising from the nature of the insurgents' guerrilla warfare. They believed, however, that the prisoners of the VC were being

\*See Chapter 2.

treated relatively humanely, given the circumstances. Similarly, there were early indications that the North Vietnamese treated their American prisoners with some regard for the requirements of the Geneva Convention. The family of the first prisoner of Hanoi—Lt. Everett Alvarez, Jr., USN, who was shot down on 5 August 1964—received 19 letters from him through ICRC channels between September 1964 and March 1965. Receipts for two parcels sent to him earlier by the ICRC had reached that organization by 30 April 1965. On 18 February 1965 the North Vietnamese Red Cross had formally accepted transmission of Red Cross parcels, but less than a month later it informed the ICRC that it would handle only those sent by close relatives. And even though in May 1965 the Democratic Republic of Vietnam (DRV) declared that no more mail would be accepted through the ICRC, some correspondence with Alvarez continued by that channel.<sup>4</sup>

When Army Sgt. Issac Camacho, captured in November 1963, escaped to rejoin U.S. forces in mid-July 1965, he gave interrogators a picture of life as a captive of the Viet Cong much like they had expected. Intentional physical brutality against him and his fellow prisoners had been rare. Of the seven held with him, four had been given letters from their families and parcels from the ICRC in June, and three had been allowed to write to their families in July. Food was bad and medical treatment primitive by U.S. standards, but both were about what the VC themselves received. Only the report of the execution of Sergeant Bennett, which had come to Camacho from a guard, gave any sign of a calculated major violation of the Geneva Convention by the Viet Cong.<sup>5</sup>

The Viet Cong shot Sgt. Harold G. Bennett, USA, on 24 June 1965. The Department of State denounced the act, which the Viet Cong's political leadership, the National Liberation Front (NLF), later described as reprisal for the public execution of a Communist terrorist by the South Vietnamese government. The department reacted more vigorously when the executions of Capt. Humbert R. Versace and Sgt. Kenneth M. Roraback on 26 September became known. The Viet Cong had now demonstrated their determination to fulfill threats of reprisal against U.S. captives for the shooting of convicted VC terrorists by the Saigon government. Since the executions of Versace and Roraback coincided with Hanoi's issuance of threats to try U.S. pilots as war criminals, fears that the situation of the captured Americans was becoming precarious grew in Washington.<sup>6</sup>

The course to follow in trying to prevent reprisal executions had already been explored by the State Department in a case involving one of its own people, Gustav Hertz, a foreign service officer assigned to the U.S. Agency for International Development. The Viet Cong had seized Hertz on 2 February 1965 while he was riding a motorbike in the Saigon area. In April the VC

radio broadcast a threat to execute him if the South Vietnamese government carried out the death sentence of Nguyen Van Hai, a terrorist highly valued by the NLF. At State's behest, the South Vietnamese postponed Hai's execution, eventually putting it off indefinitely after a series of VC threats and State Department representations.<sup>7</sup>

For a time State maintained that it could not press the Saigon government for further suspensions of its legal processes on the basis of generalized NLF threats of reprisal against U.S. military prisoners (Hertz, a civilian, linked by name to a specific Communist terrorist, was regarded as a special case), but the department abandoned that stand when the fate of Versace and Roraback became known. At the urging of the United States the South Vietnamese government agreed to hold executions of terrorists in abeyance while still keeping them under sentence of death. Apparently satisfied that they had achieved their objective, the NLF authorities refrained thereafter from deliberately killing U.S. prisoners as an act of reprisal, though serving notice that they reserved the right to do so if the Saigon government gave them cause.<sup>8</sup>

While acting to eliminate any excuse for VC reprisals, the State Department exerted pressure on a number of other fronts. By fortunate coincidence, the XXth International Conference of the Red Cross opened in Vienna less than a week after Versace and Roraback were murdered. On 7 October 1965 the chairman of the U.S. delegation, Ambassador Robert F. Woodward, introduced a resolution that was adopted in plenary session two days later by a vote of 117 to 0, with 6 abstentions. Condemning the use of prisoners of war as "objects of retaliation," the conferees called for the full application of the protections of the Geneva Convention, including the judicial safeguards for those charged with offenses. "All authorities involved in an armed conflict" were called upon to insure that the ICRC could "carry out its traditional humanitarian functions to ameliorate the conditions of prisoners of war." The State Department immediately asked friendly governments around the world to support the resolution in their contacts with Communist-bloc governments.<sup>9</sup>

#### *The ICRC and the Application of the Geneva Convention*

The "traditional humanitarian functions" of the ICRC are referred to but not precisely defined in a number of the articles of the Geneva Convention. Article 125, on welfare societies and relief facilities for prisoners of war, specifies that "the special position of the International Committee of the Red Cross in this field shall be recognized and respected at all times."



In describing the rights of protecting powers to visit PW camps and to interview prisoners, Article 126 states: "The delegates of the International Committee of the Red Cross shall enjoy the same prerogatives." Article 10 provides that whenever protection by some government uninvolved in the dispute cannot be arranged, "the Detaining Power shall request or shall accept . . . the offer of the services of a humanitarian organization, such as the International Committee of the Red Cross, to assume the humanitarian functions performed by Protecting Powers under the present Convention." Thus some of the grounds for the ICRC's claim to particular status as the agency overseeing the application of the Geneva Convention can be found in the document itself.

The ICRC has a worldwide responsibility in performing its role as impartial intermediary between belligerents and protector of prisoners of war. It draws financial support in the form of contributions from most of the signatory nations of the Geneva Convention and from national Red Cross societies. Since the committee's members (up to 25) are all Swiss citizens, its effectiveness over the years has owed much to the traditional neutrality of the Swiss and their government. During the Vietnam conflict, however, the impartiality practiced by the international committee and the European cultural attitudes of its members were apparently poorly understood by East Asians generally and distrusted particularly by the Asian Communists. It seems likely, therefore, that the DRV and the NLF were sincere in their opinion that the ICRC lacked true neutrality. In any case, they appear to have dealt with the committee only when they could see a definite advantage to themselves; otherwise, they consistently refused to acknowledge its role. Mainly for this reason the ICRC was able to do little for the American prisoners in Southeast Asia.

Nevertheless, reliance on the services of the ICRC was the recognized international practice, sanctioned by treaty and tradition. During the period when U.S. prisoner of war policy was taking shape, State Department officials saw no reason to depart from this orthodoxy, and first recourse in nearly all matters was to the ICRC. In practice, the international committee proved cautious and sometimes difficult to move; its concern for maintaining an independent and impartial stance often drained its utterances of the forcefulness that American officials urged. The actions that the ICRC did attempt had particular value in making visible to the world the justice and legality of the U.S. position.

When the State Department publicly denounced the executions of Versace and Roraback in September 1965 it declared that "the United States Government is asking the International Committee of the Red Cross to take all possible action within its competence with respect to these violations of

the 1949 Geneva convention."<sup>10</sup> The department thereby reemphasized the central role in U.S. policy of relations with the ICRC and of the formal commitment to the convention that the United States had made some weeks earlier in response to a communication from the ICRC vice president, Jacques Freymond. On 11 June 1965 Freymond had declared that the warfare in Vietnam constituted an armed conflict within the terms of the Geneva Convention and reminded the participants of their obligations as signatories. He included in this number the National Liberation Front, since the ICRC considered the NLF bound by the agreements signed by the two recognized governments in Vietnam. The Viet Cong shared in the protections of the convention if they were captured wearing uniforms or emblems clearly indicating membership in an armed force. Such captives were to be treated humanely as prisoners of war, and the ICRC asked for lists of those so captured. Freymond had addressed letters to this effect to the U.S. secretary of state, to the governments in Hanoi and Saigon, and to the NLF, although delivery to the latter was apparently delayed because of lack of direct means of communication with the insurgents.<sup>11</sup>

The secretary of state had not responded immediately, no doubt wishing to be assured that observance of the Geneva Convention by U.S. forces was currently at an acceptable level. More troublesome and time-consuming were the efforts required to convince the South Vietnamese government that it should not only return a formal assurance of compliance but also take the necessary steps toward living up to such a pledge. The government of Premier Nguyen Cao Ky yielded only grudgingly; after promise of increased U.S. assistance in enlarging and improving the GVN's prison camps it finally gave assent.

Secretary Rusk's formal reply to Freymond's letter on 10 August 1965 declared that the United States was observing the prisoner of war convention in Vietnam and expected the other parties to the conflict to do likewise. Plans were being developed for expansion of PW facilities in South Vietnam, and instruction of U.S. personnel in the requirements of the convention was being increased. Rusk pointed out that the enemy's use of disguise and his frequent disregard of the accepted principles of warfare made application of some provisions of the agreement difficult. Nevertheless, the U.S. government would cooperate fully with the ICRC in carrying out "its traditional and valuable humanitarian mission."<sup>12</sup>

The next day the South Vietnamese minister of foreign affairs informed the ICRC delegation in Saigon that his government was "quite prepared to abide by the provisions of the Geneva Agreements and to make an active contribution to any efforts undertaken by the International Committee of the Red Cross to ensure implementation of those provisions." He declared

that the Geneva Convention, "although not yet promulgated" in Vietnam, had always been followed, and the VC prisoners had invariably received humanitarian treatment. He hoped that the Viet Cong would reciprocate.<sup>13</sup>

In Western eyes, including those of the U.S. government, the GVN commitment was not reassuring. The statement that VC prisoners were at that time receiving humanitarian treatment was hardly credible. News accounts of torture appeared daily in the world press, with photographs. Military prisoners were kept in civilian jails with ordinary criminals, and ICRC visits and inspections had not been permitted. The government refused even to call VC captives prisoners of war, labeling them "communist rebel combat captives." That the GVN was "quite prepared" to carry out the requirements of the convention was likewise questionable. The government lacked suitable physical facilities for confinement, and providing them was destined to take another year.

If the statement given to the ICRC could be regarded at least as one of intent, the intent was largely that of the United States government. It required continuing high-level pressure to persuade Premier Ky to respond fully to U.S. demands for conscientious observance of the Geneva Convention. To secure acceptance by the lower echelons of his government required further time and effort. But the South Vietnamese response of August 1965 had recorded a formal pledge whose fulfillment U.S. officials could press for, and their exertions toward that end were sufficiently visible to the ICRC that most members of that organization understood the sincerity of the effort. Nevertheless, the GVN's incomplete compliance remained a complicating factor in State Department-ICRC relations for some years.<sup>14</sup>

South Vietnamese mistreatment of VC captives and the delay in rectifying it would have appeared more egregious had not the Vietnamese Communists decided upon outright rejection of the ICRC's call for observance of the Geneva Convention. Having received no DRV reply to Freymond's letter of 11 June 1965, the ICRC dispatched a telegram on 23 July. On 19 August, it sent another letter to Hanoi requesting fulfillment of specific obligations—publication of full lists of prisoners of war and other detained persons, authorization for the ICRC to visit prisoners and interview them without witnesses, and provision of mail and parcel privileges for all the captives.<sup>15</sup>

The initial North Vietnamese response in a letter to the ICRC on 31 August 1965 was less an answer than a diatribe. It contained numerous allegations of breaches of the Geneva Convention and other laws of war by the United States and its allies. In particular, the DRV condemned the bombing of North Vietnam as an act of aggression. It considered "the pilots who have carried out the raids—pirates destructing the property

and massacring the population of the Democratic Republic of Vietnam—as felons caught redhanded and liable to trial” under the laws of the DRV. The added statement that captured pilots were nevertheless treated well did little to mitigate the menacing cast of the letter.<sup>16</sup>

The DRV reply was disturbing to the ICRC. On 24 September it renewed by letter the requests made on 19 August and proposed that an ICRC delegate go to Hanoi. Because it seemed likely that treatment of U.S. prisoners as war criminals would be based on the reservations to Article 85 stated by the DRV and other Communist-bloc countries at the time of ratification of the Geneva Convention, the ICRC took special pains to make the legal position clear: “Since legal proceedings seem to have been entered into against the prisoners of war because of acts committed before their capture, we call your attention to articles 82 and the following ones . . . . We think that in spite of the acts [of] which they are accused and for which the Detaining Power may seek to have them answer before the courts, these prisoners remain beneficiaries of the conventional statute.”<sup>17</sup>

About a week later the ICRC received a letter from the president of the North Vietnamese Red Cross, dated 27 September 1965, that contained a “Declaration of the Red Cross of the Democratic Republic of Vietnam concerning barbarous crimes perpetrated by the Government of the United States in its actions jeering at the Geneva agreements for the protection of war victims.” In tone, the declaration exceeded even the vituperative character of the earlier DRV tirade. In content, it confirmed and reinforced the North Vietnamese government’s stand.<sup>18</sup> Had the Red Cross society of any Western nation made a similar representation, the ICRC would probably have replied with a strong rebuttal, if not censure. No such response seems to have been contemplated in this case, perhaps because the international committee did not wish to see the DRV Red Cross withdraw into silence or perhaps because it felt the attack on U.S. actions not entirely unjustified.

The ICRC often seemed disposed to place the most generous interpretation possible on Vietnamese Communist actions. In part this stemmed from an earnest desire to draw the DRV and NLF into a dialogue in the hope of persuading them to adjust their behavior to the international norm. But it seemed to U.S. officials involved that the Committee also shared the view of a large part of the European intellectual and middle classes on the war in Vietnam, regarding it as a matter the United States should have left to the contending parties within the country to settle. The United States was seen as deploying its power against a clearly inferior opponent in order to prevent fulfillment of aspirations that might well be those of a majority of the Vietnamese. This disposition, while not ultimately controlling the ICRC’s actions, did incline its members toward a view of the DRV as a

beleaguered underdog whose strong emotions and lack of civility had some excuse. Still, the ICRC could not deny or ignore the illegality of the DRV's position, which the recent declaration by the North Vietnamese Red Cross had so strongly restated. As Schwartz of SCA reported from Geneva in October, so long as the United States adhered to its position of legality and humanity and so long as it made honest efforts and reasonable progress toward securing South Vietnamese compliance, the ICRC was basically "on our side."<sup>19</sup>

The Viet Cong's response to Freymond's letter came from the NLF representative in the Soviet Union. It rejected the ICRC's assertion that since both recognized governments in Vietnam had subscribed to the Geneva Convention, the activities of the National Liberation Front fell under its provisions. The insurgents refused to be bound by what others had done; as nonsignatories, they acknowledged no obligation. Furthermore, the NLF described itself as not in a position to apply, literally, the provisions of the convention owing to the nature of the war the Viet Cong were fighting. The letter also contained a rejection of the U.S. protest concerning the executions of Versace and Roraback.<sup>20</sup>

The NLF's reply reached the international committee on 26 October 1965, and the ICRC's Far East expert, Jean Pierre Maunoir, expressed appreciation when acknowledging it a month later. He noted without objection the claim that war conditions made literal application of the agreement impracticable, and he found ways to contest the NLF's denial that it was bound by the convention without arguing further about the legal effect of certain signatures on the document. The Geneva treaty, ratified by nearly every government in the world, was "an integral part of the law of nations," Maunoir wrote, and both its benefits and its obligations extended to individuals as well as to the signatory states. He attempted to place a positive construction on the NLF's statement that the captives were nevertheless receiving humane treatment. Having just spoken of "the few fundamental rules which are at the basis of these Conventions," he asked "has not the National Liberation Front made them voluntarily its own, when it decided to spare the lives of captured members of the enemy armed forces, to feed them, give them medical attention and refrain from all onslaughts on their lives or physical integrity, even to release them?" He suggested that the NLF could signify its continuing commitment to this course by furnishing complete prisoner lists, allowing the captives mail privileges and relief parcels, and permitting an ICRC delegate to visit them.<sup>21</sup>

Maunoir refrained from commenting on the response given to the U.S. protest over executions; he simply informed the NLF representative in Moscow that it had been transmitted to the United States. Schwartz reported that

in a recent discussion Maunoir had questioned the desirability of using the ICRC as "a postman to deliver protests," since that would undermine confidence the ICRC was attempting to build up with the DRV and NLF.<sup>22</sup>

By November 1965 the major warring parties had declared their basic positions on the Geneva Convention. The United States had pledged compliance; it would do everything it could to fulfill the commitment. The government of the Republic of Vietnam had also pledged compliance, but its progress toward that end was slow and never fully satisfactory to the ICRC. The North Vietnamese government remained obdurate in its rejection of obligations under the convention, despite its status as a signatory. Moreover, beginning in February 1966 it attempted to bolster its position with a new argument, specious even on its face. Despite the basic statement in Article 2 of the convention that it encompassed not only declared wars but "any other armed conflict which may arise between two or more of the High Contracting Parties," the DRV asserted that because neither it nor the U.S. government had declared war, the Geneva Convention did not apply and there were no "prisoners of war."<sup>23</sup> As for the National Liberation Front, at times it would introduce one or all of the arguments in the Hanoi line in denying any obligation under the convention, but for the most part it held to the two major reasons set forth in October 1965—its nonsignatory status and the nature of guerrilla warfare.

When analyzing the DRV position State officials thought they could discern a number of reasons that might have led the Communists to deny the protection of the Geneva Convention to the U.S. prisoners. To recognize the PW status of the downed pilots would be to acknowledge that the United States and the DRV were engaged in a lawful war, an admission that would have belied the propaganda picture of a peaceful and innocent people gratuitously mauled by an aggressive giant. Also, the DRV might have found it impossible to admit to its citizens that it was powerless to punish enemies, even those enemies held in its prisons. Then, too, Hanoi must surely have recognized that concern in the United States for the captive Americans represented a valuable asset that might be turned to advantage. And again, looking to both propaganda and operational advantage, the DRV might have thought that holding the airmen for trial, though a further departure from the requirements of the convention, might publicize the "injustice" of the bombings and even deter future raids. As for the ICRC and its requests, Hanoi apparently viewed the committee as a Western, bourgeois institution, all too ready to interfere in the internal affairs of North Vietnam if allowed the opportunity.

Fewer subtleties appeared necessary in explaining the Viet Cong attitude. The State Department recognized the probable validity of the claim

that full observance of the Geneva Convention was impossible under conditions of guerrilla warfare. Also, the NLF leaders knew that little reciprocal benefit was to be expected for VC captives in Saigon, where for some time they were not recognized as prisoners of war, and then inconsistently. Finally, the Viet Cong may have become convinced of the usefulness of reprisals, not only for halting the execution of terrorist comrades but for causing dissension between the South Vietnamese government and its American ally. In a memorandum for Schwartz in early 1966, SCA Deputy Administrator Philip B. Heymann summarized these hypotheses and offered a further thought on why the Geneva Convention won assent as a matter of course in Washington but appeared less appealing to Hanoi. The Geneva Convention embodied a concern, peculiar to Western nations, for sustaining the rights of individuals against governments. Moreover, it was weighted in favor of those who possessed modern weapons for conventional warfare. Within the letter of the Geneva document, bomb-throwing terrorists could be treated as criminals; pilots captured after sowing destruction from sophisticated aircraft were prisoners of war.<sup>24</sup>

#### *The Threat of War Crimes Trials Becomes More Definite*

Hanoi contended fiercely that the American flyers were not prisoners of war but criminals apprehended in the commission of acts of barbarity against the people and public property of North Vietnam. In taking this line it appears that the DRV leaders were animated in the main by genuine outrage over the bombing. They must have felt, as well, a galling frustration at seeing a war that had hitherto been fought on grounds of their own choosing, and for the most part according to rules they themselves had set, now brought home to them so painfully by forces they could not effectively combat. But if Hanoi's reaction to the air attacks was basically emotional, many of the resulting moves appear to have been carefully calculated—foremost among them the elaboration of the charge of criminality against the American airmen during the late months of 1965. Increasingly the North Vietnamese asserted that such malefactors deserved to be prosecuted before a tribunal that would pass judgment on their crimes in the name of mankind.

Complaints received from Hanoi earlier in the year had not been so clearly intended to build a basis for judicial proceedings against the American flyers, since it was primarily the U.S. government that was condemned. An important instance was the protest lodged by the DRV Red Cross with the ICRC in July 1965 and subsequently forwarded through the American

Red Cross to the State Department for reply. In it the North Vietnamese presented specific allegations accompanied by photographs of the bombing of medical facilities at three locations in their country, and they also charged the United States with using gas warfare. In reply to the ARC on 24 September, Schwartz said that the United States had attacked no targets its forces could identify as medical. The three localities mentioned had long been identified as the sites of military installations. Without questioning the genuineness of the photographs, Schwartz pointed out that the facilities had no markings to identify them as medical, as required by the Geneva Convention. Furthermore, they were located in close proximity to legitimate military targets—again, a contravention of the convention. As to the charges of gas warfare, he said the United States had never used chemicals harmful to either animals or human beings in Vietnam. Schwartz asked that the ICRC make its own inspections of the sites of alleged violations to determine the validity of the charges.<sup>25</sup>

ARC officials forwarded Schwartz's reply to Roger Gallopin, director-general of the ICRC, who passed it on to North Vietnam sometime in October 1965. Thus it arrived in Hanoi too late to have any effect on the decision to reject the Geneva Convention's obligations, which the DRV had announced in late August and the North Vietnamese Red Cross had confirmed in its September declaration. That DRV authorities might have accepted Schwartz's rebuttal of the charges as even relevant was, of course, unlikely, as was the chance that they might be prepared to admit any fault on their part in establishing medical installations near purely military targets and then leaving them unmarked. The latter practice, at least, seems to have been a matter of policy, since it continued throughout the war. Apart from rejecting the ICRC's offer to conduct investigations of the alleged violations, the North Vietnamese chose not to answer.<sup>26</sup>

After 1 October 1965 the character of Communist indictments against the United States changed. Now, whether in communications to the ICRC, radio broadcasts, or elaborate pamphlets and broadsides, DRV charges seemed clearly aimed at procuring worldwide sympathy for the North Vietnamese people as victims of U.S. aggression and at building a case for prosecuting the American airmen. While the threats of war crimes trials may never have been more than a propaganda device, the bulk of the evidence points to a serious intention to wreak some sort of public vengeance on the captive flyers.

By October, State Department officials considered the threat credible, and they made protecting the lives and well-being of the captives in Hanoi their objective, to be achieved without pursuing the propaganda advantage that might be derived from depicting the enemy as brutal and uncivilized. Like the ICRC, State remained committed to winning enemy adherence to



the Geneva Convention by low-key persuasion and appeals to good faith, avoiding stronger measures for fear of rousing the DRV to adamant resistance to all pressures for compliance.<sup>27</sup>

In implementation of this policy, Under Secretary of State George Ball wrote to the ICRC's president, Samuel A. Gonard, on 2 October 1965. Taking note of the reports from Hanoi that indicated the DRV would treat the prisoners as war criminals, he urged the ICRC to make every effort to see that the captives were shielded by the Geneva Convention. In addition, he asked that the ICRC exhort the North Vietnamese to mark their hospitals and to locate them apart from military installations. The United States, he repeated, was using every precaution; its airmen had not bombed any structures bearing medical markings.<sup>28</sup>

The same avoidance of sensationalism characterized the actions of the U.S. delegation at the XXth International Conference of the Red Cross in Vienna in early October 1965. Although championing full application of the protections of the Geneva Convention, the U.S. representatives made no direct attempt to condemn the DRV or the NLF by name. Schwartz, who came resolved to avoid political controversies, spent much of his time in private conversations with ICRC officials. Among other things, he urged that President Gonard and Vice President Freymond engage themselves and the full prestige of their offices in an intensified effort to gain access to the prisons of North Vietnam. If their direct appeals to Hanoi brought no result, the ICRC leaders might consider duplicating the move their predecessors had used with some success during the Korean War—charter a Swiss plane and fly to North Vietnam without an invitation.<sup>29</sup>

Schwartz continued his conversations later in Geneva, covering nearly the entire range of PW questions then current. He was able to report that in its attempts to assist the U.S. prisoners the ICRC had sought out DRV and NLF representatives in Moscow, Prague, Budapest, Paris, and Phnom Penh. It had used the Vienna conference as an opportunity to contact other representatives and had attempted to enlist the Red Cross organizations in the USSR, Cambodia, France, the United Kingdom, and other countries in its efforts to influence Hanoi. In addition, Maunoir had applied for a visa to the North Vietnamese capital.<sup>30</sup>

The balkiness of the South Vietnamese in responding to requests for specific actions in compliance with the Geneva Convention caused particular concern to the ICRC at this time. The international committee viewed the United States as the senior partner of the U.S.-GVN alliance, and, as such, largely responsible for correcting South Vietnam's delinquencies, which the committee saw as hampering efforts to win better treatment for the U.S. prisoners. Although apparently more ready to condemn violations by a

Western-dominated partnership than to censure barbarous actions of the DRV and VC, the ICRC was willing to meet Schwartz part way. At the Vienna meeting, ICRC authorities agreed to replace their senior representative in Saigon, who for a number of reasons had become unacceptable to the South Vietnamese government. In the improved atmosphere that resulted, the United States scored an important advance before year's end. Yielding to Washington's insistence, the Saigon government on 21 December 1965 for the first time allowed an ICRC inspection of its prison camps.<sup>31</sup>

During the conversations between Schwartz and the ICRC leadership the latter suggested that the United States could further strengthen its position in international law by arranging for a third nation to act as the protecting power for U.S. interests in the Vietnam conflict. Under normal application of the Geneva Convention, representatives of the protecting power could enter the territory of the country holding prisoners; administration of the convention's provisions there would come "under their scrutiny." The ICRC thought nothing would be lost by exploring this possibility and suggested that Hanoi would more likely accept an East European nation than others. As for success in the venture, however, the committee was anything but optimistic.<sup>32</sup>

State officials were not noticeably sanguine either, but in the face of mounting evidence that the DRV might take some spurious legal measures against imprisoned U.S. airmen, they could leave no reasonable course untried. For that matter, some weeks earlier the JCS had also recommended "vigorous actions to establish a Protecting Power." The United States began to canvass certain neutral nations—not those of Eastern Europe whose governments seemed committed to supporting Hanoi—in the hope of finding one willing to serve and acceptable to the North Vietnamese. The first approached, France, excused itself on the grounds that it had no diplomatic relations with the DRV. It would, however, on a "case-by-case basis and for humanitarian reasons" talk unofficially to the North Vietnamese about PW matters. The British, though "equally willing to be helpful," held themselves unable to take on the formal functions of a protecting power.<sup>33</sup>

Since request and refusal took time, it was well into November before the State Department petitioned a third country, Canada, to take on the assignment. Although Canada was a member of the International Control Commission (ICC), charged with overseeing the implementation of the Geneva Agreements of 1954 in the former states of Indochina, Washington felt that this would not be inconsistent with Canada's functioning as a protecting power, particularly if the representatives employed were not the same. But Canada declined, the authorities in Ottawa having concluded that the potential for controversy over possible conflict of interest was too high.

After several African nations had also offered “cogent reasons” for not accepting, the United States solicited the government of the United Arab Republic (UAR) in Cairo. In early January 1966 the UAR agreed to serve, but Hanoi rejected the arrangement soon afterward, declaring once again that the captive Americans were war criminals rather than prisoners of war.<sup>34</sup>

Now that the North Vietnamese had made it clear that they would accept no state as a protecting power, Washington turned back to the International Committee of the Red Cross. In Geneva in February Schwartz asked the ICRC to offer itself as a substitute for a protecting power in accordance with the procedure set forth in Article 10 of the convention. State believed rejection by Hanoi certain, but again, it wished to leave no possibility unexplored. Hanoi’s refusal, formally placed on record, might have its future uses; the ICRC offer to serve might even inhibit reprisals or trials.<sup>35</sup>

#### *Ambassador Harriman Takes Over*

Pressing the U.S. proposal on a reluctant ICRC proved to be one of Schwartz’s last duties. On his return to Washington he found that controversies surrounding his tenure (largely in matters of immigration policy and passport administration, rather than PW affairs) had reached a point where his continuation in office was unacceptable to his superiors. Schwartz resigned as administrator of the Bureau of Security and Consular Affairs on 6 March 1966; Phillip B. Heymann became acting administrator.<sup>36</sup>

While Heymann had had experience as a deputy, Schwartz had enjoyed a unique qualification in handling prisoner affairs—a close and longstanding rapport with senior ICRC officials. Reforging this important link to the Swiss overseers of the Geneva Convention was of particular concern to the Department of State and the reason, possibly, that a faster pace of activity set in thereafter.

April 1966 saw a definite quickening in State Department planning and initiative in prisoner of war matters. By no means could this be attributed solely to the intervention of Senator Robert Kennedy, whose conference with Heymann on 14 April did spur a number of actions, including the founding of the Interdepartmental Prisoner of War Committee later in the month.\* The increased traffic in memorandums with titles beginning “Fresh Approaches . . .,” “Renewed Approaches . . .,” or “Proposed Actions. . .” largely predated the Kennedy meeting. Heymann was centrally involved in these activities, as was Frank A. Sieverts, then serving as a special assistant to Under Secretary Ball.<sup>37</sup>

\*See Chapter 2.

The idea of dispatching an emissary to assure the ICRC of the U.S. interest in continuing a close relationship also predated the Kennedy-Heymann conversation, but the idea's rise to greater prominence shortly thereafter may have owed something to anticipation of criticism from the senator. On 18 April Sieverts suggested to Ball that the department ask Ambassador at Large W. Averell Harriman to go at once to Geneva. While he thought any real accomplishment improbable, Sieverts indicated that Harriman's prestige offered the best chance of deriving some benefit from the current situation. At the least, his participation would demonstrate the department's concern.<sup>38</sup>

Sieverts's assessment proved sound. Harriman's visit stirred the ICRC to action in several directions, but the committee still encountered Communist intransigence at every turn. The chief results were the increased involvement of Harriman in PW affairs and the public visibility of the visit itself. Shortly afterward, on 18 May 1966, the State Department announced that Harriman would "assume general supervision of Department actions concerning prisoners held by both sides in the conflict in Viet-Nam." It was a development that raised the hopes of all concerned with the plight of the prisoners that now something would be achieved.<sup>39</sup>

Harriman entered upon his new duties with a flurry of activity, moving on every front, domestic and foreign, that appeared to offer any reasonable hope of success. To provide support, the department assigned Sieverts as Harriman's special assistant for PW matters. Some of the initiatives generated by Harriman were implemented or followed up by SCA, and that bureau continued to serve as the principal day-to-day point of contact with the American Red Cross and DoD. Indeed, SCA's status appeared to be improving when its acting administrator was named to chair the new Interdepartmental Prisoner of War Committee in April 1966, but the committee's subsequent lapse into routine discussions belied this promise. Contributing notably to its decline in importance was Harriman's disinclination to use the interdepartmental committee, either for coordination or the detailed development of projects. His preferred working methods did not tolerate the kind of institutionalization entailed in working with or through such a group. He thus retained a considerable freedom of action and a great measure of personal responsibility. He made independent judgments and took independent actions, often venturing beyond established positions in his quest for some opportunity to help the prisoners.<sup>40</sup>

An important result of Harriman's go-it-alone tendencies was the development of Sieverts into the State Department's foremost expert and chief operator in PW matters. A foreign service reserve officer with political experience, Sieverts became not only staff but idea man and alternate

for Harriman. Later, when Harriman left for the preliminary peace talks in Paris in the spring of 1968, Sieverts took charge, in fact if not in name, of the State Department's PW actions in Washington.

Among the matters pending when Harriman visited Geneva in May 1966 was the U.S. proposal that the ICRC offer to assume the duties of a protecting power. Since receiving it from Schwartz in late February the ICRC's leaders had temporized and sought excuses. Apparently they believed that functioning as a protecting power would impair their ability to act on other PW problems in Vietnam and that even making the offer might seem to the North Vietnamese to degrade the image of neutrality the ICRC wished to maintain. Pressed on the issue again in talks with Harriman on 6 May, Gonard pointed out that the proposal required approval by both parties to the war, and the Communists had been unbending in their negative answers. He also mentioned that a high-ranking Polish diplomat had told him the threats of war crimes trials were no more than psychological warfare, that they would never be carried out.<sup>41</sup>

Gonard and his colleagues agreed that the right of a warring power to petition for the ICRC's services was clear, and they could hardly refuse to act on a formal request from the United States government. Harriman provided one later the same day. Three weeks later, on 25 May, the ICRC sent a letter to Hanoi offering to perform the duties of a protecting power. As expected, the offer was in vain. Hanoi rejected it on 27 July 1966. Attempts to establish a protecting power ceased, and none was ever appointed.<sup>42</sup>

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### Climax and Decline of the War Crimes Trials Issue

The attempt by the United States to arrange for a protecting power for the prisoners, pursued from October 1965 to its ultimate failure in July 1966, constituted part of a shifting, gradually escalating U.S. response to evidence that Hanoi might actually place the captured servicemen on trial. Already a consistent theme in the enemy's propaganda, the charge that American airmen were war criminals whose just punishment awaited the convening of a tribunal recurred more frequently in the last months of 1965, accompanied by increasing signs that Hanoi's leaders might indeed be in earnest.

There could be little doubt, for instance, that official sponsorship lay behind the meeting held in one district of North Vietnam on 30 October 1965, reportedly attended by "a large number of representatives of public organs and army units in the area." After hearing the "U.S. imperialists" condemned for their savage actions against "market places, hospitals, and schools," the attendees unanimously adopted a resolution urging the government to bring the captured American pilots before the Supreme People's Court as war criminals. Even if the rally had been spontaneous rather than staged, it was clear that there had been an official decision to publicize the event. An English-language broadcast from Hanoi described it, noting that "many of those who had lost their children because of U.S. air raids took the floor to denounce the U.S. aggressor's crimes." The newscast of 1 November also spoke of "similar meetings" elsewhere in North Vietnam.<sup>1</sup>

Reinforced by publicity of this sort, the threats of prosecutions emanating from Hanoi took on greater credibility. Then, in early December, the U.S. government received information that the Democratic Republic of Vietnam planned to inaugurate war crimes trials later that month, on the fifth anniversary of the founding of the National Liberation Front. The

State Department immediately asked the governments of the United Kingdom, France, Canada, and Poland to advise Hanoi of U.S. concern; it also raised the subject informally with the Soviet embassy in Washington. At State's request, the British approached both the Soviet and Polish governments as a followup measure. Though otherwise noncommittal, the Poles agreed to pass the message, but the Soviets refused, as did the North Vietnamese liaison officer with the International Control Commission, when approached by a Canadian representative. Nevertheless, there was a strong impression in Washington that "our representations would reach official ears in Hanoi." Talk of prisoner prosecutions in the North Vietnamese capital subsided for the time being.<sup>2</sup>

The State Department's strategy of diplomatic pressure, developed in consultation with the Department of Defense, had won acceptance almost by default. The dearth of alternatives had been starkly apparent to State and OSD representatives during a working level review on 16 December 1965, when they agreed that the United States should press on with the diplomatic campaign to deter trials and to obtain a protecting power. Retaliation through trials and executions of enemy captives was out of the question, and resort to reprisal strikes against North Vietnamese population centers was politically undesirable. Should U.S. airmen be executed, however, retaliatory bombing of legitimate military targets was not to be ruled out.

Further, the participants concluded that they could best support the diplomatic effort by publicizing effectively the difference between the trials threatened by the Communists and the treatment of enemy prisoners by the United States and its allies, while also pursuing measures that would strengthen the contrast. They agreed to support and publicize the establishment of an improved system of prisoner classification in South Vietnam that would eliminate the basis for many of the criticisms leveled at current GVN methods. Releases of Viet Cong and North Vietnamese prisoners by the Saigon government, appropriately featured in the news media, would also be "most helpful."<sup>3</sup> As it happened, none of these measures could be fully implemented before the threats of war crimes trials subsided at the end of 1965, but all remained as elements of the U.S. prisoner of war policy in the later years when trials had ceased to be an active issue.

State tended to attribute to U.S. diplomatic activity the falling off of menacing statements from Hanoi, but the enemy's change of tone in fact coincided with the beginning, just before Christmas 1965, of what was ultimately a 37-day pause in the bombing of North Vietnam by U.S. aircraft. This action by President Lyndon Johnson, part of a peace offensive aimed at bringing the Vietnamese Communists to the negotiating table, may have

contributed more directly to the abatement of DRV threats. Subsequent developments provided at least circumstantial evidence to this effect. Within two weeks after the president ordered resumption of the bombing, on 31 January 1966, the North Vietnamese ambassador in Cairo was heard to say that the captured airmen were not entitled to the protections of the Geneva Convention and should face trial as "criminals against humanity."<sup>4</sup> The threat from Cairo proved only the first by Hanoi's spokesmen of a new series that grew in number and ferocity through midyear.

The North Vietnamese were engaged in a concerted campaign to justify war crimes trials, whether or not a decision to institute them had been made. In February the DRV distributed worldwide a 40-page pamphlet describing how U.S. "air pirates" constantly violated the Geneva principles by intentionally bombing schools, churches, hospitals, and other shelters inhabited by helpless and innocent victims. On 18 May the head of the DRV Red Cross wrote to ICRC President Gonard protesting "new and extremely barbarous crimes" against churches, schools, hospitals, and populous districts. These deliberate acts warranted war crimes trials, he said, although in the same letter he ruled out any ICRC investigation of the bombing sites. On 8 June the U.S. embassy in Saigon reported "unusual intensity and shrillness" in the Hanoi media, which a French observer in the North Vietnamese capital thought might presage trials in the near future. Hanoi's anger reached an even greater intensity after the first major raids on oil storage facilities near Hanoi and Haiphong on 29 June.<sup>5</sup>

The furor in North Vietnam had its echo in the South, although the Viet Cong could scarcely make a good propaganda case against the few prisoners they held, most of them enlisted men captured in small-unit ground actions. Threats were made, as when a NLF representative in Prague assured an American Red Cross official in April that trying the U.S. prisoners for their crimes was the determined policy of the Viet Cong, but it seemed obvious that the insurgents in the South were merely following the North Vietnamese lead. If Hanoi went to the point of holding trials, so would the National Liberation Front. If Hanoi stopped short of taking the crucial step, the NLF, with so little evidence to support charges, was not likely to proceed.<sup>6</sup>

Although worried and wary, U.S. officials did not become truly alarmed for the safety of the American prisoners during the first half of 1966. They viewed the threats from Hanoi seriously enough, but their anxiety was frequently allayed by signs that the North Vietnamese were undecided about carrying them out. The statement by a Polish official, passed on to Harriman by Gonard in early May, that Hanoi's fulminations about war crimes trials were intended only as psychological warfare, apparently



received some credence. Soon afterward, when a Canadian mission was preparing to go to Hanoi with a peace proposal involving the existing International Control Commission, State asked the mission leader, Ambassador Chester Ronning, to raise the question of prisoners of war but not to mention the trials because recent events indicated that the DRV would not go through with its threats. That in early June the government of Ho Chi Minh agreed to accept the Ronning mission could in itself be interpreted as showing a more reasonable attitude. In addition, channels for possible negotiation with the DRV through East Germany, Laos, and Algeria appeared temptingly open throughout much of this period, keeping alive the hope that some arrangement for prisoner exchanges might be reached with the North Vietnamese. Given the sum of these developments, State Department intelligence officials still believed in mid-June 1966 that no war crimes trials impended and that the chief purpose of the DRV's threats, as with so much of its propaganda, was to gain a cessation of the bombing campaign.<sup>7</sup>

Nevertheless, the U.S. government could not afford to discount entirely the possibility that the DRV was deadly serious in its threats. During June officials on both sides of the Potomac studied that contingency in an atmosphere of increasing tension. Near the end of the month their attention focused on the "Scenario of USG Response" that Frank Sieverts had drafted following a preliminary discussion within the Interdepartmental Prisoner of War Committee. Until the North Vietnamese actually announced the convening of tribunals or the United States received conclusive evidence that trials were scheduled, basic policies would continue in force; that is, U.S. efforts to deter the Communists would be confined to private and diplomatic channels. Officials believed that a campaign publicly challenging Hanoi's right to hold trials and rejecting the imputation of criminality might "goad" the North Vietnamese into making good their threats. The airmen's claim to status as prisoners of war under international law would nevertheless figure importantly in U.S. actions. A State Department legal adviser had already summed up in a memorandum the legal basis of the U.S. position on prisoners of war, for use as needed by State and Defense Department spokesmen.<sup>8</sup>

With the beginning of July, enemy activities seemed to portend a hardening of purpose. At this point, interrogators in northern prison camps began extracting from U.S. airmen confessions of war crimes, statements opposing the war, and apologies to the people of North Vietnam. Most of this material the North Vietnamese publicized widely. A more serious event occurred on 5 July 1966 (6 July in Hanoi), when the DRV paraded dozens of prisoners, handcuffed in pairs, through the streets of Hanoi to demonstrate to the world the righteous wrath of the victimized populace against

the criminal aggressors. Small groups and individual pilots had earlier been subjected to similar calculated humiliation, but this time, apparently, the crowds got out of hand and the prisoners were stoned, beaten, or otherwise attacked.

Finally, most ominous in the light of these events, an article in the Hanoi newspaper *Nhan Dan*, voice of the Communist Party in North Vietnam, set forth in detail the legal bases for war crimes prosecutions of U.S. airmen. Assisted by East German experts, *Nhan Dan* outlined a case resting on the precedents of the Nuremberg trials, on the international convention against genocide, and on a DRV decree of 20 January 1953. The last provided severe punishment for offenses against the security of North Vietnam and the destruction of its public property. Shortly after the *Nhan Dan* article appeared, a broadcast from Prague specified 20 July or 4 August for the opening trials.<sup>9</sup>

Now convinced that trials were imminent, with sentences of death as the possible outcome, the State Department went into action on 12 July, two days after the *Nhan Dan* article. It cabled U.S. embassies in nine nations—friendly, Communist, or uncommitted—forwarding a firm message to be passed by the host governments to the DRV that war crimes trials would be a “serious mistake.” The U.S. government rejected allegations of war crimes against the prisoners, who, as uniformed members of the armed forces, were fully entitled to the protection of the Geneva Convention. Any action to prosecute them would be nothing more than “disguised reprisals” for U.S. assistance to South Vietnam against DRV aggression. It would have “a deeply disturbing effect on American public opinion” and would force the U.S. government “to consider seriously what action might be appropriate under the circumstances.”<sup>10</sup>

The cable of 12 July provided the central direction for what Harriman described to the secretary of state a few days later as “a major diplomatic campaign to warn the DRV of the inadvisability of holding war crimes trials.” In support of this move the State Department sought out every avenue that might bring home to the DRV the gravity of U.S. concern and the opposition of much of the world to the course on which the North Vietnamese seemed bent. It made approaches of varying degrees of formality to the International Committee of the Red Cross and the World Council of Churches and to Pope Paul VI and the secretary-general of the United Nations, U Thant. The department also utilized several channels in seeking to persuade the Soviets to exert their influence with Hanoi—through their ambassador in Washington, through the U.S. ambassador in Moscow, and through the prime ministers of Great Britain and India during scheduled visits to the Soviet capital. And State instructed its diplomatic and consular

posts everywhere to press the U.S. view on officials and opinion leaders in their host countries.<sup>11</sup>

On the home front, Under Secretary of State George W. Ball personally relayed to Senator Frank Church the suggestion that a denunciation of the DRV's announced intentions by congressional "doves" might be particularly effective. Both Vice President Hubert Humphrey and the secretary of state spoke out, though with noticeable restraint. Rusk told a Senate subcommittee that war crimes prosecutions would be "a very, very grave development indeed," but he hoped that "sober judgment" would still prevail among the leaders in North Vietnam.<sup>12</sup>

On 20 July at a scheduled news conference, the first question posed to President Johnson concerned the war crimes issue. The president's reply, forthright but carefully measured, avoided threats. He expressed his strong feeling "that these men, who are military men, who are carrying out military assignments in line of duty against military targets, are not war criminals and should not be treated as such." He assured the press that the government had taken every step to see that "proper representations on this subject" were made. The president stressed the willingness of the U.S. government "to sit down at a conference table under the sponsorship of the International Committee of the Red Cross, to discuss ways in which the Geneva Conventions of 1949 can be given fuller and more complete application in Vietnam." Another questioner failed to elicit any specific comment on measures the United States might take in the event trials actually occurred but did garner phrases for the headlines: "I think the people of this country and the peaceful people of the world would find this action very revolting and repulsive, and would react accordingly."<sup>13</sup>

Some of the multiple efforts mounted by the government were destined to fall short of their mark. Communist nations refused to pass on the U.S. message, though some of them no doubt advised Hanoi of the approach. In Cairo, the North Vietnamese ambassador to the United Arab Republic rejected that government's attempt to hand him a note bearing the U.S. warning. Soviet authorities announced that they would play no part in the matter, and the North Vietnamese ignored President Johnson's proposal for consultations.

The response to the U.S. campaign in other quarters, however, was highly gratifying to Washington. Canada, India, and France, in addition to the UAR, agreed to transmit the message in the State Department cable, and American diplomats obtained assurances of strong support for the U.S. position from a number of other governments—Turkey, Belgium, Italy, and Brazil among them. The ICRC, acting quickly on Harriman's protests, cabled the DRV foreign minister on 14 July and followed up with a letter

the next day, citing the obligations of Geneva Convention signatories with regard to humane treatment of prisoners and calling attention to the articles governing trials. The World Council of Churches, the UN secretary-general, and the Pope all issued statements deploring the likely consequences of war crimes prosecutions, and the Japanese foreign minister publicly condemned Hanoi's intended action as "contrary to commonly accepted understanding of international law."<sup>14</sup>

In the United States, 17 dovish senators joined Senator Church on 15 July in a "plea for sanity." They warned North Vietnam against treatment of the captives that would arouse the American public to insist on "swift and sure" retaliation. Demonstrating that reprisals against U.S. servicemen were intolerable even to those who most strongly opposed the war, this pronouncement reinforced the more bellicose utterances of the congressional hawks. Leading members of the latter persuasion threatened, for example, that North Vietnam would be made "a desert" if trials were held, or completely destroyed if prisoners were executed. These declarations occurred in an atmosphere of upsurging public hostility and revulsion against the idea that American military men should be spoken of in the same terms as the leaders of Nazi Germany and subjected to war crimes prosecutions by a vengeful enemy. To North Vietnamese leaders the evidence of unified opinion in the United States coupled with the warnings and counsels of restraint from other sources presumably carried the message that persistence in their present course might have dire consequences, even if not pressed to the point of provoking massive U.S. military retaliation. Hanoi already faced the prospect of a drastic loss of respect among people otherwise neutral or sympathetic to its cause. Even the Communist-bloc nations showed themselves less than enthusiastic in support of the DRV.<sup>15</sup>

The United States government followed a considered policy of avoiding open threats of military retaliation, at least until it became clear that the lives of the prisoners were in jeopardy or that the North Vietnamese had abandoned all restraints in maltreating them. "Hinting at possible retaliation," but not more than that, was an important part of the diplomatic campaign against trials as Harriman outlined it for Secretary Rusk on 16 July. Both the wording of the initial State Department cable and the president's choice of the phrase "react accordingly" were in this vein. Stronger statements could be left to members of Congress, the media, and the public and might even be more effective for being nonofficial. To insure against any "foot-in-mouth" frustration of the policy, both State and Defense issued orders to all personnel to refrain from making statements concerning what punishment might be visited on North Vietnam. For members of his own department, Deputy Secretary of Defense Cyrus Vance issued more inclusive

guidance on 26 July, instructing them to regard "one individual in the Department of State"—clearly, Harriman was intended—as "the spokesman for the entire Government on all matters relating to POWs."<sup>16</sup>

Military backing for the diplomatic campaign had been under review, and on 15 July Admiral U.S. Grant Sharp, commander-in-chief, Pacific (CINCPAC), submitted to JCS his recommendations for measures to discourage the North Vietnamese from holding trials and the response to be made if they carried their threats to conclusion. His ideas for deterrence did not run beyond the measures the U.S. government had already instituted or planned, but Sharp's further recommendations for military action if trials actually occurred took a stronger line. He believed that trials and executions, if not countered by significant punishment, would strike heavily at the morale of the forces under his command. CINCPAC thought his superiors should consider the destruction of government buildings in Hanoi, devastation of North Vietnamese port facilities, and the mining of Haiphong waters—all actions forbidden him under the existing U.S. strategy of graduated response.<sup>17</sup>

Admiral Sharp's views and the similar recommendations of the Joint Chiefs of Staff won no immediate endorsement in the State Department. Heymann described them to William P. Bundy, assistant secretary of state for Far Eastern affairs, on 18 July as possibly counterproductive in that they might excite the North Vietnamese to even greater ferocity against the prisoners. Moreover, the recommended course would have the effect of "grossly distorting our military and diplomatic strategy in Vietnam." Heymann's view reflected the larger concept held by Harriman, who was now calling for immediate development of a State Department position on each possible step of military retaliation. Intent on avoiding overreaction, Harriman foresaw an explosive growth of political pressures for retaliation following any announcement of trials, and he wished to keep the situation under control.<sup>18</sup>

Harriman had already presented Secretary Rusk with a plan for U.S. reaction should trials be announced. It did not contemplate an immediate military response. The objectives were to prevent public outrage from foreclosing presidential options in the war, to satisfy the public that everything possible was being done, and to find means of turning the trials into a propaganda gain for the United States while inspiring expressions of international opinion that would discourage extreme sentences. To launch the program, the president would issue a statement declaring that the United States would not be provoked or deterred by the trials and would carry on the war with renewed dedication for the single purpose of resisting aggression in Southeast

Asia. He would describe such measures, by then already in progress, as the dispatch of personal letters to other heads of state and UN officials asking their support and to the ICRC requesting that it act as protecting power during the trials. He would announce American insistence on the right to provide the prisoners with counsel, sending an eminent jurist (for example, Thurgood Marshall, the U.S. solicitor general) to defend them. Other steps to implement the plan would include pressing the ICRC to speak out against the trials and to insist that the North Vietnamese comply with the Geneva Convention.<sup>19</sup>

Harriman had proposed a presidential address designed more to restrain passions than to enlist the nation's support for intensified hostilities. He apparently acted with strong assurance that President Johnson's avowals that the United States sought no wider war would hold even in the face of war crimes prosecutions. That he was in close touch with the White House was beyond doubt. A few days earlier, at a State-DoD meeting to consider actions in response to war crimes trials, Harriman emphasized his concern that the congressional and public reaction would be intense. He quoted a respected congressman as saying that "if such trials are held, we should wipe North Vietnam out, hitting civilian targets as well as military." One of those present recorded that Harriman "observed in this connection that the U.S. should not take on the face of the enemy and said he was reflecting the President's feeling in noting that we would not hit *civilian* targets as reprisals for trials or even executions."

After Harriman's departure from the meeting the discussion continued; a Navy representative advocated a formal declaration of war if any U.S. prisoners were executed. One participant noted that the State representatives, while not foreclosing the idea completely, strongly opposed this, and yet another recorded Sieverts as saying, "at the highest level there is no disposition I am aware of to use executions as grounds for reprisals."<sup>20</sup>

As it turned out, no retaliatory measures were needed. About 20 July the DRV hard line began to give way. The first public indication was the absence of the term "war criminals" from cables that Ho Chi Minh sent to three antiwar activists in the United States on that date. The next day a French correspondent on the scene reported finding no one in informed circles who would confirm that trials were imminent. On 22 July the same newsman wrote that trials would be postponed to permit further investigation and that, when tried, the prisoners would be charged as criminals against the Vietnamese nation, not as war criminals. One day later, Hanoi announced the formation of a "committee to investigate war crimes of US imperialists in Viet-Nam," adding that the committee had already

held its first meeting. When, on 24 July, Ho Chi Minh, replying to a representative of the Columbia Broadcasting System, stated that there was "no trial in view," the immediate crisis had passed.<sup>21</sup>

Ambassador Lodge in Saigon promptly sent Washington his evaluation of Hanoi's retreat. He believed the DRV feared most that the hostile response of U.S. public opinion could lead to increased military pressure. The apprehension in Hanoi was reinforced by the "breadth of US protests" and the "lack of wholehearted support" from other Communist states. Inasmuch as the North Vietnamese had never set forth a specific plan, they were spared the necessity of acknowledging an about-face. Lodge believed the investigating committee was a device to postpone a decision and to avoid an irrevocable stand.<sup>22</sup>

On 28 July the State Department circulated to the field its general assessment of the postponement. Hanoi was thought to have made a "tactical withdrawal" in the face of strongly expressed anti-trial sentiment, but it might be playing for time to develop a new legal theory drawn from DRV law rather than Nuremberg precedents. The current position allowed Hanoi to continue parading its war crime allegations on the world stage while holding open its option to institute trials. The State Department instructed its emissaries to emphasize, when thanking host governments for their cooperation in the campaign to forestall the prosecutions, that Hanoi had neither renounced its intention to try the prisoners nor accepted its obligations under the Geneva Convention.<sup>23</sup>

The possibility that the Vietnamese Communists might again raise the war crimes issue remained a factor in State Department thinking up to the final working out of the agreement in Paris that ended U.S. participation in the hostilities. Sieverts, preparing a position paper for the opening of peace negotiations in 1968, pointed out that in 1966 the DRV had only set aside the trials, not abandoned them, and that since then Hanoi's war crimes commission had produced much "documentation," mainly of bomb damage. From time to time, as late as mid-1969, the North Vietnamese re-asserted their right to try pilots as war criminals.

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### Action on Other Fronts: Efforts to Obtain Release of Prisoners

The overriding importance of the war crimes issue during June and July 1966 limited the attention that Ambassador W. Averell Harriman could give to other matters following his appointment to coordinate PW affairs in May. None of his initiatives in the other areas came to a halt, however, and some were furthered by the same diplomatic correspondence that focused on the trials. The most important of his efforts were aimed at the release or exchange of the U.S. prisoners held in North and South Vietnam.

Attempts at release or exchange had begun before Harriman's appointment, of course, but throughout 1964 the Communist refusal to open any channel for discussion of the matter had blocked all approaches. But in February 1965 the behavior of the Viet Cong after their capture of Gustav Hertz seemed to promise a breach in the wall of silence, a small opening that might lead to negotiation for the release not only of this U.S. foreign service officer but also of military prisoners.

#### *The Hertz Case*

Gustav Hertz fell into the hands of the Viet Cong on 2 February 1965 while riding a motorbike in the environs of Saigon.\* Sometime later his wife received letters indicating that the captors were willing to negotiate his release, though whether for ransom or other considerations was not clear. Nothing came of this approach and no action of significance occurred until April, when a Communist broadcast threatened reprisal against Hertz if

\* See Chapter 3.



the Saigon government carried out a death sentence imposed on a VC terrorist, Nguyen Van Hai. At U.S. insistence, South Vietnamese authorities put off Hai's execution, and Washington initiated efforts worldwide, through diplomatic and other channels, to get Hertz released. In South Vietnam, intelligence reports that the Viet Cong were serious about entertaining the release of Hertz led U.S. embassy officials into four months of fruitless ransom negotiations, from May through August 1965.

Distressed by the apparent futility of the State Department's endeavors, Mrs. Hertz and other family members petitioned for more effective action by the government. They obtained support from several members of Congress, most prominently Senator Robert Kennedy. Knowing that the National Liberation Front had established the first of its foreign missions in Algiers, Kennedy approached the Algerian ambassador in Washington as a possible source of information. Subsequently the Algerians reported that Huynh Van Tam, the NLF representative in Algiers, had responded to their query concerning Hertz by indicating readiness to exchange Hertz for Hai and possibly to discuss "other matters" as well.<sup>1</sup>

At this point negotiations came to a halt, under circumstances that remain obscure. Obviously, discussions with Tam could not proceed without assurance that the South Vietnamese were willing to exchange Hai. Perhaps the initial soundings of the attitude of the Saigon government proved unfavorable or, as some sources suggest, U.S. officials decided not to raise the question at all, believing that whether or not the death sentences of terrorists like Hai were carried out had become such a sensitive issue within South Vietnam that protests led by political opponents might sweep the current government from office if it yielded to U.S. urgings for Hai's release. Also mentioned as a reason for not entering on negotiations with Tam at that time was concern that a Hertz-Hai exchange would set a precedent encouraging the Viet Cong to take other Americans as hostages.<sup>2</sup>

While still assessing the possibilities of the Tam channel the State Department continued its other efforts to get Hertz released. Abba Schwartz emphasized to the International Committee of the Red Cross in October 1965 the "special nature" of the case—a civilian under threat of reprisal execution—and suggested that the difficulties seen by the U.S. government in a one-for-one trade might be overcome by including Hertz and Hai in a broader exchange. Washington then became more insistent in asking Prime Minister Nguyen Cao Ky to release Hai in the event the NLF agreed to free Hertz, and in December Ky assented. On 4 January 1966 an ICRC representative, Jacques de Heller, met with Tam in Algiers, but Tam said a Hai-for-Hertz trade could no longer be considered, claiming that Saigon's execution of another terrorist captured with Hai had both ended hopes of

including that second man in the trade and deepened the NLF's suspicions of the opposing side's trustworthiness in such exchanges. However, Tam now broached the possibility of a more extensive exchange of prisoners, possibly including Hertz, and suggested holding a conference of NLF, ICRC, and U.S. government representatives to discuss it. He insisted on the utmost secrecy in making arrangements.<sup>3</sup>

De Heller returned to Geneva with this latest information, which both State and the ICRC found encouraging. State officials planned their next step with awareness that the prospect of U.S.-NLF consultations would arouse apprehension among some members of the Saigon government, who feared that such contacts would bolster the National Liberation Front's claims to recognition as a legal entity and legitimate spokesman for some or all of South Vietnam. On 12 January 1966 the State Department cabled the embassy in Saigon that it intended to adhere to the established U.S. policy of meeting anywhere and any time on behalf of the captive Americans, whether the other party was a recognized regime or not, and in this instance hoped to have the ICRC involved. State could give assurances that U.S. negotiators would avoid publicity and would restrict discussions to the subject of prisoners. The embassy was asked to make these points clear to the foreign minister of the Republic of Vietnam (GVN) while assuring him that he would be kept informed of developments.<sup>4</sup>

On 15 January 1966 State advised the ICRC of its willingness to talk with enemy representatives at any time under ICRC auspices, and the international committee prepared to advance the matter in an early meeting with Tam. The level of secrecy he had called for might be difficult to maintain, however, since international press attention to the NLF mission in Algiers had been rising, with prominent mention of Tam as the man in charge. At a Paris press conference on 15 January Sanford Gottlieb, an American citizen and official of the National Committee for a Sane Nuclear Policy (SANE), spoke of his recent conversations with both North Vietnamese diplomats there and NLF representatives in Algiers. At one point he said he had received the impression that the NLF would react favorably to a proposal for an exchange of American and Communist prisoners of war if put forward by the United States either directly or through an intermediary—a remark that caused alarm among State officials as potentially damaging to their current endeavor. Two days later the *New York Times* carried a dispatch headed "Algiers Rumors of U.S.-Vietcong Peace Contacts Persist."<sup>5</sup>

De Heller returned to Algiers, where he handed Tam a letter from ICRC Director-General Roger Gallopin on 19 January. After cordial discussions, Tam agreed to inform the NLF of U.S. willingness to meet. Two days later, however, in a reply to Gallopin's letter, he stated that he could not

accept any communication from or have any dealings with the ICRC. Should there be any publicity given their recent discussions, Tam added, he would deny them absolutely.<sup>6</sup>

Though some in the State Department speculated that unwanted scrutiny by the press might have caused Tam to cut communications, Schwartz and Gallopin considered it more likely that Tam had elaborated on the original proposal without prior clearance from the NLF and had found himself out on a limb. Or, the rejection of the ICRC in January 1966 may have been an early expression of the NLF's "no intermediaries" policy in dealing with the United States, which became more explicit as the year advanced. In any event, in evaluating the Tam affair later, Sieverts described the State Department as holding no illusions that the Viet Cong had ever been serious about exchanging Hertz for Hai. As soon as the U.S. government and ICRC got down to specifics, he pointed out, the NLF backed away. Like some others interested in the case, however, Senator Kennedy remained convinced U.S. authorities had lost the best opportunity to obtain Hertz's release when they hesitated to respond to Tam's first offers to negotiate.<sup>7</sup>

Hertz's name did not again figure in attempts to arrange prisoner exchanges. Perhaps the NLF considered him too valuable as a hostage in preventing executions of their agents held by the GVN. In August 1966 and again in July 1967 the Viet Cong reported through Prince Norodom Sihanouk of Cambodia that Hertz was in good health. In November 1967, however, Sihanouk informed Mrs. Hertz that her husband had died, apparently of malaria, on 24 September.<sup>8</sup>

### *The Vogel Affair*

Not long before the Tam episode drew to a close another promising possibility for prisoner exchanges cropped up, again in a location far removed from the battleground in Southeast Asia. On 7 January 1966, U.S. representatives in Berlin reported an approach by a German lawyer, Wolfgang Vogel, and his colleague, Jurgen Stange, both of whom had been involved in arranging the return to the West of detainees from Communist countries in Europe. Claiming high-level support in the East German government, Vogel said that he had been authorized to mediate an exchange of 10 American PWs for a like number of captive members of the North Vietnamese People's Army (PAVN). There was a condition to be met, however. Vogel's principals linked the exchange with the release by the United Kingdom of two convicted spies, a man and wife named Kroger. Vogel proposed, as a preliminary step, the exchange of lists of prisoners each side desired to have returned. In

asking the Joint Chiefs of Staff for the needed data, Assistant Secretary of Defense (ISA) John T. McNaughton described the Vogel overture as offering the most hopeful prospect to date of obtaining the release of at least some of the captives.<sup>9</sup>

The Joint Chiefs furnished a list showing three categories: 11 men identified as prisoners in North Vietnam; 45 airmen known to have gone down in DRV territory but not yet identified as prisoners; and 131 listed as missing or detained, whereabouts unknown. In addition, they recommended that the United States use the expected negotiations as an opportunity to seek an exchange of lists of all the prisoners held by each side.

In developing their position on the Vogel proposal the JCS for the first time had to consider policy on order of return in a partial repatriation, and the resulting determination had bearing on all future instances of early release. The Joint Chiefs concluded that if a limit was imposed on the number to be exchanged, the sick and wounded should have first priority. Beyond that, prisoners should have priority in the order of their date of detention, regardless of grade or military service. Using any other criteria, such as intelligence value, might complicate agreements and operate to the detriment of the U.S. captives.<sup>10</sup>

Although suspicious of Vogel's offer, the State Department moved energetically to take advantage of whatever opportunity might eventuate. It secured the assent of Prime Minister Ky to his government's role in an exchange. It checked with the British, but found them "very reluctant" to give up the Krogers. Nevertheless, State instructed its Berlin representatives to meet with Vogel, give him the prisoner lists, and ask for a list from the DRV.<sup>11</sup>

At the mid-January meeting Vogel insisted that the Krogers were essential to any exchange and only reluctantly accepted the proffered lists. Although he claimed to have full authority from the East German government, it appeared that Vogel had had no direct contact with the North Vietnamese. Suspicion deepened that the East Germans were merely using him in an attempt to retrieve the Krogers.<sup>12</sup>

After one more January meeting the negotiations lapsed, though not owing to any reluctance of the U.S. authorities to continue talking. At midyear Vogel tried to revive the talks, saying that Hanoi had been responsible for the five-month hiatus, which had probably occurred because the U.S. government was making too many approaches through too many channels, whereas the North Vietnamese wanted to use only one. East Germany, seeking increased prestige within the Communist world, wished to be that channel. State replied immediately, accepting East Berlin as the channel if approved by Hanoi but declaring that the United States would not forego action elsewhere while the negotiations continued.<sup>13</sup>

Again nothing came of the renewed conversations, but Vogel and Stange appeared once more in late January 1967. They offered at least two and possibly five or six wounded U.S. flyers purportedly being held in East Germany in exchange for the Krogers. More skeptical than ever, the State Department turned again to the British, who in early March absolutely rejected any deal for the Krogers and asked that they not be the subject of any further discussion with the two Berliners. The Vogel approach, once thought so promising, had played out.<sup>14</sup>

### *Reciprocal Release*

An exchange of prisoners in wartime normally requires communication with the enemy, if not directly then through intermediaries. If no responsible representative of the enemy will talk—and this was so in Vietnam in 1965-66—the only type of exchange possible is a de facto, informal exchange, which U.S. officials spoke of as “reciprocal release.” Under this procedure, one party to a conflict returns one or more prisoners of war to the other side in the hope that the enemy will respond by freeing a corresponding number of captives. Reciprocal release remained an element of Washington’s prisoner of war policy from December 1965 to the closing days of American involvement in hostilities, though the record showed few instances of reciprocity by the enemy.

The first expression of the reciprocal release policy occurred in late 1965, prompted by the Viet Cong’s release of Army Staff Sgts. Claude D. McClure and George E. Smith through Cambodia on 5 December. Probably the enemy sought nothing more than propaganda advantage in setting free these two men, whose conduct and statements suggested they had been converted to an antiwar stance and become alienated from the U.S. military.\* Certainly there were no indications, as in some later releases, that the Viet Cong hoped to receive any of their own people in return. Nevertheless, Washington officials saw an opportunity to turn the situation in the direction of reciprocal release and to do so in a manner compatible with their primary concern at the time—the U.S. campaign to prevent war crimes trials.

On 15 December 1965 a joint State-Defense message instructed the U.S. embassy in Saigon to consult the GVN about promptly handing over “more than two PAVN prisoners” to ICRC representatives for return to North Vietnam. The message stated explicitly that the accompanying publicity should not describe this release as a response to that of Smith and

\* See Stuart I. Rochester and Frederick Kiley, *Honor Bound: American Prisoners of War in Southeast Asia, 1961-1973*, 249-50.

McClure, though "this inference would be widely drawn." Washington authorities hoped that going beyond a tit-for-tat response by setting free "more than two" would give impetus to the venture and win credit as a "reasonable and humanitarian gesture" surpassing the Viet Cong's original move. The guidance also directed that the publicity avoid characterizing the event as proof of the North Vietnamese army's presence in South Vietnam. It would, however, identify those freed as PAVN soldiers and express the hope that further prisoner exchanges would follow.

Officials in Washington expected that Hanoi would vehemently deny that the released men were of Northern origin, but they nevertheless hoped the U.S. action would bring some response. They had a further objective of placing the United States and South Vietnam "in as favorable a light as possible with international opinion," which could have some weight in dissuading the DRV from staging war crimes trials. The U.S. policy would be broadly supportive of the ICRC's efforts as well. The international committee, which was thinking of commending the Viet Cong for release of the two sergeants, could also express approval of the Saigon government's action. With a rough balance of moral advantage restored between the two sides, the ICRC might be in a better position to engage the DRV in a discussion of trials and prisoner of war treatment generally.<sup>15</sup>

As expected, the GVN agreed to the U.S. proposal, and Hanoi denounced the impending release, but meanwhile a month had passed. On 18 January 1966 State noted that passage of time had foreclosed any opportunity to connect a release of PAVN soldiers with Smith and McClure. Washington officials felt they could not call on the Saigon government to abandon a project originally promoted by the United States, but "in view of contacts underway elsewhere" (apparently meaning Tam and Vogel), they asked the embassy to urge that it be held to "a low-key, small-scale release" with minimum publicity to avoid undue affront to the North Vietnamese. The embassy's efforts were unavailing. The GVN staged the ceremonious transit of 21 North Vietnamese soldiers across a bridge in the Demilitarized Zone on 30 January, without ICRC participation and with a level of fanfare that made State officials wince. In their view, Saigon had turned the affair into a propaganda stunt that might undercut other efforts on behalf of the U.S. prisoners.<sup>16</sup>

This less than auspicious beginning foreshadowed some of the difficulties that would arise from the need for South Vietnamese cooperation in implementing a policy of reciprocal release. The "trading material" used in this form of barter with the enemy had to be obtained from the Saigon government, since the United States did not retain custody of the insurgents and North Vietnamese soldiers captured by its forces. The practice of

transferring all prisoners to the South Vietnamese government, followed during the advisory period and the early months of active U.S. involvement, had been formalized in the Westmoreland-Co Agreement, negotiated by the commander, U.S. Military Assistance Command Vietnam (COMUSMACV) and the GVN's minister of defense on 27 September 1965. For reasons of language commonality and overriding political interest and to insure effective gathering of intelligence from the captives, South Vietnam maintained custody of the prisoners. Operational, logistical, and cultural considerations further reinforced the logic of the Westmoreland-Co Agreement, which remained in force throughout the hostilities.<sup>17</sup>

The reluctance of the South Vietnamese government to return anyone to the enemy side who might rearm and rejoin the battle constantly hampered American initiatives aimed at reciprocal release. The GVN's leaders objected particularly to freeing native South Vietnamese who had been captured while serving the rebel cause. They rarely relented in their insistence on turning loose only well-screened captives willing to renounce insurgency and take up civilian pursuits in areas under GVN control. For reciprocal release to work, however, prisoners had to be returned outright to the enemy. As Frank Sieverts observed, unless the releasees wanted to rejoin the Viet Cong and were able to do so, "the gesture is meaningless, except for superficial propaganda."<sup>18</sup>

Ky and his ministers were more tractable about repatriation of PAVN prisoners, as they had demonstrated in the return at the DMZ bridge in January 1966. Here the opportunity to display evidence of North Vietnamese aggression in the South made the release of a few individuals worth the risk that they would again appear in the enemy's battalions. Hanoi countered such actions by repeatedly denying the presence of any PAVN personnel below the DMZ. It was willing to accept, it said, the release of any revolutionary brothers suffering at the hands of the illegal and oppressive Ky regime. These unfortunates could come North or remain in the South as they chose, but to call them North Vietnamese soldiers was a calumny and a hoax. North Vietnam maintained this position up to the signing of the peace agreement. With little doubt, Hanoi's military personnel received an indoctrination consistent with this policy, probably along the following lines: Even if captured in PAVN uniform, they were to claim to be from the South. They were not to write to their families in the North. If offered release to return home, they were to refuse; if released, they were to remain in South Vietnam and join VC forces. Militant PAVN prisoners in the South Vietnamese prison camps apparently enforced this doctrine on wavering comrades.

When the GVN planned to return 18 PAVN soldiers on 20 July 1966 to mark the twelfth anniversary of the Geneva Accords, 12 of those selected

refused on the grounds that they were South Vietnamese serving in North Vietnamese units. Left to themselves, Saigon's generals might have forced their return, but the United States insisted on adherence to the principle of voluntary repatriation. The Ministry of Defense therefore had to search among generally reluctant PAVN prisoners to find volunteer replacements. On 20 July only 13 men crossed the bridge in the DMZ to the North Vietnamese side.<sup>19</sup>

Typical of the obstinacy of the GVN on the release issue was its action in freeing three Viet Cong in early 1967. On 4 January the insurgents had returned three captive civilians to Allied control, two of them Americans. The United States government persuaded the Ky regime to liberate a like number of Viet Cong, but Saigon did so in a manner that did not constitute a true exchange and was hardly calculated to elicit a further response from the NLF. Those chosen had indicated they had no intention of returning to active insurgency, and the Saigon authorities released them to the custody of their families and kept them under surveillance.<sup>20</sup>

The next incident contributed even less to the advancement of Washington's policy. On 23 February 1967 the Viet Cong freed two soldiers, Sgt. Sammie N. Womack and PFC Charles E. Crafts, and the next day the United States announced its intention of releasing two VC in return. But getting the GVN to give up any captive of possible value to the enemy proved an insurmountable problem. On 8 March the State Department instructed Ambassador Henry Cabot Lodge to explain to the South Vietnamese that the United States, in the interest of its men in captivity, felt compelled to insist that two prisoners be returned to the VC forces. The embassy replied that Ky wished to release only "repentant" captives, just as the Viet Cong did. Early in April a joint State-Defense cable suggested an alternative: GVN agreement to the freeing of two captives from among those still being processed in U.S. custody. The Saigon government remained adamant. On 5 May 1967 the State Department finally gave up the attempt to fulfill its announced intention in view of the embassy's opinion that pushing the Ky government to concur would endanger further cooperation on prisoner matters. Earlier, in March, the Saigon authorities had set loose 20 Viet Cong, but none of them actually returned to NLF control.<sup>21</sup>

Thus far the U.S. reciprocity policy, when pursued in tandem with a refractory South Vietnamese government, could hardly be counted a success. As State pointed out to Lodge's successor, Ambassador Ellsworth Bunker, in mid-May, rather than taking the lead in initiatives that would generate a widening response from the other side, the U.S.-GVN releases had for the most part been reactions to those of the enemy. A more successful instance of U.S. influence on the GVN's actions occurred on 12 June, however, when



the Saigon government freed four Viet Cong outright, in the presence of an ICRC delegate. Embassy spokesmen described the release to newsmen as involving U.S.-captured prisoners, freed at U.S. request, with hope for reciprocal action by the insurgents.<sup>22</sup>

Through mid-1967 all captive Americans set free had been held by the Viet Cong, but for the better part of a year the United States had been striving to engage the North Vietnamese in reciprocal releases as well. Here the United States could operate more freely, with a reduced requirement for cooperation from the Saigon government, because U.S. authorities had acquired a modest stock of trading material of their own.

Nineteen surviving crew members of three North Vietnamese PT boats, sunk after attacking U.S. naval forces in the Tonkin Gulf, had been picked up on 1 July 1966. Taken in international waters, these were prisoners that Hanoi could not easily disavow. Also, under a somewhat strained interpretation of the Westmoreland-Co Agreement the prisoners did not have to be transferred to South Vietnamese custody. Recognizing that these captives offered opportunities for barter, the U.S. government took every precaution to preserve the North Vietnamese crewmen as an available resource. Held aboard ship until compliance with the Geneva Convention's requirement for confinement on land could no longer be delayed, they were then moved to a special compound in Da Nang. CINCPAC, rather than COMUSMACV, retained control. Should the GVN question the arrangement, the U.S. embassy was prepared to explain that the Westmoreland-Co Agreement applied only to agencies under MACV. State and Defense issued joint instructions for the intelligence utilization of the human prizes under procedures designed to minimize the possibility that the crew members would become unwilling to be exchanged. The captors took special precautions to prevent prisoners from knowing if one of their comrades had compromised himself, since a compromised man would not be likely to accept repatriation for fear of punishment at the hands of his government.<sup>23</sup>

Under Harriman's direction, State sought to draw the DRV into discussion of an exchange of prisoners involving the PT boat crews. It chose the North Vietnamese mission in Laos as the most promising avenue for contact. On 17 July 1966 State instructed the U.S. chargé in the Laotian capital to deliver a note to his DRV counterpart offering to discuss repatriation of crews and other prisoners on mutual terms. On the same day, to emphasize the legality of the U.S. position under the Geneva Convention, the U.S. mission in Geneva was to deliver a list of the captives to the ICRC. In Vientiane, however, the DRV representative returned the American note unopened.<sup>24</sup>

Harriman turned to other channels, chiefly the ICRC and the Cambodian government. He apparently hoped to set up some sort of PW exchange

facility in Cambodia based on the precedent of the release of Smith and McClure through Phnom Penh. In August the United States offered to exchange 17 of the PT crew members for American prisoners of war and to repatriate the remaining 2 who had been wounded at the time of capture, releasing them unconditionally in conformance with Article 110 of the Geneva Convention. Despite medical opinion that the two were not so gravely wounded as to be eligible for direct repatriation under Article 110, Washington seized on their release as a device to court enemy reciprocation.<sup>25</sup>

On its part, Hanoi perceived this situation as an opportunity to cripple certain U.S.-GVN clandestine operations north of the DMZ, which involved the unpublicized capture of North Vietnamese civilians, mostly farmers and fishermen, who were detained for a period to gain intelligence and then released. For the United States, meeting the requirements of the Geneva Convention was unacceptable in this instance, since furnishing lists of prisoners and allowing ICRC inspections would amount to public acknowledgment of the operations. The DRV clearly hoped to force just such an exposure in September 1966 when it protested the kidnapping by "marauding pirate ships" of 150 of its citizens. After receiving another protest on 1 November, the ICRC asked State for a list of the 131 prisoners (150 less the 19 PT boat personnel already reported) and for permission to visit them. The department managed to fend off the ICRC for the time being, and after some delay occasioned mainly by the necessity of communicating through the Cambodian foreign office, Hanoi agreed to receive the two wounded PT boat crew members. Their return took place in March 1967 without leaks to the media that might have led the DRV to reject other releases, but there was no response in kind.<sup>26</sup>

Although temporarily encouraged by the "success" of this release, the State Department saw its hopes of further gain from possession of the crewmen come to naught. It was almost a year later, in February 1968, when the North Vietnamese for the first time set three U.S. pilots at liberty. Neither the circumstances nor the pronouncements of DRV leaders suggested that their motivation had anything to do with reciprocity or a desire to retrieve the other PT boat personnel. Nevertheless, the United States responded by releasing three of the crewmen in March 1968, and it returned all the remaining 14 in October after Hanoi had freed three additional airmen. Expressions of hope for reciprocation by Hanoi accompanied the release of the last group of crew members, but 10 months elapsed before the DRV liberated three more U.S. prisoners, in August 1969.<sup>27</sup>

In a later summing up State acknowledged that North Vietnamese leaders had been unmoved by U.S. efforts to deal with the PW problem on a basis of reciprocity. "They deny any comparison of the prisoners,

referring to U.S. prisoners as 'war criminals' and to NVN/VC prisoners as 'Vietnamese patriots illegally held.'"<sup>28</sup>

### *Repatriation of Sick and Wounded*

Of the actions available during 1966 and 1967 that might induce the Communists to engage in reciprocal release, direct repatriation of sick and wounded North Vietnamese soldiers seemed the most promising. In the first place, the humanitarian appeal of sending the sick and wounded home could be expected to generate pressure on both the DRV and the NLF from public opinion throughout the world. Second, Articles 109 and 110 of the Geneva Convention required it—unless refused by the prisoner—and thus the measure had the enthusiastic support of the International Committee of the Red Cross. Not only did this course give ICRC representatives a visible part to play; it also sustained their view of the convention's scope by demonstrating that it could be applied in a civil, guerrilla-type conflict as well as in formally declared wars. The U.S. effort could, and did, lead to greater willingness by the ICRC to press Hanoi on prisoner matters. Third, repatriation of sick and injured PAVN personnel did not meet the same resistance from Saigon that release of able-bodied prisoners encountered. The GVN was entirely willing to send back people who were not likely to take up arms again if by doing so it could please the U.S. government, placate the ICRC, and in the process call attention to the fact that North Vietnamese soldiers had been captured in the South.

Finally, the United States stood to gain greatly if it could establish mutual repatriation of sick and wounded as an operating principle. In 1966 South Vietnamese prison camps held hundreds of PAVN soldiers. Most of them were in good health, but the seriously sick or wounded among them numbered more than the total of all Americans held by the Communists. Within the smaller complement of U.S. prisoners of war, on the other hand, many were known or presumed to be qualified for direct repatriation under Article 110. Repatriation under that article, whether general or reciprocal, could result in the recovery of a high proportion of the captive Americans.

Consideration of sick and wounded repatriation began in Washington in June 1966, following a recommendation by the Joint Chiefs of Staff. The effort became more intensive in the fall, when it received a special stimulus from the communiqué issued at the close of the Manila Conference, 24-25 October 1966, which President Johnson had attended with leaders of Australia, New Zealand, Thailand, South Korea, the Philippines, and South Vietnam. One paragraph of the Manila communiqué cited a resolution recently adopted by the executive committee of the League of Red

Cross Societies that called for compliance with the Geneva Convention in the Vietnam conflict and, particularly, for "immediate action to repatriate seriously sick and wounded prisoners of war." The leaders gathered in Manila "agreed to work toward the fulfillment of this resolution, in cooperation with the International Committee of the Red Cross, and indicated their willingness to meet under the auspices of the ICRC or in any appropriate forum to discuss the immediate exchange of prisoners."<sup>29</sup> During the following nine months, repatriation of the sick and wounded had highest priority with State Department officials concerned with PW affairs.

Inasmuch as the South Vietnamese government presented no obstacle to this type of exchange, the primary difficulty was the absence of a means of communicating with the DRV. Hoping to overcome this block, Harriman went personally to Algiers in early December 1966 and attempted to meet with Hanoi's ambassador there. Harriman was prepared to offer the unconditional immediate release of North Vietnamese sick and wounded. In the event the DRV consented to repatriate U.S. captives qualified under Article 110, the United States would also return the 19 PT boat personnel plus all other Vietnamese prisoners desiring to go to North Vietnam. Harriman's attempt failed, however, since neither DRV nor NLF representatives would consent to meet with him.<sup>30</sup>

Shortly after this disappointment the United States began planning a unilateral release of sick and wounded North Vietnamese, to be effected with the cooperation of the ICRC during Tet in 1967. As a result, on 3 February of that year 28 PAVN soldiers were repatriated across the DMZ. Three days later DRV Foreign Minister Pham Van Dong declared Hanoi's opposition to the ICRC role in such actions. His government would accept the release of "compatriots," he said, but wanted no intermediaries. The ICRC sent a further message emphasizing the readiness of the United States and GVN to repatriate North Vietnamese sick and wounded and appealing to the DRV to cooperate, but in early March the committee's leadership informed a U.S. representative in Geneva that the ICRC would be reluctant to participate in future releases in the absence of DRV approval.<sup>31</sup>

Hoping that Hanoi's rejection of intermediaries might indicate willingness to accept direct contact with the United States government, the State Department attempted an approach through the DRV representative in Laos. Acting with GVN concurrence, on 12 April 1967 the department transmitted to the U.S. chargé in Vientiane a note for delivery to the DRV mission. The United States offered unconditional return of PAVN sick and wounded and asked only that the North Vietnamese set the time and place. It also proposed the exchange of other captives on a basis of reciprocity. Once again, however, efforts to open communications with Hanoi proved futile.<sup>32</sup>

In the meantime, South Vietnamese concessions in response to the ICRC's demands concerning its role in Saigon had given rise to a period of unusually good relations between that government and the committee's delegate, now Jacques de Heller. In April 1967 he reacted favorably to a GVN proposal to repatriate 50 PAVN sick and wounded and urged his superiors in Geneva to lend support. Relaxing its nonparticipation policy, the ICRC consented to coordinate the release with the United States and GVN. It agreed to notify the North Vietnamese government about one month in advance, stating the time and place of transfer, and to proceed with the repatriation without waiting for an answer.<sup>33</sup>

It soon became obvious that everyone connected with this project on the Allied side had been overly sanguine. The ICRC screened 261 PAVN prisoners, finding 110 both qualified for repatriation under the sick and wounded provision of the convention and well enough to travel. But of the 110, only 39 agreed to go. These were released to DRV control on 12 June 1967 at a bridge over the Ben Hai River in the DMZ, but media coverage was disappointing and little credit was realized from the event. The repatriation took place with full cooperation of the ICRC, but when the United States pressed for a commendatory statement, the Swiss chose to remain silent to avoid jeopardizing further prisoner exchanges or undermining the committee's longstanding efforts "to establish a position of confidence with Hanoi." Hanoi, on the other hand, could be satisfied with the success of its tactics. Its policy of instructing its personnel not to accept repatriation or acknowledge their Northern origin was working well. It had condemned the U.S.-GVN initiative in advance; in a propaganda broadcast early in June Hanoi advised its listeners that the United States and its Saigon "puppet," in a "crafty maneuver" designed to distract attention from their own aggressions, would soon push across the 17th parallel a number of persons they falsely claimed were captured North Vietnamese soldiers.<sup>34</sup> And finally, Hanoi had regained its men without giving up anything, without even corresponding with the United States. Washington and Saigon came away from the operation with little more than the good will of the ICRC. Nevertheless, the United States continued to seek opportunities for direct repatriation of seriously sick and wounded enemy soldiers. There was always the hope that next time the rulers of North Vietnam might respond more humanely.

#### *Internment of Sick and Wounded in Neutral Territory*

Article 110 of the Geneva Convention provides an alternative to direct repatriation of seriously sick and wounded prisoners of war: removing them to a neutral country. Immediate exploration of the possibility of internment

in neutral territory was one of the measures recommended by the Joint Chiefs of Staff on 10 June 1966.<sup>35</sup> For a time, however, the idea received only secondary attention, largely because direct repatriation was more desirable and, for many reasons, more practicable. If worked out in conformance with the detailed provisions of the convention on the subject, neutral internment would involve both finding a government willing to receive the prisoners and establishing mixed medical commissions to screen the potential internees and "make all appropriate decisions regarding them" (as specified in Article 112). The convention provided that a majority of each commission's membership would be drawn from neutral countries, certified to and actually appointed by the ICRC. Clearly this course would require the North Vietnamese to acknowledge obligations under the Geneva Convention and to accept foreign intercession and ICRC oversight well beyond what they had rejected in the past.

Nevertheless, in response to the JCS recommendation the Interdepartmental Prisoner of War Committee did begin consideration of the internment alternative in the latter half of 1966. Of the neutral nations that might accommodate prisoners and be acceptable to the Communists, Cambodia was the one most discussed in Washington. Officials saw advantages in the country's geographic location. Moreover, Prince Sihanouk and his wife had occasionally expressed sympathy for the suffering of the prisoners and their families. Consideration of Cambodia ended rather abruptly in April 1967, however, when a Swiss approach, undertaken at U.S. request, met with a rudely worded rejection from Sihanouk, apparently annoyed by U.S. actions not related to prisoners.<sup>36</sup> Serious consideration of neutral internment lapsed for a time, but the subject came up again, in different circumstances, during 1971.\*

#### *Exploration of Other Routes*

At its initial meeting on 29 April 1966 the Interdepartmental Prisoner of War Committee took up first the problem of finding some means of communicating with the DRV and the NLF. The committee decided to investigate all possible lines of action, among them approaches through neutral third countries—Pakistan and Cambodia initially—and mounting a direct approach (at that time not yet attempted) through the DRV mission in Laos. The committee encouraged the American Red Cross to develop contacts with its counterparts in other nations in an effort distinct from its continuing relationship with the ICRC. Those present also

\* See Chapter 13.

resolved to investigate the use of “non-governmental individuals” as intermediaries, as in the negotiations with Cuba over the Bay of Pigs prisoners, cited as a model by Senator Kennedy in his recent letter to Secretary Rusk.\*<sup>37</sup>

Thus, when Harriman took over as PW coordinator in mid-May he had at hand a variety of channels to choose from in attempting to open a dialogue with the enemy. In effect, he chose them all. The American Red Cross had already responded to the interdepartmental committee’s urging by embarking on a prolonged effort to engage the North Vietnamese Red Cross in correspondence. Harriman let this proceed, as he did the approaches through third countries. He assumed control over the efforts at direct communication with the DRV, where the text to be used was in process of clearance, and he pressed the search for a private individual to act as intermediary with the NLF.

In its final form, the note to the North Vietnamese government sought agreement on bilateral discussions of prisoner treatment and exchange, with the added suggestion that the conversations “could be more fruitful if carried out without publicity.” The department instructed the U.S. chargé in Vientiane, Emory C. Swank, to pass it to the North Vietnamese chargé, which he did on 13 June 1966. His Vietnamese opposite accepted the note for delivery to Hanoi, but he avowed that there were no PAVN personnel in the South to exchange and that allegations of their presence were “pure calumny.”<sup>38</sup>

The fact that the DRV representative had not rejected the note outright was encouraging, and Harriman cabled further instructions to Swank in a somewhat optimistic vein. When the North Vietnamese diplomat returned from Hanoi about mid-July, however, he made no move to communicate with Swank, leading the U.S. chargé to surmise that DRV leaders were unwilling to respond to a direct approach. His suspicion was confirmed on 20 July when the later U.S. note concerning the PT boat personnel was returned unopened. Hanoi was not ready to talk.<sup>39</sup>

The attempt to make contact with the NLF through a private intermediary met with no better fate. Prior to Harriman’s appointment, State had several candidates under consideration, most notably Bernard Fall, a French citizen and prominent scholar and writer on the Indochina war. Harriman’s choice, however, was Wilfred Burchett, an Australian Communist newsman who had helped the mainland Chinese in their propaganda exploitation of U.S. prisoners during the Korean War and who had talked with Camacho, Smith, McClure, and Roraback in their jungle prison in 1964.<sup>†</sup> The first

\* See Chapter 2.

† Burchett’s account of these interviews appeared in the *Baltimore Sun*, 10 May 64. See also Rochester and Kiley, *Honor Bound*, 78-79.

problem in utilizing Burchett, however, was that no one in official Washington knew where he was; it proved necessary to find the intermediary through an intermediary. Robert Shaplen, a writer for *The New Yorker* and an acquaintance of Burchett, got word to him in Phnom Penh, where the Australian was living at the time.<sup>40</sup>

Burchett agreed to the U.S. proposal. He carried into NLF-controlled territory the word that Washington was seeking an exchange of prisoners, but, failing that, would welcome any overture in compliance with the Geneva Convention, such as prisoner lists and mail privileges. The initial result of his conversations with NLF representatives was a letter to Shaplen from a member of the NLF Central Committee, Tran Buu Kiem, on 15 July 1966. Kiem declared that the United States could "hardly expect to benefit from a normal solution to the problem" so long as the larger matter of U.S. aggression in South Vietnam was unresolved.<sup>41</sup>

Burchett's mission ended in failure. He got no agreement on release of prisoners and little information. On 13 September he reported through a British diplomat in Cambodia that the NLF had "no answer at this time," attributing this response to the insurgents' desire not to give an impression of weakening. On the other hand, to the surprise of some in Washington, Burchett had proved entirely reliable, neither betraying U.S. interests nor seeking any personal benefit from his American connection. Later, in early February 1967, he again acted as an intermediary with the NLF, passing on a message thanking the insurgents for the recent release of two American civilians. The U.S. communication invited attention to a reciprocal release by the Saigon government, suggested further exchanges, and asked for consideration of the fact that Americans in captivity required more food than did the average Vietnamese. This approach was no more successful than the first, and there was some indication that Burchett's standing with the Vietnamese Communists had declined, perhaps because of his undertaking missions for the United States. In any case, the NLF, like the DRV, was not ready to talk.<sup>42</sup>

#### *The Clandestine Approach: The BUTTERCUP Channel*

Some months later, toward the end of July 1967, the leaders of the NLF signaled a change of mind—they were now prepared to negotiate prisoner exchanges. The reversal may have owed something to the fact that a clandestine channel was now available, one that employed no outsiders as intermediaries and that took account of the NLF's apparent obsession with secrecy. The main motivation probably came from the NLF's desire to



recover important cadre leaders held prisoner by the Saigon government, such as the 40 NLF district and regional cadre arrested in recent months in MR-4, the most southerly of the military districts in South Vietnam. Washington analysts believed their loss had seriously disrupted the insurgents' organization.<sup>43</sup>

The clandestine channel to the NLF, known as BUTTERCUP, had been opened for a broader purpose than discussion of prisoners. As a step in Washington's search for a negotiated resolution of the war, in February 1967 U.S. authorities in Saigon released a woman who, like her husband, Tran Buu Kiem, was a member of the NLF Central Committee. The message she carried to him indicated U.S. interest in establishing a covert channel for discussing a solution to the conflict. The NLF gave no response until about a month after the extensive arrests of cadre in MR-4. On 27 July a leading member of the NLF's governing body, Tran Bach Dang, ordered an emissary to convey a proposal on negotiating a prisoner exchange to the U.S. authorities. On reaching Saigon the messenger, one Sau Ha, fell into the hands of the South Vietnamese police on 15 August with a letter to Ambassador Bunker in his possession. This unmasking of what was supposed to be a close-held channel was to trouble U.S. relations with the South Vietnamese in the future; for the present, however, it occasioned only a slight delay in transmittal. On 19 August, General Nguyen Ngoc Loan, chief of the GVN national police, passed a copy of Sau Ha's letter to the embassy.

The Sau Ha letter proposed that Bunker arrange the release of eight Communist prisoners, identified by name. In exchange, the NLF would free a number of their American captives. The possibility that some prisoners held in North Vietnam would be included in the exchange was mentioned, but this apparently depended on the GVN initiating a request to the National Liberation Front. The latter proposal may have been one of the many ploys the NLF used to try to wrest some sort of recognition from Saigon. In his letter Sau Ha named three of the eight captive Communists as possible intermediaries in dealing with Dang. The document ended with a request that Bunker insure proper treatment of the VC prisoners by Saigon during the negotiations for reciprocal releases.<sup>44</sup>

With the approval of South Vietnamese President Thieu, Prime Minister Ky, and General Loan, one of the suggested intermediaries, Truong Binh Tong, was released to make contact with Dang. Tong started out on 9 September 1967, bearing a note that presented three alternatives for negotiating exchanges. First, Dang could appoint Tong his spokesman; as such, he would be free to travel with immunity from arrest. Second, an American spokesman could go to Dang's headquarters under safe conduct. The third

alternative offered safe conduct for Dang to meet directly with U.S. representatives in an area of his choosing.

Battlefield activity frustrated Tong's attempt to reach Dang, and he returned to Saigon. Thereupon U.S. officials arranged a MACV operational standdown of 42 hours, with an appropriate cover story, to permit Tong safe passage. Tong arrived at the VC headquarters on 11 October, met with Dang, and returned to Saigon about two weeks later with a reply. Dang claimed to have full authority from the NLF Presidium to negotiate. He asked for the release of Sau Ha and good treatment for a group of prisoners, listed by name. If these conditions were met, Tong would return to Communist headquarters to work on the release of American PWs. The note concluded with a discussion of conditions for subsequent negotiations.<sup>45</sup>

For reasons not clearly discernible, BUTTERCUP never came to full flower. An important factor in this failure may have been the suspicion with which some important elements in the Saigon government regarded any contact between American officials and the NLF. About the end of November, rumors of secret U.S.-VC negotiations surfaced in the South Vietnamese capital, apparently originated by General Loan or his close associates. Loan, a leader among those who resented U.S. influence in the South Vietnamese government, was involved in the protracted power struggle between Thieu and Ky, and talk of U.S. "interference," with implications of possible betrayal of the GVN in separate negotiations with the VC-NLF, struck at Thieu's position and his policy of close cooperation with Washington. During the first week of December reports of U.S.-VC negotiations appeared in the Saigon press and were discussed in the national legislature. American representatives found it necessary to deny that any meeting had taken place (which was true, inasmuch as negotiations had involved only the BUTTERCUP messenger) and to state publicly that the United States would undertake no meetings without the South Vietnamese government's knowledge.<sup>46</sup>

Despite this unwelcome attention, the BUTTERCUP messenger continued to shuttle between U.S. officials in Saigon and Tran Bach Dang's headquarters. On at least one occasion he carried letters for some of the U.S. captives. The exchanges of notes, which went on for several months, resulted in the covert release by the GVN of six NLF political cadre members. The Viet Cong released only two Americans, PFC Luis A. Ortiz-Rivera, USA, and Lance Corporal Jose Agosto-Santos, USMC, on 22 January 1968. That same week the Viet Cong freed a number of ARVN personnel, though which were genuine BUTTERCUP releases and which were "repentant" prisoners turned loose for other purposes was never clear.<sup>47</sup>

State Department officials tried hard to maintain and broaden the BUTTERCUP exchanges, arranging overt releases of VC prisoners in numbers equal to those set free by the Viet Cong, whether identifiable as BUTTERCUP or not. They followed up on one of Dang's requests by repeatedly pressing the Saigon government to afford NLF prisoners better treatment. Nevertheless, the message exchange came to a halt about the end of March 1968. The cause of the interruption seems to have been NLF resentment over the deaths of three of its imprisoned political cadre members, two of whom had been named in BUTTERCUP requests. Whether these deaths were the result of GVN mistreatment or, as General Loan claimed, incidental to a VC attack on a police station at a time when the prisoners were being removed to another facility, could not be determined by U.S. officials. In any case, there were no further contacts with Dang during 1968.<sup>48</sup>

### *Ransom*

Earlier, in October 1966, Harriman had asked for the views of the Joint Chiefs of Staff on the desirability of an effort to ransom U.S. and Allied prisoners in North Vietnam. It is likely that he did so out of dedication to exploring every possible avenue of release and establishing a record of its consideration, for an official as experienced as Harriman could hardly have misjudged how the JCS would reply.

The military leaders opposed a ransom attempt. They cited the undesirable precedent that would be established for future conflicts, the possibility that a ransom offer would be taken as a sign of weakening U.S. resolve, and the contribution to the enemy's resources that "ransom in any economic form" would provide, at a time when the United States was pursuing other measures to discourage trade with North Vietnam and Communist China. The Joint Chiefs had also considered the propaganda opportunities a ransom approach would present for the enemy, and they listed the following stratagems that Hanoi might employ:

- (1) Setting an unreasonably high price.
- (2) Varying the ransom or agreeing to free on the basis of race, rank, religion, and/or nationality.
- (3) Agreeing to ransom only a selected fraction of the PWs.
- (4) Specifying conditions which would tend to create dissension between U.S. and other Free World forces.

- (5) Identifying ransom with "war criminal" charges.
- (6) Presenting counterproposals with which the United States might not be able to comply.<sup>49</sup>

Further, the Joint Chiefs believed that the idea of ransom, once introduced, could weaken adherence to the Code of Conduct, and they pointed to another undesirable aspect of the proposal. If, as Harriman's question implied, the ransom effort would apply only to North Vietnam, "the vast majority of those who would benefit would be officers." "Serious problems could arise on grounds of discrimination and preferential treatment" unless similar action was taken on behalf of the men held in the South, most of whom were enlisted personnel.

"If we are to realize the objectives of the Geneva Convention on Prisoners of War," the military leaders concluded, "the United States must not be a party to undermining it by special arrangements of this nature." Instead, the U.S. government "should continue its efforts to rally world-wide support for its position of abiding by the letter and the spirit of the Geneva Convention."<sup>50</sup>

Adoption of ransom as the official policy of the U.S. government received no further serious consideration, then or later.

#### *The Involvement of American Peace Activists*

American peace groups and opponents of the war played a conspicuous part in several of the more widely publicized releases of American PWs, beginning in 1967. The single instance in that year involved a prominent member of the antiwar movement, Tom Hayden. Hayden had previously traveled to North Vietnam in December 1965 in company with Staughton Lynd, a Yale historian and member of the Quaker faith, in response to an invitation for two non-Communist Americans concerned with peace to visit Hanoi. While there they met with one U.S. prisoner and had an interview with DRV Prime Minister Pham Van Dong. In 1967 Hayden was one of several antiwar Americans who received a North Vietnamese invitation to participate in a seminar-style meeting with delegations from Hanoi and the National Liberation Front in Bratislava, Czechoslovakia, in September. During that conference a high NLF official, Mme. Nguyen Thi Binh, told Hayden that her organization was considering a release of American prisoners, but not to official representatives of the U.S. government. The NLF wished to place the releasees in the custody of American citizens who stood for peace, such as those attending the Bratislava seminar. Mme. Binh thought the transfer could be arranged through Cambodia.<sup>51</sup>

Following the Bratislava meeting Hayden and others of his party traveled to Hanoi, where they were allowed to talk with three captive Americans. Hayden's visit ended amid increasing indications that the NLF was preparing to release some U.S. prisoners held in the South as a gesture of goodwill to the American people. On receiving more definite word while in Paris in early November, he went to the Cambodian capital, Phnom Penh, where the NLF diplomatic mission informed him that three American prisoners would be released to him for escort homeward on commercial airlines. The NLF spokesman stressed that there should be no intervention by the U.S. government, such as placing the men under military orders and transferring them to military aircraft as had occurred when Smith and McClure passed through Phnom Penh in 1965. Any such action would jeopardize future releases.<sup>52</sup>

On 11 November 1967 Hayden met Army Sgts. Edward R. Johnson, Daniel L. Pitzer, and James E. Jackson, Jr.—prisoners the Viet Cong radio claimed had “sincerely repented the crimes they committed against the South Vietnamese people.” Two of the men were black, and the Viet Cong broadcast said their release was intended to underscore Vietnamese Communist sympathy for the American Negro's struggle against oppression. Other statements emphasized the NLF's desire to hand the men over to their families or to representatives of “progressive American organizations.”<sup>53</sup>

On 12 November Hayden accepted responsibility for the three servicemen and accompanied them aboard a Czechoslovakian airliner bound for Bombay and Beirut and a connecting flight through Paris to New York. By his statement at a press conference before departure and in private consultations Hayden sought to impress U.S. authorities with the importance of not interfering with these arrangements. When U.S. officials met the party on arrival in Beirut they intervened in a manner that Hayden acknowledged was “in no way a pressure play.” Given the debilitated condition of one of the men and the lengthy journey that faced them, the offer made was so reasonable and considerate it could hardly be refused. The three Army sergeants and their escort were invited to take a break from the travel schedule, staying in embassy quarters where they could enjoy a full night's sleep, take showers, eat American food, and have an opportunity to telephone their families. The men could take a later flight the following day, using commercial air reservations already made by the embassy. Although State and Defense officials had earlier favored evacuation of the men by military aircraft, the U.S. government complied with Hayden's recommendations.<sup>54</sup>

After the stopover in Beirut, Hayden's group reached New York on the evening of 13 November. The three former prisoners passed immediately into the control of State and Defense representatives and departed for

medical treatment and family reunions in Washington or at Fort Bragg, North Carolina. Meeting with Ambassador Harriman soon afterward, Hayden expressed his gratification that U.S. authorities had understood the delicacy of the situation and had refrained from overriding the arrangements for return as a private party. Harriman advised the press that he had asked for the meeting in order to thank Hayden for his role in facilitating the release.<sup>55</sup>

The first freeing of prisoners from North Vietnam also took place with the assistance of American peace activists, mainly David Dellinger. Like Hayden an occasional visitor to North Vietnam, Dellinger was the editor of *Liberation* magazine and, beginning in 1967, chairman of the National Mobilization Committee to End the War in Vietnam. In response to an overture from Hanoi in early 1968 he designated two representatives, Father Daniel Berrigan, S.J., and Professor Howard Zinn of Boston University, to go to North Vietnam to serve as escorts for U.S. airmen soon to be released. The usual means of reaching the North Vietnamese capital was the flight operated by the International Control Commission, which made six trips a month from Saigon through Phnom Penh and Vientiane to Hanoi and back.<sup>56</sup>

On 16 February 1968 Berrigan and Zinn accompanied Lt. (jg) David P. Matheny, USN, and two Air Force officers, Maj. Norris M. Overly and Capt. Jon D. Black, on the ICC liaison flight from Hanoi to Vientiane, where a party from the U.S. embassy in Laos entered the plane, with Ambassador William H. Sullivan in the lead. Sullivan offered the five men transport to the United States on medevac aircraft, which would be quicker than commercial transport and could provide medical care on board. Sullivan said the three returnees were free to choose, but he stated positively that their superiors in Washington preferred that the transfer to military aircraft take place. The three officers saw this as amounting to an order, but compliance was delayed while a further argument ensued between the ambassador and the two escorts. The latter objected that Sullivan was pressuring the men to follow a course that would violate the humanitarian spirit in which the exchange had been conceived. Berrigan and Zinn declared that although the North Vietnamese had not made use of commercial routing a formal condition of the release, they had clearly indicated that a switch to travel under official auspices would be displeasing. The two peace activists maintained that disregard of this preference could jeopardize future prisoner releases—a consideration that they thought deserved greater weight than Washington appeared to be giving it. Faced with Sullivan's reiteration of the official position, Berrigan and Zinn withdrew, declining the places offered them on the military jet. Matheny, Black, and Overly left immediately on a short flight to the U.S. base at Udorn, Thailand, then on to the Philippines

and across the Pacific, reaching Andrews AFB near Washington just after midnight on the morning of 18 February.<sup>57</sup>

In the press Berrigan and Zinn continued to charge that Ambassador Sullivan had virtually dictated the airmen's choice, with pointed references to the White House as the source of his instructions. They were convinced that this "cold-blooded mishandling" of the pilots' return had endangered further releases. Radio Hanoi did not take up this line, however, and the North Vietnamese announced another impending release less than five months later, on the eve of America's Independence Day. The procedure followed was that of the previous release. A message to David Dellinger led to the designation of representatives from the antiwar movement to receive the three airmen scheduled to be set free.<sup>58</sup>

In view of the controversy that continued to surround the earlier transfer the State Department tried to ascertain whether the mode of travel had any real bearing on Hanoi's attitude toward further releases. Nothing very definite emerged until after the Paris peace talks began in May 1968, when Ambassador Harriman was able to pursue the matter in informal conversations with Xuan Thuy, the principal North Vietnamese negotiator. When first approached during the customary tea break in a negotiating session Xuan Thuy merely expressed resentment that the three prisoners let go in February had been "whisked away" from their peace group escorts, but in a fuller discussion on 24 July he condemned U.S. actions more forcefully, using material from Berrigan and Zinn's account of what had occurred. Thuy said Hanoi was now ready to release three more Americans but only if assured that they could return home in the company of their antiwar escorts, without interception by U.S. military authorities. Both Harriman and his deputy, Cyrus Vance, contested the peace escorts' version of the previous return. The three pilots had made a free choice, they insisted, and further releasees would likewise be free to decide whether to return with the civilian escorts or accept the medevac flight offered by U.S. officials. Harriman and Vance gave assurances that if the men chose to continue with the escorts, the U.S. government would not interfere. Thuy's parting words were, "Let these pilots get back easily and it will be good for future cases."<sup>59</sup>

Convinced that "the chance of adverse effect is not worth taking," Harriman recommended compliance with the enemy's terms, assuming the men did not require immediate medical care and subject to the addition of at least one U.S. official to the party: "Pilots must be given their choice, but it should be made clear to them that U.S. Government does not in any way object to their returning commercial." Harriman thought there need be no concern about appearing to let Hanoi call the tune. After all, "it is

the most normal thing in the world for the pilots and U.S. Government to be giving consideration to encouragement of future releases.”<sup>60</sup>

The Washington authorities agreed that if Hanoi now conditioned further releases on the means of return, “we have no choice but to accede.” They recognized that the peace group would “gain favorable publicity by completing this ‘humanitarian’ deed” on its own, but the group spokesmen would attract far more attention if able to charge that the U.S. government had stolen the pilots away. Accordingly joint State-Defense instructions went to Ambassador Sullivan in Vientiane, the probable scene of the first face-to-face meeting with the returning airmen. He should make clear to them that they had a free choice and then “offer military transportation to entire group including peace escorts, stressing advantages of comfort, medical attention and speedy return for reunion with families. If peace escorts reject government flight and pilots express preference to return with them, . . . Sullivan should not urge them to return via military.”<sup>61</sup>

Ambassador Sullivan and his staff hastened to arrange for either quick transfer to the military medevac channel or onward travel by commercial airline. In the process he had occasion to return a spirited reply to another message from Washington instructing that if the releasees elected to travel commercially, the U.S. government should not take on the expense of first-class fares when making their reservations. Sullivan called this “just about the most niggardly piece of bureaucratese I have ever encountered”—probably the work of “green-eye-shaded penny pinchers.”

It should be understood that, if these men go back commercially, it will be because North Vietnamese will, in effect, have made it a condition of their release. . . . Therefore, I see absolutely no sense in giving them pejorative treatment in travel when they are acting under force majeure. Not only would their psychological condition merit first class travel, but such travel is one way to keep them away from the curious and the press. Moreover, any officer who has spent several months in a prison camp deserves a little human consideration upon his release.

“Consequently,” Sullivan wrote, “we are going ahead with contingent reservations for first class travel,” covering the three pilots and the escort officer to be assigned from the embassy. “If Defense declines [to] pay more than tourist class fare, my entire country team has volunteered that we will take up a collection to pay the difference from our own pockets.” Less than eight hours later Harriman weighed in with his opinion, noting that “if private contributions are needed, fund would be vastly over-subscribed,” and he and others of the U.S. delegation in Paris would consider it a



privilege to take part. However, he was confident that on mature reflection all concerned would feel as he did, that first-class fares provided by the government were fully justified.<sup>62</sup>

In mid-July the North Vietnamese government had published the names of the three Air Force officers chosen for release: Maj. James F. Low, Maj. Fred N. Thompson, and Capt. Joe V. Carpenter. Soon afterward the men began their association with the delegation of three American peace advocates, whose senior member was Stewart Meacham of the American Friends Service Committee. Delayed both by the staging of various ceremonies and press conferences and, according to the Vietnamese, by a disruption of the flight schedules, they did not leave Hanoi until 2 August 1968.<sup>63</sup>

Ambassador Sullivan met the ICC flight in Vientiane. Besides offering the overnight hospitality of the embassy he explained the two travel alternatives. The three pilots chose to remain with Meacham's escort group and fly by common carrier—a decision “made on basis indications they had received from DRV authorities that this was expected,” according to Sullivan's report. As Carpenter later recorded it, “We felt certain that they would be more likely to consider further releases if we played it this way,” and he noted that “the Ambassador seemed satisfied with our choice.” Without objection from the antiwar delegation, a foreign service officer joined the party, and it reached New York on 4 August 1968.<sup>64</sup>

At a meeting in the Pentagon a few days later, Frank Sieverts reported that Ambassador Harriman was satisfied with the way return travel had been handled and believed the current formula was the proper one. There remained no doubt that departures from the intended travel arrangement did matter to the leaders in Hanoi and hence might be a factor in their future decisions. Recognizing this, the U.S. government might well refrain from insisting on rigorous application of the principle that the men were at all times members of a military service of the United States and subject to its jurisdiction. Accordingly, policy now prescribed allowing a free and unpressured choice rather than precipitating a contest for physical custody of the returnees. Though questioned by some officials of the succeeding administration,\* it still prevailed a year later, in August 1969, when the North Vietnamese, of their own volition, once again set three prisoners free.<sup>65</sup>

For all the usefulness of the pacifist intermediaries in securing release of U.S. prisoners, the activities of peace groups and protesters were an embarrassment to the U.S. government in its prosecution of the war. The Department of State found it additionally disturbing that Tom Hayden and others made their initial trips to Hanoi in contravention of a passport provision prohibiting travel to such countries as Communist China, Cuba, North Vietnam, and

\* See Chapter 12.

North Korea. A succession of federal court decisions largely disposed of the controversy over this matter but probably deepened the feelings of resentment in some quarters of the department. In January 1967 the Supreme Court ruled that certain criminal penalties in the basic immigration law, long relied on as the ultimate sanction against violators of travel restrictions, did not apply. State officials continued to revoke the passports of noncompliant travelers as an administrative measure, but in December 1967 a lower court's decision in a suit brought by Staughton Lynd placed further limits on the department's authority. Accordingly, in March 1968 the State Department published new passport regulations, described in the press as giving notice "that it will no longer try to punish persons who travel to Communist countries that have been declared 'off limits' to American citizens."<sup>66</sup>

Harriman and Sieverts had been less concerned with maintaining a stern official demeanor toward violators of the travel restrictions than with keeping lines of communication open to any of the peace activists who had an avowed interest in the prisoners. The two officials sought wherever possible to use visitors to Hanoi for the advantage of the captive Americans, to obtain identification of prisoners and information on their condition, to carry mail in and out, and to call attention to actions the U.S. government was taking with the hope of establishing reciprocal release or repatriation of the sick and wounded. They counted it a particular success when Stewart Meacham took 40 letters with him in August 1968 and brought out 49, including one from a prisoner previously listed as missing. Usually, members of the antiwar movement who made the journey proved willing to share what they had seen and heard with the department's officials.<sup>67</sup>

State Department spokesmen welcomed each of the three-man releases, but after 1967 the expression of thanks to the antiwar representatives for their role did not figure prominently in the government's statements. It seemed apparent that the Communist leaders had settled on a new program of using American peace advocates in a way that fostered the protest movement in the United States even as it allowed the North Vietnamese and their Viet Cong allies to counter some of the adverse publicity they were receiving on the prisoner issue. Thus Hanoi described the release of three airmen to Berrigan and Zinn as "vivid proof of the lenient and humanitarian policy" of the North Vietnamese government, even at a time when its territory was under severe bombardment from U.S. aircraft.<sup>68</sup> The program also suited Hanoi's purposes in that selected captives could be handed over to representatives of the antiwar movement without giving any satisfaction to the U.S. government's desire for direct negotiations on release and other aspects of prisoner treatment. Hanoi depicted these events as a people-to-people exchange, in which the Vietnamese People's Committee for Solidarity

with the American People had nominal charge of the prisoners in the interval between their selection and actual release.

At all times the initiative remained exclusively with the North Vietnamese, whether in inviting American war protesters to Hanoi or in deciding on and scheduling the prisoner releases. Although some peace activists made public statements and wrote letters appealing for more captives to be freed, analysts in the State Department did not credit them with bringing about any of the releases. In fact, officials believed they had evidence of specific requests that had been rebuffed. Inescapably, the service that antiwar Americans did perform in facilitating the return of U.S. prisoners also furthered aims of the Communist leadership with which the American pacifists did not necessarily agree. Washington officials saw nothing to shake their conviction that for the enemy in Vietnam, prisoner releases were measures of war, decided upon as a matter of high policy and calculated propaganda, not as a yielding to humane sympathies.<sup>69</sup>

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### Efforts To Ameliorate the Conditions of Captivity

**A**lthough the Johnson administration had made the early release of U.S. prisoners its prime objective, it sought to ameliorate the conditions of captivity as well. The goal was to win for the prisoners the fullest possible application of the provisions of the Geneva Convention.

Besides the articles barring torture and other mistreatment, three provisions of the convention received particular attention from Washington officials concerned for the welfare of the American servicemen in captivity. Article 122 required that a warring power promptly and systematically furnish information on the identity, state of health, and mailing address of all prisoners under its control, in a manner that "shall make it possible quickly to advise the next of kin concerned." Article 126 required the belligerent country to permit inspection of its prisons by representatives of the designated protecting power and by the International Committee of the Red Cross. The enemy made no move to honor either obligation, and success in eliciting compliance with these two articles appeared unlikely any time soon. On the other hand, the requirements of Articles 70, 71, and 72 regarding the right of prisoners to send letters and receive mail and parcels had been at least partially or unevenly observed by the North Vietnamese from early August 1964 when the first U.S. airman, Navy Lt. Everett Alvarez, Jr., fell into their hands.\*

The prospect of obtaining full compliance on exchange of mail tantalized State Department officials throughout the war. The attempt to gain this seemingly slight concession from the enemy occupied more of their time and effort in the years 1965 to 1968 than any other aspect of PW affairs except early release.

\* See Chapter 3.

*Prisoners' Mail*

When the Democratic Republic of Vietnam placed successive restrictions in March and May 1965 on the ICRC's attempts to transmit letters and packages to the American prisoners, the mail problem emerged in its true proportions. Before May 1965, the frequency of letters to and from Alvarez had seemed a hopeful sign that Hanoi did not intend to ignore entirely the provisions of the Geneva Convention regarding mail, although nothing had been received from several other pilots believed to be held with Alvarez in North Vietnam. The announcement of tighter controls extinguished such hopes. It now appeared probable that the North Vietnamese enemy was using denial of mail privileges as a means of punishing or influencing the American captives.

As for mail to prisoners held in South Vietnam, there was little evidence on which to base an assessment of enemy policies. Neither Red Cross officials nor the U.S. government had any channel through which to talk to the National Liberation Front. By September 1965 it was known that the NLF had established a "Red Cross of Liberation" but had made no move toward affiliation with the international organization in Geneva. Between 5 February 1964 and 25 May 1965 the ICRC had sent 23 letters and 4 relief parcels through the Cambodian Red Cross, considering it the best available channel. But not until Sgt. Issac Camacho escaped in July 1965 and the families of two other prisoners of the Viet Cong received letters that same month did anyone in the Free World know that the parcels and at least six of the letters had reached their destination. The Viet Cong allowed five of its captives to write, but only once. The remaining summer months brought no further letters out of the insurgent-dominated areas of South Vietnam.<sup>1</sup>

Such was the situation when the first meeting of the Army-sponsored Conference on Prisoners and Missing in Vietnam occurred in the Pentagon on 1 September 1965.\* Of the PW matters discussed in the meeting, mail appeared to be the primary concern. It became immediately evident that lack of information about deliveries to the prisoners and absence of clear guidance on channels to be used by next of kin had caused confusion in the casualty branches of the military services. While it was understood that the principal channel was through the State Department to the American Red Cross and from there to the ICRC, the Navy and Air Force had been uncertain that letters for prisoners in North Vietnam should follow this route, and a backlog of mail had built up as a result. Army representatives questioned the need for transmitting mail through the Bureau of Security

\* See Chapter 2.

and Consular Affairs in State, which merely passed it on to the ARC. State's representatives, however, insisted on continuing to receive the letters, claiming that their number was not great enough to present a problem.<sup>2</sup>

Within two months, however, the increasing volume of family letters and the growing conviction that channeling mail through SCA was both time-consuming and unnecessary led to a special meeting of service, State, and ARC officials. These representatives agreed on a "Memorandum of Understanding . . . on the Assignment of Responsibilities for Americans Held Captive in Southeast Asia," dated 9 November 1965. The most important effects of the agreement were to remove the State Department from involvement in the routine aspects of mail transmittal, without diminishing its control over policy matters, and to enlarge the role of the American Red Cross. The agreement accorded the ARC considerable flexibility in its handling of the mail and in dealing with the ICRC on the subject.

Specifically, the military services were now to advise families to send all mail for missing persons directly to the ARC, which would forward it to the ICRC for retransmittal. Families would be free, however, to use any other channel that might be more successful in reaching the prisoners, and they were asked to inform their service contact office of any that proved effective. Similarly, the American Red Cross could seek alternate routes and could, with the concurrence of SCA, bypass the ICRC if deemed advisable.

The memorandum of understanding contained further measures designed to give U.S. officials a surer knowledge of the mail traffic and, if necessary, some control. A key move was persuading the ICRC to change its method of forwarding the mail it received from prisoners. Rather than sending PW letters directly to the family addressee as had been customary, the ICRC now was requested to pass them all through the American Red Cross. The ARC would then dispatch the prisoner mail to the families, but it would alert SCA and the service casualty branches by providing them with copies of its own transmittal letters. At the next step the casualty branches were to obtain from the families copies of all PW letters and furnish them to SCA for analysis by the State Department's intelligence bureau, together with information given by next of kin about any mail received through channels other than the ICRC-ARC.

The memorandum of agreement continued in effect the criteria for letters written by relatives, as prescribed earlier by the ICRC. Only the next of kin (father, mother, wife, or child) or legal designee of the missing person was authorized to send mail. Letters could not be long or overly frequent and should contain only personal news. As for parcels, for the time being only the standard one provided by the ARC would be forwarded, under arrangements coordinated with the State Department.<sup>3</sup>

The understanding of 9 November 1965 did much to clarify procedures for handling PW mail within the jurisdiction of the U.S. government. It could not be expected to have much bearing on the success of future mail deliveries to the prisoners, however, or on their writing privileges. These matters would be decided by the Vietnamese Communists, and for the present the only means of influencing them was through diplomacy, directly by the Department of State or indirectly through the ARC.

In dealing with the mail, as with certain other aspects of PW affairs, State used the ARC as an extension of itself, often to undertake projects that might have greater prospect of success if handled at other than the official level. Of special importance to the department was development of some means of dealing with the NLF without arousing the sensitive South Vietnamese government to protest or giving the insurgents grounds for a claim that the United States had recognized their organization. For a time, as in the Tam affair,\* the ICRC was the chosen agent, but the NLF soon showed itself determined to push the international organization out of the picture. The State Department responded by intensifying its relationship with and reliance on the ARC.

The National Liberation Front made its first move to shut out the ICRC on 4 January 1966, when its representative in Prague wrote to the international committee calling on it to stop transmitting mail addressed to prisoners of the Viet Cong. The letter stated that the NLF was authorizing prisoner families to send mail and gifts "through the intermediary of NLF services in the country and abroad, *without* it being necessary nor advisable to resort to any other intermediary." To underscore the NLF's rejection of an ICRC role, the Prague representative returned mail the committee had recently attempted to forward through Moscow and Prague.<sup>4</sup>

Although the ICRC was striving to obtain some mitigation of the NLF edict, the State Department and the ARC agreed that it was time to seek a new channel to transmit mail to the U.S. servicemen held in South Vietnam. On 25 January 1966, ARC President James F. Collins asked the president of the Czech Red Cross for assistance in developing another route, possibly from the ARC to the Czech Red Cross to the NLF representative in Prague. When this overture brought no meaningful response Deputy Under Secretary of State U. Alexis Johnson on 4 April asked Collins to consider sending a Red Cross official to Prague to discuss mail and possibly other humanitarian issues with the NLF representative.<sup>5</sup>

The ARC sent one of its vice presidents, Ramone S. Eaton, but the Czech Red Cross refused to assist him in arranging the desired meeting, almost certainly because the NLF had made clear that it would tolerate no

\* See Chapter 5.

intermediary, not even a Communist one. Eaton could not ask for assistance from the American embassy in Prague without impairing the nongovernmental character of his mission, which both State and ARC were anxious to preserve.<sup>6</sup> He therefore went twice, alone, to meet an NLF functionary, Pham Van Choung, who subjected the American to the usual preliminaries of a discussion with the NLF—a long recital of the historical repression and more recent brutalities visited on the Viet Cong, in this case backed up by pictures and articles from *Life* and other publications. Then followed a review of the Viet Cong's humanitarian policy toward prisoners, which he said was controlled by the head of the NLF's Red Cross of Liberation. When Choung finally got to the question of PW mail he had nothing new to offer. Letters sent to NLF offices overseas would reach the Liberation Red Cross, he said, but that organization had difficulty delivering the mail because of U.S. bombing.

Choung refused to accept the family letters that Eaton carried, apparently because Eaton, as a Red Cross intermediary, stood between the NLF and its sought-after recognition by the U.S. government—even such slight acknowledgement as might be afforded by requiring the families to write directly to an official NLF representative. Further, Choung suggested that relatives who wanted their letters to get through should demand that the United States end the fighting. Clearly prisoner mail policy was an instrument of the NLF's psychological warfare. Delivery of letters to and from prisoners was to be used as a means of influencing not only the captive Americans but their families as well, and through them, the government in Washington.<sup>7</sup>

Soon after the initial pronouncement of the NLF's "no intermediaries" policy in January 1966, U.S. officials detected signs that North Vietnam was similarly disposed to eliminate the International Committee of the Red Cross from the picture. In late February, ICRC president Samuel A. Gonard, on a visit to Washington, informed Secretary Rusk that Hanoi had recently been returning all PW mail transmitted through the ICRC. This rejection of the ICRC role was strongly reinforced by the fact that during the first part of the year 12 families received letters from prisoners asking that correspondence (one letter a month, from close relatives only) be addressed to them at "Camp of Detention of U.S. Pilots Captured in the Democratic Republic of Vietnam, C/O Hanoi Post Office, D.R.V."<sup>8</sup>

The DRV bid for direct transmission of PW mail presented the military services and the State Department with an array of problems. Abandoning the Red Cross channel would eliminate one of the links to the ICRC and end the reliable accounting of the volume of correspondence that was possible when all letters went through the ARC. The services would become more dependent on the cooperation of the next of kin for



information about mail frequency and routes of transmission since they would have no way of knowing that prisoner letters had arrived unless notified by the recipients. They feared also that opening up direct mail channels to the captive Americans might prompt other individuals or groups to write to the prisoners, which could work to the detriment of the PWs or cause Hanoi to halt delivery entirely.<sup>9</sup>

Despite doubts and reservations, the prospect of getting a regular mail system established led the Navy and Air Force to encourage the 12 families to use the Hanoi address. The State Department had concurred, and it moved to have U.S. postal regulations changed to permit direct transmittal of mail to Hanoi. Such traffic had been forbidden in deference to a declaration made by the government in Saigon more than 10 years earlier that all post offices in North Vietnam were "closed." Observing the State Department's requirements for minimum publicity and no contact with North Vietnamese authorities, U.S. postal officials arranged informally with Hong Kong's postmaster general for the forwarding to North Vietnam of mail conforming to the terms of the Universal Postal Union. Approved items included letters, post cards, aerograms, and certain printed matter but not packages or registered letters.<sup>10</sup>

Anxious not to jeopardize delivery of letters from those families who had been asked to use the Hanoi address, the military services sought to hold all others to the Red Cross channel. In this they largely succeeded, although they could not prevent other families from attempting to correspond directly if they chose to do so. The policy continued in force even after a Canadian diplomat advised the U.S. embassy in Vientiane, on 18 June 1966, that Hanoi authorities had said the direct channel was open to next of kin of all prisoners.<sup>11</sup>

A number of considerations, in addition to those previously mentioned, underlay the reluctance to give up the Red Cross route. First was the lack of evidence that letters were regularly reaching the captives through whatever channel. Then there was the suspicion that a system of direct correspondence gave the Communists greater leverage against the prisoners. By further curtailing the opportunities for outside monitoring, it might remove any remaining restraint on the captor's power to grant or withhold mail privileges as reward or punishment. Third, the ICRC, which desired to maintain its mailman role if possible, had continued to forward letters to Hanoi for the men in North Vietnam and by June was able to say that none were being returned. In the monthly meetings of the Conference on Prisoners and Missing in Vietnam, State representatives stressed the desirability of working through Red Cross agencies whenever possible. In the absence of clear indications that another mail channel to North Vietnam was better, the one offered by the ICRC ought to be retained.<sup>12</sup>

The ICRC had to admit defeat, however, in its attempts to send mail to U.S. prisoners in South Vietnam. The Viet Cong consistently refused to accept mail through a third party. On 4 May 1966 a news release from Algiers gave the address of an NLF office in that city to which letters for prisoners of war might be directed. Washington was hesitant to allow families to write to the Algiers address, but since the ICRC returned as undeliverable all mail directed since January to prisoners of the Viet Cong, the Algiers office seemed the only possible route. In July, the ARC sent to Algiers more than 200 items of mail it had been holding for captives in South Vietnam, and thereafter it used that channel regularly. After October 1966 the military services made no further efforts to prevent families from sending letters, and even packages, directly to Algiers.<sup>13</sup>

With direct routes of correspondence available, continued insistence on use of Red Cross channels became impractical. More and more families received letters from their captive serviceman asking them to use the Hanoi address. Other next of kin wrote both directly and through the Red Cross to miss no possibility of getting letters through. In January 1967 even the family of Everett Alvarez, the one prisoner of war who had regularly received correspondence through the ICRC, turned to using direct mail. Finally, in March 1967 the State Department recommended ending the limitation on direct correspondence, and the services notified all families that the Hanoi and Algiers addresses were open for use.<sup>14</sup>

Almost immediately the amount of mail transmitted by the ARC and the ICRC began to fall off, both in absolute numbers and, more strikingly, in relation to the rising count of known prisoners and missing men who might be prisoners. In April 1967 the ARC transmitted 354 letters. At the end of that month there were 582 men (in North and South Vietnam but excluding Laos) listed as "active" by the ICRC. By the end of September, against 746 active cases, the number of next-of-kin letters passing through the ARC had fallen to 283. By March 1968 the month's letter total was 258 while active cases had risen to 975.<sup>15</sup>

By the spring of 1968, writing directly to Hanoi clearly offered a better means of getting letters to prisoners of war—at least to the 80-odd men the DRV authorities were then permitting to write—than sending them through the Red Cross. Of 7,421 letters forwarded by the ARC and ICRC through the end of January 1968, only a few were known to have been received by the addressees. The direct mail record was better, though just how much better was not determinable because some families did not keep the services fully informed about either the frequency or the content of letters they received.<sup>16</sup>

Lacking assurance that mail sent through either channel would reach the prisoners, Washington officials continually sought other and possibly more reliable routes. The ARC repeatedly appealed to the North Vietnamese Red Cross for a meeting on the subject or for assistance in establishing regular deliveries. These requests encountered either silence or a response limited to reiteration of Hanoi's assertion that the captives, although not entitled to the Geneva Convention's protection, were being treated humanely. The ARC then tried to enlist the help of "sister societies" in East European Communist countries in persuading the DRV to relent, but without success.<sup>17</sup> As the U.S. delegation prepared for the preliminary peace negotiations in Paris on 10 May 1968 the situation regarding mail delivery to American prisoners in Vietnam remained essentially what it had been almost two years before, controlled not by the terms of the Geneva Convention but by the policies of the DRV and NLF, whose leaders remained defiantly unresponsive to appeals from Washington.

As for mail coming from the North Vietnamese prison camps, at the end of 1966 the DRV had found a new way to use this correspondence as a weapon of war in its campaign to turn the American public against the struggle in Southeast Asia. Suddenly it stopped transmitting letters through international mail channels and began to send them out with visiting antiwar activists, American journalists sympathetic to the DRV cause, and foreign pacifists and supporters. Between 2 January 1967, when the normal mail transmission ceased, and the opening of the Paris talks more than 16 months later, almost all letters from Hanoi came via such visitors. When 1968 ended, 157 letters were known to have reached the families during the year; fewer than 10 came through international mails. Returning visitors placed the letters in domestic mail channels or even delivered them to the families in person rather than passing them to the ARC or a government agency.<sup>18</sup>

By using peace groups and other sympathizers as the sole means of transmitting PW letters the Hanoi authorities hoped to advance the standing of the antiwar movement with both PW families and the American public and to persuade the families to look on the peace groups and activists as a benevolent and comforting source of information about the prisoners. Whether the Communists succeeded in influencing either the public or families by this maneuver cannot be determined. Successful or not, the effort cost them nothing.

Besides meeting frustration at every turn when attempting to arrange for reliable delivery of letters to American prisoners, U.S. officials had difficulty in demonstrating that captured North Vietnamese troops, held in the South, were being accorded the mail privileges prescribed by the Geneva Convention. During the first half of 1966, when Washington was struggling

to bring the treatment of enemy prisoners of war into line with the convention, the State Department brought pressure to bear on the Saigon government to get North Vietnamese captives to write to their families. In accordance with their indoctrination, however, the Communist prisoners generally refused. In June 1966 a special effort did elicit 40 letters, which were sent to the ICRC for transmission to Hanoi. The DRV authorities returned them all, claiming they had no knowledge of the writers. Any hope that Hanoi could be induced by example to loosen its limitation on PW mail was clearly doomed.<sup>19</sup>

#### *Packages for Prisoners*

Article 72 of the Geneva Convention provides that prisoners of war "shall be allowed to receive by post or by any other means individual parcels or collective shipments containing, in particular, foodstuffs, clothing, medical supplies and articles of a religious, educational or recreational character." During the early captivity of Alvarez the Hanoi authorities allowed him to receive two Red Cross packages but then ceased to accept them. The same pattern prevailed in the South. Four parcels reached prisoners of the Viet Cong through Cambodia in mid-1965, but none thereafter. Unstinting efforts of the ICRC and ARC to get additional parcels through proved unavailing. Soon after the mail route to Hanoi through Hong Kong was opened in February 1966 the ARC tried to broaden it to include parcels, but without success. Its repeated requests to the North Vietnamese Red Cross to permit the delivery of packages brought no reply.<sup>20</sup>

With the approach of Christmas in 1966, Navy and Air Force officials decided to test what seemed to be a tendency of the DRV to moderate the conditions of captivity somewhat at that season. Together with the families they prepared packages for the 22 prisoners who had furnished the Hanoi Camp of Detention address. Since the Hong Kong channel did not handle parcel post, another had to be found. American postal authorities secured the cooperation of the Austrian Post and Telegraph Administration (APTA), which tried to arrange a route for the packages through Prague, Moscow, and Peking, to Hanoi. All except Hanoi signified their willingness to participate. In the absence of a timely response from Hanoi, the Austrians forwarded 14 packages without any assurance that the North Vietnamese would accept them. Writing on 25 January 1967, a DRV official advised APTA that Hanoi rejected the arrangement, noting that "we do not maintain relations with the administration of the American postal services." All of the parcels were returned to the senders.<sup>21</sup>

It appeared in September 1967 that the embargo on parcels might be lifted. On returning from a trip to Hanoi, American journalist David Schoenbrun reported being told by officials there that the way was open for prisoners to receive packages, under supervision of the DRV's Red Cross society. Eager to seize this possible opening, the ARC cabled the North Vietnamese Red Cross on 6 October asking for information about mailing procedures and whether packages might be sent through Hong Kong. The reply later that month gave a clear signal that nothing had changed. Offering no comment whatever on mail, it merely repeated Hanoi's standing assertion that the captured pilots "do not come under the disposition of the Geneva Conventions" but nevertheless "are always the object of humane treatment."<sup>22</sup>

As arranged in consultations with State and postal officials, the military services then undertook a massive mailing of Christmas packages, both to known prisoners and to men listed as MIA. The operation involved packages of two to three pounds in weight, made up individually by the next of kin in such manner as to avoid the appearance of government sponsorship, for mailing through the Austrian channel to Hanoi in successive groups.<sup>23</sup>

Once more, the effort proved futile. Even before the second group of packages left the United States, APTA sent word, on 15 November 1967, that a large number of parcels had been returned to Austria. In all, 465 packages made the journey eastward. Almost all came back, marked "Refusé par le service du Viet-Nam." State Department officials expressed some minor gratification that the Soviets had acknowledged the parcels as legitimate PW mail and had honored the Geneva Convention's provision for nonassessment of postage. The prompt return, however, suggested that the packages had not gotten beyond Moscow and that the rejecting notation had been added there, presumably on instructions from North Vietnam.<sup>24</sup>

As with letter mail, no essential change in the package mail situation occurred through most of 1968. When the preliminary peace discussions began in Paris in May no package had been allowed to reach a prisoner through the mails since the early parcels for Alvarez and the four received by prisoners of war in the South in 1965. In the context of the Paris talks, and with the approach of Christmas 1968, the DRV finally announced an exception to its exclusionary policy.\*

\* For an account of this and subsequent developments, see Chapter 17.

*U.S. Measures to Counter Exploitation of Prisoners*

If Washington's efforts to secure mail privileges for the U.S. prisoners were marked by frustration and disappointment, there had at least been some spotty results owing to Hanoi's willingness to accede to Articles 70, 71, and 72 of the Geneva Convention when it suited the Communists' purpose. But with respect to Articles 122 and 126, the requirements having to do with publishing the identity of captives and the inspection of prisons by neutral observers, neither the DRV leadership in the North nor the NLF in the South found any reason to relent at all. On the subject of prisoner identification, secrecy rather than disclosure worked to the Communists' advantage, as continued uncertainty about the fate of men missing in action could be expected to cause families greater distress than knowledge of their capture—and, the DRV assumed, bring greater pressure on the American government to end the war. With regard to both identification and inspection, the DRV continued to maintain that the captured U.S. pilots were war criminals and therefore outside the protection of the convention.

Nonetheless, Washington pressed on with demands for compliance, especially after Viet Cong documents seized in the summer of 1966 confirmed the Communist intent to exploit their American hostages for political and propaganda purposes.<sup>25</sup> On 20 July 1966, when the DRV appeared determined to stage war crimes trials, President Johnson publicly invited the enemy to join in a conference under ICRC auspices to consider all aspects of the application of the Geneva Convention to the war in Vietnam. Although Ho Chi Minh signaled later in the month that there was "no trial in view," Harriman and his colleagues moved to keep the president's proposal alive. In this undertaking Harriman had to energize a reluctant ICRC. When giving an account of consultations with ICRC President Gonard at the end of August, the head of the U.S. mission in Geneva, Ambassador Roger W. Tubby, reported Gonard's statement that if his organization invited North Vietnamese participation in such a conference, a favorable reply from Hanoi was highly unlikely. Therefore the international committee did not contemplate "any further steps in this direction." Harriman was not to be turned aside. Fifteen days later the ICRC forwarded to the DRV foreign minister a formal communication from the United States government calling for a conference under ICRC auspices. The letter expressed Washington's desire to discuss the Geneva Convention in relation to prisoners of war in Vietnam and announced President Johnson's willingness to consider a reciprocal reduction of hostilities, either before or during the conference. Hanoi never gave a direct reply, leaving it to be understood that the DRV would not accede to such a conference.<sup>26</sup>

Meanwhile, on 7 October 1966, the ICRC again offered to meet anywhere with DRV representatives for conversations on conditions of captivity. An earlier proposal that Gonard travel to Hanoi for discussions had met with a polite refusal, but this latest ICRC offer was ignored altogether. By early February 1967, when the U.S. mission in Geneva reviewed the status of ICRC efforts, hope for any conference or general discussions with Hanoi on application of the Geneva Convention had died.<sup>27</sup> State therefore turned its attention to specific requirements of the convention, particularly to ICRC visits and inspections. During the next month, strong evidence of North Vietnamese mistreatment of the prisoners made institution of these measures especially urgent.

*Protesting Mistreatment: The Stratton Incident*

From the time when captive Americans were first paraded through the streets of Hanoi as a precursor to possible war crimes trials, indications of deliberate abuse of prisoners had filtered through the bamboo curtain. The evidence, however, was never sufficiently firm or publicly demonstrable to enable the United States government to charge the North Vietnamese with cruelty. Much of the evidence was based on inference, drawn from the growing number of "confessions," "apologies," and criticisms of U.S. war policies by captured pilots that Hanoi published or broadcast to a worldwide audience. Washington officials, analyzing the statements closely, viewed them as the products of duress if not of the "brainwashing" techniques commonly attributed to all Communist governments. The absence of hard evidence gave them pause, however, as did certain contrary indications, such as the appearance of criticisms of U.S. policies in prisoners' letters to their families. It was less certain that these statements were the product of physical coercion, although intelligence analysts surmised that the DRV authorities might have prescribed their inclusion as a condition for permission to write. The U.S. government needed solid grounds if it was to go to the public or approach foreign governments with a direct attack on Communist mistreatment of the prisoners of war. The lack of such solid evidence and of reliable information on the prisoners' physical condition made impartial inspections by the ICRC all the more desirable.<sup>28</sup>

Then, on 6 March 1967, the DRV made a mistake that gave Washington an opening for launching an intensive campaign against Communist mistreatment and for renewing efforts to get ICRC inspectors into North Vietnam. At a Hanoi news conference attended by journalists and photographers of the world press, including *Life* correspondent Lee Lockwood,

DRV officials played a taped statement, said to be that of Lt. Cdr. Richard A. Stratton. At the drawing of a curtain, the Navy pilot himself appeared on the stage. According to Lockwood, Stratton's eyes were glazed, his nose bright red, and his color unnatural. Without speaking, he bowed thrice to the audience, left, center, and right, and then repeated his puppet-like movements at the command of a DRV officer. A French diplomat was heard to exclaim "frightful," and an East German press representative later remarked that it was beyond comprehension what the North Vietnamese had done to Stratton and what they intended by this display. A correspondent also noted that Lt. Cdr. Charles N. Tanner's published confession that he had bombed villages under orders to achieve "total annihilation" was obviously forced. By referring to actions of fellow airmen "Ben Casey" and "Clark Kent," fictional characters familiar to most Americans of the television generation, Tanner had signaled the fabricated nature of his confession.<sup>29</sup>

The State Department reacted initially with a restraint that reflected uncertainty about just what Stratton's performance represented and reluctance to take any step that might lead to worsening the treatment of the captives. Harriman wrote a letter of protest to the DRV on 24 March, which the ICRC forwarded a week later. He noted that it had not been possible to verify the North Vietnamese claims that their treatment of U.S. captives was consistently humane, given Hanoi's refusal to permit either impartial inspection of prison conditions or the regular exchange of mail between prisoners and families. But beyond that, "in recent weeks information has come to our attention which casts the most serious doubts upon the North Viet-Nameese statements . . . . We have reluctantly come to the conclusion that some of the U.S. airmen are being subjected to emotional or physical duress, which is a flagrant violation of the Geneva Conventions."<sup>30</sup>

Gonard followed this with a letter of his own at the beginning of April. A few days later the State Department advised all posts that U.S. embassies in New Delhi and Stockholm had already raised the subject with their host governments, and the message asked that others do the same. Nine embassies in major capitals were to ask host governments to intervene with the DRV and, especially, to urge the North Vietnamese to let the ICRC visit the prisons. The Swedes and Japanese agreed to do so.<sup>31</sup>

The State Department made public the substance of Harriman's protest on 3 April 1967, and for an article that recounted the Stratton incident in *Life's* 7 April issue Harriman produced a shorter version of his statement, which the magazine highlighted so that few readers would miss it. The press accounts and pictures of Stratton's ordeal set off public expressions of protest and revulsion, abroad as well as in the United States. The negative response was not lost on the North Vietnamese. By midyear they



were making strenuous efforts to counteract the adverse publicity from the Stratton affair.<sup>32</sup>

Hanoi's realization that it had erred with Stratton did not come soon enough to keep it from repeating the mistake. Another propaganda display on 6 May 1967 featured recently captured and visibly injured pilots whose suffering and humiliation appeared in widely distributed films. Through the ICRC the U.S. government lodged an immediate protest of this "flagrant violation" of the Geneva Convention, though with little expectation of a satisfactory reply from the North Vietnamese. The ARC made a somewhat different approach in a cable to the North Vietnamese Red Cross on 23 May, appealing on humanitarian grounds for the repatriation of seriously ill and injured prisoners such as those paraded on 6 May.<sup>33</sup>

Some weeks later, on 17 July 1967, the White House issued a measured statement of the U.S. position in a press release:

The United States Government has been greatly concerned at the plight of Americans held prisoner by the National Liberation Front and North Viet-Nam. More than 20 American soldiers and several American civilians are believed held by the National Liberation Front. We know that more than 160 American military personnel are confined in North Viet-Nam. Several hundred more are considered missing because the National Liberation Front and North Viet-Nam withhold the names of prisoners and generally prohibit most prisoners from sending letters. We are gravely concerned that some of these prisoners may not be treated humanely. The claims of the National Liberation Front and the North Vietnamese that they are treated humanely cannot be verified, because neutral observers or organizations such as the International Committee of the Red Cross have not been allowed to visit the prisoners and inspect their places of detention.

Viet Cong and North Vietnamese prisoners held by the Government of Viet-Nam are confined in camps inspected regularly by the ICRC. These prisoners include many captured by U.S. forces and turned over to the Government of Viet-Nam for safekeeping under the provisions of the Geneva convention. Their treatment and the conditions of their confinement have been humane and in accord with the convention, as verified by these neutral observers.

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The United States calls on the National Liberation Front and North Viet-Nam to permit impartial inspection of all prisoners and urges them to repatriate those sick and wounded prisoners who qualify for repatriation under the convention.

The Governments of the United States and Viet-Nam have repeatedly made clear both publicly and privately through many channels their desire to bring about an exchange of prisoners. The Government of the United States reiterates its desire and its willingness to discuss such exchanges at any time and in any appropriate way, using intermediaries or directly, by public means or privately.<sup>34</sup>

### *Hanoi Rejects Inspections*

By the time this statement appeared the U.S. government had in hand an outright rejection of neutral and ICRC inspections from Hanoi. At Harriman's behest the Swiss government had broached the subject through its ambassador in Peking. Hanoi responded with a note stating that, since there had been no declaration of war, the North Vietnamese government did not regard the pilots as prisoners of war and therefore "could not accept an official intervention by the International Red Cross Committee on the basis of the Geneva Conventions." The Swiss ambassador in Washington passed the text of the DRV note to Harriman on 6 July 1967. Several weeks later the U.S. mission in Geneva reported the ICRC's decision not to renew, "for time being," its frequently rebuffed request for admission to North Vietnam.<sup>35</sup>

During the campaign to gain the right of inspection State Department officials had found it disconcerting that the ICRC did not hold Hanoi solely to blame for the failure of its efforts to visit North Vietnamese prisons. Some ICRC members considered that more might have been accomplished had the United States been willing to make certain concessions, chiefly by announcing a pause in bombing operations over North Vietnam so that ICRC-sponsored negotiations might proceed.

In December 1965 Ambassador Tubby had advised the ICRC that the U.S. government would give the international committee the same notice of bombing pauses that it gave its allies. This would assist the ICRC in timing its requests to Hanoi and would tend to negate the excuse given by the DRV in turning down earlier applications for entry—that the foreign visitors would be endangered by U.S. bombing. The arrangement fell short of what the ICRC leadership had in mind. In July 1966 in Geneva, Gonard advised Arthur J. Goldberg, U.S. ambassador to the United Nations, that the international committee contemplated asking the United States to proclaim a temporary halt in bombing operations over North Vietnam for the specific purpose of letting the ICRC make an approach, on both PW matters and broader issues of the war. Goldberg tried to dissuade the ICRC president, pointing out among other things that two earlier bombing pauses had drawn

no positive response from the North Vietnamese. The State Department immediately commended Goldberg's action and supplied additional arguments for his use, in a cable drafted by William P. Bundy, assistant secretary of state for Far Eastern affairs. Bundy saw a decided risk in linking the PW program with broader negotiations; if the captive Americans were to be retrieved before the end of the war it was necessary that the issue remain a separate one. Furthermore, he feared that a call by the ICRC for a bombing pause might lead the DRV to use the prisoners in other attempts to influence U.S. military operations. These and related dangers, particularly North Vietnam's use of bombing pauses as the opportunity to reinforce and resupply its troops, made Gonard's proposal unacceptable.<sup>36</sup>

The U.S. diplomatic effort headed off the bombing halt proposal for the present, but it failed to extinguish the idea within the ICRC. Although the State Department assured the international committee on several occasions that U.S. authorities would see to it that no military activity endangered the ICRC delegates if they were indeed permitted to visit North Vietnam, ICRC officials repeatedly returned to the bombing pause proposal and did not conceal their disappointment in the American refusal. In March 1967 Jacques Freymond, a member and former vice president of the committee, again raised the issue. The State Department replied that without assurance of reciprocal restraint on the part of Hanoi the United States could not commit itself to such a pause. When he found the department still firmly opposed in June, Freymond acknowledged the validity of the objections from the U.S. point of view, but he remained convinced that without a cessation of the bombing no approach to the DRV would be worthwhile.<sup>37</sup>

#### *Prisoner Identification*

U.S. officials tried their utmost to hold the enemy fully accountable for providing identification of prisoners as required by Article 122 of the Geneva Convention, but they pursued this objective with lesser intensity than some others bearing on the conditions of captivity. To begin with, absence of proper identification did not threaten the serviceman's life or well-being as directly as did war crimes charges or abuse by jailers not subject to outside observation. For that matter, under normal application of the Geneva Convention no need existed for unusual exertions by one belligerent to induce the other to turn in prisoner lists, and for some time State Department officials followed the usual procedure of relying on the ICRC to establish and operate the Central Information Agency defined by Article 123, to which both sides would report. Finally, State determined that

even exhaustive efforts would likely be unavailing on an issue on which the Vietnamese Communists never gave the slightest indication that they could be moved, unlike their behavior on the mail issue.

Suffering most from the cruelty of Hanoi's no-lists policy were the next of kin, who remained in a state of anxiety, not knowing whether husband, son, or father was dead or alive. The prisoners, for their part, endured the anxiety of being unable to inform their families of their survival. Usually the North Vietnamese did allow a prisoner to write home once he had been identified to the outside world through propaganda broadcasts, films, or interviews. Whether the return letters that the family hastened to dispatch actually reached the addressee rested entirely with his captors and might depend primarily on the man's behavior in camp or his conduct under interrogation.

From time to time U.S. authorities called on the enemy to supply PW lists. More often, they pointed to Hanoi's failure to identify prisoners as one of its violations of the Geneva Convention. They also tried, not always successfully, to demonstrate their own side's fulfillment of the requirement by inducing the Saigon government to furnish rosters of its prisoners to the ICRC. In May 1967 State concurred in an ICRC suggestion that the committee send a list of MIA personnel to Hanoi with a request for information on their status. If the DRV failed to respond, the ICRC would send capture cards, the standard form for notification of captivity, to North Vietnam in the hope that the enemy might allow the prisoners to complete and return them.<sup>38</sup> All efforts failed. After mid-1968 the commitment to press for identification of the prisoners was taken up by the U.S. representatives at the Paris peace talks.

#### *Relations with the News Media*

From the beginning State Department officials used care and restraint in presenting their concerns about prisoners of war to the public. They believed that confronting the American people with an issue so charged with emotion could have repercussions extending to even more brutal treatment of the captives and to increased anguish for their families. Public feeling might become so inflamed as to effectively close off some of the options available to U.S. policymakers. State was sensitive as well to the fact that some kinds of publicity could endanger the success of current or future negotiations concerning the prisoners.

Reflecting a general sentiment in the U.S. government early in the war, the State Department was willing to provoke public and media reaction only when it had a specific and limited objective in doing so, as in mid-1966

when it sought to quell Hanoi's threats to try American airmen as war criminals. With that objective achieved, State officials returned to their policy of discrete public utterances on most aspects of PW affairs that required diplomacy, including attempts to negotiate releases. The known aversion of the Vietnamese Communists to publicity or speculation about contacts reinforced State's—and others'—inclination to keep public discussion of prisoner of war questions at a low key.

Most official statements about prisoner of war matters came from State Department spokesman Robert J. McCloskey or appeared as White House press releases. Public statements on the subject made in person by President Johnson, Harriman, or Secretary Rusk were rare and usually moderate in tone. During 1966 Rusk consistently avoided being drawn into extended exchanges about PWs. At a press conference on 5 August he gave assurance that "we are working every day on the problem of prisoners," but "it would actually get in the way of that effort if I were to discuss that in any detail."<sup>39</sup>

As previously noted, Harriman and others protested the Stratton incident during March and April 1967 and condemned the further exhibiting of prisoners in May. When later that year the North Vietnamese stepped up their propaganda campaign to "prove" that allegations of PW mistreatment were unfounded, the State Department broadened its own response. To counter Hanoi's release of more pictures of American prisoners and its use of the airwaves for prisoner statements and interviews in which some reference to "good treatment" was a standard feature, State devoted the August issue of its "Viet-Nam Information Notes" entirely to prisoners of war. This publication once again reviewed the several provisions of the Geneva Convention, contrasting at every point the record of the Communists with the faithful compliance of the United States and the GVN and stressing Hanoi's failure to permit the ICRC or neutral observers to test its claims of humane treatment.<sup>40</sup>

The tone of the State Department's material was primarily that of a dignified effort to keep the record straight. It fell considerably short of the all-out campaign of public condemnation and full exploitation of the weaknesses in Hanoi's position that some in DoD were now beginning to advocate. It was noted in the Pentagon that the August release "received only cursory comment in the U.S. and foreign news media."<sup>41</sup>

Another opportunity to counter Communist propaganda presented itself almost immediately. Aware that an official East German news agency was offering extensive film footage of one North Vietnamese prison compound to Western press and television outlets for a price, the State Department moved to insure that no American purchaser would use the films without suitable cautions and disclaimers. Well in advance it provided material for articles describing this "trafficking" in Communist propaganda and alerting

readers to the doubtful validity of a film production so open to stage-managing and selective editing.<sup>\*42</sup>

The State Department offered no objection when Deputy Secretary of Defense Paul Nitze proposed a more pointed condemnation of the Communist film production. In a press release on 14 October 1967 he denounced it as a calculated effort to exploit the captive Americans and charged that the act of parading and photographing prisoners was in itself a violation of the Geneva Convention. "In view of the deep interest we all have in the welfare of our service personnel in enemy hands," Nitze wrote, the desire of news organizations to obtain the films was understandable, "but it is important that the American people know that these films are communist propaganda and that this propaganda is being sold for hard cash."<sup>43</sup>

The East German films and still photographs appeared on TV and in the American press soon afterward, most notably in *Life's* issue of 20 October. They purported to show the daily life of the U.S. prisoners, in bare but clean surroundings and with amenities such as showers, reading matter, and religious counseling. The U.S. media invariably presented the information with acknowledgment of its Communist origin and usually with accompanying comment by U.S. officials. One picture in *Life* depicted two pajama-clad Americans approaching a table heavily laden with a variety of foods. Its caption—"A Showcase Lunch"—left little doubt that the editors thought the scene too good to be true. The *New York Times* used similar caution in presenting the story and made the point that State officials wished to see stressed. In an editorial on 16 October the paper observed that films produced by the Communists would not convince the American public that the prisoners were receiving humane treatment. Rather, it said, North Vietnam should agree to regular Red Cross inspection of its detention camps.<sup>44</sup>

One aspect of State's relations with the media was unique to the conflict in Vietnam, at least in twentieth-century experience. It involved travel by newsmen to enemy territory during hostilities and reliance on the newsmen for information and intelligence not otherwise available. In this period, before 1968, a U.S. passport carried notice that it was not valid "for travel to, in, or through North Vietnam unless specifically endorsed for such travel under the authority of the Secretary of State," but it was mainly North Vietnamese restrictions that kept enterprising U.S. journalists and

\* The camp, which the American PWs called "Plantation" and which the North Vietnamese utilized as something of a Potemkin village to exhibit the captives before visitors and journalists, is discussed at length in Rochester and Kiley, *Honor Bound*, ch 18; the East German shoot is treated on p. 345.

other American visitors away from Hanoi. Months before the DRV authorities began to soften their exclusion policy toward the end of 1966, the State Department started to validate passports of newsmen and others with legitimate reasons to visit Communist-held areas of Southeast Asia. In the 15 months from May 1966 to August 1967, 169 U.S. citizens, almost all of them reporters, received validations for travel to North Vietnam. The first newsman to go was Harrison E. Salisbury of the *New York Times*, in December 1966, but not everyone who received approval actually made the journey. It appeared that the Hanoi government admitted to its territory only those known to favor its cause or to oppose U.S. participation in the war, plus a few others whose prestige made it worthwhile to play the chance that they might be favorably influenced by the visit.<sup>45</sup>

The State Department practice of permitting journalists to enter North Vietnam gave some of them greater scope for expressing their antipathy to U.S. policy in Southeast Asia, but it did have compensating advantages. Intelligence analysts found reports on conditions in Hanoi useful as general background for their assumptions regarding the prison environment and enemy policies. Some journalists did see a few prisoners and were allowed to bring their letters out. Occasionally, as with Salisbury in January 1967 and David Schoenbrun later in the year, the travelers brought back more definite word of DRV policy changes and current attitudes, obtained during conversations with high-level officials. On their return from Hanoi a number of reporters went to the State Department for debriefings, and some of the antiwar activists also were willing to talk to U.S. officials.<sup>46</sup>

#### *Defense Pressure for a Stronger Public Challenge to Hanoi*

Although 1967 had seen more recourse than usual to official statements deploring enemy practices, quiet, persistent diplomacy remained State's preferred tactic to gain humane treatment for the Americans imprisoned in Southeast Asia or obtain their early release. After October 1967 State officials resumed the strategy of limiting comment on most aspects of the PW issue. When striving to establish and sustain a dialogue with the opposing side it did not seem desirable to carry on a campaign of public condemnation of the enemy at the same time.

Earlier, the State Department's commitment to quiet diplomacy and the rationale that supported it had enjoyed general acceptance, but by mid-1967, when the DoD PW Policy Committee was formed, dissatisfaction with the policy's results had grown within the Department of Defense. The critics did not dwell primarily on the failure to obtain any significant release of prisoners; they were more disturbed by the way the

low-key approach limited response to the enemy's worldwide propaganda campaign. As viewed from the Pentagon, State appeared unwilling to challenge with sufficient aggressiveness the claims and assertions made by Hanoi. Within the new Defense policy committee opinion strongly favored a more forceful and public counterpropaganda effort. Several proposals advanced by the military services during the fall of 1967 expressed this sentiment, and committee chairman Paul Warnke established the Working Group for Proposed Publicity Programs to consider them.<sup>47</sup>

The first proposal came from the Marine Corps in early October and bore the endorsement of Under Secretary of the Navy Charles F. Baird. The paper noted Hanoi's extensive use of "captured U.S. personnel in interviews, movies, TV, voice tapes, and press releases in an attempt to influence U.S. and world opinion." The Marine Corps thought there was sufficient evidence to refute the enemy's repeated claims of just and humane treatment of PWs and to engender skepticism about the authenticity of the prisoners' broadcast confessions and antiwar statements. It reviewed some of the material that "would tend to derogate Hanoi's position in world public opinion" if widely publicized but that had "gone virtually unnoticed" in the media. The Marine Corps called attention to the effect of unfavorable world opinion on North Vietnamese behavior on the few occasions when the United States had made full use of the power of adverse publicity, particularly in turning back the threat of war crimes trials. It believed a similar effort now could bring pressure to bear on the North Vietnamese to abide by the Geneva Convention.<sup>48</sup>

The Army also urged a stronger publicity program. "As it is now," its submission read, "most of our actions are devoted to putting out brush fires started by enemy propaganda activities. We need a strategy which aggressively grasps the initiative for us and keeps the other side reacting in the desired direction."<sup>49</sup>

In mid-November 1967 the Air Force outlined an information program designed to "influence world opinion to the point that Hanoi will feel compelled to afford proper treatment to U.S. PW's." Among other objectives, it should "acquaint the domestic audience (and where possible the foreign audience) with Communist propaganda techniques" so that any Hanoi news coverage of U.S. prisoners would be "viewed in its true context." The Air Force recommended wide use of the government's resources and targeting of institutions and elements of society ranging from the national media and members of Congress to veterans groups, the academic community, and Rotary, Kiwanis, and Lions clubs at the local level.<sup>50</sup>

All members of the Working Group for Proposed Publicity Programs favored taking the vigorous approach suggested in the several submissions.



They believed the guiding principle should be "when we have the facts, advise the people." At its meeting on 22 November the DoD Policy Committee agreed.<sup>51</sup>

In view of State's designation as the "single spokesman" and the recent failure to obtain Secretary McNamara's backing for a move to reconsider State's role,\* the policy committee could not pursue a major publicity campaign on its own. Interdepartmental consultations ensued, and what emerged in January 1968 tended toward the circumspection favored by State rather than the extensive campaign of open publicity the Air Force had sketched. A joint United States Information Agency-State-Defense message to principal posts of the U.S. Information Service (USIS) worldwide called on them to take "unobtrusive counteraction" against Hanoi's use of films and prisoner interviews to spread the impression that the captors were treating the American prisoners well. In countries where the enemy's propaganda was having measurable success, USIS operatives were to counteract it "by helping opinion-makers to realize, and to articulate, the key point that *North Vietnamese claims to humane treatment of American captives should be viewed with suspicion and, in any case, cannot be accepted without independent verification.*" USIS personnel at other posts were to join in a general effort to stimulate international opinion critical of Hanoi's refusal to fulfill its obligations under the Geneva Convention.<sup>52</sup>

Defense officials who had supported more far-ranging action must have been disappointed with the adopted program. It engaged far fewer of the government's resources than they had wished, and it offered little scope for informing the public in the United States. However, events then took a turn that made it inopportune to press further for an expanded publicity program. By early April 1968 there was, for the first time, a real possibility that open, formal negotiations with the enemy would soon begin.

In light of the changed circumstances the DoD PW Policy Committee advanced no new proposals during the rest of the year, but the idea of using an aroused world and domestic opinion to support demands for improvement in the conditions of captivity was not wholly put aside. For impatient DoD participants in the process the desire to go to the public with a forceful condemnation of the North Vietnamese and Viet Cong treatment of captured Americans remained strong, as did the conviction that valuable opportunities to do so were slipping by.<sup>53</sup>

The preliminary negotiations for the four-party conference on peace in Vietnam opened in Paris in May 1968. Harriman headed the

\* See Chapter 2.

U.S. delegation, though still carrying his additional assignment as coordinator of PW affairs. He was to retain the coordinator's post through the remainder of the Johnson administration but necessarily had to leave more and more of its duties to his principal assistant, Frank Sieverts.

High hopes attended the delegation's departure for Paris. Now, for the first time since American servicemen entered the barren cells of the DRV or were penned in the NLF's cages, officials of the U.S. government could speak face-to-face with those of Communist Vietnam about prisoners. But, with reasonable assurance that the bombing of their homeland was at an end and with ready appreciation of the major bargaining asset their captives represented, the Hanoi authorities were unwilling to move toward a separate and early agreement on the return of prisoners of war. The next five years were to prove nearly as frustrating as the previous ones for the U.S. officials who worked in Washington, Paris, Geneva, and Saigon in the interest of the prisoners and missing in action.

Though not always well regarded in the Pentagon at the time, the State Department's performance in the PW arena in the years prior to the Paris negotiations is hardly open to criticism. Admittedly, like others before him, Harriman failed to attain his chief goal, the release of the prisoners. Neither did he achieve his secondary objective, the observance by Hanoi and the NLF of the letter and spirit of the Geneva Convention in their handling of captives. Nevertheless, it is clear that Harriman and his colleagues unhesitatingly pursued every lead and realistic opportunity that could possibly bring about a release or exchange or an easing of the lot of the Americans while in Communist hands. They were equally untiring in placing inquiries and advancing proposals through third parties in the hope of eliciting a North Vietnamese response. Rather than anything wanting in the quality and resourcefulness of these efforts, it was the exceptional determination of the enemy that best explained the disappointing results. Short of unleashing the force necessary to beat North Vietnam into the ground, or giving in to Hanoi's demands for U.S. withdrawal and abandonment of the South Vietnamese government, there appeared to be no practical way to speed the return of the prisoners or to induce the enemy to comply with the Geneva standards.

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### Casualty Reporting, Notification, and Assistance to Next of Kin

#### *Casualty Reporting*

The reporting of casualties was an inescapable part of the business of the Department of Defense. The Vietnam conflict brought this activity to new prominence and also accelerated a trend toward standardization of the procedures.

Since mid-1960 the military services had used the single DD Form 1300 to certify each individual case of death or missing status. Centralized statistical accounting of all types of casualties incurred by U.S. personnel in Southeast Asia began in December 1963, overseen by Assistant Secretary of Defense (Comptroller) Charles J. Hitch. He called on the military departments to submit cumulative figures for the period 1 January 1961 through 9 December 1963 and to render weekly reports thereafter. With separate columns for Vietnam, Laos, and Thailand, the report form gave the number of casualties “resulting from actions by hostile forces” by categories of killed, wounded or injured, missing, and captured or interned. Another tabulation covered casualties from other than hostile action.<sup>1</sup>

During 1964 the number of servicemen reported as “captured or interned” remained small, never exceeding 10. This low number undoubtedly contributed to the decision in September 1964 to change the designation to “detained”—a category defined in a recent amendment to the Missing Persons Act as “detained in a foreign country against his (their) will.”\* This terminology DoD regarded as “more appropriate to present conditions than ‘captured or interned’ which customarily is associated with a condition of declared war.” Accordingly, beginning with the first weekly

\* PL 88-428 (14 Aug 64).

report in October 1964, captured servicemen were listed as "detained" and were referred to thereafter as "detainees."<sup>2</sup>

This usage continued through 1965 and into 1966, but the increased U.S. military involvement in Vietnam and the steadily growing numbers of "detainees" caused second thoughts. By mid-1966 Navy officials were agitating for straightforward use of "prisoner of war," and their position gained the endorsement of the other services and the State Department. In July Assistant Secretary of Defense (Manpower) Thomas D. Morris submitted the matter to Deputy Secretary Cyrus Vance with an unqualified recommendation that he direct the change.

As our level of involvement has increased, and as the problem of missing and captured personnel has taken on major significance, the use of the "detained" language, particularly in the press release format . . . , has become increasingly troublesome. At the present time, Hanoi refers to captured U.S. fliers as "pirates" and "war criminals" and publicly threatens to try them as criminals. Any usage of terms by us which tends to derogate from our prisoners' entitlement to the rights of "prisoners of war" is potentially embarrassing to the major effort now in progress to force Hanoi, as a signatory to the Geneva Conventions, to accord our personnel the rights of prisoners of war . . . .<sup>3</sup>

Vance signed the order on the same day he received it, 19 July 1966, reinstating "captured or interned" as a category in the weekly statistical report. He also directed that "references to such personnel in official correspondence should be in the status of 'prisoner of war' or 'prisoner' rather than 'detainee.'"<sup>4</sup>

The casualty reporting system brought the Department of State, the American Red Cross, and the International Committee of the Red Cross into action to locate the missing and possibly detained and to begin seeking their return. State's responsible agency was the Bureau of Security and Consular Affairs, particularly its Office of Special Consular Services (SCS). The Memorandum of Understanding on the Assignment of Responsibilities for Americans Held Captive in South East Asia, worked out by representatives of SCA/SCS, the services, and ARC on 9 November 1965, regularized the procedures that had developed up to that time.\* Besides scheduling regular reporting dates, the agreement dispensed with formal requests for action, stipulating instead that dispatch of a Form 1300 would cause further action steps to occur automatically.<sup>5</sup>

\* See Chapter 2.

Each week the military casualty branches furnished SCS with a numerical summary of men missing and possibly detained, and at month's end they provided SCA with a list of all possible detainees by name, rank, serial number, date and place of incident, and the parent service's judgment on the likelihood of capture. The monthly report showed changes resulting from later information on previous cases, and it recapitulated the new cases recorded during the month, each of which had been the subject of a Form 1300.

The casualty branches sent copies of the forms for Vietnam to ARC and State. ARC would then request the ICRC to seek information about the status, health, and whereabouts of the missing serviceman and, generally, to intercede on his behalf. Unless otherwise instructed, ARC was free to pass all information contained in the casualty report to the ICRC. The procedure differed somewhat for persons lost in Laos and other areas outside Vietnam. Here copies of the Form 1300 went to State, to be forwarded to the ARC only after coordination with the appropriate geographic desks within the department.<sup>6</sup>

### *Casualty Notification*

The military casualty branches also had responsibility for notifying the next of kin of a family member missing in action and thereafter providing any new information on his status. Each service traditionally performed this duty for its own members, and the responsibility was acknowledged anew in the memorandum of understanding of 9 November 1965.

Notification procedures and frequency of subsequent communication with the families varied among the services. The Army, which had the most fully developed system during the early years of the Vietnam conflict, kept in touch with the next of kin on a monthly basis in 1965. There was no DoD regulation imposing uniformity of procedure on the services. There existed only a DoD instruction pertaining to "Notification of Next of Kin in Event of the Death of Military Personnel on Active Duty," which prescribed notification "either by an officer in person or by commercial communication [that is, by telegram]."<sup>7</sup>

In late 1965 only the Navy and Marine Corps sought to use personal notification by a uniformed representative in all instances, including missing in action. The Army and the Air Force more often relied on the traditional telegram, a practice that might have continued had not questions arisen about the performance of the telegraph service itself. On 11 February 1966 Senator Richard B. Russell, chairman of the Senate Armed Services

Committee, wrote to Secretary McNamara describing incidents that he said had "created considerable ill will for the military services." One involved receipt of a notifying telegram by ordinary mail "two days after the date it was transmitted by Western Union." More disturbing instances reported from California and Georgia indicated it was common practice to entrust delivery of the telegrams to taxi drivers. Senator Russell thought it should be possible to arrange for a more personal and considerate way of notifying next of kin.<sup>8</sup>

Russell's letter brought immediate action. On 25 February Deputy Secretary Vance addressed the secretaries of the Army and Air Force.

It has come to my attention that the next of kin of men who die or are missing in action in Vietnam are being notified by telegram delivered by mail, messenger or taxicab. Such impersonal procedures are not in keeping with the interest in the welfare of our men and their families which the President and all of us have repeatedly emphasized.

Effective immediately, I desire that you institute a procedure under which the next-of-kin of Vietnam casualties are notified in person by a military officer, to the fullest practicable extent.

He called for a report within one week.<sup>9</sup>

The Army responded that it would soon institute throughout the continental United States the personal notification system it had already been testing in one area. The Air Force, which had previously provided personal notification only where families resided in the immediate vicinity of major bases, undertook to expand its procedure "to make full use of every Air Force facility throughout the United States and overseas." Secretary of the Air Force Harold Brown reported that commanders were required to notify the Casualty Division, USAF Military Personnel Center, Randolph AFB, Texas, within four hours when an Air Force member was killed or missing in Southeast Asia. The Casualty Division, operational 24 hours a day, would then contact the Air Force facility nearest to the family—possibly even a school or recruiting center—to learn whether it could accomplish personal notification within a reasonable length of time. If not, the Casualty Division would dispatch a telegram to the family and direct the closest Air Force base capable of providing casualty assistance "to make personal contact with the next of kin within 24 hours."<sup>10</sup>

These Air Force procedures proved fairly typical of the system for dealing with next of kin as it developed in all the services during 1966. By late summer fulfillment of the Vance requirement for personal notification and a conscientious striving to aid the families of the missing had

brought actual practice well beyond that prescribed in existing regulations.<sup>11</sup> Somewhat belatedly, the Office of the Assistant Secretary of Defense (Manpower) on 6 April 1967 issued an instruction—"Casualty Procedures for Military Personnel"—that superseded the previous instruction that pertained only to notification of next of kin when a serviceman died. In the paragraphs quoted below it provided a general policy pronouncement and a set of standards that the military departments were for the most part already observing:

#### IV. CASUALTY NOTIFICATION

A. *General notification policy.* It is the general policy of the Department of Defense that, in the event a military member becomes a casualty while on active duty, the next of kin of that member be notified as promptly as possible in a dignified, humane, and understanding manner.

B. *Initial notification.*

1. In battle casualty cases involving death or missing person status, the initial notification will be made to at least the primary next of kin in person by a uniformed representative designated by the Military Service concerned, unless unusual circumstances preclude such procedure. This personal notification will be promptly confirmed by telegraphic or written communication.

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5. Regardless of the notification procedure used, care will be taken to insure that no information which might be offensive to the next of kin, such as burial details and monetary provisions in a death case, is included in the initial notification.

C. *Follow-on notifications.* Contact will be maintained in appropriate casualty cases—e.g., serious or very serious illness or injury, missing, captured—to keep the next of kin regularly and currently informed until the case has been finally resolved.

#### V. CASUALTY ASSISTANCE

In appropriate casualty cases such as death, missing, missing in action, or captured, the Military Service concerned will appoint an assistance officer, who will personally contact the next of kin within 24 hours following initial notification. He will, to the extent the next of kin desire, provide guidance and assistance with such matters as burial arrangements, claims for monetary benefits, dependent transportation and transportation of household goods, dependent benefits, and special

financial and legal problems arising from the serviceman's casualty status as are pertinent to the particular case. The assistance officer will maintain contact with the next of kin until the casualty case is finally resolved.<sup>12</sup>

The system encompassed initial notification, periodic communications from the central casualty office of the parent service, and more immediate support from a locally assigned assistance officer. The prescribed procedures accorded with the longstanding tradition of "taking care of our own," but they went beyond previous practice in providing continuing personalized attention to the needs of each family.

Fulfillment of this ideal was no easy task. Besides having to meet increasing manpower requirements for the casualty assistance function, the services faced difficulties in deciding what to say to the next of kin of men missing or captured. The letters they sent periodically could provide instruction on the procedures for dispatching mail to the missing family member, advice on regulations and legislation affecting the next of kin, and general assurances that the U.S. government was doing everything possible to insure the prisoners' welfare and arrange for their return. The officers who wrote them could not help but know, however, that, above all, the families longed for definite information on the status, health, and location of their servicemen and news of specific efforts to gain the men's release.

The chief obstacle to satisfying the desire for definite information about the missing was, of course, the enemy's policy of neither acknowledging captures nor providing prisoner lists to the ICRC. The services passed information to the next of kin as soon as it was obtained, but their efforts depended mainly on the analysis of letters received from the prisoners, gleanings from Foreign Broadcast Information Service reports and the monitoring of foreign publications, interviews with travelers returned from Hanoi, and the debriefings of the handful of escapees and releasees, none of whom, before February 1968, had been held in North Vietnam. Through 1966 the volume of information from these sources was meager. By the end of that year the total number of prisoner letters received was still under 200, and these had been written by only 47 of the captives.<sup>13</sup>

Earlier in 1966 the Joint Chiefs of Staff had asked the Defense Intelligence Agency to seek from the U.S. Intelligence Board an assignment of highest priority for the collection of intelligence about the prisoners of war. They called for intensified efforts by all agencies of the government to obtain intelligence on the location and characteristics of prisoner detention areas and the number and identity of Americans held. This endeavor,



undertaken with the approval of the secretary of defense, had the ultimate objective of initiating operations for the forcible recovery of the captives.<sup>14</sup>

Intelligence findings supplemented the information gained from more open sources, but security considerations limited what could be released to the families. In August 1967, when Charles Havens and John Rhinelanders surveyed current PW problems for Assistant Secretary of Defense (ISA) Paul Warnke, they suggested that the reticence of the intelligence specialists might be restricting the flow to an unnecessary degree. Rhinelanders noted that he was "not certain how much of the intelligence information is kept locked up within the intelligence community and how much is passed on to the Casualty Section and State," and he recommended that the DoD PW Policy Committee review the matter.<sup>15</sup> Improved coordination throughout the intelligence community and stronger emphasis on finding releasable items of interest to next of kin were among the policy committee's objectives when it called on DIA to prepare a new charter for a reconstituted Interagency Prisoner of War Intelligence Committee.\*

Authorities gained substantial new information about the missing during 1967. The number of prisoners writing letters reached 80 by the year's end, and North Vietnam contributed even more material to work from when in the wake of the worldwide reaction to the Stratton incident in March, Hanoi mounted an extensive campaign to disprove U.S. charges of mistreatment. It included the release of films and still photographs and a stepped-up schedule of prisoner statements and interviews, all of which were subjected to intelligence analysis in the United States, as was the information derived from the increasing number of journalists, peace activists, and other visitors admitted to North Vietnam during 1967. DoD maintained relations with the TV networks that allowed it to alert families when film reports of interest to them were scheduled for broadcast, and sometimes the families contributed new insights on the identity or condition of captives.<sup>16</sup>

As more families learned their loved ones were being held prisoner, they increased pressure on the U.S. government to assure relatives it was making every effort to obtain release of the captives. For some time the details of the State Department's endeavors to obtain the prisoners' freedom were not widely known within the DoD, but in any event information on negotiations in progress was not disclosable. Thus, when corresponding with the families, service casualty officers had neither the knowledge nor the authority to elaborate on the guarded statements made public by the Department of State. During a meeting with Ambassador

\* See Chapter 2.

Harriman, scheduled at his request on 14 July 1966, service casualty branch representatives described with great earnestness their need for guidance on what to say about U.S. diplomatic activities. Harriman promised to help them, mainly by supplying copies of letters he and other State officials had used in responding to queries from the public. But his further on-the-spot attempt to formulate a statement only illustrated anew the narrow range of acceptable comment. Next of kin could be told that the United States was doing everything possible to draw North Vietnam into negotiations by working through friendly nations that had diplomatic relations with Hanoi, he said, but without mentioning names of countries.<sup>17</sup>

Harriman's subordinates fulfilled his promise of help by supplying model letters from time to time to the casualty branches. In late October 1966, Assistant Secretary of Defense (Manpower) Morris wrote to Philip Heymann, SCA's acting administrator, proposing additional arrangements. Heymann readily accepted the suggestion that his office issue a monthly report summarizing releasable information on efforts to learn the status, protect the welfare, and secure the return of the prisoners.<sup>18</sup> The information compiled by the State Department rarely went beyond what had already been publicly released in Washington, but it allowed PW families throughout the country to learn officially of activities that might have received little attention in their local papers and newscasts. The monthly report gave casualty officers assurance that they were providing the fullest information available and were speaking with one voice when communicating with the next of kin. They were quick to protest when the State Department's monthly summary lapsed briefly in early 1968.<sup>19</sup>

#### *Assistance to Next of Kin*

Aside from dealing with the ongoing concern of next of kin with the status and whereabouts of their loved ones, the government also had to answer questions and provide assistance in the practical areas of pay accounts and allotments, family medical care and other benefits, housing, and problems of moving and storage. The families often needed legal assistance in transactions that would normally require the signature of the missing man, such as income tax returns or the sale of an automobile registered in his name. The services also kept PW relatives advised of new legislation applying to them. While some of the legislation later enacted tended to grant the prisoners and their families special dispensations, one of the first laws to enter the books, in late 1967, simply

removed an inequity. A letter to next of kin from the Air Force Accounting and Finance Center explained the particulars with admirable clarity:

On 1 Sep 1966, Public Law 89-538 (Uniformed Services Savings Deposit Program) was enacted. This permitted certain members of the Uniformed Services to take part in a savings program which pays them a rate of interest currently set at 10% per annum, compounded quarterly. Members who were in a missing or captured status on that date had no opportunity to participate and many who have been reported in a missing or captured status since that date had not made an election to take part. On 19 Oct 1966 the Comptroller General ruled that unless the member had started an allotment for deposit in the savings program, we could not act in his behalf. Public Law 90-122, 3 Nov 1967 now permits us to make deposits for missing or captured members.

The letter provided detailed instructions on how to initiate participation in the savings program, which had a legal maximum of \$10,000.<sup>20</sup>

The services made a conscious effort to write letters that displayed compassion and genuine concern for the problems and anxieties of the families. As early as October 1964, after reading the file of a serviceman recently executed by the Viet Cong, the Army chief of staff, General Harold K. Johnson, directed that correspondence to the next of kin "be more personalized and convey the maximum amount of information consistent with security restrictions."<sup>21</sup> The Air Force pursued the same ideal; its official letters generally attained the desired tone by being cast in the first person. One sent to an Air Force wife in early 1966 gave the particulars on content, frequency, address, and channeling of letters to her missing husband and then continued as follows:

At the same time we should like to ask that you keep a copy of each letter which you send him. Then, if you receive any form of communication from him, please forward to this headquarters the original of his letter (or a photostatic copy) together with the envelope in which it was received and the copies of your letters to him. I realize that this will appear to you to be an invasion of privacy. I want to assure you that our only reason for asking this of you is to provide our intelligence experts with every possible advantage in interpreting the information contained in his letter. All material that we receive will be carefully examined, photostatic copies will be made and the originals will be returned to you. The information gained from his letter may prove to be important and in all cases it will be used in checking through every possible source in an attempt to clarify his status.

The same letter evidenced concern for another aspect of the family's privacy:

It is very important that you should know that an organization calling itself the "Viet Cong Sympathizers Arms Fund" has initiated a campaign of threats and harassment against families of U.S. servicemen in Vietnam. Its activities include anonymous telephone calls requesting money and, in exchange, offering to provide information about the service member. In some instances, the caller falsely advises that the member is dead. In other instances, families of deceased members have received derisive postcards requesting a contribution to the Viet Cong Sympathizers Arms Fund from their insurance proceeds. This harassment is being investigated to ascertain subversive connections. The effectiveness of the investigation depends, in part, on timely receipt of information related to these incidents. If you should receive any communications or telephone calls of this nature, please notify the nearest Air Force Office of Special Investigations or the Federal Bureau of Investigation before taking any action whatsoever.<sup>22</sup>

Earlier, in May 1965, Assistant Secretary of Defense (Public Affairs) Arthur Sylvester had taken an action intended in part to shield the families from public attention and unwanted intrusions by the press and others. With the concurrence of the military departments, he directed that next of kin and home address be omitted from official announcements about servicemen missing in action. The information made public would be limited to what the serviceman was required to divulge if captured: name, rank, serial number, and date of birth. Anything further, Sylvester wrote, could reveal "information about him which his captors might use to his detriment." The order also instructed service representatives to caution family members against release of information that might have harmful consequences.<sup>23</sup>

The task of aiding and communicating with the next of kin grew steadily as casualty lists grew. In round figures, the number of known prisoners doubled during 1966 and doubled again in 1967, to reach approximately 300, while the roster of missing men increased even more. The number of military dependents affected by the loss and the range of problems arising from their varied circumstances multiplied accordingly.

Strong as was the dedication of most casualty assistance officers in responding to the needs of the families to the fullest extent allowed by law and regulation, they did not escape public criticism. Though often ill-founded, the criticism surfaced relatively early and thus played a part in insuring that the family assistance program received central direction and high-level attention in its formative stage. The principal charges and rumors derived from an Associated Press release of 24 August 1966. Transmitted

to AP affiliates throughout the country, it portrayed DoD as laggard in providing assistance to the families of servicemen captured or missing in Vietnam and insensitive in applying its regulations to individual cases of distress. The article implied that families generally were suffering financial privation, since it was claimed that pay and allotments of the missing were automatically stopped for an extended period and family access to commissaries, medical care, and government housing was immediately cut off. The second of these allegations was entirely untrue; the first, based on incomplete information, was a gross distortion. Actually, existing family support allotments continued without change. Where delay did occur—though usually not beyond two weeks—was in beginning a special additional allotment from the serviceman's pay at a level designated by the man himself before departing on a Southeast Asia assignment, to become effective should he subsequently fall into the captured or missing status. Beyond that, each military department had statutory authority to manage the pay accounts of missing persons, including the power to make further adjustments in family allotments if this proved necessary.<sup>24</sup>

The news articles based on the AP release generally had the tone of one published in the Washington *Evening Star*, headlined "Legal 'Non-Persons'—Red Tape Snarls POW's Kin." McNamara and Vance reacted by directing an investigation and the preparation of a press release describing the system of providing for PW/MIA dependents. The investigation, in fact, disclosed little evidence of dissatisfaction among those receiving the help of casualty assistance representatives. The AP report appeared to be traceable to the complaints of a single service wife, whose attributed remarks did not square with the official record of her circumstances. Moreover, some of the cited conditions afflicted service families generally, even those whose service member was not captive or missing or even in combat, such as the frequent unavailability of on-base housing or the fact that medical care was not always readily obtainable when military facilities were distant or overburdened.<sup>25</sup>

OSD officials, however, did not presume that the handling of family assistance could not be improved. After consultations that included Secretary McNamara, Assistant Secretary Morris in August 1966 called on each military department to request a weekly report on casualty assistance activities that would list each new case and detail the action taken by the officer assigned to aid the family. Morris stipulated that the under secretary of each military department review the report personally "to make doubly certain that problems of severe hardship are not allowed to drift, especially where an increased allotment to the family is indicated."<sup>26</sup>

A further investigation of the casualty notification and assistance activities of the four services occurred during the following months, directed from the office of Deputy Secretary Cyrus Vance. Having reviewed the findings, Vance concluded that the news articles about next of kin "being treated shabbily by the Government" were unwarranted and untrue, and he so advised the secretaries of the military departments in May 1967: "Far from being criticized, all personnel concerned should be commended for the overall excellence and effectiveness of their work. Their efforts in easing the burdens and solving the problems of the families . . . and the sensitivity and tact which they have displayed in all phases of casualty notification and assistance are a source of satisfaction to me and, I trust, to them."<sup>27</sup>

Three months later the DoD PW Policy Committee came into operation, with "assistance and information for families of POWs" as one of its chartered responsibilities. Besides keeping the services' performance of the assistance function under continuing review, Warnke and the committee gave attention to expediting the release of information of interest to the next of kin. They realized that one means of building confidence in DoD was to get word of new developments and government actions to the families through service channels ahead of public release. This generally worked well, but not when it came to the August 1967 issue of the State Department's "Viet-Nam Information Notes." That document, which contained the fullest exposition to date of the government's efforts on behalf of the prisoners and of the contrasting records of the two sides in honoring the Geneva Convention, had already advanced too far toward publication to be held up. Still, it turned out to be a useful communication that retained its timeliness for long afterward and was extensively used as an enclosure when corresponding with next of kin.<sup>28</sup>

Thereafter the policy committee generally succeeded in giving prior notice to the families, particularly since DoD played an increasing part in initiating the government actions that deserved their attention. Such was the case, for instance, when Deputy Secretary Paul Nitze issued his statement on 14 October 1967 condemning, both as propaganda and as a violation of the Geneva Convention, the Communist practice of selling films purporting to show the daily life of the prisoners.\* Later, on 3 May 1968, after a policy committee review of its own records to identify accomplishments that might bring some comfort to the families, Warnke sent a letter with the results to the secretaries of the military departments, intended for reproduction and dispatch to all next of kin.<sup>29</sup>

In performing the assistance function the services often displayed unusual resourcefulness and flexibility in meeting individual needs, but some desires of the next of kin could not be accommodated. One Army wife,

\* See Chapter 6.

in understandable distress over Hanoi radio's attribution of a propaganda statement to her husband, wanted to counterattack by releasing letters he had written in a happier time, which she believed would attest to his loyalty. The policy committee concluded that "her plan should be discouraged because the enemy still had custody of her husband and her action might create additional hardships for him."<sup>30</sup>

Another case, more significant from a policy standpoint, and already pending when the committee was formed, was taken up at its first meeting on 11 August 1967. Some weeks earlier Mrs. Phillip N. Butler, wife of a Navy pilot whose letters confirmed his status as a prisoner of the North Vietnamese, had requested State Department validation of her passport for travel to North Vietnam. State officials had informed OSD that the Defense position would govern the action taken on Mrs. Butler's application and similar requests. In response to earlier, more tentative inquiries from next of kin, each of the services had counseled that attempts to travel to North Vietnam would be contrary to the best interests of the prisoners, the relatives involved, and the United States. While hewing to this line, the policy committee saw the need for more than a simple denial of the Butler request. As the report under consideration noted, "Mrs. Butler recently indicated to Navy representatives that she would be inclined to follow the Navy's advice, but believes that she is entitled to an unequivocal and reasoned answer from State." Providing such an answer would ease acceptance of the decision, not only by Mrs. Butler but by the American public, should the matter receive attention in the press.<sup>31</sup>

Warnke informed Harriman on 26 August 1967 that those concerned with PW affairs in the Department of Defense held unanimously that State should advise Mrs. Butler the validation could not be granted. "We believe," Warnke continued, "that Mrs. Butler should be provided with as complete an explanation of the basis for the decision as security considerations permit," and he enclosed a suggested reply. It touched on nearly all the reasons contained in Warnke's fuller, classified exposition of the Defense position. Besides mentioning the lack of assurance that the North Vietnamese would allow her to visit her husband, it asked her to contemplate the likely effect on his morale and that of other prisoners should a meeting occur. It stressed that while in North Vietnam she would be a hostage of the enemy, entirely beyond U.S. diplomatic protection and with no guarantee of safety. "All the crucial determinations would be controlled by North Vietnam," Warnke stated. He had amplified this in his covering letter by sketching some of the propaganda initiatives that would be

available to Hanoi. Warnke also advised Harriman that "promptly after Mrs. Butler receives your letter a Flag Officer will call on Mrs. Butler and explain to her personally the reasons for our position. This would be consistent with our view that the military services must continue to assume primary responsibility for counseling relatives on issues involving the welfare of PW/MIA."<sup>32</sup>

Shorter and less personal than Warnke's suggested text, State's letter to Mrs. Butler carried the signature of the Acting Administrator, SCA, rather than that of Ambassador Harriman, as recommended by DoD. It based the denial simply on "the considered judgment of the Department of Defense and the Military Services that such a trip would be against the best interest of the prisoners and would not be in the national interest," leaving it to Navy representatives to explain the reasons more fully. The policy, however, was clear. Requests from the relatives of prisoners for authorization to travel to North Vietnam "cannot be approved at the present time."<sup>33</sup>

To summarize, the notification and assistance program for next of kin had benefited from high-level attention and clear directives at an early stage. By mid-1967 the program operated in a generally satisfactory, sometimes even exemplary, manner. Once the armed forces had reached the prescribed standard for notification procedures, there arose no serious complaints about the way families received word that their serviceman was missing or captured. Still, an Army report of August 1967 noted that "constant difficulty is experienced because insufficient information is available to satisfy those who request it, particularly next-of-kin."<sup>34</sup> Though the fault here lay mainly with the enemy, the service spokesmen felt keenly the lack of data on the location and physical condition of the prisoners and their inability to say whether or not a missing man had been captured. Nor could they supply any details about U.S. diplomatic efforts, but much other information of interest to next of kin was available, including instructions on mailing procedures and notice of legislation affecting PW/MIA dependents. After August 1967 the flow of information increased somewhat as a result of the work of Warnke and the policy committee.

For the next year or so the assumption that information and assistance were being provided to the families in an effective manner went largely unchallenged. When Deputy Secretary Nitze again called on the military departments to review their casualty notification and assistance



activities, their replies in June 1968 contained not a single recommendation for substantive improvement.<sup>35</sup> \*

One other important, somewhat earlier development warrants mention. In a memorandum for the under secretaries of the military departments in August 1966, Assistant Secretary Morris referred to the repeated statements of President Johnson that the United States was prepared to negotiate regarding prisoners of war whenever and wherever the government of North Vietnam wished. Noting that "the Department of Defense must be ready, possibly on very short notice, to provide the United States negotiators with complete information for their use," he asked each service to maintain an individual dossier on every man listed as captured or missing in action in Southeast Asia. Secretary Morris prescribed that each dossier include, as a minimum: (1) a copy of the most recent official photograph; (2) complete identification data drawn from personnel and medical records; (3) a copy or extract of official assignment orders; (4) a summary account of the time, place, and circumstances of the man's loss; and (5) a listing of all information subsequently received about the individual. He enjoined the services to coordinate among themselves and with DIA to insure full exchange of casualty information and standardization of dossiers.<sup>36</sup>

The services largely succeeded in assembling the folders by the end of November 1966. Only the requirement for a recent photograph presented much difficulty. The Marine Corps did have an official file of pictures of its personnel; the other services often had to appeal to the next of kin to obtain one. In November the Air Force reported its collection of nearly 300 dossiers in place in the Personnel Readiness Center adjacent to the Air Force Command Post in the Pentagon.<sup>37</sup>

The timely establishment of a separate folder for each captured or missing serviceman created a resource that received frequent use in the following years. The initial effort, and the continuing one of keeping the dossiers up to date, drew together information from the casualty reporting system, from intelligence reports and the monitoring of broadcasts and publications, and from the prisoners' letters obtained from the next of kin.

\* More critical assessments of the family assistance program that arose in later years are discussed in Chapter 18.

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## Changing Attitudes Toward the Code of Conduct

**T**he experience of repatriating prisoners of war following the Korean armistice of 1953 had provided the Department of Defense with a number of useful lessons. One of them related to the manner in which the military services had dealt with their returnees: Inequities arising from the application of different standards and patterns of treatment to the returned prisoners would not escape notice, with condemnation in public forums and the press as the likely result. The news accounts of the time fixed in the public mind an impression that there had indeed been marked and unjustifiable differences in the severity with which offenses committed in captivity were judged. That impression was not erased by a finding to the contrary in the report of an advisory committee to the secretary of defense in 1955.<sup>1</sup>

The Korean experience had demonstrated that uniformity of treatment was necessary, both to provide justice and to preserve the image of honor and orderly procedure that each service wished to maintain. Moreover, any action that might trigger a public perception of differences should be avoided. The officials concerned with PW affairs began giving increasing attention to these considerations late in 1964. By then the roster of known prisoners had ceased to be solely an Army list; before long it contained names from all the services. By June 1968, when DoD published its first directive on repatriation processing, the requirement for equal treatment was beyond question. The directive in fact began: "In the interest of facilitating uniformity . . . ."<sup>2</sup>

*Strict Interpretation of the Code*

Even more directly a legacy of the Korean War was the Code of Conduct for Members of the Armed Forces of the United States, promulgated by President Eisenhower's Executive Order 10631 of 17 August 1955. Differing service views on the concept that should be followed in Code of Conduct training had led to intensive discussion within the Joint Chiefs of Staff during 1963. The controversy related almost solely to interpretation of the code's Article V, reading as follows: "When questioned, should I become a prisoner of war, I am bound to give only name, rank, service number, and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause."<sup>3</sup>

After Secretary McNamara gave prescriptive guidance for resolution of the matter, DoD Directive 1300.7, issued on 8 July 1964, set forth specific "Guidance for Development of Training Programs and Instructional Material in Support of the Code of Conduct."\* Among other things it provided that training should be so explicit that each serviceman would understand:

1. The consequence of not holding to name, rank, Service number, and date of birth.
2. That the wording of Article V of the Code of Conduct providing that the individual will evade answering questions beyond name, rank, Service number, and date of birth "to the utmost of my ability," is binding on all military personnel. It is a principle that once a man is placed in a position where it is beyond his ability to resist answering further questions, further responses are made entirely on his own responsibility. [This repeated, almost word for word, Secretary McNamara's pronouncement on the matter.]

"On his own responsibility" was not a release from the obligations of the Code, as the further language made clear:

. . . should he be subjected to extremes of coercion, he will avoid the disclosure of any information, the making of any oral or written statement, or the performance of any act harmful to the interests of the United States or its Allies, detrimental to fellow prisoners, or which will provide aid or comfort to the enemy.<sup>4</sup>

\* See Chapter 1.

Further, the guidance called for instruction in the provisions of the Geneva Convention of 1949 relating to prisoners of war and in the principle that each serviceman remained accountable for his acts under the Uniform Code of Military Justice at all times, even while in captivity. The whole constituted a considerable training task, further complicated by the differing thrust and purpose of the Code of Conduct and the Geneva Convention. In a prison camp, uncertainties would no doubt arise over which should govern in particular cases, especially since the precepts would have to be applied from memory.

One such instance of uncertainty that appeared repeatedly in the early Vietnam PW experience concerned correspondence with next of kin. When offered the opportunity to write a letter to his family, a prisoner well indoctrinated in sticking to "the Big Four" and making no written statements sometimes reasoned that providing the enemy with family names and home address would breach the code. Also, might not letter writing be viewed as one of the "special favors" that Article III specified should never be accepted from the enemy? Indeed, there was evidence that some instructors had encouraged this line of reasoning.

A conference on techniques of evasion, escape, and personnel recovery at CINCPAC's headquarters in December 1965 brought to light additional instances of variation in the training that combat personnel serving in Southeast Asia had received regarding permissible behavior under the Code of Conduct. The Joint Chiefs of Staff responded by issuing approved guidance to all commanders and staff agencies on 9 March 1966. After dealing with several other aspects of the code, they noted that "another point apparently subject to individual misconception in operating units involves correspondence between captives and their next-of-kin and the execution of Capture Cards."

Article 71 of the Geneva Convention provides that prisoners are allowed to send and receive correspondence, and to do so is also completely in accord with the Code of Conduct. Completion of the Capture Card contemplated by Article 70 of the Geneva Convention is also in accordance with the Code of Conduct. However, combat personnel should be cautioned against including information in their letters or Capture Cards which would be helpful to the enemy or harmful to the United States or its allies.

Another paragraph of the guidance treated a broader consideration:

The Code of Conduct was developed and promulgated with full cognizance of the fact that our enemies do not always adhere to

the laws of war and frequently violate the provisions of the Geneva Convention. US military personnel are obligated to adhere to the provisions of the Code of Conduct regardless of threats of death. The obligation to continue resistance by all means at their disposal is not lessened by the misfortune of capture. No conceivable modification to the Code would prevent the Hanoi regime from making or carrying out threats or . . . trying, on trumped up charges, captured US personnel for alleged war crimes. Therefore, there is no requirement to modify the Code of Conduct nor the standards it represents in response to unilateral declarations by hostile powers.<sup>5</sup>

Thus official commentary on the Code of Conduct through the early years of the Vietnam conflict reaffirmed the strict interpretation of its provisions. It could be expected that further questions of interpretation would arise and that training would probably undergo changes of emphasis as knowledge grew of the enemy treatment and exploitation of the prisoners.

#### *Developing Thought on Treatment of Returned Prisoners*

The next round of consideration bearing on the Code of Conduct shifted attention to the treatment of U.S. servicemen after their return from captivity. Ambassador W. Averell Harriman initiated this reexamination in a "Personal and Confidential" letter to Secretary McNamara on 13 June 1966, barely a month after he assumed PW responsibilities within the State Department. "Under traditional military practices returned prisoners are subject to possible court martial or other legal proceedings relating to their conduct and statements while held captive," Harriman wrote.

. . . The two prisoners released by the Viet Cong last December, Sgts. Smith and McClure, underwent lengthy interrogation and investigation leading to a possible court martial, and after several months received general discharges. A Navy pilot, Lt. Commander Klusmann, escaped from the Pathet Lao in 1964 after several months of confinement, much of it under extremely adverse conditions. Having come through this ordeal he underwent protracted legal proceedings in the course of which he suffered a nervous breakdown. He subsequently recovered and returned to active duty. No prisoners have been released by the North Vietnamese authorities, but I understand records are being kept of statements attributed to them and other items relative to possible legal proceedings they might face after their release.

I recognize the obvious sensitivity of this subject, but I would raise the question whether it is necessary to proceed in this manner with regard to repatriated prisoners in light of the unusual circumstances of this conflict.

Harriman made clear he was not speaking of men who might have betrayed their comrades or who had willingly lent themselves to the enemy's propaganda purposes.

But where the alleged misconduct consists of isolated and possibly ambiguous statements, and where much of the evidence comes from post-release de-briefings of the prisoner himself, I would propose for your consideration that a decision to proceed with formal investigation or indictment, or a public announcement thereof, might be held in abeyance pending high level review, perhaps by yourself personally.

Harriman expressed his belief that "we run a danger of making ourselves appear unnecessarily heartless and of handing an additional propaganda subject to the enemy if present practices continue to take their automatic course."<sup>6</sup>

Deputy Secretary Vance responded, saying that he shared Harriman's concern about the problem of dealing with returned prisoners in such a way as to preclude propaganda exploitation by the enemy. He observed that there was a legitimate requirement for debriefing of released or escaped prisoners to obtain intelligence, including identification of other captives, and "to develop experience factors for evaluating the Code of Conduct . . . . Though this process can be distorted by an unscrupulous enemy for propaganda advantage, I can assure you that it is limited to essential military purposes and is not an automatic inquisition designed to harass the man and to ferret our bases for punitive action." Vance wrote that in the few instances that had occurred so far the processing of returnees had been carefully followed by the secretary of the military department concerned, that this monitoring would continue, and that officials could be relied on to "bring to my attention any case in which proposed actions of the processing authorities are of doubtful propriety." The deputy secretary closed with the further assurance that both Harriman's letter and his response had been circulated to the services.<sup>7</sup>

Vance issued a memorandum on that same day, 25 July 1966. In it he charged the departmental secretaries with maintaining "a continuing personal surveillance over the post-release processing of captured personnel,

with emphasis on the necessity for avoiding any connotation that released prisoners are automatically subjected to disciplinary action." He noted that "interdepartmental coordination to assure reasonably uniform disposition of cases involving prisoners from among the four military services is also an important objective."<sup>8</sup>

Several weeks earlier Secretary of the Air Force Harold Brown had invited McNamara's attention to Air Force Regulation 200-27 on "Debriefing of Returnees," dated 23 December 1965. Through its issuance, Brown wrote, "we have provided detailed instructions within the Air Force to insure that our intelligence needs would be met, while at the same time safeguarding the rights and reputations of our returning airmen." The central statement in AFR 200-27 was the following:

Air Force policy is to show returnees every possible consideration and courtesy in reinstating them in their active Air Force commitment. Captivity is not a state of culpability, and processing should not imply that it is . . . . It is important that a returnee understand that the purpose of the debriefing is to obtain positive foreign intelligence information and information which may prove helpful to other personnel, and that his actions are not being documented to determine his culpability. When all possible information useful for intelligence, planning, and training has been obtained from a returnee, and he has been determined fit, he will be restored to full duty.

The debriefing was to be conducted solely by intelligence specialists. The regulation appeared not to bar later investigations of possible misconduct during captivity, but it showed a clear intent not to allow that type of interrogation to intrude on the principal debriefing.<sup>9</sup>

Brown suggested that the policy and procedures adopted by the Air Force "might well be worth recommending to the other Services, in the interest of assuring comparable treatment of all returnees." OSD took no such action, however, nor did it issue detailed instructions to further the "coordination to assure reasonably uniform disposition of cases" that Vance had spoken of in his memorandum of 25 July 1966. Probably the explanation lay in the absence of immediate instances that might have called the Vance instructions into play. During the entire year of 1966, only three prisoners escaped and returned to U.S. control; not one was set free by the enemy. The numbers increased in 1967, however, and the release of two Army men by the Viet Cong in February may have been what stimulated the Office of the Assistant Secretary of Defense (Manpower) to take action in the following month.

In March Brig. Gen. William W. Berg, deputy assistant secretary for military personnel policy, addressed a memorandum to the military departments. He foresaw that at some point it would become necessary to assess the effectiveness of the Code of Conduct and its associated training in the light of the experience of the Vietnam conflict and that "the problem of assuring reasonably uniform disposition of any necessary cases of disciplinary or administrative actions" could become a significant issue. Accordingly, Berg called on each department to forward case summaries of the experiences of any of its men who had escaped or had been released from captivity in Southeast Asia and to specify whether disciplinary or administrative action based on conduct while a prisoner had been taken or was contemplated. He made this reporting a continuing requirement. Berg's memorandum set no guidelines but did imply that some might later be developed as the record of proposed disciplinary actions grew.<sup>10</sup>

#### *Actions of the DoD PW Policy Committee*

Several months later, on 26 July 1967, Deputy Secretary Nitze created the DoD PW Policy Committee and also laid down the policy that prisoner letters received from the families for intelligence analysis would be treated as privileged correspondence, barred from use for investigative purposes. Nitze's charge to the policy committee did not specifically mention the Code of Conduct, but the subject could hardly be avoided when developing the repatriation plan or considering how to react to Hanoi's broadcasts of prisoner statements and "confessions."<sup>11</sup>

At an early stage the policy committee concluded—apparently by common consent rather than by formal action—that no change in the Code of Conduct should be considered while the Vietnam War continued. In a typical expression of the prevailing view an Air Force official declared in November 1967 that while the supporting training programs should be reviewed continually in the light of the Vietnam experience, reevaluation of the code itself would be premature. The Vietnam conflict provided the first opportunity to test the code in practice, and no judgment should be passed on the need for revision until the full record became available for study. The Air Force stressed practical considerations as well, arguing that to make changes at that time would be to create "a double standard . . . detrimental to the capability of current PWs to adhere to The Code in accordance with their understanding."<sup>12</sup>



The disposition to meet newly recognized problems by improving and extending the training guidance became evident in the policy committee's handling of a matter first taken up at its meeting on 15 September 1967. Increasingly the North Vietnamese authorities were staging sessions at which selected journalists interviewed a few of the prisoners—also selectively chosen, it must be presumed. Apart from the prohibition against making any statement detrimental to the interests of the United States, the code contained nothing directly applicable to contacts with newsmen, and current training programs offered no instruction on conduct as an interviewee. The question before the policy committee was, "Should we discourage contact between American PWs in Hanoi and the news media?"<sup>13</sup>

The potential benefit of interviews in terms of acquiring new or more detailed information about the health and identity of prisoners was obvious. Any hope of further gain, however, such as exposure of a true picture of the treatment the men were receiving, seemed to depend on the chance that the enemy would occasionally misjudge the interview's impact, as in the Stratton incident. In every other respect the advantage lay with the enemy and his complete control of the situation, not to exclude the use of interrogators posing as newsmen and the doctoring of recorded statements. Comments on the problem submitted by the services also took note of the disabilities under which a prisoner-interviewee would labor. Long isolation, for instance, could impair his ability to judge the possible propaganda value of his answers. The services expressed concern about the damage to his future career that an officer might suffer should he unwittingly serve the enemy's purposes.<sup>14</sup>

The DoD PW Policy Committee reached the conclusion that "the Services should not encourage our servicemen to be interviewed if captured," but it also agreed that "the United States should not discourage U.S. newsmen from seeking interviews with PWs in NVN or delivering letters and packages." The somewhat contradictory nature of these two propositions reflected the need to take account of existing State Department policy, which was to encourage journalists to request meetings with prisoners.<sup>15</sup>

At subsequent meetings the committee considered what instructions the services should issue to make this policy known. All agreed on the need for additional training "to alert servicemen to the dangers of seemingly innocent press interviews." Daniel Henkin, representing OASD (Public Affairs), thought the guidance should not take the form of a flat prohibition of participation in interviews, since this would "burden the POW with an additional area of risk in terms of the code of conduct."<sup>16</sup> The Navy and Air Force instructions barely skirted prohibition, however, by stressing avoidance

of interviews. The Air Force text expressed it rather bluntly: "The Code of Conduct requires that every PW be responsible for his action while in PW status. The PW may prevent future problems for himself by simply following the policy of not granting any type of interview with any member of the news media."<sup>17</sup>

The Army also called for reliance on the Code of Conduct, but it recognized that "a PW may not be able to avoid being interviewed in the sense that the enemy can expose him to questions and camera." In this situation, the Army said, "it is his behavior that counts and which he must control," guided by his pledge under the code to make no statement harmful to the United States.<sup>18</sup>

Like the other services, the Army added instruction on prisoner interviews to its regulation on education and training in the Code of Conduct. The revised AR 350-30 issued on 8 July 1968 contained a new paragraph on the need to "provide the soldier with the necessary knowledge to respond appropriately to the many nonviolent ways in which an enemy may seek to use him as a source of intelligence or as a propaganda asset." In accordance with the JCS guidance of 1966, AR 350-30 now made explicit that the code permitted the prisoner to write letters, subject to the usual cautions about content. Further, "if forced to be presented to newsmen for interviews, his action must reflect the same guidelines used in letter writing."<sup>19</sup>

Other features of the revised AR 350-30 further indicated that increasing knowledge of the conditions of captivity in Southeast Asia was affecting official attitudes toward the Code of Conduct and the training given in its support. The 1964 version, now superseded, had largely repeated the text of DoD Directive 1300.7, even enhancing its stern prescriptions by placing "to the utmost of my ability" in italics. It also included the requirements for instruction in the consequences of not holding to the "Big Four" answer, emphasis on the principle that "further responses are made entirely on his own responsibility," and advice to the soldier that "he may dogmatically refuse to answer any question of an interrogator which goes beyond his name, rank, and service number."<sup>20</sup> The revision of 1968 omitted all these passages, though it retained the provision that if subjected to extremes of coercion, the serviceman must make no statement damaging to his country's interests.

#### *Influence of the Pueblo Incident*

When the Army issued its revised regulation in mid-1968 the *Pueblo* incident was moving the Code of Conduct to the forefront of public

discussion. In January the U.S.S. *Pueblo*, a Navy intelligence collection auxiliary ship operating in international waters in the Sea of Japan, had been surrounded by North Korean patrol boats and boarded by an armed party. One sailor was killed in the attack and several wounded. Before other U.S. forces could intervene the *Pueblo* was conducted to a North Korean port, and Cdr. Lloyd M. Bucher and the 81 members of his crew were taken captive.<sup>21</sup>

The seizure on the high seas was illegal. Even if the *Pueblo*, contrary to its orders, had entered the claimed 12-mile territorial waters of North Korea, seizure was not sanctioned by international law; in such circumstances the aggrieved nation was expected only to enforce a demand that the intruder depart. President Johnson condemned North Korea's "wanton and aggressive act," and the United States took the matter to the United Nations Security Council and mounted a diplomatic offensive to obtain release of the ship and crew. North Korea rejected UN jurisdiction and charged that the *Pueblo* had been taken while pursuing its electronic espionage mission in territorial waters—a "crime" for which it demanded U.S. acknowledgment, apology, and pledge of nonrepetition. While official discussion of the matter proceeded within the Korean Military Armistice Commission at Panmunjom, the North Koreans, by the exercise of extreme brutality and what seemed to Bucher and his men to be a credible threat of death, extracted "confessions" that the spy ship had violated the coastal zone.<sup>22</sup>

Already well publicized in the U.S. press, the *Pueblo* case received even more attention and editorial comment because of the manner of its resolution. After months of refusing to accede to the demand that the United States apologize for illegal actions it denied had taken place, the U.S. government settled on a formula for gaining the return of the men, though not of the ship. The chief U.S. negotiator at Panmunjom signed a "solemn apology" for having conducted espionage activities within North Korea's territorial waters. Before doing so (and, curiously, with the prior knowledge and acquiescence of the North Korean authorities), he issued a formal declaration that the statement was false and was being signed "to free the crew and only to free the crew."\* On 23 December 1968, after 11 months of captivity, the 82 officers and men of the *Pueblo*, together with the body of their shipmate, crossed the demarcation line in Korea to U.S. control.<sup>23</sup>

\* In memoirs published in 1993 Admiral William J. Crowe, Jr., revealed how U.S. officials devised this formula that met the opposing side's requirements. In tightly controlled North Korea the government needed a U.S. confession and apology for broadcast to its own citizens as a triumphant conclusion consistent with the one-sided account they had received of the affair. At the same time the government had the capability of shielding its people from knowledge of the U.S. repudiation, which Washington was at liberty to broadcast to the rest of the world. William J. Crowe, Jr., *The Line of Fire*, 68.

Following the return of the crew to San Diego in time for Christmas reunions with their families and the announcement that a Navy Court of Inquiry would soon be convened, the press pointed out the contrast between the action of the U.S. government and what was expected of its servicemen in captivity. Under what *Time* called the "rigid superstoical Code of Conduct promulgated by President Eisenhower," the servicemen were expected to undergo torture and possible death rather than subscribe to the kind of statement the U.S. representative had signed. The Code of Conduct was "in trouble," *U.S. News & World Report* asserted, and other commentators called for its reconsideration, to find "a formula more in line with the psychological and military realities of the times." Assistant Secretary of Defense (ISA) Paul Warnke, soon to leave office with the change of administration, seemed to agree. In January 1969 a national magazine quoted him as finding it "unthinkable that these men will be court-martialed for signing a false statement. All the confession shows is the bestiality of the treatment they received. The harm done to the national interest is next to nil."<sup>24</sup>

Meanwhile the Navy Court of Inquiry had begun its sessions. At an early point the officer serving as the court's counsel took note that the *Pueblo* crewmen had been illegal detainees rather than prisoners of war inasmuch as no hostilities existed. Accordingly, he declared, the Code of Conduct did not apply. Later in the proceedings he reversed this stand, acknowledging that his first statement had been made without benefit of the opinion of the Navy's judge advocate general. Under the counsel's revised interpretation that the code applied in all circumstances, the inquiry reviewed the signing of confessions by members of the crew and pressed for justification in the light of each man's understanding of the Code of Conduct. However, no findings drawn from this line of questioning appeared in the final action of the court, which recommended that Commander Bucher be tried by general court-martial on charges relating to the circumstances of the boarding and surrender of the ship and the incomplete destruction of its classified gear and documents. Higher naval authorities concurred in the findings but recommended reducing the proposed disciplinary action to a letter of reprimand. In May 1969 Secretary of the Navy John H. Chaffee then directed that all charges against Bucher and other officers be dropped, declaring that "they have suffered enough."<sup>25</sup>

In the public discussion of the *Pueblo* incident there had been frequent reference to its bearing on the judgment ultimately to be made on the actions of the servicemen still captive in North and South Vietnam. In this connection the conclusions of most lasting significance came from hearings conducted by a subcommittee of the House Armed Services Committee,

headed by Rep. Otis G. Pike of New York. Convening on 4 March 1969, the subcommittee undertook to inquire into the national security implications of the loss of the *Pueblo* and also to examine the possible need for changes in the Code of Conduct.<sup>26</sup>

Two naval officers addressed the latter point in extended testimony. Vice Adm. Charles K. Duncan, chief of naval personnel, said that in light of recent events the Navy had conducted a review that revealed no valid basis for modification of the Code of Conduct. He submitted a brief written statement of the Navy's position that characterized the code in a way that departed notably from the commonly held understanding of its meaning and intent:

The Code of Conduct represents a formal expression of the standards of military conduct understood and accepted by most countries for centuries. It serves as a guideline to be followed by all members of the armed forces, particularly when in a captured or detained status.

It is a professional and inspirational rather than a penal code. Failure to live up to the full extent of its obligations is not a criminal offense. Adequate authority exists under the Uniform Code of Military Justice for those malfeasances which can properly be termed criminal acts. Should a servicemen engage in actions punishable under the UCMJ he may be prosecuted under that statute, but not under the Code of Conduct.

The final paragraph took up again the basis for the Navy's conclusion that modification was undesirable:

It is recognized that inhuman treatment and the application of psychological techniques have succeeded in individual cases in forcing involuntary departures from the standards set forth by the Code, and can be expected to do so in the future. Notwithstanding these past and possible future departures, it would be unwise to officially advocate voluntary departures for any reason. The individual must be expected to adhere to both the spirit and the letter of the Code of Conduct to the full extent of his physical, mental and moral resources. The wisdom of this view of the Code of Conduct has been confirmed by former captives in SEASIA who found it a source of strength in situations of severe duress.

In the discussion that followed, Admiral Duncan even suggested that "perhaps the word 'violating' should not be used in connection with

the Code of Conduct. 'Departure from,' or 'not living up to the fullest extent' may be more applicable."<sup>27</sup>

In supporting testimony Rear Adm. Joseph B. McDevitt, the Navy's judge advocate general, echoed Duncan's characterization of the Navy's view of the code as a professional and inspirational rather than penal document. That view, McDevitt said, derived from the recommendations of the Defense Advisory Committee on Prisoners of War that had drafted the code in 1955 and from pronouncements made after its promulgation by Deputy Secretary of Defense Donald Quarles. The tone of these statements differed considerably from that used in more recent official reaffirmations. In 1957 Quarles had advised the secretary of the Navy that "it was never the intent of the Department of Defense that the Code of Conduct, in and of itself, be used as a basis for punishment." The advisory committee had believed that "consideration for the conditions of captivity" should be a factor when weighing charged offenses. Thus it held out a prospect of compassionate judgment that had later been all but extinguished by the rigorous interpretation placed on the Code of Conduct by Secretary McNamara in early 1964.<sup>28</sup>

The Pike subcommittee submitted a unanimous report to the Committee of Armed Services in July 1969, finding that the Code of Conduct did require revisions and clarification. Certainly there was a need for clarification of the code's applicability in ambiguous situations such as the *Pueblo* seizure, and the Pike subcommittee scored the confused handling this matter had received before the Navy Court of Inquiry. Of more pertinence to Vietnam, the subcommittee believed that where U.S. prisoners were not accorded the protections of the Geneva Convention, "the code of conduct should provide some latitude for the detainee." The members endorsed the concept of the code as a suggested guide to conduct having no penal sanctions; training in the military services, they said, should be designed accordingly. But they did not agree with the Navy's testimony that consideration of modifying the code should be postponed until after repatriation of the Vietnam prisoners of war. The subcommittee termed this "more a policy of convenience than of necessity" and saw no reason why DoD should not begin comprehensive studies immediately.<sup>29</sup>

While the subcommittee report had no binding effect, it stood as a clear expression of the attitudes prevailing within one of the committees of the Congress that would surely insist on exercising its prerogative to review and issue judgments on all future DoD actions in this area. Taken together with the comments that had appeared in the press, it provided forewarning of the climate of opinion Defense officials might encounter when

it came time to receive and process the returnees from Vietnam. Whatever the record ultimately showed regarding the men's faithfulness and fortitude in living up to the Code of Conduct, the validity of the code itself would likely be under question as well.

*A Pronounced Change of View*

In fact, there had already occurred within DoD a change of attitude and emphasis regarding the code. The three-paragraph statement presented by the Navy witnesses before the Pike subcommittee in April 1969 had been presaged by an internal, classified Air Force communication two months earlier indicating that the Air Force, independently and on the advice of its judge advocate general, had officially adopted the same position. The classified letter, dated 12 February 1969 and promulgated to all USAF activities, constituted "a restatement of perspective and policy" regarding the purpose and application of the Code of Conduct:

2. The standard of conduct prescribed by the Code is a formalization of the basic obligations of a member of the United States Armed Forces to his country, his service and his comrades. These obligations are traditional and would be effective irrespective of the promulgation of a formal Code of Conduct . . . .

3. Uncertainty concerning the Code of Conduct results from a tendency to judge PW behavior vis-a-vis the Code. Such judgments are inappropriate and moreover are irrelevant when considering guidance on expected behavior. The Code of Conduct is not nor was it ever intended as a means for judgment. It is not a vehicle for enforcement. The several precepts of the Code are phrased deliberately in the first person as a personal standard for the individual . . . . There is, in fact, no arbitrary standard against which behavior is judged. All of the circumstances of captivity are considered on an individual basis. The individual who adheres to the Code to the utmost of his ability can be assured that behavior as a prisoner will be considered with justice and understanding.

Still, the letter continued, servicemen must not be misled into believing that "actions while a prisoner are not punishable at all. A prisoner remains subject to the Uniform Code of Military Justice and other applicable directives."<sup>30</sup>

Even this Air Force pronouncement was not the earliest official expression of the new perspective on the Code of Conduct. OSD had written to

Senator J. William Fulbright on 10 February 1969, commenting on a proposal submitted by one of his constituents:

It should be pointed out that the Code of Conduct is in effect a CREED which embodies those concepts of personal behavior adhered to by members of our Armed Forces since the early days of our Republic. There has been some misconception in the public media that a violation of the high standards of the Code of Conduct, in and of itself, would subject a member of the Armed Forces to court-martial. This is not true. It is true that certain conduct by prisoners of war may constitute a violation of the Uniform Code of Military Justice and therefore might subject a serviceman to court-martial proceedings.<sup>31</sup>

There was no dissent from this position in any quarter. By early June the Joint Chiefs of Staff as well as the Army and Air Force individually had endorsed the substance of the three-paragraph statement the Navy had made before the Pike subcommittee.<sup>32</sup> Thus during the first half of 1969 the view that the code was an inspirational guide having no punitive sanctions had gained acceptance within DoD. The emergence of this view marked a major step in relaxing the dogmatism of the McNamara era. While the change cannot be considered apart from the context of public and congressional discussion of the *Pueblo* case, it seemed to result primarily from the virtually unanimous professional advice of the service judge advocate generals. Legal officers had rarely wavered in the opinion that charges could be brought only on the basis of the Uniform Code of Military Justice, but, apparently overawed by statements of their superiors that treated the Code of Conduct as a binding regulation, they had not begun to press the point until late 1968.

The new way of speaking of the Code of Conduct narrowed the grounds for controversy, and it also accorded well with an action taken by the DoD PW Policy Committee in early January 1969. The committee at last put on formal record its longstanding conviction that no revision of the code should be considered until after hostilities ended. Testimony of the Navy witnesses during their congressional appearance had followed this line and so did a plan developed within the Office of the Assistant Secretary of Defense (M&RA). The latter outlined "a long-range phased review" of the Code of Conduct. Phase 1 would not terminate until all of the men then in captivity had been released and fully debriefed and the military departments had assembled the data on individual experiences.<sup>33</sup> Later, DoD made no move to advance this schedule when the Pike subcommittee called for an immediate start on comprehensive studies.



Common acceptance that the Code of Conduct was an inspirational guide for the individual and not the basis for legal assessment of his behavior in captivity had a further effect. By avoiding the varying judgments that might arise from some of the admitted ambiguities of the code it notably enhanced the prospect that a single standard of justice would prevail.

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### Early Repatriation Planning

Planning for the repatriation of prisoners of war from Southeast Asia began in early July 1967 when the Joint Staff took up the task of defining the principles to be followed in the reception and processing of the returnees. The staff initiated this action to assist the Joint Chiefs in providing policy on a subject with important bearing on command responsibilities and future military operations. The end product was intended to be a directive, approved by the secretary of defense, that would guide the detailed repatriation planning of the military services and the unified commands.<sup>1</sup>

#### *The Basic Directive of 8 June 1968*

Within a few weeks the DoD Policy Committee was established, with centralized supervision of repatriation planning as one of its functions. The committee accepted without question the prerogative of the JCS to originate action in this subject area and put off consideration of repatriation while awaiting the paper being prepared in the Joint Staff. It showed little concern over slippage of the predicted completion date, since no end to the war was in sight; neither was there any immediate prospect of negotiations that might lead to a large-scale exchange of prisoners. In the last quarter of 1967 repatriation planning seemed less pressing than such other activities as devising actions to discredit Hanoi's propaganda exploitation of the prisoners and coordinating the Christmas package mailings for that year.<sup>2</sup>

By the time the Joint Chiefs completed their deliberations, however, the enemy's Tet offensive of February 1968 had occurred, profoundly affecting the U.S. perspective on the war and setting important changes in motion. The Joint Chiefs submitted their recommended policy on

repatriation processing to the secretary of defense on 30 March 1968. On the following day President Johnson declared that he would not be a candidate for reelection and at the same time announced his decision to halt all air and naval bombardment of North Vietnam except in the vicinity of the DMZ. Inviting the leaders in Hanoi to join in a "series of mutual moves toward peace," he renewed the U.S. proposal for negotiations. This time the president's initiative met with a prompt and mainly favorable response from the enemy. In further exchanges between Washington and Hanoi the latter sometimes reverted to the harsh and accusatory language of the past, but the chief issue now under contention was choice of a site for the prospective peace talks. At length the two sides agreed on Paris as the scene for negotiations, to begin in May.<sup>3</sup>

Early in this course of events the DoD PW Policy Committee had taken up the review and revision of the repatriation policy drafted by the JCS. It accepted most of the paper's fundamental elements, including the roles the JCS had conceived for the services, the unified commands, DIA, and other components of the Department of Defense. The commander of the unified command in whose area the prisoners were released would exercise initial control over the returnees until the parent service assumed responsibility for individual processing. Placed under medical auspices from the first, the men would undergo intelligence debriefing and evacuation to service hospitals, normally in the continental United States, when medically feasible. Throughout these procedures the welfare and morale of returned personnel would be of prime importance, with careful attention given to their personal, psychological, and spiritual needs.<sup>4</sup>

In rewriting the JCS paper the policy committee clarified or expanded on a number of points, often as the result of considerations raised by OSD General Counsel. For example, with reference to the statement in the JCS text that returned prisoners of war "enjoy certain legal rights and privileges which must be recognized at every stage of the processing," the General Counsel's representative thought specific instances of these rights might well be cited, most notably the right to avoid self-incrimination.<sup>5</sup>

The JCS draft also contained a matter-of-fact statement that "any evidence of misconduct on the part of a returned US prisoner of war . . . will be referred to the Service of the suspected or accused person." Assistant Secretary of Defense (M&RA) Alfred B. Fitt reminded his committee colleagues of the directive issued by Cyrus Vance in 1966, which had stressed avoidance of any implication that returned prisoners were automatically subjected to disciplinary action. He cautioned that the application given the draft provision "should be in consonance with, and not go beyond the intent of," the Vance memorandum.<sup>6</sup>

Besides attempting to clarify these and other points, the policy committee made two significant changes: it gave unmistakable primacy to the goal of uniformity, and it provided an overall coordinating authority that might ensure effective implementation. The JCS had cited a need for "uniform procedures" and "uniformity in the processing," but the policy committee substituted a phrase with broader connotations—"uniformity of treatment"—and gave it a more prominent position in the text. Also, by rephrasing the opening sentence the committee made "facilitating uniformity" the keynote of the paper.

The policy committee wrote language into the directive that guaranteed a continuing role for the committee and particularly its chairman, the assistant secretary of defense for international security affairs. Its original charter had given no clear indication that the committee was to be involved in the ultimate implementation of the repatriation plan. The new provision established that while each service would process its own members, central supervision of the whole exercise would come from the OSD level.<sup>7</sup>

In sending the revised "Policy for Processing of Returned U.S. Prisoners of War and Other Detained Military Personnel" to the secretary of defense the committee unanimously recommended approval.<sup>8</sup> Deputy Secretary Paul H. Nitze issued it on 8 June 1968 as a memorandum directive to the secretaries of the military departments and the chairman, Joint Chiefs of Staff. The full text follows:

In the interest of facilitating uniformity, U.S. prisoners of war and other military personnel detained against their will by a foreign power will be processed upon their return to U.S. control in accordance with the precepts prescribed herein.

The commander of the unified command in the area in which personnel of these two categories are returned will exercise initial control pending delivery of such personnel to their parent Services. The respective Services have the inherent responsibility for processing their returned Prisoners of War and other detained military personnel and will assume control of these individuals as soon as feasible. Each Service will process its own members. Maximum cooperation and mutual exchange of information by the Services with each other and with the Joint Chiefs of Staff is expected. All efforts will be directed toward the goal of assuring uniformity of treatment of returned personnel. The Chairman of the DOD PW Policy Committee will exercise over-all supervision within DOD and will ensure timely and proper coordination among those DOD components concerned. He will also act as the point of contact for DOD with the Department of State.

All returned personnel will be placed under medical auspices as soon as possible and evacuated to an appropriate facility, normally in CONUS, when medically and operationally feasible. Medical evacuation channels will normally be utilized for this purpose and suitable escorts will be provided to accompany such movements.

Intelligence/counterintelligence debriefing is essential and will be conducted concurrently with medical treatment and evacuation whenever possible. Medical personnel will provide optimum briefing conditions consistent with treatment. The Director, Defense Intelligence Agency, will provide technical direction and coordination of the Services' debriefing programs.

Factual information will be made available to the public through the news media subject to appropriate consideration of (1) security requirements, (2) the welfare of the returned personnel and their families and (3) the safety and interests of other personnel who may still be detained. After medical evaluation of returned personnel, initial intelligence/counterintelligence debriefing, public affairs counseling and legal counseling have been completed, the Assistant Secretary of Defense (Public Affairs) will, in accordance with existing directives, authorize individual returnees who desire to do so to grant interviews to representatives of the news media.

The welfare and morale of returned personnel shall be of prime importance. All reasonable efforts will be made at all stages to provide for their personal, psychological and spiritual needs.

Full cooperation will be extended to the International Committee of the Red Cross if representatives of this organization desire to observe initial processing of returned personnel. Likewise, cooperation will be accorded to the American Red Cross to the end that assistance may be made available to the returnees or their families.

Returnees will be accorded all of the legal rights and privileges to which they are entitled as military personnel at every stage of processing, including intelligence debriefings. In view of the physical and/or psychological pressures to which they may have been subject, particular care must be taken to ensure that their rights and privileges are in no way compromised or diluted. Inter-service cooperation should be pursued to ensure uniform interpretation of laws and regulations governing the conduct of returnees. In the event there is evidence of misconduct on the part of a returnee it will be referred to the Service concerned, and any cases of suspected misconduct will be disposed of in accordance with normal practices.<sup>9</sup>

The last paragraph contained a less explicit delineation of rights and privileges than might have been expected from the preliminary comments within the policy committee. Its wording was appropriate to a statement confined to general precepts, however, and the phrase, "including intelligence debriefings," did call attention to the area in which safeguards against abuse of returnee rights had their most important application. The memorandum made no direct reference to the Vance principle, but perhaps the phrase "in accordance with normal practices" and the provision for inter-service coordination to achieve uniform interpretation were meant to cover it. Surprisingly, one aptly turned sentence in the JCS draft had not been retained; it read, "Captivity is not a state of culpability and returned US prisoners . . . will be treated accordingly."<sup>10</sup>

The policy committee had also withheld one section of the JCS draft for separate consideration. Out of concern for the personal and psychological needs of the returnees, the Joint Chiefs of Staff had included a paragraph authorizing the services to offer military transportation and travel expenses to the next of kin to permit visits to the men in the hospitals to which they would be evacuated. After a committee member objected that no law authorized expenditure of appropriated funds for this purpose, the question was referred to the general counsel's office in the hope that proposed legislation might be drafted that would receive prompt approval in the Congress.<sup>11</sup> In early June, however, Assistant General Counsel Frank A. Bartimo recommended that no submission be made during the current session. He believed that proposals for extension of the travel privilege to the families of other, non-PW, wounded or seriously ill patients in service hospitals would undoubtedly arise to complicate and lengthen the consideration of the bill. Bartimo's draft legislation sought to provide for these cases in addition to returned prisoners of war, but the resulting larger and more open-ended commitment presented "significant problems." Bartimo concluded that "the legislation would have very little chance of passage," but his further advice to Secretary Warnke pointed the way to resolution of the matter on a less formal basis: "As you know, the Services have been able to provide visits by next of kin to returned POW's in spite of the absence of legal authority therefor."<sup>12</sup>

When allowed for the benefit of PW families, some additional latitude in the use of service transportation facilities was not likely to be questioned on the Hill. Since the issue of utilization of appropriated funds had arisen from the provision for per diem expense money in the original proposal, the policy committee dropped that feature and devised a draft instruction that represented only a modest extension of customary practice, one that seemed suitable for issuance under the existing authority of the secretary of defense. Nitze signed it on 30 November 1968 as an addendum to his

basic directive of 8 June on repatriation processing. The operative paragraph read as follows:

Service Secretaries will normally authorize either reimbursement for commercial or private transportation or use of appropriate military transportation for appropriate persons living beyond commuting distance to make one round trip to visit returned prisoners of war and other detained US personnel hospitalized in the United States, its territories or possessions. Such authority shall, with certain exceptions to best serve the interests of the returnee and the Service, be limited to returnees' children and two other persons.<sup>13</sup>

*Further Refinement: The Directive of 18 January 1969*

Meanwhile, the policy committee had been receiving progress reports on repatriation planning by the military departments. In this connection, the committee readily agreed to a clarifying interpretation advanced by the Navy in August 1968: Each service's responsibility for processing its own returned prisoners of war included civilian employees as well as military personnel.<sup>14</sup>

By November the emergence of questions of greater consequence turned the committee's attention to the progress of repatriation planning in the field and led to another supplementary directive issued by the deputy secretary of defense. A pair of queries by Vice Adm. Charles Duncan framed the discussion:

a. Where and when can the parent Service expect to receive control of returned PWs from the Unified Commander or anyone else?

b. Recognizing that in the interest of the returnee's welfare, his personal and psychological needs shall be considered in determining when and how he is evacuated to CONUS, should there be a fixed minimum overseas processing period, such as seven days, established for uniformity of treatment if large groups of PWs are repatriated at the same time?

Discussion at two successive meetings produced no consensus and pointed up the need for fuller information on how these matters were being treated in the operational planning of the Pacific Command.<sup>15</sup>

At the behest of the policy committee the Joint Chiefs of Staff called on CINCPAC for a report. The detailed response of Admiral John S.

McCain, Jr.,<sup>1</sup> on 4 January 1969 indicated that much thought had already been given the subject by his headquarters and in subordinate echelons. The planning assumed the release of a substantial number of prisoners of war within mainland Southeast Asia, probably in Vietnam in the vicinity of the DMZ. Accordingly, the subordinate unified commander in the area, COMUSMACV, would accept initial custody of the returnees and remain responsible for them until they left Vietnam. Thereafter, CINCPAC would continue to exercise overall control until the returnees were evacuated from his Pacific Command area. Within this scheme of overall responsibility, however, the plan contemplated the handling of individuals on the basis of their service affiliation almost from the beginning. The planners had indeed taken literally the provision that each military service would assume control of its own returnees "as soon as feasible."<sup>16</sup>

McCain's message stated that at the release point the men would be met by a team from MACV Headquarters, which would escort them toward the waiting helicopters and, "using the least possible amount of time," identify and segregate the returnees by service and determine those who needed immediate medical treatment or quarantining during travel. The returnees would then board the helicopters (separated by service where practicable) and proceed to the staging point. There they would be transferred to medevac aircraft, and separation into Army, Navy, Air Force, and Marine Corps groups would become complete, with the service elements of COMUSMACV's command—U.S. Army, Vietnam; U.S. Naval Forces, Vietnam; 7th Air Force; and III Marine Amphibious Force—assuming custody of their own people. The medevac flights would depart for the separate processing points chosen by the services: Long Binh, Da Nang, Cam Ranh Bay, and, for the Navy, one or more hospital ships.

Instructions for the processing that would follow had been prepared, at least in draft, by CINCPAC's component commands: U.S. Army, Pacific; the Pacific Fleet; Pacific Air Forces; and Fleet Marine Force, Pacific. The plans showed a common pattern of medical evaluation and treatment, with concurrent intelligence debriefing depending on the returnee's health. Both processes would continue as necessary and feasible during the aeromedical evacuation to the continental United States. The Army scheduled evacuation from Vietnam to occur within 72 hours after assuming custody of its returnees, with any extension requiring the approval of CINCUSARPAC. The Marine Corps plan also stipulated 72 hours as the objective; processing time beyond five days had to be approved in Washington by the commandant, U.S. Marine Corps. The Air Force set no limit but used phraseology implying that considerably less than 72 hours would be spent on processing in Vietnam.



The plan produced in Pacific Fleet Headquarters differed from the others owing to the Navy's intention of performing all processing aboard a hospital ship while steaming to an intermediate point in the Pacific Command, such as Guam or Subic Bay in the Philippines. The Navy thought as much as 7 to 10 days should be allotted to restorative medical and nutritional treatment and debriefing and counseling procedures, to ensure that returnees were "ready for evacuation, family reunion, and exposure to press and public." It attached particular importance to psychological adjustment during this period. Air evacuation would be deferred until returnees reached Guam or Subic Bay.

The plans of all CINCPAC components provided for protection of the legal rights of returnees, but with variations in the procedures that could affect the atmosphere in which the intelligence debriefings were conducted. At the beginning of the debriefing the Army intended to advise each man of his rights under Article 31 of the Uniform Code of Military Justice, that is, the right to remain silent to avoid self-incrimination, together with the warning that statements given might be used as evidence in a trial by court-martial, plus the associated right to obtain legal counsel before proceeding. The other services would resort to this notification only if the need became apparent—whenever a response under questioning "leads the debriefer to reasonably believe that the individual committed an offense," as the Navy phrased it, or "on the first occasion when suspicion from any source indicates the possibility of an offense," in the Air Force version.

Admiral McCain asked Washington for guidance, "in the interest of greater uniformity," regarding 1) minimum and maximum processing times following delivery of the returnees by MACV to their service components, and 2) procedural criteria with respect to the individual returnee's legal rights. He expected to issue additional instructions to subordinates on "receipt of such guidance and to deal at the same time with other concerns, such as the need for "an on-call reaction force in case of enemy perfidy."<sup>17</sup>

Impressed with the need for further guidance to insure the requisite degree of uniformity, the policy committee took up the matter at once. A discussion on 9 January 1969 revealed continuing differences among the service representatives on the processing duration question, however, which Warnke concluded were unlikely to be quickly resolved. He therefore undertook to prepare a set of recommendations himself, drawing on the views expressed during the meeting, and to circulate his draft to the committee's principals before submission to Deputy Secretary Nitze. Choice of this abbreviated procedure probably reflected a desire to see the action completed before the end of the Johnson administration rather than have the reply to CINCPAC delayed until new appointees took their place on the

committee and became familiar with the problem. Also, settling the matter would add to the credit that Warnke and his colleagues might justly claim for having passed on a well-considered repatriation plan to their successors.<sup>18</sup>

Warnke recommended setting a minimum processing time of 36 hours before evacuation, with 72 hours as the normal maximum. While his minimum figure did strike a compromise among the several times advanced by the services and DIA, it owed more to Warnke's own assessment of the time the initial medical and intelligence processing of a large group of men might reasonably require. In his advice to the deputy secretary Warnke stressed to Nitze the desirability of establishing an obligatory minimum stay at the processing point in Vietnam before any ex-prisoner was evacuated. Besides ensuring uniformity of treatment of the returnees, it would "dissipate any pressure toward a processing race among the Services to get the men home."<sup>19</sup>

Nitze signed the recommended memorandum on 18 January 1969, issuing it as a further supplement to the directive of 8 June 1968. Again, the full text deserves attention:

This guidance is premised on the assumptions that it will apply to the repatriation or return of a relatively large group of US PW/Detainees who are returned on the SEA land mass and that COMUSMACV would be the subordinate unified command.

Repatriation planning by the Services should be consistent with this guidance.

1. With proper regard for the returnees' needs immediately following their initial release and return to the Unified Commander's control, they will be evacuated regardless of Service affiliation from this release point by the most expeditious mode of transport consistent with medical considerations to a single central processing location in Vietnam or elsewhere in WESTPAC if circumstances require.
2. The returnees' immediate needs and the requirements of the Services will be fulfilled. Time required to accomplish this phase, with proper regard for the health and welfare of the men, security and other administrative matters, should involve a minimum of 36 hours at the central processing location, but not more than 72 hours unless exceptional circumstances require variance from these norms.
3. All returnees will return by aeromedical evacuation to CONUS accompanied by appropriate parent Service escorts.

4. Upon arrival in CONUS the returnees, under the control of their parent Service, will proceed to their designated Service hospitals closest to their families in the absence of other clearly overriding considerations.

5. Debriefing tasks will be accomplished consistent with the significance and perishability of the information. The nature of the intelligence gain will determine the priority and kind of action necessary.

6. Intelligence debriefings shall be conducted so as to afford full protection to the rights of the individuals. To provide the proper environment for the return of these men and to maximize the intelligence obtained, a returnee will be given the warning specified in Article 31 of the Uniform Code of Military Justice and advised of his right to counsel only when the individual has been charged with having committed an offense punishable under the Uniform Code of Military Justice, or when previously acquired reliable information clearly indicates that he has committed such an offense, or when his responses lead the debriefer reasonably to believe that he has committed such an offense and that an investigation of his conduct should be made.<sup>20</sup>

The first of the numbered paragraphs had the most immediate impact on the planning by the Pacific Command. The decision to use a single central processing site and to transport the returnees there without regard to service affiliation greatly simplified the undertaking and gave assurance of efficiency and uniformity. The same provision for central processing, leading in a relatively brief time to aeromedical evacuation, also quietly overrode the Navy's original intention of utilizing hospital ships. In addition, the guidance for the first time stated explicitly that the service hospital closest to the man's family would normally be his assigned destination.

Nitze's directive, issued two days before the new president's inauguration, marked the culmination of repatriation planning by the Johnson administration. The work was far from finished, as attested by the four years of detailed planning that followed, but the subsequent planning and actions underscored repeatedly the enduring and comprehensive nature of the decisions made in the period through 20 January 1969. Without discounting either the importance or the resourcefulness of the subsequent effort, all the further work may be viewed as serving only to fulfill and extend a plan whose basic precepts had been defined in the preceding years. The homecoming plan ultimately implemented in February 1973 clearly derived from—and, indeed, cited as basic references—the two Nitze directives of 8 June 1968 and 18 January 1969, which in turn were a product of the effective collaborative efforts of the DoD PW Policy Committee during the period of Paul Warnke's chairmanship.

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## Emergence of the PW/MIA Task Group/Task Force

When Richard M. Nixon became president on 20 January 1969 his choice of Representative Melvin R. Laird to serve as secretary of defense had far-reaching consequences for DoD's conduct of PW affairs. It was not merely that Laird, as an experienced politician, readily comprehended the political dimensions of the PW issue, both foreign and domestic; he joined this with an intense personal interest in the fate of the captives, which gave an untiring fervor to his actions. Very soon after taking office he made known his intention to give the PW problem a higher priority among the secretary's concerns than he believed it had received in the past.

Throughout his four-year tenure Laird provided constant support to his subordinates working on PW matters. He also kept an unrelenting pressure on them to do everything possible, consistent with national policy, to help the prisoners of war and their families and to win the eventual release of the captives. He himself fought the top-level battles with the State Department, pushed his policies at the White House, and asserted, successfully, the primacy of the Department of Defense in the field of PW affairs.

### *New Leadership for the PW Policy Committee*

At the time of the Nixon inauguration the DoD PW Policy Committee had an 18-month history of activity behind it. The committee readily weathered the change of administration, even though the assistant secretary's post in ISA remained vacant until March. The outgoing chairman, Paul Warnke, had presided for the last time at the policy committee meeting on 9 January 1969 and shortly afterward submitted a final report of

his stewardship of PW affairs. Ralph Earle II, principal deputy assistant secretary (ISA), took over as interim chairman, and Charles W. Havens III continued to serve as the ISA official concerned with coordination and agenda preparation.<sup>1</sup>

The policy committee held its regular monthly meetings in February and March, with some new attendees. One notable change involved Daniel Henkin, who as deputy assistant secretary of defense for public affairs had represented that office from the policy committee's beginning. Henkin became assistant secretary of defense (PA) in the new administration, and his deputy, Richard G. Capen, Jr., appeared as the Public Affairs representative at the February meeting. Among the actions demonstrating the policy committee's vitality during this period was revival of the Public Affairs Working Group, with Capen as its chairman.<sup>2</sup>

Dr. G. Warren Nutter, a professor of economics at the University of Virginia and specialist on the Soviet-bloc economy, became the assistant secretary of defense for international security affairs on 4 March 1969 and succeeded to the chairmanship of the DoD PW Policy Committee at the end of April. When briefing Nutter for his duties Havens stressed the importance of the chairman's position as "top Department of Defense policy coordinator on PW matters," both in the overall effort of the U.S. government, including the Paris negotiations, and in more immediate fulfillment of Secretary Laird's insistence that PW affairs receive priority attention. He made a particular point of the fact that, with Harriman's departure, the comparable authority and responsibility within the State Department had been elevated to the level of the under secretary, a position held by Elliot L. Richardson. Havens also recommended that the policy committee make greater use of working groups and that ISA increase its staff devoted to the PW function. The proposed staff enlargement consisted of two clerical personnel and a second officer to join Capt. John W. Thornton, USN, already assigned. Advised that "the Air Force is anxious to fill this second position," Nutter approved, and the assignment went to Col. Robert E. Work, who had gained extensive experience in both intelligence and Code of Conduct aspects of the PW problem within the Air Force.<sup>3</sup>

Nutter also approved the increased use of working groups, at his first policy committee meeting on 23 May. Besides the Public Affairs Working Group, already functioning, two more were established at that meeting and others on later occasions. Since much of the work was subsequently accomplished by these groups and by the enlarged staff, monthly meetings of the full committee were no longer required. After May 1969 it met much less frequently, at the call of the chairman. These developments reflected Nutter's preference for working through his staff rather than holding meetings or

dealing personally with other agencies. To facilitate the conduct of business in the absence of formal meetings, he asked each agency represented on the committee to name a single point of contact for coordinating all matters affecting prisoners of war.<sup>4</sup> Thus the PW function in ISA developed over the next two years into more a staff than a committee activity. The final step came with the establishment, in February 1971, of the Prisoner of War/Missing in Action Task Group and its action-level staff, the PW/MIA Task Force.

It seems probable that the PW problem was not among the interests that had led Nutter to accept the post of assistant secretary and that he felt his knowledge and experience better equipped him to make a significant contribution in other areas of important concern to ISA. He tended to rely on his assistants to take the lead on the PW program—first Havens and then his successor, in January 1970, Ralph H. Jefferson, in addition to the deputy assistant secretary for East Asian and Pacific affairs, Dennis J. Doolin. Nutter retained responsibility for “the fundamental direction of the POW effort,” as he acknowledged in a memorandum for Laird late in 1969, but he was not so jealous of this prerogative as to show bureaucratic resentment of the increasing prominence of Richard Capen as the originator of ideas for new initiatives. Capen often served as a direct adviser to Secretary Laird while deputy assistant secretary of defense (PA) and, after January 1970, as assistant to the secretary of defense for legislative affairs. The announcement of his appointment to the latter post stated that “Mr. Capen will continue to serve as a member of the Department of Defense Prisoner of War Policy Committee.”<sup>5</sup>

#### *The PW/MIA Task Group and Task Force*

The DoD organization for dealing with the PW/MIA issue underwent refinements that reflected Nutter's organizational style, but the changes reflected, too, the increasing magnitude of the problem. By February 1971 the number of men listed as missing had risen to over a thousand; the number thought or known to be captured, to 462. Although these figures did not seem high in terms of the total forces committed in Vietnam, or by comparison with the experience of World War II and the Korean War, the extent and variety of the problems associated with the mounting casualties were sufficient to strain the capacities of the small PW staff group in ISA. The result was a rising pressure for reconsideration of the manning and structure for handling PW affairs.

More broadly, changes in organization responded also to political forces and public opinion, including a fundamental reevaluation of public affairs strategy. In the spring of 1969, largely at Laird's instigation, the Nixon administration decided to "go public" on the PW question, to use an aroused U.S. and world opinion in a campaign to pressure the North Vietnamese government into greater compliance with its pledges under the Geneva Convention. While some successes ultimately came from this policy, it loosed forces that often could not be directed or controlled as its originators might have wished. The press, the Congress, and the public turned more searching eyes not only on Hanoi but also on Washington. Demands that the administration "do more" became common, and the families of the missing and captured, whose suffering was often described in the government's press releases, became less content to rely unquestioningly on that same government's assurances that everything possible was being done.

One of the strongest voices calling for a more discernible effort was that of Mrs. James B. Stockdale, wife of a Navy pilot imprisoned in North Vietnam since 9 September 1965. In 1966, on the West Coast, Sybil Stockdale had begun to organize the wives and families of prisoners of war with the object of securing humane treatment of the prisoners, stimulating world concern, improving dissemination of information, and, of course, gaining the earliest possible release of the captives. With informal encouragement from U.S. government sources after the decision to "go public," her National League of Families of American Prisoners and Missing in Southeast Asia grew and became more tightly organized as time went on. In a letter to President Nixon on 12 December 1969, Mrs. Stockdale urged the formation of a federal task force with the mission of "helping our men as soon as possible." She visualized this as a group of government officials and private citizens to focus efforts on behalf of the prisoners and to insure coordination of PW considerations with the program for withdrawal of U.S. forces from Vietnam.<sup>6</sup>

When forwarding her letter to DoD for comment, Special Assistant to the President Alexander P. Butterfield asked that "some considerable thought . . . be given to this or similar proposals in light of the President's recent directive that we move ahead on a more massive scale to seek humane treatment, and hopefully an early release, of our POWs." With this endorsement the proposal received rather more attention than is normally accorded to unsolicited suggestions from the public. Although the draft reply prepared in ISA in large part merely recapitulated the establishment of the DoD PW Policy Committee and the State Department organization for PW matters, citing a task force "capability in being," it also indicated

that Mrs. Stockdale's suggestion was being studied and that she might receive further correspondence.<sup>7</sup>

No further correspondence appears in the record until 27 July 1970, when Mrs. Stockdale, whose organization had recently incorporated and opened a national headquarters in Washington, wrote to Laird urging the establishment of a special assistant to the secretary of defense for PW/MIA to coordinate all PW matters within the department. She understood that some changes might result from the forthcoming report of the Blue Ribbon Defense Panel on DoD organization (appointed by President Nixon and Secretary Laird) and thought this would offer a favorable occasion for adoption of her proposal.<sup>8</sup>

Nutter took this opportunity to try to relieve ISA of the responsibility for PW affairs. He informed Secretary Laird in early August that he saw merit in Mrs. Stockdale's proposal "or any related one that would relocate the function within DOD." He considered that "the primary emphasis of our effort will have to be in the arena of public affairs" and that whoever was chosen to head that effort should be a "hard charger" who understood public affairs and held a position of substantial authority in the department. Nutter believed ISA was ill-suited to recruit such a person, to supervise his public affairs efforts, or to coordinate similar activities throughout the executive branch. He recommended that Laird seriously consider transferring responsibility for PW affairs, including the chairmanship of the policy committee, to a special assistant directly under the secretary, or to the assistant secretary of defense for public affairs or the assistant to the secretary of defense for legislative affairs. Nutter undertook to discuss the matter with the heads of those offices, Henkin and Capen, and to make specific recommendations later.<sup>9</sup>

On 8 August 1970 Nutter informed Mrs. Stockdale that her proposal was "now under active consideration." Taking up her reference to the Blue Ribbon Defense Panel, he noted that the study group had made no recommendation regarding PW affairs, and it had criticized the number and diversity of activities already reporting directly to the secretary of defense. She would be advised, he concluded, when a decision on her recommendation had been reached.<sup>10</sup>

In the last week of September Laird received another letter from Mrs. Stockdale. Reflecting the growing size and confidence of her organization, its tone was hardly that of supplication. "We have had no reply," she wrote, "to our letter" of 27 July. "We would hope that you would give this matter some additional thought and that we might hear from you prior to our annual meeting here during the period October 2-5 at which time we will, no doubt, have to report to our membership concerning this problem."<sup>11</sup>



It appears that no reply was dispatched immediately, possibly because Capen was scheduled to speak at the convention or because Nutter hoped his discussions with Henkin and Capen would soon resolve the organizational question. Nutter did write to Mrs. Stockdale on 27 October, enclosing a copy of his letter of 8 August. He assumed it had somehow failed to be delivered, but it is more likely that Mrs. Stockdale had not regarded it as a substantive reply. The idea of a central office, he said, was still under consideration, but a number of factors militated against its acceptance. She would be kept informed of further developments.<sup>12</sup>

Nothing definitive occurred during the next three months except that the workload facing the small administrative staff increased and threatened to burgeon beyond control. When Roger E. Shields reported to ISA on 11 January 1971 as Jefferson's successor in the post of assistant to the assistant secretary of defense he found a backlog of more than 100 letters awaiting answer. Most came from family members and other citizens, but a number were congressional inquiries on which the suspense date for reply, normally treated as sacrosanct in Defense offices, had been "slipped" for some time. A larger, more effective staff organization was imperative; only the form it would take was in question, and Nutter had begun to examine instances in which task forces had dealt successfully with specialized areas of Defense or government-wide concern.<sup>13</sup>

Perhaps providing the final impetus toward a decision, on 30 January 1971 Secretary of the Army Stanley R. Resor filed a strong complaint with the secretary of defense that the Army did not share equally with the other services in the management of PW affairs at the OSD level, and he recommended that Army officer positions be added in ISA and Public Affairs. In this connection Resor voiced the Army's concern that DoD releases seemed always to focus on conditions of captivity in North Vietnam to the virtual exclusion of comment on the plight of the men missing as the result of ground actions in the South and elsewhere. This aspect of the government's publicity, he said, had led to complaints from next of kin that Army men were forgotten.<sup>14</sup>

Two days later Secretary Laird received an ISA paper outlining the scheme that Nutter now favored. Contrary to his position of the previous year, Nutter now agreed that ISA should retain responsibility for overseeing PW matters in Defense. The paper explained that lack of adequate formal staff assistance made it difficult to accomplish the comprehensive planning and integrated action the DoD PW Policy Committee needed if it was to act as the central body for development of policy. The fact that the "situation concerning PW/MIAs and their families is becoming increasingly

complex and sensitive” underscored the need for improved performance. The paper concluded that “a more viable DOD program can be obtained by establishing an organizational structure under a task group concept with an ISA task force responsible for administering the functions, activities and programs of this task group.”<sup>15</sup>

With some of the further details worked out, Laird announced the reorganization on 13 February 1971. Couched in language chosen as much for its effect on the public as for accomplishment of the stated purpose, his directive ran as follows:

The extended duration of the conflict in Southeast Asia and the enemy’s refusal to comply with reasonable standards of treatment of our men who are missing or captured and their families have created a situation of increasing concern to the United States. Also, worldwide interest has been aroused in the plight of these men and their families.

I continue to attach the highest resolve to a satisfactory and an early solution to the problem of our missing and captured men. Our goal remains the release of all prisoners of war in Southeast Asia and the complete and official accounting for all those missing in action, or who have died in captivity . . . .

We have achieved a great deal since we initiated public discussion of the PW question in May 1969, but an extra effort is required. To prepare for that extra effort, I want to strengthen staff assistance and guidance available in the Department.

I believe that we can benefit from our experience in organizing similar efforts in other areas such as Vietnamization. In those cases, the formation of Task Groups and augmented staffs as Task Forces has proven to be most successful.

Therefore, I consider it useful to create a similar organizational structure. To this end, I would like to have a Prisoner of War/Missing in Action Task Group and Task Force formed under the Assistant Secretary of Defense (International Security Affairs).

The DOD PW Policy Committee will continue to assist the Assistant Secretary of Defense (ISA) in providing direction and broad policy determinations for Task Group activities.

The primary function of the Task Group will be to provide close and continuing coordination of all activities in DOD in the PW/MIA area. In accord with policy guidance, it will ensure that responsible offices and agencies work together in planning, programming, assessing, and carrying out all required actions.

The Task Force will serve as staff to the Task Group and to the Assistant Secretary of Defense (ISA) in fulfillment of their respective responsibilities. The Assistant Secretary of Defense (ISA) will determine manpower and office space needs to staff this Task Force adequately . . . .

Laird concluded with a request that all addressees "assign appropriate representatives to the DOD PW Policy Committee and the Prisoner of War/Missing in Action Task Group, in accordance with guidelines established by and upon request of the ASD(ISA)."<sup>16</sup>

While authorization of the Task Group/Task Force was the main object of the directive, it also marked a renewal of the DoD PW Policy Committee, though with no change in its composition. The committee's formal membership consisted of the officials originally appointed in 1967\* plus the assistant to the secretary of defense for legislative affairs, added in January 1970. In the weeks following the Laird directive these principal members reviewed and updated their designations of the high-level subordinates who normally represented them at policy committee meetings.<sup>17</sup>

Meanwhile groundwork for organizing the task group and task force proceeded, with priority given to the latter. Nutter wanted to activate the supporting staff first because guiding the task group through the problems at hand would require considerable preparation, including backup for himself and for Shields, who was slated to head the group. To head the task force, officials in ISA sought the assignment of Rear Adm. Horace H. Epes, Jr., an officer already well known to them through his service in the Joint Staff as chief of the Far East division during 1968-70. Although claiming no particular expertise in PW/MIA matters, he would bring to the job a comprehensive knowledge of the major problems of the Vietnam war.<sup>18</sup>

Admiral Epes reported for duty as director, DoD PW/MIA Task Force, on 15 March, and three days later Shields described the organization as

\* See Chapter 2. The original members were the assistant secretaries of defense for international security affairs (chairman), manpower and reserve affairs, and public affairs, and the OSD general counsel; the secretaries of the military departments; the chairman, Joint Chiefs of Staff; and the director, DIA.

well on the way to full operation. Lt. Col. William Gregerson, USA, and Cdr. Richard A. Mauldin, USN, filled two staff positions, joining two Air Force lieutenant colonels, Gordon M. Haggard and Vincent A. DiMauro, who had earlier succeeded Thornton and Work as ISA's military advisers on PW affairs. With the task force manned, Shields and the new staff spent the following month catching up on the backlog of letters and preparing for the formation and first meeting of the task group.<sup>19</sup>

Nutter formally established the entire new organization by a memorandum to the members of the DoD PW Policy Committee on 15 April 1971. Forgoing grand declarations of purpose in favor of a systematic description of the key agencies and their interrelationships, Nutter clearly defined the organization that was to remain in place through the return of the prisoners in 1973:

The *DOD PW Policy Committee* will consider major policy matters relating to all aspects of PW/MIA Affairs. The Chairman of this Committee is the Assistant Secretary of Defense (ISA) who is assigned primary staff responsibility for the Department of Defense PW/MIA program. He exercises overall supervision within the DOD for the totality of the program and is responsible directly to the Secretary of Defense to recommend policy plans, major programs/actions, and to keep him advised on significant issues. The DOD PW Policy Committee serves to advise and assist the Chairman in his responsibilities . . . .

The *PW/MIA Task Group* will be organized under the overall direction of the Assistant Secretary of Defense (ISA). It will serve as an augmented staff to consider all issues which will be brought before the DOD PW Policy Committee and will take action on routine matters not requiring consideration by the Policy Committee. The Task Group will serve as the coordinating body for all DOD PW/MIA matters and will function to:

- provide close and continuing coordination of all DOD PW/MIA activities
- recommend policy
- direct requirements for planning, programming, studies and courses of action
- ensure integrated DOD action by all Departments/offices.

*Dr. Roger E. Shields, Assistant to the Assistant Secretary of Defense (ISA), is assigned as Chairman of the PW/MIA Task Group with responsibility for managing its activities. Rear Admiral H. H. Epes, Jr., USN, is designated Alternate Task Group Chairman and Director of*

*the PW/MIA Task Force.* The Task Force consists of an assigned staff within the Office of the Assistant Secretary of Defense (ISA). This staff assists the Assistant Secretary of Defense (ISA) in his responsibility for the overall DOD PW/MIA program and will provide staff support for the DOD PW Policy Committee and the PW/MIA Task Group.

PW/MIA Task Group membership will include representation at the Flag/General Officer level from each action addressee. Representatives will be expected to speak authoritatively for their principals and should have the authority to commit staff assistance for study/working groups to address specific problem areas.

The memorandum called on the policy committee members to designate their representatives to serve on the PW/MIA Task Group, whose first meeting would occur on 22 April.<sup>20</sup>

Usually the appointees to the task group were deputies of the officers or officials who attended policy committee meetings. For the military departments, represented on the policy committee by their assistant secretaries for manpower and reserve affairs, the appointees to the task group came mostly from the personnel area, where the responsibility for casualty administration and assistance to families lay, as in the case of the adjutant general of the Army. The Air Force departed from the pattern, appointing an officer from its Directorate of Plans. The OSD general counsel originally named Harry H. Arnold, but Frank Bartimo soon became involved as the general counsel's spokesman in all matters relating to repatriation planning, the chief concern of the task group during most of its existence.<sup>21</sup>

The most important appointee to the task group was, of course, its chairman, Roger Shields. A young and energetic economist, he had first met Nutter while a graduate student at the University of Virginia. A closer acquaintance developed when Shields, as a member of a private contract agency, worked on various projects for ISA relating to the Vietnam war.<sup>22</sup> Because of this association and his demonstrated ability Shields was offered the position of assistant to Nutter. During the next two years he became identified, in the eyes of Congress, PW/MIA families and organizations, and the press as the principal Defense expert and spokesman on prisoners of war and the missing.

In August 1971, four months after establishment of the task group, Nutter's principal deputy asked the assistant secretary of defense for health and environment, Dr. Richard S. Wilbur, M.D., to designate a representative, since the task group was increasingly concerned with medical aspects of the PW problem. This action acknowledged that the office of assistant

secretary (health and environment), in existence only since mid-1970,\* had attained the stature and operational maturity to make a significant contribution. At the time of creation of the DoD PW Policy Committee in 1967 the functions later assigned to OASD(H&E) had been among the responsibilities of the assistant secretary of defense (manpower and reserve affairs). Accordingly, medical interest in PW matters had been represented through that official's membership in the policy committee as well as through the secretaries of the military departments, as advised by service medical officers. From August 1971 onward, Dr. Wilbur or his principal deputy attended the PW/MIA Task Group meetings. Unlike the others taking part in the group's deliberations, however, the H&E office did not have a member representing it at the senior level of the DoD PW Policy Committee.<sup>23</sup>

Nutter had stated in his 15 April memorandum that the policy committee was now to operate in the realm of "broad policy guidance," but, in fact, most of the issues that could be so labeled had already been settled. The reorganization had the effect of lowering the decision level for current problems to that of the task group, to officials able to speak with authority although of lesser rank than the policy committee members. In practice, the decision level went even lower, in a manner that underscored the central importance of the full-time task force. Shields and Nutter normally made policy decisions on the basis of papers prepared by the task force and coordinated informally with points of contact representing the task group members. Under this system of staffing, the task group held few meetings—only five in 1971 and four in 1972. The policy committee met even less frequently, only three times in each of the two years. When the task group or the policy committee did meet, it was usually to confirm decisions already made or to inform principals of the progress of PW/MIA activities. Only once was a meeting of both bodies required to resolve a major dispute, over a policy question concerning repatriation.<sup>†</sup>

The task force, though a relatively small organization, became the "professional" center of PW activities in DoD. Its working principle of informal coordination kept active a close and continuing association with the concerned offices of the services and OSD and allowed for accommodation of all viewpoints before proposals reached the stage of formal presentation. Soon the effective staff work of the task force largely preempted the

\* The commitment of an assistant secretary's post to the medical and environmental field responded to pressures in the Congress, expressed through legislation that had not been requested by DoD. The first definition of the position's responsibilities and functions appeared as DoD Directive 5136.1, 23 June 70. Earlier there had been an assistant secretary of defense (health and medical), from 1953 to 1961.

† See Chapter 14.

informal coordination that had long been a principal justification for the meetings of the OSD Conference on Prisoners and Missing in Vietnam, and meetings of that body ceased after June 1971.\*

Similarly, subordinate panels that the task group had originally set up for such matters as next of kin relations appeared less useful as the task force took hold with growing energy and expertise. A public affairs panel remained active for some time but gradually was absorbed into the coordination process. Only an intelligence panel, the longstanding Interagency Prisoner of War Intelligence Ad Hoc Committee (IPWIC), continued in existence.\*

#### *Impact of the Sexton Release*

The Task Group/Task Force system had been in operation for less than six months when events in Vietnam prompted a further tightening of the organization, a development from which Roger Shields emerged with the stature and authority of his position notably enhanced. In South Vietnam on 8 October 1971, Army Staff Sgt. John Sexton, Jr., arrived on foot at an ARVN outpost near the Cambodian border. A captive of the Viet Cong since August 1969, he was the first American released in the South in nearly two years; moreover, his return was unheralded by enemy propaganda. In responding to this surprise event, U.S. military authorities on the scene handled the reception and debriefing of Sexton in a manner that won them no special commendations. The debriefing, performed disjointedly at successive levels and delayed by the sergeant's need for medical care, was regrettably slow in determining the significance of the documents that Sexton carried.<sup>24</sup> They contained notice of the enemy's expectation that a reciprocal release of two of their compatriots—named Vu Hong and Tu Trong—would occur at a specified place and hour on the morning of 11 October, Saigon time.

Barely 36 hours remained before the deadline when the embassy in Saigon flashed the first notification of the documents' content to Washington together with word that initial search of enemy PW records had revealed no trace of Tu Trong and the existence of four possible Vu Hong. In the Pentagon the National Military Command Center distributed this and subsequent messages to the appropriate offices and alerted key officials that decisions were needed. Shields was among those kept informed of the actions taken but apparently had little opportunity to contribute to their development. Despite the time constraints, two messages regarding

\* See Chapter 2.

the handling of the prisoner exchange went to Saigon through State Department channels—one of them a State-Defense message. In Saigon the decision had been made (by President Nguyen Van Thieu, according to later information) to “reciprocate in kind” by turning two North Vietnamese military prisoners over to the enemy. Within the time available for screening, however, only one could be found who was willing to be repatriated. Helicopter forces deposited this North Vietnamese first lieutenant at the designated spot without incident. In the Pentagon it was understood that the man released was one of those requested, probably one of the four prospective Vu Hongs.<sup>25</sup>

Among State and Defense officials, satisfaction over the apparently successful outcome of the affair soon gave way to embarrassment and recrimination. They had acted on information that suggested the transaction involved a straightforward exchange of military prisoners, complicated only by the difficulty in identifying the requested men. But more pertinent information, only indirectly brought to their attention, had been coursing through CIA channels. The regular cable traffic had given them no hint of the major role the CIA’s station chief in Saigon played in managing the exchange. His intervention followed from early realization that the two individuals mentioned in the Sexton documents were not enemy prisoners of war—they were high-level Communist cadre members, held as political prisoners after apprehension by the Saigon government. The CIA official took charge on the assumption that the enemy was once more bidding to reopen the clandestine BUTTERCUP channel\* in hope of retrieving two valued agents. When released, the North Vietnamese lieutenant carried a message that invited further covert negotiations to achieve the enemy’s desired outcome.<sup>26</sup>

When they learned of CIA’s part in the exchange, ISA officials were convinced that “inadequate, tardy and inaccurate information was made available to responsible officials in Washington (State and Defense),” and as a result, “action [was] taken in Saigon without proper coordination and approval here.” Moreover, they suspected that actions had not even been fully coordinated in Saigon. The somewhat delicate task of discussing with Ambassador Bunker how such lapses in performance might be avoided in the future was left to Secretary Laird during his forthcoming visit to Saigon.

Meanwhile, Nutter had been discussing with the secretary instances of inadequate coordination and unavailability of pertinent information “in-house” that had come to light “in the aftermath of Sexton’s release.”<sup>27</sup> As a result, on 20 October 1971, Nutter issued a memorandum to the task

\* See Chapter 5.



group calling for a tightening of the lines of authority so that the capability to make and implement decisions quickly would be enhanced:

Secretary Laird views the DOD PW/MIA Task Group with its representatives from all relevant DOD components as the vehicle for policy coordination in prisoner of war releases/exchanges. Since the Task Group Chairman is responsible through me, directly to the Secretary, he is the DOD single point of contact on all matters involving the release of PWs.

For the Chairman to carry out his responsibilities effectively, each Task Group representative of a Service or an ASD must likewise be the single point of contact within his organization for all aspects of PW affairs, and all related activity must be coordinated with that representative. This arrangement will provide a clear, rapid channel for policy coordination, up to the Secretary of Defense if required.

Nutter went on to reemphasize the critical importance of the point of contact function, and he charged the task group members with making sure their designees had the requisite authority to perform it.<sup>28</sup>

On the same date Nutter informed the chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, of Laird's desire that Shields and his staff have direct access to the facilities of the National Military Command Center during fast-moving situations, both to be immediately apprised of incoming information and to utilize the NMCC's worldwide communications net to reach the secretary of defense and other officials as necessary. In addition, Secretary Laird believed that a single coordinator for PW matters should be designated by COMUSMACV in Saigon and at CINCPAC headquarters, with whom the task group chairman might communicate directly. Laird wished Admiral Moorer to pursue this matter with the two commanders.<sup>29</sup>

Moorer responded in mid-November that all details of the NMCC arrangement had been worked out and coordinated with the task force director, Admiral Epes. In his discussions with CINCPAC and COMUSMACV Moorer had found them insistent that PW matters were too important and too closely integrated with their other command responsibilities to be treated separately. "It is the assessment of CINCPAC and COMUSMACV," he wrote, "that the designation of an individual below their command level as a single coordinator for PW matters is not feasible. Therefore, Admiral McCain has been designated as the PW Coordinator for PACOM and General Abrams as the PW Coordinator for MACV."<sup>30</sup>

Nutter's memorandums had stressed particularly the importance of the task group chairman's role as coordinator of the responses to release incidents. Laird now took a more definitive action, wider in its application. On 3 December 1971 he addressed a memorandum to all elements of the Department of Defense:

Our experiences in connection with the release and repatriation of SSGT Sexton, USA, have served to emphasize the difficult, complex, wide-ranging, and time-sensitive problems we can anticipate in the repatriation of our prisoners of war and the resolution of the status of our missing men.

The best interests of the Defense Department, the men, and their families require the closest and most thorough coordination of every aspect of the conduct of prisoner of war/missing in action affairs. To this end, Dr. Roger Shields, of the office of the Assistant Secretary (ISA), has been tasked with overall Department of Defense coordinating responsibility for all PW/MIA matters. I ask that you direct all elements of your organization to coordinate with Dr. Shields, or his staff (PW Task Force), all actions related to prisoners of war or missing in action.

I consider this to be the only way in which we can satisfactorily handle this difficult problem, and I earnestly solicit your cooperation to this purpose.<sup>31</sup>

This memorandum firmly established the preeminent position of Shields as the coordinator of PW affairs. Nutter retained a formal overall responsibility for the PW program within the Department of Defense, but it was Shields who fulfilled that responsibility on a full-time, day-to-day basis. During 1972 the leading role Shields played in PW affairs was repeatedly made evident, by his chairmanship of the successive worldwide conferences of U.S. officials that were a feature of repatriation planning, his field trips to the prospective repatriation processing sites in Europe and the Pacific Command, his frequent speaking engagements before conventions of family organizations and other groups, and his testimony at congressional hearings.

A further dimension of Shields's activity involved relations with the State Department. Early in his service, in 1971, he had moved to establish a close working association with Frank Sieverts, the chief PW action officer in State. As the year progressed their relationship grew in intimacy and mutual trust. Besides aiding and insuring interdepartmental coordination in large matters, the connection proved particularly effective in forestalling

petty conflicts and misunderstandings of the sort that had sometimes afflicted State-Defense relations in the past.

*A Further Test: The Elias-Gartley-Charles Release*

After Sexton's return nearly a year elapsed before a similar incident occurred to test the organizational arrangement in Washington. On 2 September 1972 the Hanoi radio announced the impending release of three U.S. prisoners. Chosen for this first repatriation from North Vietnam since mid-1969 were two naval officers, Lts. Markham L. Gartley and Norris A. Charles, and Air Force Maj. Edward K. Elias. The Hanoi broadcast, after the usual references to "humane and lenient policy," concluded with a declaration that, "to express solidarity with the American people who are struggling against the U.S. 'dirty war' in Vietnam, the Government of the Democratic Republic of Vietnam will hand over said pilots to a U.S. social organization animated with goodwill and a desire to bring about an early end to the US war in Vietnam . . . ."<sup>32</sup>

Cora Weiss and David Dellinger, co-chairmen of the Committee of Liaison with Families of Servicemen Detained in North Vietnam (COLIAFAM), soon made it known that theirs was the organization selected. The two antiwar activists announced their intention of escorting the men home via commercial airline and delivering them directly to their next of kin. "We hope the men will not be kidnapped by the military en route," Dellinger said, and Mrs. Weiss indicated that earlier "interference" of this nature by U.S. authorities was partly responsible for the lapse in North Vietnamese releases since 1969. Other contributing factors, Weiss contended, were the government's use of returnee statements in its publicity attacks on Hanoi and use of some of the released pilots "to train additional personnel to attack North Vietnam."<sup>33</sup>

The latter charge had slight justification but lent itself readily to propaganda exploitation. Such substance as could be provided for it lay in the fact that one Air Force and one Navy returnee had been assigned to flight instructor duties. When some members of Congress joined with antiwar figures in questioning these assignments, DoD officials maintained that since the officers were engaged in basic flying training rather than advanced preparation of pilots for combat their activities were not prohibited by the Geneva Convention, as interpreted in a commentary endorsed by the International Committee of the Red Cross. Moreover, the convention's bar against further participation in the hostilities (Article 117) applied only to prisoners exchanged by mutual agreement or returned under the particular circumstances described in Articles 109 or 110—not to men released unilaterally

by North Vietnam without reference to the Geneva Convention. In replying to a congressional query an ISA official stated that "our policy is to not return these men to Southeast Asia in any capacity and to select assignments for them which do not contribute to combat operations in that area." He held that the department's actions complied fully with the convention.<sup>34</sup>

The Elias-Gartley-Charles release of 1972 differed from the Sexton incident in that the Communists provided advance notice in this instance, affording officials in Washington time to consider how to respond. Indeed, the North Vietnamese practice of staging a number of events between an announced release and the final departure ceremony, a period during which handlers led the prospective returnees on tours of bomb-damaged areas and subjected them to press conferences, in the past had delayed the actual release for as long as four weeks beyond the announcement. U.S. authorities thus had ample time to react and were determined not to give the North Vietnamese any more propaganda leverage than they already had. In a memorandum for Laird on 6 September, Nutter declared that management of the affair as Weiss and Dellinger intended "would result in serious hazards for the returned men and adverse implications for the US Government and remaining PW/MIAs and their families." He believed that U.S. government representatives should assume control of the returnees at the earliest possible occasion during their flight.

Left to their own devices, Weiss/Dellinger will travel to the US with the released prisoners by commercial aircraft; the men's medical needs will be left unattended; every opportunity will be taken to hold press conferences and the men will be subjected to extreme pressures to comment on political issues; the position of Weiss/Dellinger and their associated anti-war groups will be enhanced; and, US Government efforts will be further undermined . . . .

. . . In Vientiane or at the earliest opportunity thereafter, I suggest an appropriate US official advise the men of our desires and preparations in a manner that encourages their acceptance of return to US control and travel under medical auspices aboard medical evacuation aircraft. Such action would permit us to implement normal repatriation plans, would be in the best interest of the men and would avoid all disadvantages of travel with Weiss/Dellinger.

In the event it is not possible to secure control of the men overseas, I suggest we adopt a policy of assuming control immediately upon their arrival in the US. We have the plans and means, in coordination with New York Port Authorities, to control the situation and events at Kennedy International Airport.<sup>35</sup>

Official perturbation over COLIAFAM's role in the release mounted when it was learned that Weiss and Dellinger had persuaded the mother of one of the men and the wife of another to accompany them to Hanoi. Their arrival there appeared to be scheduled for 16 September. Accordingly, on that date the PW/MIA Task Force activated its watch group in the NMCC, augmented by representatives of the military services, JCS, DIA, and OSD Public Affairs and backed by points of contact available on a 24-hour basis. With immediate access to the incoming message traffic, the command post in the NMCC would track the as-yet-unknown itinerary of the exit flight, coordinating with U.S. diplomatic posts at expected stopping points on the route and starting action to obtain any new decisions required at the Washington level. As Shields wrote, the activity would continue "until the USG has assumed control of the released prisoners, or until such time as a high state of readiness is no longer indicated."<sup>36</sup>

State and Defense had been in consultation about procedures during the first contact between U.S. representatives and the released prisoners, but the White House intervened to dictate the policy, in terms that came close to what Nutter had recommended. The invitation to accept transfer to medevac flight under official auspices would be presented to the men "in positive terms" but without force or threat. If pressed on the matter, the spokesman would characterize it as a recommendation but not a military order. Nevertheless, he should remind them of their status as officers in the armed services of the United States "and should leave no doubt in the minds of these men that the USG prefers that they return via military channels. At the same time, care must be taken to avoid any sort of public confrontation with the men or their escorts." Although the Harriman policy of allowing the men to choose still stood,\* this formulation removed previous restraints on the U.S. spokesman when advising them of the government's preference.<sup>37</sup>

Arrangements for interception at a Vientiane stop came to naught since the flight that departed Hanoi on 25 September proceeded via Peking instead. Officials of the embassy in Moscow were the first to have the opportunity to speak to Gartley, Elias, and Charles on their arrival there on 27 September. In response to the offer of further travel by medevac flight the men said they had concluded they should continue with their escorts to avoid jeopardizing the possible release of other prisoners. At a stop in Copenhagen, U.S. officials were at least able to provide uniforms, which the three officers willingly donned shortly before landing in New York on 28 September.<sup>38</sup>

Shields and Sieverts headed the official party awaiting the arrival at Kennedy International Airport. On boarding the plane, Shields explained to

\* For earlier development of this policy, see Chapters 5 and 12.

the returnees the arrangements made for their immediate reunion with family members who had been transported there. Evacuation to service hospitals near their homes would quickly follow, all in accordance with the Defense Department's standing repatriation plan. After some discussion, Gartley, Elias, and Charles freely accepted the prompt return to official control. At a press conference in the Pentagon the following day Shields said the released men were already undergoing medical examinations and other procedures at military hospitals. News accounts gave considerable play to charges by the COLIAFAM escort group that there had been a confrontation—by one account, “a 25-minute shouting match”—and that the men had been “recaptured” by the U.S. military with inconsiderate haste. Some early reports implied that they were being held incommunicado, but when leaving the naval hospital on 1 October Gartley assured newsmen he had not been held against his will; he and his parents were satisfied with the arrangements.<sup>39</sup>

An after-action assessment prepared in ISA concluded that “the Task Group/Task Force organizational structure proved highly effective. It permitted a well coordinated operation with clearly defined central authority.” In particular, the command post established in the NMCC had proved its worth, and further refinement of the arrangement was in progress in anticipation of future use.<sup>40</sup>

Indeed, by October 1972, after 18 months of operation, the Task Group/Task Force had become a fully seasoned organization. During those months the full-time task force had undergone no enlargement, but changes in personnel had occurred. Its director, Admiral Epes, completed his tour in June 1972 and was succeeded by Brig. Gen. Russell G. Ogan, USAF.<sup>41</sup> Colonel DiMauro continued in one of the positions filled by the Air Force, as did Commander Mauldin in the Navy's billet. Maj. Thomas R. Schornak, USAF, had replaced Colonel Haggard earlier in the year. The addition of Army Lt. Col. Charles F. Kraak as successor to Gregerson in July completed the roster of the officers who were to serve on the task force through the return of the prisoners in the spring of 1973.

In July 1972 the task force had adopted the practice of holding a weekly meeting of the action officers who served as points of contact for the task group members. The arrangement promoted efficiency by reducing somewhat the number of matters that had to be referred individually to each contributing office, and it insured that all kept equally abreast of current activities. In September Ogan expanded participation at one weekly meeting each month to include representatives of the American Red Cross and the State Department. In effect, these sessions were a revival of the OSD Conference meetings, suspended since June 1971.<sup>42</sup>

Staffed by experienced and highly competent officers, the task force stood at the center of the PW planning and decision process. Throughout repatriation and homecoming, it was to become the core of the operations staff that directed the return of the prisoners on an hour-by-hour basis. Prepared to generate decisions as the need arose, the organization had achieved a proficiency in planning and a flexibility in meeting unexpected problems that enabled it to maintain an assured control over the highly complex homecoming operation and manage it in a way that reflected well on the Department of Defense and the U.S. government.

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### The Go Public Campaign

In the years before 1969 U.S. government news releases and public utterances about the war in Southeast Asia generally avoided prominent mention of prisoners of war and missing personnel. Policymakers judged that wider public attention and possible agitation about the PWs would complicate rather than assist the attainment of the government's objectives. They preferred that next of kin of the missing be cautioned that it was in their man's best interest not to advertise the family's situation or call attention to him as an individual.

The United States relied primarily on what was termed "quiet diplomacy" in its efforts to insure humane treatment of the American prisoners and to gain their early release. As the principal agency and designated single spokesman for the U.S. government in these matters the Department of State gave high priority to the plight of the captives, employing all the resources of diplomacy in the attempt to relieve their suffering. Since for most of the period the North Vietnamese enemy refused to engage in direct negotiations, State officials endeavored to open some channel of communication through various third parties and the International Committee of the Red Cross. Most of these efforts required confidentiality and were undertaken without publicity, and the sensitivity of some of State's behind-the-scenes activities strengthened its inclination to keep public discussion of prisoner of war issues at a low key. When the threat of war crimes trials or other egregious actions by the enemy had to be resisted with a more outspoken response, State abandoned the low-key stance temporarily, but on the whole the department maintained its commitment to the unpublicized ways of diplomacy throughout President Johnson's term of office.

On taking office in January 1969 the Nixon administration began a reassessment of all policies relating to hostilities in Southeast Asia. The new



secretary of defense, Melvin Laird, came to the review process with a number of well-formed opinions and attitudes, including a deep concern for the welfare of the captured or missing servicemen and their families. On 1 March 1969, speaking for himself and Deputy Secretary of Defense David Packard, Laird expressed that concern to the leading officials of his department and declared that "we must strengthen our efforts on behalf of these Americans and their families." In this memorandum, released to the press, Laird spoke of his concern with more directness than had been customary: "The enemy in Southeast Asia continues to disregard the humanitarian protections guaranteed by the Geneva Convention Relative to the Treatment of Prisoners of War. Our men are being denied basic rights, including the right of their families to know that they are captured, the right to correspond freely with their families and the right of impartial inspection of prisoner of war compounds."<sup>1</sup>

This brief statement gave a foretaste of the policy of open, unhesitating advocacy of the prisoners' rights that Laird would soon induce the new administration to adopt. It had taken form during the secretary's first month of consultations with his senior advisers and particularly through the urging of such officials as Daniel Henkin, Charles Havens, and Paul Warnke, all of whom had served with the DoD PW Policy Committee from its inception. That body had begun life petitioning for reconsideration of the "single spokesman" policy. Though rebuffed in that effort, the committee's members worked effectively thereafter to push Defense initiatives to the forefront of discussion, but they were not always satisfied with the outcome. Defense officials found that being required to regard the State Department as senior partner sometimes meant accepting the scaling down of their proposals for more assertive action, particularly publicity and counterpropaganda initiatives.<sup>2</sup>

The same background of experience influenced the recommendations coming from the military services in response to Laird's March memorandum. The services were virtually unanimous in urging a more vigorous public affairs and counterpropaganda effort. The Air Force invited renewed attention to the information program it had put forward late in 1967, which was discussed at the time but not implemented.\* The program contemplated the use of all the resources of the U.S. government in a campaign designed to "influence world opinion to the point that Hanoi will feel compelled to afford proper treatment to U.S. PW's." The Navy suggested that benefits would accrue on the domestic front also if high officials used every public occasion to speak of the government's concern for the Americans imprisoned in Southeast Asia. Such pronouncements would help allay the anxieties of

\* See Chapter 6.

the families and reassure them that the government was making determined efforts on behalf of their men.<sup>3</sup>

These recommendations and the opinions of his intimate advisers reinforced Laird's determination to rid DoD of the restraints on criticism of Hanoi's practices with regard to prisoners. He thought the existing policy conceded too much when it allowed the enemy's claims of humane treatment to pass without immediate and continuing challenge. It prevented the enormity of North Vietnam's violations of the Geneva Convention from being impressed on the consciousness of the world and sacrificed the opportunity to exploit what Laird saw as a major vulnerability in Hanoi's position. Laird thought the evidence at hand gave reason enough for anger over the mistreatment of U.S. servicemen in captivity. Rather than avoiding controversy and preserving an atmosphere of calm, he wanted to hold the Communist authorities publicly to account for their disregard of humanitarian principles. Therefore, discussion of prisoner of war matters should no longer be confined to the privacy of the government's inner councils. Laird believed it necessary to "go public"—to bring the humanitarian issue of prisoners of war to the center of public attention and talk about it "openly, candidly, forcefully, and repeatedly." In that way North Vietnam's leaders would be subjected to a rising tide of U.S. and world opinion that might influence them to conform to the Geneva Convention and negotiate seriously about the return of prisoners of war, apart from their political objectives in a peace settlement.<sup>4</sup>

During April 1969 OSD staff members in Public Affairs and ISA set to work to carry out the intention of the secretary of defense. They developed themes and gathered materials for the sustained publicity program that was soon being called "the Go Public campaign." As preparations continued, further evidence accumulated that the decision to launch such a drive was sound and timely. Defense officials who dealt with congressional correspondence became particularly aware of a rising impatience and disillusionment among next of kin over the government's efforts to date, and the favorable impact the campaign would have on PW/MIA families helped drive the proposed program. One letter received by California Senator Alan Cranston from the parents of a known prisoner of war seemed almost a direct plea for something like the impending Go Public campaign: "We, as next of kin, are told at the beginning of this experience, to keep still. This we have done. There is no mention of prisoners in press releases or on radio or TV coverage. It is as if they did not exist. We have a strong feeling that very few citizens are aware of the vast number of Americans who are spending the best years of their lives behind prison walls with no contact with loved ones at all . . . . Can anyone stir up this nation so that something will be done?"<sup>5</sup>

Also, news accounts of Laird's 1 March memorandum had inspired a letter to the new secretary of defense from Mrs. Sybil Stockdale, the recognized leader among PW/MIA wives and parents on the West Coast. She wrote that "the families of all the men feel very strongly that a primary concern of our government should be to help secure the rights and humane treatment North Vietnam guaranteed when they signed the Geneva Conventions." Hence she was elated to read "that you too, want more public exposure of Hanoi's denial to our men of their basic rights." Her letter may have served to reinforce OSD perception of the possibility that the families could have a role in the publicity campaign and might be of real assistance in assuring that it took hold with the American people. Mrs. Stockdale closed with the simple query, "Can I do anything to help?"<sup>6</sup>

Finally, the planners could have no doubt that the North Vietnamese propaganda mill continued in operation, turning out material extolling the humane and forbearing treatment being accorded the prisoners. At the beginning of May the news services provided extracts from a Havana publication in which a Cuban reporter told of his visit with 11 U.S. airmen. He described them as "living a quiet country life in a North Vietnamese prison village," where "watering fruit trees, pruning plants, and feeding pigeons" were among their occupations. They received letters, medicines, and photographs from home, it was said, and periodic medical checkups were provided. The Havana article attributed remarks to Air Force Lt. Col. Robinson Risner to the effect that the men were well treated, Risner himself quoted as saying, "at no moment was I treated badly by anyone."<sup>7</sup>

Some consultation took place within the administration before launching the Go Public campaign, but Laird sought no formal approval for it. The men whose lives were at hazard belonged to the U.S. armed forces. It was necessary to speak out in defense of their interests and well-being and to safeguard their reputations as well, by cautioning against the presumption that their broadcast statements were freely volunteered. Laird believed it incontestably the prerogative and responsibility of the secretary of defense to perform this service. He appealed to other elements of the executive branch to join him in doing so.<sup>8</sup>

Laird's intention of highlighting the prisoner of war issue probably had at least the tacit approval of the White House. Although a marked departure from the policy followed theretofore under the State Department's guidance, it did not meet significant opposition from that department either. Senior staff members in State had not been immune to the

\* The reporter had witnessed a staged production at the Plantation camp. See Rochester and Kiley, *Honor Bound*, 353, 374n.

urge to go on the offensive regarding the treatment of prisoners of war, but they necessarily yielded to the dominance of Harriman, who throughout the final year of the Johnson administration continued to hope that a breakthrough might be achieved by traditional diplomatic means. In the new administration Elliot L. Richardson became under secretary of state, with duties that included "overall coordination and responsibility for State Department actions concerning prisoners of war in Southeast Asia." Named as his special assistant, Frank Sieverts continued to serve as the department's principal expert on PW/MIA affairs. It soon became evident that under its new leadership State would no longer require a major provocation from Hanoi before publicly condemning actions of the enemy. On 26 April 1969 the department advised the press that during the last six months the flow of mail from Americans imprisoned in North Vietnam had virtually ceased and that no evidence had reached Washington that the Christmas packages addressed to the captives had been delivered. In a brief accompanying statement Richardson charged Hanoi with "denying the prisoners the basic right to communicate with their families."<sup>9</sup>

A few days later, at Laird's request, Richardson reviewed the materials being readied for the Go Public campaign, in particular hearing a rehearsal of the oral briefing for newsmen, presented by Richard Capen, principal deputy assistant secretary of defense for public affairs. Thereafter Richardson approved successive requests for Sieverts to accompany Capen on a mission to Geneva and Paris, one purpose being to give the U.S. peace negotiators a preview of the publicity campaign, and for Sieverts to take part in the Pentagon's 19 May news conference.<sup>10</sup>

#### *The Go Public Campaign Begins*

For the inauguration of the Go Public campaign on 19 May 1969, OSD Public Affairs had scheduled what appeared a normal and possibly routine news briefing on the status of Americans captured in Southeast Asia, but the appearance of Secretary Laird as introductory speaker immediately lifted it out of the ordinary. After referring briefly to his previous expressions of concern for the welfare of the American prisoners of war and missing in action, Laird proceeded in a series of succinct and pointed comments to catalog the Communists' transgressions, beginning with the declaration: "The North Vietnamese have claimed that they are treating our men humanely. I am distressed by the fact that there is clear evidence that this is not the case."

The United States Government has urged that the enemy respect the requirements of the Geneva Convention. This they have refused to do.

The North Vietnamese and the Viet Cong have never identified the names of all the U.S. prisoners whom they hold. For the most part, information on some of these Americans has come in the form of scattered, and often distorted, propaganda films and photographs which the North Vietnamese have chosen to sell or release.

We know that at least several U.S. prisoners were injured at the time of their capture and we are concerned about the medical care they are receiving.

The Geneva Convention requires a free exchange of mail between the prisoners and their families and yet very little mail has been received from only a few prisoners in the past five years.

As of next month, more than 200 American servicemen will have been listed either as prisoners of war or as missing in action for more than three and one-half years. This period of time is longer than any U.S. serviceman was held prisoner during World War II.

The Department of Defense continues to hope for meaningful progress on the matter of prisoner release in the Paris discussions. In the meantime, we appeal to North Vietnam and the Viet Cong to respect the humane rights of those whom they hold prisoners of war.

Specifically, we call for adherence to the Geneva Convention which requires:

1. Release of names of prisoners held.
2. Immediate release of sick and wounded prisoners.
3. Impartial inspections of prisoner of war facilities.
4. Proper treatment of all prisoners.
5. Regular flow of mail.

Most importantly, we seek the prompt release of all American prisoners.<sup>11</sup>

Capen then conducted a briefing for the media representatives—one that went beyond previous presentations in providing details and specific instances. To illustrate Laird's claims, he cited 10 captive Americans by name and identified others in a packet of supporting materials that included 46 photographs, many of them sold or released by North Vietnam. Capen noted that recent pictures of Risner and two other men showed unmistakable evidence of significant weight loss, despite other released films in which "an elaborate spread of food" was pictured as the normal prison fare. He declared that some of the films also raised doubts that the men were

receiving proper medical care. "Recent photographs show that some prisoners are continuing to suffer from injuries incurred at the time they were downed," such as those still using crutches after many months of captivity. "LCDR H. A. Stafford\* injured his left arm and shoulder when shot down in August 1967. Today, his left arm appears to be noticeably smaller, raising questions as to what medical treatment was offered."<sup>12</sup>

The briefing text spoke of "indications that American prisoners in North Vietnam have been mistreated physically," as when they were paraded through the streets of Hanoi, but it made no reference to torture. It did condemn the subjection of U.S. prisoners to solitary confinement as something that could have a lasting adverse effect on their physical and psychological well-being. Several of the enemy's photographs showed Americans in solitary confinement, and all six pilots released by North Vietnam during 1968 had confirmed that they were held in isolation for varying periods of time.

When charging inhumane treatment Capen attacked particularly the enemy's practice of withholding information about the prisoners and denying them regular communication with their families. The unreliability of the captions the North Vietnamese attached to their photo releases and the obvious staging of some of the pictured events provided additional ammunition. For instance, a recent film "suggested that U.S. prisoners had received Christmas mail and were permitted to celebrate the Christmas season. In the first place, the film shows only a handful of prisoners. Secondly, the film purports to show prisoners opening Christmas mail when, in fact, they are reading letters dated in March, April and July of 1968," as was revealed when the photos were enlarged. "In two cases, the film indicated that the prisoners were opening Christmas cards when in fact, the mail shown were [sic] Easter cards sent months before."

The briefing closed with reiteration of Laird's appeal to the North Vietnamese to take a number of specific humanitarian actions that would signify their intention to comply with the Geneva Convention. Sieverts had a prominent role in the question and answer session that followed. He prefaced his initial response with the remark that Under Secretary of State Richardson "fully shares and echoes the thoughts that the Secretary of Defense and Mr. Capen have set forth here today."<sup>13</sup>

Though by no means the foremost news item of the day, articles featuring Laird's remarks did appear on the front pages of the nation's newspapers on 20 May 1969. Many of the dailies used one of the DoD

\* Navy pilot Hugh Allen Stafford.

pictures, but the details of the supporting briefing generally received less attention than its authors had hoped. Both the *New York Times* and the *Washington Post* highlighted the secretary's call for the prompt return of all American prisoners and tended to view his performance as a follow-up to President Nixon's recent mention of "the earliest possible release of prisoners of war on both sides" as one of the essential elements of the peace to be negotiated in Paris.<sup>14</sup> Almost immediately, however, the enemy handed Laird the opportunity to speak again, with renewed emphasis on the other items in his indictment and with greater chance of attracting international attention.

On 20 May the chief North Vietnamese negotiator in Paris, Xuan Thuy, declared that his government would never give out the identities of the American prisoners "as long as the United States does not cease its war of aggression and withdraw its troops from Vietnam." In a statement the following morning Secretary Laird said he was "deeply shocked and disappointed by this cruel response of Hanoi's representative to such a basic request for humanitarian action."

Hundreds of American wives, children and parents continue to live in a tragic state of uncertainty caused by the lack of information concerning the fate of their loved ones. This needless anxiety is caused by the persistent refusal by North Vietnam to release the names of U.S. prisoners of war.

I want to reaffirm the continuing hope that Hanoi will provide a list of American prisoners and permit a free flow of mail between U.S. prisoners of war and their families.

We continue to urge the immediate release of sick and wounded prisoners, the neutral inspection of prisoner of war facilities and the prompt release of all American prisoners.<sup>15</sup>

In the Paris negotiating session on 22 May Ambassador Henry Cabot Lodge also took this line, deploring the inhumanity of Xuan Thuy's refusal to release the names and protesting most of the other enemy practices that Laird had mentioned. Lodge's stance was the latest manifestation that the Department of State had become a partner in the Go Public campaign.<sup>16</sup>

State had already cabled the texts of Laird's two statements to its major posts overseas, and the remarks of Ambassador Lodge followed in another dispatch. On 24 May a joint State-Defense-USIA message reviewed all the exchanges, observing that Xuan Thuy's words, with later backing from a foreign ministry spokesman in Hanoi, "publicly confirm what has been North Vietnam's practice since start of conflict of refusing to provide list of names of PW's to families, to ICRC, or to any other impartial body."

Posts in Brussels, Stockholm, Melbourne, and elsewhere were asked to act behind the scenes in the host country to stimulate public statements critical of North Vietnam's inhumane attitude, thus bringing "public pressure on DRV to change its policy, specifically by providing names of prisoners, allowing mail exchanges, and allowing visits by International Red Cross or other impartial reps." Meanwhile, the officials in Washington stated, "we are pursuing similar effort here, with press, private groups, and members of Congress." They appeared to take credit for a recent *Washington Post* editorial commending Laird's statements and chiding the enemy's leaders for lack of compassion.<sup>17</sup>

Secretary of State William P. Rogers opened his news conference on 5 June with an admonition on the enemy's troubling policies regarding the treatment of American prisoners. Reaffirming the readiness of the United States for meaningful discussion of the subject, he observed that "any sign of good faith by the other side in this matter would provide encouragement for our negotiations in Paris." So far, however, Hanoi's principal reaction to the Go Public campaign had been a stepped-up propaganda effort, in which it broadcast almost daily the taped statements of prisoners expressing appreciation to the North Vietnamese government and people for the good care provided them. The announcer called on the world to note that "U.S. pilots give the lie to Defense Secretary Melvin Laird's slander."<sup>18</sup>

Laird denounced these enemy moves in his next formal statement, on 6 June. "Hanoi has chosen to respond to our plea for humane treatment of our prisoners of war with a series of contrived broadcasts," he began. Terming this "a feeble gesture and no substitute for the humanitarian guarantees that we are seeking," he then set forth once again what the enemy must do to demonstrate to the world that the men were being treated humanely and receiving proper medical care.<sup>19</sup>

On more informal occasions, too, Laird was quick to bring up the prisoner of war situation. In May he raised the subject when talking to newsmen in London following a NATO defense ministers' meeting; in June he spoke with equal fervor before a cabinet wives' luncheon in Washington. When appearing on the television program "Face the Nation" in July he launched into yet another discourse on the prisoner concerns.<sup>20</sup>

By midyear the government's efforts to give prominence to the prisoner of war issue and fix it permanently in the public's awareness had met with some success. In June, *U.S. News & World Report* was the first of the weekly news magazines to devote space to it as a story of continuing significance. Its three-page article also made more extensive use of the



material in the original DoD briefing than had occurred previously. A Defense Intelligence Agency summary of the public response took particular note of this, after observing that the press in all major U.S. cities had carried some account of Laird's kickoff of the publicity campaign and that "within a matter of a few days editorials were included as follow-up in many papers." The report also presented nearly a dozen instances of sympathetic treatment in the free world press, mainly in Western Europe.<sup>21</sup>

In addition the DIA spokesman called attention to "Mrs. James Bond Stockdale, wife of a long term PW in North Vietnam, who provided two press interviews primarily concerned with the lack of regular mail to and from the PWs." In fact, combining a sure instinct for personalizing the prisoner of war issue with a willingness to sacrifice her own privacy if need be, Sybil Stockdale had offered the 59-word text of her husband's latest letter for printing in a local San Diego paper. The poignancy of the letter's content, the fact that it was the first to arrive in more than a year, and the internal evidence indicating that Stockdale had seen none of the letters she had sent over the last 18 months all underscored her point. The resulting story received wider exposure from the Associated Press.<sup>22</sup>

DIA may have known less about other activities that represented the first stirrings of an emerging national association of wives and parents of the missing men. What DIA saw as a timely and unhesitating response from the country's editorial writers probably owed something to the consciousness-raising campaign these family members had already undertaken. Instigated by Mrs. Stockdale as early as March 1969, their letter-writing effort targeted prominent editorial writers in the United States and abroad, as identified in a somewhat out-of-date copy of the *Editor and Publisher Year Book*. This and other efforts of the next of kin intensified in the favorable climate of the Go Public campaign. By late July a first printing of 5,000 bumper stickers had occurred, reading "Don't let them be forgotten—POWs, MIAs," and the family members' organized movement had itself become the subject of occasional newspaper articles.<sup>23</sup>

#### *The Frishman-Hegdahl Press Conference*

Beginning in July 1969 another sequence of events gave impetus to the campaign. Early in the month Radio Hanoi announced that "three US aggressors captured in North Vietnam" would be released in recognition of America's Independence Day, and leaders in DoD prepared to seize every opportunity the event offered for increasing pressure on North Vietnam to abide by the Geneva Convention. At the least, ISA officials noted

it could be pointed out that "over 1300 other servicemen are still missing or captured and NVN still refuses to provide a list, permit inspection or return sick and wounded."<sup>24</sup>

Hanoi withheld the identity of the three men until the eve of their release, which did not occur until 5 August. While they were still en route home, Secretary Laird issued a statement welcoming the return of Capt. Wesley L. Rumble, USAF, Lt. Robert F. Frishman, USN, and Seaman Douglas B. Hegdahl and noting that the provision of medical care would have first priority. Specific comment would await a thorough assessment of their prison experience, but he did express concern that "these men lost from 20 to 60 pounds during their captivity." Laird also pointed out that following Hanoi's announcement on 3 July, "hundreds of families lived in hopes that their loved ones would be among the three U.S. servicemen returned." He deplored the fact that "their anxieties were needlessly prolonged for 32 days," saying that "such heartless actions compound the already difficult circumstances under which the wives, parents and children have lived for up to five years."<sup>25</sup>

Another news release on 12 August helped to keep the matter before the public by giving an account of Laird's meeting with Frishman and Hegdahl at Bethesda Naval Hospital. It again mentioned the loss of weight and revealed that Frishman had a seriously injured right arm. Captain Rumble, reported to have a back injury, was undergoing treatment at an Air Force hospital in California.<sup>26</sup>

The debriefing of the returnees established that they had led the same everyday existence as other inmates and had credible knowledge of the treatment received. In addition, both Rumble and Hegdahl unburdened themselves of an extensive memory bank of prisoners' names. Accordingly, planning went forward in the Pentagon for a news conference at which they would give a public account of their captivity experience. By late August the president's assistant for national security affairs, Henry A. Kissinger, had received a briefing on DoD's intention and had given oral assurance of White House concurrence. In a memorandum to Kissinger for the main purpose of putting the matter on record, Laird reemphasized the conviction that underlay the project. As a result of the three men's return, he wrote, "we now have additional details regarding Hanoi's treatment of our servicemen. North Vietnam must assume that the United States Government is aware of these facts. If the Department of Defense does not publicly deplore North Vietnam's treatment of prisoners, we in effect would be condoning their actions." DoD officials were prepared to go ahead with the press conference during the coming week, Laird apprised

Kissinger. "It is our firm belief that this approach is in the best interest of the men still held prisoners," he concluded.<sup>27</sup>

While still under treatment at the Bethesda Naval Hospital, Frishman and Hegdahl appeared for a joint press conference on 2 September, introduced by the reading of a statement from Secretary Laird. Frishman led off by saying that the North Vietnamese expected him to testify in support of their claims that American prisoners were well treated. In making this clear his captors had warned him "not to forget that they still have hundreds of my buddies in their hands." But fellow prisoners had urged him to divulge the truth on his return, without regard for any reprisals they might suffer as a result. According to Frishman, one of the men who had instructed him to speak out was Lt. Cdr. Richard A. Stratton, the officer whose puppet-like movements had aroused suspicions of torture and possible brainwashing when he was displayed before newsmen in 1967.

Frishman related that when prisoners wrote or broadcast that their treatment was humane, those statements were extorted by the enemy and were the opposite of the truth. Prisoner appearances before visiting delegations were also coerced and usually followed a well-rehearsed script. "If they don't have statements of humane treatment, they have ways of getting them."

The two returnees then described their own harsh treatment and the more severe tortures others had undergone. Hegdahl had been kept in solitary confinement for seven months. Frishman said that Lt. Cdr. John S. McCain III, though suffering from multiple fractures at the time of capture, had endured in an isolation cell for more than a year. On the basis of the care given his own shattered elbow and his observation of other cases, Frishman concluded that the enemy's medical treatment was meant to keep the prisoners alive but not to bring about their full recovery.

Speaking again of Stratton, Frishman said he had been "tied up with ropes to such a degree that he still has large scars on his arms from rope burns which became infected. He was deprived of sleep, beaten, had his finger nails removed" and was put in a dark cell alone for 38 days. In attempting to sum up, Frishman said: "All I'm interested in is for Hanoi to live up to their claims of humane and lenient treatment of prisoners of war. I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane . . . . I feel it is time people are aware of the facts."<sup>28</sup>

DoD officials considered the press conference an outstanding success. Beyond doubt it gave increased credibility to the charge of inhumane treatment of prisoners of war and thus contributed to the mounting public concern for the captive Americans. Acting Secretary of State Richardson wrote that "it provides convincing new information," and he advised Laird that State intended to make full use of the Frishman-Hegdahl material in the Paris talks and other international forums. Subsequently, the two returnees testified before a committee of Congress and dedicated much of their time in the next two years to carrying their "message from Hanoi" around the country (Hegdahl even traveled to Paris) to meetings of PW/MIA families, civic and patriotic organizations, and anyone that would listen.<sup>29</sup>

#### *Widening of the Go Public Campaign*

The Go Public campaign advanced with sustained support from each of the military services and from other elements of DoD, particularly the office of the assistant secretary for public affairs, which under Daniel Henkin insured that every statement by Secretary Laird received appropriate press coverage and that other materials continually reached news agencies and television outlets. Henkin and his staff scheduled press conferences and speaking engagements for several of the returned or escaped prisoners (in addition to Frishman and Hegdahl) and encouraged civic organizations, professional societies, and PW/MIA family members to participate in activities that generated publicity. They succeeded, for instance, in arranging for the plight of the prisoners to be given recognition during the halftime ceremonies at several sports events with national television coverage.<sup>30</sup>

In March 1970 Laird personally selected Air Force Brig. Gen. Daniel "Chappie" James, Jr., to be Henkin's deputy, with particular responsibility for focusing public attention on the central issues of the Go Public campaign. An imposing figure with exceptional ability as an inspirational speaker, James was a highly effective spokesman, whether talking to young people, veterans groups, or business associations, and he also established a strong rapport with leading members of the National League of Families. In two typical months of 1971 a Public Affairs activities calendar showed him delivering 13 speeches in February and 18 in March, with a television interview in Chicago, brief remarks at the Gridiron Club dinner in Washington, and an appearance before the Texas legislature also penciled in during that period. He served as grand marshal of the parade during

the PW-MIA Week of Concern in Clovis, New Mexico, one of many events at which an Air Force precision team flew the symbolic "missing man" formation.<sup>31</sup>

General James and other DoD officials never doubted that Secretary Laird stood behind their efforts on behalf of the prisoners of war and would applaud if they undertook even wider endeavors. They had before them his own example of returning frequently to the subject during speaking engagements around the country and of finding time for informal meetings with PW/MIA wives and parents along the way. Other reminders reached them periodically. In June 1970 Deputy Secretary Packard noted completion of the first year of the department's effort to make the American public aware of the inhumane policies of North Vietnam and its allies toward captured U.S. military personnel, and he renewed the request that senior civilians and general and flag officers discuss the PW/MIA problem during their public appearances. In early November Laird declared that there was "no more appropriate occasion for highlighting the PW/MIA issue" than the upcoming Veterans Day observances, in which many Defense officials would take part.<sup>32</sup>

The Go Public campaign had been well under way by the time of the Frishman-Hegdahl press conference in September 1969. Laird and Defense agencies had taken the lead, with assistance from the State Department, but other supporters soon appeared. Members of Congress quickly adopted the main themes of the campaign as their own. They gave welcome confirmation that obtaining fair treatment for the captive Americans and their safe return were purposes that transcended ordinary partisan considerations and could be pursued without becoming embroiled in the broader debate over the course of U.S. policy in Southeast Asia.

Action in the Go Public campaign soon began to build on other fronts as information about the plight of the prisoners caught the attention and engaged the emotions of persons beyond official Washington. Americans took up the suggestion that a groundswell of concern and support for the prisoners, the missing, and their families could influence North Vietnam to comply with the Geneva Convention and move toward resolution of the PW/MIA issue as a humanitarian matter separate from the other questions under negotiation. In the years from 1969 through 1972 the appeal of this idea motivated thousands of individuals and scores of public and private organizations to devote time and resources to the campaign. The resulting massive and sustained outpouring of sympathetic concern, protest, and entreaty took many forms. Even a small sampling of the more significant efforts on behalf of the prisoners and missing is impressive.

*Congressional Efforts*

In the years before 1969 members of Congress had not been silent about the fate of the men missing or captured in Southeast Asia, but for the most part the comments were those of individual members, speaking about the problems of PW/MIA families among their constituencies or reacting to an isolated event in the current news. As the Go Public campaign evolved, Congress began responding on an institutional level, with resolutions, committee hearings, and a chorus of speeches on the floor and with additional material inserted in the record. As public concern over the prisoners and their families grew and became more vocal, congressional activity kept pace.

The first scattered reactions within the halls of Congress came mainly from members with a particular interest in military affairs. One week after Secretary Laird's initial statement on 19 May 1969, Rep. Bob Wilson of California introduced the subject of "Inhumane Treatment of U.S. Prisoners" and placed both the statement and the text of the DoD briefing in the *Congressional Record*. Soon afterward Texas Senator John Tower offered his colleagues a lengthier commentary on the matter and included the briefing text as an extension of his remarks. Then on 9 June a leading figure among those who questioned the wisdom of U.S. policy in Vietnam, Arkansas Senator J. William Fulbright, made a short speech on the floor of the chamber. Without mentioning the recent efforts of Defense spokesmen he nevertheless took their part, pointing out that "the North Vietnamese Government could perform a humanitarian service to the prisoners and their families, and also help to create a more favorable negotiating atmosphere by providing the names of the American prisoners of war; releasing sick and wounded prisoners on a reciprocal basis; permitting the regular delivery of mail; and allowing visits to the remaining prisoners by neutral representatives."<sup>33</sup>

Laird sent notes to both Tower and Wilson thanking them for their assistance in bringing the plight of the prisoners to the attention of the American public. His aide for legislative affairs, Jack L. Stempler, hastened to suggest that Fulbright receive the same courtesy. "It might not be a bad idea if we show the good Senator that we appreciate 'some' of his statements." Laird sent a note without delay.<sup>34</sup>

Congressional interest and response picked up noticeably following Hanoi's 3 July announcement of the impending release of Rumble, Frishman, and Hegdahl. On 13 August, shortly after the returnees' arrival in the United States but well before their revelations about the conditions of captivity, 40 senators of both parties and of diverse attitudes toward the

war joined in protesting North Vietnam's "inhumane and inexcusable" refusal to identify other prisoners and missing. "Along with Americans everywhere, we too rejoiced with the families of the three servicemen freed from North Vietnamese captivity," their statement began. But their joy was "clouded by the knowledge that 1,365 other American families are still waiting—some for the release of a husband or son, some even for definite word whether a loved one is dead or alive." The senators pledged full support to the administration's efforts to bring Hanoi to comply with the Geneva Convention, and they urged other governments and "ordinary men and women around the world" to make their voices heard as well.<sup>35</sup>

In the Capitol's other chamber a high point in the expression of such sentiments occurred on 17 September 1969, during a Special Order of the House of Representatives sponsored by Congressman William L. Dickinson of Alabama. As a parliamentary means of designating in advance a period of absolute priority for consideration of a specific subject, this procedure allowed members to come prepared to speak on the treatment of American prisoners by North Vietnam. They did so, in proceedings that filled 68 pages of the *Congressional Record* and that included many affecting passages read from letters received from relatives of the missing servicemen.<sup>36</sup>

By October more than 275 House members had lent their names to resolutions relating to the American prisoners in Vietnam. Following hearings under the chairmanship of Rep. Clement J. Zablocki (Wis.), a subcommittee of the Committee on Foreign Affairs produced a resolution encompassing the main thrust of the proposals under study. House members approved Concurrent Resolution 454 by a vote of 405-0 on 15 December 1969. After a bill of particulars that began with the enemy's refusal to identify the captives, the resolution declared that "the Congress strongly protests the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Government, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war." The Senate gave its concurring approval, also by unanimous vote, in February 1970.<sup>37</sup>

In March occurred the first announcement of a forthcoming event that was to stand among all actions of congressional origin as the single most striking contribution to the Go Public campaign. The instigator and driving spirit was Kansas Senator Robert J. Dole, whose commitment stemmed from his own personal sacrifice during World War II, when he

suffered a crippling injury that nearly cost him his life, and, more immediately, an experience the previous month that left him deeply affected. Scheduled as the principal Republican representative on the bipartisan list of speakers at a rally in support of the prisoners of war in Constitution Hall on the eve of Washington's birthday, Dole arrived to find that of the great hall's 3,811 seats, not even 300 were filled. His feelings became more deeply engaged as he observed the evident distress of the wives and parents present. The thought seized him that they must not be left believing that the evening's turnout was a true gauge of their fellow Americans' concern. He vowed to fill Constitution Hall within 90 days for a tribute to the prisoners and missing.<sup>38</sup>

Dole made his first formal announcement of the planned Constitution Hall rally on the floor of the Senate on 20 March 1970. To assist in organizing the affair he had assembled a bipartisan committee composed of six of his Senate colleagues and six members of the House. Arrangements were being coordinated with Mrs. Stockdale and other family representatives and with major veterans and civic groups in the Washington area. The date set was 1 May, which Dole noted was already designated "Law Day, U.S.A." "We chose to declare our support for these missing Americans and POW's within the context of Law Day to emphasize our belief in the rule of law, especially the law of nations, which is embodied in the 1949 Geneva Conventions on prisoners of war," which "both North Vietnam and the NLF have persistently and callously violated."<sup>39</sup>

As the program took form it acquired the title "Appeal for International Justice," and by late April Dole expected that more than 600 PW/MIA wives, parents, and children from all parts of the country would attend. Both chambers of Congress quickly approved a resolution dedicating Friday, 1 May 1970, to "an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia." The resolution also called on President Nixon to designate the Sunday of that weekend as a national day of prayer.<sup>40</sup>

The Constitution Hall rally did not disappoint Dole's expectations. Speakers appearing before what the press described as "a near-capacity audience" included Vice President Spiro Agnew, 10 members of Congress, 6 wives of the missing men, Lt. Robert Frishman, a movie star, an astronaut, and Texas business and civic leader H. Ross Perot. In a brief message that occupied the first page of the printed program President Nixon paid tribute to "the inspirational qualities of courage and endurance . . . demonstrated by the families of our men who are missing in action or known to be imprisoned in Southeast Asia." He declared that "this Administration has no more urgent goal than to secure information about



and eventual freedom for these Americans who have done so much for their country."<sup>41</sup>

The high level of congressional attention to the prisoner of war problem continued thereafter until the PWs' return. Further resolutions passed, rarely with a dissenting vote. Committees in one or both houses convened hearings each year, receiving the views and appeals of PW/MIA family organizations as well as others, such as the peace activists who claimed to provide the most assured channel for mail delivery to and from the prisoners. Scores of witnesses appeared before the committees, including former prisoners, next of kin and representatives of the National League of Families, officials of the Red Cross and the Defense and State Departments, spokesmen for private organizations, and other concerned individuals. The reprinting of speeches, feature articles, columnists' commentaries, and other relevant materials further swelled the record. By the time of Operation Homecoming in early 1973 the hearings and reports numbered many thousands of pages. This torrent conveyed a simple message: the American people and their representatives were deeply concerned about the fate of the prisoners and the missing and wished to do everything possible on their behalf.

Finally, a continuing stream of congressmen and senators journeyed to Paris, where some succeeded in personally pleading the case of the prisoners and missing with representatives of North Vietnam and the Provisional Revolutionary Government of South Vietnam. Members prominent enough to feel assured their communications would not be ignored, such as Senators Fulbright and Edward M. Kennedy, corresponded intermittently with the highest officials in Hanoi and on a few occasions received significant information in reply.

#### *The Department of State*

The State Department remained a committed partner in the Go Public campaign. At a House Committee hearing in November 1969 the deputy assistant secretary for East Asia and Pacific affairs, William H. Sullivan, delivered an eloquent statement of the campaign's main themes. In the Paris negotiations Ambassador Lodge had continued to raise the subject of prisoners of war. At the session on 25 September he rejected a North Vietnamese charge that in doing so he sought to "sidestep the central issues" of the conflict. "The fate of those prisoners is not a peripheral question," Lodge declared. "The whole world is watching to see what you do to improve the treatment of the men you hold and whether you

will make it possible for their next of kin—who have assuredly harmed no one—at least to know whether their relations are alive or dead. This is not much to ask.” His successor as chief U.S. negotiator, Ambassador Philip C. Habib, was equally persistent. At the final meeting of 1969 he again reviewed the enemy’s record and announced that the U.S. government was releasing to the press and to Hanoi’s delegation a full list of its military personnel who were missing and possibly prisoners in Southeast Asia. Habib said the action was taken “in the hope that your side, even at this late date, will indicate which men are prisoners and those whom you know to be dead, as a matter of humanitarian concern for their families.”<sup>42</sup>

State pressed strongly in other international forums for endorsement of the U.S. stand on prisoner of war treatment. Addressing the representatives of 77 governments and 91 Red Cross societies at the 21st International Conference of the Red Cross in Istanbul in September 1969, Ambassador Graham Martin described the “savage and inhuman treatment” of the U.S. prisoners. He quoted some of the harrowing details from Lieutenant Frishman’s account and used the word “torture” more freely than any U.S. spokesman up to that time. In charging nine distinct violations of the Geneva Convention Martin also pointed to North Vietnam’s repeated rejection of overtures from the International Committee of the Red Cross. The results were all that the U.S. delegation could have wished: a resolution, approved 114-0 and bearing the respected name of the Red Cross, that would be cited frequently in subsequent reports, statements, and diplomatic exchanges.<sup>43</sup>

One State Department official commended the way the Istanbul conference resolution “cut through any possible quibbles that could be made by a party to the Vietnam conflict.” For one thing, the language chosen gave few openings for Hanoi’s claim that absence of a declaration of war by the United States placed its soldiers and airmen outside the shelter of the Geneva Convention. The resolution called on all parties to “abide by the obligations set forth in the Convention and upon all authorities involved in an armed conflict to ensure that all uniformed members of the regular armed forces of another party to the conflict . . . are treated humanely and given the fullest measure of protection prescribed by the Convention.” It went further, declaring that “even apart from the Convention, the international community has consistently demanded humane treatment for prisoners of war,” including a list of specifics that extended from provision of an adequate diet and medical care through a requirement that “at all times prisoners be protected from physical and mental torture, abuse and reprisals.”<sup>44</sup>

Soon afterward diplomatic representatives of the United States began working toward a similar success in the larger arena of the United Nations. They intended to put Hanoi on notice that its treatment of prisoners had the concerned attention of most of the sovereign nations of the world and thereby to intensify the pressure on North Vietnam to comply with the Geneva Convention. U.S. Alternate Representative to the General Assembly Rita E. Hauser took the initial step on 11 November in an address before Committee III (Social, Humanitarian, and Cultural) of the world body. Directing attention to "a most fundamental violation of human decency," her long and impassioned speech reviewed the provisions of the Geneva Convention and set out in full North Vietnam's record of prisoner mistreatment and denial of the convention's applicability. The United States broached this subject before the United Nations as a humanitarian rather than a political matter, Hauser said, and she quoted the central passages of the Istanbul resolution as a document conceived in that same spirit and "reflecting the conscience of the international community."

The U.S. representative called for immediate action, limited for the present, however, to obtaining one fundamental improvement endorsed by UN Secretary-General U Thant, who on 30 October 1969 had stated that the government in Hanoi "ought to give an international humanitarian organization such as the League of Red Cross Societies access to the Americans detained in North Vietnam." While the matter was obviously of vital importance to the United States, she said, it was also of paramount interest to all nations. "The failure to treat any prisoner of war, wherever he may be, in accordance with common standards of decency, is an affront to all who claim the mantle of civilization."<sup>45</sup>

A fuller accomplishment of the U.S. purpose occurred late in the following year, 1970, thanks to an intensified effort that followed President Nixon's address to the General Assembly on 23 October. He declared that "the United Nations should register its concern about the treatment of prisoners of war and press all adversaries in this conflict, indeed in every conflict, to honor the Geneva Convention." A resolution to that effect came under consideration in Committee III during November, and Senator Claiborne Pell, U.S. Representative to the UN General Assembly, championed it in an address to the committee. The committee endorsed the resolution by a large majority, and on 9 December the General Assembly adopted it by a vote of 67 to 30 with 20 abstentions.<sup>46</sup>

UN Resolution 2676 called on "all parties to any armed conflict" to comply with the terms of the Geneva Convention on treatment of prisoners of war, with particular reference to permitting regular inspection

of the camps by a humanitarian organization or protecting power. It also called specifically for compliance with the article that required repatriation of seriously ill or wounded prisoners of war and that allowed for agreements transferring other long-term prisoners to internment in a neutral country. The resolution endorsed the continuing attempts of the ICRC to secure the effective application of the convention, and it also requested the UN secretary-general "to exert all efforts to obtain humane treatment for prisoners of war." The document contained no direct reference to the Southeast Asia hostilities, but in publicizing it U.S. spokesmen had no difficulty in relating its general pronouncements to the particular instance of Hanoi's treatment of American servicemen.<sup>47</sup>

#### *The American Red Cross*

The American Red Cross was among the most active participants in the campaign to induce North Vietnam to honor the Geneva Convention. Although always compatible with the intentions of the U.S. government, the ARC's endeavors followed primarily from dedication to the traditional humanitarian purposes of the society rather than from doing the government's bidding. The ARC and U.S. government delegations co-sponsored the prisoner of war resolution adopted by the International Conference of the Red Cross at Istanbul in September 1969, but the society's later efforts to spread awareness of the resolution and to focus public attention on the prisoner issue resulted from an independent decision by the ARC's leaders to "go public" on their own.

In October the ARC launched a "Write Hanoi" campaign that urged Americans to send letters calling on North Vietnam's president to insure that the treatment of U.S. captives followed the tenets of the Geneva Convention. Inviting editorial comment, the ARC dispatched campaign literature and a copy of the Istanbul resolution to hundreds of daily newspapers and to some 7,000 weekly publications as well. Another version of the material went to 450 college radio and television stations and nearly 2,000 campus newspapers.<sup>48</sup>

The Red Cross appeal for letter writing happened to coincide with a similar effort by the *Reader's Digest*, whose November issue carried a stirring article about the prisoners and their families by Louis R. Stockstill. Its keynote proclaimed that "nothing less than a worldwide cry of outrage is likely to bring a halt to the grossly inhuman treatment our men are receiving in the enemy's prison camps." At its close the article instructed

readers on how to participate in the effort, naming Hanoi's chief delegate in the Paris negotiations, Xuan Thuy, as the preferred target for letter writers. Meanwhile, as a contribution to the ARC's campaign, several advertising agencies had turned their talents to the production of spot announcements and newspaper and magazine advertisements, which the media displayed as a public service.<sup>49</sup>

After reviewing the program's progress in February 1970 the ARC's board of governors resolved to "pursue without interruption or abatement every effort to bring about the humane treatment of prisoners of war to which they are entitled under the statutes of international law and the dictates of moral decency." As a step toward fulfilling this purpose the ARC communicated with 112 Red Cross societies around the world, reminding them anew of the Istanbul resolution and urging that more than lip service be paid to its principles, by actively interceding with North Vietnamese authorities on behalf of the American captives. Concurrently, on the home front, Red Cross leaders sought to keep the Write Hanoi campaign at a high pitch.<sup>50</sup>

An ARC news release in October 1970 stressed that "there is no intention of letting the letter-writing protest die out. The Red Cross daily is urging Americans: 'Send a letter to North Vietnam. It'll cost you a quarter. But it may save a life.'" During the bowl games ending the year's football season copies of a leaflet titled "5 Minutes and 25 Cents" were distributed by the hundreds of thousands. In all, 6.5 million copies were printed, with many being disseminated through the ARC's 3,500 local chapters and affiliates, at military installations, and by telephone companies in their billing envelopes.<sup>51</sup>

What Red Cross officials considered an outstanding success in reinvigorating the Write Hanoi campaign took place in the spring of 1971. It involved a direct association with the *Reader's Digest*, whose April issue again carried a piece written by Stockstill, "Inside the Prisons of Hanoi." As before, its closing exhorted readers to express their views to North Vietnam's leaders, but this time it offered a prepared statement for signature, with space for an additional personal message if desired. The statement appeared on a detachable postcard, addressed for mailing to "Help Our POWs," at the box number of the American Red Cross in Washington. The *Digest* advised its readers that Red Cross headquarters would tabulate their responses and see that the messages got to the government of North Vietnam. Over the following months more than 679,000 of the postcards were forwarded to Hanoi.<sup>52</sup>

*Private Groups and Individuals*

More remarkable than the response of institutions such as Congress and the ARC was the widespread involvement of individual citizens and private organizations in the Go Public campaign. The Americans who became engaged in the effort to aid the PW/MIAs and their families probably numbered in the millions. Enumerating the private and public entities through which their efforts were channeled yields an extensive list: veterans groups, professional societies, service clubs, civic federations, chambers of commerce, state governors and legislatures, municipalities, schools, labor unions, business associations, individual corporations, and numerous volunteer organizations newly formed for the purpose.

From these many sources came a commitment of time, energy, and material means that sustained the effort to publicize the issue, rally massive sympathy and support for the PW/MIAs, and find effective ways of making these sentiments known to world organizations and opinion makers in other nations, and particularly to the leaders of North Vietnam and its supporters. The outpouring of sympathetic concern found expression in petition drives and letter-writing campaigns, billboard advertising and street-corner appeals, speeches and radio and television discussions, and numerous public observances, from parades to silent vigils. There were also community fund drives to underwrite the travel of family members to Paris and other points abroad where they might plead the case for the captured and missing Americans or elicit information about them.

The successive Write Hanoi campaigns probably best typified the entire undertaking. Although never matching the scope and prominence of the letter-writing appeals launched by the Red Cross and the *Reader's Digest* in October and November 1969, others had started even earlier to sponsor this means of expressing the concern felt by Americans for the prisoners, the missing, and their families. One of the first, the Fairchild Hiller Corporation, acknowledged being moved to act by the Defense Department's initial disclosures in the Go Public campaign. In July 1969 the firm prepared a special supplement to the company newspaper that would inaugurate the letter-writing drive among its employees. The instructions designated North Vietnam's president as the addressee and supplied several sample texts for brief letters that "should not be abusive" but nevertheless should condemn specific failures to honor the Geneva Convention. The management undertook to provide the international airmail postage for each letter written. Company president Edward G. Uhl advised Secretary Laird that if the project proved as successful as expected, "Fairchild Hiller Corporation will urge and assist other organizations to

follow our lead." Other corporations, such as North American Rockwell, did subsequently establish programs along the same lines.<sup>53</sup>

For most participants the one-time gesture of registering a protest against the enemy's practices gave satisfaction enough, but others became caught up in the campaign to assure an ever-mounting tally of letters. To cite but one instance of the work of these more devoted adherents, in Paris in January 1971 representatives of a San Diego group joined with others from Tennessee in stacking an estimated six tons of letters in front of the North Vietnamese legation. The California contingent also went to the villa in a Paris suburb that housed the Viet Cong delegation to the peace negotiations. Wearing prisoners' outfits, they began unrolling a half-mile-long petition scroll, with the avowed intention of carpeting the entire street leading to the delegation's headquarters. Objections interposed by the police curtailed this activity but helped assure that the event received attention in the press. News accounts quoted a Californian as saying, "We have no quarrel with the French police, only with the Vietcong. We have accomplished our mission, which was to let them know that 26 million Americans care about those prisoners."<sup>54</sup>

#### *The National League of Families*

The wives, parents, and other relatives of the absent men had a central role in the Go Public campaign. Their principal organization, the National League of Families of American Prisoners and Missing in Southeast Asia, emerged during the campaign's first year. Incorporation of the League and the opening of its national headquarters in Washington occurred in June 1970.\* In testimony before a congressional subcommittee a few weeks earlier Mrs. Sybil Stockdale described her organization's purposes in terms that virtually duplicated those of the Go Public campaign.

Our aims are to inform fellow Americans and world citizens of the codes for treatment of combatant prisoners, as established by the Geneva Convention for the dignity and protection of mankind. We want to make known the true and desperate plight of the American prisoners of war and the men listed as missing in action and to make known that their desperate plight is due to the refusal of the North Vietnamese Government to abide by any of the simple humane requirements for the treatment of combatant prisoners . . . .

\* See Chapter 19.

We believe that the cumulative voices of the indignation from people all over the world will have a profound influence on the North Vietnamese Government if they want to be recognized as a respectable government in the world community.<sup>55</sup>

League members and officials engaged in a wide variety of activities, with some of the most newsworthy occurring overseas. Pursuing the hope of opening an effective discourse with the peace delegations of North Vietnam and the Provisional Revolutionary Government in the South, a party of League members first visited Paris in September 1969. Besides frequent revisits to the site of the peace negotiations, trips to many other capital cities followed. Whether in Oslo or Vientiane, family members sought appointments with officials of the nation's foreign ministry and its Red Cross society and with any diplomatic representatives stationed there by North Vietnam, the PRG, or the Communist insurgents in Laos, the Pathet Lao. Attempts to open discussions or make inquiries were usually rebuffed by the officials. Nevertheless, wire service photographs of American wives being turned away from the barred gates of a Communist legation had their publicity value.<sup>56</sup>

During 1971 overseas journeys staged by the League became more sophisticated and effectively organized. In May a group of more than 160 members flew to Geneva to be present during a conference of governmental experts on international humanitarian law applicable to armed conflicts, convened under the auspices of the ICRC. The PW/MIA relatives hoped to impress the delegates with the need for more effective enforcement of existing law and custom, drawing their attention particularly to the current violations in Southeast Asia. The U.S. mission in Geneva advised Washington authorities that the group had moved on to undertake further representations in Paris, "following what they believe was a fruitful visit. Group handled themselves extremely well. Their quiet, dignified presence left good impression on ICRC delegates and reps of various foreign missions on whom they called."<sup>57</sup>

The PW/MIA relatives made their greatest contribution back home in the United States, however, by their untiring, day-by-day involvement in the effort to rally popular support and spur official action on behalf of the captured and missing. Sometimes they played no more than a symbolic role, as when appearing in the gallery during the Special Order session of the House of Representatives in September 1969 and during Rita Hauser's UN address two months later. More commonly, members of the League and of smaller next of kin groups such as Reunite Our Families dispatched letters to the editor, issued bulletins, held press conferences, and participated in television interviews. They supported virtually every petition



drive and letter-writing campaign and spread their message by speaking at innumerable gatherings and luncheon meetings.

*H. Ross Perot*

Of the thousands of Americans who involved themselves in publicizing the PW/MIA issue, none cut as wide a swath as H. Ross Perot, a wealthy Dallas entrepreneur. Perot organized and led a well-advertised campaign aimed both at providing direct assistance to the American prisoners and at uniting his fellow citizens in support of President Nixon's efforts to obtain a peace settlement in Vietnam. He said more than once that he aimed to get his countrymen to stand together behind their president as the one official on whom hopes rested for the negotiation of an acceptable conclusion to the Vietnam conflict. To those who thought they detected a partisan political motive in his actions Perot declared that he would have mounted the same campaign if Nixon's opponent, Hubert H. Humphrey, had been the victor in the 1968 election.<sup>58</sup>

Using his own resources, on 3 November 1969 Perot established United We Stand, Inc. (UWS), staffing it initially with 36 people drawn primarily from the executive ranks of his own company, Electronic Data Systems, Inc. Immediately UWS launched a media blitz. On 5 November it placed a full-page advertisement in 117 newspapers calling for support of President Nixon's efforts. Another full-page display expressing concern for the prisoners appeared the following Sunday, and a second printing of the first ad occurred on 16 November. Later in the month Perot's organization distributed a half-hour television documentary on the Vietnam conflict, featuring a returned prisoner of war, the wife of a pilot missing in action, and the parents of a son posthumously awarded the Medal of Honor. In the following weeks United We Stand purchased time on 53 stations for showings of the film. Meanwhile UWS staff members faced the problem of handling the "phenomenal" return of coupons from the newspaper ads and of postcards from a total printing of 10 million that had been distributed mainly through the American Legion, Veterans of Foreign Wars, Boy Scouts, and Junior Chamber of Commerce. Both forms called for the senders to affix their signatures to a statement of support for the president in his efforts to secure a just and lasting peace. It was said that by the end of November the cost of Perot's campaign already exceeded one million dollars.<sup>59</sup>

In mid-December United We Stand announced plans for an attempt to deliver 60,000 pounds of Christmas dinners, gifts, clothing, and medical

supplies directly to the prisoners in North Vietnam and to send a large contingent of PW/MIA wives and children to Paris to seek an audience with the North Vietnamese peace delegation. If denied that privilege the family group intended to stage a four-hour silent vigil before the delegation's headquarters.

Perot had already requested permission from authorities in North Vietnam for the flights to Hanoi, and his organization leased three large jet aircraft—two, given the names “Peace on Earth” and “Goodwill Toward Men,” for the prospective delivery to North Vietnam, and “The Spirit of Christmas,” for the Paris trip. The dinners and other supplies were assembled in Los Angeles, and family members from 21 states prepared to rendezvous in New York. As part of the scheme four wives of men missing in action met with mid-level officials at the embassies of Poland, Sweden, India, and the Soviet Union in Washington and pleaded for assistance in inducing Hanoi to allow delivery of the shipments.<sup>60</sup>

With suitable publicity “Peace on Earth” took off from Dallas for Southeast Asia on 20 December, carrying Perot and UWS staff members, a coterie of newsmen, and Red Cross officials experienced in the mass distribution of emergency supplies. During stops in Bangkok and Vientiane Perot renewed the appeal for permission to fly on to Hanoi, or to come as an advance agent himself and explain the project to North Vietnam's leaders.

Meeting with no success, Perot redirected all efforts toward qualifying for what appeared to be the only remaining means of getting the food, clothing, and medicines to the captive Americans. He would comply with the terms of the answer given to one of his earlier cables by Premier Pham Van Dong, which specified that no shipments would be accepted unless they conformed to the regulations already announced for Christmas parcels mailed by the men's next of kin. Packages, individually addressed, must weigh no more than 3 kilograms (6.6 lbs.) and be mailed through Moscow not later than 31 December, rather than being transported by Perot's aircraft directly to Hanoi.

Having initiated a request for Soviet permission to land in Moscow, Perot sent “Peace on Earth” through Tokyo to Anchorage, Alaska. There his assistants broadcast a call for volunteers and organized them to undertake a production-line repackaging of the plane's cargo. The hundreds who came to help—Red Cross volunteers, members of the armed forces, Girl Scouts, Boy Scouts, and others—completed the task in 10 hours. The reloaded “Peace on Earth” then flew over the top of the globe to Copenhagen, where Perot awaited Soviet flight clearance. The Moscow authorities finally gave a negative response shortly before the deadline. A Washington

newspaper called the entire performance "one of the classic runarounds" of all time.<sup>61</sup>

On returning to the United States with his party and the plane's cargo, Ross Perot pointed to a positive aspect of the venture: one of the goals had been to produce a concentration of events during December that would draw attention repeatedly to the problem of the prisoners and missing, and the daily news accounts of his 35,000-mile odyssey had gone far toward accomplishing that. The main conclusion Perot drew from his experience gave direct reinforcement to the Go Public campaign. "I learned that I can't bring relief to these men," he said during a New Year's Day appearance on television, "but the American people without any question can bring relief to these men if this becomes a matter of intense national concern." He immediately announced his sponsorship of a new letter-writing campaign, besides sketching other projects he intended to pursue.<sup>62</sup>

The excursion to Paris could claim somewhat greater success. The party of 58 wives and 94 children left New York aboard "The Spirit of Christmas" at 7:00 p.m. on 24 December. They had wired a request to the North Vietnamese delegation in Paris for a meeting on Christmas Day, and on arrival at Orly airport that morning the family members proceeded directly to the DRV mission's headquarters by bus. There they found the street cordoned off by French police, who prevented a closer approach but stated that officials of Hanoi's delegation had agreed to meet with three wives on the following afternoon.

After discussion, family members and their United We Stand escorts agreed that the three designated wives would stay in Paris for the next day's appointment while the others reembarked on "The Spirit of Christmas" for the trip home. To satisfy a widely held desire, however, the entire party first proceeded to Notre Dame Cathedral to spend some moments in prayer. While they were thus engaged a police messenger hurried in with word that the North Vietnamese now wished to receive the three wives immediately. All returned to the buses and retraced the course to the DRV mission. Only the three women were admitted, without children or their own interpreter, while the main party proceeded to Orly to wait for them.

The meeting between the American women and four North Vietnamese officials who never revealed their identity lasted a little over an hour. For the first 30 minutes or so the wives were subjected to a lecture on North Vietnam's history, ending with a tirade about the Nixon administration's war of aggression, the atrocities the captured airmen were said to have committed, and Ross Perot's "dark scheme" to support President Nixon's purposes. The wives responded by pressing for release of a list of

all the prisoners held by North Vietnam, information on the status of the husbands and fathers represented by the group that had come to Paris, and assistance in gaining permission for the flight of "Peace on Earth" to Hanoi. The North Vietnamese officials denied these requests but did consent to receive a list of the men represented by the visiting party. They stated that their government would "eventually and gradually" release the names of the prisoners, directly to the families rather than to the U.S. government or through Red Cross channels.

The wives emerged too emotionally shaken to face an immediate press conference. They reported being treated with outward courtesy, but the impact of the answers received was often brutal. One woman had asked, "What should I tell my son, age 9, when he asks where is my father and when is he coming home?" The reply: "Tell him his father is a murderer of North Vietnamese children, and that he is being punished."

On reaching Orly the women did meet with the press. Then, still on Christmas Day, the 152 wives and children took off for home, reaching New York in the late afternoon, less than 22 hours after their original departure. The three wives then held a second press conference.<sup>63</sup>

The publicity garnered clearly constituted the chief benefit from Perot's two enterprises in December. The events were pictured, spoken of, or written about in news media throughout the world, with little of the content reflecting favorably on North Vietnam's image. The managers of United We Stand took note that the estimated value of this outpouring of publicity far exceeded that generated by their paid advertising campaign in November. Accordingly they were not disposed to lessen the emphasis on spectacular stunts and seemingly quixotic ventures. In April 1970 Perot transported 63 newsmen to South Vietnam to tour the camps where captured North Vietnamese were held and to film a record of prison conditions. Perot also gathered letters written by the prisoners to their families in the North. He began bombarding DRV officials with new requests for authorization to fly to Hanoi in order to deliver both the film and the letters, but without success.<sup>64</sup>

In testimony before a House subcommittee in May Perot told of contacts with North Vietnamese representatives who refused to believe that the people of the United States could be seriously aroused over "just 1,500 men." To aid in proving them wrong and to provide a constant reminder of the men's suffering, he asked permission to construct replicas of the Hanoi prison cell and the Viet Cong bamboo cage that typically housed the captured Americans and put them on display in the Capitol. A suitable location was found in the crypt, immediately below the Capitol's rotunda, and ceremonies marking the unveiling of the exhibits occurred

on 4 June 1970. Both Rep. Clement Zablocki and Speaker of the House John McCormack expressed the hope that the thousands of visitors from all parts of the country who streamed through the building each day would view the display and read the accompanying text. "The result must certainly be to banish any ignorance or indifference about the plight of U.S. prisoners and to swell the chorus of Americans who are protesting Hanoi's inhumane conduct toward our men," Zablocki concluded. Ross Perot and Assistant Secretary of Defense Warren Nutter also took part in the ceremony.<sup>65</sup>

Over the following years Perot continued to involve himself and the UWS organization in an unremitting effort to galvanize public opinion on behalf of the "forgotten men" and to build up irresistible pressure on North Vietnam to improve its treatment of the prisoners. United We Stand offered to supply specifications and photographs to assist other groups wishing to build replicas of the cells and detention cages. It also provided experienced counsel on how to structure and direct a letter-writing campaign. Perot commissioned a Gallup poll to track the rising public awareness of the PW/MIA problem, and he continued to finance trips abroad for family members, religious leaders, his own representatives, and sundry others.<sup>66</sup>

In the United States Perot's efforts received wide if not universal acclaim. The *Philadelphia Inquirer* observed that "even though Perot may have the best of intentions he magnifies the popular image abroad of America as a land of ostentatious millionaires and billionaires who believe that money can buy anything." Perot saw it differently, believing that his wealth had allowed him to take actions that heightened awareness of the PW/MIA issue while both puzzling and disconcerting the North Vietnamese. "They just couldn't conceive that an individual would, number one, have the freedom to do this, and number two, have the resources, and then maybe three, if he had the freedom and the resources, would have the desire to do it." He felt that by such moves as offering to rebuild the hospitals allegedly destroyed by U.S. airmen or to come to Hanoi to distribute relief supplies to North Vietnamese war orphans he had discredited the Communists and confounded some of their propaganda themes.<sup>67</sup>

#### *The Campaign's Results*

Within the United States the Go Public campaign brought awareness of the prisoner issue to millions of citizens and called forth a national outpouring of compassion for the PW/MIA families, concern for the captive

Americans, and resentment of their treatment by the enemy. Finding effective means of expressing these feelings gave an added purpose to the lives of many Americans and drew from them a major commitment of time, talent, and resources. The government and people of the United States directed their message to North Vietnam's leaders through every available channel—at the conference table, by the efforts of private, official, or third-country emissaries, by radio, TV, and other news media, through the mail and by hand-delivered petitions—and, apparently, with some effect.

North Vietnam did progressively moderate its practices affecting PWs beginning in 1969, the year the Go Public campaign was launched. The leaders in Hanoi immediately revealed their sensitivity to the charges of mistreatment when they stepped up the release of prisoner statements and photographs designed to prove the men were living under humane conditions. Thereafter, prison conditions gradually improved, mail written by prisoners and parcels delivered to them both increased, references to war crimes charges became infrequent, and Hanoi finally provided a substantially accurate list of its captives. The criticisms leveled during the Go Public campaign unquestionably contributed to the atmosphere in which these changes occurred. Whether particular modifications of the enemy's behavior can be directly attributed to the campaign is less certain,\* except perhaps in the instance of Hanoi's decision to provide the names of most of its captives. Hanoi's giving way on this point appears to have been solely for the purpose of ending the constant criticism for withholding the men's identity.

In mid-December 1970 the North Vietnamese government invited Senators Fulbright and Edward Kennedy to Paris to receive a listing titled "U.S. Pilots Captured in the Democratic Republic of Vietnam (from August 5, 1964 to November 15, 1970)," in response to requests each senator had made in letters to high-ranking DRV officials earlier in the year. Each senator sent a representative who accepted the document from the DRV's Delegate General in France, Mai Van Bo, on 22 December. It gave the name, rank, and serial number of 368 U.S. personnel, correctly noting that 9 of these had subsequently been released and stating that 20 others had died after capture (15 "from grievous wounds when shot down"; 5 "from serious diseases"). It acknowledged 339 men alive in captivity.<sup>68</sup>

To U.S. authorities only the date of death given for the 20 fatalities was entirely new information. Earlier North Vietnamese statements that these deaths had occurred were on record. Every one of the remaining 339 was already a known prisoner of war. In fact, all but eight of them had

\* See Rochester and Kiley, *Honor Bound*, 489-91.

written letters home. "Furthermore," read one Defense Department statement, "we have ample reason to believe that the North Vietnamese hold more men than the 339 listed."<sup>69</sup>

Thus release of the list was no great concession, but it did remove the basis for categorical charges that Hanoi refused to identify its prisoners. To insure the desired impact on international opinion, North Vietnam also passed copies to four governments—France, Sweden, India, and Algeria—and to Cora Weiss of the Committee of Liaison with Families of Servicemen Detained in North Vietnam.<sup>70</sup>

North Vietnam's actions did nothing to satisfy two of the Go Public campaign's avowed purposes. By staying in informal channels when providing the prisoner list Hanoi avoided any acknowledgment of obligations under the Geneva Convention. Premier Pham Van Dong's covering letter to Fulbright declared that it was "not incumbent upon the Government of the Democratic Republic of Viet Nam to hand the list . . . to the U.S. Government." The still more appropriate course of giving it to the International Committee of the Red Cross went unmentioned.<sup>71</sup> Similarly the increase in the flow of mail and packages took place without reference to the Geneva Convention and involved no pledge to observe that agreement's minimum standards. Finally, the enemy remained entirely unresponsive to the hope expressed in the United States that the campaign would induce North Vietnam to negotiate about the repatriation of prisoners as a humanitarian matter separate from the political issues to be settled. Not until October 1972, and entirely for reasons of their own, did North Vietnam's negotiators make a gesture in that direction.

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## Other Defense Actions and Initiatives

By initiating the Go Public campaign in May 1969 Secretary of Defense Melvin Laird profoundly changed the U.S. government approach to the prisoner of war issue. No longer reserved for confidential consultations, important aspects of the problem entered the public domain and were openly discussed. In his dedication to the interests of the captured and missing servicemen and their families Laird continued to initiate actions, some as adjuncts to the Go Public campaign, others internally within the Nixon administration to insure that the PW issue remain a central concern of top officials. A note passed to Laird on 9 July 1969 by one of his confidential advisers typified this latter activity. Would it not be well, it asked, "to raise the POW question—in its broadest generic sense—at the NSC meeting today (*after* the Latin American discussion)? The idea would be to elicit appropriate Administration-wide attention, direction, and cooperation on the host of tough issues involving POWs."<sup>1</sup>

Many of Laird's subsequent efforts were devoted to obtaining this kind of deserved attention for the prisoner question at the highest levels of the government. His initiatives followed also from a conviction that rightfully Defense should take the lead in devising measures and guiding activities in this field. At that moment in early July 1969, however, events were compelling members of the new administration, in office only since January, to focus on a legacy from the period of State Department dominance—the policy regarding the intrusion of peace advocates on the process of prisoner repatriation.

### *The Role of Antiwar Activists in Prisoner Return*

Throughout the Vietnam conflict, from 1961 until January 1973, enemy releases of captured Americans were infrequent, sporadic, and limited to no



more than three prisoners at a time. In the early years only servicemen held by insurgent forces in South Vietnam or Laos were set free, but in February 1968 North Vietnam for the first time released three captured airmen, followed by three more in August. In both instances, rather than releasing them to a representative of the U.S. government or the International Committee of the Red Cross, the North Vietnamese arranged for the men to be escorted home by Americans prominent in the antiwar movement, using commercial airlines.

As developed under Ambassador Harriman's direction, the policy governing how the United States should respond took account of clear indications that Hanoi would resent any U.S. interference with the arrangement, such as placing the men under military orders and transferring them to the government's medical evacuation aircraft.\*

Since Hanoi might vent its displeasure by cutting off further releases, the Harriman policy called for the United States to acquiesce in most of what the enemy required and to forgo strict application of the principle that the men were at all times members of the U.S. armed forces and subject to military orders. The first U.S. embassy able to make contact with the men during their homeward journey would offer them the choice between continuing with their civilian escorts or returning to U.S. government control and shifting to a military medevac flight, with the advantages of shorter travel time and constant medical supervision. Their decision was to be freely made, with assurances, as Harriman originally phrased it, that the "U.S. Government does not in any way object to their returning commercial."<sup>2</sup> Thus if the men had been warned by their captors that departing from the escort arrangement would jeopardize future releases, they could in good conscience reject the normal course of returning to military control at the first opportunity.

The State Department acted under this standing guidance in the summer of 1969, following Radio Hanoi's announcement on 3 July that three more U.S. prisoners would soon be repatriated. Repeating the procedure used in the two 1968 releases, the North Vietnamese representatives at the Paris peace talks had already cabled David Dellinger, chairman of the National Mobilization Committee to End the War in Vietnam, asking him to come for consultations about dispatching a delegation of American peace activists to Hanoi to receive the released men and escort them home. At the time, however, Dellinger's movements were under restraint since he had been indicted in a federal court in Chicago for actions during the period of the Democratic National Convention in 1968. Ordinarily defendants in federal criminal cases were not permitted to travel beyond their home

\* See Chapter 5.

districts, but the court authorized Dellinger to go abroad after both the State and Justice Departments signified they did not oppose his petition.<sup>3</sup>

During his consultations in Paris Dellinger also met with the chief U.S. peace negotiator, Ambassador Henry Cabot Lodge, on 10 July. They agreed that the procedures followed in the previous release still applied. As Lodge reported it, "The United States would not put pressure on the released prisoners to return to the United States by military aircraft and . . . the free choice of the prisoners in this regard would be respected."<sup>4</sup>

For some members of the Nixon administration this first experience with peace activists playing a central role in the recovery of American prisoners was deeply offensive. Vice President Spiro T. Agnew, in particular, found it difficult to accept that the most vocal opponents of the government's war policy should serve as intermediaries, in effect representing the United States. To Under Secretary of State Elliot Richardson he expressed concern over the way the matter was being handled, including the unusual measures taken to facilitate Dellinger's participation.<sup>5</sup>

Richardson replied in a long memorandum describing the background and timing of the current release, detailing the matters at issue, and supporting State's conclusion that, "in a nutshell, we have no alternative if we want our men back now." "It hardly needs saying that Dellinger and Co. are *not* our choice of intermediaries," he wrote, but the North Vietnamese remained firm in their intention to release prisoners only to representatives of the American peace movement, and they had asked specifically for Dellinger, a man they had dealt with before, to make the arrangements. Wanting to place no obstacle in the way of the prisoners' return, State had joined Justice in not objecting to lifting Dellinger's travel restriction. To have opposed it, Richardson said, "would have caused fruitless public controversy in which the Administration would have been charged with insensitivity on the 'humanitarian' question of the release of prisoners." As for the party of antiwar escorts, State had no authority to prevent their going abroad, and, in accordance with recent court rulings, they would suffer "no legal consequences" for traveling to Hanoi without validated passports.<sup>6</sup>

Four designated peace advocates left New York for Hanoi on 15 July 1969 to participate in the release of the three U.S. prisoners, as yet unnamed. Leading the party was Rennard C. (Rennie) Davis, like Dellinger an official of the National Mobilization Committee to End the War in Vietnam and the beneficiary of a temporary exemption from the Chicago court's travel restrictions. Asked by the press during a stop in Vientiane if he felt he was "being used as an instrument of propaganda," Davis replied, "there is no propaganda here." He saw the exercise he was engaged in as "an expression of North Vietnam's attitude of sympathy and humanity toward prisoners."<sup>7</sup>

A few days later Secretary Laird received a memorandum from Agnew. It indicated that Richardson's explanation of State's policy had placated the vice president to some degree, for he wrote that "humanitarian considerations probably outweigh the obvious propaganda advantages conceded to the enemy by our acceptance of their terms for release and the use of their chosen intermediaries." But he had other misgivings about accommodating to the periodic release of a few prisoners selected by the enemy: "What is apt to be the effect of selective release upon the morale of the remaining prisoners?"

Given the circumstances of release, and specifically the use of intermediaries from our own far left wing, do we not strike most directly at the morale of those who have been strongest in their refusal to violate the code of conduct? Surely, the criteria for release under such circumstances must include tacit if not overt "cooperation" with their captors . . . . It seems clear that it should be our purpose to place a premium on continued steadfast opposition to the enemy by our POW's. Exactly the opposite may well seem to be the case to the many loyal men who will remain in captivity. If release comes to be viewed by the prisoners themselves as a "reward" for tractability or docility, they may become demoralized.

Agnew wrote that he had "come to question whether hoped for results justify the risks and probable costs," and he asked for comment from the secretary of defense.<sup>8</sup>

Laird replied on 28 July that he was in complete agreement with the views Agnew set forth, but most of his comments actually pertained to the earlier question of the desirability of allowing representatives of the antiwar movement to play a central role. He observed that "in the past five years, North Vietnam has freed only nine of our men"—if the three now promised but not yet delivered by Hanoi were counted. "Clearly, we cannot be satisfied with either the procedures or the results," or with the fact that "the 'peace activists' involved in the latest release continue to parrot the Hanoi line and to undermine confidence in the strength and will of the government and people of the United States." Therefore Laird believed it was "vital that we cease giving official sanction to negotiations by people such as Davis and Dellinger, act decisively to place the subject of prisoners of war on the proper government-to-government basis in the Paris negotiations, and increase the pressure on Hanoi to honor its signed pledge to adhere to the standards of the 1949 Geneva Convention."<sup>9</sup>

Laird recommended taking up this strong line immediately after completion of the current repatriation, and he forwarded to Agnew the drafts

of two statements, one to welcome the return of the three prisoners when it occurred, the other to be used by Ambassador Lodge at the next peace conference session thereafter. Once past the words of welcome, the first statement turned to denunciation of "the circumstances of this release," saying they reflected Hanoi's determination to ignore the humanitarian standards affecting prisoner treatment. "North Vietnam selected escorts identified with dissident elements in an attempt to embarrass the United States. Accompanying the escorts was a handpicked film crew, demonstrating that the return of these men was motivated by propaganda objectives."<sup>10</sup>

Elliot Richardson, as acting secretary of state, advised Laird that after reading the memorandum for the vice president and its attachments he was confident their two departments were in full agreement on the basic aim of putting the strongest possible pressure on Hanoi to comply with all requirements of the Geneva Convention. Such differences as might exist came down to a question of tactics and timing, Richardson said, and he noted that consultations had already occurred between his senior assistants and Laird's on the first of the draft statements.<sup>11</sup>

In fact, State Department representatives Frank Sieverts and William Sullivan had persuaded their Defense counterparts to delete the passage condemning the peace activists' role in the return. "Fruitless public controversy" may have been mentioned again; in reporting to his superior Sieverts said the guiding thought had been that "there is nothing to be gained by aiming our fire at the peaceniks when the real target is Hanoi."<sup>12</sup>

By 7 August 1969 there was confirmation that Capt. Wesley Rumble, Lt. Robert Frishman, and Seaman Douglas Hegdahl were en route home, and Laird issued his statement welcoming their release. For the most part it reiterated the charges of failure to comply with the Geneva Convention that the secretary had been making since the opening of the Go Public campaign in May, without breaking new ground or heightening the intensity. One distinctive line had survived from the original draft: "While we are pleased that these men have been reunited with their families, the United States Government cannot be content with propaganda-planned releases of a few prisoners at infrequent intervals."<sup>13</sup>

State had stronger reservations about the text proposed for use by Ambassador Lodge. Politely but unmistakably setting it aside, Richardson referred to "certain moves with respect to prisoners being currently pursued with Hanoi. We wish to see how these develop before we take a position on using this statement at Paris or elsewhere." Seven pages long, Laird's proposed text showed little restraint in attacking the entire catalogue of enemy departures from the standards of the Geneva Convention. State could not lightly assent to having the chief U.S. negotiator proclaim such

inflexible positions as the following: "You must understand that no agreement concerning withdrawal of foreign forces, a political settlement, or termination of hostilities can be reached until you, first, demonstrate adherence to the Geneva Convention and, second, arrange to release and repatriate those prisoners held by your side."<sup>14</sup>

*A Policy on Early Release*

Another aspect of the recovery of American prisoners came under consideration as a result of the Rumble-Frushman-Hegdahl return. During his debriefing, Lieutenant Frushman said that some of the men still in Hanoi wished to be informed of the U.S. government's attitude toward further releases of small numbers of prisoners. With them he had worked out a coded means of providing the answer, by indicating the choice among four prearranged statements of policy. In November 1969 Assistant Secretary of Defense Warren Nutter listed these for the members of the DoD PW Policy Committee:

- a. The government does not approve of any future early releases.
- b. The government approves of the early release of sick and wounded only.
- c. The government approves of the early release of sick and wounded and longtime prisoners only.
- d. Anyone is free to accept early release if offered.

He asked the committee members to indicate which of the alternatives expressed the national policy, keeping in mind that "the language given above cannot be altered in responding by the sensitive means that have been established."<sup>15</sup>

No one supported position *a* or *b* during the subsequent discussions. More of the respondents favored *d* than *c*, but with various qualifications and additional comments. The JCS representative was troubled by "the inability to rephrase the listed alternatives in order to provide more specific and meaningful guidance." The Army concluded that "no single alternative adequately reflects current national policy," but if a reply must be made, it would accept choice *c*. The Marine Corps entered a similar reservation but would use statement *d* if necessary.<sup>16</sup>

The Air Force argued more strongly for the view that it was inadvisable to deal with this policy matter by the means currently offered: "The

arrangements to convey one of the alternative statements to our prisoners are highly tenuous. Communication between prisoners and between camps is restricted and if managed is cryptic and precludes explanation. There is a high probability that the meaning of any transmitted message would be distorted and at the same time be received by only a minority of all prisoners." Also, uncertainty had arisen about the prearranged statements, since the three returnees were not in entire agreement about their wording and meaning. On one occasion Frishman himself had listed them without using "only" in *b* and *c*, but he later insisted that the word was essential to the meaning.<sup>17</sup>

By late January 1970 the committee members had decided not to utilize Frishman's arrangement for choosing and transmitting the guidance. They were determined to reach agreement on the wording of a policy statement, however, and to use other, more reliable means of passing it to as many prisoners as possible. The proposal currently under discussion stated that "the US approves the return of sick and wounded and then others in order of longest time in captivity."<sup>18</sup>

The exercise was something more than a quibble over words. To obtain a sense of the quality of thought expended on this subject the comments submitted by the Air Force are worth following in detail:

The Air Force does not concur that "the US approves the return of sick and wounded and then others in order of longest time in captivity" is adequate guidance for US prisoners. In our view, it erroneously presumes an ability to influence the order in which prisoners are released; and, it is inconsistent with the national objective of securing the release of *all* US prisoners at the earliest possible time.

Neither the US Government nor the prisoners are being given an option on who may be released. A prisoner's rejection of an offer of release does not influence the enemy to comply with priorities we may establish. The proposed policy might well result in the continued detention of a number of prisoners who might otherwise accept release.

The proposed policy assumes a clearly distinguishable group of PWs as sick or wounded. This is a direct contradiction of a basic presumption of established DoD policy. Current policy guidance requires that all returned personnel be placed under medical auspices as soon as they are released. The USAF Surgeon General believes that all PWs are ill to some extent due to nutritional deprivation, the prevalence of parasitic diseases and the debilitating effects of isolation, interrogation, etc.

Promulgating the proposed policy would present an impossible dilemma for US prisoners. It is unlikely that each prisoner is aware of his relative state of health and length of captivity compared to that of all other PWs.

Reluctance to agree on a policy which encourages acceptance by any PW offered release has been based on the specter that PWs will vie with each other for release. All Air Force personnel held captive have been trained and provided guidance under the motto "Survival with Honor." Personnel of the other Services have been given similar training. The Air Force view is that, without the specific priorities provided by the proposed statement, these men can be relied upon, to the utmost of their ability, to make decisions and act consistently with principles of honor. If, on the other hand, we are to focus on the hazard of pitting prisoner against prisoner, then the proposed policy provides no less an incentive than any other guidance to compete for release.

A more acceptable statement of policy, phrased in terms suitable to be conveyed to US prisoners verbatim, is "Accept release with honor." This statement provides guidance consistent with the objective of securing the release of the greatest number of prisoners at the earliest possible time. To the extent that conditions permit, it also requires that prisoners faced with possible release consider the prevailing circumstances, as well as the terms of release.

An Army comment paralleled the thought in the last sentence. To fit a captivity situation in which an effective chain of command was operating among the prisoners, the policy statement must be sufficiently flexible to allow for "decisions by senior camp members based upon existing situations."<sup>19</sup>

After further consultation the committee agreed on a declaration that "the US approves any honorable release and prefers sick and wounded and long term prisoners first." Thus the authorities in Washington largely deferred to the prisoners' judgment of whether early release should be accepted in any given instance. Nutter took steps to insure that this policy statement of 26 May 1970 was incorporated in training programs and passed by various means to the men in the camps.\*<sup>20</sup>

\* Because the determination of what constituted an "honorable" and hence acceptable early release remained ambiguous and debatable under the 26 May definition, the issue continued to cause considerable friction among the PWs and to undermine morale and cohesion. Rochester and Kiley, *Honor Bound*, 365-71, deals with the "early release" debate and impact from the captives' perspective.

*A Round of Organizational Proposals*

Laird had welcomed Vice President Agnew's interest in PW/MIA affairs and now counted him among the strongest supporters of the effort to obtain full observance of the Geneva Convention's requirements and to speed the return of the prisoners either through negotiation or by other means. His appreciation of Agnew became evident to a wider circle when Laird submitted recommendations for changes in the administration's PW organization to Henry Kissinger, assistant to the president for national security affairs, in late August 1969.

Laird briefly traced the evolution of organizations and assignments of responsibility for prisoner of war matters, starting with the appointment of Ambassador Harriman in 1966 as the U.S. government's principal spokesman in that area. From the beginning of the Nixon administration in 1969 a more equal division of authority between State and Defense had obtained, with roughly parallel internal organizations in the two departments. Under Secretary of State Richardson was charged with "overall coordination and responsibility for State Department actions concerning prisoners of war in Southeast Asia"; Nutter carried comparable responsibilities for DoD.

"From a Defense standpoint," Laird continued, "prisoner-of-war matters are properly a Defense responsibility because the men involved are servicemen. The State Department has responsibility in this area because our international relations are obviously involved in consideration of prisoner-of-war issues." As between the two he now claimed primacy for his own department—not as a recommendation but simply as a declaration. Unless challenged, it would stand:

Since taking office I have acted with the strong conviction that our responsibility to the servicemen who are prisoners of war morally obligates us [the Department of Defense] to pursue and initiate all programs that might improve the welfare of our men in captivity and secure their release. The Defense Department's overriding obligations to its men who have risked their lives for their country require that we devote a high priority to prisoner-of-war matters.

In present practice, if the working levels at State and Defense could not reach agreement on a PW policy matter the question was referred upward to the departmental secretaries. Laird was not greatly concerned that there was "no formalized interdepartmental structure" for deciding policy questions. More bothersome was the fact that "basic prisoner issues have at times been decided at various levels by State/Defense groups that



are preparing for the Paris talks without clear approval of the highest officials with responsibility for prisoner matters." The greatest need, however, was for means by which State and Defense could be "certain of the support of the highest levels of our executive branch of government before policies affecting prisoners of war are implemented." Laird recommended that the existing working organizations within the two departments be preserved, "but that the Vice President serve as the principal authority on all issues of policy," beginning with a review of all policies currently recommended or in force.<sup>21</sup>

Kissinger acknowledged Laird's submission on 29 August, saying "I truly appreciate the importance and complexity of the prisoner-of-war issue and intend to put it before the President"; "Warm regards" preceded his signature. The final response did not come until 22 October 1969, in a more impersonal communication bearing only Kissinger's initials. President Nixon had reviewed the proposal for employment of the vice president, but he preferred to leave the present arrangements in effect for the time being. "If important differences which cannot be resolved through existing machinery again arise, they should be submitted to the White House for consideration." The president did request that Laird seek ways and means of closer liaison between the entities dealing with PW policy in State and Defense, but the implication was strong that the White House wished to hear no more in the way of organizational proposals.<sup>22</sup>

Laird may well have been surprised five months later when an organizational directive arrived from Kissinger, addressed also to the secretary of state, the director of central intelligence, and the director, U.S. information agency. Certainly he found the content of this memorandum of 24 March 1970 disturbing. It could easily be read as an attempt to shunt the PW issue into a backwater:

The President has decided that efforts on behalf of our prisoners of war in North Vietnam, South Vietnam, and Laos might be made more effective if an interagency committee is set up to exercise guidance and control over all activities, both overt and covert, which are undertaken in connection with the POW issue. He has therefore directed that a Special Prisoner of War Committee be established under the chairmanship of a member of the National Security Council Staff, which will meet regularly for the purposes just described.

The directive gave the four addressees three days in which to nominate representatives to serve on the Special POW Committee as follows: Department of Defense, one representative from SACSA [the Joint Staff's

Special Assistant for Counterinsurgency and Special Activities] and one from ISA; Department of State, one officer with experience in POW affairs; CIA, one person familiar with Southeast Asian operations; and USIA, one person with psychological warfare background.

Both the level of the officials likely to be appointed and designation of an NSC staff member as chairman raised doubts that this committee would have the stature to guide and control major activities. Yet the directive called on it to supervise a wide range of undertakings, including efforts to obtain release of sick and wounded prisoners, gain inspection of PW facilities, and achieve normal traffic in mail and packages, while insuring that effective statements were prepared for use at the Paris talks. "On the clandestine side," the committee was to propose and regulate psychological operations and "exercise jurisdiction over" CIA and military attempts to free captive Americans.<sup>23</sup>

In short order Laird expressed his opposition to creating "such a mechanism." His memorandum for Kissinger skipped point-by-point criticism and returned immediately to the main conclusion of his own proposal of the previous August: existing Defense and State working organizations and relationships on prisoner matters were generally adequate and should continue, but policy attention and direction at the highest level were lacking. "The pressing need, in my opinion, is for continuing policy direction on crucial major issues, which could not be supplied by the interagency group contemplated in your memorandum." Laird had in mind "such difficult questions as the relationship of our PW efforts to the over-all Vietnamization program, to future U.S. force levels in Vietnam, and to the priorities of the South Vietnamese Government." In particular, Laird reiterated, initiatives designed to bring real movement on the prisoner of war issue would need to have behind them the authority and influence that only the highest levels of government could supply.<sup>24</sup>

A Defense official advising Deputy Secretary David Packard had remarked that possibly "it was not Dr. Kissinger's intention to give such a broad charter to a low level group." Surely he did not intend to introduce procedures that appeared to disregard presidential orders of much higher precedence governing the review of clandestine activities.<sup>25</sup> In any event, even before all the objections to it could be heard, the Special Prisoner of War Committee passed from consideration.

Although this action taken in the president's name had emerged in a form unacceptable to Defense, the other statements and directions given by President Nixon since December 1969 testified to his increasing engagement with the PW issue and understanding of its potential importance. The credit for bringing Nixon to this level of awareness must be shared,

with the secretary of state and the next of kin of the prisoners and missing also contributing, but Laird could claim a large portion of it.

*Gaining the President's Attention*

In their desire for assurance that Richard Nixon and his administration were taking up their duties with full awareness of the plight of the Americans captured or missing in Southeast Asia, wives and parents of the men began bidding for the president's attention even before Inauguration Day. The group of wives organized under Sybil Stockdale's leadership in the San Diego area put on a drive that generated more than 2,000 telegrams to the White House on the new administration's first day in office. A few days later notice reached the White House of a letter written on 18 January 1969 by the wife of Capt. Jeremiah A. Denton, Jr., USN, and addressed to the congressman from the family's original home district in Alabama, Rep. Jack Edwards. Nearly three years earlier Edwards had spoken on the House floor of Denton's defiant reaffirmation of his allegiance to the U.S. government when subjected to a TV interview in his Hanoi prison, and Jane Denton now asked the congressman's help in requesting a meeting with the president for her and five other Navy or Air Force wives, all from the tidewater Virginia area around Norfolk.<sup>26</sup>

In a reply to Representative Edwards late in January one of Nixon's aides cited "the overbearing workload" and "the unbelievable demands on the President's time" when explaining Nixon's inability to meet with Mrs. Denton and the other wives. He suggested an appointment with Secretary Laird instead and offered assistance in arranging it. Meanwhile a request that Mrs. Stockdale had made directly to the White House to meet with the president was turned down on similar grounds. In the process a Defense spokesman advised the White House, with State Department concurrence, that it appeared "more appropriate that a representative group, rather than one individual, meet with the President, that is to say wives of Army, Navy, Air Force, and Marine personnel, all of whom are now prisoners."<sup>27</sup>

Thereafter, Rep. Bob Wilson of California followed up on Mrs. Stockdale's request, while Edwards sought an appointment for the wives with Laird or his senior subordinates most concerned with PW/MIA affairs. The latter effort came to fruition on 23 May when seven Navy and Air Force wives from the Norfolk area met in the Pentagon with Nutter, his special assistant, Charles Havens, and Richard Capen, deputy assistant secretary of defense for public affairs. The timing was propitious, for they

gathered on Friday of the week that had begun with Laird's statement and the major press briefing that kicked off the Go Public campaign. "Meeting went very well," according to one participant's notes. "Wives endorsed new public affairs initiative and were appreciative of visit."<sup>28</sup>

Earlier in May Laird had responded to Wilson's request for assistance in designating a nationally representative group of wives and parents to meet with President Nixon, rather than one drawn from Wilson's San Diego constituency. "As you can well imagine, the President's schedule is very tight," Laird wrote, but beyond that he was "somewhat apprehensive" about moving directly to a White House appointment for a few wives of prisoners of war when next of kin meetings with other senior officials of the new administration had not yet occurred.<sup>29</sup>

Laird said he wished to look more deeply into the matter before proceeding, and in fact he had just received an ISA staff study of the experience to date with next of kin consultations with government officials and of the arguments for and against extending them to more senior members of the administration. Virtually the only disadvantage cited in the study was "the bad publicity that would result if a scene should occur or, if subsequent to the meeting, the wife criticizes the official. These problems probably could be avoided by careful selection of the groups that will have the visits." On the other hand, the nearly universal concern among the families was "the fear that they and their husbands or sons are 'forgotten Americans.' . . . If audiences with senior Government officials will help convince the families that they and their men are not forgotten by the United States, such visits will have served a worthwhile purpose."

In any event, the ISA study suggested, denial of the meeting requests could hardly be maintained indefinitely. "Most of the wives of captured American servicemen are mature and responsible women," who readily appreciated that "if the President, the Secretary of State and the Secretary of Defense take an active interest in prisoners of war . . . this message will get across to all levels of Government and to the people." They understood that many important responsibilities other than prisoners of war occupied the senior officials, but they also knew that "the President's advisers make time on his schedule for the first baseball game, birthday parties for celebrities, and other social activities. They will not accept indefinitely a response that busy schedules do not permit visits with wives of Americans who have risked their lives for our country."<sup>30</sup>

As early as 23 April 1969 Richardson had indicated his willingness to join Laird in recommending that President Nixon meet with a representative group of PW/MIA relatives,<sup>31</sup> but Laird did not settle his mind on the matter until after experiencing his own meeting with such a group, in

his Pentagon office on 24 July. The seven wives and six parents attending represented men of all four services, some captured, others missing in action. Mrs. Stockdale, in particular, "made an excellent impression on all concerned," according to one observer. Although "there was some discussion of alleged shortcomings in the way the military services handle family relations, and other awkward questions," the meeting went all right. Laird had succeeded in reassuring his visitors of the administration's commitment to the interests of the prisoners and the missing.<sup>32</sup>

Laird's meeting with PW/MIA relatives and several held by Ambassador Lodge in both Paris and Washington did little to lessen the desire among next of kin for direct access to the president, and the same was true of the family briefing tours in mid-1969 that brought State and Defense officials to 20 locations around the country where they spoke before more than 1,400 relatives of the captured or missing servicemen.\* Requests for an appointment at the White House continued to be received, and they became more numerous after the September press conference at which returnees Frishman and Hegdahl described the harsh conditions the men were living under in North Vietnam.<sup>33</sup>

The need for a more forthcoming response to these bids for White House attention merged with another consideration. Both Laird and Richardson were conscious of the lack of any significant public declaration by the president, either endorsing the statements condemning Hanoi's violations of the Geneva Convention that they had issued in the Go Public campaign or directly addressing the plight of the prisoners and the concerns of PW/MIA families. In a major address to the nation on 15 May the president had set forth the U.S. objectives in the Vietnam conflict and the measures by which he hoped to obtain a satisfactory settlement. The speech contained a single sentence referring to prisoners of war. OSD officials involved in answering queries from Congress and the public had to look elsewhere for words to cite when giving assurance that Nixon was fully apprised of the problem and recognized its importance. The letters dispatched from OSD commonly quoted "his statement to an interested citizen"—actually the same reply that had been sent to all the 2,000 or more telegrams received at the White House on Inauguration Day. Serviceable but hardly a ringing declaration, its three sentences began with "I fully share your heartfelt concern for our prisoners," then paid a brief tribute to the PWs' dedication and devotion to duty and closed with assurance that "their release and welfare will have an urgent priority in our talks in Paris."<sup>34</sup>

\* See Chapter 18.

On 25 September Laird wrote to Nixon, reviewing developments since his own instigation of the policy of speaking openly about the inhumane practices of the enemy and the government's concern for the welfare of the captured or missing Americans. One result had been "an increasing number of contacts by the relatives of these men with various government officials, members of Congress and the news media," including Laird's own meeting with a group of wives and parents. "We believe these contacts have been beneficial," he emphasized, intending to give assurance that the discussions had generally been well-mannered and devoid of protest incidents or other embarrassments. He then spoke of the numerous requests by family members for a meeting with the president. Laird recommended that Nixon invite to the White House a representative group of approximately 20 wives and parents of missing and captured servicemen. He gave two primary reasons for doing so. "This opportunity for you personally to express your concern for the welfare of these men to such a group would offer encouragement to the many families affected." It would also demonstrate that commitment on this subject reached to the highest level of the U.S. government.<sup>35</sup>

Word came from the White House that Laird's proposal had "received a favorable reception and it appears that it will be worked out in the near future," but as time lengthened into November and another presidential address on Vietnam went by without significant mention of the prisoners, OSD officials who kept abreast of opinion among the families urged Laird to renew his appeal for a White House meeting. Citing the "ever increasing frequency" of next of kin requests for an appointment, Havens stressed the importance of having the president openly and personally involved in the PW/MIA problem. Several family members had offered the view that "the President does not know or care about the plight of their loved ones," and Havens intimated that it might not be long before someone made that assertion publicly. A follow-up memorandum for the president was awaiting Laird's signature when, just after Thanksgiving, the White House advised that the date had been set.<sup>36</sup>

Twenty-six wives or mothers received the president's telegram of invitation: "Mrs. Nixon and I would be very pleased if you would come to see us at the White House at ten o'clock next Friday, December 12, 1969, to discuss the distressing situation of our captured and missing servicemen, a matter in which both of us share fully your deep and constant concern." Service casualty assistance officers would advise them of the further arrangements, including the government-funded transportation that would bring them to Washington on 11 December in time for the evening's reception and dinner. Held at the Bolling Air Force Base Officers' Club, these events

were attended by the secretaries of state and defense, various OSD officials, the secretaries of the three military departments, and the service chiefs.<sup>37</sup>

The following morning the 26 wives and mothers were received by Mrs. Nixon in the White House library, then joined by the president. After their discussion he led five of the participants to a meeting with the White House press corps, where he introduced them as "five of the most courageous women I have had the privilege to meet in my life." He spoke of his 26 guests as representative of approximately 1,500 wives and mothers of American servicemen missing or captured in Vietnam and reminded the press that some of the men had been in that status "for as long as 5 years, most of them 2 to 3 years." Nixon's further remarks constituted the first presidential statement recorded during his administration that directly addressed the PW/MIA problem:

Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

What I have assured these very courageous women is that, first, in reaching a settlement of the war, that an integral part of any settlement that is agreed to must be a settlement which is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and progress made on it prior to the time that we reach a complete settlement of the war.<sup>38</sup>

It appears that President Nixon was genuinely affected by the meeting, that his reading of the briefing materials followed by personal discussion with the women named in them had imparted a human dimension to the problem he had not felt before. Two years later he recalled the occasion, "in the White House Library, at Christmastime 1969," saying that "from that time . . . I have considered the problem of obtaining the release of our POW's and missing in action as being one that has Presidential priority."<sup>39</sup>

*Responding to the President's Call*

"The President has now indicated publicly that the highest priority has been assigned to the prisoner of war problem," Capen wrote Nutter, in light of the White House action of immediately releasing the full text of Nixon's remarks on 12 December to the press. Presidential assistant Alexander P. Butterfield spoke of it as a "directive that we move ahead on a far more massive scale to seek humane treatment, and hopefully an early release, of our POWs," and soon afterward Laird called it "an excellent statement of our commitment to these men and their families."<sup>40</sup> Also, Laird moved quickly to propose specific actions to attain the goals Nixon had set.

In his memorandum for the president on 20 December Laird recommended that he "designate a special presidential emissary (perhaps Arthur Goldberg or Ralph Bunche)\* who could visit the capitals of selected countries which previously have expressed a concern for our prisoners of war" and confer with officials of their governments. "Such meetings would confirm the high priority you have assigned to this matter." Further, "our Delegation in Paris should develop a series of hard-hitting statements" for use in the negotiations, giving emphasis both to the enemy's disregard for humane standards generally and to specific violations of the Geneva Convention that raised doubts about the reliability of any future international agreement Hanoi might sign. Besides recommending that presidential speeches and statements continue to include references to prisoners of war, Laird suggested that Nixon "might wish to reconsider" the earlier idea of defining a major role for Vice President Agnew.<sup>41</sup>

When Kissinger asked Richardson to comment on Laird's proposals, he replied on 30 December that the idea of a special presidential emissary "could have merit." Care would have to be exercised in selecting the person

\* Goldberg was a former Supreme Court justice and U.S. ambassador to the United Nations and Bunche was a former State Department and UN official.



and in preventing his mission from becoming “enmeshed in other aspects of Vietnam diplomacy,” but if the right man could be found, “this could be a dramatic way of highlighting our country’s concern about our men and our determination to explore all avenues that could lead to their release.”

Richardson opposed the idea of “putting the vice president in overall charge of prisoner matters,” as he had when Laird first offered it in August. Then he had objected that the subject was too intimately related to both the Paris negotiations and the conduct of the war to be detached from the coordination and policymaking processes already in place. An attempt to deal with PW/MIA considerations through a separate channel overseen by the vice president would be disruptive, leading to delay rather than expedition in decisionmaking. Richardson now gave the argument an additional turn that furthered the objective both he and Laird were currently pursuing. While he welcomed Agnew’s advice and involvement, “the President’s own demonstrated personal interest in the subject seems . . . the best way of showing the families of our men, and the world generally, that this is a matter of the highest importance to this Administration.” Accordingly he joined in Laird’s hope that the president would continue to speak out on prisoners of war.<sup>42</sup>

Kissinger forwarded Nixon’s decision on 22 January 1970, in a memorandum addressed jointly to the secretaries of state and defense. Except for ignoring the suggested assignment of a role to the vice president, it constituted a point-by-point acceptance of Laird’s original recommendations:

In keeping with the President’s desire to assign the highest priority to the issue of the prisoners of war held by North Vietnam, he has directed you to take the following joint actions:

(a) Nominate a suitable individual to be designated a special Presidential emissary on prisoners of war who would travel to foreign capitals to transmit the President’s personal concern on the prisoners issue . . . .

\* \* \* \* \*

(c) Instruct our delegation in Paris to continue to press the North Vietnamese on the prisoner issue, and to prepare a series of hard-hitting statements for this purpose.

(d) Provide materials for the President’s use in dealing with the prisoner issue in speeches and public statements.<sup>43</sup>

*The Borman Mission*

Over the following months Laird and his senior subordinates led the search for a suitable presidential emissary on prisoners of war. In mid-February Laird informed Kissinger of his considered opinion regarding possible candidates. He nominated with equal enthusiasm either Thomas E. Dewey, former New York governor and two-time presidential candidate, or veteran diplomat Robert D. Murphy, now retired after a career that included unusually wide experience as a presidential representative in critical situations. Evangelist Billy Graham was another possible choice. On this and several later occasions Laird pressed his opinion that "it is essential that such an emissary be designated as soon as possible." He let his own staff know that he intended that Defense take a leading role in providing guidance and assistance to the person chosen.<sup>44</sup>

While awaiting the White House decision on a candidate, Laird sent Kissinger a memorandum detailing his views on the forthcoming announcement of the appointment and the itinerary, team composition, preparation, and objectives of the mission. He recommended that President Nixon personally introduce the selected person to the White House press corps, with the secretaries of state and defense in attendance. Laird's adaptation of an itinerary suggested earlier by State included stops at the United Nations, Geneva, and the capital cities of seven countries where the emissary might talk with high government officials, heads of Red Cross societies, church and business leaders, and others who could be helpful. He thought the emissary should be accompanied by at least one State Department representative and two or three from Defense.

Laird gave "tell the PW story" as one of the mission's objectives, suggesting that the emissary discuss the main features of the prisoner of war situation with the country's chief of state or prime minister and offer a full briefing for the latter's principal assistants. Here the team could draw heavily on materials developed by Defense during the Go Public campaign. Further, "he should lose no opportunity to ask foreign leaders what they believe is needed to solve the problem, and to solicit specific offers of assistance." At all times the president's representative should seek high visibility and maximum exposure to the press, but in responding to newsmen's questions he must avoid being drawn into political discussions and maintain a "strictly humanitarian emphasis."<sup>45</sup>

At length the White House chose to approach Governor Dewey, and on 22 April a party of officials headed by Nutter, Capen, and Sieverts visited his New York law office with the hope of persuading him to undertake the mission. Though resistant at first, pointing out that he had no

background on prisoner of war matters beyond that of the ordinary reader of the *New York Times*, Dewey agreed to consider the assignment. Laird followed up with a telephone appeal and some further consultations with White House officials occurred, but in early May Dewey decided to decline the offer. He had concluded that the mission was “almost exclusively a public relations undertaking, valuable, important—perhaps critically important—but still essentially public relations. This is not an area where I have any special expertise and for that reason it does not seem to me that I should undertake it.”<sup>46</sup>

Laird immediately recommended that the other principal nominee, Robert Murphy, be approached to determine his availability. Very willing to serve, Murphy entered energetically on a course of study, briefings, and renewal of contacts in preparation for undertaking the assignment. Planning had begun for the president’s formal announcement of his appointment when, in mid-July, Murphy found it necessary to withdraw because of his wife’s ill health.<sup>47</sup>

When writing to Kissinger on 23 July Laird offered a new nominee, already interviewed and found to be “most anxious to do whatever he can to assist in resolving the prisoner problem.” His new choice was Frank Borman, a former astronaut and commander of Apollo 8 on America’s first manned lunar orbit, now a recently retired Air Force colonel serving as an Eastern Airlines vice president. The statement that President Nixon released on 7 August announced Borman’s appointment as “my Special Representative on Prisoners of War” and outlined his forthcoming visit to countries around the world to seek the help of third parties. Elsewhere in the statement Nixon reiterated themes whose appearance in speeches and proclamations during the preceding seven months of 1970 had exemplified his increased attention to the PW issue. “No goal is more important to my administration than securing the humane treatment and earliest possible release of all Americans held by the enemy forces in Southeast Asia.”<sup>48</sup>

Borman departed on his mission early in the second week of August, accompanied by Col. Milton K. Kegley, USAF, detailed from his post as Capen’s special assistant. Well informed on the prisoner question and experienced in public relations and dealing with the press, Kegley gave able support throughout the journey, while U.S. embassy in-country staffs provided advice and made local arrangements. Borman went first to Moscow, then Warsaw, Stockholm, Paris, Geneva, Belgrade, and Algiers, on through Iran, India, and several Southeast Asian nations to Tokyo and Hong Kong. He was on the first leg of his journey when North Vietnam made its opinion known. Calling the mission “Nixon’s contemptible trick,” Radio Hanoi predicted that it would end in “ignominious failure.”<sup>49</sup>

Colonel Borman reached California on 1 September and the next day reported personally to the president at the Western White House in San Clemente. Emerging for a press conference, he said that while he could not point to any major breakthroughs or significant changes in North Vietnam's position, there had been a sympathetic reaction to his mission at each of the 12 stops where he talked to government leaders, all of whom had indicated that they would make new approaches to Hanoi on behalf of the prisoners. Similarly, when assessing the results for Secretary Laird, Borman stated that "while the trip did not produce any immediate results, it is my sincerest hope that it may have created a climate that will produce some movement toward resolution of this difficult issue." This was also the tenor of his address before a joint session of Congress on 22 September, which Borman concluded with a personal appeal for congressional and countrywide support for the prisoners' cause and for considerate and unfailing care for the PW/MIA families.<sup>50</sup>

Though certainly not an ignominious failure, the Borman mission did have less impact than a fully realized implementation of Laird's original concept would probably have achieved. The mission was launched with a less ceremonious send-off and a less imposing entourage than Laird had recommended. The accomplishments that distinguished Colonel Borman's career commanded respect but did not add as much weight to his authority as a presidential representative as the longer political experience of some of the nominees initially sought would have given it.

Beyond that, whoever undertook the mission had to cope with an international atmosphere somewhat changed by Nixon's announcement on 30 April 1970 of a major military incursion into Cambodia. The move met with criticism in some quarters at home as a betrayal of the president's pledge to wind down the hostilities and was followed by widening antiwar demonstrations after the tragic encounter between Ohio National Guardsmen and student protesters at Kent State University on 4 May. Abroad, many opinion leaders viewed both the Cambodian operation and the demonstrations as diminishing the moral stature of the United States.

Writing to the secretary of state on 19 September, Laird accepted that there had been "no immediate positive developments" from the mission but expressed the hope that Borman had "created a climate that will facilitate future progress." He thought the United States should move ahead promptly with follow-up activity and not let the Borman mission appear to be a one-time effort. Laird suggested that State communicate with each of the governments the emissary had visited to urge their continuing attention to the PW/MIA problem. He also believed that American diplomatic representatives around the globe "should receive frequent updates on the

status of our efforts, and be reminded continually to place a high priority on this subject," adding that "my staff would be pleased to provide information and assistance to your people in this regard."<sup>51</sup>

State's response came from an official not yet jaded by the Defense Department's constant importuning on the PW subject and comfortable in dealing with the Pentagon as well. In fact, John N. Irwin II had served as assistant secretary of defense (ISA) for more than two years during the Eisenhower administration. Now recently installed as under secretary of state, he noted that this meant he had "inherited Elliot Richardson's responsibilities for prisoner of war matters." Irwin wrote that as soon as Borman's address to Congress became available he had instructed U.S. diplomats to call it to the attention of officials in the nations the colonel had visited and to renew the request for assistance. Reports were already coming in from the embassies on the latest efforts of these countries "to secure humane treatment for our men and to speed their release," and Irwin pledged the fullest utilization of the diplomatic resources of the United States to achieve that goal.<sup>52</sup> It was evident, however, that the current entreaties to Hanoi broke no new ground. The enemy would probably remain as unresponsive as before to third-country pleas.

#### *The PW Issue's Place in the Negotiating Scheme*

Midway in 1970 Laird launched an effort to have the PW issue integrated more effectively with both the negotiations for peace and the scheduling of U.S. troop redeployment under the Vietnamization plan. Submitting his 17-page analysis and recommendations to both Kissinger and Secretary of State William Rogers on 18 July, he declared that there was "no other policy paper available in the Washington community which deals with this relationship; yet these matters go to the heart of our involvement in Vietnam."<sup>53</sup>

"The return of all US prisoners of war is a US objective second only to our overriding objective of a political solution that reflects the will of the South Vietnamese people and allows them to determine their future without outside interference," the paper began. "Present US policy calls for treating the prisoner issue separately on a humanitarian basis until the final settlement." What must be confronted, however, "is the plain fact that our current policy on the prisoner issue just is not working well enough." The separate-issue approach, for all the energy and effort it consumed working through diplomatic channels, international bodies, and third-country intermediaries, had proved unavailing.

Laird's frank analysis continued with a reference to "the demonstrated inability of world opinion alone to force the other side to negotiate the prisoner issue." There was also an unblinking acceptance that the Vietnamization process was irreversible, because "domestic considerations will preclude any slowdown or halt in the current rate of US redeployments." Thus the time available for using direct military leverage to speed negotiations was "definitely limited"; "we will be forced by about mid-1972 to rely more on non-military than military means of leverage."

"Beyond doubt," the secretary's argument continued, "heavy suasion on our part will be required to force the other side to negotiate meaningfully on the prisoner issue." The current policy, based mainly on bringing world opinion to bear on Hanoi, must give way to one that took advantage of all available leverage and negotiating collateral. Those available means—military, political, psychological, and economic—were the same ones already being used in negotiating for such objectives as a cease-fire, pull-back of forces, and a political settlement. Therefore, "some linkage is essential."

Laird wished to "make consideration of the prisoner of war issue an integral part of our planning" and thereby "ensure that every action taken has some positive impact, either direct or indirect, on prisoner return." He suggested that any negotiating or redeployment proposal not meeting that test be required to include specific justification for its failure to do so. To illustrate the linkage approach, Laird offered four alternative scenarios, ranging in tone from conciliatory to threatening; in each of them the president was to use some variant of the statement that "without progress on the prisoner issue, there could be no progress on anything."

Laird recommended that the policy paper with its package of scenarios be sent on to the National Security Council for consideration. He even sought a place on the agenda of the next NSC meeting, only three days away, but the deliberations on his 18 July submission proceeded at a much slower pace than this. On 31 August Kissinger referred it to the interagency Ad Hoc Group on Vietnam, chaired by Ambassador William Sullivan, who reported the group's findings in late October. All agencies represented there agreed that "the need to secure the release of our men must be an integral part of our future negotiations planning, and an integral, albeit subsidiary, consideration in all redeployment planning"—an adoption of Laird's own wording, but without the further enforcing provision he had offered. Kissinger specifically concurred in this conclusion while endorsing the other main finding, namely, that the object of "linking the POW issue more closely to our negotiating strategy" had largely been achieved by President Nixon in his peace initiative of 7 October 1970, inasmuch as a proposal for the immediate and unconditional release of all prisoners of

war had been one of the five points in his address. There was no direct comment on Laird's four scenarios since, as Kissinger indicated, "the best course in Paris at this time is to continue pursuit of the President's far-reaching proposals."<sup>54</sup>

Laird gave wholehearted support to this follow-up effort,\* but he could hardly fail to notice that inclusion in the same speech was still virtually the full extent of the PW issue's integration with the other issues under negotiation. Nixon's presentation of the prisoner release proposal had actually been the strongest appeal he was ever to make for resolution of the prisoner question on a humanitarian basis, separate from the main negotiations.<sup>†</sup>

Laird brought the subject up again the following spring in an eyes-only memorandum for the president. Dated 17 May 1971, the communication noted the increasing conviction, especially among relatives of the prisoners, that the PW issue "is not separable on a humanitarian basis so long as the other side chooses to use the men to gain their political ends." In the current negotiations the enemy was demanding that Washington set a date for total withdrawal of U.S. forces in return for discussion of prisoner release. The publicly stated position of the Nixon administration was that some U.S. troops would remain in Vietnam as long as the enemy held American prisoners, so to that extent the U.S. government also linked prisoner release to the main negotiations.

"Without further clarification, our policy incurs certain potential disadvantages," Laird wrote. "While we may insist that the issue should be treated separately, the other side has established it as a political/military bargaining issue" and "we run the risk of maneuvers both at home and by the enemy that could create serious problems for us."

For example, the enemy might conclude that a clear offer to "release" US prisoners at a specified time would exert sufficient pressure on this Administration to force it to accept already established demands. Or, even worse, the North Vietnamese might go beyond their present demands and propose a specific date for the return of all our men held prisoner in North Vietnam, Laos, and South Vietnam providing we agree to terminate all Military Assistance to South Vietnam and providing we agree to contribute Economic Aid to all the countries of Southeast Asia, including North Vietnam. Under current political and public pressures, I believe it would be extremely difficult if not impossible to reject

\* See Chapter 13.

† See Chapter 21.

a forthright offer to release US prisoners in exchange for setting a date certain for our total withdrawal. I also believe that an enemy proposal linking Military Assistance and Economic Aid to a specific release date for our captured men might well gain the support of a Congress that is already lukewarm to our continued efforts in South Vietnam . . . .

In my view, it is therefore urgent that we review again the question of linking release of prisoners to troop withdrawal and the setting of a date certain for US withdrawal. I believe our only hope for avoiding damaging concessions is to pre-empt enemy moves on this issue.<sup>55</sup>

A U.S. move compatible with what Laird apparently had in mind did occur exactly two weeks later. At the 31 May session of Kissinger's long-running secret negotiations with the North Vietnamese he offered to set a terminal date for withdrawal of U.S. and allied forces from South Vietnam in exchange for the release of all prisoners of war and an internationally supervised cease-fire throughout Indochina. The North Vietnamese representative rejected the proposal, mainly because it did not also satisfy Hanoi's demands regarding the future form and control of the South Vietnamese government.<sup>56</sup> Occurring in the secret negotiations rather than the openly conducted Paris talks, the Kissinger offer and its rejection remained unknown to the American public until early 1972 and hence had no impact on the attitudes developing during the current debate over the nation's Vietnam policy.

#### *The Son Tay Raid*

The Department of Defense had succeeded in keeping one of its major initiatives secret during an extended preparatory stage and through its implementation. When officially released late in 1970, news of a daring rescue operation deep in the enemy's territory dominated the headlines and lifted the spirits of many readers, including the families of the prisoners and missing.

Appearing before the Pentagon press corps on 23 November, Laird revealed that some months earlier, under a contingency plan approved by the president, a commando force had been assembled composed of volunteers from the special forces units of the Army and Air Force. In preparation for the mission of recovering American prisoners from a compound in North Vietnam they then underwent three months of training that was "meticulous, intensive, often around-the-clock." The targeted prison camp, thought



to have a capacity of from 70 to 100 inmates, was at Son Tay, about 23 miles west of Hanoi.

After a full briefing Nixon approved Laird's recommendation that the mission be undertaken during the short period in November when probable dry weather and the desired level of moonlight would be available. The president acted with awareness "that we would be forced to operate on necessarily limited intelligence and recognizing also the hazards of the mission," Laird said. A key factor in the final decision was "the new information we received this month that some of our men were dying in prisoner of war camps." He described the attempt to rescue prisoners as something the United States had found necessary "in the face of the continued and adamant refusal of the other side either to abide by the provisions of the Geneva Convention or to participate in meaningful negotiations on the exchange of prisoners of war."

Laird introduced the two officers standing beside him at the press conference: Brig. Gen. Leroy J. Manor, USAF, in overall command of the operation, and Col. Arthur D. Simons, USA, leader of the search and rescue (SAR) team. He then recounted how at about 0200 (early morning in North Vietnam, midafternoon Washington time) on 21 November the team crash-landed one helicopter within the Son Tay compound while others descended outside. Quickly overwhelming the surprised guards, the intruders raced to complete their mission. "Regrettably, the rescue team discovered that the camp recently had been vacated. No prisoners were located. The SAR team, according to its well-rehearsed plan, searched every building and broke the locks on doors of rooms which had been used as detention cells. They successfully returned to safety without suffering a single serious casualty."<sup>57</sup>

In fact, Son Tay had been in continuous use as a prison camp since May 1968, but on 14 July 1970 all the captive Americans were withdrawn. The aerial reconnaissance photography taken thereafter showed no pronounced change; evidence of activity and some level of occupancy continued to be seen.<sup>58</sup>

The day following his announcement to the press Laird testified for more than two hours at a televised hearing of the Senate Foreign Relations Committee, and under the questioning of Chairman J. William Fulbright and others the secretary's reasons for sponsoring the Son Tay raid were set forth more fully. Asked the source of the reports of fatalities among the prisoners, he stated that early in November Mrs. Cora Weiss, antiwar activist and co-chairman of the Committee of Liaison with Families of Servicemen Detained in North Vietnam, had made public a list of six men the North Vietnamese government said were dead. Then, just after the execute order

for the operation was given, U.S. authorities learned that Mrs. Weiss had received another list of 11 from Hanoi, not yet publicized. Admittedly the sketchy information released did not establish that all 17 had lost their lives as the result of neglect or mistreatment by their captors, or even that all deaths had occurred while in enemy hands. However, at least 11 of the men had been positively identified as prisoners of war well before the announcement of their death; it was legitimate to say that Americans were dying in North Vietnamese prisons.<sup>59</sup>

Several of the considerations already mentioned came together in one passage of Laird's testimony. He had heard it claimed by some that the rescue attempt might have jeopardized the lives of American prisoners, but he thought it should be remembered that the lives of U.S. servicemen were "in danger every day that Hanoi holds them" under conditions that disregarded the Geneva Convention and allowed no impartial inspection. Laird said he could not ignore the fact that men were dying in captivity, at a time when the Paris talks offered no hope of speedy progress toward an end to their imprisonment. "I concluded that there was no other acceptable alternative than to recommend that the volunteer force . . . should be authorized to make a valiant attempt to save their fellow Americans."<sup>60</sup>

Further, the secretary said the one thing that convinced him more than anything else to sponsor the operation "was my discussions with several of the prisoners who were released, the last three that came out [Rumble, Frishman, and Hegdahl]," who told him of their concern "that we in the United States had forgotten them." Clearly, "in order to maintain oneself for 5, 4, 3 years, there must be hope, and according to these men many of our prisoners of war were losing their hope and their faith. I felt that this was important to their survival." By mounting the raid "we have not only shown North Vietnam, but we have also shown the prisoners of war that we do care, that we do have the capability to go forward with their rescue." In fact, in various forms Laird cited this justification most frequently for the rescue operation, both to the senatorial committee and to newsmen outside the hearing room.<sup>61</sup>

Laird objected to having the raid termed an intelligence failure, pointing out that all information was correct regarding the buildings and layout of the compound, the location of antiaircraft and surface-to-air missile defenses, and the pattern of gaps in the enemy's radar coverage that permitted the force to penetrate nearly to the capital of North Vietnam without detection. "The intelligence for this mission was excellent, except for our not having a camera that would see through the rooftop of buildings" and reveal whether prisoners were present. Under close questioning he did state that no photography had been available showing men in

the open who were presumed to be prisoners, but then inmates were rarely allowed outside their buildings, according to the recent returnees. Belief that there were American captives in the camp rested both on aerial surveillance and on other intelligence information, which he preferred not to discuss in detail. "I felt the risk was worth it, and I recommended this mission, and I take the responsibility."<sup>62</sup>

Even in the face of some later charges and revelations, Laird's reasons for going ahead with the rescue mission remained defensible and probably sufficient.<sup>63</sup> And though the raid was unsuccessful in its primary purpose, the secondary objective of giving assurance that the U.S. government had not forgotten and would, in Laird's words, "take rather unusual means to see that these men are returned as free Americans" had been attained. An incident at an Air Force luncheon during the annual meeting of the National League of Families in September 1971 attested to this. Despite having lived through 10 more months of separation and uncertainty over the fate of their husbands and sons since the raid, wives and parents rose to their feet and delivered the longest and most emotional ovation of the afternoon when General Manor was introduced.<sup>64</sup>

The raid's most important favorable result was unanticipated. While there had been predictions that the enemy would respond to the rescue attempt with tighter guard measures, harsher treatment, and possibly direct reprisals against American prisoners of war, the steps taken by North Vietnamese authorities actually improved the living conditions and chances of survival of nearly all prisoners. To reduce vulnerability to further raids the enemy abandoned various smaller outlying camps and moved all the inmates to downtown Hanoi. There many men who had been kept in isolation for three years or more gained roommates for the first time—as many as 57 companions in some rooms of the "Hanoi Hilton," as the main downtown prison had been dubbed by the PWs. The concentration of the prisoners greatly enhanced the effectiveness of their internal organization and chain of command, their solidarity, and their leaders' potential bargaining power with the prison authorities. As proclaimed again and again in the memoirs of the Americans who returned home, the Son Tay raid led to the greatest increase in morale and improvement in well-being experienced during their entire imprisonment.<sup>65</sup>

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## A Bitter Lesson

During 1970-71 the United States aggressively pursued new efforts to secure release of the American and allied prisoners held by the enemy. Like their predecessors in the Johnson administration, State and Defense officials serving under President Nixon began developing plans for freeing some enemy prisoners in the hope that this might induce the other side to respond with a reciprocal release. The difficulties and frustrations they would experience in this endeavor were already familiar. Since the government of South Vietnam (GVN) had custody of all prisoners of war, whether captured by U.S. forces or its own, the leaders in Saigon had to be persuaded to participate in any plan for the exchange or unilateral release of prisoners, or for their internment in a neutral country. Like earlier South Vietnamese heads of state, President Nguyen Van Thieu was understandably reluctant to give back any prisoner who might resume his role as a North Vietnamese or Viet Cong combatant.

On the other side, the Democratic Republic of Vietnam (DRV) had steadily refused to be a party to any exchange arrangement, and its response when the GVN undertook a unilateral return of detainees rarely went beyond observing an informal cease-fire at the scene of the release. North Vietnam and the Viet Cong did occasionally turn loose some captured Americans, though never more than three at a time. These releases were unrelated to those made by South Vietnam and the United States, however, and the propaganda purposes that inspired them were usually self-evident. Attempts to gain the enemy's assent to exchange proposals were further complicated by Hanoi's commitment to maintaining the fiction that there were no units of the North Vietnamese Army (NVA)\* operating in South Vietnam;

\* In earlier years these forces were more commonly referred to as PAVN, for People's Army of [North] Vietnam.

hence the DRV's spokesmen declared that there could not be any captured NVA soldiers to exchange.

The atmosphere in which Nixon administration officials operated differed in one important respect from the past. They acted within the context of the Go Public campaign, courting rather than avoiding full publicity and seeking to enlist world opinion as a force to influence North Vietnam to modify its stand on prisoner exchange. As the prime exponent of that campaign, constantly aware of his responsibility for the U.S. servicemen missing or captured, Secretary of Defense Laird played a leading role in these endeavors.

#### *Building on South Vietnam's Unilateral Release Effort*

In the closing weeks of 1969 a proposal by the GVN to return 62 sick or wounded members of the North Vietnamese Army to their homeland was under discussion at the Paris peace talks. The chief of South Vietnam's delegation, Ambassador Pham Dang Lam, had made the offer in November in accordance with Article 109 of the Geneva Convention, which required such action. "Parties to the conflict are bound to send back to their own country, regardless of number or rank, seriously wounded and seriously sick prisoners of war, after having cared for them until they are fit to travel," the article read, but with the proviso that "no sick or wounded prisoner of war . . . may be repatriated against his will during hostilities." When North Vietnam's representatives scornfully rejected Lam's proposal, the South Vietnamese government appealed to the International Committee of the Red Cross. If Article 109 bound Saigon to return prisoners who qualified as sick or wounded, surely it must require Hanoi to accept them, the GVN argued when calling on the ICRC to assist in obtaining a more favorable response.<sup>1</sup> The matter remained at issue as the new year began.

Laird had welcomed the GVN's initiative in offering 62 disabled soldiers, but he was already contemplating the gains that might be scored by a more aggressive program of sending NVA prisoners homeward. In a memorandum for Secretary of State Rogers on 31 January 1970 he spoke of the period of the Tet holiday in February as affording "a unique opportunity to continue the momentum." Laird suggested urging President Thieu to announce that in honor of Tet a substantial number of North Vietnamese prisoners of war would be released for return to their homes. "The release would be unconditional, but the announcement could imply additional releases . . . if *any* sign of reciprocity were shown by the North

Vietnamese." Although wounded prisoners would receive first priority, Laird expected to draw from the entire body of NVA captives, currently numbering about 7,000 and increasing monthly. He was convinced that the release of an unusually large number, coupled with the "conciliatory nature" of the proposal, would have a significant impact. "The public relations gains alone would probably make the effort worthwhile."<sup>2</sup>

Laird reviewed the alternatives open to the enemy if faced with such a move:

1. Refuse to accept the prisoners. In this case, they would appear quite inhuman both in this country and abroad . . . .
2. The North Vietnamese could accept the prisoners without releasing any of our men. Although President Thieu would not ask for reciprocity, the public naturally will expect some reciprocal action and the enemy's failure to respond should help solidify opinion behind our effort in Vietnam . . . .
3. The North Vietnamese could accept the prisoners and release some American prisoners in exchange, or at least allow communication with them. In addition to the humanitarian aspects, this could serve as a clear signal of willingness to hold informal secret negotiations . . . .<sup>3</sup>

Under Secretary of State Elliot Richardson immediately cabled the text of Laird's memorandum to Ambassador Ellsworth Bunker in Saigon with his own comments. He recognized that Laird's proposed release differed in both nature and scale from what Thieu's government had theretofore been willing to undertake. With rare exceptions all previous instances had involved only sick and wounded prisoners or native South Vietnamese who had renounced insurgency and pledged to take up civilian pursuits. "Nevertheless," Richardson wrote, "I am sympathetic to the proposal as a dramatic way of highlighting our humanitarian concern about PW's on both sides, and of putting pressure on Hanoi to release some of our men in response."<sup>4</sup>

Less than two weeks later Laird himself was in Saigon to assess the progress of Vietnamization and survey other matters on behalf of President Nixon. During an extended consultation with President Thieu on 12 February he pressed the point that Hanoi's leaders deserved to be exposed and placed on the defensive for disregarding their obligations under the Geneva Convention and that an effective means of accomplishing this would be to offer a large release of North Vietnamese prisoners.

"The initial number might be 500 or 1,000 or even more." According to the conference record Thieu indicated "general assent to the Secretary's remarks."<sup>5</sup>

Both State and Defense officials considered that the South Vietnamese leader had agreed in principle, but as yet no implementing plan had been formulated. Following Laird's return to Washington and submission of a report to President Nixon, a clear signal of White House interest gave impetus to the matter. Henry Kissinger passed the word, for transmission to Bunker, that the president "wishes greater efforts to be made to persuade President Thieu to release some enemy prisoners unilaterally."<sup>6</sup> By 5 March State officials were exulting over the ambassador's report that Thieu had directed that an offer of a major release of NVA prisoners be prepared. They considered this the most promising initiative currently available—one that could "generate such pressures in world opinion that Hanoi may feel compelled to adopt a more moderate position." Calling on Bunker to press the matter in Saigon, they declared that the "potential of a well-publicized offer to return 500 or more prisoners to NVN is such that it should be made at earliest possible moment, without waiting until details of turnover, route, identity of men, and the like have been worked out." Thereafter the undertaking appeared to be progressing well, and presentation of the proposal at the Paris peace talks on 26 March was expected.<sup>7</sup>

On 24 March, on becoming aware of an impending holdup in the action, Bunker obtained an audience with Thieu and "went over the ground with him again, pointing out the many reasons why it would be advantageous to make a major offer now." Thieu replied that after discussion with his advisers he had concluded that approximately 323 sick and wounded NVA prisoners could be offered for repatriation, subject of course to their expressing willingness to be sent home. He could not agree to return of able-bodied prisoners because "this would not be acceptable to the soldiers whose comrades had given their lives in capturing the prisoners, and it would create unacceptable political problems for the government." When Bunker suggested it was unlikely the enemy would assent to receiving such prisoners and therefore the risk of their returning to fight again was quite small, "Thieu agreed but said the offer itself, if able-bodied men are involved, would not be understood in South Viet-Nam."<sup>8</sup>

State officials informed the U.S. delegation in Paris that they were "extremely disappointed" with Thieu's decision not to follow through on the agreement in principle by repatriating 500 or more men. Accepting that the offer to return more than 300 sick and wounded NVA prisoners was the best that could be achieved at present, State instructed the delegation to go forward with that initiative, in coordination with the GVN's representatives and "with as much publicity and favorable attention as possible."<sup>9</sup>

Supported by U.S. Ambassador Philip C. Habib, the South Vietnamese spokesman made the presentation on 26 March, now giving 343 as the number of sick and wounded available for repatriation—a figure that included the 62 previously offered. Attempts at this and subsequent meetings to get the North Vietnamese to discuss practical arrangements for receiving the releasees brought only vilification in reply. By June, however, the GVN with U.S. encouragement had developed a plan for transporting disabled NVA servicemen by sea to a point off the North Vietnamese coast and then sending them ashore in boats. In Paris, Ambassador Lam announced that this return would occur on 11 July 1970 and would include both the original 62 sick or wounded NVA prisoners of war and 24 non-military detainees who were North Vietnamese fishermen taken into custody when driven into South Vietnamese waters by a typhoon.<sup>10</sup>

The North Vietnamese delegation, and later the Hanoi radio, responded with a statement along lines used on a few occasions in the past,\* acquiescing in the return while condemning as false and deceitful the claim that the returnees were NVA soldiers. Those resisting aggression in the South were simply Vietnamese patriots; if set free, any who wished to live in the North would not be turned away. “Specifically, the Americans and the Saigon Puppet Administration must release them at the 17th parallel or at a place adjacent to DRV territorial waters, and must make known in advance the place of release.” Also, the DRV spokesman rejected a proposal that ICRC observers accompany the releasees up to the point on shore where North Vietnamese authorities would take charge of them.<sup>11</sup>

The repatriation occurred on the scheduled date, with the 24 fisherman returnees operating the two motorized junks used for the final lap of the journey. North Vietnamese insistence that no one but the released men intrude upon the DRV’s territorial waters meant the vessels could not be returned for lack of a crew, and they were beached on the shore. As had been common in earlier releases of North Vietnamese personnel, once freed the returnees demonstrated their disdain for the South and their true allegiance to the North by throwing overboard all clothing and other personal articles supplied by their former captors.<sup>12</sup>

#### *Pressing for Inclusion of Able-Bodied Prisoners*

Once again Laird concentrated on possible follow-up actions, particularly the release of a large number of prisoners to North Vietnam, spaced

\* See Chapter 5.



over a period of six months or longer. As before, the goal was "to generate sufficient momentum behind the notion of 'prisoner release' to bring irresistible pressure to bear on NVN to return our PWs." Such a large-scale release would undoubtedly require "dipping into able-bodied ranks," and the draft State/Defense message of 7 July that Laird sponsored asked for Bunker's comments on how Thieu's opposition to giving up able-bodied NVA prisoners might be overcome. Senior State officials withheld approval of the message, deferring to Bunker's strongly voiced opposition to receiving any instruction for the present that would stir up this sensitive area of U.S.-GVN relations. They suggested keeping Laird's proposal for discussion during Bunker's scheduled visit to Washington later in July.<sup>13</sup>

Laird's consultation with Bunker occurred in the Pentagon on 20 July 1970, with both Habib and his designated successor as the chief negotiator in the Paris talks, Ambassador David K. E. Bruce, also participating. The conference record prepared by a senior military officer contained the following relatively brief section relating to the return of prisoners:

The Secretary then questioned President Thieu's apparent reluctance on the PW question. Ambassador Bunker responded that politically this was a most sensitive issue. The GVN has about 33,000 able-bodied NVA/VC PWs who, if released, could be again potential enemies in the field. However, he sees no problem with the sick and disabled prisoners. The Secretary said he was thinking of a figure of 500 to 1,000 prisoners. Ambassador Bunker stated there should be no problem on such small numbers. The Secretary indicated that the political benefits of such a release in this country would be very great, and felt strongly that 500-1,000 prisoners could be released without any adverse affect upon the GVN. Ambassador Habib stated there should be no problem regarding the return of small numbers of NVA; the major problem concerns larger numbers of VC.<sup>14</sup>

Laird's recollection of the meeting and his interpretation of the minutes—both perhaps somewhat colored by his own enthusiasm for the idea—led him to assume there was agreement that Thieu's consent could be obtained to the repatriation of as many as 1,000 NVA prisoners, a total that would necessarily include a large number of able-bodied returnees. Eager to move ahead, he directed the preparation of a State/Defense message that would ask Bunker to seek an early meeting with Thieu in order to "nail down GVN agreement" to proceeding with a 1,000-man release. State officials objected that this draft message did not accurately reflect Bunker's

position; they asserted that the memorandum of conversation it relied on had jumbled the sequence of the ambassador's remarks.<sup>15</sup>

In early August the State Department proposed a revised draft with the following main paragraphs:

1. During Secretary Laird's recent discussions with Ambassadors Bunker, Bruce, and Habib, Secretary indicated his interest in proposing further and larger releases of NVA prisoners of war to NVN. Ambassador Bunker explained President Thieu's opposition to releases of able-bodied POW's who might return to SVN battlefield.
2. Ambassador nevertheless thought Thieu would probably agree to release of significant number of sick and wounded prisoners. In ensuing discussion, Secretary Laird mentioned possibility of 500 or 1,000 such releases.
3. As follow-up to this discussion we would like to see GVN move ahead as soon as possible with release maximum number NVA who desire repatriation to North.
4. Request you seek early occasion to raise this matter with Thieu and determine how many releases we could expect obtain in this sort of program. Please stress our desire for both early action and significant numbers.<sup>16</sup>

As Assistant Secretary of Defense Nutter pointed out to Laird, State's counterdraft focused on further sick and wounded releases; "by implication, it gives up on able-bodied releases of North Vietnamese prisoners." Nutter thought there was "no point in further debate over what Ambassador Bunker said on this matter when he was here. The real issue is whether we wish to press Thieu vigorously to agree on an early release of 1,000, or at least 500, North Vietnamese prisoners." Believing that this should be done, he advised Laird to intervene personally with Secretary Rogers, and, if necessary, the president.<sup>17</sup> Laird chose a less confrontational course. On 11 August he approved State's draft for transmission to Saigon as a joint State/Defense message, accepting it as an interim position while readying further proposals.<sup>18</sup>

During a longer than normal delay in dispatching the message two short but significant additions were made to the text—by "Dr. Kissinger (or his staff with his approval)," according to a well-placed source. The

final version no longer left anything to implication. It instructed Bunker to work for the return of the "maximum number *sick and wounded* NVA who desire repatriation to North." He should stress the U.S. desire "for both early action and significant numbers, *recognizing President Thieu's unwillingness to release able-bodied personnel.*"<sup>19</sup>

Meanwhile, however, the prospect of finding any considerable number of sick or wounded willing to be repatriated had dimmed appreciably, and further public reference to the original figure of 343 potential releasees was being avoided. From Saigon in late August, U.S. Embassy staff members reported on a consultation with GVN officials who explained that "the difficulty of identifying disabled prisoners who want to return to the North is great."

Most have made a commitment to the DRV not to leave the south until, as the Foreign Minister put it, "the last American has been driven out." They are, therefore, afraid to return before the war ends. Another difficulty has been that of overcoming PW insistence on some specific prior indication from the DRV that they would be welcome. In addition, from the moment a PW indicates his desire to be repatriated, he is vulnerable to retribution from disciplined communists in cells within PW camps. In such circumstances, it has been found necessary to discuss repatriation with each PW separately; those who choose repatriation must be instantly isolated. This isolation process normally requires, as in the case of the 62 repatriated in July, removal to a separate prison.

The Foreign Minister said there are 275 or so disabled PWs from the North currently in camps . . . . [He] believed that most of them will not want to return, and the problem of identifying and isolating those who do will be greater than previously.<sup>20</sup>

After further investigation Bunker reported more definitively on 7 September that there were few enemy PWs available "who are (a) NVA, (b) certifiable as 'sick and wounded' by ICRC, and (c) are willing to accept repatriation to NVN prior to close of hostilities." South Vietnam's president continued to oppose releasing able-bodied NVA prisoners to their homeland, but Bunker suggested another possible course that might gain Thieu's cooperation "without forcing him to face the military or political consequences he fears from PW repatriation." It was the internment of prisoners in a neutral third country, as sanctioned by the Geneva Convention. Bunker believed this alternative had never been discussed with the South

Vietnamese government, at least during his service as ambassador, and he recommended that it be explored.<sup>21</sup>

On 17 September, responding to an earlier request from Laird for their views, the Joint Chiefs of Staff also recommended consideration of neutral internment, mentioning that CINCPAC, Admiral John S. McCain, Jr., and COMUSMACV, General Creighton W. Abrams, had endorsed it as well. This approach "could negate a majority of the GVN objections," and they believed it might lead to a significant breakthrough. Laird's main request had been for ways of inducing President Thieu to undertake large-scale releases of NVA prisoners, including the able-bodied. The Joint Chiefs offered the thought that Thieu might be led to accept the return of able-bodied prisoners if limited to the oldest men or those imprisoned for the longest time. Records indicated that there were at least 409 enemy PWs over 40 years of age, while roughly 1,000 men had been detained for more than four years.<sup>22</sup>

In advising Laird, Nutter observed that the neutral internment possibility had been considered at an earlier stage of the war.\* At this point, however, he was reluctant to recommend pushing for internment because it would remove most of the pressure on South Vietnam to release large numbers of able-bodied prisoners. Since he judged State to be "plainly unwilling" to press Thieu to agree to a unilateral release of able-bodied NVA prisoners, Nutter considered that only two courses remained open: Laird might attempt a personal appeal to Thieu or he could "send a memorandum to the President pointing out that limiting ourselves to release of sick and wounded is a dead end, and that we should press Thieu hard now on a release of at least 500 North Vietnamese prisoners (including the remaining sick and wounded willing to return)."<sup>23</sup>

#### *The President's Peace Proposal of 7 October 1970*

Laird's decision took account of a significant new factor that had entered the picture but a few days before—the five-point peace proposal offered by President Nixon in his address to the nation on 7 October 1970. The secretary scribbled a response beside Nutter's recommendation that called for a delay of two or three weeks until Hanoi's reaction to the president's initiative became known. Then, "if nothing happens go with memo to Pres."<sup>24</sup>

\* See Chapter 5 for consideration of the option during 1966.

Nixon had proposed a cease-fire-in-place throughout Indochina; immediate negotiations on an agreed timetable for the complete withdrawal of U.S. forces as part of an overall settlement; a renewed effort to reach a political agreement that fairly reflected the will of the South Vietnamese people regarding the future form of their government; and the convening of a broader international conference on arrangements to insure the peace and stability of the Indochina area as a whole. Then as his fifth point Nixon called for "the immediate and unconditional release of all prisoners of war held by both sides . . . to return to the place of their choice." This should be done "without exception, without condition."<sup>25</sup>

In Paris the following day Ambassador Bruce formally presented the president's five-point program to the North Vietnamese delegation, which soon rejected the first four proposals outright and said that a general release of prisoners could only occur after Hanoi's demands regarding the political future of South Vietnam and a unilateral U.S. military withdrawal had been satisfied. The enemy repeated charges of American aggression and neocolonialism and accused the United States of making unacceptable proposals in a deliberate attempt to prolong the war.<sup>26</sup>

Accordingly, ISA began drafting the memorandum that Laird wished to send to the White House. Concurrently the State Department prepared a message to Saigon, ultimately dispatching it on 14 November with White House approval. State advised Bunker that with the approach of Thanksgiving and Christmas, PW/MIA families as well as members of Congress and civic, business, and veterans groups concerned with the issue were "making known their strong hope" that the enemy might release American prisoners during the holiday season. In response to this mood, State considered it "most important and timely that GVN with US support release sizeable numbers of PW's between now and Christmas." While unlikely to elicit a reciprocal response from Hanoi, the action would keep up the pressure on the PW question.<sup>27</sup>

State's message offered few specifics beyond its references to "sizeable numbers" or "numerous enemy PW's," but at the insistence of ISA officials it did include a brief paragraph alerting Bunker to the possibility that DoD would soon sponsor a proposal for large-scale release of able-bodied NVA prisoners.<sup>28</sup> State made only passing mention of Nixon's 7 October peace initiative, saying it had "further kindled" the hopes of the families, despite their awareness of the subsequent rejection by Hanoi.

"State clearly prefers a less ambitious approach," Nutter wrote when submitting the draft memorandum for the president to Laird for signature. In his opinion "the time for limited, partial steps is well past"—a sentiment concurred in by others among Laird's senior advisers.<sup>29</sup>

In its opening sentence, and repeatedly thereafter, the memorandum Laird sent the president on 18 November tied the Defense recommendations to Nixon's recent peace initiative:

I believe it is essential to keep your October 7 proposals before the enemy and before the world. Wherever possible, we should continue to take steps that will underline the reasonableness of the proposals as a fair basis for settling the conflict.

The prisoner of war situation presents a good opportunity for further aggressive action along these lines. I strongly believe that we should take, as soon as possible, a dramatic step looking toward the release and repatriation to North Vietnam of North Vietnamese prisoners of war . . . .

Noting that the number of sick and wounded PWs willing to return was "probably minimal," Laird said it was clearly necessary to include able-bodied prisoners in any substantial release. He then recommended the following scenario:

*First.* GVN and US in Paris propose to release all North Vietnamese PWs desiring to return to the North in exchange for the release of all US and Free World PWs held in Indo-China and all GVN PWs held in North Vietnam . . . .

*Second.* The other side would in all likelihood reject the proposal. The US and GVN would thereupon propose to release unilaterally all of the 8,200 NVA PWs who desired to return to the North . . . .

*Third.* Concurrently, the International Committee of the Red Cross (ICRC) would be asked to poll all NVA prisoners to determine their willingness to return North at this time. There may be relatively few willing to do so (we believe most or all of them signed a pledge not to return to NVN until the war was over).

*Fourth.* We would carry out the repatriation of all those willing to return . . . .

Laird saw great advantages in this course. First of all, it would "maintain the momentum of your 5-point proposal, and keep the other side on the defensive." It would also reinforce other U.S. initiatives, in the United Nations and elsewhere, and reassure families of their government's determination to resolve the PW issue at the earliest possible

moment. It might even help offset recent adverse publicity about the My Lai incident\* and bad conditions at some of South Vietnam's prisons. Admittedly, "considerable persuasion will be required to gain President Thieu's cooperation in this endeavor," but Laird believed that his opposition could be overcome.<sup>30</sup>

At Laird's request, State had supplied a paragraph for the text:<sup>31</sup>

The State Department agrees that the steps I have outlined would in principle be desirable. But in view of Thieu's repeatedly expressed reluctance to release able-bodied North Vietnamese prisoners, State believes it would be more productive to press for other kinds of releases, including sick and wounded North Vietnamese, Viet Cong prisoners in South Vietnam, and battlefield exchange proposals, if possible between now and Christmas, and not excluding able-bodied North Vietnamese if Thieu can be convinced to do this. State further believes this question should be discussed with Ambassador Bunker when he comes to Washington this weekend or next week.

Laird assured the president of his agreement that Bunker should be consulted before a final decision was made, but "given the urgent plight of our own men and the need to build as expeditiously as possible on your October 7 exchange proposal, I wanted you to have my recommendation without delay."

Nixon decided to take at least the first step outlined in Laird's scenario. By 7 December Bunker had obtained Thieu's agreement to proposing a broad prisoner of war exchange in which the 8,200 NVA soldiers held in South Vietnam would be given up, as a humanitarian action appropriate to the Christmas season. Further instructions from Washington set out Nixon's desires more explicitly, overriding Thieu's remaining reservations and enabling the U.S. and GVN delegations to put forward the proposal at the 10 December session in Paris.<sup>32</sup> It asked for the immediate release of all NVA prisoners in exchange for all GVN personnel "held outside South Viet-Nam" and all American and allied personnel held anywhere in Indochina. In round numbers, Hanoi would regain 10 of its own men for every one given up. This was an offer advanced "in all seriousness and sincerity," Ambassador Bruce told the opposing delegations: "Our side is

\* On 16 March 1968 U.S. Army forces had destroyed the village of My Lai in Quang Nai Province of South Vietnam and killed perhaps as many as 400 civilians—men, women, and children. When revealed late in 1969 the incident provoked shock and condemnation and set off a continuing controversy over the assessment of blame and responsibility. Laird's memorandum and the beginning of court-martial proceedings against Lt. William L. Calley, Jr., occurred in the same month, November 1970.

ready to meet with you on a daily basis, starting tomorrow, in order that immediate progress can be made on this question."<sup>33</sup>

While vainly awaiting a constructive response from the Communist side, President Thieu's government launched two other initiatives in the following weeks. On 22 December the GVN's foreign minister, Tran Van Lam,\* announced the impending release of a further contingent of NVA prisoners of war who were incapacitated by wounds or sickness and who volunteered for repatriation. The Saigon government undertook this unilaterally and for purely humanitarian reasons, he said, to enable these soldiers to return home in time for the traditional celebration of the Vietnamese new year, but he would welcome a corresponding gesture by the enemy. Setting a date of 24 January 1971—one month away and on the eve of Tet—the foreign minister said the men would be sent across the Ben-Hai River in the DMZ, just above the 17th parallel, using inflated rubber motorboats.<sup>34</sup>

Following presentation of the proposal in Paris the next day, North Vietnamese representatives responded as on earlier occasions. The men involved were Vietnamese patriots imprisoned by the Americans and their puppet regime in the South. When released, any who desired to go and live in the North "would be received and assisted by the DRV government."<sup>35</sup>

As 24 January approached the GVN assembled 40 NVA prisoners classified as sick or wounded for interviews overseen by the ICRC representatives stationed in Saigon. The embassy reported to Washington that "after lengthy suasion in some cases," 38 had indicated their willingness to go. "Two unwilling candidates for repatriation will be taken to DMZ but will not be embarked against their will."<sup>36</sup>

On the appointed day another man withdrew his assent. Thirty-seven crossed the river, casting off clothing on the way, and were met by uniformed North Vietnamese. Several mortar rounds and scattered small arms fire pursued the South Vietnamese party as it withdrew from the embarkation point.<sup>37</sup>

In Saigon two days later, on 26 January 1971, the GVN foreign minister announced the second initiative—one that appeared less likely to elicit even the grudging acceptance the just-completed repatriation had received. South Vietnam was prepared to release all sick and wounded prisoners who wished to go to the North, Lam declared, proposing that the Hanoi authorities similarly release all sick and wounded South Vietnamese and allied prisoners of war. Lam expressed the hope the DRV leaders would "clearly manifest their agreement to warmly welcome and treat well" the men turned over to them. There were about 800 NVA prisoners and more

\* As distinct from GVN Paris representative Ambassador Pham Dang Lam.



than 1,200 Viet Cong categorized as sick or wounded. Many of the latter were native Southerners, but under this proposal only those willing to be transported to North Vietnam would be released. The North Vietnamese government neither accepted nor rejected the offer. Although the Saigon representative reaffirmed it in Paris on 4 February, North Vietnam made no useful comment about arrangements for reception of those who might be released.<sup>38</sup>

*Release or Neutral Internment of Long-Term Prisoners*

Midway in this sequence of events, on 11 January, Laird had another opportunity to consult with Thieu in Saigon. He sought to impress Thieu with the importance of the PW issue in the United States, saying it had been a key factor in rallying the American people to support the Nixon administration's programs in Southeast Asia. Therefore, actions that would keep the PW issue in the forefront should be seen as vitally important to South Vietnam as well. Renewing the discussion of a possible large-scale release of enemy prisoners, he suggested a return of "all sick and wounded, plus long-term POW's," such as those held over three years. Laird ended by urging the South Vietnamese president "to take whatever aggressive actions he could on the POW issues." Thieu replied that he had several proposals under consideration.<sup>39</sup>

As part of his attempt to ease Thieu's acceptance of the idea of releasing able-bodied prisoners Laird had expounded more fully than before on a point mentioned in earlier discussions: that the men returned would not add significantly to North Vietnam's strength and might actually hinder the enemy's war effort. In this endeavor he relied in part on a commentary produced by a State Department expert and circulated at high levels of the U.S. government during December 1970. Nutter had provided a copy to Laird, pointing specifically to its usefulness in forthcoming discussions with Thieu.<sup>40</sup>

The paper's author saw little prospect for any sort of prisoner exchange. North Vietnam was unlikely to agree because it regarded American PWs as "an important trump card for exacting substantial US concessions." Also, the release of NVA prisoners to North Vietnam, either by exchange or unilaterally, could pose a number of problems for the enemy. The return of 9,000 prisoners would add little to North Vietnam's manpower, even if fully utilized, but, in fact, their utility would probably be outweighed by the disadvantages of having them back in the fold. Since NVA soldiers had been indoctrinated to believe that if captured

they would be tortured or executed, the return of prisoners in relatively good health would give the lie to their government. This knowledge would spread to the Communist troops in the South and might diminish their reluctance to surrender. Moreover, Hanoi would regard these men who had surrendered as ideologically weak and fear that some of them had been recruited as agents while in captivity. Thus it could be assumed that Hanoi would subject returnees to extensive security screening, investigation, and reindoctrination. They would probably be isolated from the population and kept out of the army, but under surveillance. Thus it was deemed "highly unlikely that many if any at all would be returned to the South or very effectively employed in the North."<sup>41</sup>

On other occasions Laird approached the matter from another angle, arguing that the NVA prisoners constituted a liability from Washington's and Saigon's standpoint "in that we must feed, clothe, shelter, and safeguard them, and they may become the excuse for serious difficulties in reaching a final settlement of the war. Given the other side's apparent total indifference to these men, the PWs do not constitute an asset, and do not give us any negotiating leverage." Moreover, their continued detention in large numbers "provides the other side with opportunities to provoke riots and incidents in camp, which will inevitably tarnish the GVN's generally good record regarding the conditions of captivity." Laird had long been convinced that the NVA prisoners "will do us more good released than held."<sup>42</sup>

During the first week following Laird's return to Washington his reading of cables from the embassy in Saigon caused him increasing concern. They reported actions and statements of the GVN's Ministry of Foreign Affairs that indicated a continuing emphasis on the sick and wounded while stressing reasons for postponing a shift to able-bodied releases. On 21 January he sent a personal message to Bunker citing particular passages and saying the foreign ministry's positions appeared inconsistent with Thieu's remarks at the meeting only 10 days before. "In those discussions, I gained the impression that Thieu understood the near-term benefits and long-term importance of pressing forward with some dramatic release initiatives; that he was considering initiatives such as a sizeable unilateral release of able-bodied NVA prisoners; and that he believed the political problems in SVN in so doing were manageable." Laird recalled that during his visit to Saigon he had done everything he could to underscore the urgent need to develop dramatic initiatives of this type. He hoped his other major point had also registered: "POW initiatives are consistent with and important to the furtherance of US support for the RVN."<sup>43</sup>

After reviewing the record Bunker replied that he believed the foreign ministry actions Laird cited were not necessarily inconsistent with earlier reports of the Saigon government's positions, or with, "as I recall them, observations President Thieu made on this subject during your recent visit here." On the whole, the government had responded favorably to U.S. suggestions, and "over a period of months the GVN has become increasingly convinced of the merit of keeping pressure on the other side by new PW initiatives," such as the one just announced that day, 26 January, by the foreign minister. In fact, he continued, "the evolution of GVN attitude toward PW releases is such that I do not preclude the possibility of convincing them to release some of the able-bodied, especially those who have been long in prison"—as Laird himself had recommended. So far, however, Thieu had not withdrawn his objections, and Bunker, in a frank appraisal of the Defense Department's Memorandum of Conversation, said it contained nothing that showed Thieu committing himself to a unilateral release of able-bodied prisoners. The ambassador thought Laird had presented a useful argument discounting the likelihood that NVA returnees would ever be trusted to serve again as regular soldiers, and he expected to press this point with Thieu in further consultations.<sup>44</sup>

By mid-March instructions from Washington to the embassy in Saigon had taken on a somewhat firmer tone. A message on 18 March noted the adoption of a congressional resolution declaring the period 21-26 March a National Week of Concern for PW/MIAs, to be backed up shortly by a presidential proclamation. State officials believed it was important "for US/GVN to put forward significant POW release proposal in Paris meeting that week, in order to focus attention on our side's efforts to make progress in this area, and other side's continued intransigence."<sup>45</sup>

The action contemplated would also provide evidence that the government was giving attention to the recommendations advanced by the National League of Families and by several members of Congress for whom Illinois Rep. Paul Findley was the chief spokesman. Since December 1970 both groups had been championing the idea of an immediate unconditional repatriation of 1,610 NVA prisoners of war, matching the number of Americans currently listed as imprisoned or missing. Believing that the proposal "would unquestionably capture the imagination of the world," Findley had sketched some of its details:

Those to be repatriated should be selected at random without regard to age or physical condition. All should be released simultaneously from the same location on the demilitarized zone at the conclusion of a ceremony during which officials of allied governments would issue a supply of rations to each prisoner released

and make an appropriate public appeal to Hanoi and National Liberation Front leaders for similar humane treatment of American prisoners. Prisoners would then be permitted to proceed on foot toward North Vietnam . . . .<sup>46</sup>

The provisions outlined by Findley departed widely from the requirements of the Geneva Convention, and the tractable behavior expected of the NVA prisoners was hardly assured, but Defense officials saw the spirit, intent, and publicity value of the proposal as compatible with the government's aims. At a news conference Laird made a favorable reference to one variant of the congressional plan, and Deputy Secretary Packard assured Findley that "your proposal and thoughtful supporting analysis will receive full consideration in our deliberations."<sup>47</sup>

While giving general encouragement to the endeavors of the congressmen and League of Families, Defense officials recognized the need to move away from precisely matching the number of returnees to the total of U.S. PW/MIAs, which baldly disregarded the interests of America's South Vietnamese ally. They settled on 2,000 as a desirable minimum for any proposed release of prisoners to North Vietnam—a figure large enough to allow for return of South Vietnamese as well as American captives, if Hanoi decided to reciprocate, and large enough also to insure that some able-bodied NVA prisoners would have to be included.<sup>48</sup>

Following receipt of State's instructions of 18 March 1971, Bunker had immediately set to work to obtain South Vietnamese agreement to a PW release proposal sizable enough to have a significant impact, for presentation at the Paris session occurring within the U.S. national week of concern, on 25 March. Consultations ran on beyond the desired date, however, taking a turn toward more serious consideration of the neutral internment alternative and leading ultimately to President Thieu's acceptance of that concept and of applying it to long-term able-bodied prisoners.<sup>49</sup>

In Paris on 8 April the South Vietnamese representative offered the proposal, with immediate support from Ambassador Bruce. It called for agreement by both sides to either direct repatriation or internment in a neutral country of able-bodied prisoners of war who had undergone a long period of captivity, as envisaged by Article 109 of the Geneva Convention. Soon afterward President Nixon publicly endorsed the idea of neutral internment and hoped the other side would give a positive response.<sup>50</sup>

The proposal did represent a modification of Thieu's stand on returning able-bodied prisoners to the enemy but not a change sufficient to open the way to the dramatic large-scale release Laird continued to hope for. At present there seemed no prospect of moving on to the second step

of the scenario he had provided to President Nixon in November 1970, the unilateral release of all NVA soldiers desiring to return to the North. Laird remained convinced, however, that release initiatives on that scale were necessary "to build momentum in the minds of people and of governments throughout the world behind the idea that it is time for all the prisoners to go home." The secretary sought to understand why the arguments he considered soundly based had not convinced Thieu and given him the resolve to face down internal political opposition to the proposal. He turned to General Abrams, asking him to assess how serious the obstacles were to obtaining a favorable response from Thieu.<sup>51</sup>

Replying on 19 April, Abrams said the GVN was well aware of the U.S. government's interest in generating PW initiatives, and it had responded by originating or joining in a number of ventures dating back to the unilateral release of 62 sick or wounded NVA prisoners on 11 July 1970. Resentment lingered in some quarters over the sacrifice of two valuable vessels in that operation and the hostile fire encountered in January 1971, and it had to be recognized that the GVN's experience with PW initiatives had been largely unrewarding in terms both of Hanoi's response and the political reaction within South Vietnam. Thieu maintained that he could not justify a one-sided return of able-bodied enemy prisoners—either to his soldiers or to a South Vietnamese public that included political opponents who would be unsparing in their criticism. Abrams commented that these objections were probably more valid at present than at any time in the past, given the substantial losses suffered by South Vietnamese forces during the recent incursion into Laos and the fact that the October date on which Thieu must seek reelection was now less than six months away. Abrams considered it "unlikely that President Thieu's assessment of the political risks will change, and consequently he will probably continue to oppose release of able-bodied PW without reciprocation at least until after the election."<sup>52</sup>

#### *The "570 Release" Proposal*

Further proposals from Washington did not attempt to overcome Thieu's aversion to unilateral release of the able-bodied but did urge immediate follow-up and elaboration of existing positions. On 27 April State advised the American peace negotiators and the embassy in Saigon that "highest authority requests that significant POW release proposal be advanced in Paris," at the 29 April session, only two days away. State wanted to enhance the appeal and attest to the seriousness of recent

U.S./GVN offers by reiterating them with specific numbers attached. Despite the time constraints Bunker succeeded in obtaining Thieu's consent to the initiative, subject to the adjustment of a few details still under discussion.<sup>53</sup>

At the Paris talks on 29 April Ambassador Lam recalled his government's proposal of 26 January for the release of all sick or wounded prisoners who desired to go North and the GVN's further proposal of 8 April for the transfer of long-term prisoners of war to internment in a neutral country.

We are prepared to repatriate to North Viet-Nam 570 sick and wounded North Vietnamese prisoners of war. We ask the Hanoi authorities to propose adequate measures designed to insure the best possible conditions for their safe repatriation.

We are also ready, within the framework of our proposal of April 8, 1971, to facilitate the transfer of 1200 North Vietnamese prisoners of war (who) have been detained over four years to a neutral country for temporary internment. We ask the Hanoi authorities to make suggestions on the choice of a neutral government for that purpose.<sup>54</sup>

The figure of 1,200 for prisoners held more than four years had been reached during last-minute consultations in Saigon, following receipt by the embassy of a message from Washington saying "we strongly hope that figures will total to 1700 or more, to exceed number of US PW/MIA's in Southeast Asia." The sick and wounded figure of 570 remained fixed; the long-term prisoner number, originally 940, grew further thanks to a redefinition of the standards and then was rounded off at 1,200.<sup>55</sup>

Accordingly, in his supporting remarks Ambassador Bruce spoke of a total of 1,770 NVA prisoners who were eligible for internment or repatriation under the proposal if they signified their willingness to go. He emphasized that the opposing side's cooperation was necessary when arranging a safe and convenient transfer of repatriates and choosing a mutually acceptable neutral country. Otherwise the offer was unilateral and did not depend on Hanoi's making similar provision for the release of long-held or sick and wounded American prisoners, but Bruce did of course call on North Vietnam's representatives to do so. "These men, too, should have the chance to return home or to be interned in a neutral country," he said. "Such action on your part would be a welcome way to refute the charge that you hold our men as hostages; your silence on this would serve further to confirm it."<sup>56</sup>

A few hours later at a White House press conference President Nixon called attention to the event, giving a rather free-ranging description of the day's proceedings that omitted such details as the fact that each prisoner would have to consent before being included in a move. Also, when published, his statement contained two corrections, for the president had misremembered the numbers:

Today in Paris, as you may note, we, along with the South Vietnamese, offered to repatriate—as a matter of fact, we are going unilaterally to repatriate, without regard to what the North Vietnamese do, 540 [570] North Vietnamese sick and wounded.

And, in addition to that, we offered to send to a neutral country 1,600 [1,200] North Vietnamese prisoners who have been prisoners for 4 years or longer. We trust that the North Vietnamese will respond.<sup>57</sup>

At the Paris sessions during the next two weeks Bruce probed repeatedly for some response to the proposals from the Communist side. In addition he was able to point to a recent action of the government of Sweden, which had announced on 30 April its willingness to have its vessels and territory used for transporting and interning prisoners from the conflict in Vietnam, assuming agreement was reached by the two sides. President Nixon noted this development “with great satisfaction,” and Bruce repeated the president’s call for Hanoi to move promptly “to take advantage of this humanitarian offer on the part of the Swedish Government.” The Stockholm communiqué had stressed that Sweden was acting on its own initiative, having had no previous contact with the U.S. government on the subject. By 6 May, however, the State Department was actively soliciting bids from other countries also to serve as the interning power. In a number of foreign capitals U.S. diplomats acknowledged that internment for American prisoners was their government’s primary interest but emphasized that “our offer applies both ways.” Moreover, the United States was prepared to underwrite the costs.<sup>58</sup>

#### *Hanoi's Encouraging Response*

A response from the enemy came at last in the announcement broadcast by Radio Hanoi on 13 May 1971. It dealt only with the offer to release sick and wounded NVA prisoners. The North Vietnamese did not reply,

then or later, to the internment proposal. The announcement began in a familiar style, deploring the fact that the Saigon administration, "on US orders," had once again proposed "the release of a number of Vietnamese illegally arrested in South Viet-Nam whom they called 'North Vietnamese prisoners of war'. This is an old trick of the Nixon Administration aimed at misleading public opinion, concealing their stubborn prolongation, intensification, and expansion of the war of aggression in Indochina and their odious crimes against the peoples of Viet-Nam, Laos and Cambodia, and evading the public demands for a rapid and complete withdrawal of all US troops from South Viet-Nam."

Radio Hanoi quoted the statement used on earlier occasions to the effect that any of these patriots who were released and wished to settle in North Vietnam would be welcomed. It then set out several stipulations regarding the time, place, and manner of the GVN's proposed repatriation of the sick and wounded:

1. Those persons must be transported by unarmed US puppet civil ships flying a Red Cross flag to a spot three to five km. southeast of Cua Tung, at the 17th parallel, 107.08 degrees latitude, at 10:30 o'clock (Hanoi time) on June 4, 1971. Those persons will be transferred to unarmed civil ships of the Democratic Republic of Viet-Nam flying a Red Cross flag.

2. In an area with a 30 kilometer radius around the spot for release and reception, every military activity in the air, at sea and on the mainland must be ceased from 0000 hr to 2400 hrs (Hanoi time) on June 4, 1971.

As further evidence of what seemed a businesslike approach, the North Vietnamese required advance notice of the number and identifying characteristics of the ships being used and made provision for postponement if bad weather was encountered.<sup>59</sup>

Both Ambassador Bunker and a State Department spokesman in Washington termed the reply encouraging—perhaps even a first step leading to the release of American and allied prisoners. Laird also was heartened by the enemy's offer to receive prisoners "in a formal, orderly transfer," and another senior official observed that the prescribed arrangements for the repatriation were "considerably less difficult to meet than in the past." This time officially designated representatives of the North Vietnamese government would actually come forward to accept the returnees, for the first time making use of the Red Cross flag as the conventional symbol of



peaceful, humanitarian intent. So far the South Vietnamese government's screening of sick and wounded NVA prisoners had not identified many willing to be repatriated, but the authorities now began a resurvey, believing that more would agree to return when informed of Hanoi's preparations to receive them.<sup>60</sup>

The embassy's reference to the meager results so far from the screening brought a joint State/Defense reply quoting President Nixon's public declaration that "we are going to unilaterally repatriate without regard to what the North Vietnamese do" more than 500 NVA sick and wounded. That constituted "a clear statement of US/GVN intention to follow through on sizeable repatriation and underlines importance we attach to making this proposal become reality."<sup>61</sup>

In a further display of firmness the Washington authorities reacted strongly when informed on 20 May that the Saigon government had concluded it would be impossible to complete all preparations in time for the 4 June date. The GVN planned to make counterproposals at the next Paris session, suggesting a postponement to 25 June as well as a major reduction in the cease-fire zone surrounding the meeting point. Secretary of State Rogers quickly replied, advising Bunker of the serious concern this caused in Washington and declaring that the reasons for delay cited by the South Vietnamese government were "basically without substance." The United States wished preparations to commence at once, keyed to the agreed date of 4 June. Bunker could inform the GVN that the United States was prepared to give full support, including finding and equipping the necessary non-military vessels and airlifting the PWs to the embarkation port. On 27 May the Saigon government publicly accepted the date and particular arrangements Hanoi had stipulated.<sup>62</sup>

Nevertheless, some of Saigon's apprehension about meeting the 4 June deadline had been warranted, particularly as it related to working with the International Committee of the Red Cross to produce the list of prisoners willing to be repatriated. Initially the ICRC representatives stationed in South Vietnam had indicated that discharge of their responsibilities would require an interview lasting approximately 15 minutes with each potential returnee and that those desiring repatriation would then sign a statement to that effect. The prospect that the eligible NVA prisoners would be processed at no more than four per hour per interviewing team was unacceptable, and on 20 May the GVN formally requested the State Department's assistance in obtaining more favorable instructions from the ICRC's governing authority in Geneva.<sup>63</sup>

State had already reacted negatively to the idea of requiring NVA soldiers to sign a document, believing this would strongly influence them to refuse

repatriation. In commenting to its posts in Saigon and Geneva, State speculated that "PWs want to be able to tell NVN after return that they had no choice but to go back. Signature on paper, they may fear, could be used to refute this." The United States was irrevocably committed to non-forcible repatriation, but "this does not mean we have to invite NVA PW's to decline repatriation by requiring that they sign a statement of consent."<sup>64</sup>

Frank Sieverts, the department's expert and principal operating officer for PW affairs, was already scheduled to visit Geneva on other business beginning 24 May, and State suggested that the U.S. mission there make the initial approach to the ICRC on this subject and arrange for further discussions to occur after his arrival. Even so, the introductory consultation with Delegate-General Jean Ott, the ICRC official responsible for Southeast Asia, did ease concern about one point. Ott disavowed any intention of conducting 15-minute interviews. The importance of getting this and other up-to-date instructions to Saigon was reemphasized, however, when the ICRC representatives there indicated that, even with four interviewers assigned, each with an interpreter, they did not expect to process more than about 100 prisoners each day.<sup>65</sup>

At his first meeting with Ott on 24 May Sieverts obtained agreement that no signature or written statement would be required from prisoners willing to be repatriated. Also, "Ott reaffirmed that, far from 15 minute interviews, something closer to 15-30 seconds would be sufficient to establish PWs' readiness to accept repatriation." The ICRC official agreed that the procedures followed and the general tone of the exercise should be conducive to acceptance, and he endorsed the U.S. intention of making sure all prisoners had heard a tape recording of the Radio Hanoi broadcast before being interviewed. Showing familiarity with the experience in previous repatriations, Ott said it would be just as well not to give Red Cross packages or new clothing to the returning prisoners.<sup>66</sup>

During a subsequent consultation in Geneva Ott described in more detail the screening procedures the ICRC's instructions were intended to produce. Each NVA prisoner would pass before one of the interviewing teams and be asked, "Are you willing to be released to North Vietnam?"—a question needing only a yes or no answer and meeting Article 109's requirements by clearly establishing whether the man objected to being returned. Each prisoner would hear the question in private, ideally in "a screened-off area from which there are two doors: one for yes, one for no." Thus he would be segregated immediately on the basis of his answer. If carried on under these terms the interviewing should be a "very simple matter," Ott said. It was scheduled for 29 May and ought to be completed that day or, at most, the following one.<sup>67</sup>

In Saigon, however, the senior ICRC representative still believed there was an obligation to conduct a further interrogation of each man who chose repatriation to insure that he had not been coerced into giving this positive reply. Although the South Vietnamese government hoped the screening would be completed on 29 May in view of other scheduling requirements, the ICRC's representative indicated the processing might take up to four days. Ott sent off a terse further instruction, through both his own and U.S. channels. The four interviewing teams were to make every effort to finish on 29 May, requesting a second day only if that failed. "You should interview without break, skipping lunch and going into the night if necessary."<sup>68</sup>

Accordingly the screening of 660 NVA prisoners identified as disabled by wounds or sickness began on 29 May. Observers from General Abrams's headquarters reported that by noon 210 had been processed, with the ICRC's interviewers devoting from one to two minutes to each man. They completed the task by the evening of that day.<sup>69</sup>

### *The Outcome*

The result? After intensive diplomatic activity in Paris, Saigon, and Geneva and scores of thoughtfully composed messages detailing its progress, thousands of hours spent in planning and coordinated preparation, and President Nixon's public commitment to an expansive vision of the outcome, *only 13 of the 660 prisoners* agreed to accept repatriation. All were permanently disabled, including six amputees and one who was blind.<sup>70</sup> Adding to the bitter taste of failure was recognition of the probability that North Vietnam had capitalized on the importance given the PW issue by the U.S. government to play out a charade designed to mislead the United States and South Vietnam and expose them to humiliation on the world stage.

It remained for the United States to put the best possible face on this mortifying failure. Instructions went out to make the case in a "dignified and sober way" that the United States and GVN had, as a humanitarian act, offered to return the sick and wounded enemy prisoners to their homes. The United States regretted that the NVA prisoners had not availed themselves of the opportunity, but there was, of course, no thought of forcing them to return. On 2 June the South Vietnamese government formally reported the results of the ICRC screening, adding that in fulfillment of the original plan the 13 returnees would depart the following day aboard an unarmed civilian ship, in order to reach the transfer point at the agreed

time on 4 June. Although counseled by the U.S. embassy to let the facts speak for themselves, without embellishment, Saigon's spokesman stated that "98 per cent of the disabled and incurably sick Northern POWs are worried about their return to the North because they dread the oppressive and avenging acts of the Northern administration"; they chose to remain in the South "where they enjoy a better destiny and safety."<sup>71</sup>

As expected, Radio Hanoi took full advantage of the situation. On 3 June it broadcast that "after much clamor about the sending to North Viet-Nam of 570 Vietnamese patriots illegally detained by them," the other side now said that "only 13 persons would be allowed to go to the North. This is a very ugly, deceptive trick of the United States and the Saigon administration." A trustful Hanoi, the broadcast continued, had agreed to transfer procedures designed for the reception of a large number, but "now that the U.S. puppets have trickily canceled the sending of 570 persons" these arrangements no longer applied, and Hanoi declared the agreement annulled. South Vietnamese and U.S. authorities moved quickly to prevent the ship from heading into an area that was no longer a cease-fire zone. With the concurrence of the ICRC's observers, the GVN then terminated the operation.<sup>72</sup>

Thus ended the best-publicized and seemingly most promising attempt at unilateral release of enemy prisoners. Depression and disappointment showed clearly in the comments penned by OSD officials immediately following the failure: "Questionable whether further release offers can be gainfully made," and "may be basis for DRV/PRG attack on our negotiating credibility across the board," followed by "at the least has probably damaged our ability to take initiative in PW area."<sup>73</sup>

But how could it be that only 2 percent of the disabled NVA prisoners were willing to accept repatriation? What explained the remarkable unanimity of the other 98 percent? The presumption was strong that Hanoi, even while taking the lead in defining the practical arrangements for the return, had sent word by clandestine means that the prisoners should refuse repatriation, knowing that a cadre of dedicated Communists in the camps would enforce the order. Investigations undertaken after the event failed to discover specific evidence of external influence but did reconfirm earlier intelligence showing internal discipline among the prisoners to be highly effective. The diligence of cadre members probably explained instances of evident orchestration, such as the denial by some of the men surveyed that they had ever heard a rebroadcast of the Radio Hanoi announcement, despite definite information that camp commanders had played the tape repeatedly. A further finding underscored the difficulty of

making any appeal to the captured NVA soldiers, sick or able-bodied: their distrust of any statement coming from the Americans, the South Vietnamese, or even an ICRC delegate was genuine and profound.<sup>74</sup>

In the end, North Vietnam seemed the clear winner. The United States and South Vietnam were embarrassed by their inability to deliver a respectable number of NVA prisoners, the credibility of the two allies suffered, and North Vietnam did not receive an influx of prisoner returnees it apparently did not want or need. The main objective of U.S. policy remained unfulfilled, for Hanoi's leaders had avoided becoming obligated, in the eyes of the world, to make some move toward reciprocal release of American and allied prisoners of war.

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## Repatriation Planning: A Central Issue Resolved

The new officials of the Department of Defense in the Nixon administration confronted the same aggregation of PW/MIA problems and attendant frustrations as their predecessors. Compared with the period of the Johnson administration, however, a somewhat different division of labor could be discerned. On a number of salient matters the secretary of defense himself usually originated action and retained control. These included DoD contributions to the negotiating process and to the initiatives launched by the president, as well as reciprocal release proposals and publicity highlighting the enemy's noncompliance with the Geneva Convention. The assistant secretary of defense (ISA) and others involved in the work of the DoD PW Policy Committee more commonly concerned themselves with continuing aspects of the PW problem, often largely administrative in nature, such as the mail and package arrangements, prisoner lists and other forms of recordkeeping in support of the Paris negotiations, and requirements arising from Secretary Laird's strong emphasis on assistance to the next of kin. But above all, the officials at this level were occupied with repatriation planning.

Within DoD, preparation for the day when the U.S. prisoners would be released ran as a major theme through the first four years of the Nixon administration. The effort involved the development of a set of compatible and interlocking plans, ranging from overall policy and public affairs guidance, through individual service plans, downward through operational levels as far as the subordinate echelons of the Pacific Command, and ultimately to the U.S. European Command as well. The plans emerged as substantial documents, often as bound publications. On 17 December 1969 the Joint Chiefs of Staff assigned an unclassified nickname to designate all plans,

instructions, message traffic, and operational activity pertaining to the processing of recovered U.S. military personnel. Thereafter the guiding documents commonly bore the title Egress Recap.\*<sup>1</sup>

As previously remarked, the plans written and refined during the Nixon years followed from a basic concept formulated by officials of the previous administration. The guiding precepts and assignments of responsibility were those already set down in the directives issued by Deputy Secretary Paul H. Nitze on 8 June 1968 and 18 January 1969, plus his memorandum of 30 November 1968 regarding transportation of family members to hospital reunions with the returned men.<sup>†</sup> In the course of the planning effort various parts of the original scheme were reconsidered, most notably the time to be allotted for overseas processing of the returnees. The alterations that resulted did not change the overall design.

#### *Designation of Central Processing Sites*

One of the most important decisions announced in Nitze's directive of 18 January 1969 was never seriously questioned thereafter. It countermanded some of the initial planning done within the Pacific Command by prescribing that upon release the returnees would be transported without regard to service affiliation "to a single central processing location in Vietnam or elsewhere in WESTPAC [Western Pacific] if circumstances require." By 21 March 1969, COMUSMACV had conformed his plan to the directive by designating the U.S. installation at Cam Ranh Bay as the central processing site. In accordance with CINCPAC's implementing instructions, it was to be a "unified facility" under the direct operational control of COMUSMACV. The organization chart showed no breakdown into Army, Navy, Air Force, and Marine Corps subdivisions. The existing USAF hospital and supporting Air Force units at Cam Ranh Bay would be augmented with Army, Navy, and Marine Corps personnel from other MACV elements to the extent necessary to insure efficient processing and to carry out inherent service functions. Those functions included all personnel, personal affairs, and records matters, the intelligence debriefings, and the assignment of escorts for the homeward flight.<sup>2</sup>

The designation of Cam Ranh Bay as a central processing site remained in effect for almost three years, until 1 February 1972, along with the

\* RECAP, already an established term in the military lexicon, stood for "Returned, Exchanged, or Captured American Personnel."

<sup>†</sup> See Chapter 9.

basic assumption that the release of a large number of U.S. prisoners was most likely to occur within COMUSMACV's area of responsibility. Nevertheless, throughout the period, Admiral McCain as CINCPAC kept in force a requirement on four other subordinate commanders—in Korea, Japan, Thailand, and the Philippines—to maintain plans for the establishment and operation of a central processing facility for large-scale Egress Recap actions. The later elimination of Cam Ranh Bay as a processing site was a consequence of the U.S. redeployment from South Vietnam that had been in progress since the first year of the Nixon administration. As the departure of combat forces and support units continued into the fall of 1971, the projections made by CINCPAC's planners showed that COMUSMACV soon would no longer be capable of conducting a large-scale processing operation. In advising the secretary of defense and the JCS of this assessment on 3 November 1971, CINCPAC said he was instituting surveys and staff visits to the other potential processing locations with a view to designating one or more of them as primary sites.<sup>3</sup>

If Admiral McCain's intention in this regard needed any strengthening, it could be drawn from the recommendations submitted by COMUSMACV on 27 November, based on the findings of a committee convened by the MACV Command Surgeon. The group's report surveyed the declining medical resources of the command, covering both the growing deficiencies of staff and equipment in the specialties needed for the proper evaluation and care of returnee patients and the ongoing reduction in facilities. The 483d USAF Hospital at Cam Ranh Bay—once a fully staffed installation with a 400-bed capacity—was now rated at 200 beds and scheduled for further reduction. Moreover, the withdrawal of U.S. combat forces rendered the security of support areas more uncertain than in the past. Citing as an example the recent sapper attacks that had destroyed 6,000 tons of munitions stored at Cam Ranh Bay, the command surgeon's committee thought that retention of released prisoners in South Vietnam for any more than a short staging period would not be "conducive to proper psychosocial readjustment and certainly not in the best interest of the morale of the returnees." Except for those needing immediate hospitalization, returnees should be airlifted with little delay to hospitals elsewhere in PACOM that were not subject to cutbacks, there to begin their processing and medical treatment "in pleasant and secure surroundings." The closing words of COMUSMACV's covering letter were more a finding of fact than a recommendation: "One or more out-country military hospitals in PACOM should be designated as the central processing facility for large scale repatriations."<sup>4</sup>



With the staff surveys completed, Admiral McCain took the contemplated action on 31 December 1971. He designated three installations as sites "primarily and equally responsible to be ready to conduct centralized and unified processing of US personnel returned from captured status," to be effective 1 February 1972. The three hospitals were at Clark Air Base in the Philippines, U.S. Naval Station, Guam, and Camp Kue, Okinawa. In charge, respectively, were the Commander, 13th Air Force; Commander, U.S. Naval Forces, Marianas; and Commanding General, U.S. Army, Ryukyus.

On the same effective date the obligation of both COMUSMACV and COMUSKOREA to plan and prepare for full-scale centralized processing would end. The two commanders remained charged with the lesser responsibility of "conducting initial unified processing," that is, the reception, medical sorting, and onward medical evacuation of the returnees to one of the primary sites, plus immediate hospitalization and care of patients incapable of undergoing the flight. For the commanders in Japan and Thailand, the CINCPAC directive of 31 December 1971 terminated immediately any responsibility for detailed planning for Egress Recap operations.<sup>5</sup>

Thus was abandoned the expectation that central processing of returnees prior to their evacuation to the continental United States (CONUS) would most likely occur within COMUSMACV's command. Though an important development, it marked no real departure from the original concept. The Nitze directive of 18 January 1969 had spoken of "a single central processing location in Vietnam or elsewhere in WESTPAC if circumstances require."

The new arrangement did involve a different provision for discharging service responsibilities in the repatriation exercise. Had the operation occurred in MACV, service requirements would have been fulfilled through the normal relationships within a single subordinate unified command. At the three installations newly designated by CINCPAC the responsible commander normally did not direct unified forces, but the directive authorized each of them to act as the "unified agent of CINCPAC for EGRESS RECAP." In the message of 31 December 1971, Admiral McCain also addressed his service component commanders, CINCUSARPAC, CINCPACFLT, and CINCPACAF:

Request you designate a senior officer to act as your Service component representative for EGRESS RECAP. Such representative should be prepared to report to the designated primary or initial processing site to coordinate, under the overall direction and control of the CINCPAC agent for EGRESS RECAP . . . all processing actions pertaining to returned personnel of your Service. Service

processing teams (to include escorts, debriefers, medical personnel and admin personnel) will function under supervision and control of the PACOM Service EGRESS RECAP representative.

Protocol required CINCPAC to use slightly different language when addressing CINCPACFLT on a further point. The designation of a separate representative of the Commanding General, Fleet Marine Force, Pacific, he wrote, "is considered desirable and is encouraged."<sup>6</sup>

#### *Processing Time Overseas*

Planning, training, and other preparations to fulfill the CINCPAC directive went forward during the early months of 1972. At PACOM Headquarters, however, staff officers were already aware that further changes might become necessary. Through various channels they had received word of deliberations going on in Washington that could lead to a radical revision of the part of the basic directive that set a normal overseas processing time of from 36 to 72 hours. The discussion there had begun in November 1971 and was destined to continue until the following May. At issue was a question of fundamental importance to the ordering of the entire repatriation processing system: the extent and purpose of the medical evaluation and treatment that the returnees would receive at the overseas center before their evacuation to the continental United States.

Even earlier, service medical officers had begun to show concern over the effect of the 36-72 hour provision on the fulfillment of their professional responsibilities. Perhaps the first fully reasoned expression of this view occurred in July 1971, during a seminar convened at the Naval Air Station, Miramar, California, to review the Navy's Egress Recap plan. The Medical Working Group report of that conference focused on the problem of "restrictive processing time under Phase II." The writers pointed out that the releasees would have endured a period of Oriental captivity far longer than any previously experienced. Already their average time of imprisonment exceeded three years. Accordingly, "there will undoubtedly be many more and more severe personality disorders, psychiatric, physical and emotional problems to cope with in EGRESS RECAP personnel." These would have to be evaluated and treated on an individual basis. Hence the plan should not presume "stabilization or emotional adjustment sufficient to medically qualify the repatriate for hasty return to CONUS within a 72 hour period." Besides recommending deletion of the 72-hour guideline, the panel revived a proposal that had figured in some of the earliest Navy planning. "Consideration should be given to a period of stabilization

of the repatriates at a mid-transit medical facility," such as the Naval Hospital on Guam.<sup>7</sup>

An indication that the medical officers had perhaps been even more vehement on the point than they let on in their written report could be found in the notes taken by the observer from the PW/MIA Task Force, Cdr. R. A. Mauldin. His trip report summarized their view as follows: "36-72 hour parameter is criminal. Command pressures will tend to override therapeutic considerations." Nor was the criticism an isolated one. The MACV Command Surgeon's committee reviewed many of the same considerations in November 1971. Its members concluded that a processing time of about 10 days should be the norm, "to be reduced or extended on an individual basis dependent on the physical and mental condition of the patient and the professional judgment of medical authorities."<sup>8</sup>

By the early autumn of 1971 a more eminent spokesman for the professional medical viewpoint had appeared in the person of Dr. Richard S. Wilbur, M.D., since 27 July the assistant secretary of defense for health and environment. He returned from a September visit to U.S. installations in the Pacific and Southeast Asia with his interest in the medical aspects of the repatriation plan fully aroused. He had a growing concern that the existing guidelines might be interpreted in a manner that would result in premature evacuation of the returnee patients.

Wilbur prepared a memorandum to emphasize that the 36 to 72 hour processing provision was "not intended to take precedence over the proper health care of any individual." Accordingly, the time limitation should be waived whenever, in the opinion of medical officers, adherence to the schedule would not be in the best interest of the health of the returnee patient. The intent of the memorandum was to ask the secretaries of the military departments and the chairman, Joint Chiefs of Staff, to review the repatriation plans to insure that the instructions were consistent with this interpretation. In apparent acknowledgment of the coordinating responsibility of the assistant secretary of defense (ISA) in all matters relating to prisoners of war, Wilbur submitted his proposed memorandum to Assistant Secretary Nutter on 8 October 1971.<sup>9</sup>

The proposal was unexceptionable. Though the concept advanced in the memorandum was probably already well understood, its reiteration would have given added assurance that this was so. Nevertheless, the action was destined not to be completed. Wilbur's submission happened to occur just as the Sexton case was unfolding. The unexpected release of Army Staff Sgt. John Sexton, Jr., by the Viet Cong preempted the attention of ISA officials and then engaged them in reviews of the instances of faulty

coordination and inept handling of the returnee's debriefing that subsequently came to light.\* Also, some of the more public aspects of the case gave an appearance of mismanagement that was enhanced by a series of troublesome public affairs incidents after Sexton was hospitalized in the United States, prompting two members of Congress to make persistent inquiries. It could be argued that some of these difficulties might have been avoided if Sexton had undergone a longer period of debriefing, medical treatment, and psychological stabilization in Vietnam before exposure to his family and the attentions of the press.<sup>10</sup> This line of thought coincided with the view that Wilbur had by now adopted on purely professional grounds. He had advanced from cautionary statements to a more outspoken advocacy of retaining PW returnees at the overseas site for a longer course of medical evaluation, observation, and treatment.

Within DoD the postmortems of the Sexton case continued into November, with Secretary Laird taking part in some of the discussions. Certain comments of the secretary registered with Wilbur as an authorization to undertake revision of the overseas processing provisions of the repatriation directive, and to do so unilaterally, from the standpoint of his responsibilities as assistant secretary of defense (health and environment). He soon produced a memorandum to this purpose, referencing "the direction given by the secretary of defense at his staff meeting on 15 November 1971." Other officials understood that Laird's unrecorded remark had been something to the effect that "next time we'll do it Dr. Wilbur's way."<sup>11</sup>

Wilbur's memorandum did not argue the case for the change that in his professional opinion was necessary. He felt justified in advancing immediately to the implementing step. The memorandum was a draft directive, to be issued over his own signature, to the secretaries of the military departments, the assistant secretary of defense (ISA), and the chairman, Joint Chiefs of Staff.<sup>12</sup> It would remove the 36-72 hour provision and substitute the following guidance on what should occur at the overseas processing center:

2. The repatriated personnel will be retained for a minimum of 14 days and undergo medical, administrative and debriefing processing at the medical facility.
3. Medical evaluation and treatment will have priority over administrative and debriefing procedures. The medical processing will include a thorough evaluation and the initiation of

\* For the Sexton release incident, see Chapter 10.

treatment of any disease discovered. Particular medical attention will be given to:

- (a) Infections such as tuberculosis, malaria, and parasitic infections;
- (b) the stress of captivity;
- (c) the results of trauma;
- (d) dietary deficiencies;
- (e) dental diseases; and
- (f) protection from undue exposure during medical evaluation that might result in the returnee's contracting acute respiratory infectious disease. This medical evaluation will in some aspects resemble the procedures used for the astronauts: Protection of the returnees from infections of other people and protection of other people from infections that the returnees may harbor.<sup>13</sup>

As Wilbur conceived it, the medical attention given overseas should be designed to achieve "the maximum health and welfare for the returnee." The 14 days would permit a complete medical assessment to be performed, including a range of tests and follow-up procedures. Under the existing policy, in contrast, medical testing and evaluation of this scope would not occur until the returnee reached his destination hospital in the United States.

The degree of coordination that Wilbur expected his memorandum to undergo before issuance is unclear. Others saw his proposal as a challenge to the jurisdictional prerogatives of the PW/MIA Task Group and its parent body, the DoD PW Policy Committee. The initial reaction of representatives of the military services, the Joint Chiefs of Staff, and other officials was that his intended directive should receive thorough study, with consideration of its impact on all aspects of the repatriation process, including the morale of returnees and their next of kin. Moreover, they insisted that the discussion should proceed, and the matter reach its conclusion, through the Task Group/Policy Committee channel. A meeting of the task group was quickly scheduled for 23 November 1971, at which time Wilbur was to make a more detailed presentation.<sup>14</sup>

The discussion proved inconclusive. Those supporting the imposition of a specific retention period considered that it would permit a more complete medical evaluation prior to exposure to press and family; allow a more complete physical and psychological adjustment; make it easier to keep the men isolated from the press; and still permit fewer than 14 days if justified in some cases. Opponents argued that pressure for rapid return to CONUS from the public, press, family, and Congress "will probably be

almost irresistible at time of repatriation"; the specific retention period was inconsistent with the policy calling for attention to needs on an individual basis; the logistics and communications problem would be exacerbated by hospitalization overseas for an extended period; and family-returnee contact during the hospitalization period would be considerably eased in the United States. Also, it was observed with some truth, that the press was "just as aggressive overseas, particularly in SEA." On these grounds the spokesmen for the Army, Air Force, Marine Corps, and Joint Chiefs of Staff firmly opposed Wilbur's concept. They held that "the present policy, properly interpreted," gave adequate assurance that the judgment of medical authorities would govern the length of each man's stay at the overseas processing site.<sup>15</sup>

Roger Shields had come to a similar conclusion. He gave his view of the Wilbur proposal when informing Nutter of the results of the task group's deliberations:

Unrealistic policy which probably will be impossible to implement at the time of repatriation; i.e., pressures at all levels for early reunion with families. Announcement, at this time, of such a policy will cause great controversy among families and their supporters. Much effort will be spent on this meaningless controversy. Best policy is current one; let medical condition control repatriation progress of individual. Institute controlled access to PW as dictated by individual's condition and situation.<sup>16</sup>

The issue was of too great importance to be allowed to remain as the task group had left it. Its resolution had to be pursued at a higher level of authority. Nutter had already scheduled a meeting of the DoD PW Policy Committee for 2 December, where Wilbur would again explain his proposal.<sup>17</sup>

Once more the discussion was inconclusive. In addition to voicing the objections from an operational standpoint, some members apparently questioned whether there was a sufficient medical basis for 14-day isolation of the men overseas. Wilbur responded early in the new year with an expanded version of the proposal.<sup>18</sup>

The revision contained a seven-point listing of the purposes the period of medical evaluation was to serve and a detailed index of the medical procedures and laboratory tests to be performed. The latter included numerous blood studies and urine analyses, X-rays, and electrocardiograms, plus more specialized procedures to be performed if clinically indicated. The examination should be "particularly thorough and detailed regarding

infectious and parasitic diseases, deficiency diseases, visual pathology and dysfunction, and mental stresses incurred." Psychiatric assessment, followed by therapeutic counseling if indicated, would also be provided. Besides maintaining "thorough and detailed medical documentation of diagnoses, treatment, and progress," the doctors were to gather the information for a complete medical history of each patient, keyed to a chronology of his imprisonment. It would cover illnesses or injuries incurred and care received from the enemy, including "any use of acupuncture, cupping, medications, immunizations, hallucinatory-inducing substances, and hypnotic-inducing methods." Moreover, the medical examination would be "planned and organized so that it will not be hurried, less than thorough, or tiring to the patient. The medical evaluation, along with necessary administrative and initial debriefing procedures, should be coordinated and accomplished over a 14-day period."

Wilbur attached a day-by-day schedule of the medical activities. It ran from the triage and immediate treatment of emergency conditions on Day 1 to Day 14's "preparation of patient for aeromedical evacuation to CONUS . . . [and] completion of medical records so that they may accompany patient." Notably, there was no indication that the period might be "flexible downward," as earlier suggested. All men would undergo the 14-day schedule of assessment, testing, treatment, and observation. Those whose condition did not require the full course of medical procedures would presumably benefit nonetheless from the allowance for "a non-stressful period of time to begin the readjustment of repatriation."

It could be seen that Wilbur's proposal more than fulfilled the accepted principle that the health and mental well-being of the returnees were the first concern and that medical aspects of the repatriation processing must not be subordinated to any other consideration. It came close to setting a goal of achieving, at the overseas site, the best and most comprehensive results that medical science could produce.

In the comments returned by Policy Committee members there was a noticeable lessening of the deference accorded Dr. Wilbur's professional opinion. By setting forth the specifics of his proposal Wilbur had opened them to the scrutiny of other medical men. Indeed, there were features of the day-by-day schedule that even the layman felt little reticence in criticizing. A Navy official pointed out that "those who have no contagious diseases, are sufficiently adjusted and who are physically able to proceed would have no compelling reason to remain isolated longer than the proposed 'day seven,' dental work notwithstanding." He noted that men recently taken into captivity might easily meet these qualifications.<sup>19</sup>

The spokesmen for the Army and Air Force submitted stronger dis-sents, based in part on consultations with their service medical authorities. The Army surgeon general termed the 14-day period an arbitrary construction, having "no medical basis of explanation." He found one of the suggested medical procedures "contraindicated"; some of those listed as required should be elective, in his judgment, and still others might better be postponed until the men reached their permanent hospital assignments in the United States. A number of Air Force medical specialists had also expressed serious reservations. According to Assistant Secretary of the Air Force Richard J. Borda, "their analysis of the proposed medical schedule indicates an arbitrary arrangement of procedures on various days with no discernible medical logic."<sup>20</sup>

Borda's further objections to "the unnecessarily protracted and leisurely medical schedule" were partly duplicated in the memorandum by the JCS spokesman, Lt. Gen. John W. Vogt. Both officials cited the demands its adoption would place on the overseas center in terms of staffing, facilities, communications, and other support. Besides receiving a large augmentation of medical staff, the site would have to accommodate other contingents not called for in the existing plan. Some personnel would be needed to perform tasks currently scheduled to be accomplished in the United States, others to meet the cumulative support requirements of the expansion. For instance, it had been expected that the overseas intelligence interview would concentrate on what the returnees knew of the fate or whereabouts of men still missing, without moving on to detailed recording of their own experiences. But the commentators thought the further questioning could hardly be postponed for as much as two weeks; some of it might have to begin at the overseas site, with a larger intelligence staff in place. Also, before their two-week stay was out, many of the returnees would undoubtedly become concerned with career, financial, legal, and family problems, posing a demand for information and counseling that could only be met by a further augmentation of specialists in personnel and family assistance matters. In all, Borda wrote, these requirements would severely tax the capacity of any overseas installation, and they might create conditions so crowded as to "degrade the content and quality of the assistance that we intend to provide our returnees and their families, including medical evaluation and care."

It fell to General Vogt to give the most pointed expression to the other prime objection to the scheme. He believed that no one's interests would be well served by delaying the reunion of the men with their families, "simply to meet an arbitrary schedule in an overseas area for an evaluation



which can as effectively be conducted in a CONUS hospital where controlled family visits can take place."<sup>21</sup>

Still, opinion within the Policy Committee had not yet resolved into a single view. The OSD general counsel found nothing in the Wilbur proposal requiring comment, pro or con, by his office. The DIA spokesman did not oppose it, as long as the schedule allotted sufficient time for intelligence debriefings. The assistant secretary for public affairs saw a possible need for greater flexibility than the plan allowed, but he declared that "if the top medical authorities determine that 14 days is generally required, then this could be handled from a public affairs point of view." Assistant Secretary of Defense (Manpower) Roger T. Kelley seemed to feel less assurance on that score. He was willing to have it stated that the estimated time to complete all medical procedures would be two weeks in the majority of cases, but he stressed the "absolute necessity" of thoroughly publicizing the new policy:

It must be fully explained and justified to the news media as well as to the PW families why the same treatment could not be administered in CONUS. They must be convinced that the proposed delay is, in fact, in the best interest of all concerned. Unless this can be accomplished we will be exposed to unrelenting criticism in the press along with problems such as the families traveling at government expense (or their own) to the overseas processing locations. Once there, contact with the returnee could not reasonably be denied, and the isolation aspect would be negated in the minds of other next of kin waiting in CONUS.<sup>22</sup>

Within ISA, Roger Shields had been seeking to devise a policy statement satisfactory to all—one that would meet Dr. Wilbur's essential concerns but avoid the difficulties foreseen as arising from the imposition of a fixed time period. Shields provided his draft to Nutter as the basis for discussion at a second Policy Committee meeting, on 4 February 1972, and there it won tentative acceptance.<sup>23</sup>

The statement omitted the existing provision that overseas processing would normally be completed within 36 to 72 hours. It set no time limits and made explicit what had been implied before, that "the physician-in-charge will decide when the individual returnee is ready medically for aeromedical evacuation." Also, it adopted Wilbur's wording about the medical procedures not being hurried, less than thorough, or tiring to the patient. Even so, two further changes were made in deference to Wilbur's position before the statement reached final form, in early March, as the formal recommendation of the Policy Committee. To remove the least hint



Secretary of Defense Robert S. McNamara at press conference, January 1967.



State Department Ambassador W. Averell Harriman, the U.S. government's chief spokesman and coordinator for PW matters during the Johnson administration.



Paul H. Nitze, deputy secretary of defense, 1967-69.



*Top left:* Arthur Sylvester, assistant secretary of defense for public affairs, 1961-67.  
*Top right:* Frank A. Bartimo, assistant OSD general counsel for manpower during the 1960s. *Below:* Assistant Secretary of Defense Paul C. Warnke (at head of table on right) with ISA deputies and special assistants, December 1968.





*Clockwise from top left:*  
Roger E. Shields, chairman  
of the DoD PW/MIA Task  
Group; Frank A. Sieverts, the  
State Department's leading  
expert and special assistant  
for PW matters, shown here  
welcoming civilian prisoner  
Richard Utecht on his arrival  
at Clark Air Base, February 1973;  
G. Warren Nutter, assistant secretary  
of defense for international security  
affairs, 1969-73.





*Above:* Return of undelivered parcels addressed to U.S. prisoners in North Vietnam.  
*Below:* Anxious wives seeking answers and information on captive and missing husbands, at 1969 Pentagon reception and briefing.





Secretary of Defense Melvin R. Laird.



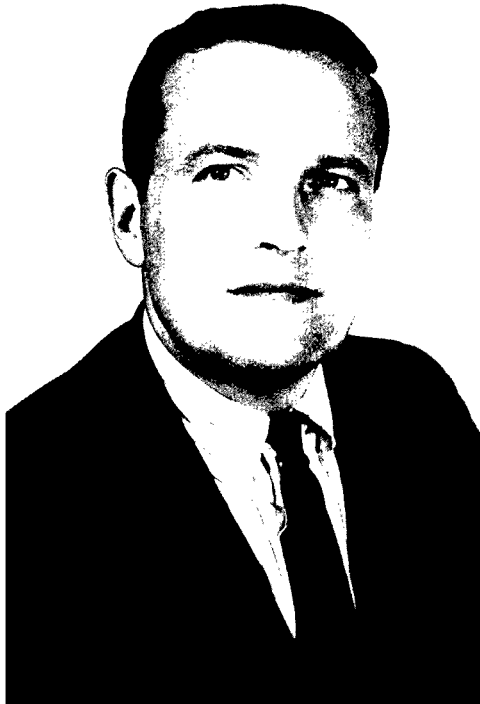
*Above:* Secretary Laird presiding over key “Go Public” press conference, 19 May 1969.  
*Below:* Pentagon’s PW/MIA Task Force at work (Shields on telephone, Maj. Gen. Daniel James, Jr., to his left).







*Clockwise from top left:* Daniel Z. Henkin, assistant secretary of defense for public affairs, 1969-73; Jerry W. Friedheim, Henkin successor in 1973; Richard G. Capen, Jr., deputy assistant secretary of defense for public affairs, 1969-70, and assistant to the secretary of defense for legislative affairs, 1970-71.



Dr. Richard S. Wilbur (front right), assistant secretary of defense for health and the environment, with top deputies early in 1972.



American boys  
are being treated inhumanly  
in Vietnam prisons.  
You can help them.  
By writing a letter. Or two.

*[Small, illegible text columns, likely bleed-through from the reverse side of the page]*



Readers Digest

**UNITED WE STAND**

**THE MAJORITY SPEAKS  
RELEASE THE PRISONERS**



"Bring our Daddy home safe, sound and soon!"

The North Vietnamese and the Viet Cong claim they are treating the prisoners humanely. Why don't they—

- Allow the families to know the status of their men?
- Allow correspondence between families?
- Allow open inspection of prisoner of war facilities to insure proper medical treatment and living conditions?
- Allow communication between the prisoners?
- Release the prisoners now?

The President needs the unity and support of the American people to insure the earliest possible return of the prisoners and to secure a meaningful peace in Vietnam.

**What every American can do—**

1. Send this coupon today to express your support.
2. Ask the family to support today for the safe return of the prisoners.
3. Ask the family to contact to support the prisoners.
4. Be the big hero in your family's memory of an American.

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Equal Opportunity Act

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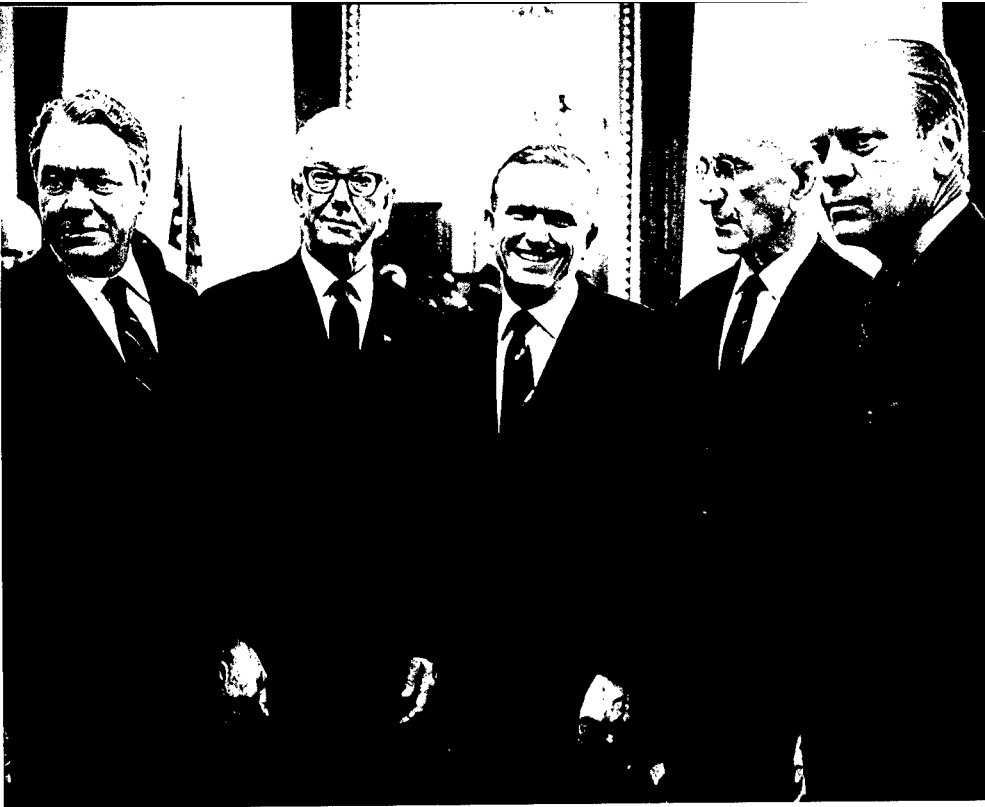
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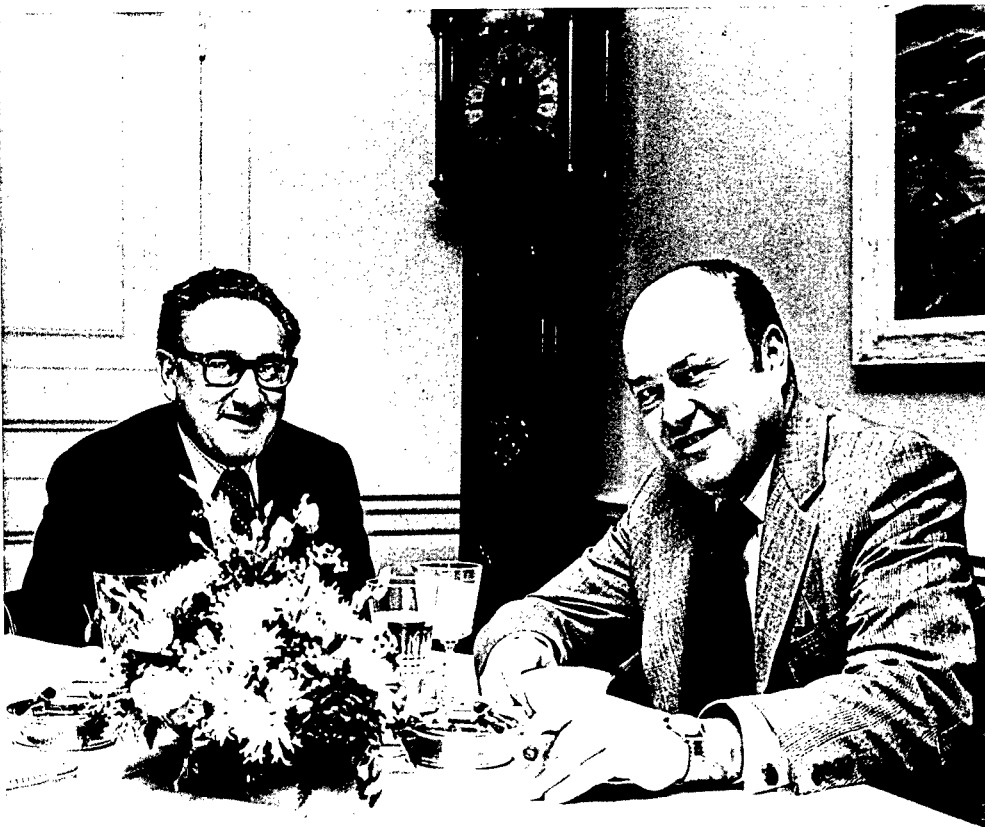
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Equal Opportunity Act

Newspaper ads urging improved treatment and early release of American prisoners.



*Above:* Former astronaut and presidential PW emissary Frank Borman (center), with House leaders (left to right) Hale Boggs, L. Mendel Rivers, John McCormack, and Gerald Ford. *Below:* Secretary of Defense Laird lunches with National Security Adviser Henry Kissinger.





Secretary Laird describes Son Tay PW rescue operation at 23 November 1970 press conference; Brig. Gen. Leroy Manor, overall commander of the mission, is to Laird's left, and Col. Arthur Simon, leader of the commando team, is to the secretary's right.



PW wives and families on the steps of the U.S. Capitol, October 1970.



President Nixon meeting with relatives of captured and missing servicemen at Annual Convention of League of Families, October 1972.



Sybil Stockdale, founding member of the National League of Families.

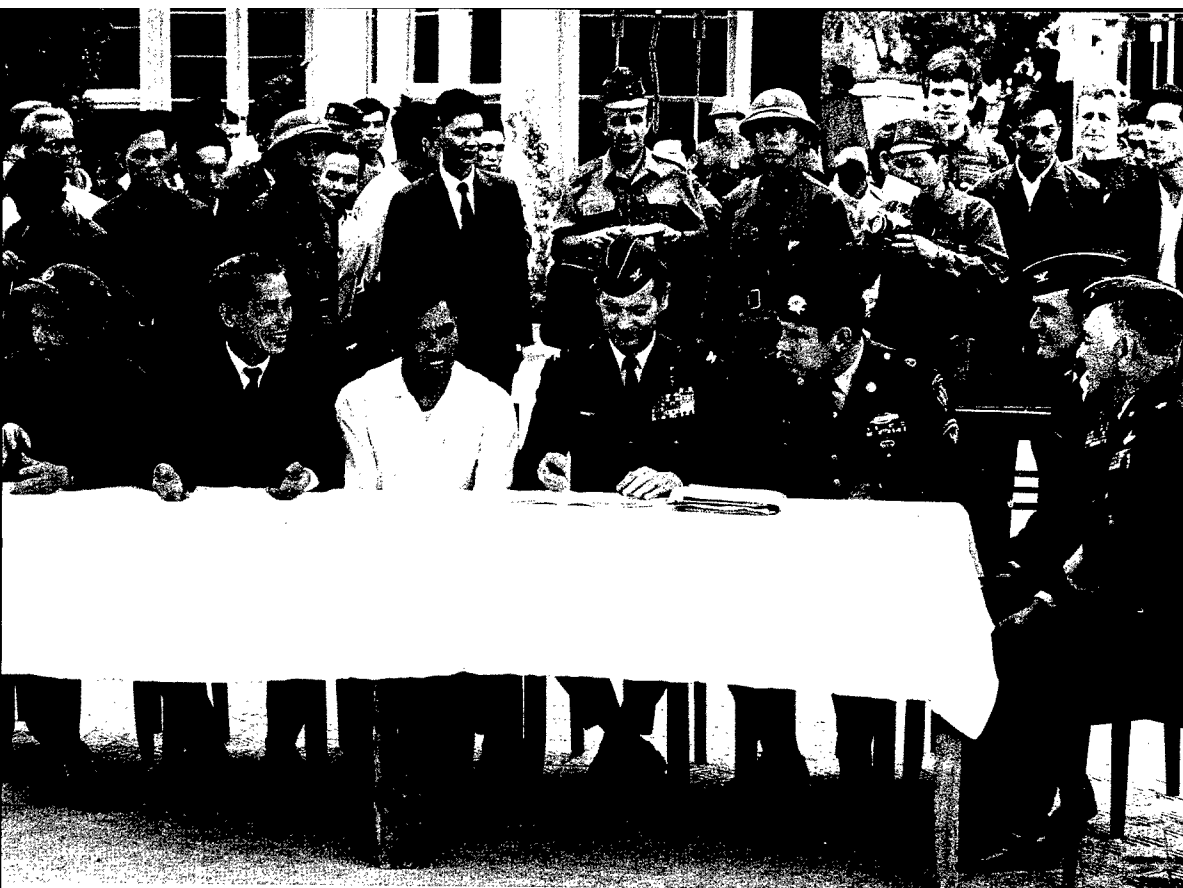


H. Ross Perot, Dallas businessman and United We Stand organizer.



*Above:* Operation Homecoming Task Force receives prisoner lists from Paris, 27 January 1973. *Below:* Secretary of Defense Elliot L. Richardson at Pentagon news briefing, 31 January 1973, a day after his swearing-in.

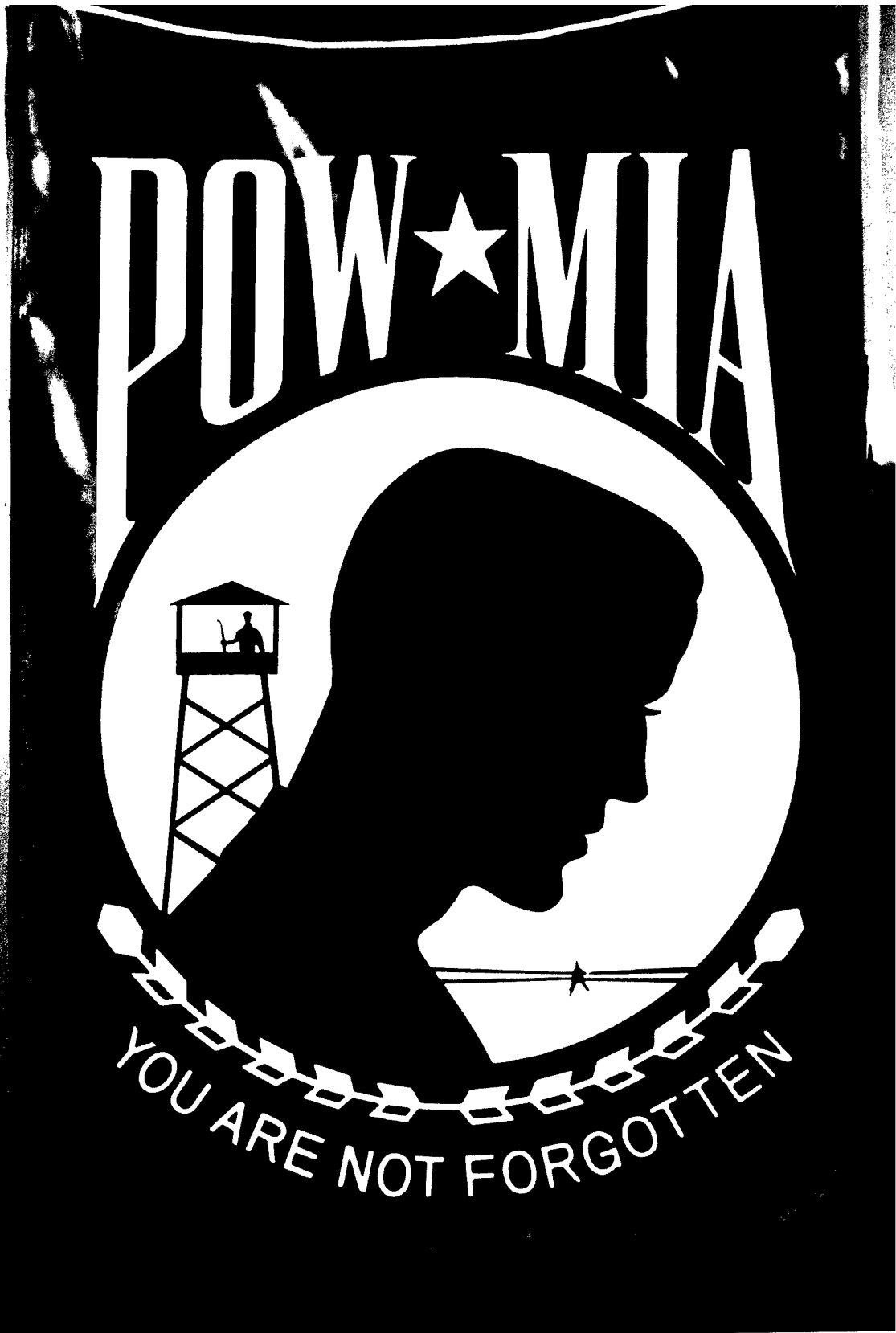




*Above:* North Vietnamese and American representatives at table in Gia Lam airport release area (Col. James Dennett in center, Brig. Gen. Russell Ogan on far right).  
*Below:* Ex-PW Navy Lt. Cdr. Collins Haines gets farewell hug from one of many well wishers as he departs Clark Air Base for the United States.







POW-MIA flag.

of time pressures on the medical authorities, "when" was substituted for "as soon as possible," so that the sentence read "released prisoners will be returned to the CONUS when consistent with their medical and welfare needs." Words were added to the next sentence: "Medical evaluation at the overseas processing location should be designed to diagnose *and where medically advisable begin treatment of* health problems and to make a medical determination of the individual's suitability for aero-medical evacuation."<sup>24</sup>

Although Nutter might well have submitted the policy statement to Secretary Laird for approval at this point, he decided to take a further step before doing so. The final sentence of the statement read: "On the basis of this policy guidance, the Services will jointly develop uniform procedures and guidelines for medical diagnosis and treatment of returnees over both the short and the long term." Nutter considered it desirable to incorporate this sentence in the statement before making the submission. He therefore called on the secretaries of the military departments to designate medical representatives to meet under Wilbur's chairmanship and develop guidelines consistent with the proposed basic policy.<sup>25</sup>

The task assigned fell squarely in the realm of professional medical opinion, and Wilbur's actions as the group's chairman showed his professional judgment to be unvarying and unaffected by lay majorities. He believed full-scale evaluation and treatment at the overseas site to be the only proper course from the medical point of view. He therefore reopened the main question by proposing substitute language for the Policy Committee's statement that would, once again, prescribe a thorough medical and psychiatric examination, requiring approximately 14 days. Despite the critical views recently expressed by some of the senior medical authorities of the military services Wilbur was able to carry the service representatives with him in making this the unanimous recommendation that the joint medical group submitted on 17 March.

The attached description of medical objectives and procedures to be performed overseas retained much of the text of Wilbur's earlier submission, though the day-by-day schedule was omitted. In this "Medical Appendix" a few of the more advanced procedures were now reserved to the CONUS hospitals, but a full outline of topics to be covered in the psychiatric assessment had been added, to be accomplished "in several, separate interviews." An element of flexibility had been reintroduced through the statement that "the period of medical processing may be shortened in appropriate instances, such as those returnees recently captured."<sup>26</sup>

Wilbur had circulated the document to the military departments for comment or concurrence. All nonconcurred. Each of the three respondents

condemned the 14-day provision as inconsistent with the decision already reached by the Policy Committee. In taking this line, they charged, the joint medical group had gone beyond its purview. When reporting to Nutter on 7 April Wilbur noted the nonconcurrences but did not withdraw his 14-day recommendation. He spoke more positively of the Medical Appendix, which was "discussed by the medical representatives of the Army, Navy and Air Force and myself" and agreed to "as medically sound and proper. I recommend it to you."<sup>27</sup>

Already, however, by means not indicated in the written record, it had been arranged that the joint medical group would reconvene "to consider alternative action." At a meeting on 14 April 1972 the group produced a revised recommendation, in which the only significant change was in the sentence containing the time allotment: "It is expected that approximately seven (7) to fourteen (14) days . . . will be required in most instances to properly accomplish this medical and psychiatric evaluation and treatment." The Air Force held a minority view, calling for 4 to 12 days. Wilbur had not participated, his place as chairman having been assumed by his principal deputy, also an M.D., Brig. Gen. George J. Hayes, USA. Wilbur remained convinced that a 14-day minimum was required, and he was understood to be readying a personal appeal to Laird to gain its acceptance.<sup>28</sup>

Nutter had so far resisted the urgings of several Policy Committee members that the statement their body had endorsed be formally presented to Laird for approval. In late April, Admiral McCain requested a prompt resolution of the uncertainties that currently affected repatriation planning at his headquarters. The Pacific commander recommended reaffirmation of the existing 36 to 72 hour provision, subject to waiver on a case-by-case basis for medical reasons. He reviewed all the objections to a longer retention period overseas, and he noted another consideration, in the public affairs area: "There would be charges that we were 'brainwashing' the returnees in isolation."<sup>29</sup>

Meanwhile the Air Force had renewed the attempt to press the matter to the highest level of decision. On 21 April its officials provided a draft of the memorandum they believed Nutter should transmit to the secretary of defense. It set forth the basis for the Policy Committee's opinion that no time period should be specified, while also doing justice to Wilbur's opposing view. Laird should be informed that the parties were "at an impasse"; despite intensive discussion over a span of five months, the issue was unresolved. "A policy decision is essential to EGRESS RECAP planning, with implications throughout the repatriation and rehabilitation spectrum."<sup>30</sup>

Nutter may have felt that Laird would be ill-served by having irreconcilable views so starkly presented to him. Also, Nutter seems to have been more inclined toward accommodation of Wilbur's position than were most of his advisers within ISA. It appears that further consultations occurred, with the aim of persuading Wilbur to ease the situation by endorsing the less rigid position (7 to 14 days) recommended by the joint medical group's majority. Possibly McCain's message of 27 April arrived in time to play a part. In any event, Wilbur, in a handwritten note to Nutter, did signify his acceptance of the majority position in the group's report, "which we hope you will cause to be implemented."<sup>31</sup>

#### *Laird's Directive*

Nutter now submitted the issue to Laird for decision. His memorandum of 4 May 1972 led off with a full exposition of Wilbur's views:

Dr. Wilbur believes that early medical evacuation to CONUS would be injurious to the health and welfare of the men. He believes that they would not be ready, physically and mentally, for the pressures to which they would be subjected, that there would be serious risk of their contracting diseases, and that treatment to return them to good health should not be delayed. He further believes that the returned men will require an unpressured, controlled period of readjustment. In his opinion, we must set up the necessary facilities and earmark the additional personnel required for thorough evaluation, treatment, and readjustment overseas. Otherwise, the men will be hastily and prematurely returned to CONUS.

Based on his beliefs and with the concurrence of the majority of an ad hoc panel of medical representatives of the Services, Dr. Wilbur recommends that the following be included in a proposed statement of medical policy:

"Medical processing at the overseas processing location(s) will consist of a thorough medical and psychiatric evaluation to include medical procedures jointly agreed upon by the medical departments. This agreed upon evaluation will consist of the items detailed in the Medical Appendix. It is expected that approximately one (1) to two (2) weeks will be required in most instances to properly accomplish this medical and psychiatric evaluation and treatment. The period of medical processing

may be shortened in appropriate instances, such as those returnees recently captured.”

Nutter then described the extended consideration Dr. Wilbur's proposal had received within the Policy Committee and the numerous arguments raised against it. He said the committee members accepted the main text of the proposed revision, deeming it adequate to ensure proper consideration for the health and welfare of returned prisoners. But they believed the overseas processing should be limited to medical evaluation of the returnee's suitability for evacuation to CONUS and to such treatment as might be required to make a man fit for the journey. "The period of time that returnees remain at an overseas processing site would therefore be determined by medical evaluation on an individual basis." It was here, however, that Nutter detached himself from the committee opinion: "For the foregoing reasons, all members of the DoD PW Policy Committee except ISA are opposed to including the paragraph suggested by Dr. Wilbur." Nutter recommended that the secretary of defense sign the full version, with the paragraph included.<sup>32</sup>

Laird issued the directive on 16 May 1972. It contained the Wilbur paragraph, somewhat revised:

Medical processing at the overseas processing location(s) will consist of a thorough medical and psychiatric evaluation to include medical procedures jointly agreed upon by the medical departments. This agreed upon evaluation will consist of the items detailed in the Medical Appendix. Approximately one (1) to two (2) weeks may be required to properly accomplish this medical and psychiatric evaluation and treatment. The period of medical processing will be based on the judgment of the physician-in-charge.

Thus were the two positions melded together, with the appearance, on first reading, that the larger concession had been in the direction of Wilbur's stance. Included was his requirement for a thorough overseas medical and psychiatric evaluation, as outlined in some detail in the attachment. But the sentence containing the time indication had undergone a change, with "will" giving way to "may." Approximately one to two weeks was mentioned without making it a strict standard.<sup>33</sup>

Admiral McCain, awaiting the outcome in Hawaii, received a message from the chairman of the Joint Chiefs of Staff that showed clearly enough what balance had been struck. Admiral Thomas H. Moorer wrote that the essence of the policy lay in its reliance on the judgment of the physician

in charge. The professional determination of the medical and psychiatric needs of each man would govern the length of his overseas medical processing. Specifically, the policy "does not preclude the prompt return to CONUS of those judged to be fit for the trip." Moorer's reference to the time period in the directive seemed to make it more the exception than the rule: "The policy change does require, however, that CINCPAC EGRESS RECAP planning include provision for the contingency that approximately 1 to 2 weeks may be required to properly evaluate and treat many released individuals." The implication that "as soon as possible" was still the watchword could hardly be missed.<sup>34</sup>

#### *Adjustments during Implementation*

Revision of CINCPAC's repatriation plan to conform with the newly enunciated policy began immediately, and by 2 June McCain was able to provide a preliminary assessment to his superiors in Washington, at the same time posing several questions. For a large group of returnees, he wrote, application of the new medical guidance plus administrative and debriefing procedures was "estimated to require a median of about six days processing time at a PACOM Joint Central Processing Center (JCPC)." The planning projection being used assumed that on "arrival (A) at JCPC plus 4 days, 7 percent of returnees will be ready for evacuation to the USA." On A plus 5 days there would be another 13 percent, and another 30 percent on A plus 6, so that after 6 days a cumulative total of 50 percent of the group would then be en route by air or already delivered to the United States. A further 30 percent on the seventh day and 13 percent on the eighth would leave only 7 percent of the men still in processing or under medical treatment. (This expected distribution appeared unchanged in the finished plan when published two months later, though with the emphatic direction that the schedule was projected for planning purposes and was not to be viewed as mandatory.)

Though well short of the 14 days that had once been in contention, an average stay of 6 days more than doubled the overseas processing time of the original 36 to 72 hour provision. One result, McCain said, was to reduce the maximum number of returnees who could be accommodated at any one JCPC, from 400 to about 200 (later set at 250). At this time he had three installations designated as "primarily and equally responsible" to be ready to conduct unified processing. The Pacific commander said he intended to operate a single center. If it became clear that the returnee

flow would result in a population exceeding the rated capacity, an additional site would then be activated.<sup>35</sup>

McCain's questions sought mainly to learn whether the authorities in Washington saw the extended processing time as requiring an enlargement of the personnel and intelligence debriefing activities to be performed overseas. When challenging the 14-day proposal, some had argued that this was all but inevitable. In view of the shorter average time of six days—and, rather clearly, as a reflection of the way thought was tending toward the avoidance of any delay—there was now no disposition in Washington to add requirements. The reply McCain received from the JCS on 15 July prescribed no change in the personnel processing goals and no transfer of the main intelligence debriefing sessions from the United States to the overseas site, except possibly for the few men who might be retained there for lengthy treatment.<sup>36</sup>

Other decisions that followed usually inclined in the direction of limiting the required procedures and shortening the prospective time of processing. Within a week, McCain returned with a request for Washington concurrence in his planners' interpretation of the way the psychiatric examination should be handled. They proposed that the doctor performing the initial physical examination should make an assessment of each returnee's psychiatric and emotional state. "The attending physician will request further evaluation by a qualified psychiatrist only if indicated as a result of the above assessment." Approved in Washington, this provision appeared in the CINCPAC plan when issued on 3 August 1972, along with manning guidance that called for one physician for every 10 returnees, one psychiatrist for every 40. It was a marked downgrading of the psychiatric component of the processing.<sup>37</sup>

In other respects as well, the CINCPAC instruction of 3 August served to curtail the processing requirements. "Medical procedures and laboratory examinations will be performed as clinically indicated," it read. But it then introduced the list of X-rays, blood studies, and other tests with the words "these procedures and examinations may include," rather than "should include at least," as in Secretary Laird's directive of 16 May. This type of reinforcement of the physician's discretionary role might be claimed to be in consonance with the spirit, if not the letter, of that directive. What the changes did more surely, however, was ease the way to fulfillment of another objective that military officers at the command level held to be of particular importance.

The objective, cherished as a matter of principle within the professional hierarchy of the armed forces, was to return each man as soon as

possible to the control of his parent service. It had been proclaimed in the earliest of the repatriation directives, the one of 8 June 1968, originally drafted by the Joint Chiefs of Staff: "The respective Services have the inherent responsibility for processing their returned Prisoners of War . . . and will assume control of these individuals as soon as feasible. Each Service will process its own members." This, in turn, had been modified by the second directive of 18 January 1969, which established that all men, without regard to service affiliation, would be processed at a single center overseas. The procedures there would satisfy some service requirements, but the men would not pass fully to the control of the individual services until their arrival in the continental United States.\* Neither of these directives had been superseded by Laird's May 1972 memorandum on medical processing, the sole effect of which was to delete the paragraph in the second directive that contained the 36-72 hour provision and substitute the longer text that had resulted from the discussion of Wilbur's proposal.

The CINCPAC instruction, while conforming broadly to the recent guidance on medical processing, harked back to the two earlier directives for its central theme: "In order to transfer returnees to full Service control as early as possible, emphasis will be placed upon the individual needs of each returnee with priority on his early return to the U.S.A." And the same point was stressed again in the medical annex: "As a general rule, treatment . . ., unless required, will not be the objective during Phase II processing because of the requirement to return the patient to Service control near his family in the USA without undue delay."<sup>38</sup>

The importance of reestablishing service control had doubtless been in the minds of representatives of the military departments during their participation in the months-long discussion of Wilbur's proposal, though so far as the written records reveal, it never appeared as a consideration. The language used in the CINCPAC instruction underscores an obvious point, that speedy reunion with families in the United States and prompt return to service control were one and the same. The latter could be gained by arguing for the former.

The planning done in the Pacific Command, despite its shadings away from the strict letter of the guidance, soon proved to be well in accordance with the thinking in Washington. At a DoD-CINCPAC Repatriation Planning Conference, held at Admiral McCain's headquarters on 9-11 August 1972 and presided over by Roger Shields, no one challenged the concept and projected schedule in the CINCPAC instruction. The discussions did

\* See Chapter 9.



give impetus to a number of subsidiary planning activities, one of which was the preparation, in Washington, of a standardized medical processing form for use both overseas and in later stages of treatment at hospitals in the United States.<sup>39</sup>

Development of the medical form followed a course that repeated some features of the longer discussion of the Wilbur proposal. The form, produced by a panel of service medical specialists under the chairmanship of the assistant secretary of defense (health and environment), promptly encountered opposition from officials at the policy level in the military departments. They objected that it contained excessive requirements for overseas medical evaluation and departed from the terms of the established policy. They also held that the form imposed administrative requirements that would cause unnecessary delay and that it contained questions on matters not essential to the medical evaluation, such as conduct in captivity. After reworking by a specially appointed committee and successive reviews by the PW/MIA Task Group and the DoD PW Policy Committee, the revised standard medical form received approval on 27 November 1972. To explain its use, a joint team soon departed on a tour of hospitals at the prospective repatriation sites overseas.<sup>40</sup>

Thus, by the end of November Wilbur's ideal of a thorough and unhurried medical and psychiatric evaluation overseas was not strongly represented in the plans or the preparatory measures at the operational level. Statements were sometimes made that seemed to contravene it entirely. When, in December, PACOM officers drafted the briefing for accredited newsmen at the repatriation site, it began as follows: "The objective of the EGRESS RECAP operation here is to provide returnees with the necessary medical attention in an absolute minimum of time so that they may return to the United States and be reunited with their families."<sup>41</sup>

In the background throughout the long policy discussion had been the fact that it simply could not be known what physical condition the men would display when released by the enemy. This consideration must have been prominent in Laird's thoughts when reaching the final decision on the wording of the medical directive. He chose to place the emphasis on individual medical assessment, with a suggested rather than a predetermined time frame. The subsequent planning did set the goal of prompt return to the United States, upon determination of suitability for air evacuation by the medical authorities, but the arrangements were not lacking in flexibility and reserve capacity. If some men arrived in an advanced state of debility, malnutrition, disorientation, or untreated injury, the system was capable of the adjustment to meet their needs.

*Policy on Next-of-Kin Travel*

In one further respect the extended processing time overseas had an impact on basic directives and plans. The possibility that in their eagerness for reunion some family members would elect to travel to the processing site had been mentioned during the policy discussion, and McCain raised it again in his message of 4 June 1972. He stressed the inconvenience of such journeys for all concerned, the fact that family members would have to expect extremely austere accommodations overseas, and the "distinct possibility" of their arriving too late to intercept the serviceman before his onward evacuation. In reply, the Joint Chiefs accepted CINCPAC's recommendation that the services discourage such travel except in unusual circumstances. They also advised him that revision of the existing policy was already under way.<sup>42</sup>

The policy on next-of-kin travel dated from 30 November 1968, when the deputy secretary of defense had authorized the service secretaries to provide family members with military transportation, or reimbursement for commercial or private transportation, to make one round trip to visit returned prisoners of war, "hospitalized in the United States, its territories or possessions." In the directive's original version, this applied to the returnee's children "and two other persons." Later, on 27 October 1970, Laird amended the final provision to read "limited to returnee's children, wife, and parents."<sup>43</sup>

The further revision undertaken by the PW/MIA Task Group in mid-1972 followed from the May directive on medical processing. Its main intent was to differentiate between visits to hospitals in the United States and those to the repatriation center overseas. In passing, the revision also provided guidance on travel beyond the initial visit. Laird issued the new directive on 26 August 1972, with the following text:

Service Secretaries will normally authorize either reimbursement for commercial or private transportation or use of appropriate military transportation for appropriate persons living beyond commuting distance to make one round trip to visit returned prisoners of war or other detained US personnel hospitalized subsequent to their return to the United States. Service Secretaries may authorize additional trips at their discretion when the period of hospitalization extends beyond a two-week period. Travel to overseas locations serving as central processing centers will only be authorized in individual cases where the returnee will be retained at the central processing site for an extended

period beyond the normal processing period . . . , or in exceptional cases, when the physician-in-charge deems the immediate presence of the family to be essential to the welfare of the returnee.

Authorization for the above travel at Government expense shall, with certain exceptions to best serve the interests of the returnee and the Services, be limited to returnee's children, wife, and parents.<sup>44</sup>

When recommending that Laird issue this directive, OSD General Counsel J. Fred Buzhardt had commented on the legal basis for the action. Although no law or departmental regulation sanctioned the payment for such travel, he indicated that there were several precedents for the practice. It had been followed with respect to hospital visits to the prisoners returned after the Korean War. At the close of World War II, next of kin meeting ships returning the bodies of their servicemen had their meals and lodging paid for by the government when ships were delayed beyond schedule. But Buzhardt's final point was probably most persuasive: "It would appear unlikely that any Senator or Congressman or the GAO [General Accounting Office], on its own initiative, would get very excited about the authority for payment for such family travel in connection with return of POWs."<sup>45</sup>

Feeling reasonably assured of immunity to challenge in this area, Defense officials soon added a further point to the policy on next-of-kin travel. OASD (Manpower and Reserve Affairs) received from Nutter the assignment of drafting and coordinating a directive to cover the lodging of PW families when visiting hospitals in the United States. Nutter had found that some of the services already intended to provide quarters for the visitors within the military installation containing the hospital. It would not be sufficient merely to declare this the policy for all services, however, since suitable accommodations for family lodging might not exist at every facility designated for medical processing. To achieve uniformity of treatment, all authorized visitors would have to be offered housing, either in government quarters or in commercial facilities at government expense.<sup>46</sup>

The directive that emerged from the coordination process was issued by Deputy Secretary of Defense Kenneth Rush on 4 December 1972:

Service Secretaries will provide available temporary lodging facilities, guest houses, bachelor quarters, and family housing under Department of Defense control, without charge, to personnel visiting hospitalized returnees. Where such facilities are

not available, arrangements will be made to lodge authorized individuals at suitable nearby commercial establishments which offer the most reasonable rates and expenses incident thereto charged to appropriate Operation and Maintenance funds . . . .

It applied, of course, to the same family members who qualified for travel expenses under the previous directive.<sup>47</sup>

#### *Selection of the Primary Joint Processing Center*

That final month of 1972 also saw an important advance in the readiness of the Pacific Command to receive the repatriated prisoners. On 6 December, CINCPAC—now Admiral Noel Gayler—designated Clark Air Base in the Philippines as the primary Joint Central Processing Center. The other two sites, the Navy facilities at Guam and the Army base on Okinawa, became alternate JCPCs. They were to be “activated in the sequence listed if unforeseen developments rule out Clark AB or if the number of returnees to be processed at any one time exceeds 250.”<sup>48</sup>

In informing Laird of the selection, Nutter said it had resulted from a survey conducted by Brig. Gen. Russell G. Ogan of the PW/MIA Task Force and a CINCPAC team. They had found each of the three installations in readiness and clearly capable of doing “an exemplary job,” but the desirability of naming one as primary during the final period of preparation was manifest. In recommendations to Admiral Gayler the survey group gave unanimous support to Clark Air Base as the optimum location. It was by far the closest to the probable release point in Southeast Asia, and Clark’s normal operations already included aeromedical evacuation. In addition, it offered all the necessary facilities in a self-contained installation, with a top-rated hospital, good security arrangements, and “excellent facilities for and control of the Press.” Nutter was confident the designation would allow the primary site “to hone further its facilities and insure optimum joint operations.”<sup>49</sup>

Thus, at the end of 1972, at a time when the Paris negotiations seemed to hold real promise of the release of the prisoners in the near future, the U.S. preparations to receive them were at a high pitch of readiness. But those preparations had involved much more than the central repatriation directives and CINCPAC’s implementing plans that have so far been described. During the years 1969-72, DoD officials had been equally concerned with defining objectives, assigning responsibilities, and setting guidelines for a whole range of related and supporting activities. Refinement

of the public affairs guidance engaged their thought, as did perfection of the air evacuation arrangements, the service escort system, and the precepts to be followed in the intelligence debriefings. Also in place by the end of 1972 were completed plans for the longer term rehabilitation and readjustment the men would undergo following their safe return. To understand the full extent of the preparations for the prisoners' homecoming, attention must be given to these other ancillary but still critical aspects of repatriation planning.

## Repatriation Planning: Rehabilitation and Readjustment

The responsible officials of the Department of Defense in the first Nixon administration were constantly occupied with prisoner of war matters, particularly repatriation planning. Lacking foreknowledge that the event for which they were preparing would not occur until February 1973, they worked steadily and with some sense of urgency to perfect the central directives and to insure that subsidiary plans reflected a full understanding of the policy. Yet, for all their thought and effort, preparations were in less than a finished state at the end of 1971. A feeling of confidence that all was in readiness to handle a large-scale repatriation did not appear until late in 1972, after a year of particularly intensive activity by the military planners and OSD officials. By then the protracted course of the Paris negotiations had permitted them to fill in all particulars of the basic plan and look to the selection and training of the personnel who would process the returnees. Only the consideration of a few additional refinements and a steady round of field inspection trips remained to occupy them as their planning effort approached its end.

At times the Washington authorities had allowed lesser details to engage their attention, as when reviewing the system of color-coded badges to be displayed at the overseas repatriation site by medical personnel, intelligence debriefers, members of the press, and itinerant VIPs. More impressive was the exceptional breadth of their planning, particularly the thought given to the longer term needs of the men and their families.

*The Rehabilitation/Readjustment Study*

As early as October 1970 Assistant Secretary Nutter posed the question "whether enough has been done to prepare for the psychological aspects of readjustment." Discussion within the DoD PW Policy Committee broadened the scope of the inquiry and led to a decision in February 1971 to go ahead with a full-scale rehabilitation study. In June, after the PW/MIA Task Group had further defined the objective, Nutter called on the four services and Assistant Secretary of Defense (Manpower and Reserve Affairs) Roger Kelley to furnish representatives for a special study panel. He asked the panel to "prepare a definitive, comprehensive analysis of the nature of the problem and make recommendations . . . to meet the rehabilitation and readjustment needs of returnees and the families of PW/MIA."<sup>1</sup>

The panel and its subgroups worked through the latter months of 1971, fulfilling Nutter's prediction that the study would require "considerable man-hours and some direct expenditure of funds." The inquiry did not focus solely on the post-repatriation period. Both the adjustment problems currently being experienced by PW/MIA families and the impact of the repatriation process itself on rehabilitation of the men had been made part of the field of study. Thus, when the report of the Rehabilitation/Readjustment Study Panel appeared in January 1972, it encompassed a review of nearly all aspects of the current Defense effort, including some proposals already on the agenda of the PW/MIA Task Group. The panel had been aided by testimony from family members and returned prisoners of both the *Pueblo* incident and Vietnam conflict, besides having the counsel of psychiatrists and psychologists.<sup>2</sup>

The study's conceptual starting point was simply stated:

There is sufficient evidence to conclude that those who return from captivity will experience significant problems of readjustment . . . . The severity of the adjustment problems will vary in a highly individualized manner depending upon personal experience and psychological factors. The former captive's return to health, reality, and normality can be enhanced, however, if the environment to which he returns is properly constructed. This can best be accomplished by ensuring that policies and plans are based on a sensitivity to the returnee's needs. It is equally essential that resources and personnel, associated with the care of returnees, are managed and guided by the precept that all actions, from initial reception and processing onward, will have a dynamic impact on the readjustment process.

The panel returned to the last of these propositions again and again, emphasizing the importance of carefully selecting and training personnel. Since "every individual and event that confronts a returnee will, in one way or another, affect his rehabilitation and readjustment," all medical and administrative personnel, debriefers, escorts, public affairs officers, and hospital staffs had to be indoctrinated in the need for individualized treatment at the man's own pace and made aware of the physical and emotional problems likely to be encountered.

No detail was left to chance. The panel favored periodic checks of the completeness and currency of the information brochures held in readiness for each man's release, which contained data on his promotions and pay status, family situation, and personal affairs. It noted that returnees should not be witness to any open criticism or other evidence of conflict between members of their processing team and that the processing schedule should be so ordered as to "prevent the returnee from needlessly repeating his story, or parts of it, to several different sources"—a matter that some of the previously recovered prisoners had stressed in their testimony. That testimony had also emphasized the importance of debriefing to the mental and emotional well-being of the returnees: "For some, it will represent 'mission completion.' For others it will present an opportunity to 'unload' experiences that have been building for years."

Underlying these recommendations were the panel's findings about the physical and psychological aspects of captivity and their lasting effects on prisoners. Experts had advised that the results of protracted mistreatment, isolation, inadequate diet, and limited medical care were readily predictable. Like those returned from the Korean War, the Vietnam prisoners would probably display a high incidence of malnutrition, dysentery, tuberculosis, arthritis, and dental and vision problems, as well as exacerbation of any preexisting medical condition. Beyond the general loss of body weight owing to malnutrition, the combined effects of limited protein intake and enforced inactivity would be evident in a marked muscular atrophy and slowed reaction time, with anemia a frequent complication. It was accepted that the service medical establishments were capable of providing excellent treatment of these conditions when the men returned, but other effects of injury or nutritional deficiency might lie deeper and escape detection until they began to impair vital organs at a later age. Still lacking, the panel found, was a definite plan for systematic, long-term medical follow-up of the returnees and their families.

The psychological component was a key element of the long-term follow-up. Personnel would have to be aware of the ex-PWs' need for "decompression" and "reacculturation." The panel considered that for some



returnees, recovery and readjustment "may well be a life-long process." Again, expert witnesses had described what to expect:

Studies of ex-prisoners of war in other countries have resulted in consistent findings characterized by the label, "Concentration Camp Syndrome" (or KZ Syndrome). The symptoms of this syndrome include increased fatigue, dysphoria (mental anxiety, impatience, restlessness), impairment of memory, emotional instability, impairment of sleep, decreased self-esteem, loss of initiative, irritability and difficulty concentrating, vertigo, various somatic symptoms (gastrointestinal most common) and headache.

Studies in the United States had yielded similar results. In the immediate post-release period, depression and withdrawal were the most common manifestations, stemming primarily, it was believed, from guilt feelings, acknowledged or suppressed. "Even consciously," the report said, "practically no ex-PW feels satisfied with his own conduct in captivity."

Studies of repatriates from Japanese captivity in World War II and from the Korean War had revealed a higher than normal death rate for as long as 10 years following their return. Though partly attributable to tuberculosis and injuries received in captivity, the excessive fatality rate owed much more to the high incidence of accidental death, particularly in automobile crashes. Suicides and violent deaths at the hands of others were also more frequent than in the age group generally. The presumption was strong that recurrent emotional instability among former prisoners had contributed to this record.<sup>3</sup>

There were also the tests of family reunion and resumption of domestic responsibilities. Here the psychological difficulties could be severe, because waiting family members had also been living abnormal lives, conditioned by another set of strains and anxieties. Panel members experienced in providing family assistance described some of the trials faced by one category of next of kin, the lone wife:

It is a tremendous burden today for a mother to raise a family single-handed. The wife of a PW has the feeling that she will be held accountable to her husband, when he is released, for whatever happens to the children. The wife has a continuous struggle with problems of self-esteem. She receives no satisfactory feedback from her environment. There are few acceptable ways for her to enhance that self-esteem.

She suffers from boredom with the same routine day in and day out, with no end in sight . . . Any satisfactory social activity may at the same time engender troublesome guilt feelings. There is of course no acceptable outlet for normal sexual drives. Whatever the wife does, she is burdened with a sense of guilt.

The absent father has a deleterious effect upon the children. There are stages of development in both boys and girls that require a father figure in order to proceed satisfactorily. The father's absence causes problems with the children and thus gives the wife even more of a burden.\*

"The wife idealizes her husband's return," the report continued. "She believes that once he is released, her problems will be resolved and everything will be perfect. In actuality she is due for a tremendous letdown, since a new series of problems will arise at that time"—all the more so, it was believed, because in captivity the husband had also constructed an idealized fantasy of the home situation to which he would return.

The PW/MIA families had other, more practical problems, but the panel thought these were being handled effectively by the casualty assistance system or were on the way to solution through legislation pending in the Congress. It was the psychological worries that became the focus of their recommendations:

Each Service should initiate a program to educate the PW/MIA families regarding the psychological aspects of captivity, repatriation and readjustment. The educational program should be implemented in a manner which will not unduly alarm the families and which will maintain knowledge in these areas by repetition and updating of information.

Each Service should coordinate plans for repatriation and readjustment with a well-qualified, experienced psychiatrist in order to insure that all psychological aspects of repatriation are explored.

ASD/PA should publicize information to educate the press and the public regarding the psychological problems of readjustment of repatriates so that there will be a better general understanding of the necessary insulation from excessive sensory stimulation and the time necessary to allow for "decompression" and reacculturation.

Each Service should insure that, at the time of release, the repatriate and his responsible NOK [next of kin] understand the high risk of traumatic injuries and possible death among repatriates, especially from automobile accidents. This includes imparting an understanding of the propensity towards depression and problems with motor skills following lengthy periods of captivity.

\* A statistical profile, annexed to the report, indicated that 64 percent of all PW/MIA personnel were married and that slightly more than 1,000 children were awaiting their return.

DoD should insure that adequate funding and personnel are provided for long-term availability of professional psychological counseling for the repatriates and their families.

The last point was reemphasized in a separate specific recommendation citing a need for the immediate institution of a family counseling program: "At present the families receive a spotty and generally inadequate degree . . . of psychiatric or psychological counseling. Rather than a formal program, counseling is provided only when requested by NOK, and received only when locally available." A new program, the panel suggested, should be devised that made effective use both of service medical facilities and those of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). Further, the program should be made known to the next of kin in a manner that overcame any hesitation to seek its benefits. Any success in alleviating the psychological strains on the families would be an immediate gain and would ease the readjustment for all parties when the men returned.

Finally, the panel took up the obvious requirement for career counseling, retraining, and special education opportunities. For returnees who chose to remain on active duty, the panel wanted the services both to fulfill and to improve on career management provisions already in their plans. It also recognized that arrangements had not yet been made to provide comparable assistance to those who elected to return to civilian life. The panel recommended a coordinated undertaking, enlisting the resources of the Veterans Administration, Department of Labor, and other concerned agencies.<sup>4</sup>

After review by the PW/MIA Task Group, the study panel submitted its report to the secretary of defense late in May. Laird issued a general approval of its recommendations on 7 June 1972, placing implementation authority within the existing organizational system. The assistant secretary of defense (ISA), "consistent with his responsibilities as my principal assistant for PW/MIA matters," the secretary instructed the military departments, was to direct appropriate action "as approved by the PW/MIA Task Group." Characteristically, the final paragraph of Laird's guidance to senior officials represented on the task group called for their highest endeavor in support of the objective:

I cannot emphasize too strongly the necessity to make every possible effort within our capability to help these men readjust to healthy, normal, productive lives when they return. Similarly, their families and the families of those men who are missing and do not return are entitled to every possible assistance we can provide. I will appreciate your help in promptly acting on those matters which come under your jurisdiction.<sup>5</sup>

Many of the study's recommendations endorsed projects already under consideration by the task group.\* Career counseling and the connected subjects of medical follow-up and more immediate psychiatric counseling for the families were important new programs that now received priority.

### *Career Counseling*

Nutter assigned overall responsibility for development and implementation of the career counseling program to the assistant secretary of defense for manpower and reserve affairs (M&RA) on 24 July. Fast action resulted in a memorandum from the office in early October that required the services to incorporate career counseling into the processing of returnees during their stay at hospitals in the United States. After the men completed their convalescent leave, attention would turn to careful selection of a duty assignment or to assistance for those who were entering civilian life. Each service should also designate a staff element that would be "accountable over the active military career of returnees for monitoring problems related to captivity that emerge in the future." Countenancing no delay in the selection of personnel for these tasks, the memorandum scheduled a three-day training conference for them to attend in mid-November, barely a month away.<sup>6</sup>

To ease the conversion to civilian life the military departments normally provided information and counseling to men and women nearing the end of their terms of service, but it was apparent that former prisoners making this transition would require special consideration and individualized assistance over a longer period. As the study panel had pointed out, many would be seeking civilian employment after a lapse of five years or more in their work experience and normal development, and possibly with limiting physical disabilities as well. It was important, therefore, the Manpower office noted in a November memorandum, that the services provide such men with full information on employment prospects and assistance available to them from the Veterans Administration and other agencies. When they left the armed forces, a reliable arrangement must be in place for smooth transfer of the responsibility for servicing their needs. Looking beyond the separation date, Defense officials sought to insure that the procedures followed thereafter would preserve the identity of the former prisoners and recognize their requirement for specialized vocational counseling and educational and training guidance. With the Veterans Administration as coordinator, the agencies providing benefits should keep a close eye on the men after they became settled in their home communities.

\* Some are discussed later in this chapter, others in Chapters 14 and 19.

“No POW/MIA,” the memorandum declared, “should ever become lost in the system.”<sup>7</sup>

The main effort of M&RA in furtherance of the career counseling program went toward drawing the appropriate government agencies into consultation, heightening their awareness of the problem, and encouraging them to organize their resources for concerted action. The Veterans Administration, the U.S. Employment Service and other elements of the Department of Labor, the Civil Service Commission, the Small Business Administration, and the U.S. Office of Education all gave willing support. Each contributed a section to the “Guidelines for Career Planning and Other Assistance for Returned POW/MIA Personnel,” published as a pamphlet late in November 1972.<sup>8</sup>

Through the representatives of 16 major companies serving on an employment planning committee, DoD also established liaison with the business community. Among other things, this group designed a resumé form tailored to the particular circumstances of a returned prisoner of war. Reporting to the PW/MIA Task Force on 19 January 1973, M&RA’s Frank McKernan described the progress that had been made in both the public and private sectors, apprising General Ogan that arrangements for career counseling and other assistance to repatriated men who by reason of retirement, disability, or choice would be returning to civilian life were “now ready to go operational.”<sup>9</sup>

#### *Family Counseling and Long-Term Medical Monitoring*

Concurrently, Nutter made sure the study panel’s recommendations on medical follow-up and family counseling received appropriate attention. In fact, planning for long-term medical monitoring and treatment of returnees and their families had begun before the study report was published, owing to proposals put forward independently by the assistant secretary of defense for health and environment, Dr. Richard Wilbur. His recommendation in November 1971 that the services initiate a long-term, coordinated program of study and treatment of the medical problems of returnees gained immediate approval within the PW/MIA Task Group. On 2 December, Nutter asked Wilbur to develop an overall DoD plan, with the assistance of a committee of service medical representatives. Thus the study panel’s recommendations on this subject in January 1972 endorsed an effort already under way.<sup>10</sup>

Laird reaffirmed DoD’s commitment to providing long-term health care in his directive of 16 May 1972 on medical processing of returnees. Moreover, service medical circles had a lively professional interest in

tracking the lifetime effects of extended captivity. Periodic medical examinations could detect the delayed emergence of disabilities, assess the effectiveness of earlier diagnoses and treatment, and aid the development of improved medical procedures for handling repatriated personnel. The availability of base-line data for these exercises seemed assured by the emphasis in the Laird directive on careful recording of examination and test results during the initial repatriation processing.\*

There was no great difficulty in establishing procedures for long-term medical monitoring and treatment of men who continued on active duty or who retired. They and their dependents remained within the military medical system. This would not be true, however, for men who left the armed forces without being qualified for either regular or disability retirement. This category of returnee caused more concern and generated far more discussion.

The concern was not primarily that separated men would be deprived of competent treatment, even though it did seem clearly preferable that they receive attention from military physicians experienced in dealing with post-captivity problems. As Dr. Wilbur's deputy, Maj. Gen. George J. Hayes, put it:

If the Department of Defense were to discontinue medical benefits to those returned POWs who are separated, it is unlikely that there would be any adverse effect on the health of the individuals concerned. They would be entitled to use the very fine health services of the Veterans Administration which could adequately meet their health needs. The greater loss under those circumstances would be to the Department of Defense. We believe it is in the best interests of the Department to continue to monitor the health of all returned POWs and their dependents until their readjustment/rehabilitation is completed.

Under existing rules, the subsequent medical history of former servicemen who were not retirees would not be documented, and the data base for analysis of the prisoner experience would be degraded to that degree. If a way could be found to retain them in military medical channels, however, the validity and comprehensiveness of the conclusions drawn would be enhanced. Also, Hayes noted, the arrangement might sometimes work to the advantage of the individual. "Should any latent disabilities surface we would have all necessary information to process a 'corrections board' case," which might establish the man's right to disability retirement.<sup>11</sup>

\* The directive of 16 May 1972 and subsequent development of a standard medical form for returnee patients are described in Chapter 14.

The search for means of accomplishing this objective occupied OSD officials for some months. For a time during November 1972 the alternative of placing the men on the Temporary Duty Retired List (TDRL) seemed promising, since individuals in that category were entitled to treatment at military medical facilities for up to five years after discharge. In light of legal advice, however, OSD concluded that "the possibility of latent disability that exists in the case of returned prisoners of war is not sufficient to satisfy the statutory requirements for TDRL," and officials in OASD (H&E) suggested another course. They now held that service secretaries had "sufficient broad authority to continue the health care and other assistance required by separatees for an appropriate period." In mid-December they proposed that discharged returnees, not otherwise qualified for access to military medical services, be individually designated by their departmental secretaries to receive this benefit.<sup>12</sup>

The PW/MIA Task Group accepted the proposal but expressed a strong preference for elevating the procedure to the level of the secretary of defense. Making the men "Secretary of Defense designees," it was said, would remove uncertainty over their right to be treated at all Defense medical installations rather than only those of their former service.<sup>13</sup>

This stage of the discussion had been reached by mid-January 1973. The further delay in bringing it to a conclusion may have owed something to the principal officials being engrossed with the imminent Paris settlement and thereafter with the management of the homecoming operation itself. It was not until 22 May 1973 that Wilbur directed that "returned military prisoners of war of the Vietnam conflict leaving the military other than by retirement will be eligible to receive health care in military medical facilities for a period of five years. Similar health care will be provided to dependents of these men." For this purpose they would have the same status as retired military members and their dependents. The secretaries of the military departments were instructed to submit the names of the designees for certification at the OSD level.<sup>14</sup>

Shields had spelled out the grounds for extending the benefit to dependents when submitting the final draft of the directive to higher authority on 3 May 1973. By that date the PWs had come home, and he could speak with some knowledge of the actual circumstances of the repatriated men:

Inclusion of the returnee's dependents in the proposed medical program is recommended since experience and the current status of some returnees indicate the importance of treating the family as a unit. Various factors associated with the SE Asia captivity environment, especially the prolonged separation, have created an extraordinary family readjustment problem for some. It seems

apparent that long term problems facing the men will involve family relations to a substantial degree. Allowing the military physician access to the dependents may help unearth or clarify physical and psychological problems bothering the returnees. At the same time, it will provide the opportunity for evaluation and treatment of dependent problems, especially psychological, which may be affecting the returnee's overall readjustment process.<sup>15</sup>

The Rehabilitation/Readjustment Study Panel had discussed substantially the same considerations in its report more than a year earlier, in January 1972. The panel had recommended psychiatric and psychological counseling for the men and their dependents for as long as needed during the post-repatriation years and also the immediate institution of such counseling for PW/MIA families in their current circumstances. By the beginning of 1973, fulfillment of the first of these objectives was in prospect through the program for long-term medical monitoring. The second objective had not been fully realized, and the time during which it would be of benefit to the families was nearing an end.

Nutter had passed the family counseling recommendation to the services and OASD(H&E) for implementation in mid-June 1972. He noted that the panel report had identified the basic elements for a family counseling program, but considerable planning and the identification of qualified personnel and funding sources would be necessary, as well as development of operating procedures and an organizational structure. Since the program focused on psychological and psychiatric problems, most of these activities, Nutter said, should proceed under medical auspices, and he asked that "the Assistant Secretary of Defense for Health and Environment assume responsibility for coordinating and supervising organization and implementation of the program," with the military services providing assistance and qualified personnel as required. To preserve the integrity of the existing family assistance system, however, he deemed it "essential" that the service casualty assistance offices have the key role in advising family members of the program and facilitating their participation in its benefits.<sup>16</sup>

General Ogan of the PW/MIA Task Force checked on progress during August 1972 and found in OASD(H&E) a tendency to minimize the requirement, with officials having "essentially 'hung their hat' on the view that existing support to families constitutes a family counseling program." He believed he had succeeded in impressing that office with the broader vision of a counseling program held by ISA and with the high priority that should be given to its accomplishment.<sup>17</sup>

Though OASD(H&E) apparently committed itself to a more thorough-going effort, the passage of another five weeks did not yield any achievement



that Shields could cite in reply to a set of recommendations submitted by the National League of Families, which included a plea for expanded family counseling services. On that point Shields made as much as he could of the current program, while promising improvement in the future. In explaining why the acknowledged need was not already met he fell back rather lamely on language that had appeared in Nutter's original implementing memorandum of 13 June:

Each of the Services has existing programs which are elements of an overall family counseling program. These include the casualty assistance officer system, family newsletters, special family briefings, individual counseling as required and standard military medical (psychiatric) services where necessary. However, considering the extended period during which our men have been missing or captured we have recognized the need for a level of counseling that goes beyond existing programs and is essentially psychiatrically/psychologically oriented. Therefore, in June of this year we directed organization of a special family counseling program under medical auspices. The development of such a program requires considerable planning, identification of resources, funding and qualified personnel, training and development of an organizational structure, and operating procedures. Until such time as a definitive program is instituted, interim counseling includes such measures as the current series of Service meetings with families.<sup>18</sup>

The series of service briefings for families at various locations throughout the country did deserve mention. Each service provided these briefings during the latter half of 1972, with emphasis on explaining the repatriation plan and informing next of kin about the psychological aspects of captivity to better prepare them for the post-reunion period. The traveling briefing teams usually included a psychiatrist, and all services made use of a highly regarded film presentation developed by William Miller, a government psychologist. It dealt with the captivity environment in Southeast Asia and the mental and emotional mechanisms that prisoners used to withstand and adjust to its demands.<sup>19</sup>

Helpful and well-received though these sessions were, they constituted only a one-time effort at each location and served more to highlight the family counseling need than to dispose of it. One trip report, submitted in late August by the chief of an Air Force briefing team that had toured 20 installations, closed with the following observation: "It was apparent in discussions with family members that the Services must move out as quickly as possible on a specialized family counseling program," such as Secretary Nutter had directed in June.<sup>20</sup>

The Air Force had developed a concept for a family counseling program and expected approval by its surgeon general in time for implementation during October 1972. It provided "a monitoring and referral service for the PW/MIAs and their families before, during and after the release of the PWs." Also, to focus particularly on current family problems, the Air Force was establishing a family assistance council at each installation that dealt regularly with PW/MIA dependents. It was designed to coordinate the legal, medical and psychological, financial, chaplain, and public affairs resources of the base in a sustained effort to alleviate the difficulties these families were experiencing.<sup>21</sup>

Both the Navy and the Marine Corps, in August 1972, cited progress being made in developing a family counseling program at the Center for Prisoner of War Studies of the Navy Medical Neuropsychiatric Research Unit in San Diego. The center had conducted "structures interviews" with PW/MIA dependents and former returnees. The Army was also participating in the center's work by assigning a specialist to the staff and contributing \$80,000 toward current fiscal year costs. In addition, its spokesman said, "the Army Medical Department has established a Family Counseling Program. Families and NOK of PW/MIA's have been advised that family counseling services, by trained social workers, are available if they so desire."<sup>22</sup>

This activity by the services evidenced a sincere commitment through the summer and fall of 1972 to improve family counseling. However, during the few months remaining before the return of the prisoners, performance fell noticeably short of the goal proclaimed by ISA—"a level of counseling that goes beyond existing programs and is essentially psychiatrically/psychologically oriented," to be provided uniformly by the services under guidance from the OSD level. In the time remaining before homecoming, OASD(H&E) did not succeed in preparing an overall plan for task group approval. Perhaps it was simply that the professional resources for a program of the scope envisioned were not readily at hand. In any event, as time ran out at the end of 1972 emphasis shifted wholly to basic long-term counseling for repatriates and their dependents and to meeting the special readjustment needs of the families of missing men whose return seemed increasingly unlikely.

#### *The General Progress of Planning: The Washington Conference*

Implementing actions stemming specifically from the report of the Rehabilitation/Readjustment Study Panel were important but occupied

only a modest place in repatriation planning during 1972. The main thrust continued to lie in the further development of overall policy and in the operational planning of the services and the unified commands. New policy determinations—most notably deciding the length of time the men would remain in overseas processing—led to changes and revisions in the plans at all levels, even as work continued toward filling out and refining the several annexes in each plan. The accumulation of changes and additions caused nearly all commands and services to consolidate and reissue their basic Egress Recap documents at least once during 1972.<sup>23</sup>

The year 1972 also saw a more pronounced exercise of overall coordinating authority by ISA, particularly as projected to U.S. commands and installations around the world. The effort was a conscious one, launched by Nutter in December 1971 when he announced the convening of a DoD PW Repatriation Planning Conference in Washington the following month. He called for representation from CINCPAC's headquarters and component commands, COMUSMACV, USCINCEUR, and the Military Airlift Command (MAC), and from the services, DIA, JCS, and various OSD offices.<sup>24</sup>

When the 102 attendees gathered on 19 January 1972 for the three-day conference they heard opening presentations by Nutter, Shields, who served as chairman, and Rear Admiral H. H. Epes, Jr., director of the PW/MIA Task Force. All three mentioned Secretary Laird's dedication to the cause of the prisoners and missing and his special concern for the success of the repatriation planning effort. Laird himself made his interest and backing known personally during an unscheduled appearance at the afternoon session. The opening speakers sought to insure that officers from the distant commands appreciated the sensitivity and public importance of the PW/MIA issue at the national and international levels, which in turn made it imperative that the highest levels in DoD directly supervise planning and execution. Beyond that, Shields said, the purpose of the conference was "to examine in detail the plans for implementation of DoD policies . . . and to insure that the intent behind the policy wording is clearly understood."<sup>25</sup>

The conference sessions of 19-21 January revealed procedures and relationships that still required definition; details still to be tied down came to light. Command representatives gave Washington officials their comments on changes or extensions of policy being considered. The conference, reinforced by the concurrent publication of the rehabilitation/readjustment report, gave marked impetus to the planning effort at all levels.

Within a week, each of the services had initiated a review of the currency and completeness of the information in the brochures on individual PW/MIA personnel that had been prepared in anticipation of the prisoners' return. This responded to a need cited both at the conference and in the

study panel's report, and in early March the Joint Chiefs of Staff followed up by establishing a required, standardized format for the brochures. They would include a personal section, to be given to the returnee, and other personnel data, to be used by the staff at the processing site. For the personal section the JCS prescribed: (1) a cover memorandum, prepared by each service for its own returnees, providing general processing information to the returnee, including possible CONUS hospitals to which he could be sent from the processing site; (2) a summary of information concerning his family since he was captured or missing, including secondary next of kin and others close to the individual, and giving current addresses and phone numbers as well as messages and recent pictures that the family might provide; (3) a summary of pay and allowance data; (4) information on awards and decorations; and (5) any promotion or appointment orders. Held separately in the personnel folder would be:

Sensitive information concerning changes in family status which occurred during the individual's absence, i.e., deaths, divorces, serious illness/injury. The information will be sealed in an envelope which will be prominently marked as follows: "Attention—This envelope contains sensitive family information which will be discussed with the returnee by a chaplain or senior officer as soon as the returnee has been medically cleared to receive distressing news."

The personnel folder would also contain a pay form for an initial amount of \$250 and provision for further disbursements from his pay account if the returnee desired.<sup>26</sup>

A few days earlier the PW/MIA Task Force had called on the OSD controller to assemble an ad hoc interservice group to work out cross-service funding arrangements for a repatriation in which all returned prisoners would be processed together. For instance, the military service whose installation housed the joint central processing center would initially bear the full expense of pay disbursements to returnees and of providing clothing and other personal items beyond the uniform, for which it would expect to be reimbursed. The accommodation and transportation of escorts might also give rise to claims for compensation.<sup>27</sup>

Meanwhile, activity also increased among PACOM's planners in the wake of the Washington conference. Admiral McCain proposed, and the JCS approved with minor changes, a standardized format for the initial flash-precedence message reporting the recovery of captured or missing U.S. personnel. Longer and more technical exchanges occurred between PACOM and the JCS in July regarding CINCPAC's communications requirements for processing a large volume of returnees, including provision

for dedicated use of major trunk lines for the telephone calls home to next of kin.<sup>28</sup>

Earlier in the year CINCPAC had sent his component commanders and the three prospective central processing sites a message announcing additional policy measures, which he related specifically to problem areas revealed during the Washington meeting.<sup>29</sup> One section covered the issuance of uniforms and health and comfort items—a list that began with “complete lightweight uniform (blouse type) to include two shirts, raincoat and all necessary accessories and decorations” and ran on to “letter writing kit to include stamps” and “canvas handbag for carrying issued and other personal items enroute to CONUS.” Then followed a 13-point outline of the role and demanding duties of the personal affairs escort/sponsor, the officer or NCO to be assigned to each returnee. Having custody of the returnee’s file and being completely familiar with its contents, the sponsor would schedule the man’s processing and guide him through such important stages as the telephone call home and the appointments for medical examination, intelligence debriefing, uniform fitting, and receiving pay, at the same time assuring that the “returnee is not overwhelmed or harassed with processing requirements” and “is given personal attention as an individual.” Besides being on call on a 24-hour basis to respond to any personal needs of the former PW the escort/sponsor would fulfill a commitment to “talk personally to returnee at least twice each day,” the subjects to include news of his family, national and world developments during his absence, and “events leading to his return (if he exhibits interest).”

While one escort for each returnee was preferred, CINCPAC’s guidance recognized that it might have to go as high as one to five during a large influx of former prisoners. Only when dealing with a release of moderate size would it be possible for the same sponsor to accompany one man throughout the central processing, homeward flight, and final delivery to the CONUS hospital. “If a continuing flow of returnees is expected at the processing site, or large numbers of returnees are to be evacuated to CONUS within a narrow time frame (75 or more within 24 hours),” instructions allowed for an adjustment of 1 escort for up to 10 returnees of the same service on the homeward flight. This would provide aircraft space for more returnees while ensuring that sufficient sponsor/escorts remained at the processing site to sustain its operations.<sup>30</sup>

The January conference in Washington had included the first exposition of plans for aeromedical evacuation by the Military Airlift Command. The MAC representatives spoke mainly of the initial movement of returnees from the prisoner retrieval points to the PACOM central processing site. They had plotted the aircraft cycle times for prospective release or pickup at Hanoi, Saigon, Bien Hoa, Danang, Vientiane, Hong Kong and, as a

remote possibility, Kimpo, near Seoul, Korea. Soon afterward MAC distributed worldwide the latest version of the inch-thick Egress Recap Plan. It contained airlift flow patterns and scheduling, loading, and manning data for the C-141s that would perform the first two stages of evacuation, from release point to central processing site and home from there, via Hawaii. Once in the United States, C-9 aircraft would transport returnees to military hospitals throughout the country.<sup>31</sup>

#### *Involvement of the European Command*

Understandably, the January conference had emphasized the status of CINCPAC's preparations, but the less extensive planning currently required of USCINCEUR had also been reviewed. The idea that contingencies might arise that would give the European Command (EUCOM) the major role in repatriation was beginning to receive attention. In releasing U.S. prisoners from North Vietnam in the past—nine men in all, in groups of three during 1968 and 1969—Hanoi's leaders had pursued their own purposes, without predictable pattern. For the final repatriation they might conclude it was advantageous to send their captives westward, through Peking, Moscow, and other Communist capitals to some release point in Europe. The commander in chief, Atlantic, looking to his own potential responsibilities under Egress Recap, even thought it conceivable that U.S. prisoners might be offered for release in Havana, "for propaganda or negotiation purposes."<sup>32</sup>

The need for EUCOM repatriation planning to be on the same scale as in the Pacific came into sharper relief following Secretary Laird's directive of 16 May 1972, which extended both the time and the procedures to be accomplished in overseas processing. On 22 June the Joint Chiefs of Staff notified General Andrew J. Goodpaster that higher authority would soon require his European Command to undertake full preparations for repatriation, including operation of a joint processing center, and that he should begin the planning immediately.<sup>33</sup>

On 15 July Laird issued the memorandum calling for EUCOM planning. The JCS followed with a formal directive to USCINCEUR to prepare plans for the accomplishment of all tasks associated with Egress Recap, paralleling the effort in the Pacific Command.<sup>34</sup>

Early in the planning Ramstein Air Base and the U.S. Army General Hospital at Landstuhl, West Germany, were designated as the elements of a single EUCOM Joint Central Processing Center (JCPC), headed by an Air Force general with deputies from each of the services. In mid-November, Shields led a team from Washington in two days of conferences at EUCOM

Headquarters and a one-day tour of the Ramstein-Landstuhl complex. The visit coincided with publication of USCINCEUR's Egress Recap plan.<sup>35</sup>

*Another Major Planning Conference*

Earlier, USCINCEUR had sent an observer to the second DoD PW Repatriation Planning Conference of the year, held in Hawaii from 9 to 11 August 1972, with Shields again as chairman. Long contemplated as a follow-up to the January meetings, it was intended to focus exclusively on CINCPAC's plans and preparations. The only topic that arose with direct implications for USCINCEUR's planning was the matter of arranging for speedy airlift to Europe of the individual record folders and stock of uniforms stored in the Pacific Command, should the prisoner release occur in General Goodpaster's area of responsibility.<sup>36</sup>

The conferees discussed means of keeping the content of the personnel folders up to date, and they examined the provision for Quick Reaction Teams (QRTs). On 18 June 1972 McCain had directed 13th Air Force at Clark and the Army command on Okinawa to keep QRTs in readiness for dispatch to points of anticipated recovery on four-hour notice. At a minimum the team would have a chief, flight surgeon, one escort per service represented among the returnees (if possible), a public affairs officer, an aeromedical evacuation operations officer, and, if available from PACAF/MAC resources, a small airlift control element. The directive called for augmentation of the team within eight hours to support its function of assisting the responsible military commander or other U.S. government official in receiving the men and evacuating them promptly, with escorts, to the CINCPAC-designated Joint Central Processing Center.<sup>37</sup>

The planners also addressed the ratio of debriefers to returnees at the JCPC. Army and Marine Corps arrangements for manning the debriefing activity they judged adequate; those of the Air Force and Navy appeared less so, since personnel were being trained primarily as escorts on the assumption that they could also conduct intelligence debriefings as an additional duty. Air Force and Navy representatives of PACOM responded to this assessment by proposing to assign more men to their training programs. The Navy would still train individuals as both escorts and debriefers but now expected to assign them exclusively to one role or the other at the JCPC. The Air Force would continue to use combined escorts/debriefers, but in sufficient numbers to maintain a ratio of one to one, or at worst, one to three.

The aeromedical evacuation plan emphasized the requirement that each C-141 carry no more than 24 returnees for the long flight to the

United States. Their comfort was the controlling consideration. The loading limitation would assure that each man had both a seat and a bed, with ample seating for escorts and other attending personnel.

CINCPAC representatives during the conference pressed particularly for information about the turnover of escort responsibilities and the delivery of records in the United States. Only if the number of returnees was small and evenly spaced could PACOM supply escorts on a one-to-one basis to accompany a man throughout the homeward flight and on to his hospital. More likely, one PACOM escort would look after several men, and a transfer of records and duties would have to occur at the point where the returnees transferred to C-9 aircraft for flights to separate destinations. The same consideration applied to a lesser extent to the couriers entrusted with debriefing data.

The port of entry for repatriation flights originating in the Pacific would be Travis Air Force Base, in California. The conferees agreed on the need for a single office there to arrange the exchange between incoming PACOM escorts and the service escorts who would take over for the rest of the journey, allowing PACOM personnel to return promptly to the JCPC to repeat the cycle. Soon after the conference the director of the PW/MIA Task Force assigned responsibility for the arrangements to the Air Force, broadening it to include both Travis and Andrews Air Force Base, near Washington, the designated port of entry for flights from Europe. General Ogan asked that these escort coordination offices, under Air Force control, be staffed jointly by the services and have communications links with the National Military Command Center in the Pentagon and other headquarters.<sup>38</sup>

Some of the discussions at the August conference helped to hasten completion of actions already under study in Washington, for example taking steps to standardize the recording of the information gained from debriefing the returnees at the JCPC, where the goal would be to gather knowledge of men still unaccounted for. This meshed with a proposal, already well advanced within the PW/MIA Task Group, for a single Defense-wide automated data processing (ADP) system to speed the correlation of returnee input with other intelligence information. Discussions had begun in March 1972 and had resulted by 1 June in a task group request that DIA work with service representatives to develop the computerization proposal in detail, using the ADP system already employed by the Air Force.<sup>39</sup>

On 11 October Nutter established the requirement for the feeding of all information from the initial returnee debriefings into an expanded Air Force ADP system. His directive reaffirmed DIA's responsibility to provide technical direction and coordination for the debriefings and appointed the Air Force executive agent, under DIA management, to develop and operate the ADP reporting system and produce training materials. Nutter



emphasized the prominence that the MIA problem would receive at the time of repatriation. "Intense interest and concern will be focused on the Department of Defense and the individual services to resolve these MIA cases in a timely and efficient manner," and numerous requests and queries from press and public should be anticipated. Activation of the new system, Nutter said, should therefore receive the highest priority. DIA advised potential users of the ADP system on 21 November that an interim operational capability now existed and that they would soon receive an instruction guide and standardized forms for the recording of debriefing information.<sup>40</sup>

The conferees in Hawaii had also pondered how to avoid any hitch or unnecessary inconvenience during the homeward journey of the returnees. One potentially irksome minor obstacle had already been dealt with—securing from the Center for Disease Control of the U.S. Public Health Service a waiver of the normal requirement for proof of currency of immunizations when reentering the United States. At the conference the desirability of some similar arrangement with the Bureau of Customs was pointed out. OSD officials followed up on the suggestion, and early in 1973 reached an arrangement whereby returnees, escorts, and air crews and their baggage would be cleared by military inspectors before departure from the overseas site, under the monitorship of U.S. Customs agents. As stated in the agreement, this would "preclude reinspection by Bureau of Customs inspectors at intermediate stops on the flight to CONUS or upon entry into the United States unless there are indications of irregularities."<sup>41</sup>

Though not clearly indicated in the conference record, it is probable that PACOM officers pursued a matter that McCain had raised several weeks earlier when he asked for copies of the background material developed by the services to bring prisoners up to date on world events. Such reorientation would not be a primary objective during overseas processing, he said, but JCPC personnel might have to deal with a range of questions from the returnees about international relations and social, political, and economic changes in the United States.<sup>42</sup>

DoD elements had long recognized the need for special measures to fill in missing information and assist the returnee in reestablishing his national and global frame of reference. As early as November 1968 Navy officials had explored with a leading newsreel company the possibility of producing a year-by-year film of news highlights, perhaps narrated by entertainer Bob Hope. The cost estimates they received led the Navy's representatives to recommend sponsorship of the film production by DoD rather than a single service, and the matter was not further pursued. By the time of McCain's request in 1972, however, the plans of all services provided for current events orientation for the returnees during their hospital stay in the

United States. The Navy, for instance, had produced a briefing outline and audio tapes covering significant news items for the period 1965-71. A Navy spokesman noted that "in order to avoid the possibility of biased reporting, we utilized the talents of Naval Reserve Officers who as civilians are newspaper and TV correspondents."<sup>43</sup>

The task of providing an objective account of political events during the turbulent era that had included the traumatic deaths of Martin Luther King, Jr., and Senator Robert F. Kennedy, the rise of the antiwar demonstrations, and the 1970 Kent State incident in which several students were shot by National Guard troops was a formidable one. In addition, the returnees would need to be brought up to date on the achievements of the space program, and it would be well to inform them of the extension of the voting privilege to 18-year-olds and of changes in speech, clothing, and hair styles among the young. Other less important information could also help in overcoming what one former prisoner had described as the feeling of being a "modern version of Rip Van Winkle." The returnees might appreciate being reminded that such figures as Spencer Tracy, Judy Garland, J. Edgar Hoover, and former President Eisenhower no longer filled their familiar place on the American scene.\*

#### *Agreement on Repatriation of Civilians*

The August conference was attended by Frank Sieverts from the State Department and representatives from the American embassies in Manila, Saigon, and Vientiane. Their participation was desired because planning for processing returned U.S. civilians through the Egress Recap system, on a voluntary basis, was then reaching an advanced stage. Discussions extending back to the previous November lay behind the State-Defense agreement, concluded in June 1972, on handling of the 50 American citizens listed as captured or missing in South Vietnam, Laos, and Cambodia. Among the civilian captives who might be released along with the military were newsmen, tourists, and other private individuals, but more than half were U.S. government personnel or employees of firms under contract to government agencies.<sup>44</sup>

Subject always to their consent, civilians would pass through the same facilities, from release point to arrival in the United States, as the military

\* By 1971 many of the prisoners were already learning of the culture shock that awaited them, getting a sneak preview from the increased flow of letters and photographs from home and an influx of new arrivals into the camps. See Rochester and Kiley, *Honor Bound*, 541-43.

returnees. The State Department informed affected diplomatic posts that the arrangement was entered into "for primary purposes of ensuring safe, fast transportation, providing needed medical check-ups and care, and debriefing all returnees, particularly on information they may have on other missing or captured personnel, civilian or military." The assurance of systematic inclusion of these debriefing results in the ADP data base was deemed particularly important by Defense officials. They were conscious, too, that "the statements a civilian repatriate might make could adversely affect the welfare of military men still held." They hoped that few civilian returnees would elect to withdraw from the Egress Recap channel and the controlled environment of the JCPC, where contact with the news media would be carefully regulated.<sup>45</sup>

Discussion at the conference in Hawaii insured general awareness of the civilian returnee provisions and fostered contacts between State Department personnel and PACOM staff officers. Further interdepartmental planning in Washington focused on such details as the allocation of funding responsibilities and extension of the arrangement to any third-country nationals who might be released. At the year's end, Sieverts and Shields formalized the agreement in an exchange of correspondence.<sup>46</sup>

DoD was prepared to accommodate civilians through all stages of the repatriation sequence, including completion of medical treatment at U.S. military hospitals near their homes. The terms of the State-Defense compact made clear, however, that civilian returnees were not to be simply remanded to the military for processing. State Department officials would be in attendance at all times and would have certain specific responsibilities, including the initial verification of the returnee's free consent. The agreement provided that if civilians "do not elect the use of DoD facilities, or discontinue such use at any time, care and assistance for them will then become the responsibility of the Department of State." Third-country nationals (TCN) released with U.S. civilians would be handled in the same manner, subject to the desires of their own governments, as ascertained by the State Department. DoD expected to be able to offer military transportation to assist TCN in returning to their home countries.

The agreement specified that:

State Department officers should be provided to act as escorts for U.S. civilian returnees from the point of return to U.S. control until the returnee is no longer utilizing DoD facilities. During transportation phases, at least one State Department escort should be provided for each aeromedevac aircraft carrying U.S. civilians. Additionally, State Department officers should be provided to act as debriefers at overseas and CONUS military medical facilities being utilized by U.S. civilian returnees.

Defense officials attached particular importance to the provision that:

State Department liaison officers should be stationed at the JCPC where DoD facilities are in use by civilians/TCN's, at the airport of entry (Travis or Andrews AFB) being transited by aeromedevac aircraft carrying civilians and at any U.S. military hospital in the United States where U.S. civilians are receiving medical care and treatment. These officers . . . should remain on station for as long as these stated DoD facilities are being transited or utilized by civilians.

Further, the Department of State would be responsible for arranging the travel and lodging of family members who desired to visit a civilian returnee at the hospital. In such manner the government insured that civilians among the ex-prisoners received essentially the same level of care and attention as military returnees.<sup>47</sup>

## Repatriation Planning: Public Affairs and Conduct in Captivity

As repatriation planning entered a final stage late in 1972, there remained two important loose ends of a sensitive nature that required close attention and occasioned considerable discussion. One was the management of public affairs during and following the prisoners' homecoming. The other was the matter of the principles and procedures governing debriefing of returned prisoners and for reaching judgment on their conduct in captivity.

### *The Public Affairs Challenge*

There could be no doubt that the return of the captive Americans would be a news event commanding national and international attention. Planning for the management of its public affairs aspects was accordingly a prime concern and the subject of continuous effort. At the Washington level the effort went toward the working out in increasing detail and refinement of a basic public affairs guidance document, in which lines of responsibility were drawn, anticipated problems described, and instructions for dealing with various circumstances set down. The process was notably devoid of false starts and major reconsiderations, since the central operating principle was uncontested from the beginning: This aspect of the repatriation would be controlled in all respects and with minimum delegation by the Office of the Assistant Secretary of Defense for Public Affairs.

To be sure, it was not a method of operation freshly conceived to apply to the prisoner repatriation. An existing DoD directive already said that "information in any form concerning plans, policies, programs or operations" of the department must be submitted to the assistant secretary for public affairs for clearance before release if it met any of several criteria.<sup>1</sup> The prospective return of the prisoners qualified on more than one count as an event affecting the national interest of the United States in ways that ran well beyond the ordinary bounds of public relations. It was not merely that reporting of the repatriation activities by radio, television, and the print media would shape the American people's perception of the competence, compassion, and conceptual soundness of the actions taken by the Department of Defense. Unguarded statements or ill-timed revelations could affect the enemy's attitude as well, with impact on the further course of repatriation and on negotiations to obtain an accounting for the missing, permission for crash-site investigations, and other measures to recover the dead. How the United States would appear before the larger audience of the world community was a further consideration. But first of all, close and centralized control of press contacts and information release was dictated by concern for the welfare of the returned men and the need to protect their processing from disruption.

*Preparation of a Central Public Affairs Directive*

Some of these considerations appeared in the single paragraph on public affairs in the first repatriation directive, issued by Deputy Secretary Nitze on 8 June 1968:

Factual information will be made available to the public through the news media subject to appropriate consideration of (1) security requirements, (2) the welfare of the returned personnel and their families and (3) the safety and interests of other personnel who may still be detained. After medical evaluation of returned personnel, initial intelligence/counterintelligence debriefing, public affairs counseling and legal counseling have been completed, the Assistant Secretary of Defense (Public Affairs) will, in accordance with existing directives, authorize individual returnees who desire to do so to grant interviews to representatives of the news media.

Unstated but well understood was the assumption that the men would be protected from the intrusions and importunities of the press from the moment of their return to U.S. control. The CINCPAC planners properly translated this into a precept appearing in the implementing guidance issued by Admiral McCain in 1969, to apply from the men's initial reception through their stay at the overseas central processing site:

Returnees will not be exposed to direct contact with the news media . . . or the public until:

(1) Military doctors state that they are emotionally (psychologically) and medically able to adapt to the rigors of such exposure, and

(2) Military authorities concerned decide that the returnee processing, to include debriefing, has reached a stage where the interruption for such exposure will not prejudice US national interests or ultimate completion of processing and evacuation.

With regard to press interviews, the two additional conditions in the Nitze directive would apply. Interviews would take place only with the assent of the men themselves and with case-by-case approval from the assistant secretary.<sup>2</sup>

Detailed development of the overall public affairs guidance began during 1971, with an early goal to insure Defense-wide uniformity. As a preliminary, the public affairs panel of the PW/MIA Task Group reviewed the Egress Recap plans of the military departments and the unified commands to detect any variations in interpretation and other potential sources of difficulty in the handling of press relations. OSD Public Affairs then used the panel's findings in preparing an initial draft of the overall guidance. Representatives of the overseas commands had the opportunity to make suggestions during the DoD PW Repatriation Planning Conference in January 1972. After further work by his subordinates in OASD(PA), Assistant Secretary Daniel Henkin circulated the draft to the task group members for final comment on 15 May 1972.<sup>3</sup>

The comments were mainly editorial and of minor import except on one feature of the guidance, having to do with public affairs activity at the earliest stage of a mass repatriation. The draft assumed that enemy behavior would be the same as in the previous instances of the release of small groups. The Hanoi authorities would inform the world press of the names of the men to be returned, in advance and with all possible propaganda exploitation. Hence it was further assumed that news accounts would give the first notice of the impending release and would be a sufficient means of getting the word to the next of kin. The draft guidance contemplated that in a large repatriation the public affairs officer (PAO) at the overseas

processing site would confirm the names to the press as soon as the men had been recovered and positively identified, adding such information as their home of record. A different procedure would apply only if, contrary to expectation, the enemy had not already listed the returnees publicly. In that event there would be at least a limited opportunity for notice to the families through the official channel of the service casualty assistance system. The draft stated that "the PAO will release names of returnees to news media six hours after dispatch of the Initial Report of Recovery. . . , or sooner when notification is received that next of kin have been notified."

The task group members who replied were nearly unanimous in objecting to the short time allowed for notification. More than that, they were disturbed by the apparent unconcern of PA officials for preserving the integrity of the service information channel at the moment when news of the highest significance to next of kin was to be imparted. The representative of the assistant secretary for manpower and reserve affairs thought notification delay should be extended to 12 hours. Speaking for ISA, Armistead Selden backed him up. He said the service procedures for communicating with the families were well in hand, but allowance had to be made for unsuccessful calls owing to busy signals and absences from home. In the atmosphere of anticipation likely to exist at the time, notification could be impeded by a high volume of other calls to the family, from relatives, well-wishers, and newsmen. Selden also pointed to the "distinct possibility" of errors in the transmission and publication of names by the media; it could cause anxiety and uncertainty among the next of kin if they had not already received official word through the established channel.<sup>4</sup>

Two weeks later Roger Shields reemphasized these points in a memorandum for Assistant Secretary Henkin. "Great potential for undue anguish to families lies in the possibility for name garbles as a result of expected energetic efforts by the media," he wrote. There were numerous cases of similar or identical surnames in the PW/MIA roster. Taking the obvious example, he noted that 6 men named Smith were known prisoners of war and 18 more were listed as missing in action. Of the latter, six had first names beginning with H. At best, the media could provide the families only with "unofficial tentative notification"; at worst, the information might be erroneous. Even if the names were publicized in advance by the enemy, Shields believed, the system should allow the service casualty branches sufficient time for a reasonable effort to reach the families with confirmed, official information. In his opinion, assured and timely handling of the notification step was an inescapable part of the Defense Department's responsibility for the welfare of the families and the returning men. It must be given precedence over the release of information to the media.<sup>5</sup>



*The DoD Public Affairs Guidance*

When Henkin formally issued the public affairs guidance on 3 August 1972 it had been modified in substantial accord with the comments:

Families of returned servicemen may receive initial information about the servicemen's release through the news media or through the Service Casualty Officers. In either event, the overseas PAO will not confirm the names of released prisoners to the media until he has been notified that the next of kin have been officially contacted or that a reasonable attempt has been made to contact them. When these conditions are met, the PAO is authorized to release the returnee's name, grade, date of departure, branch of service and home of record.<sup>6</sup>

The DoD guidance document opened with the following statement of objectives:

- a. To provide maximum information to the public about returned prisoners of war (PWs) subject to consideration of: (1) the health and welfare of the returnees and their families, (2) national security, and (3) the safety and interests of other personnel who may still be held in captivity or who are missing in action.
- b. To insure that returned PWs have the assistance of public affairs briefings.
- c. To brief returnees and to protect individuals against inadvertent disclosure of classified security information in connection with our public affairs activity, such as a news conference or interview.
- d. To provide public affairs guidance and assistance, as desired, to the families of returned PWs.

The listing of general policies started with the familiar declaration that "medical needs and personal welfare of returnees have the highest priority." In response to the intense national and international interest in the event, public affairs activities were to be carried out "promptly, truthfully and candidly," but under constant and centralized control. "The Assistant Secretary of Defense (Public Affairs) has sole responsibility for overall coordination and direction of public affairs activities and will provide guidance and instructions to all Public Affairs Officers (PAOs)." Questions arising at any level that were not specifically covered by the published guidance were to be referred directly to Henkin. Indeed, his authority in public affairs matters was virtually absolute, subject only to the ultimate control of the secretary of defense and to the obligation to maintain

continuous liaison with the assistant secretary (ISA), the PW/MIA Task Force, and the DoD PW Policy Committee. It will be recalled that the means of effecting this liaison were already largely in place. The assistant secretary of defense for public affairs was a charter member of the PW Policy Committee, with representation on the PW/MIA Task Group. More to the point, his representatives were scheduled to join with the PW/MIA Task Force and other agencies in manning the Homecoming Operations Center when activated in the National Military Command Center.

Another general policy stated that "the news media have a right and a responsibility to gather information related to returned prisoners. This must be respected at all times. Prompt and accurate responses to news queries and requests will be forthcoming whenever possible, consistent at all times with the paramount need for consideration of the health and welfare of returnees and of national security requirements." Also, "equal access to the story is a basic principle of Department of Defense public affairs policy." Therefore, news media representatives would be afforded equal treatment.

In the statement on the rights and responsibilities of the press there might perhaps be detected a wry recognition that the media representatives would be active and persistent in seeking out information at the processing site. Moreover, they might display less interest in equality than in gaining any special advantage their resourcefulness could obtain. A further passage in the guidance—one strongly endorsed by ISA officials in their earlier comments—attempted to insure that enterprising journalists did not turn up additional sources who were more talkative than the authorized U.S. spokesman: "All personnel who will have direct contact with returnees at processing sites overseas and in the CONUS must have understanding of possible PA problems and a thorough familiarization with PA guidance contained herein. Accordingly, the Military Services shall initiate procedures for briefing such personnel."

In overseas areas, "news media may observe and photograph the turnover, arrival and departure of returnees in a manner which precludes direct contact. Photographs of seriously wounded and ill personnel will not be permitted." If "non-U.S. Government escorts" were involved, such as antiwar activists or third-country officials, "no action will be taken to prevent contact between such escorts and the news media." With regard to the returnees themselves, however, the restrictions on access were more positively stated in the guidance of 3 August 1972, which now said that no interviews would be authorized in the overseas area or at any stop during the evacuation to CONUS. This prohibition would stand, however fervently the press representatives might inveigh against it. Exception would occur only "if a returnee specifically requests to be allowed to speak with the news media"

and the assistant secretary for public affairs gave assent. It was clear, however, that special instances of this sort were expected to be rare. The main provision regarding interviews treated them strictly as a possible occurrence during later stages of processing, after the men had reached the service hospitals near their homes:

Returned U.S. personnel may be interviewed by news media representatives after evacuation to the United States when the following criteria have been met and approval has been given by ASD(PA):

(1) *The returnee's physical and mental condition must permit.* This can be determined only by medical authorities. The individual's health has first priority. There can be no compromise on this requirement.

(2) *National security requirements must be satisfied.* This can be determined only by the intelligence specialists. Debriefing is not a short procedure. Normally, debriefing sessions are for short periods of time from day to day. Intelligence data requires some time and study for evaluation.

(3) *Personal consent of the returnee must be received prior to any interview or press conference.* The returnee, as is the case for any other serviceman or woman, has a right not to be interviewed if he so chooses. The reason for his refusal is his personal right and need not be divulged. The returnee will be provided appropriate counseling, including legal.

To accomplish the public affairs objectives the plan called for an organization of officers, facilities, and communications systems that constituted something of a special overlay on the main pattern of the repatriation arrangements. CINCPAC implementing instruction of August 1972 termed it "a significant exception" to the normal command and control procedures. Henkin's guidance stated that, subject always to supervision from Washington, responsibility for public affairs activities during the overseas stage of the repatriation rested with the commander of the unified command in whose area the return occurred. The CINCPAC instruction added that this responsibility was not to be delegated further. When activated, the Joint Central Processing Center would include a Joint Information Bureau to be manned by public affairs officers from all service components of CINCPAC's command and headed by a senior officer from CINCPAC Headquarters. The bureau would be under the JCPC commander only for administrative purposes, however; it remained in a separate, direct command line from CINCPAC. The bureau chief would report through this channel, with his messages addressed to both CINCPAC and ASD(PA).<sup>7</sup>

Besides handling all relations with media representatives at the overseas site, the Joint Information Bureau would assign a public affairs escort officer to each evacuation aircraft departing for the United States. Henkin's guidance of 3 August 1972 described the escort's duties as including press relations at stops en route and counseling of the returnees as necessary. Arrival in the continental United States would bring the public affairs effort into still closer linkage with OASD(PA) in Washington. From Travis Air Force Base in California, the normal West Coast port of entry, the returnees would continue by air to their individual hospital destinations. At Travis, a senior officer designated by Henkin and acting in his name would have overall responsibility for public affairs, including the assignment of incoming PAO escorts to duty on the onward flights.

The system of control from above, through channels apart from the normal chain of command, would continue at the service hospitals, since it was here that the most critical public affairs considerations were expected to arise. According to the plan, virtually all questions relating to returnee interviews and press conferences would have been postponed until this stage of the repatriation. Family reunions would occur and next of kin would be present, perhaps for extended periods, as hospital visitors. The number of hospital staff and processing personnel who must be impressed with the need for strict adherence to the public affairs guidelines would widen significantly, and representatives of hometown papers would swell the press corps in attendance.

To meet this situation, each service hospital scheduled to receive returnee patients would have a Defense PAO, chosen by Public Affairs from among officers nominated by the services. As sole spokesman, "responsible for all PA activities concerning returnees and their families while at that facility," the Defense PAO would communicate directly with OASD(PA) and receive guidance and instruction through the same channel.

Thus the returned prisoners would have a public affairs officer attending them throughout the sequence. The PAO's instructions, set forth in some detail in the guidance, called for frequent reminders to the men of his availability for counseling, beyond the more formal public affairs briefings to be provided. The first of these would occur at the overseas site before the returnees made the telephone calls to their families. The PAO would caution against disclosure of classified information or any comment on the status of other prisoners or missing personnel. Then a senior PAO would brief all returnees before their evacuation from the overseas area, mainly on the duties of their escort officer and the ground rules under which the press would be operating. The sample remarks supplied for this exercise included the following:

The media at enroute stops will have been briefed in advance that you will not talk with them or hold interviews. They have a job to do, so they may, nevertheless, attempt to get you to answer their questions. Because your debriefings have not yet been completed and to insure the fullest protection to any other U.S. Serviceman still held by the enemy or still listed as missing in action, answers to news media questions should be limited to very brief statements about such things as feelings about being on the way home and your anticipated reunion with your family and friends at home.

At the hospital in the United States the men would receive individual counseling from the Defense PAO, primarily in anticipation of the interviews that they might soon be cleared to engage in, if desired. A suggested text was again provided:

If you decide to talk with news media, you have every right to speak as you wish. However, you may wish to give special consideration to certain areas which could have an impact on you, other family members, prisoners still detained, and national security.

Let me make the following suggestions for your consideration and discussion:

1. Be careful to avoid disclosure of classified information concerning your imprisonment, such as resistance techniques and any covert activities that you or your fellow prisoners may have devised.

2. Stick to your own personal experiences rather than to information which you heard from other sources. For your own credibility and accuracy, avoid using hearsay.

3. Consider carefully the possible ramifications of your statements before you speak. You may be quoted around the world.

4. You should be aware that what you say may be used by the enemy for propaganda purposes. Also you should consider the possible effect of your statement on others not yet released. Press clippings will undoubtedly reach foreign governments for their use in whatever manner they may desire.

5. Since other families may not know what you know about other prisoners, especially those not returned, it would be better not to discuss this subject until our casualty personnel can study your information and notify the families involved. We have tried to protect your families by providing them with all information before it is given to the public media. I know you will want to do the same for other prisoners.

When press interviews did occur, the Defense PAO or his representative would be present "to provide protection against inadvertent disclosure of classified information."

Public affairs guidelines would be reviewed once more in a briefing just before the man departed on convalescent leave. He would be provided the home and office telephone numbers of public affairs officers at the headquarters of his own service in Washington, to be called collect at any time with any question or request for assistance.

Throughout the repatriation process the military authorities would direct a similar effort toward the families, beginning with the initial notification of the impending return and alerting them to the virtual certainty of calls and visits from representatives of the local and national media, once the names and home addresses were released. The guidance cited no forbidden topics and touched only lightly on what to say:

You, of course, have a right to talk with the media. You also have the right not to talk at this time, if you so desire. Because our information on your husband's (son's, etc.) release is not yet complete and because other Americans are still held by the enemy or are still missing in action, you may want to confine your initial comments to the information that your husband (son) will provide in the telephone call you will receive from him.

The emphasis was on the availability of official advice and assistance in dealing with the press, if desired, both at home and during the visitation period at the hospital.

#### *The Public Affairs Conference*

Three months after issuance of the DoD public affairs guidance of 3 August 1972, Henkin served as host at a worldwide Egress Recap conference on its implementation. Attendance at the one-day meeting on 9 November at the Pentagon included officials of all the Washington agencies concerned, plus representatives of the Pacific and European commands and of each of the hospitals scheduled to receive returnee patients. Besides discussion of possible problem areas, the program listed presentations on the lessons learned during previous repatriations. The one on the Sexton release probably included some account of the embarrassment that had been experienced when a newsman, disguised in a hospital patient's gown, succeeded in visiting Sergeant Sexton's room and obtaining an exclusive interview.<sup>8</sup>

Instructions given out at the conference by Public Affairs underscored again how closely that office intended to monitor the activity. It was already established that Defense PAOs would record the daily briefings they gave to the press, transmitting summaries to PA. Returnee press conferences or interviews would also be recorded and transcripts forwarded to that office as soon as possible. "In addition, all CONUS processing sites will be prepared to transmit live to OASD(PA) those conferences/interviews which are specifically requested by OASD(PA)." Therefore, arrangements should be made with local telephone companies to install the necessary equipment.<sup>9</sup>

At one conference session Shields discussed several potential problems. If citizens generally were not properly informed of the Defense Department's objectives, he said, they might attribute the withholding of the men from press and public contact to official heavy-handedness or even to some more reprehensible cause. Therefore the public affairs effort must strive to "convey some understanding of the needs of these men" and of the procedures, primarily medical, that were deemed in the best interest of the men's health and mental well-being. Shields observed that other problems could arise from the inevitable press interest and speculation about the conduct of the men while in captivity. He stressed the official position that there should be no prejudice of the returnees on the basis of statements made while in enemy hands. DoD officials were hopeful, he said, that there would be few if any cases where a prisoner's conduct was questionable to an extent that would require legal proceedings by the services. For those concerned with public affairs his point was that "this is a sensitive area that should not be allowed to develop into a major debate."<sup>10</sup>

### *Conduct in Captivity*

When Shields spoke on prisoner of war conduct at the public affairs conference in November 1972 he addressed a subject prominent among his concerns at the time. Since August, largely at his instigation, consultations on the matter had been in progress among the services, ISA, and the OSD general counsel. They dealt with procedures for achieving uniformity of treatment in cases of alleged misconduct in captivity and with the bearing of that goal on the way the returnee debriefings should be handled. By early November these discussions were nearing an end, though hardly an agreed conclusion. Still at issue was whether or not there was need—or even legal sanction—for a central board within DoD to review each instance in which a service contemplated charges against a returnee.

The discussions in 1972 amounted to a reconsideration of provisions dating from the earliest of the repatriation directives, the two issued by the deputy secretary of defense in June 1968 and January 1969. To understand how policy pronouncements of such long standing came to be under question as the moment of homecoming approached it will be useful to trace some of the intervening developments.

### *Agreed Principles*

Assistant Secretary of Defense Nutter described the official position on conduct in captivity as it had evolved by 12 October 1970, in a report to Secretary Laird:

1. *Appraising Conduct of Returnees.* The following principles have been established:
  - a. Each Service is responsible for dealing with legal aspects of its returnees' conduct while in enemy hands.
  - b. The Code of Conduct is a personal guide to conduct, but not a criminal code. No violations of the Code as such can be prosecuted; any prosecutions must be based on violations of the Uniform Code of Military Justice [UCMJ].
  - c. Particular care will be taken to ensure that rights and privileges of returnees are in no way compromised or diluted. Interservice cooperation will be pursued to ensure uniform interpretation of laws and regulations governing the conduct of returnees while in captivity.
  - d. Charges will not be preferred against any individual without approval of his Service Headquarters (in effect, Chief of Staff). Informally, there will be coordination among the Service Chiefs to maximize uniformity of treatment.
  - e. To provide the proper environment for the return of the men, a returnee is to be given the warning specified in Article 31 of the UCMJ not at the outset of debriefing (which was the previous practice, and tended to brand every man as automatically suspect), but only when there is reason to suspect the individual of an offense under the UCMJ, because of his own statements, the statements of another, or evidence received prior to return.
  - f. The PW Policy Committee minutes of the 18 February 1969 meeting reflect the Committee's consensus that "captivity is not a state of culpability, and returned US PWs shall be treated accordingly," and that "the polygraph should be utilized only in exceptional circumstances."



In his accompanying comments to Laird, Nutter said he believed these principles were sound and need not be changed.

My office has explored with the Services whether additional principles could usefully be established, or whether further study of certain areas is required, e.g.,

- (a) would it be desirable to establish in advance a *prima facie* culpability for conduct or activity of a specified type while in captivity; or
- (b) on the other hand, would we wish to decide in advance that certain conduct or activity should under no circumstances be considered a basis for criminal prosecution.

The consensus at staff level, with which I concur, is that exploration of such questions would not be productive; that too much depends on the particular circumstances (including the degree of coercion) of each individual case; and that to attempt to establish any general judgmental rules of this nature would encroach upon each Service's basic responsibility for dealing with cases of misconduct by its personnel under the UCMJ.<sup>11</sup>

Thus, in October 1970, Nutter was satisfied that coordination among the chiefs of staff would produce reasonable uniformity of treatment in the matter of legal charges. Only later did officials begin to question whether or not this informal mechanism was sufficient and whether it was capable of inspiring confidence in the public at large. In the intervening months Defense had become better aware of public attitudes in this area—especially the widespread doubt that judgments rendered by the military authorities would square with notions of equity and justice held by most citizens.

The National Coordinator of the League of Families wrote to Secretary Laird in this vein in August 1971. Joan Vinson noted that letters received from the prisoners by their families often contained propaganda statements, whose inclusion was probably a necessary condition to being allowed to write. Other men had made propaganda broadcasts, and there was reason to believe that "some may have had to sign various documents, as did the Pueblo crew, to survive . . . . We are concerned about the way the military services may handle these actions once the men are home . . . . Will the Marine Corps court-martial when the Air Force would not, etc? Should the men be punished for statements which may be no worse than those being made by U.S. Senators or former Defense secretaries? Will there be two standards—one for POW's, the other for free citizens?" She asked that the men's actions in captivity be evaluated in the light of changing attitudes within the United States regarding the Vietnam war, and she entered a plea that Secretary Laird take a personal interest in the problem. "We

trust your ability to judge the situation objectively, and frankly, better than the military services may be able to," she said.<sup>12</sup>

Nutter replied in September 1971, stressing the responsibility Laird had assigned to him as chairman of the DoD PW Policy Committee for developing overall repatriation policy and for overseeing the processing of returned men to assure uniformity among the services. He said that the matters about which the League expressed concern had been taken into account during the extended consideration of repatriation policy. Specifically, "we give no credence to enemy propaganda material except as examples of the enemy's callous exploitation of the men held captive. We make no prejudgments regarding the men who may be involved in such material. We are well aware that under duress men can be compelled to comply with a captor's demands. In the final analysis each individual's conduct can be considered only on an individual basis and when all the circumstances of his captivity experience are known." Though matters involving the conduct of returnees were the responsibility of the individual services, he continued, Defense policies required interservice cooperation to ensure uniform interpretation of the laws and were designed to prevent dissimilarity of treatment. Mrs. Vinson could be assured, also, that "Secretary Laird is personally interested and involved in the entire process" and that the objective was the one she had proclaimed: to accord equal and fair treatment to all men who returned.<sup>13</sup>

Similar assurances were given frequently thereafter, in response to citizen inquiries received directly or forwarded by members of Congress. The sentence about making no prejudgments on the basis of statements in captivity appeared regularly in the Defense Department's letters of reply.

#### *The Article 31 Warning and Possible Privileged Status for Returnee Debriefings*

The official position was that assessment of prisoner conduct must await full knowledge of the circumstances of captivity—knowledge that would be gained primarily from the intelligence debriefing of the men when they returned. Within each service, by late 1971, the officers responsible for readiness to perform the debriefings were preparing to train personnel for the task. Questions of interpretation and practical application of the basic directives arose during this activity, and some of them came to wider attention at the DoD PW Repatriation Planning Conference in Washington in January 1972. The officers in charge of training said they expected little difficulty in preparing personnel to achieve the intelligence objectives of the debriefing: early collection of all information the returnees could

provide about other men still missing and later recording of a full account of each returned prisoner's experiences. The aspects of the debriefing that appeared more troublesome were generally of a legal nature, such as the responsibility for recognizing when application of Article 31 of the Uniform Code of Military Justice might be required.

In enacting the UCMJ Congress had sought to devise a system of justice that fit the special circumstances of military service but at the same time did not deprive members of the armed forces of the basic rights guaranteed to all citizens. The constitutional safeguard against being compelled to incriminate oneself appeared in Article 31. If accused or suspected of an offense punishable under the Uniform Code a serviceman was not to be questioned without first being informed of the nature of the charge or suspicion. He must further be advised that he did not have to answer questions or make any statement regarding the offense and that anything he did say might be used as evidence against him. If the interrogators failed to issue the Article 31 warning, no statement they obtained from the serviceman could be received in evidence against him in a trial by court-martial.<sup>14</sup>

According to DoD's repatriation directive, the warning would be given only when there was reason to suspect a returned prisoner of a transgression owing to his own statements, the statements of another returnee, or evidence already in hand from other sources. The basic policy paper did not stress detection of wrongdoing as an objective; the debriefings should be approached with a presumption that the men had conducted themselves properly in captivity. The questioning should proceed "along the lines of a cordial interview rather than an interrogation," as a Marine Corps order put it. Still, the moment might come when there was evidence or suspicion of misconduct.

Obviously, the issuance of an Article 31 warning would work at cross-purposes with the primary aim of the debriefing, the gathering of information. When advised of potential charges and of his right to remain silent the man was likely to turn uncommunicative on all subjects. The flow of intelligence data might be turned off unnecessarily if an overcautious debriefer was too quick to give the warning. But there were also risks in being insufficiently alert to the issue, and these were emphasized in the discussion at the January planning conference. Some participants thought that a debriefer dedicated to the fullest possible recovery of information might easily lead the returnee into self-incrimination without intending it. Pursuing his checklist of intelligence questions, he might fail to catch the implications of the man's responses until incriminating statements were fully on record. In that event the debriefing officer would be open to criticism if the offense was one that required further investigation in the

interest of justice and sound discipline. Unable to use the information obtained under flawed procedures, his service would be hampered in developing additional evidence and preferring charges.

The conference panel on legal aspects of repatriation also noted the uncertainty about the kind or degree of misconduct that would justify a warning under Article 31. The panel members found that no firm guidelines had been laid down in this area of the debriefer's responsibility. It appeared to them that evidence of such crimes as the murder of a fellow prisoner would undoubtedly set off legal proceedings, but the seriousness of some other offenses would probably have to be judged in the light of public opinion "regarding this particular war." In searching for a way to aid the debriefers in making such judgments the panel members returned to an idea that Nutter had rejected some months earlier: Perhaps the types of behavior in captivity that were accepted as *not* requiring disciplinary action could be listed and officially endorsed.

In another contribution to the conference report the legal panel took up a more promising line of thought: if the debriefers could be relieved of the responsibility for making the key decision, they would not need to be intensively instructed in applying Article 31. The panel had formulated the following procedure:

. . . when a returnee begins to impart information which might constitute self-incrimination, the debriefer should excuse himself and immediately consult a judge advocate for guidance. If the judge advocate concluded that an Article 31 warning should be given, the question would then be referred to Departmental Headquarters in Washington.

The debriefing officer would still be charged with maintaining the alert for statements that verged on self-incrimination, but when an instance arose, higher authority would tell him whether or not to issue the warning before continuing.<sup>15</sup>

At the time of these recommendations in January 1972 the repatriation directive of the Marine Corps already required substantially the above procedure; no Marine returnee was to be warned under Article 31 without prior submission of the matter to the commandant. Though less fully spelled out, something similar could be traced in the internal directive of the Air Force. As the services revised their Egress Recap plans over the following months of 1972 the Air Force made its provision more explicit and the Army and Navy each added a requirement for upward referral of the warning decision.<sup>16</sup>

Officials made these changes as they came to recognize that leaving the Article 31 responsibility in the hands of the local debriefer could endanger some of the broader interests of their service. The need to maintain centralized control was apparent, since only by such control could considerations of higher policy be taken into account and service-wide consistency of action be assured. Adoption of the referral procedure placed the decision to give an Article 31 warning on the same footing as the weightier decisions it might lead to: whether or not to prefer formal charges and, finally, to convene a court-martial to try the accused. Approval for these latter actions was already reserved to the level of the chief of staff in the repatriation plan of every service.

At the January conference in Washington one further idea had been introduced that bore on the debriefing procedure. An Air Force representative suggested that the record of each returnee's statements might be held as privileged intelligence information, not to be made available for any investigation or legal inquiry. On one count the proposal had immediate appeal. Its adoption would largely do away with the concern about self-incrimination and the correct application of Article 31. There was not time to explore its other implications, however, and the idea of according privileged status to the debriefing received only passing mention in the conference report. Apparently it gained supporters during the following months, for by late July, when writing to Assistant General Counsel Frank Bartimo, Shields indicated that "for a variety of reasons some PW/MIA Task Group members advocate such a proposal." Accordingly, the feasibility of privileged debriefings of returned prisoners of war was one of the matters Bartimo was called upon to investigate, in coordination with the legal staffs of the services.<sup>17</sup>

Bartimo convened a working group of service judge advocates, which produced a report in mid-September. It actually gave less attention to privileged debriefings than to certain alternative proposals, but few of the latter proved to be enduring contributions. One that did survive further discussion was the suggestion that Article 31 warnings be ruled out during the initial debriefing, the one devoted to maximum retrieval of information about men missing or still held by the enemy. At that stage the intelligence objective was clearly paramount, it was argued, and anything that might inhibit the free flow of the returnee's responses should be avoided. Given its limited purpose, the interview would not ordinarily touch on conduct and conditions of captivity, but "if returnees attempt to discuss such matters, debriefers should stop them from going into those areas," the report of the judge advocates said.<sup>18</sup>

The services expressed reservations about the proposal when it reached the PW/MIA Task Group level. The Army spokesman observed that "to refuse to allow a returnee to get off his chest information which may have been fermenting for years" could have a damaging effect on the man that was out of proportion to the potential harm from letting him speak freely. There was a similar concern in the Air Force about the psychological impact of some of the suggested procedures, but it was coupled with a doubt that debriefers would really be able to prevent returnees from discussing other subjects "if they adamantly choose to do so." The Marine Corps objected to an absolute ban on invoking Article 31. It favored amending the statement to read, "*normally* Article 31 warnings will not be given . . . during the initial debrief."<sup>19</sup>

Nevertheless, by late October 1972 both the Army and Navy had adopted substantially the original proposal of the judge advocates working group, writing it into their latest revisions of the repatriation plan. The other two services were tending toward tacit acceptance of the idea that warnings should be ruled out during the initial debrief. The original reservations were no longer being pressed, apparently because their significance had paled considerably in the light of the other issues under discussion during the same period, particularly the desirability of privileged debriefings.

After being slighted in the report of the judge advocates working group, the question of privileged debriefs returned to prominence when Shields called for a further round of consideration by a more broadly based committee. As reconstituted in early November, the group included service representatives from the intelligence and plans and policy areas in addition to legal experts. One participant noted that the committee's single meeting, "though informative, did not produce any semblance of agreement," and the services then turned to fulfilling the chairman's request for written positions on the matters at issue.<sup>20</sup>

The Army, Navy, and Marine Corps all opposed the use of privileged debriefings, it being understood that the concept applied mainly to the interviews where each returnee's entire captivity experience would be recorded. While avowing that they had no predisposition to prosecute anyone, the three services believed that their ability to pursue that course when necessary would be seriously impaired if the debriefing transcripts were privileged. "A man by baring his soul during a 'privileged' debriefing can, as a practical matter, insulate himself from disciplinary action," read the Marine Corps submission. The information so furnished could not be used in a criminal proceeding, nor could any other information obtained as a product thereof. Also the complications could extend beyond the disciplinary

realm to the area of administrative action. For a variety of reasons the Marine Corps might not wish to court-martial a returnee. "It may, however, desire to take administrative steps to separate him from active service, not to further promote him, not to assign him to particular kinds of jobs." Information obtained during his debriefing might indicate that such was in the best interest of the service; if privileged, however, it could not be used as the basis for an administrative ruling unfavorable to the returnee. The result would be a lack of flexibility that was declared "unacceptable to the Marine Corps in the proper administration of law and discipline."<sup>21</sup>

The response of the Air Force, received on 5 December 1972, took a different line on the advisability of privileged debriefings. Two considerations in particular had shaped the Air Force conclusion. The first was the intense and growing interest within that service in the substantive information the returnees could provide. The expected scope of the detailed debriefing had expanded steadily as requests came from various elements of the Air Force for inclusion of questions in their areas of specialization. The interest extended from air tactics before shootdown to reaction to the repatriation process itself. The ejection experience, survival gear and escape and evasion techniques, methods of resisting interrogation, and organization and camp discipline among the prisoners were only a few of the topics. In nearly all these areas the questioning would disclose information on which an evaluation of conduct might be based; therefore it would seem to the returned prisoner to be "fraught with many legal dangers." Air Force leaders were convinced that full and reliable recovery of the desired data could not be expected if the men felt compelled to guard their statements. Offering a privileged debrief should remove that constraint.

The second consideration had emerged when the same decisionmakers weighed what would be lost by adopting the privileged debriefing concept. Little of real evidentiary importance would be sacrificed, the Air Force leaders concluded. In their view the thought being expended on insuring that a man's debriefing statements would be usable in later court proceedings was to no great purpose. It was pointed out that a conviction could not be based solely on a self-incriminating statement, whether uttered after proper warning or not. Other evidence was required, and almost of necessity it would come from the testimony of fellow prisoners. Since in most cases their evidence alone would be sufficient to justify a trial and sustain a conviction, it appeared that dispensing with the Article 31 warning would not greatly affect the ability of a service to prefer criminal charges when that was indicated.

In the Air Force view the balance to be struck was clear. Debriefings freed of anxiety about possible legal entanglements would best serve the

needs of the Air Force, the intelligence community, and the returned prisoner and his family. "These collective needs far outstrip the secondary consideration of preserving statements of questionable value for possible introduction before a military tribunal." Moreover, by the indicated course "the Article 31 dilemma is removed in its entirety."<sup>22</sup>

The Air Force announced that it was preparing to amend its Egress Recap plan to incorporate these conclusions. As produced by the judge advocate general of the Air Force, the draft for the new instructions contained the following:

At the outset of the intelligence debriefing the debriefing officer will inform the returnee:

- (a) This is an intelligence debriefing which will cover all aspects of your shutdown, captivity experience and repatriation.
- (b) The current classification of this debriefing is SECRET; said classification is subject to the normal rules of declassification.
- (c) No information provided by you during this debriefing can be used adversely against you in either a criminal or administrative proceeding.

The returnee will be advised when the debriefing process is considered terminated and that the normal rules concerning self-incrimination are again applicable . . . .

It could be seen that the draft set forth the essentials of a privileged debriefing, though without using that title. The judge advocate general had indicated that adjectives such as "privileged" or "confidential" were purposely omitted to avoid any unintended connotations those words might carry. Instead, the status of the debriefing was described in terms of its practical legal effect. Notably, that effect did not go beyond immunity for the particular returnee being interviewed. No corollary was given or implied that material from one man's debriefing would not be used when preparing charges against another prisoner. On 15 January 1973 the Air Force completed its action by publishing Change 1 to the USAF Egress Recap Plan.<sup>23</sup>

#### *A Proposed High-Level Board of Review*

Thus one service had adopted a version of the privileged debrief while the others continued to reject the concept. But even this well-argued issue was not the most fundamental one under discussion during the latter months of 1972. Assistant General Counsel Bartimo had received an additional assignment at the beginning of August, from Nutter's principal deputy, Armistead Selden. Pointing to the particular sensitivity of questions



relating to conduct in captivity, Selden noted that the subject had been a source of controversy and criticism of the Department of Defense in the past. He believed that additional measures might be needed if the department were to avoid "a repetition of the situation which occurred after Korea," and he asked Bartimo to develop recommendations. Specifically, what could be done to assure "uniformity of orientation and action" by the services when dealing with conduct cases?<sup>24</sup>

By defining the objective in those words Selden intended something of greater consequence than the uniform interpretation of laws and regulations. To speak of action was to speak of the ultimate results, of the judgments reached by the services in the final stages of the process. "Orientation" was a short term for the outlook and rationale that each service brought to its determinations in this area. The existing policy relied on informal coordination among the service chiefs "to maximize uniformity" in these judgmental decisions.

Bartimo was known to have a longstanding interest in the subject. Early in his government career he had observed the repatriation of prisoners from the Korean War and the varying ways the services dealt with potential charges of misconduct against them. The impression those events made was lasting, and Bartimo drew on it in 1972 when commenting on the reference to avoiding what had happened after Korea. He believed the earlier controversy had arisen because "the Army applied an objective standard in the interest of institutional integrity, whereas other Services elected to sweep under the rug equally serious instances of misconduct." He recalled it as an unfair and unfortunate experience—unfair both in that men suspected of similar offenses were treated differently and in the fact that one service, left conspicuously out on a limb, became the chief object of public and congressional criticism.<sup>25</sup>

In its original form, Bartimo's recommendation was simply that the services be directed to obtain OSD clearance before referring a case to trial. "This will assure uniformity of treatment among the services and bring to bear top management judgment in an area of great sensitivity and national concern," he concluded.<sup>26</sup>

The several services dissented strongly when Shields circulated the proposal for comment in late September. As one respondent put it, adding a requirement for OSD approval would be "an unwarranted and possibly unlawful interference in the military judicial system." It would contravene the jurisdictional relationships established by act of Congress in the Uniform Code of Military Justice. That enactment had reaffirmed, as law, what was already enshrined in tradition: that both the responsibility and the requisite authority to maintain discipline in the respective service

resided in the service commander. By the terms of the UCMJ, court-martial jurisdiction and the "power to proceed" within the military justice system were vested in each of the armed forces, leaving the secretary of defense and others at the OSD level without a designated role in the process. To quote the most plain-spoken of the service submissions on this point, "the commander, not the Secretary of Defense, or any member of the Secretary's staff, or any administrative entity created by the Secretary, is given the discretion to make judicial decisions, e.g. whether to try or not to try a case" and what the charges should be.<sup>27</sup>

It is generally conceded that in making these protestations the service spokesmen stood on sound legal ground.<sup>28</sup> In fact, they were resisting a potential incursion into one of the few preserves of autonomy remaining to the individual armed forces, and this may have heightened the vehemence of their comments. Thus the services took a stand against "unwarranted usurpation" of their prerogatives with respect to internal discipline. At the same time, however, they recognized that the secretary of defense had a legitimate interest in how they handled cases of alleged misconduct in captivity, given his ultimate responsibility for all that occurred within the department and his need to answer to Congress and the chief executive. There was an obligation to keep the secretary informed, not merely of actions taken but of actions being contemplated in response to the developing situation.

The spare wording of Bartimo's original proposal had implied that a service would submit its intended disposition of a conduct case to OSD officials for approval or veto. By the first days of December 1972 this had been considerably modified to propose a special review board, "advisory in nature," composed of representatives of the services and the OSD general counsel. It would make a recommendation on the action to be taken in every instance of alleged misconduct. Since the services objected on principle to introduction of any agency not sanctioned by the UCMJ, their opposition continued, but Shields and Bartimo pressed for consideration of the modified proposal at a higher level. The two officials wanted the secretary of defense to be fully apprised of a hazard they saw ahead in the post-homecoming period and of a suggested means of dealing with it.<sup>29</sup>

The documents Shields and Bartimo had drafted to place the matter before Secretary Laird stated that the repatriation plans were in good order as they pertained to legal procedures and the protection of returnee rights during the debriefing period. In that area there was reasonable expectation of a uniform result. Laird's advisers were concerned about the lack of a similar assurance of uniformity when the individual services came to decide what conduct the men should be held accountable for and what

level of disciplinary action should be pursued against them. Recent consultations had demonstrated anew the ingrained differences of outlook among the services. Shields and Bartimo believed that significant disparities would appear in the service actions on conduct cases unless something more was done to provide a common basis for making the decisions. They recommended setting up a central review board, as already described. The opinions it expressed would be termed advisory, in deference to the exclusive jurisdiction of each service over determinations affecting its personnel, but the board's operations could be expected to establish a single context of consideration that would be conducive to uniformity of action.

Though acknowledging the unanimous opposition of the services, Laird's two advisers contended that a mechanism for central review should be in place and functioning from the beginning. Without it, they were convinced, unequal treatment or apparent lack of compassion in judging conduct would occur frequently enough to attract comment and probably set off a public outcry. Then such a board would have to be created "under unfavorable circumstances of public and Congressional pressures." By taking the recommended step now, Secretary Laird might avoid "undesirable controversy and investigative activities by agencies outside of the Department of Defense."

Any consultations that followed were unrecorded, and the papers went to file bearing the notation "Action killed by SECDEF," without further explanation. Thus Laird's exact reasoning and intention remain unknown,<sup>30</sup> but the practical effect was to leave things as they were, subject perhaps to the modest improvements recently suggested by the Marine Corps. The latter's proposal built upon the existing working relationships within DoD and avoided any appearance that OSD officials were intervening in the military judicial system.

To meet the legitimate need of the secretary of defense and his staff to be informed, the repatriation plan of the Marine Corps required that its officials advise the assistant secretary of defense (ISA) of the action taken at each significant step in the disciplinary process. The Marine Corps hoped that the other services would similarly give notice of their decisions and that, "with DoD acting as a clearing house," the information would then be disseminated to all. The Marine spokesman noted that this would enable each service to take into account the decisions made elsewhere when reaching its own determinations, and a reasonable degree of uniformity would result. In effect, the arrangement would continue the reliance on coordination among the service chiefs but with a somewhat more systematic procedure for activating it.<sup>31</sup>

The idea of a high-level review board was never revived, nor was the clearinghouse proposal ever pressed to a formal decision. Separate action on the latter concept was probably unnecessary, since the role it sketched for the assistant secretary of defense (ISA) was already implicit in the responsibilities his office had been carrying since 1967, when the DoD PW Policy Committee was first established.

*Laird and the Broader Context of Public Opinion*

During these discussions of late 1972 the Marine Corps had maintained that a reasonable degree of uniformity was as much as should be aspired to. Complete uniformity was held to be "neither desirable nor possible under the extant fundamental philosophical differences of approach to discipline among the four services." The differences were real and must be accommodated, but no claim was made that individual service preferences should be given absolute sway. Much as Marines might cherish the distinctive outlook of their corps, its dictates could not be followed exclusively and without regard for other factors. For one thing, those passing judgment on prisoner misconduct would have to consider "the tenor of public opinion (both within and without the armed forces)." For the moment the Marine spokesman dwelt only on the special case of opinion among the prisoners themselves: "The Marine Corps has no detailed understanding of what offenses, if any, the returned POWs will consider serious—serious enough to prefer charges against a fellow returnee. The POWs' accepted norms of conduct are not known—did most cooperate to some degree? Or did the majority hew to the line established by the Code of Conduct? The return of a significant number of POWs must be awaited to discover these facts."<sup>32</sup>

As for public opinion in the more general sense, there was little doubt of its potential for emotionally charging the atmosphere in which the services would have to reach their judgments. That effect had recently been demonstrated, at least on a small scale, during the repatriation of Elias, Gartley, and Charles\* after their release from North Vietnam in late September 1972. The occasion involved the secretary of defense, and his public remarks were revealing of the direction of his thought on the conduct issue at the time.

\* See Chapter 10.

Wherever Secretary Laird went, newsmen raised questions about the possibility that the three officers would face charges upon their return. He first encountered this when interviewed on a national radio network on 27 September. Laird began with a rather matter-of-fact response to the effect that the Uniform Code of Military Justice, enacted by the Congress and applicable to all members of the armed forces, would of course be followed. The tone of the further questions—did this mean that the men might be arrested or otherwise held incommunicado?—led him to stress the protections afforded by the UCMJ's procedures and to reiterate that under his oath of office the secretary of defense could not do otherwise than fulfill the requirements of the law. But he went on to pledge that by this means "justice will be done. I can assure you that justice, as far as I'm concerned, as long as I'm here, will be tempered with a great, great deal of mercy."<sup>33</sup>

Laird's closing words give more than a hint that his practiced skill in gauging public reactions was already at work, that even in the course of answering these first queries he sensed that his listeners were equating adherence to the Uniform Code with unfeeling rigidity and taking it as evidence of a punitive intent. If so, his instincts were sound, as the letters subsequently received from the radio audience were to prove.<sup>34</sup>

By the time of his second encounter with newsmen, later the same day in Oklahoma City, Laird had modified his response. He had moved beyond assurances of merciful consideration to a virtual guarantee that no proceedings leading to court-martial would occur:

Q. Mr. Secretary, is there a possibility that these prisoners will face any sort of charges upon their return?

A. They will face no charges as far as the Department of Defense is concerned, I can assure you of that . . . . We will recommend, of course, that the men return to military control; they are military officers.

In response to another question, he elaborated:

The Uniform Code of Military Justice provides that any member of a military Service can level charges against another member . . . . We in the Department of Defense have no charges. Should charges be made, they will be looked at under the procedures that are outlined in the Uniform Code of Military Justice. I would hope that no such charges would be made by any individuals . . . . I want to make it very clear that there

are no charges pending and will not be as far as the Department of Defense is concerned. I would hope that there would be no charges as far as any individuals are concerned.

The secretary continued on this note during stops in Fort Worth and elsewhere the next day. Soon afterward the following exchange occurred between the Pentagon press corps and Jerry Friedheim, the deputy assistant secretary of defense for public affairs:

Q. Did Secretary Laird say something about charges against these men? . . . Are you going to bring charges against them?

A. No. The Secretary's words were very clear; that DoD plans no charges and would bring no charges. The Secretary's words are better and we'll pull those words out for you.<sup>35</sup>

Though it might be asserted that these pronouncements were not legally binding on the services, their moral force was undeniable, particularly since it was soon evident that Laird's statements truly expressed the spirit in which the public, press, and Congress thought the three prisoners should be received. In the current instance the secretary had effectively forestalled discussion of other options, and it would now be a difficult matter for anyone in DoD to depart from the course he had publicly endorsed.

Laird had an appreciation of the ways in which influence could be wielded beyond the bounds of formal authority, and that may have played a part in his later decision to set aside the proposal for a board to review conduct cases. Without dissenting from his advisers' assessment of the atmosphere in which the final return of prisoners would occur, he may well have had a more confident vision than they of the opportunities to promote uniformity and prevent immoderate action. With the support of key subordinates in Public Affairs, ISA, and the General Counsel's office, a secretary of defense might hope to impose certain limits without formally ordering them.

## Mail and Packages

Of the things that U.S. policymakers might hope to accomplish, few would more greatly benefit the servicemen imprisoned in Southeast Asia and their families at home than the establishment of reliable arrangements for the exchange of mail. The comfort and assurance that regular correspondence would bring, however slight or censored its content, could hardly be calculated. If relief parcels could be sent as well, the lonely waiting of wives and parents would be eased by the opportunity for purposeful activity, therapeutic in itself and of probable direct aid to their husbands and sons.

State and Defense Department officials concerned with PW affairs and relations with the families had worked unceasingly to attain these goals. The principal obstacles had been the intractability of the enemy and the difficulty of dealing effectively with a North Vietnamese government with whom no diplomatic relations existed, or with the even more inaccessible National Liberation Front of South Vietnam. In 1968, however, one of these hurdles was removed. The opening of the peace negotiations in Paris in May brought U.S. representatives into direct contact with the delegations of these adversaries, and thereafter there was more substance and continuity to the discussion of mail with the enemy. The exchange of mail did increase, though whether as a direct result of U.S. efforts in Paris or for reasons known only to the Communist leaders in Hanoi and in the hidden headquarters of the NLF remained uncertain. One result was also to be observed in the United States. Even more than in former years, mailing instructions, advice on package content, and notice of changes in the conditions imposed by the enemy were leading topics in the correspondence maintained by the military services with the next of kin.

To review briefly,\* since the beginning of 1967 most of the mail that came to the families from the prison camps was carried out by American antiwar activists and other visitors to the North Vietnamese capital, rather than passing through the international postal system. Travelers returning from Hanoi carried nearly all the 167 pieces of mail that were known to have reached the families during 1967. (The statistical accounting was never complete, since it depended on reporting of each instance by the next of kin.) All the letters came from prisoners in the North. No mail had been received from any man held in Laos or Cambodia; none had come from captives of the Viet Cong in South Vietnam since 1965.

As for the mail the families directed to their men in captivity, several routes and methods were in use in early 1968. From time to time the State Department entrusted letters to American newsmen and other individuals bound for Hanoi. More common was the arrangement for placing next-of-kin letters in the hands of the American Red Cross. The ARC normally forwarded those for prisoners in North Vietnam, Laos, and Cambodia to the International Committee of the Red Cross in Geneva for transmission through whatever channel its officials thought most promising. The ARC itself exercised discretion over the onward routing of mail for men believed to be prisoners of the Viet Cong in South Vietnam.

In earlier years the ARC-ICRC channel had been the one endorsed in official instructions to the next of kin, but during the first months of 1966 several families received letters in which the prisoners said that mail should be addressed to them at "Camp of Detention of US Pilots Captured in the Democratic Republic of North Vietnam, C/O Hanoi Post Office, D.R.V." After a cautious beginning, use of the Hanoi address for all men thought to be in North Vietnamese prisons was fully authorized by mid-1967. The U.S. Post Office Department had given immediate support, making arrangements in 1966 for international transit of this mail through San Francisco to Hong Kong, from which it passed to mainland China and on to Hanoi. Only letter mail could be transmitted by this route, however; the Hong Kong authorities had no agreement with Hanoi covering parcels.

With increasing use of the international postal system the volume of mail handled by the ARC began to decline, though it remained substantial. In 1968 the society forwarded 4,157 letters to the ICRC or other destinations. The following year the number dropped to 3,681, and it fell off more sharply thereafter, despite the increasing number of prisoners. Nevertheless, many families continued to try every channel available to them, and the volume handled by the ARC was still above 1,000 letters

\* Chapter 6 contains a fuller account.



in 1972. Also, the ICRC still pursued its attempts to arrange a more reliable system for mail transmission. These continuing services of the ARC and ICRC must not be lost sight of, but from 1968 onward the main developments regarding mail occurred elsewhere.<sup>1</sup>

*Package Mailing at Christmas 1968*

The principal effort in 1968 involved the prospective Christmas package mailing, undertaken with the hope of improving on the experience of the two preceding years, when virtually all the parcels had been refused by the enemy and returned to the senders. U.S. authorities launched the drive to gain acceptance of Christmas packages for the prisoners somewhat earlier than in the past, using the opportunity offered by the Universal Postal Union meeting in Moscow, which began on 20 September. The American delegation, headed by Walter F. Sheble, special assistant to the postmaster general for international postal affairs, received State and Defense Department counsel and went fully prepared to raise the matter in any quarter that might be useful. Probably no North Vietnamese representatives would be present, but it was hoped that something could be gained from discussions with the Soviet postal authorities, who had been involved in the forwarding and return of the holiday parcels in 1967.<sup>2</sup>

In two meetings at the Ministry of Communications, Sheble found his Soviet counterpart friendly and forthcoming when discussing mail procedures at the technical level. At present, however, the Soviet postal authorities considered that the instructions they had received the previous year from Hanoi were still binding. Therefore, if the United States once again forwarded parcels to Moscow for transshipment to North Vietnam, they would necessarily be returned. Nor were the Soviets prepared to assume a role as intermediaries in negotiations between Washington and Hanoi. Sheble received repeated advice that if the Americans hoped to get a different answer from Hanoi, they should approach the North Vietnamese directly, through the diplomatic contact that now existed in Paris.<sup>3</sup>

State's principal specialist on PW/MIA affairs, Frank Sieverts, immediately put the matter to Ambassador W. Averell Harriman, head of the U.S. delegation at the Paris peace negotiations. He suggested that "Hanoi might just be inclined at present to make such 'humanitarian' gestures," and he noted the interest of the military departments in obtaining an early answer, for use when preparing Christmas mailing instructions for the families. Following the accepted practice of using the tea break in the daily negotiating session for less formal exploratory discussions, Harriman spoke with North Vietnamese delegate Xuan Thuy on 9 October 1968.

He presented a memorandum that began by referring to the desirability of "steps which could help to improve the general atmosphere between us." Harriman then described the special significance that the Christmas exchange of gifts and greetings had long held in American family life. "Permitting the prisoners to receive Christmas packages from their families surely could not adversely affect any interest or position of your government," he wrote, "but such a humanitarian gesture would be greatly appreciated by the families and indeed by all the American people." He asked that Thuy transmit the request to Hanoi, with hope for a favorable reply that would include timely advice on how the packages should be sent. The proposal applied only to prisoners in North Vietnam.<sup>4</sup>

Washington authorities viewed it as highly encouraging that Thuy had agreed to receive and consider the memorandum. Preparations for a Christmas package mailing were also progressing elsewhere, owing particularly to discussions in Bern between U.S. and Swiss postal officials. If a favorable response came from Hanoi, the Swiss would be willing to serve as the receiving point in Western Europe and to forward the U.S. parcels through their well established service, via Moscow, to North Vietnam. But weeks went by without any reply from Xuan Thuy, until the point in November when Defense officials could no longer delay getting out the instructions to the families. The letters, dispatched on 20 November, listed suggested and prohibited items and set a maximum weight of five pounds. The text also described in general terms the efforts to establish a route for the packages that would be acceptable to the North Vietnamese, ending with acknowledgment that the U.S. government's inquiries "have remained unanswered to date." As the Navy's letter put it, "under these circumstances there is no assurance that the packages will reach their destination but we consider it again worth trying."<sup>5</sup>

The Department of Defense issued a press release on 26 November that placed somewhat greater stress on the uncertainty of delivery, possibly because it dealt with the *Pueblo* crew in North Korea as well as the prisoners in North Vietnam. The Associated Press said Pentagon officials were "not optimistic the packages will get through," and the *Chicago Tribune* offered the item to its readers with the heading "Giftless Yule Feared for GIs Held by Reds." Nevertheless, a final attempt to get around the lack of North Vietnamese response was in progress. The Swiss government had agreed to inform Hanoi that unless other advice was received, its postal officials would proceed with the forwarding of Christmas parcels. On 2 December 1968 the Swiss received a telegram from the North Vietnamese postal authorities refusing to accept packages "because of war which has been occasioned by US."<sup>6</sup>

Yet this was not the final word, after all. In Paris, on 12 December, Harriman received the following brief note from Xuan Thuy:

On the occasion of the Christmas holiday 1968, the Government of the Democratic Republic of Vietnam, in keeping with its humane policy, has authorized the U.S. pilots captured in North Vietnam to receive from their families post cards and Christmas gifts (non-perishable food products, articles of personal use, medicines) the weight of which shall not exceed three kilograms [6.6 lbs] per person. The transmittal of these gifts shall be effected by the normal postal channels directly to Hanoi.

The news was gratifying, but it also occasioned some hurried consultations in Washington because the enemy's specifications were more liberal than those in the instructions the families had already received. The latter, besides setting a five-pound limit, had barred food items except hard candy and chewing gum and had ruled out medications and vitamins. But time was pressing and over 400 parcels had already reached the Post Office, prepared under the old rules. Officials in OSD decided that these should be forwarded as received, while the services concentrated on spreading the word of Hanoi's more generous terms to those next of kin who were authorized to send packages but had not yet done so.<sup>7</sup>

In tandem with efforts the State Department was making to insure that postal authorities in Moscow accepted the arrangement and were prepared to play their part in forwarding the packages, Walter Sheble renewed the contact with his Soviet counterpart by telegram and air mail. The record of amicable dealings at the technical level continued. In mid-January 1969, Sheble received a letter from the Ministry of Communications official that gave a detailed accounting of the 714 parcels transhipped to Hanoi from Moscow by that date. All had reached the Soviet capital through Geneva, as previously arranged. A few days later the North Vietnamese government announced that U.S. prisoners under its control had received gifts from home. It gave no indication of the number actually delivered, but news accounts noted that this was the first confirmation of receipt ever released by Hanoi.<sup>8</sup>

#### *Hanoi's "New Policy" on Packages*

During a conference with postal officials early in January 1969, Defense representatives displayed their eagerness to follow up on the apparent success of the Christmas package venture. They proposed immediate

planning for a further mailing the second week of January, recommended that "the State Department should be informed of this time table," and suggested that State might induce the enemy to accept the shipments as a celebration of the Tet holiday in Vietnam. The postal authorities shied away from initiating such an action, believing that directions must first come from State, but they did say that they would develop "revised procedures for any further shipments (post-Xmas) that may become possible."<sup>9</sup>

State thereafter did counsel the U.S. negotiators in Paris to be alert for any opportunity to discuss additional package mailings with the North Vietnamese. Even so, the next favorable turn appears to have resulted from a unilateral decision in Hanoi and to have taken U.S. officials somewhat by surprise. Again the North Vietnamese willingness to receive package shipments was on a one-time basis and connected with a major holiday—this time the 4th of July. The American Independence Day was cited as the occasion in the broadcast from Hanoi on 3 July 1969, which said that gifts could be sent to U.S. prisoners under the same provisions as had applied at Christmas.<sup>10</sup>

There was one new feature, not fully clarified until confirmation was sought in Paris by the U.S. delegation, now headed by Ambassador Henry Cabot Lodge. In some of their statements, though not in the initial broadcast, the North Vietnamese had set a time limit: Packages would be accepted only during the period 4-25 July 1969. It was already 18 July before Lodge was able to reach Xuan Thuy with an explanation of the unlikelihood that Washington agencies and the families could complete all procedures before the deadline. His appeal for an extension was successful. Soon afterward the North Vietnamese announced a new closing date of 15 August.<sup>11</sup>

"I called Casualty Assistance officers involved and said 'hustle,'" wrote an ISA official on one of the messages from Paris. Getting the information out to the families on short notice involved major exertions by the services. Besides the content, wrapping, and address instructions, each family had to be supplied with the blue authorization card, the yellow parcel post sticker, the customs declaration, and the dispatch note. The Air Force's advisory concluded with the following:

Take the completed package, filled in customs forms, and the blue authorization card to the civilian postmaster of your city, together with this letter of instructions. The postmaster will not accept packages without the blue authorization card, which he will take from you. No postage will be required from you. The package will be forwarded by the postmaster to a central point from which the packages will be transmitted by air to North Vietnam.

As during the previous Christmas mailing, families of airmen downed in Laos were included among the authorized senders, on the chance that the men might have been captured and transported to North Vietnam. On 20 August the Post Office Department reported that 702 packages had been dispatched, via Switzerland, to Moscow. The North Vietnamese made no public acknowledgment of receipt.<sup>12</sup>

It being well established by now that addressing Xuan Thuy in Paris was the most effective approach, Ambassador Lodge passed a letter to him early in November regarding Christmas parcel mailings for 1969. He asked if the 6.6-pound weight limitation and other provisions still applied. Accepting that a time limit was probable, Lodge also inquired about the dates during which cards and packages could be sent. This time the reply was not long delayed. On 17 November 1969 Hanoi radio announced that gift packages for U.S. servicemen held prisoner in North Vietnam would be accepted throughout the month of December, subject to the same terms and procedures as before.<sup>13</sup>

Defense officials were convinced that by consenting to package mailings at two successive Christmas seasons and the 4th of July the North Vietnamese had committed themselves and would find it difficult to revert to a more restrictive policy in the future. There was no longer any need to hail Hanoi's moves as "humanitarian gestures," and the department issued a statement that was devoid of any expression of gratitude for the enemy's concession. Limiting the receipt of parcels to "a few selected occasions" was a far cry from the regular communication required by the Geneva Convention, the press release declared. "We are certain that the families will welcome the opportunity to take advantage of this Christmas mailing proposal. However, the Department of Defense continues to believe that the most humane Christmas gift for the men would be the assurance to their families that they are alive and well . . . . Because North Vietnam has repeatedly refused to identify the men whom they hold, hundreds of wives, children and parents must mail gifts, not knowing whether their loved ones are alive to receive them."<sup>14</sup>

Undoubtedly these strictures were offered more in the hope of influencing press treatment of the matter at home than of swaying the Communist leaders in Hanoi. Those leaders, in fact, may already have reached the decision that was to be revealed in late December 1969, when the last of the more than 700 Christmas parcels were still in transit. As part of a larger development in the mail situation, yet to be described, the North Vietnamese first hinted at, then openly disclosed their liberalized "New Policy." One of its provisions was that henceforward the men imprisoned in the North might receive one package every other month from their immediate next of kin, with the same stipulations as before.<sup>15</sup>

During January the services busied themselves with preparations to begin the new mailing schedule on 1 February 1970. Once instituted, the procedures fell into a steady routine, regulated by the bimonthly issuance of the mailing authorization cards.

With regard to allowable items to be included by the families, the North Vietnamese had not gone beyond their initial prescription of "non-perishable food products, personal articles, and medication." The services made more extensive suggestions in their instructions to next of kin, based in part on information about life in the North Vietnamese prison camps that the six men released during 1968 were able to supply. Better still, when Captain Rumble, Lieutenant Frishman, and Seaman Hegdahl were released in August 1969, they had some knowledge of the way their captors had handled the incoming packages at Christmas 1968 and thereafter. One set of instructions prepared late in 1969, following debriefing of the trio, read as follows:

1. When considering items for packages, the following should be kept in mind for each individual item:
  - a. Items must be non-breakable or be in non-breakable containers such as cardboard, plastic bottles or bags, or metal containers not requiring use of a can opener.
  - b. Regardless of the time of year mailed, items must be able to withstand extremes of heat and cold and not be susceptible to deterioration due to high humidity.
  - c. Books, games, etc., which are useful in passing the time, have been removed by the North Vietnamese; however, it may be advisable to inclose some small, light items, anyway. This would *give* them something to pull out and could make them more prone to deliver the remainder of the package, intact.
2. Contrary to expectations, food is not the item most desired by the prisoners. Without exception, all releasees have stated that quantity-wise, sufficient food is provided, even though it may lack quality. The following suggestions are arranged in what we believe is the order of their importance to a prisoner:
  - a. All other recommendations notwithstanding, if you know of some item the prisoner would really want, no matter how silly it may seem—send it. Medical officers and others familiar with the reactions of men in captivity feel that the morale lift derived from knowing that you are thinking of him as a person is of far more value than any temporary improvement to be derived from the equivalent weight in medicines or food.
  - b. Heat rash medication *and* thermal underwear.

- c. Health items, such as ringworm, diarrhea, and headache medications, cold tablets or capsules, and multivitamin tablets. Also, throat lozenges, cough drops, and eye drops may be included in this category.
- d. Dietary supplements, such as bouillon cubes, all instant foods not requiring additives (e.g., milk, sugar) which are not available to the prisoner, candy, gum, raisins, etc.
- e. Incidentals, including socks with heavy soles, handkerchiefs, gloves, photographs with no writing, soap, toothpaste, toothbrush, towels, and undershorts.

Other service letters to the families sometimes included lists of suggested brand-name, non-prescription drugs, under such headings as "Headache Medications," "Throat Lozenges," and "High Protein Supplements."<sup>16</sup>

The schedule of bimonthly parcel mailings, begun in February 1970, remained in effect throughout the three years that were yet to pass before the prisoners' homecoming in 1973. The packages followed the customary air route to Switzerland and on to Moscow. Beyond the Soviet capital the routing was originally via Peking, but this ended later in 1970 when Soviet Aeroflot instituted direct flights between Moscow and Hanoi.<sup>17</sup> As the regular traffic in parcels continued, the volume was occasionally boosted by the special provisions the North Vietnamese applied at Christmastime, as when in 1970 Hanoi announced that the families of U.S. airmen imprisoned in the North would be allowed to send year-end parcels of 5 kilograms (11 pounds) rather than the usual 3 kilograms (6.6 pounds).

A hitch developed in 1971 that appeared to interrupt the flow of parcels and to represent backtracking on the North Vietnamese commitment. By mid-March that year, of 835 packages sent the previous Christmas, 530 had been returned, stamped with the Vietnamese equivalent of "Addressee Unknown." Officials in Washington immediately saw the probable connection with another recent action of the enemy. In December 1970 the North Vietnamese government had at last provided a list of 339 acknowledged prisoners, plus identification of several more said to have died after capture.\* Analysis of the returned packages showed that none had been rejected when addressed to an acknowledged prisoner. Those not accepted had all been intended for other men who Hanoi maintained had either died in captivity or it never had in custody, though the U.S. government had good reason to believe a number had been captured in North Vietnam, South Vietnam, or Laos. Members of the DoD PW/MIA Task Force concluded that "North Vietnam is attempting to reinforce

\* See Chapter 11.

its contention that the list referred to above is a 'complete and final' list of men held. Past experience with package programs has been that all packages sent are returned or that none is returned. We believe NVN has now seized upon normal postal procedures in order to re-emphasize their contention that they hold no more than 339 men in NVN."<sup>18</sup>

There was no disposition in Washington, then or later, to bend to the enemy's purpose and issue the authorization cards only to next of kin of the 339 men. Both in Paris and at home, U.S. spokesmen had already condemned the North Vietnamese list of December 1970 as demonstrably incomplete and only a token compliance with the Geneva Convention's requirement for prisoner identification. Also, knowing how important the package mailings were to the families as an activity that might bring comfort to them and their absent kin, whether or not the latter were on a confirmed list of captives, officials were evidently unwilling to deny the privilege by their own action or to face the protests that would probably follow. Denial might better be left to the enemy. State, Defense, and Post Office representatives at a meeting in early April 1971 decided to await the full accounting of the fate of the February mailings before considering any change in procedures.<sup>19</sup>

The record thereafter showed a continuing return of parcels addressed to servicemen not among the prisoners acknowledged by North Vietnam. The scope of the problem might be said to be diminishing, but this was probably owing to abandonment of the mailing effort by families who had suffered the rejection:

Packages Forwarded	Approximate Number Returned
Feb 1971 - 752	426
Apr 1971 - 535	250
Jun 1971 - 518	187

By early December, however, it was becoming clear that the North Vietnamese had turned back parcels mailed in August and October on some new and more sweeping basis. The first batch of returned packages contained 182 that were addressed to men on the "339 list," and more of this category came in later. The figures as ultimately recorded were: August 1971—545 sent, 410 returned; October 1971—541 sent, *all* returned.<sup>20</sup>

A preliminary assessment of this development reached the secretary of defense on 10 December. Laird was told that consideration was being given to whether to publicize and condemn the enemy action at home and in the Paris negotiations, with timing governed by the desire not to



jeopardize the current Christmas package mailing. In November, in a word-for-word repetition of the previous year's announcement, Hanoi had again allowed the exceptional 11-pound weight for the holiday parcels.<sup>21</sup>

Jerry Friedheim, deputy assistant secretary of defense for public affairs, released a statement on 29 December that scored Hanoi's behavior as inhumane and uncivilized. "In an unannounced and indefensible action that violates its own established policy, North Vietnam has refused to accept more than 900 gift packages mailed by families to American prisoners of war and missing in action personnel in the months of August and October, 1971." He pointed out that a large number of the returned packages were addressed to servicemen previously acknowledged as prisoners by the Hanoi authorities, whereas none so addressed had been refused before during the two years of bimonthly mailings, except for a scattering of parcels claimed to be overweight. Photographs showing the returned parcels, heaped on post office tables and handcarts, were made available to the press.<sup>22</sup>

A few days later Col. William E. Gregerson of the PW/MIA Task Force departed for Paris with 10 of the rejected items in his charge. It had been expected that Ambassador William J. Porter would display these packages during a negotiating session early in January 1972, but Gregerson found the ambassador more inclined toward delay. As a later summary put it: "Ambassador Porter expressed concern that other side could embarrass us by producing unauthorized items allegedly inserted by families and others." Porter judged the risk to the negotiations "too high at this time" and wanted to "wait and see what happened to Christmas packages," bringing up the subject if the Christmas packages were refused.<sup>23</sup>

As if privy to the U.S. thought process, North Vietnam's leaders took just the action that would reinforce Porter's reluctance to open the matter to contention in Paris. In handling the Christmas mailing they resumed the orderly differentiation between acknowledged prisoners and others, and moreover they announced the results themselves, before any of the rejected packages had reached the United States. According to their communiqué of 22 January, "the Hanoi Post Office received over 300 parcels weighing nearly 2 tons, which American families had sent by post via Moscow to the U.S. pilots whose names are on the list . . . made public on December 23rd, 1970." Then followed, for the first time, a flat statement that "all these parcels were delivered to the above-mentioned Americans." Continuing, the North Vietnamese stated that another 407 Christmas packages had been received, addressed to men not on the list; these were in process of being returned.<sup>24</sup>

On 31 January Cora Weiss, an antiwar activist who was co-chair of the Committee of Liaison with Families of Servicemen Detained in North Vietnam (COLIAFAM), declared that Defense Department officials must bear the responsibility for the mass return of the August and October parcels. The fault lay in their refusal to accept the North Vietnam list as controlling. The wide distribution of authorization cards to families other than the 339 had had a tragic result, she said. "Rather than sort through hundreds of boxes for whom there is no recipient the Vietnamese simply rejected the whole lot."<sup>25</sup>

It was true that U.S. authorities had never restricted the authorized mailings in the manner Weiss suggested. The Friedheim press release in December had made no attempt to disguise the fact that packages had been sent to missing-in-action personnel as well as known or suspected prisoners of war, and to men other than pilots downed in North Vietnam. The practice accorded with the desires of next of kin and with the official U.S. stand that North Vietnam's 339 list was incomplete. A meeting of service representatives, convened by the PW/MIA Task Force early in February 1972, developed a summary of the procedures being followed. It showed the distribution of package authorization cards in past months to have been on a very liberal basis, but not an indiscriminate one:

— All Services send cards to NOK of men carried as PW by the Services throughout Southeast Asia (approximately 480 personnel).

— Army and Marine Corps send cards to NOK of MIA only on request basis. (Estimated 20-40 per mailing period.)

— Air Force and Navy send cards to NOK of MIA lost over NVN and Laos. (Approximately 600 and 100, respectively.) These NOK are generally discouraged from mailing packages and, in fact, except at Christmas, the majority do not send packages.

— Air Force sends cards to NOK of MIA lost in SVN only on request basis. (Very few of these are involved.)

Approximately 1,100 authorization cards had been distributed for each bi-monthly mailing during 1971, including about 20 for missing civilian personnel. The average number of packages actually mailed was 535.<sup>26</sup>

Further discussion at the February meeting related specifically to COLIAFAM's "alleged reason" for North Vietnamese refusal of the August and October packages. "All Service representatives were strongly opposed

to changing any of our past practices in this regard without some official word from NVN or Moscow. They all felt that we will just have to take our chances that at least those addressed to PW held in NVN will be accepted." Rather than curtail the opportunity of families to participate, the service representatives were willing to accept the risk that Hanoi might again reject all the packages.<sup>27</sup>

So it was that the bimonthly package mailings continued under the same system through 1972. The issuance of authorization cards increased as the number of captured and missing mounted. By the October mailing period, just short of 1,400 cards were being distributed by the services. Hanoi acknowledged further prisoners during 1972 but continued to reject packages for others as before. The returns amounted to more than 40 percent of those sent for the year as a whole.<sup>28</sup>

When preparations for the Christmas mailing began in November there was a new but more heartening reason for concern that the parcels might not reach their addressees, for the prospect of a settlement at Paris appeared so strong that there was speculation the men might be on their way home before the shipments arrived. The chairman of the PW/MIA Task Group, Roger Shields, thought the families should receive assurance that the scheduling of a December mailing "in no way implies a stalemate in negotiations." On the other hand, they should be advised that even if an agreement occurred in the near future, it was expected to provide for a phased release of the prisoners over a 60-day period. Rather late but in routine fashion, Hanoi gave notice that the special expanded weight limit again applied.<sup>29</sup>

Authorization cards issued for the Christmas mailing in 1972 reached a new high of 1,704.<sup>30</sup> The figure represented total coverage—one card for every U.S. serviceman listed as captured or missing in Southeast Asia—and it indicated an abandonment of even the limited restraints that had been applied to the distribution in the past. Yet the action was entirely in keeping with the policy the government had followed from the first. Whether in organizing the Christmas package mailings in 1966 and 1967, when the enemy had given no sign of willingness to accept them, or in disregarding the bounds that Hanoi sought to enforce in the later years, the U.S. authorities pursued what amounted to an all-out frontal assault. Despite the fact that many of the parcels never reached their destination, the sheer physical volume of the packages and the care and expense they represented served at least to dramatize the issue and provide occasion for a further drumfire of protest and condemnation. Despite its cost, the package program was sustained by the eagerness of the families to do anything possible to succor their men and by the fact that most next of kin

focused their resentment over the wasted effort on the enemy rather than their own government.

One might claim that the United States had scored a substantial success in the campaign to induce the North Vietnamese to let the prisoners receive relief parcels—a right they were entitled to under the Geneva Convention. Credit for the outcome can be assigned only generally, however, to the U.S. effort as a whole. With the possible exception of the first acceptance of Christmas packages, following Harriman's diplomatic approach in October 1968, it is difficult to trace any direct connection between the U.S. agitation and the decisions reached in Hanoi. The Communist leaders may have hoped that their concessions would still the criticism, but the timing appears always to have been their own, and deeper purposes than accommodation of U.S. desires were easy to discern.

#### *Currency Transmittal*

The opening of the opportunity to mail packages to the captive Americans brought an end to another arrangement for providing relief—the sending of money to prisoners in North Vietnam. From its beginning in 1968 this currency transmittal program had barely progressed beyond the trial stage, but it required extensive consultation and administrative effort, beginning with the debate over the advisability of the project. Further steps included complying with legal opinions regarding the proper procedures and gaining entree to the international banking system through a confidential relationship with a Washington bank.

The program's origin could be traced to August 1967, when three Air Force prisoners of war in North Vietnam wrote their wives that the camp authorities would permit them to receive money to purchase fruit, candy, cigarettes, medical lotions, and "additional necessities." The detailed instructions and similar phrasing of the letters indicated that all three were copying from a text supplied by their captors. They advised that U.S. dollars could not be sent directly. The funds must be converted to a foreign currency and passed through one of several listed banks in Tokyo, Hong Kong, London, or Switzerland as a remittance to Messrs. Bank for Foreign Trade—Hanoi. The prisoners mentioned various amounts between \$20 and \$50 when estimating their monthly needs. One stated specifically that "the money is allowed in lieu of packages from home."<sup>31</sup>

A similar letter from another Air Force pilot arrived in early October, just as Washington authorities began to study the possibility of currency transmittal. Their investigation quickly established that such activity was

sanctioned by the Geneva Convention, whose Article 63 proclaimed that "prisoners of war shall be permitted to receive remittances of money addressed to them individually or collectively." Further, Article 28 decreed that "canteens shall be installed in all camps, where prisoners of war may procure foodstuffs, soap and tobacco and ordinary articles in daily use. The tariff shall never be in excess of local market prices." However, experience offered scant grounds for believing that North Vietnam's action was a dutiful response to the Geneva Convention provision. Analysts suspected that Hanoi's need for hard-currency foreign exchange was one motivating factor, and they noted that if enemy leaders actually hoped to accumulate foreign exchange by this means they would have to permit increasing numbers of PWs to write home. But they also recognized that "Hanoi can argue, perhaps with some validity, that it is reasonable" to invite the sending of money rather than packages "because of the strain wartime conditions have placed on North Vietnam's postal and transportation systems."<sup>32</sup>

Although an accepted practice under international law, currency transmittal was subject to legal restraints in the United States. The Trading with the Enemy Act, as implemented by the Foreign Assets Control Regulations, prohibited the sending of money from the United States to North Vietnam, except as licensed by the secretary of the treasury. It was understood that in deciding such cases Treasury officials invariably followed the advice of the Department of State.

In December 1967 the Air Force recommended that the wives be allowed to send modest sums of money, once the Defense Department had cleared a way through the legal and procedural obstacles. For the present, however, the government's decision to permit currency transmittal, the Air Force's deputy general counsel wrote ISA, should be made known only to the few wives who had received requests rather than to the families generally. The Air Force spokesman thought it important to avoid "an overwhelming US response which could negate the entire effort."<sup>33</sup>

The DoD PW Policy Committee considered the proposal in the light of further comments from the OSD general counsel and a strong endorsement from Capt. John W. Thornton, USN, enlivened with anecdotes from his experience as a prisoner during the Korean War. Early in the new year the committee decided to proceed, without publicity, the first step being to obtain the necessary license.<sup>34</sup> A letter to the director of the Treasury's Office of Foreign Assets Control on 30 January 1968 described the messages received by four families and explained that the money asked for "would allow the prisoners to purchase various comfort items which could not otherwise be obtained since North Vietnam normally does not permit

prisoners to receive packages." The Department of Defense believed that making it possible for the next of kin to respond to these requests would be in the national interest. The State Department's concurrence in the following particulars had already been obtained:

We propose to inform the relatives of these prisoners and the relatives of any others who receive requests that if they so desire, the Department of Defense will send a relatively nominal sum (not more than \$20 for the initial remittance) to each prisoner who requests it. The relatives would transfer the money to the Department of Defense which would make the necessary arrangements for transmittal of the funds to the prisoners.

If we receive evidence that the money reaches the prisoners, we would plan to continue remittances to prisoners who request money and perhaps eventually inform all next-of-kin of the procedures . . . . All financial arrangements would continue to be made through the Department of Defense.<sup>35</sup>

The Treasury office granted the license for a test period running to 31 May 1968—later extended to 30 September and then to the end of 1968. Remittances of \$26 had gone forward from each of the four original families, with expectation that bank charges would leave an effective amount of about \$20. By September the arrival of all four had been acknowledged, either signed for by the "Administration Chief of the Camp of Detention" or mentioned with thanks in a letter from a prisoner. Recently one more Air Force pilot had written requesting money, and his family had answered the call, but it was becoming clear that the enemy was neither intensively pursuing a program of encouraging currency transmittals nor applying it universally. The three prisoners just released from North Vietnam in August 1968—Low, Carpenter, and Thompson—said they had never heard of the possibility of getting funds from home and would not have known what to do with the money if received.<sup>36</sup>

Nevertheless, as the expiration date of the current license approached, the Washington authorities sought to build on the positive results of the 1968 test period: the proof that remittances did get through to the intended recipient and the clear evidence of benefit to the morale of the participating families. Prepared with State's concurrence, the request for renewal of the Treasury license through December 1969 set out the intention of opening the program to the next of kin of all servicemen captured or missing in North Vietnam. They would be encouraged to write to their family member offering to send him modest sums of money. Next of kin of those prisoners who replied by requesting funds would be authorized

to send up to \$50 per quarter through the banking connections maintained by DoD.<sup>37</sup>

Each of the original four families had already dispatched a second remittance, in varying amounts below \$50. Under the renewed license, the only Navy wife ever to take part in the program sent money to her husband in May 1969. Meanwhile DoD had postponed bringing the currency transmittal arrangements to the attention of all next of kin. In fact, even though renewal of the license was again sought and received in 1970, DoD officials never did follow through on the intended expansion of the program.<sup>38</sup> On several counts, giving comfort to the prisoners by sending home-prepared parcels was more desirable than currency transmittal, and the prospect for reliable delivery of packages had grown steadily more favorable, beginning with the confirmation that those mailed at Christmas 1968 had not been rejected by Hanoi. The fact that by mid-1970 the enemy's new policy of allowing one package every two months appeared firmly in place further weakened the justification for sending money. When the term of the Treasury license ran out in 1971, DoD's decision not to renew required no recorded discussion.

Despite Defense officials' long-running engagement with the subject and its repeated appearance on the agenda of the DoD PW Policy Committee, currency transmittal had been a very limited activity. The available records indicate that it involved the families of only six prisoners of war and that the total amount remitted, including the portion for bank charges, did not exceed \$400.

#### *Marked Progress on Letter Mail*

North Vietnam's acceptance of Christmas packages in 1968 was a breakthrough that gave encouragement to all further U.S. efforts relating to both letters and parcels. Thereafter the letter mail situation did show improvement, including the opening of very limited exchanges with men held in the South.

Some channels for the dispatch of mail to the prisoners and missing existed from the first, and the families maintained the volume of letters at a consistently high level. There was of course no assurance of actual delivery to the intended recipient, though from 1967 onward there was little doubt that letters sent to the Camp of Detention address at least reached the Hanoi Post Office. Of more critical interest was the receipt of cards or letters from the prisoners. The number of men permitted to write had risen very slowly during the early years. The list of those whose letters had made known their survival in captivity did not reach 100 until

late in 1968, but a marked improvement followed. The most prominent features of the record were the signal increase in the number of new writers during 1969 and the surge in the volume of letters the following year.<sup>39</sup>

Year	Number of Letters	New Writers	Number of Writers (Cumulative)
1964	8	1	1
1965	35	18	19
1966	156	28	47
1967	167	33	80
1968	257	23	103
1969	942	192	295
1970	2,646	39	334

In 1969 most of the mail from prisoners continued to be carried out of North Vietnam by American antiwar activists and other visitors. It may be assumed that the leaders in Hanoi had chosen this means of transmission in preference to the international postal system as a matter of calculated policy. Within the United States it could be expected to enhance the prestige of the peace advocates who provided the courier service, guaranteeing press coverage of their activities and assuring them access to the families, who otherwise might not have deigned to read their communications. There had been no system or regularity to the mail transmissions during 1969, but at the end of the year a move within the antiwar faction toward placing the courier activity on a more organized basis received publicity. This development coincided with the first intimations from North Vietnamese spokesmen that a freer and more regular flow of mail from the prisoners was in prospect.

Commenting in Paris on 23 December on the repeated U.S. demands that the prisoners be identified, North Vietnamese Minister Xuan Thuy confined himself to saying "one refuses to communicate the list of names to the Nixon administration. Certain families already have been informed and little by little others will be informed." State Department officials, taking note of the statements of Cora Weiss at a press conference the same day in San Francisco, concluded that Thuy's remark was meant to convey that more prisoners would soon be permitted to write. Weiss, recently returned from Hanoi, was confident of her information that the North Vietnamese government intended henceforward to allow regular correspondence between the prisoners it held and their families, on a schedule of one letter per month in each direction, and also to liberalize the arrangements for packages. She had brought with her a total of 138 letters, written



by 132 prisoners, whose names she released to the press. The list included 49 men never heard from before.<sup>40</sup>

State pressed for confirmation in Paris, and by early January 1970 both the Hanoi radio and the DRV's diplomatic representatives were speaking more openly of the "New Policy." They claimed that all prisoners held in North Vietnam now enjoyed the privilege of writing once a month; next of kin might send mail at the same rate, as well as one package every other month. Three members of an Air Force family whose persistence won them an interview at the DRV delegation's office in Paris were given a further glimpse of what might be expected under the new policy. They should not take as final, they were told, that nothing had been heard from the officer since his loss over North Vietnam nearly two years before. The English-speaking member of the delegation staff advised them to write again. "If he is in one of our camps, you will hear from him."<sup>41</sup>

The volume of letters carried out by Weiss in December 1969 encouraged hope for enhanced contacts with the prisoners, as did her other activities and the publicity surrounding them. Cora Weiss and several other leaders of Women's Strike for Peace had responded to an invitation from the Vietnam Women's Union to visit North Vietnam in order to meet the country's people, understand its culture, and observe the effect of the U.S. bombing. While there she toured a PW detention camp and spoke with several of its inmates. According to a later press release:

Mrs. Weiss offered the North Vietnamese the facilities of the anti-war movement in the U.S. as a channel to guarantee improved communication between detained U.S. servicemen and their families. She proposed on behalf of the antiwar movement the establishment of a committee which would both enable regular and frequent letter writing between POWs and their families and would provide information to the families of the missing regarding their status. The North Vietnamese welcomed this initiative and agreed to the proposals.<sup>42</sup>

Formation of the Committee of Liaison with Families of Servicemen Detained in North Vietnam (COLIAFAM) was announced on 15 January 1970, with David Dellinger and Cora Weiss named as its co-chairmen. The new group's office on West 42nd Street in New York was to be the receiving point for prisoner letters brought from Hanoi by COLIAFAM members or others involved in the antiwar movement and for bundles of letters mailed to the committee by North Vietnamese authorities. The Committee of Liaison would forward the letters to next of kin, accompanied by an invitation to send their monthly return letters to COLIAFAM

for transmission to Hanoi. The announcement promised that the organization's more general correspondence with PW/MIA families would include instructions on acceptable letter format and on placing inquiries about the missing.<sup>43</sup>

Weiss, whose role as COLIAFAM's principal spokesman kept her frequently in the news, was most often characterized in the press as a Bronx housewife and mother of three. The Committee of Liaison's own handouts also detailed her educational background, earlier career as a psychiatric social worker, and long participation in civil rights, disarmament, and pacifist causes. Though some of the military families continued to find it distasteful to look to an antiwar group for aid and information, Weiss and her organization offered what seemed the readiest means of mail transmission, given the unwillingness of the North Vietnamese to send prisoner letters through the regular postal system.

Frank Sieverts once described the committee's relationship with the U.S. government as "arms-length." Weiss telephoned him periodically to announce the arrival of more letters or to pass on other information, such as the names of men the North Vietnamese said were dead or of others they simply listed as "not captured in NVN." About the incoming letters she was usually more reticent, preferring to pass them directly to the families and leave it to the Defense Department to obtain identification of the writers through the subsequent next-of-kin reports to the services. COLIAFAM professed to be operating in the interest of the PW/MIA families, often expressing a sympathetic concern for their plight, but it also missed no opportunity to advocate the antiwar sentiments of its leadership. The latter element in Weiss's frequent dispatches to the families ranged from the low-key ("We thought you might be interested in the two enclosed reactions to the President's recent speech") to less restrained denunciation of actions of the Nixon administration that were held to be prolonging the war and pointlessly delaying the return of the prisoners.<sup>44</sup>

Understandably, U.S. officials were not disposed to seek a closer relationship, and they could hardly be expected to accept the information relayed by COLIAFAM from its contacts in Hanoi as necessarily valid, much less as a fulfillment of the North Vietnamese government's obligations under international law. Within the Defense Department, guidance regarding the organization and other similar groups had come from the PW Policy Committee early in 1970. During a discussion of "the role of dissident groups in POW affairs," the committee members "confirmed our present policy that no official change of status (KIA-MIA-POW) will be made as a result of information provided by these groups until such information is confirmed on an official government-to-government basis"—

with the exception, of course, of transfers from MIA to PW status when letters were received from men previously unaccounted for. In addition, the committee's chairman, Assistant Secretary Nutter, stated that "we cannot take any public stand concerning correspondence with these dissident groups." Thus, the official position was that use of the Committee of Liaison's services by the families would be neither encouraged nor prohibited. Information received from COLIAFAM would be subjected to the same validation procedures as data that entered the intelligence bank from other sources.<sup>45</sup>

In the Paris negotiating session on 26 February 1970, Ambassador Philip C. Habib confronted the North Vietnamese delegation with a charge that letters from the prisoners on a monthly basis, "as promised," had so far not materialized. The response this drew exceeded expectations. In early March a North Vietnamese official declared that, on the contrary, some 320 U.S. pilots had written to their families. Within the State Department the announcement was celebrated as the "first NVN admission of minimum number of prisoners they hold" and as an opening for renewed demands in Paris that the North Vietnamese identify them by name. To be sure, 320 fell short of the number the services had on record as captured. Also, the number of men listed as writers did not stand that high at the time, but the addition of 39 new correspondents during the remainder of 1970 brought the record into substantial conformity with Hanoi's claim. In all, 2,646 pieces of mail were received that year from North Vietnamese prison camps—nearly a threefold increase over the volume in 1969.<sup>46</sup> U.S. spokesmen still pointed to the discrepancy between one letter a month and the minimum of two letters and four cards called for by the Geneva Convention, but the marked improvement in the volume of mail was gratifying, nevertheless.

#### *U.S. Bids for Further Improvement*

A public event in the capital city in October 1970 set in motion a long-continuing effort to ameliorate other aspects of the mail situation. The occasion, attended by high State and Defense officials, PW/MIA families, and representatives of veterans organizations, was the unveiling by Postmaster General Winton M. Blount of two commemorative stamps, one in observance of the 50th anniversary of the Disabled American Veterans, the other honoring U.S. servicemen missing in action, killed, or held in captivity. To conclude the ceremony Blount read a statement from President Nixon, which ended on the following note:

At this time, we must have special concern for the prisoners of war. To assure that every conceivable step is taken to see that our captured servicemen in North Vietnam receive their letters and packages, . . . I have instructed the Postmaster General to make every effort to see that our prisoners of war receive their mail. And by every effort, I mean, if possible, even going to Hanoi to accomplish that objective.

While the implication that Blount might be welcomed in Hanoi was somewhat overblown, he did launch an energetic and thoughtfully conducted campaign to carry out the president's mandate. Over the next 10 months it took him frequently to Paris for consultations with the U.S. delegation, with stops in Bern, Geneva, Bucharest, and other capitals.<sup>47</sup>

With advice from the Defense Department, Blount pursued two avenues. One was to gain an audience with North Vietnamese representatives in Paris, and through them to arrange for discussions with a ranking official of the Hanoi Post Office, at any place deemed convenient. With the U.S. delegation's assistance he did succeed in making the proposal to the DRV's delegate general in December 1970. But though Ambassador Porter was still exploring the matter on Blount's behalf as late as October 1971, no satisfactory response was ever received.<sup>48</sup>

The other avenue appeared more promising. It was the attempt, carried on mainly by the postmaster general's special assistant for international postal affairs, Peter M. Sussman, to obtain approval for shifting the letter mail to the same route through Moscow that had long been used for packages. Dissatisfaction had been growing with the slowness and occasional uncertainty of the normal international mail channel to Hanoi, through Hong Kong. Now that Aeroflot flights from Moscow to Hanoi occurred on a weekly schedule, letters from the United States could complete the passage by that route in from 10 days to two weeks. Moreover, there was reason to believe that Hanoi would not oppose the change and perhaps even favored it. North Vietnamese spokesmen in Paris had met family inquiries with the advice that mail should be sent either through the Committee of Liaison or "via Moscow," and similar instructions appeared occasionally in letters from the prisoners. Cora Weiss had been emphatic on this point, and she returned to it in her testimony before a congressional committee in March 1971. She said that the difficulties in delivery arose, first, from the government's refusal to endorse the service provided by COLIAFAM, and second, from the Defense Department's willful disregard of repeated advice that "via Moscow" should be part of the address given to the next of kin.<sup>49</sup>

Post Office and State Department officials had been ready to open discussion of the routing change with the Soviets in February 1971, but the American embassy in Moscow counseled delay until the unfavorable atmosphere created by the U.S.-backed incursion into Laos had cleared. By early April both the embassy and Sussman, by letter to his Soviet counterpart, had advanced the proposal for sending letter mail by the Moscow route, stressing both the evidence that it would be acceptable to Hanoi and the "purely technical" and non-ideological nature of the service requested.<sup>50</sup>

Officials in the Soviet Union interposed no difficulties, and implementation of the arrangement appeared to await only their obtaining the go-ahead from Hanoi. Accordingly, Defense and Post Office authorities moved toward agreement on the procedures that would apply in the United States—procedures that might help counter another emerging problem as well. For some time there had been concern that the mounting volume of mail to Hanoi from U.S. citizens and groups, inspired by the government's Go Public campaign, might interfere with the regular passage of letters between the prisoners and their next of kin or at least be seized on by the enemy as an excuse for delays.<sup>51</sup>

There was of course no desire to choke off the flow of letters and resolutions from the U.S. public protesting North Vietnam's noncompliance with the Geneva Convention, but the government did attempt to dissuade citizens from writing or sending gifts to individual prisoners by name. In any event, the prospective new routing through Moscow would require segregation of the authentic next-of-kin letters for separate treatment. The Soviets had been promised that the channel would be used only for letters from the families at the approved rate of one a month, to be dispatched once weekly by special pouch. To keep this class of mail separate, a double-envelope procedure would be used, with an authorization card similar to the one for package mailings as the control device. Each month the services would provide their client families with a card and outer envelope, preaddressed to the postal facility at the John F. Kennedy International Airport in New York. Instructions would cover the addressing of an inner envelope to the prisoner at the Camp of Detention, Hanoi, via Moscow, to be placed, along with the authorization card, in the outer envelope. As legitimate PW mail, neither envelope would require postage. Postal authorities at the New York destination would remove the outer cover, verify the sender's next-of-kin status, and assemble the letters for forwarding in the weekly pouch to Moscow.<sup>52</sup>

Still there was no word from North Vietnam, and both Sussman and the Moscow embassy pressed inquiries on the matter during July. The

answer came at last, to Sussman in a letter from his Soviet counterpart dated 12 August 1971. The authorities in Hanoi had concluded that "existing prescriptions concerning formalities for delivery of letters and gifts to the American servicemen detained in the Democratic Republic of Vietnam should as before remain valid." Some of the statement's felicity of expression may have been lost in translation, but the message was clear. There would be no change in the routing of mail to Hanoi.<sup>53</sup>

#### *A Relapse in Letter Mail*

No great notice was taken of this disappointment, for by August 1971 another problem dominated the attention of PW affairs offices in Washington. During the first months of the year, mail from the prisoners in North Vietnam had continued to arrive at about the rate that had produced the record total of 2,646 items in 1970. As the always-lagging statistics accumulated, however, a new pattern began to emerge. By midyear it was evident that a severe reduction of the flow had set in and was continuing.

Intimately aware of the anguish being visited on the families, particularly those who had previously received mail with fair regularity, Sybil Stockdale urged that Secretary Laird "grab the microphone and make a strong statement." At that time, in late July 1971, the secretary's advisers still considered that "public complaints by the wives are the most effective since they can only be viewed as humanitarian in motivation," but Defense officials grew more willing to act as the implications of the unfolding record became ever more unmistakable. Figures compiled in late August showed that mail received during the first seven months of 1971 did not reach 30 percent of the volume in the same period of 1970:

Letters Received	1970	1971
Jan	119	115
Feb	90	105
Mar	120	71
Apr	207	21
May	177	3
Jun	209	7
Jul	226	2
	<u>1,148</u>	<u>324</u>

By early September the PW/MIA Task Force was laying plans for extensive publicity on the mail reduction, in a new surge of the Go Public campaign.<sup>54</sup>

The National League of Families issued a news release that condemned Hanoi's restriction of the flow of mail as an unconscionable act and an affront to "every civilized nation's code of human decency." State and Defense Department press officers also found opportunities for comment, but the main thrust was to occur at the Paris negotiations in the fall. By then the case had become still stronger, and Ambassador Porter presented it at the session of 4 November 1971:

In the past half year (May-October 1971) a total of only 170 letters have been received from U.S. prisoners in North Viet-Nam. In the same period last year (May-October 1970) some 1,300 letters were received, almost eight times as many as this year.

North Vietnamese officials have said all prisoners may write monthly. By this standard the acknowledged 339 prisoners in North Viet-Nam should have sent over 2,000 letters in these half-year periods.

The Geneva Convention minimum requirement (two letters and four cards per month) calls for over 4,000 letters and 8,000 cards from this number of prisoners per half year.

In the past 6 months letters have been received from fewer than 50.

I demand that you provide the families of these men with an explanation, and quickly, through this or any other convenient channel . . . I tell you that it will harm you in every way if you maintain this unbelievable standard of conduct.<sup>55</sup>

According to news accounts, the North Vietnamese delegation made no reply. As Ambassador Porter continued to dwell on the subject into December, Xuan Thuy charged that the U.S. insistence on "repeating allegations on the so-called prisoner of war issue" merely had the aim of "masking the policy of the Nixon Administration to prolong and extend the war and of masking their intention not to reply to the seven-point plan" his side had offered. In between attempts to turn attention to the intensification of U.S. air strikes and use of toxic chemicals, DRV spokesmen unwearingly reiterated that Hanoi's humane policy permitted each prisoner to write one letter per month.<sup>56</sup>

None of this gave support to any of the current lines of speculation about Hanoi's reasons for closing down the mail. The most frequent

suggestion was that the Communist leaders had enforced sterner measures against the prisoners as a result of the Son Tay raid of 20 November 1970, or perhaps in response to the later Laos operation. That some sort of decision had been taken in Hanoi, probably early in 1971, seemed additionally borne out by the decline in the number of American journalists and other visitors welcomed to the North Vietnamese capital thereafter. State Department officials had been fully aware of this trend by midyear; in December Cora Weiss revealed that even COLIAFAM's monthly couriers had not been admitted since August. Still, when Frank Sieverts was asked specifically if he thought the Son Tay rescue mission had caused the change in the enemy's mail policy, he pointed out to newsmen that the North Vietnamese themselves had not drawn that connection and in fact had offered no explanation.<sup>57</sup>

At a press briefing in Paris on 2 December 1971 the North Vietnamese spokesman still held to the standard responses, despite persistent questioning from newsmen about the contrast between the low volume of mail and his government's promise of one letter per month from every prisoner. According to the *New York Times*, "Mr. Le did not explain the discrepancy, but other North Vietnamese said that perhaps the prisoners were not writing." A commentary prepared in the PW/MIA Task Force scoffed that it was "ridiculous to maintain that men held for years would not want to contact their families; would not want to write and receive mail from their wives and children."<sup>58</sup> Yet that, substantially, was what had happened. No hardening of North Vietnamese policy lay behind the sharp decline in outgoing mail during 1971. It was the result of a letter moratorium imposed by the U.S. prisoners themselves.

The suspension of letter writing had been approved by the prisoners' leadership as one of several ways of strengthening their resistance and demonstrating the effectiveness and cohesion of their internal organization. The broader purpose of the high-resistance techniques employed in early 1971 was to force the Vietnamese to recognize and deal with the senior officers of that organization and to win such concessions as the right to hold religious services. Additionally, the letter moratorium appealed to some prisoners as a protest over mail restrictions and the enemy's use of the writing privilege as a means of keeping them in line. Some of the originators had yet a larger aim: to embarrass the North Vietnamese by creating the impression that the Communists had ceased to honor their agreement to allow the writing of one letter a month and had quite possibly regressed in their treatment of the American prisoners in other respects.



The moratorium was declared to be voluntary, but many prisoners took it up so wholeheartedly as to generate a strong communal pressure for universal compliance. The camp leaders excused some of their fellows who had family difficulties at home; otherwise, there were few who knew of the order who did not participate. While some prisoners simply refused to write, others followed the approved tactic of composing truthful accounts of their treatment, forcing their captors to censor the letters out of existence. The moratorium came into nearly full effect by March 1971. Most prisoners held themselves to it until early September, lasting out the six months prescribed by the leadership. There seemed no doubt that prison commandants were under stern pressures from their own superiors to get the inmates to resume writing and thus bring appearance back into conformity with the professed North Vietnamese policy on mail. And for the PWs' part, many were anxious to get back in touch with relatives with the approach of the holiday season.<sup>59</sup>

Although the American prisoners had no clue as to the impact of their action abroad, the moratorium posed great difficulties for Hanoi's spokesmen, particularly in the well-publicized Paris arena. Xuan Thuy had to endure Ambassador Porter's denunciations while offering unconvincing refutations in reply. The North Vietnamese could hardly admit that U.S. prisoners were successfully mounting an organized resistance, or that the Americans had grievances weighty enough to sustain them in such a self-denying exercise as the refusal to communicate with their families. What is more, Hanoi could not reveal the true explanation even after the moratorium ended and the flow of letters resumed.

Washington suggested to Ambassador Porter that he "plan to make POW question major focus of Dec. 23 meeting, linking this humanitarian question to the eve of Christmas" and using additional material yet to be supplied. But shortly before that date the situation was dramatically transformed. On 21 December 1971 a member of the Committee of Liaison, the Rev. Richard Fernandez, arrived in New York bearing 1,001 letters from U.S. prisoners. They came not directly from Hanoi but from the Communist delegations in Paris. While COLIAFAM publicized the event as the largest single delivery ever received and described its own efforts to dispatch the letters promptly to next of kin, State and Defense Department spokesmen scored the Vietnamese Communists for "playing with the emotions" of the families by first withholding the letters and then releasing them in bulk at Christmastime. Cora Weiss denounced this accusation

as "incredible"; the delay in delivery had been caused, she said, by U.S. bombing and recent heavy floods in North Vietnam.\*<sup>60</sup>

*The Fitful Flow of Letters from the South*

The 1,001 letters in December, added to 499 already received, brought the total for 1971 to 1,500—a more presentable figure but still less than 60 percent of the volume the previous year. But more momentous than the unblocking of the mail channel was the fact that 18 of the letters came from prisoners of the Viet Cong in South Vietnam, in contrast to the nearly total absence of communication from U.S. servicemen held outside North Vietnam in years past. One of the new writers was Cpl. Alfonso Riate, a Marine officially listed as KIA.<sup>61</sup>

It will be recalled that a bare half-dozen letters had been received from the South during 1965, mostly carried out by men released by the Viet Cong. Since then there had been but one more, under circumstances that could not be related to any of the efforts of the U.S. government, the American Red Cross, or the ICRC to arrange for regular prisoner correspondence. Dropped in a Seattle mailbox by an unknown hand, the single letter had reached the family of Marine Sgt. Leonard Budd in Massachusetts on 14 August 1970.<sup>62</sup>

Earlier that year, in the Paris talks, the NLF's Mme. Nguyen Thi Binh had answered Ambassador Habib's questions with a renewed declaration that the humane policy being followed by the Viet Cong included

\* Neither, of course, was the case. The moratorium had simply run its course. The available evidence does not establish when it was that U.S. officials became aware of the moratorium. The earliest mention to be found is in a memorandum dated 30 July 1971: "We are not sure of the reasons, i.e., reaction to the Son Tay raid, a no write campaign by the PWs (as has been suggested by some wives), or an attempt by Hanoi to exacerbate our situation with the families, using the protective reaction air strikes and the Son Tay raid as excuses for delivery problems; this excuse being Cora Weiss's line." In any event, even upon learning that the stoppage of letters was an action of the prisoners rather than the enemy, the rules of the game did not require the United States to give up the propaganda advantage it had gained. A high State Department official, in testimony before a congressional committee on 3 February 1972, still gave a full account of "North Vietnam's violation of its own announced standards for correspondence." As for the mail received at the end of 1971, "we welcome these letters but must question the motives that lead the other side to handle mail on this on-again, off-again, basis." See memo Epes for Pursley, 30 Jul 71, SecDef 383.6 Vietnam (Jun-Jul 71); Dept State *Bulletin*, 6 Mar 72, 305-06.

permission for the captured Americans to exchange letters with their families. "But in this matter, the NLF does not recognize the International Red Cross as an intermediary," she said, claiming that wartime conditions and U.S. bombing in particular made it difficult to effect the exchange by any means. Still earlier, however, evidence had come to hand that indicated these difficulties were not the sole or even the primary reason for the absence of any word from men held by the Viet Cong. In 1969, U.S. and South Vietnamese forces had overrun an abandoned PW site where they picked up three letters written by captive Marines. Both the letters and other captured documents contained clear indications that the prisoners had been encouraged to write and had been supplied with an address through which their next of kin "could try to answer" their letters. Yet the letters, in the 10 months since their composition, had not left the campsite. A deliberate policy of not forwarding the prisoners' mail, or plain inattention, must be suspected.<sup>63</sup>

Officials in Washington had come to suspect that the enemy practice of giving out addresses was likewise an empty gesture. Since the beginning of 1966 spokesmen for the Viet Cong had been saying that mail could be dispatched to prisoners in the South in care of NLF representatives stationed abroad, with the NLF office in Algiers indicated as the primary receiving point. By 1968 the address of the NLF representative in Phnom Penh, Cambodia, was also being used. After the NLF established the Provisional Revolutionary Government of South Vietnam (PRG, or PRGSVN) in the following year, the PRG spoke of the Phnom Penh office as its "Embassy" in Cambodia. Some next of kin sent letters to these points by direct mail; others continued to rely on the American Red Cross. The ARC at first forwarded mail to the Algiers address, then shifted to a channel through the Cambodian Red Cross, which had undertaken to pass the letters to the NLF representative in Phnom Penh.<sup>64</sup>

There was scant evidence that any of these missives were getting through to the prisoners. A definite instance of mail reaching its destination through the Phnom Penh route did not come to light until October 1971, when Sgt. John Sexton was debriefed following his release by the Viet Cong. During captivity he had received three letters from his parents and sister, the first in December 1969. According to a summary of the debriefing:

Sexton was allowed to take the letter to his detention bunker with him. The letter was taken away from him after lunch and he never saw it again. The black US POW whose detention cage was near Sexton's saw him with the letter. He began hollering at

the guards about how come Sexton was allowed to receive mail, that he had been here all this time (much longer than Sexton), and he had never received a letter. The interpreter came out and the guards finally silenced him.

Thereafter Sexton was called to the camp office to read his letters in private. The last was received in March 1970, and his captors told him there would be no more. Analysts in Washington noted that this was consistent with the fact that the PRG had closed its embassy in Phnom Penh at that time, during the U.S. operation into Cambodia.<sup>65</sup>

In the spring of 1970 the services issued revised mailing instructions to the families of men captured or missing in the South, with Phnom Penh deleted and a new address for the relocated PRG office in Algiers. In October a fuller list of nine possible addresses was circulated, covering the embassies or information offices of the Provisional Revolutionary Government of South Vietnam in Hanoi, Moscow, Prague, Sofia, Budapest, Cairo, Algiers, Paris, and Stockholm.<sup>66</sup>

Despite the care of next of kin in following these instructions and protests by U.S. representatives in Paris over the lack of regular mail exchange with prisoners in the South, the 18 letters among the 1,001 received in December 1971 had been the only response. Late in January 1972 Cora Weiss informed Sieverts that 541 more letters had been received by her organization. Though this was a welcome indication that the flow of mail from Hanoi's prisoners was continuing, none of the new letters came from a captive of the Viet Cong in the South.<sup>67</sup>

Nevertheless, a development earlier in the month had again raised hopes that leaders of the PRG might now be in earnest about improving the mail exchange. In Paris on 6 January a PRG press spokesman had given out explicit instructions on addresses and letter formats to be used when attempting to correspond with men captured in South Vietnam. Letters should be on 18 x 24 cm paper, with a 2 cm flap for sealing when the sheet was folded in half. Letters should be addressed to "Detention Camp for U.S. Military Personnel Captured in SVN," in care of any of the following: Embassy of PRGSVN, Moscow, USSR; Embassy of PRGSVN, Peking, Peoples Republic of China; or Special Representative of PRGSVN, Hanoi, Democratic Republic of Vietnam.

State Department analysts noted that "in the past VC spokesmen have been more general in their mail comments, stating that letters could be sent to 'any' NLF/PRG mission abroad." The limitation to three specific addresses might be a favorable sign, though Peking had never been mentioned before. At a meeting convened by the PW/MIA Task Force, representatives of

the service casualty offices quickly agreed that the new information should be used in preparing a letter form for distribution to the families, taking account also of statements by the 18 prisoners writing from the South that letters to them should be limited to 10 lines.<sup>68</sup>

Late in the previous year a joint State-Defense-U.S. Postal Service effort had produced three forms for mailings to men in Laos, North Vietnam, and South Vietnam. The single sheets had a preprinted address block, with the standard elements given in both English and Vietnamese, and 15 lines for the message. The form with the appropriate mailing destination had been given out to families with notice that its use was not mandatory and that there could be no guarantee of its acceptability to the Communists. As yet there were no clear indications of enemy reaction to its use.<sup>69</sup>

The newer, 10-line form designed in January 1972 also displayed a preprinted address, return address spaces, and folding instructions, all in English. When the services submitted their comments they were nearly unanimous in noting the danger that uniformity and preprinting might be objectionable to the PRG as clear evidence of official participation. As the Marine Corps put it, these well-intentioned refinements "could be construed as U.S. Government intervention in a private mail channel. This channel is precarious at best and no actions should be taken that could be rejected by the enemy and thus cause a delay or cessation of mail flow." Accordingly, when distributed in March, the form was a blank sheet in the prescribed size, with a gummed flap for sealing. Precise directions regarding the address and number of lines appeared in the separate instructions.<sup>70</sup>

The question of the proper length of next-of-kin letters arose again later in the year, with respect to the 15-line format being used for correspondence with the men in the North. Syndicated columnist Joseph Kraft returned from Hanoi in July 1972 with a taped interview in which the prisoner said the North Vietnamese would accept only messages not exceeding seven lines. Information brought out by Ramsey Clark\* a month later was to the same effect. He said that the North Vietnamese were rejecting letters written on the Defense Department's 15-line form; 7 lines should be the standard. Cora Weiss had been insisting for some months that the shorter air mail form offered by COLIAFAM was the only proper stationery to use. Though Defense authorities had been reluctant at first to accept the limitation without some pronouncement from Hanoi through a more official channel, they capitulated in the face of reports from families that letters on the 15-line form were being returned

\* Antiwar activist and former U.S. attorney general.

to the sender. On 24 August 1972, Shields put out the word to cease distribution of the form; next of kin writing to prisoners in North Vietnam should be advised to confine the body of their message to seven lines. The 10-line standard for letters to captives of the Viet Cong remained in effect, and its acceptability was later confirmed by men writing from detention in South Vietnam.<sup>71</sup>

Following Weiss's announcement of the receipt of 541 letters in January 1972, mail continued to flow steadily from the North Vietnamese prison camps. To mention but a few instances, journalist Seymour Hersh returned with 259 letters in March, representatives of the National Student Association brought out 306 letters in May, and actress Jane Fonda delivered 241 in July, most of which passed to the Committee of Liaison for distribution. The Hanoi authorities allowed other visitors to accept letters from prisoners they had spoken with, including journalists Arnaud de Borchgrave and Joseph Kraft and a prominent opponent of the U.S. involvement, Mrs. Jane Hart, whose husband was the senior senator from Michigan.<sup>72</sup>

Deemed more newsworthy were the efforts of Senator Edward Kennedy, who had been corresponding with North Vietnamese officials about various aspects of the prisoner question since 1966. The texts of the notes most recently exchanged between him and President Ton Duc Thang were released to the press on 25 July 1972, along with notice that the senator had received 24 letters from North Vietnamese representatives in Paris, all written by airmen captured since Hanoi's acknowledgment of 339 prisoners in December 1970. Though only partially satisfying Kennedy's request for an up-to-date accounting of the men held in North Vietnam, President Thang's reply was more open and obliging than might be expected. Perhaps for that reason, his response to the senator's further request for help in obtaining identification of the Americans captured by other Communist forces in Laos, Cambodia, and South Vietnam was reported with an optimism as to the outcome that State officials were unable to share. "About the intimation of the names of the Americans captured in South Vietnam," the North Vietnamese president wrote, "we will exchange views with the Provisional Revolutionary Government of the Republic of South Vietnam, which will take an appropriate decision on this subject"; Laos and Cambodia received no mention. How fully Thang followed through on this undertaking is not known, but no list of prisoners was forthcoming from the PRG. In mid-September Senator Kennedy received 10 more letters, all from men detained in the North.<sup>73</sup>

As for mail from prisoners of the Viet Cong, there had been none since the 18 letters in December 1971, until Ramsey Clark returned to

the United States in mid-August. The 131 letters he carried included 17 from the South, with three new writers. Though encouraging, the delivery did little to redress the balance between the relatively free flow of mail from the North and the dearth of letters from the South, or to ease the longing of the hundred-odd families who still had had no word from men believed captured in South Vietnam.<sup>74</sup>

At the annual convention of the National League of Families in October 1972 a resolution was passed committing the League to a renewed drive to obtain mail and package delivery for Americans held elsewhere than in North Vietnam. Instances of Hanoi's improved treatment of prisoners with respect to mail tended to dominate the news, and the League recognized a need for "publicity to assure that the world is made aware that all POWs do not receive packages, are not permitted to write to their families and, indeed, in the majority of cases have not even been identified as captives, despite the long passage of time." Also, according to the Associated Press, the delegates at one point "appeared on the verge of passing the resolution condemning the Committee of Liaison headed by New York peace advocate Cora Weiss" and urging League members to boycott the COLIAFAM mail channel. The action was not pressed to a vote, but a month earlier the national office of the League of Families had instituted its own service for hand-delivered mail to Hanoi. The October newsletter announced that the first shipment had been dispatched, in the care of an American journalist.<sup>75</sup>

Possibly as a means of showing support for the League's campaign, Shields addressed a memorandum to Sieverts formally reiterating the Defense Department's concern over the lack of regular channels for exchange of mail between the men held in South Vietnam, Laos, and Cambodia and their families. Although he was "aware of numerous attempts having been made by the ICRC, next of kin, and USG officials to resolve this problem," Shields recommended a further effort. Officials in OSD were indeed aware of the frustrations their State Department colleagues had encountered in this matter, most notably with respect to packages. Each year, from 1969 onward, when North Vietnamese authorities issued their routine announcement regarding Christmas parcel mailings, U.S. diplomats in Paris had sought a similar concession from Mme. Binh and other members of the PRG's delegation. The approaches were pressed despite the attempts of the other side to claim these instances of direct communication as evidence of U.S. recognition of the Provisional Revolutionary Government. No statement inviting the sending of Christmas packages to men in the South was ever obtained.<sup>76</sup>

On the last day of the year folk singer Joan Baez, law professor and author Telford Taylor, and others of a group that had spent two weeks in Hanoi returned to New York. They carried 630 letters, 30 of them from prisoners of the Viet Cong, with four new writers. This contribution raised the total for 1972 to a new yearly high of 3,020. The cumulative number of correspondents had reached 402. So far as could be ascertained, less than 30 of these were current captives in the South. No mail had ever been received from any man missing in Laos or Cambodia.<sup>77</sup>

In sum, since late 1968, when the North Vietnamese first signified their willingness to accept packages for their prisoners, the mail situation had improved profoundly. It was true, however, that nearly all the gains had been made in the exchange of mail with men held in the North. The Communists operating in Laos and Cambodia were beyond reach of any influence or appeal from the United States. The PRG delegates, representing the Viet Cong at the political level, could be spoken to in Paris but proved to be largely immune to either humanitarian considerations or concern for their world image. Such gestures as they made toward improvement of the exchange of mail with men in the South led to no notable increase in the actual number of letters that reached their destination, in either direction.

Progress there had been, but its course had been far from steady. State and Defense officials, with support from the U.S. Postal Service, had had to contend with a series of unexpected turns and regressions, such as the mass rejection of packages during 1971 and the appearance that the North Vietnamese had closed down the outgoing mail in the same year. After the arrival of 1,001 letters at the end of 1971 heralded the resumption of mail from the North, some officials in Washington believed that the public outcry at home and the pressures applied in Paris had had an impact in Hanoi, that there were indications of "some sensitivity by the other [side] on the mail issue" that might be further exploited.<sup>78</sup> The mail did flow without interruption from the Northern prison camps throughout 1972, but rather than gaining further concessions, U.S. authorities had to accept the arbitrary limitation of family letters to seven lines, imposed by the North Vietnamese at midyear.

Those who directed PW affairs for the government also had to live with the fact that, by Hanoi's decision, letters from prisoners in the North moved almost entirely through the unofficial channel presided over by Cora Weiss and her antiwar associates. Little credit redounded to U.S.



authorities for the receipt of this mail, and the fact that information given out by COLIAFAM was sometimes more accurate or more timely than their own deepened the appearance that U.S. agencies had no important role in the matter. Officials had to be concerned that disaffection might spread among the families as a result both of this appearance of government ineffectiveness and of their exposure to the frequent communiqués from Weiss. Much that the government wished to accomplish depended on the trust and cooperation of the next of kin, as in reporting the receipt of PW letters and submitting them for intelligence analysis. In the letters and statements of Cora Weiss, charges of government insensitivity to the true interests of the families went along with reminders that President Nixon had but to accept the settlement offered by the other side at Paris in order to gain an immediate release of the prisoners. State and Defense Department officials had limited opportunities to answer such charges and were inhibited by various constraints when doing so.

In 1972, as in all earlier years, the traffic in mail and packages proceeded under conditions set by the enemy. For the most part, the efforts of U.S. representatives were more effective in holding the opposing side to fulfillment of its own announced conditions than in obtaining any expansion of the mail exchange. Though U.S. officials continued to declaim on the discrepancies in Hanoi's performance when held against the standards of international law, they had put aside any thought that the enemy could be brought to observe the more liberal mail and package provisions of the Geneva Convention.

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Information and Assistance  
for PW/MIA Families

**M**elvin Laird had held the post of secretary of defense for little more than a month when he issued what amounted to a manifesto on "Defense Department Relations with Servicemen Listed as MIA/PW and Their Families." Addressed to the secretaries of the military departments and other high officials, the memorandum of 1 March 1969 proclaimed the personal concern of both Laird and his deputy secretary, David Packard, for the welfare of the captured and missing and the families who awaited their return. It stated in part:

I am aware that many persons and agencies within the Government have been working diligently to improve the welfare of our captured servicemen and to obtain their release. Nevertheless, I believe that we must strengthen our efforts on behalf of these Americans and their families.

I want to be assured that the Military Services and the Office of the Secretary of Defense are doing all that we possibly can for the next of kin. If our present legal authority to assist these families is inadequate, please advise me immediately.

I have directed the Chairman of the Department of Defense Prisoner of War Policy Committee to coordinate a new review of policies and practices to ensure that these families are receiving all assistance to which they are entitled, and to recommend any courses of action which will better serve the interests of our captured and missing servicemen and their families.

Immediate release of the memorandum to the press gave early public notice of Laird's deep commitment to the cause of the missing men and

their families. The goal of "doing all that we possibly can for the next of kin" was thereby openly avowed, and Laird was willing that he and his staff be held accountable for its attainment.<sup>1</sup>

The secretary's requirement for a review of current policies and practices brought responses from the services and OSD offices during the next few weeks. All agreed that the procedures for family assistance codified in DoD Instruction 1300.9 of 6 April 1967 were sound.\* Each service had long since met the requirement for notification of next of kin by personal visit rather than by telegram when a serviceman first became missing or captured. Each was committed to maintaining regular contact thereafter through a casualty assistance officer assigned to the family and through newsletters and other information issued from the service headquarters by its military personnel authorities. Beyond that, the replies tended to fall into a pattern that was to become familiar. In March 1969, as in later reviews, each military department reported its family assistance program to be operating satisfactorily; carefully drawn directives prescribing that next of kin would receive all benefits to which they were entitled were being carried out. Accompanying this common refrain there would often be a counterpoint of doubt, usually voiced by OSD officials. They were less confident that no case had been overlooked and less willing to assume that no human or institutional errors occurred in the performance of the family assistance task.

OASD(Manpower and Reserve Affairs) briefly expressed such reservations in its March reply, and Assistant Secretary for International Security Affairs Warren Nutter expanded on the point when summarizing the results for Laird in May. That the services reported an absence of serious complaints might not be entirely conclusive, Nutter noted. There was reason to suspect that "the next of kin of personnel in lower ranks or rates may be having problems unknown to us," either because of their "natural reticence" or because they did not know where to turn and how to proceed. Also, Nutter saw a need to investigate how well the services were providing for families that lived at a distance from any major military installation.<sup>2</sup>

### *Briefing Tours*

Charles Havens had advised Nutter of an area of dissatisfaction among the families in April, when the assistant secretary was preparing to assume the chairmanship of the DoD PW Policy Committee. The mail received

\* See Chapter 7 for earlier development of the family assistance system and the genesis of Instruction 1300.9.

in OSD offices indicated that "the most prevalent complaints by the families are that they are not kept regularly informed by the Services of relevant information." Often enough, Havens said, the condition simply reflected the frustrating circumstance that there was no new information to offer about the missing servicemen, but some complaints appeared justified. Among the letters he might have cited was one from four service wives in Colorado, written in early March. They had taken note of Secretary Laird's published memorandum and were seeking to influence the policy review it announced was under way.

We ask that you consider periodic and informative briefings to us concerning efforts and results of these efforts being made to secure release of prisoners. We are uninformed on the subject. Knowing the problems involved may help us to understand.

We do live an anxious fearful life. Complete silence from Washington contributes to our anxiety. Please consider the problem during your study.<sup>3</sup>

Somewhat earlier the Defense Department had received an explicit request to send knowledgeable officials to speak to a gathering of PW/MIA relatives. It came from the San Diego area, where Sybil Stockdale had taken the lead in organizing the wives of servicemen lost to the enemy in Vietnam. During March 1969 she followed up this invitation with letters to Secretary Laird and the secretary of the Navy. The attached lists of questions made it clear that Stockdale and her group would not be satisfied merely to hear once again that a high-level policy body was in existence and was actively engaged with the prisoner of war problem. She asked directly what the DoD PW Policy Committee had accomplished in the past year. What did the government plan to do toward publicizing the discrepancies in an enemy film that purported to show Christmas celebrations in the prison camps? Were antiwar delegations returning from North Vietnam being interviewed systematically for information? "Has any effort been made to get any U.S. government sympathizers into any of these groups going into Hanoi?" One of her submissions ended with the following: "SUPER QUESTION: HOW MUCH LONGER? How I would love to see the answers to these questions written down, 1, 2, 3, 4, a, b, c; just the way I have asked them."<sup>4</sup>

Some of these queries were satisfied by the "Go Public" campaign that Laird launched a few weeks later, in May, but meanwhile, acceptance of the Stockdale invitation proved to be the first step toward a wider responsiveness to the requests for periodic briefings of the PW/MIA families. Principal Deputy Assistant Secretary of Defense (Public Affairs) Richard

Capen and Frank Sieverts of the State Department traveled to San Diego for the meeting on 26 March 1969, held under Navy auspices. Assisted by other officials from Washington, they discussed the government's programs and policies before an invited audience of PW/MIA wives and parents representing all services. One member of the Defense group, Capt. John Thornton, also stopped at the Air Force Academy in Colorado Springs for a two-hour meeting with a smaller group; it included the four wives who had written to the policy committee a few weeks before.<sup>5</sup>

Thereafter the Air Force sponsored a series of family briefings in which most of the same officials took part. The tour brought them to 20 Air Force bases throughout the country for sessions that were open to relatives of men from all the services. Taking the San Diego and Air Force meetings together, a total of 1,472 family members representing 839 captured or missing servicemen had heard the presentation by the late summer of 1969. The Air Force had also prepared a 45-minute film featuring the opening statements of Capen, Havens, Sieverts, and Thornton. ISA made it available to all service casualty assistance offices, urging them to show it widely as a means of reaching next of kin who had been unable to attend the scheduled briefings.<sup>6</sup>

Noting the high level of interest and favorable audience reactions, officers of the State and Defense Departments were convinced of the value of the briefings. The families had benefited both from receiving authentic, up-to-date information on the actions of the U.S. government and from having the opportunity to meet and question the officials with primary responsibility for PW affairs. Through this undertaking, PW/MIA relatives far from Washington received a direct assurance of the interest of their government. It could be hoped that they had been impressed, also, with the evidence that officials of stature and competence were working on behalf of their men.<sup>7</sup>

Endorsed by higher authority, the briefing tours continued, but from the fall of 1969 through much of 1970 the presentations had a different emphasis, arising from reversal of the policy on public appearances by servicemen released by the enemy.

The North Vietnamese had made their first prisoner release in February 1968, choosing Maj. Norris Overly, Capt. Jon Black, and Lt. David Matheny to be escorted homeward by two prominent peace activists, Father Daniel Berrigan and Boston University history professor Howard Zinn. In August of that year three Air Force officers—Maj. Fred Thompson, Maj. James Low, and Capt. Joe Carpenter—were turned over to a group of American pacifists in Hanoi. The State Department, committed at that time to pursuing U.S. objectives by quiet diplomacy, wished to

avoid activities that might arouse strong emotions within the American public on the PW issue. Accordingly, the six former prisoners had been received without fanfare and had not told the story of their captivity in any public forum. Similarly, no extensive publicity had been given to the return of several men who escaped from or were released by the Viet Cong in South Vietnam prior to 1969.\*

The Go Public campaign, waged with increasing intensity after Laird's initial statement on 16 May 1969, brought about a major policy change. On 6 August, when it was known that Hanoi had just released another contingent of three—Capt. Wesley Rumble, Lt. Robert Frishman, and Seaman Douglas Hegdahl—the DoD PW Policy Committee began consideration of how the returned prisoners might help in applying pressure on North Vietnam to comply with the Geneva Convention. As Havens indicated, "we are already certain that we will proceed to condemn NVN publicly for its treatment of our men." At the least, government spokesmen were prepared to expose clear-cut abuses, using material from the debriefings of the three returnees. The policy committee moved to find out whether the men themselves were willing to appear before press and public to give an account of their experience. Success of the venture also required that the men have credible knowledge of inhumane practices of the enemy, fully understood the intelligence and other restrictions they must observe, and accepted the degree of control that would be necessary.<sup>8</sup>

While under treatment at the Bethesda Naval Hospital, returnees Frishman and Hegdahl held a joint press conference on 2 September 1969, introduced by a statement from Secretary Laird. Their accounts of their ordeal and that of their fellow prisoners gave powerful reinforcement to the charges of inhumane treatment against North Vietnam.<sup>†</sup> As for the details of their everyday existence, the two returnees said their prison compound in Hanoi consisted mainly of one-story brick buildings with galvanized iron roofs. The rooms were airless and oven-like in summer, when body-wide heat rash was a common affliction of the prisoners. The daily routine included two meals, described by Frishman as "pumpkin soup with pig fat in it and some bread." The returnees also reported instances of torture.<sup>9</sup>

Besides occupying an important place in the scheme of the Go Public campaign, the Frishman-Hegdahl press conference opened up a subject of intense interest to the families. To meet their desire for information on the conditions of captivity in North Vietnam, Nutter's office directed the services to provide copies of the 17-page transcript to all next of kin. The

\* On the pre-1969 releases from the North and South, see Chapter 5.

† See Chapter 11 for a fuller account of this press conference.

same ISA communication noted with approval that the Navy would soon send Frishman and Hegdahl on a nationwide round of appearances.<sup>10</sup>

After the Navy returnees had completed their meetings with PW/MIA families at 14 locations, the Air Force sponsored a similar tour by Overly, Thompson, and Rumble in December and the early months of 1970. The Army, sensitive to the plea often heard from its own families for more attention to the men missing or captured in South Vietnam, staged a trip with 15 stops during May. All of the principal speakers—Maj. James N. Rowe and two enlisted men, Willie Watkins and Thomas Van Putten—had either escaped or been released from Viet Cong captivity. Whatever the sponsorship, next of kin of all services residing within commuting distance of the host military installation were invited. Approximately 1,000 family members and a number of casualty assistance officers attended each series of briefings.<sup>11</sup>

No further organized tours occurred during 1970, but some of the returnees continued to fill speaking engagements. By May 1971, however, the PW/MIA Task Group was planning a new briefing effort and also considering the advisability of “effecting a lower profile regarding the public activities of returned US prisoners.” Agenda material prepared for the task group meeting on 20 May acknowledged that these appearances had been useful in generating a high level of public awareness of the PW problem, but it was suggested that by now they had largely served their purpose. Some disadvantages had become apparent beyond the obvious one that had been accepted from the first, namely, that having returnees speak out on Hanoi’s treatment of American prisoners would very probably inhibit further releases by the enemy. Their high visibility had subjected the speakers to personal attacks “from the enemy, antiwar groups, and some elements of the press.” Also, some of the returnees had proved difficult to control.<sup>12</sup>

Though the task group reached no formal decision on deemphasizing returnee appearances, returned prisoners were not scheduled to participate in the next series of family briefings, approved at the same meeting. The plan called for a tour of 21 military installations to begin in mid-1971, and it departed from the one-service sponsorship of the past by making the tour an OSD project, to be coordinated by the PW/MIA Task Force. The joint team traveling from Washington would include casualty and policy officers from each service in addition to ISA and State Department representatives. At meeting sites ranging from Pensacola, Florida, to Ft. Lewis, Washington, the role of host would rotate among the services. The acting assistant secretary of defense (ISA) explained the overall purpose as he outlined the scenario to be followed by the military departments: “The

inordinately long period during which the men missing or captured in Southeast Asia have been gone has caused their families to become increasingly and understandably distraught and impatient. It is essential that we provide these families every comfort and assistance possible. In this regard, there is a continuing need to meet with them, advise them on the current situation and our efforts, answer prevailing questions and determine their current needs." The services were instructed to treat the tour as a normal activity and not play it up as a special event. To avoid raising false hopes, the ISA guidance stated, the notice sent to the families must carry no implication that some important new development would be discussed.<sup>13</sup>

Thus by mid-1971 the emphasis in family briefings had shifted back to the original intent of providing authoritative information on current U.S. government plans and efforts directed at the PW/MIA problem. Because of the mounting public opposition to the war, there was also an interest in gauging the degree of support among the families for the administration's overall policy in Vietnam and in the peace negotiations. From the first stop on the tour Rear Adm. H. H. Epes, Jr., reported that "with exception of one or two heated exchanges, tone of meeting was friendly." Still, he and other observers found a widespread unease among the families over the effect that graduated U.S. withdrawal from Vietnam might have on the prospects for prisoner release. By the final session, on 3 July 1971, a total of 1,076 persons had attended. Nutter's principal assistant for PW affairs, Roger Shields, estimated that the briefings had reached approximately half of the PW/MIA families.<sup>14</sup>

More than a year elapsed before the next briefing tour took place, in the late summer of 1972. By then the repatriation plan had reached final form and the report of the Rehabilitation /Readjustment Study Panel had led DoD to take up several new commitments. Citing Laird's insistence that all family members be fully informed on these matters, Nutter, in a directive to the secretaries of the military departments on 13 July, called on each service to stage a briefing tour for its own families during the next 60 days. Each would maintain a broad uniformity of approach, agenda, and format by adhering to the outline Nutter enclosed. The focus would be on detailed explanation of the repatriation plan and on the programs by which DoD intended to assist family readjustment and oversee the longer term rehabilitation of the returnees.<sup>15</sup>

Most of the service briefings on repatriation procedures took place during August 1972. A member of the PW/MIA Task Force was sometimes detailed to attend, to monitor both the content of the presentation and the family reactions. Concurrently, DoD prepared a publication that would give next of kin the information for permanent reference. It included a



question-and-answer section that probably drew on the briefing tour experience for its identification of the concerns of PW/MIA relatives. For instance, questions a wife might ask trying to picture the first meeting with her husband went beyond "Should I bring the children?" and "Should I bring some of his clothes?" to include "How should I behave? What topics should I discuss or avoid? Should I appear cheerful or sympathetic?" The information pamphlet went out to all families during October.<sup>16</sup>

Those responsible for PW affairs within DoD considered the briefing tours a success, though admittedly at some cost in time and effort. The tours allowed service and ISA officials to make themselves known in a personal way to the families while explaining the department's program and answering questions face-to-face. For the most part the impact on family attitudes and morale was clearly salutary, and government officials benefited from gaining a more intimate knowledge of the concerns and opinions prevailing among next of kin. Still, use of the briefing tour device actually declined in 1971 and 1972. By those years the same ends were being served to a considerable extent by the relationship that had developed between DoD and the organized associations of PW/MIA next of kin, particularly the National League of Families.

#### *The Family Assistance Program*

Occurring intermittently, the family briefing tours were superimposed on the continuing information and assistance efforts of the services. The briefings had an effect on family morale, but it was the ongoing assistance activities that had a more direct tangible impact in dealings with next of kin. Here each military department's reputation for effectiveness depended largely on the competence and industry of its casualty assistance officers and the day-to-day proficiency of its central military personnel agency. If the confidence of the families was to be retained, it was important that the personnel center keep records without loss or mix-up and that every communication show a clear awareness of what previous service representatives had said or written. In supplying the promised counsel and support to dependents, the performance of the contact officer assigned to each PW/MIA family was the crucial factor. Next of kin usually got their impression of how well the system functioned from observing whether or not the officer approached his task in an assured manner, was prompt and knowledgeable in answering questions, and worked effectively to bring the resources of the parent service to bear on any problems the family was experiencing. A serious lack of enterprise on his part could make it

appear that this front-line duty in the family assistance campaign was being shirked entirely.

In 1969 next of kin criticized the assistance arrangements, disapproving of contact personnel as sometimes laggard or incompetent, or pointing to a system that looked impressive on paper but didn't work well in practice. Some family members complained that their assistance officer lacked both the background knowledge and the up-to-date information that would make him effective, or that progress toward a good working relationship with the family was too often interrupted by turnover in the assignment. Other comments indicated that many assistance officers had a greater number of cases than they could handle properly, especially since the duty was usually a collateral one rather than a full-time assignment. Yet other next of kin were unreserved in their praise of the assistance system, saying that aid had been provided in a considerate manner and had been indispensable to their well-being.<sup>17</sup>

The same division of opinion and many of the same complaints were still in evidence in 1972 when the National League of Families began providing critical comments on a more systematic basis, through the work of its Repatriation, Rehabilitation, and Readjustment Committee. Usually spoken of as the Triple R Committee, this body consisted of more than 30 family members from all parts of the country who met under the chairmanship of Iris R. Powers, a former national coordinator of the League. The results of the committee's deliberations reached DoD after endorsement by the League's board of directors.<sup>18</sup>

When forwarded to Secretary Laird on 20 May 1972, the Triple R Committee's first set of recommendations concentrated on the family assistance system, leading off with the comment that the Air Force's program in particular was "woefully inadequate" and that the other services, too, needed to do better. "It is imperative that the Air Force adopt a program of assigning Assistance Officers on the basis of one family per Assistance Officer as is now the practice of the other Services," the committee admonished. Next came a declaration that "all Services should select Assistance Officers on the basis of maturity, ability, and willingness to perform the duties," instead of the usual practice where "names have been pulled from duty rosters with little or no thought given to qualifications for this assignment." The committee recommended that, when taking up his task, the assistance officer should receive full information about the resources available to him, particularly regarding military and civilian experts in the medical, psychological, legal, and financial areas who could be called upon to help relieve a family's problems. The committee commended the many officers who had turned in outstanding performances "despite being

handicapped by the lack of resource information and guidance," but it also spoke of numerous instances where next of kin had had no contact with the assigned officer for an extended period of time. It suggested that casualty assistance officers be required to visit or telephone the families at least once a month.

The committee alleged that many families were dissatisfied with the person detailed to help them but did not know how to register their complaints. All next of kin should be advised of the proper channels, but beyond that the League's committee thought that each service should institute its own review to learn if its assistance officers were fulfilling their responsibilities to the satisfaction of the families in their charge. When the end of an officer's tour approached, his replacement should be scheduled to report for a period of overlapping assignment ("contact-relief") in order to assure continuity. The committee declared that "instances of families having to 'break-in' a new Assistance Officer and to review their history with him from the beginning" were all too common—"usually the rule and not the exception."

The Triple R Committee reported antipathy among the families toward the use of civilians and enlisted personnel as assistance officers and stated that the practice "must be discontinued." It commented that "while persons in these categories may be well-intentioned, in the military hierarchy they cannot be the 'problem solvers.' In reality, the Assistance Officer is the next-of-kin's link to the Service, and as such, in many instances will be privy to information of a personal and sensitive nature. Wives of officers, especially, strongly felt that a lack of foresight and consideration was shown not only to them but to their husbands in the utilization of civilians and enlisted personnel."<sup>19</sup>

Taken at face value, this set of recommendations amounted to a serious indictment, particularly of the Air Force. In early June 1972 an Air Force spokesman advised OSD officials that his service intended to correct the shortcomings cited in the League's report, since "we will not condone an assistance program that is not responsive to the needs and desires of our PW/MIA families." To find out just how widespread the dissatisfaction was among the families and to aid in devising an acceptable remedy, the Air Force had mailed a copy of the Triple R Committee's report to each primary next of kin. Asking for a prompt reply, it enclosed a simple form for indicating concurrence or nonconcurrence with each of the League's numbered recommendations and for further comment.<sup>20</sup>

Even before the League's committee highlighted the matter in May 1972, Air Force officials had been investigating the possibility of achieving a "one-on-one" relationship between assistance officers and families. The

first step had been to inquire about the experience of the other military departments. Pursuing the question informally with his counterparts in the casualty offices of the other services in Washington, Capt. Edward E. Lindquist obtained answers somewhat more revealing than the formal submissions the services made later when the Defense response to the League's report was being prepared. Lindquist found all the services acknowledging that "they have had some problems in the casualty area" and that it was their practice to replace an assistance officer if complaints accumulated against him. On the other hand, they had not been honoring family requests that a well-regarded officer be continued beyond his normal rotation date. One service mentioned that it had had to withdraw an officer from the assignment "because of abuses by the family (calling every night at 0300, asking him to do major house and auto repairs, etc.)."<sup>21</sup>

In its later submission the Department of the Army said it "practices the 'one family per assistance officer' concept wherever sufficient qualified officer personnel are reasonably available for duty as Family Services and Assistance Officers (FSAO)." It admitted, however, that some FSAOs were handling three to five cases. Something further was hinted at in the Army's formal response and made clearer in Lindquist's findings: the most the Army hoped to achieve for the present was that no FSAO have responsibility for more than one family of a known prisoner of war. Others assigned to him would be MIA families, in roughly the same proportion as in the Army's overall casualty statistics—about three Army men in missing status for every one believed to be a prisoner. The Army summed up its attitude toward one-on-one assignment by saying that it agreed in principle "but must remain cognizant of personnel resources." The same thought was implicit in the shorter response of the Navy Department: "The Navy is, whenever possible, assigning one family per CACO [Casualty Assistance Calls Officer]."<sup>22</sup>

The Marine Corps said more directly that the League erred in supposing that one-on-one assignment was already the standard. Like the Army and Navy, the Marine Corps did not invariably match an assistance officer with a single family; often this was not feasible, but it was not necessarily a desirable goal in any event. Where there existed a concentration of Marine dependents (as in the vicinity of the El Toro air station in California), it had been found that the families received better care when several were assigned to one officer, thereby justifying his commitment to the assistance task as a primary duty. "In all cases, however, individual case by case attention is provided and the number of NOK [next of kin] assigned is not detrimental to their needs," the Marine Corps response concluded. Lindquist had been told that officers at El Toro sometimes had

responsibility for as many as six PW/MIA families. Otherwise, however, he judged the Marine Corps to be nearer than any other service to achieving a one-on-one system, largely because its relatively few PW/MIA dependents were scattered throughout the country.<sup>23</sup>

When the family responses to the Air Force questionnaire were tallied, the Triple R Committee's belief that assignments should be strictly on the basis of one family to each assistance officer proved to be a minority view. Nevertheless it was held by nearly 1 in 5 of the more than 900 families surveyed, and Air Force leaders dedicated to removing objections to their program could not disregard it. They pledged that "a personal assistance officer" would be designated for any family that requested one. At the same time, however, they took encouragement from the many next of kin who rejected the charge that the Air Force program was inadequate. The wife of one of the airmen commented further in a separate letter to Secretary Laird: "The Air Force has bent over backwards to help us and do what's best for us. I personally have never run into a casualty assistance office that has been uncooperative or incompetent. I sometimes get the feeling some of us demand dedication and action from our casualty assistance officers that we would never ask of our own husbands!"<sup>24</sup>

The League's rather emphatic recommendation that use of civilians and enlisted men as assistance officers be discontinued did not receive wide support. An impressive majority of the Air Force families who responded did not concur, and their comments in praise of specific individuals were later cited by Defense officials when declaring that the civilians and enlisted men engaged in the work "include some of our most capable personnel." Some family members whose favorable experience led them to contest the League's position asserted that there were sergeants who knew more about how to get results from the military system than most officers; others pointed out that use of civilian employees gave greater assurance of continuity. In any event, the newly announced Air Force policy of providing a commissioned officer in a one-on-one assignment to any family that made the request promised to dispose of the problem. The assignment of civilian or enlisted personnel to the positions rarely occurred in the other services.<sup>25</sup>

In responding to the League's recommendations that assistance officers be in touch with the families at least monthly and that the contact-relief system be followed in reassignments, DoD was able to say that these procedures were already established policy. The regulations were being observed, it was claimed, although unavoidable exceptions might occur. On the criteria for selection of the liaison personnel, DoD replied that the services chose officers "on the basis of their ability to handle problems associated

with a wide variety of personal matters." Such additional instruction as they received was directed mainly at sensitizing them to the unique family situation faced by the PW/MIA relatives. Thus no attempt was made to picture them as specially trained counselors, equipped to perform some of the functions of the psychologist or social worker.

The candid comments gathered by Captain Lindquist had been to the same effect. Those selected as assistance officers, usually an additional duty, were drawn from the existing resources of a command or naval district and might be from any branch or specialty. Rarely would the officer have had any previous experience in casualty assistance or counseling, or any detailed familiarity with survivor benefits, life insurance, or the laws governing status changes and presumptive findings of death. On being chosen, he received information packets and other materials but no intensive training for the role, since he was not expected to become an expert in the pertinent fields of knowledge. The services intended the assistance officer to function as the listening post and point of contact for the families, providing the channel for communication in both directions. In the absence of set requirements for previous training or experience, the selection of men as assistance officers turned primarily on their availability for additional duty assignments and their location in reasonable proximity to the affected families.<sup>26</sup>

More consistently than the other services, the Marine Corps utilized men in particular basic assignments as assistance officers. It regularly assigned this additional duty to officers posted to Marine reserve units as inspector-instructors. The distribution of reserve units throughout the country was an obvious advantage. In addition, Marine Corps leaders believed that the standards for choosing inspector-instructors gave assurance that the family assistance responsibility would be in capable hands. These men, Brig. Gen. Robert Carney told the PW/MIA Task Force, had already been screened for "the maturity and ability necessary for successful performance on independent duty." Carney gave only passing notice to another qualification the League had mentioned; he intimated that an officer's willingness to perform the duties was not considered an open question in the Marine Corps.<sup>27</sup>

The members of the Triple R Committee undoubtedly had unrealistic expectations for the kind of sustained and consistent attention that would lead to an intimate understanding of each family's special circumstances. They wanted assistance officers who had stronger rapport with the families than the one described by a committee member from Florida: "Our casualty officer is very nice, I'll say that for him—but that's all I say for him! . . . I don't feel, personally, that I could go in to him and discuss any problem whatsoever."<sup>28</sup> And they were not beyond overstating their

case for emphasis. But there was no want of high purpose at DoD management levels, and by 1971 the official descriptions of the assistance officer's role were in terms that the National League could hardly hope to improve upon. Next of kin would have been well satisfied to find the assignment going to an officer who might justly be told, "You have been selected because of your maturity, compassion, empathy, and demonstrated ability to communicate effectively." That characterization appeared in the handbook for Family Services and Assistance Officers published by the Army in August 1971. Written with unusual sensitivity, the text described the extraordinary emotional strain that PW/MIA dependents lived under and its implications for anyone charged with helping them. For the newly appointed assistance officer it set out both the schedule and the rationale for the actions he must pursue in discharging his responsibilities, along with certain cautions and down-to-earth suggestions on how to proceed.<sup>29</sup>

The Army's handbook attested to the high ideals and intentions the family assistance system was meant to fulfill. Chief of Naval Operations Admiral Elmo R. Zumwalt, Jr., and Air Force Vice Chief of Staff General John D. Ryan set similar goals when exhorting commanders to be responsive to family needs.<sup>30</sup> It was in the nature of things, however, that performance could never equal intention. Various deficiencies and human failings would come into play at lower levels to diminish the system's accomplishments.

There was no realistic possibility that the assistance program would be manned throughout by model officers, however sincerely leaders might avow the importance of the assistance function. Each service had to give regard to the whole range of its commitments and requirements when deploying its manpower resources. A first claim on top-flight personnel could hardly be expected for what was usually a part-time, collateral duty in the temporarily expanded field of family assistance. Effectiveness in providing aid to the PW/MIA families depended ultimately on individual performance, on an officer's exercise of initiative, judgment, and follow-through in circumstances beyond the reach of close supervision. The assistance officers supplied by the assignment process would quite likely include a number who by temperament or other disability were unsuited for the task.

Overall performance suffered also from the ordinary inefficiencies of the passage of guidance and information downward through an organization. The criticism that the local casualty assistance officers were often insufficiently informed or not kept up to date had some validity. OSD more than once marked this problem for attention by the services. The time lag in supplying information was most glaringly exposed when wives active in the family movement sought to follow up, through their local assistance officers, on statements by high government officials that had reached them through the League's newsletter.<sup>31</sup>

The critique supplied by the National League of Families did cause DoD to undertake corrective action where warranted, and some heightening of consciousness regarding the potential for improvement in the family assistance program undoubtedly occurred. Nevertheless it remains difficult to make a definitive judgment on the quality of family assistance in mid-1972. Whatever the overall balance may have been between successes and deficiencies, the survey responses of next of kin made it clear that the record varied widely. With untried assistance officers constantly entering into an expanding system, unevenness of performance persisted right up to homecoming but not for lack of high-level commitment.



## The National League and Other Family Organizations

Until the reorientation of policy signaled by the "Go Public" campaign of 1969, Defense Department leaders had not encouraged any organized association of PW/MIA relatives. Each family received individual attention from the casualty assistance office of its own military service, as a separate case. According to the later testimony of family members, official spokesmen advised them that it was in the best interest of their serviceman not to publicize the fact that he was a prisoner and that they should refrain from public crusading about the fate of the captives since this might interfere with the State Department's negotiations to obtain the men's release. On the principle that the privacy of all parties should be respected, casualty officers generally did not inform a new PW/MIA family of others nearby who had suffered the same misfortune.

### *Rise of the National League of Families*

It was natural, however, that as wives with husbands missing in Vietnam learned the identity of other spouses in like circumstance, they would seek common company and begin to associate. Understandably, this occurred mainly in centers where there existed concentrations of military dependents, particularly those of the career officers who manned many of the aircraft brought down over North Vietnam. In the San Diego area, for instance, Sybil Stockdale identified 33 other Navy wives of prisoners of Hanoi. They came together at first simply for mutual support and relief from their loneliness, but the San Diego group took on a more formal organization during 1967 as the "League of Wives of American Prisoners

of War." Sybil Stockdale was their acknowledged leader, and her example pointed them toward more purposeful activity.<sup>1</sup>

Sybil Stockdale's own search for better understanding of the U.S. government's policy and for assurance that the authorities were aware of the concerns of PW/MIA relatives had begun early in 1966. She pressed it through letters and visits to various officials, including W. Averell Harriman at the State Department. Usually she encountered the view that patient pursuit of negotiations offered the main hope of resolving the prisoner problem and that an atmosphere favorable to success could best be maintained by abstaining from public condemnation of the enemy.

There were limits to how long Mrs. Stockdale could defer to counsel that conflicted strongly with her natural instincts, which disposed her toward more forceful action than the government seemed prepared to adopt. Further, she was powerfully motivated by what she read or deduced from her husband's letters. Cdr. James B. Stockdale had been shot down over North Vietnam in September 1965 but not confirmed as a prisoner until his first letter was received half a year later. Three more letters arrived during 1966 and others at longer intervals thereafter. The picture they gave included significant weight loss, medical neglect, and non-delivery of letters she had sent him. More deeply troubling were the declining quality of her husband's writing and the indications that he had been kept in solitary confinement from the first. He wrote that he had worked out methods of keeping his mind occupied, but she had to wonder how long any man could withstand the effects of isolation, physical privation, and, very likely, torture, whatever his spiritual and intellectual resources.

Stockdale later testified that by 1968 she felt compelled to follow her own judgment rather than official guidance. She had concluded that the best interests of the men would be served by speaking openly about the rights guaranteed to prisoners of war and the wholesale disregard of those rights by the North Vietnamese. To demonstrate one clear violation of the Geneva Convention, Stockdale surveyed the experience of the 33 wives in her area and compiled the meager tally of mail received from their loved ones. She released the findings to the press, along with some details of her own situation. The resulting article appeared in the *San Diego Union* on 28 October 1968. "I hoped that by telling the truth publicly myself, I might be able to encourage others to do the same."<sup>2</sup> In that endeavor she had the immediate support of the San Diego League of Wives, and each member's network of service friendships became a means of reaching out to other individuals and localities.

In February 1969 Stockdale cabled an inquiry about her husband's welfare to the North Vietnamese delegation in Paris. Using the mailing list

that her group had compiled, she invited other families to join in an effort along this line, with a degree of centralized direction to schedule the message flow. The response came in scores of letters from wives and parents who wanted to participate; some of them asked for guidance on other ways to work together for the benefit of their men. Clearly the constituency existed for a countrywide organization of PW/MIA relatives. Moreover, official policy was about to turn in a direction favorable to the purposes such an organization might pursue.

In May 1969 Secretary Laird issued his first statements in the "Go Public" campaign. The National League of Families of American Prisoners of War in Southeast Asia was established the following month, with Sybil Stockdale as national coordinator. The League drew many of its early adherents from centers where local organizations were already active, such as the Norfolk-Virginia Beach area where Louise Mulligan and Jane Denton were among the leaders. Soon other next of kin were responding who had hesitated to take an active role before, when the official cautions against publicity were in effect.

For some months the National League of Families remained a loosely knit association, with its volunteer leaders operating from their homes and personally absorbing most of the expenses. Sybil Stockdale later remarked that in April 1970 "we finally acknowledged to ourselves that if we were ever to become a truly effective organization, we should have a formally incorporated group, headquartered in Washington and manned by a permanent staff." In moving toward that goal Stockdale and her associates also advanced the idea of unified effort in a single national organization.<sup>3</sup>

The League incorporated in the District of Columbia on 28 May, under a more inclusive title than before: The National League of Families of American Prisoners *and Missing* in Southeast Asia.\* The group's charter designated it as a humanitarian, nonprofit, nonpartisan organization, whose objectives were to secure for the prisoners the humane treatment required by the Geneva Convention, to stimulate world concern about that issue, to improve the dissemination of information on PW/MIA matters generally, and to gain the earliest possible release of the captives and an accounting of the missing. The League of Families qualified as a tax-exempt institution, and contributions made to it could be claimed as income tax deductions.<sup>4</sup>

Sybil Stockdale chaired the board of directors in the new structure, and Iris R. Powers became the first full-time national coordinator. They

\* One group that relinquished its identity at this point and merged with the League was the Association of Wives and Families of Captured and Missing American Military Men. Its principal officer, Mrs. Arthur S. Mearns, became a member of the first board of directors of the newly chartered organization.

began operations in space donated by the Reserve Officers Association in its building on Capitol Hill. There, on 30 June 1970, the League held an open house and press conference to mark the establishment of its national headquarters. Both President Nixon and Secretary Laird sent welcoming messages, and Assistant Secretary of Defense Warren Nutter attended the ceremonies as Laird's personal representative. In his telegram the secretary of defense said the new office had "the important and necessary function of helping to focus public attention on the treatment of American prisoners," thus highlighting a service that the family organization had already been performing with considerable effect. Its members had directed the attention of editors and broadcasters to the prisoner issue, enlisted the support of members of Congress, veterans organizations, chambers of commerce, and other groups, and traveled abroad in well-publicized attempts to gain an audience with the North Vietnamese representatives in Paris. As Secretary Laird had anticipated, the next of kin were proving to be a major resource in the "Go Public" campaign.<sup>5</sup>

By the time of its move to Washington in mid-1970 the League had already become the largest and most widely representative of the family organizations, and government officials concerned with PW/MIA affairs welcomed its rise to prominence. DoD officials realized that initiatives by the next of kin were more effective in involving community organizations, generating petitions and letter-writing campaigns, and attracting favorable media attention than any publicity originating in the Pentagon could be. Wishing to see these League activities continue, they gave support and encouragement to the organization. Already predisposed to give such help because of the obligation they felt toward all PW/MIA dependents, they could not escape being influenced as well by the appealing quality of the leadership that had emerged in the League's early days. To a large extent it consisted of the wives of relatively senior career officers, women who had soon established a record of mature consideration and responsible action. Thanks to their years of membership in the military community, they were likely to be at ease in the official environment and aware of the channels, both formal and informal, through which the highest authorities might be approached.

The early leaders set an overall tone for the League's endeavors that was generally sustained thereafter. As national coordinator, Sybil Stockdale had sounded the keynote in October 1969 in a letter to the members at large: "I am so proud of you all . . . for you are doing with dignity that which others find impossible to do without demonstration. The quality of dignity with which you proceed reflects the quality of dignity which we seek for our loved ones." In testimony before a congressional committee

a few months later she declared that "the support we are asking of you is not related to any particular view on the war in Vietnam." Further, the effort expended by her group was intended to "supplement that which our Government is doing to insure humane treatment for our men and in no ways reflects any discredit on the efforts made by our own Government."<sup>6</sup>

*DoD Assistance to the League*

Defense authorities gave as much assistance and encouragement to the League of Families as they judged proper for a government agency. An early instance occurred in July 1970, when they responded to a suggestion from the new national headquarters that the services include an application form for League membership in their regular mailings to PW/MIA relatives. Officials refrained from an action that would amount to a direct governmental endorsement of a private organization, but they chose an alternative that was still helpful in bringing the National League to the attention of next of kin who were not already on its mailing list. Service casualty offices received instructions to provide the address of the League to the families, leaving it to them to write for further information if they desired. In practical effect, the difference between official mention and official endorsement did not prove very great.<sup>7</sup>

As the League and other private groups increasingly participated during the latter half of 1970 in public appeals and presentations designed to arouse protests against the enemy's treatment of prisoners of war, military commanders and other service personnel were unsure how to respond. To what extent was it proper to make government facilities available for such activities? Could poster displays and the circulation of petitions be allowed at U.S. military installations? Was it appropriate for the base newspaper to print materials supplied by the League, especially appeals for letters to be written to members of Congress or officials of foreign governments? Individual servicemen were not always sure of the limits a person on active duty must observe. Some wondered if taking up the invitation to "Write Hanoi" would amount to communicating with the enemy, a possible offense under the Uniform Code of Military Justice.

By September 1970 Pentagon officials knew that PW/MIA observances proposed by outside groups were welcomed at some military bases and rejected at others. One negative response caused the Tennessee Valley chapter of the Air Force Association to write to Washington in protest. Chapter members had been disappointed when they appealed to a nearby military installation for help in building and displaying a typical Viet Cong prisoner

cage. The local commander had concluded that the PW/MIA issue was "political," and therefore he was unwilling to allow his personnel to participate in any project of that nature or to sign petitions or write letters to Hanoi. According to complaints, the commander questioned even the distribution of bumper stickers.<sup>8</sup>

This and other reports indicated that some commanding officers were still not aware that their civilian and military superiors looked favorably on the campaigns being mounted by private groups. Without specific instructions, some commanders apparently viewed the proposed PW/MIA events as similar to the "On-Post Demonstrations" covered by DoD Directive 1325.6. In effect since 12 September 1969, that directive gave "Guidelines for Handling Dissident and Protest Activities among Members of the Armed Forces."

The DoD PW Policy Committee moved to correct the situation, producing a recommended statement by the end of the year. Deputy Secretary Packard issued it on 8 January 1971 for dissemination throughout the military departments and commands. The memorandum set forth "DOD Policy Regarding Private Efforts to Assist PW/MIAs" in the following terms:

The Department of Defense fully supports legitimate private initiatives that advocate humane treatment and release of US PW/MIA personnel and enemy compliance with the Geneva Conventions of 1949. Commanders are authorized to assist such efforts, including those of PW/MIA family groups, provided the assistance is within the bounds of existing directives. Petitions on the PW/MIA issue may be circulated on military installations if deemed appropriate by the installation commander. It should be considered inappropriate to combine with a petition for the humane treatment and release of PW/MIA personnel other comments or petitions regarding United States policy, foreign or domestic.

A military person may express his opinion to a foreign government on the PW/MIA issue even using his military rank or title. Military individuals should restrict the content of their letters to the humane treatment and release of PWs by the enemy, and compliance with other provisions of the Geneva Conventions of 1949, and avoid political comment.<sup>9</sup>

By the time this instruction appeared, officials in Washington had themselves confronted a series of decisions about the level of practical assistance to be given the League of Families. The occasion was the first annual convention of the League, scheduled for 3-5 October 1970 in Washington. During September, requests from the national headquarters for help in

staging the event led to agreement within the DoD PW Policy Committee on an array of administrative and logistical supporting measures. Accompanying the decision was a declaration that it was not to be regarded as a binding precedent, but in fact the support given by the Department of Defense at later national conventions followed exactly the same lines.<sup>10</sup>

The most important assistance afforded the League was the provision of space-available transportation in military aircraft. Under a DoD policy established in 1968 the dependent wives of men in missing status were already eligible for this privilege,\* but by using the term "primary next of kin" the travel authorization also encompassed the parents of unmarried PW/MIA personnel, whether they were dependents or not. By the third annual convention, in 1972, the benefit of space-available air travel had been extended to "other next of kin in exceptional circumstances" and to the families of U.S. civilians missing or captured in Southeast Asia. Each year, to insure the availability of sufficient transport, officials called on the Air National Guard to supplement the normal flight schedules. In the Washington area the Army had responsibility for bus service between the airfields and the convention hotel and for providing transportation to some events during the period. Managers learned to anticipate an attendance of up to 800 family members.<sup>11</sup>

DoD provided speakers and seminar participants for the convention program and designated a number of returnees and escapees to attend on temporary duty assignment. The department also subsidized the attendance of some nongovernmental experts taking part in the program through the issuance of invitational travel orders. Every year, each of the military services held a luncheon and briefing session for its own family members. Practical assistance to the League of Families reached a high point at the annual meetings, but a more sustaining form of support came from the ready access to DoD officials that the League's representatives enjoyed throughout the year. After establishment of the PW/MIA Task Group and Task Force in early 1971, the Task Force carried the chief responsibility for maintaining awareness of the League's activities and for coordinating the department's response to questions and proposals received from the family organization. Meanwhile, the League had moved its national office to larger quarters provided by the American Legion at 1608 K Street, N.W., in Washington.<sup>12</sup>

By early 1971 the National League of Families was the only organization with membership limited to the relatives of men missing or

\* The space-available travel privilege for PW/MIA dependents is discussed more fully in Chapter 20.

captured that was truly national in scope and that held itself to objectives that were humanitarian, nonprofit, and nonpartisan.\* By December 1972 the League's membership rose above the 3,000 mark, but well before that it had enrolled a majority of the families. This majority status tended to ease concerns within the Defense Department that measures in support of the League might appear to overstep proper bounds. It became common practice to respond to letters in which citizens expressed eagerness to aid the cause of the prisoners and missing by suggesting that they "may find it helpful to communicate with the National League of Families" at its headquarters address, which was then given. Also, the thought behind the earlier hold on mailing the League's membership application to PW/MIA families no longer seemed compelling, and by 1972 officials did this routinely.<sup>13</sup>

However close and continuous the relationship between the League and Pentagon officials concerned with PW/MIA affairs, one thing must not be lost sight of, and those in authority at the OSD level issued several reminders of it: Support of the National League of Families could not be a substitute for support of the individual families. The duty owed to each individual dependent and next of kin could not be fulfilled solely by providing information and assistance to the League.<sup>14</sup>

#### *Family Opinion as a Political Factor*

Within DoD a sincerely felt obligation toward the families of the missing and captured went far toward explaining the support and attention given to the next of kin and to the National League as an organization broadly representative of the PW/MIA relatives. But there were further reasons, of a political nature. Secretary Laird and his immediate advisers recognized that the families, though only a tiny segment of American society, could have a substantial effect in public discussion of the U.S. role in Southeast Asia.

\* By 1971 several new groups of PW/MIA relatives were coming into existence, but with aims that were avowedly political. Other organizations working on behalf of the prisoners and missing were not composed primarily of the men's relatives and usually were not national in scope, such as Colorado Cares About POWs & MIAs, Forgotten Americans Committee, and Concern for Prisoners of War, Inc. Voices in Vital America, or VIVA, was begun by college students as a patriotic organization and later became prominent as the purveyor of bracelets engraved with the name of a captured or missing serviceman and the date of his loss.



The potential influence of the families had become more apparent during the "Go Public" campaign as it unfolded from May 1969 onward. Laird brought the PW/MIA issue into open discussion by his point-by-point condemnation of the enemy's refusal to identify the prisoners, permit neutral inspection of their living conditions, consider any form of exchange, even of the sick and wounded, or allow mail and other privileges prescribed by the Geneva Convention. When summing up the experience for President Nixon some months later, Laird noted that "the families of these men were encouraged to pursue a similar public approach," and they had done so, with impressive results. "Throughout, the families have provided the catalyst of most private activity."<sup>15</sup> The wives and parents had presented the plight of the missing men in a way that engaged the sympathies of civic, business, and patriotic groups throughout the country, with a resulting commitment of their energies to petition drives, letter-writing programs, and public observances of many kinds. As military dependents the PW/MIA relatives had obvious ties with the government, but it was hardly possible to suspect that these family members were merely speaking on cue in a role the administration had assigned them. Few hearers could be insensitive to the depths of private anguish that motivated them to appear in public.

In the "Go Public" campaign the contribution of the PW/MIA families had probably been indispensable to fulfillment of the government's aims. The next of kin had provided an authentic voice in support of the official pronouncements that raised them above other more easily discounted publicity efforts of the government. The campaign had gained in legitimacy from the part taken by the next of kin, and the outcome was the one hoped for in the Pentagon's highest offices.

While the PW/MIA family constituency had won recognition as a group whose special character gave it an undeniable claim to be heard, there remained the question of what the impact would be if an organization speaking for the families should take a stand—say on the terms of settlement to be sought at Paris—that departed from the official policy. Clearly such a move would be damaging to the administration's purposes. Involving dissent by those usually thought of as loyal supporters of the governing authorities, it would encourage both political opponents and foreign adversaries to believe that U.S. positions declared to be immutable might soon give way. Accordingly, Laird and his immediate advisers consciously aimed to prevent major disaffection among the next of kin. Besides reinforcing DoD's dedication to meeting the needs of PW/MIA dependents in a manner that would leave no room for complaint, this gave added point to

the regular contact maintained with the families. Top Defense officials needed to be continually alert to developing changes in the attitude of next of kin toward the administration's overall policy in Vietnam and in the peace negotiations.

At times, at least in 1969, OSD could exercise some influence over impending activities that appeared undesirable. In September, when a group of family members intent on winning presidential attention for the PW/MIA issue had planned demonstrations before the White House and at the Nixon residence in San Clemente, California, Nutter was able to advise the secretary that "both of these were averted by telephonic counseling with some of the individuals involved."<sup>16</sup> In later years, however, awareness of shifting attitudes among the next of kin often shaped the policy recommendations advanced by Defense officials and others within the executive branch.

The Vietnamization plan constituted the principal policy innovation of the first months of the Nixon administration. It called for progressive withdrawal of U.S. personnel from the hostilities as South Vietnamese forces took over the fighting. During 1969 the families focused attention increasingly on this plan as they sought to gauge its bearing on their hopes for return of prisoners and definite information about the missing.

In a nationally televised address on 3 November 1969, President Nixon reviewed the progress of the Vietnamization program, noting that withdrawal of the first 60,000 men was to be completed by mid-December. He declared that the United States would persist in its search for a just peace through negotiation, but if that failed, disengagement would still proceed under the Vietnamization plan. Its implementation would lead ultimately to the departure of all U.S. forces, leaving in place a South Vietnamese government and people who had become strong enough to defend their own freedom. In sketching this prospect the president made no mention of the Americans who were prisoners of war.<sup>17</sup>

"Many families of missing and captured servicemen will consider the President's Vietnam speech last evening as holding no promise of an early resolution of the prisoner problem," wrote Charles Havens in an internal DoD memorandum. He saw this as added reason to press for final word from the White House on a prospective meeting between President Nixon and a group of family members, which Secretary Laird had recommended. To Havens it seemed that such personal involvement of the president was even more necessary than before if PW/MIA relatives were to be reassured that their men were not forgotten.<sup>18</sup>

A few weeks later, on 12 December, 26 wives and mothers of men missing or captured in Southeast Asia gathered in the White House as

guests of President and Mrs. Nixon.\* Sybil Stockdale was among them, and she presented a letter to the president that was all the more eloquent for its restraint, particularly when expressing the reaction of next of kin to the Vietnamization plan: "Many of us are concerned that the gradual de-escalation of the war in Vietnam may leave the future of our prisoners in limbo simply because there may be no specific end to the war through armistice or treaty. We must insure that the prisoner situation is carefully considered at each step in your program for the withdrawal of American forces from Vietnam."<sup>19</sup>

By early April 1970 Stockdale had reverted to her usual plain-spokenness when writing to Secretary Laird. She and her associates were asking the secretary to meet with them shortly before a scheduled gathering of representatives of various next-of-kin groups, who were to discuss merging into a single, incorporated National League of Families. Stockdale wanted "some very straight answers" so that she might enter the gathering "with confidence that the administration is not going to abandon our men because our numbers are relatively small and it will be more expedient politically to withdraw from Vietnam and leave our men at the mercy of the Communists." She came back to this point later in her text: "We need reassurance that the administration's program is not just designed to keep us pacified beyond a point of no return when the prisoners will be abandoned and the administration will say, 'We did everything we could but regretfully, it did not work out the way we hoped it would.'"<sup>20</sup>

Also in early April Under Secretary of State Elliot Richardson informed the president's assistant for national security affairs, Henry Kissinger, that some of the PW/MIA wives were "starting to make an issue of the lack of *direct link* between *withdrawal of U.S. forces* and *release of our prisoners*." This was understandable, Richardson thought, since "from the wives' viewpoint, what we are now doing amounts to withdrawals without assurance that our men will be released." He suggested that President Nixon deal with the emerging issue by making a specific reference to prisoners of war in a forthcoming speech, in terms that would relate it to his previous statements on the Vietnamization program. The president had stated that the rate of U.S. force withdrawal would be governed by the level of North Vietnamese military action, the progress of the training to improve South Vietnamese forces, and the pace at which advances were made in the Paris talks. With reference to the last of these points, Richardson believed it time to declare that the United States regarded movement toward an agreement on prisoner release as a measure of progress in the peace negotiations.

\* See Chapter 12.

"On balance, I think it would be useful for the President to identify prisoner release as a specific negotiating aim, progress towards which would be taken into account in the timing of our withdrawals. For him not to say something along these lines soon could lead to deterioration in our relations with the next of kin of the prisoners, who as you know have waited many years already with great patience and dignity."<sup>21</sup>

In his next major address, on 20 April, President Nixon celebrated the growing success of the Vietnamization program and announced the planned withdrawal of an additional 150,000 men by the following spring. Near the end of the speech was a short passage on the prisoners and missing, which drew from one wife the reproach that it was only "a brief passing reference . . . almost an afterthought." Nixon said nothing that would connect the rate of U.S. withdrawal to progress on the prisoner question in the peace talks.<sup>22</sup>

Frank Sieverts advised Richardson that the White House rejection of his recommendation owed something to concern within Kissinger's staff that a negotiating disadvantage would be incurred that might enable Hanoi to "squeeze a timetable out of us." Also, as both Sieverts and Richardson were well aware, to begin speaking of prisoner release and the timing of U.S. withdrawal as paired subjects would be to abandon a longstanding guideline. So far the United States had been striving to have the treatment and disposition of prisoners of war dealt with as a separate, humanitarian question, apart from the political and military issues involved in a peace settlement.<sup>23</sup>

Some months earlier, however, Laird had begun making a stipulation of a different sort. In remarks before a gathering of PW/MIA relatives in Washington in September 1969 he backed up the familiar assurance that their men would not be forgotten with something more explicit. Laird said that the Vietnamization program would not be carried to the point of complete U.S. withdrawal until the prisoners were released and the missing accounted for. His statement was little noted at the time except within the circle of next of kin, but Nutter put the policy on official record in early May 1970, when he told a congressional committee that "we will not draw our troop strength down below an effective size as long as those prisoners are still in Vietnam." By July, citizens who addressed questions to the White House were receiving replies that included an assurance there would be no total withdrawal of U.S. forces while Americans remained in enemy hands.<sup>24</sup>

To some next of kin the statements from official sources gave the reassurance that was intended. Others found no comfort in them. Sybil Stockdale wrote to Laird in April 1970 that the pledge not to withdraw

“only indicates to us that our men may look forward to the rest of their lives rotting in hell.” A third type of reaction began to be heard about a year later. Some of the more disaffected family members asserted that when the administration claimed a residual force must be kept in South Vietnam for the sake of the prisoners and missing it was merely using them as its excuse for continuing the war.<sup>25</sup>

Following the first annual convention of the National League of Families in October 1970 Carol O. North succeeded Stockdale as chairman of the board. Early in the new year she dispatched a telegram to the secretary of defense in which she stated that “members of the National League of Families view with alarm the rapid withdrawal of American troops from Southeast Asia while no provision has been made for the safe return of our United States men held prisoner in South Vietnam, Laos, and North Vietnam. We strongly urge you to view this alarm with the concern it deserves and follow with action that would assure a complete accounting of all men and a safe return of all prisoners.”<sup>26</sup> The message echoed past positions and was couched in language that approached the limits of what the League could say on public questions. As a nonpartisan, nonprofit, tax-exempt organization it was barred from endorsing or opposing any individual political candidate or particular legislative measure, and spokesmen for the National League of Families usually had to confine themselves to general statements of goal and principle. When formally addressing government officials and congressional bodies they could call for action and urge that the problem receive careful consideration, but they had to avoid championing a specific solution.

Drafting of a reply to Carol North’s telegram was soon set aside owing to action taken in the White House—action that signified a new level of attentiveness to the state of opinion among next of kin. Arrangements had been made for North and the other members of the League’s board of directors to meet with Henry Kissinger on 23 January 1971.<sup>27</sup>

The opportunity to hold discussions with the president’s assistant for national security affairs, under rules of confidentiality, was the highest mark of favor yet bestowed on the League—the more so because the January meeting inaugurated a continuing relationship. Thereafter, throughout 1971 and the early months of 1972, further conferences were scheduled with Kissinger in conjunction with the bimonthly sessions of the League’s board of directors. Other claims on his attention sometimes caused last-minute cancellations, but the meetings occurred with enough regularity to sustain a feeling of privileged access to information from the negotiating front and to give the League’s representatives the assurance that their concerns were registering with the president’s foremost adviser.<sup>28</sup>

It does not appear that DoD leaders viewed Kissinger's discussions with the PW/MIA families as an encroachment on their domain. Rather, knowing both the impression that Kissinger was capable of making and the latitude his position allowed him in deciding what information to release, they welcomed his activities as the most effective means available for retaining the allegiance of the next of kin to the policies of the administration. Early in May 1971, Deputy Secretary of Defense Packard wrote Kissinger urging him to make every effort to appear at the scheduled bimonthly meetings with the League's representatives.

I have the highest regard for these families who have borne their anguish with admirable strength and in a manner supportive of US interests. Of late, these families are increasingly experiencing understandable impatience and exasperation. They could easily, as they are urged by many, join with dissenting groups to make a satisfactory resolution of the conflict more difficult. It is important that these families continue to support US efforts.<sup>29</sup>

In a memorandum for President Nixon later in May, Laird addressed some of the fundamental considerations affecting the U.S. withdrawal from Vietnam and the handling of the prisoner issue in the peace negotiations. He gave particular attention to the attitude of the PW/MIA families as a major consideration. Laird noted that with few exceptions the next of kin had so far supported the administration's efforts to achieve a just peace, but he said that family members were becoming "increasingly impatient, frustrated, and susceptible to any scheme that holds promise of securing the release of their men." After citing examples of their growing restiveness, he offered the following observation: "If the families should turn against the Administration on the PW/MIA issue, we believe that general public support would also."<sup>30</sup>

Laird wrote in a month when the varying viewpoints among next of kin were being expressed more insistently. One letter to President Nixon appeared as a paid advertisement in the *Washington Post*, endorsed by more than 100 family members and friends of the prisoners and missing in Southeast Asia. Overall, the tone of the communication was not hostile. Its signers applauded the president's commitment to total withdrawal from South Vietnam and an end to the war, but they were deeply critical of a projection, made by DoD spokesmen in recent congressional testimony, for a force of roughly 50,000 men to remain in the country through December 1972 and possibly beyond. "Mr. President, this promises at least an additional two years of death and destruction. To be specific, this sentences 400 or 500 POW's to another two years or more of hell in

Communist prison camps and condemns 1,100 to 1,200 missing men to a limbo of oblivion. For many, it will mean certain death. THIS IS NOT ACCEPTABLE." The sponsors of the letter proposed the removal of all U.S. forces from South Vietnam on a timetable of 150 days duration, to begin when North Vietnam, the National Liberation Front, and the Pathet Lao committed themselves to identification and release of all MIAs and prisoners of war by both sides, with supervision by a neutral third power.<sup>31</sup>

Next of kin more plainly alienated from the Nixon administration tended to affiliate with another organization that was just making itself known in May 1971. POW/MIA Families for Immediate Release soon claimed to have the support of more than 300 families. Some of its leaders were women who had left the National League of Families—"in disgust," one of them said, since she had concluded that the League's members were simply being used by the government "to drum up war sentiment." Unlike the League, Families for Immediate Release engaged in political action and made no pretense of being nonpartisan. During 1971 the group endorsed proposals in Congress that set a date six months in the future for the termination of all U.S. military operations in Indochina, enforced by a cutoff of appropriated funds and contingent only on the release of all the prisoners and an accounting for the missing. The administration based its opposition to such measures partly on the claim that the resulting withdrawal would be so precipitous as to deny the South Vietnamese the opportunity to defend themselves and to determine their own future. The Statement of Purpose of the Families for Immediate Release had already announced the principle its members believed should apply: "We feel our government's obligation to the American prisoners now should take precedence over its obligation to the government of South Vietnam."<sup>32</sup>

Other next of kin thought that the course being followed by the president accorded with the national interest. They believed his policy would be more likely to secure the return of all the men in captivity than would the ideas being advanced in Congress for a quick and virtually unconditional end to the U.S. involvement. A number of POW/MIA relatives in California held this view strongly enough to want to lobby for the defeat of the congressional measures. They constituted themselves as POW/MIA International, Inc. In a letter to members of Congress in June 1971 the group charged that the proponents of quick withdrawal by a set date had no grounds for their assumption that the enemy would respond by promptly releasing the captive Americans. And if a unilateral withdrawal did at least bring the leaders in Hanoi to the point of discussing return of prisoners, what leverage would remain to induce them to talk about any of the men beyond the 339 they admitted holding in North Vietnam?<sup>33</sup>

These expressions of varying opinion occurred as DoD began its principal family briefing effort of 1971, to run from mid-June to 3 July. From its earliest planning the tour had received strong support from some officials in the White House, with intimations that the president himself was interested.<sup>34</sup> Presumably they looked to the briefings for an up-to-date reading on attitudes among the next of kin and on the likelihood of defections to the side of the vocal opposition. At any rate, these were the matters covered in the report that Nutter's assistant, Roger Shields, supplied to the White House after the tour ended.

Noting that 1,076 relatives of the prisoners and missing had attended meetings at 21 locations across the country, Shields thought a reliable sampling of family sentiments had been obtained.

A very small minority of the families present at the briefings—probably less than five per cent—expressed the belief that our entire involvement in Vietnam is misconceived, and that the U.S. government should pay whatever price the other side demands for the release of the prisoners. At the other extreme, about the same number expressed their opposition to current policy because they favor a much harder line. A larger group, perhaps twenty per cent of attending families, supports completely Administration policy with regard to the entire conflict in Southeast Asia. These families accept the fact that the PW/MIA issue is only one facet of the over-all problem, and express confidence in those handling the PW/MIA affairs. The remainder of the families, a great majority, supports the Administration, but are discouraged because of the duration of the problem and are confused because of conflicting reports they receive concerning U.S. initiatives in Paris and positions taken by the other side.

He concluded that "only a very small minority appears ready to openly dissociate themselves from the Administration and to associate with dissident groups."<sup>35</sup>

Shields gave no assurance that this relatively favorable distribution of family opinion would continue. In fact, the remainder of his report dwelt on the potential for changes in attitude owing to a recent development in the Paris negotiations. On 1 July 1971 the Viet Cong's principal delegate, Mme. Nguyen Thi Binh, had put forward a seven-point peace proposal.\* As summarized in news reports, it seemed to turn primarily on the U.S. government giving a pledge to withdraw totally by the end of 1971 in exchange for the release of all prisoners of war. The Viet Cong proposal had

\* See Chapter 21.



appeared in time to influence only the last three sessions of the briefing tour, where it quickly became the chief subject of questions from next of kin. "Most of the families view this proposal as new, significant, and the product of past behind-the-scenes discussions at Paris," Shields wrote. "They have great hopes, and are even optimistic, that this proposal provides the basis for negotiations and bargaining that will shortly result in the return of our men." A telegram sent by the National League of Families at the time actually thanked the president and his subordinates for their efforts, "which apparently have borne fruit in the new offer by the other side in Paris."<sup>36</sup>

Shields was concerned that families who normally supported the administration's policies were continually subjected to pressures and misinformation from a variety of sources. He observed that this had "inevitably created some doubts in the minds of the families, especially as to whether or not the prisoners and missing are being used as reasons for prolonging U.S. military involvement in Southeast Asia. Anything we do that might confirm these doubts in the minds of the families could lead to a rapid withdrawal of their support." Accordingly, it was particularly important to give the families assurance, as far as possible, that the United States would take a positive attitude toward examining the 1 July proposal in depth as a "real foundation for meaningful negotiations."<sup>37</sup>

What Shields recommended proved exceedingly difficult to achieve. When studied in full rather than in newspaper accounts, the Binh proposal was found to differ only marginally from what the enemy had been saying since September 1970: Discussion of the release of prisoners could start once the United States committed itself to a firm withdrawal date. It was equally difficult to find any modification of previous positions in the rest of the seven points. The future form of government in South Vietnam would be determined under a set of procedures whose purpose, clearly enough, was to assure that only the Communist side had any say in the outcome.

In Paris, Ambassador David K. E. Bruce sought to open a discussion and to obtain clarification of a number of passages. For instance, when it was said that the parties would "agree on the modalities of the release," Bruce asked what parties and just what prisoners were involved. The Communist representatives repeated their original terms but refused to explain or elaborate. By the end of July they were charging that the United States had prevented progress by failing to give a "positive" response. In the face of these tactics the U.S. negotiators were hard put to build a record of "probing deeply," as Shields had hoped, to find a basis for agreement. Meanwhile, when talking to American political figures not connected with the Nixon administration, Communist officials in Paris encouraged the visitors

to believe that they were eager to bargain seriously if only the United States would cease its obstructionism.<sup>38</sup>

As preparations went forward for the second annual convention of the National League of Families, set for late September 1971, it became known that some members wanted the League to make its influence felt by taking a stand in favor of the Mansfield Amendment\* and related proposals that were pending in Congress for ending the U.S. involvement in Southeast Asia. This would require a vote to remove the charter provision dedicating the League to humanitarian and nonpartisan purposes, which prevented it from taking political action. The OSD officials responsible for PW/MIA affairs anticipated that there would be heated debate on this issue during the annual meeting and that press reports would tend to play up any opposition to administration policies. Nevertheless, officials were reasonably confident of the outcome. The preconference assessment was that most League members preferred to continue with the present orientation, pursuing humanitarian goals on which all could agree, rather than endanger their unity by addressing more controversial matters.<sup>39</sup>

Another consideration—well understood but not often mentioned—was the probable impact of a change on the League's finances. The organization drew its material support mainly from contributions, which donors could claim as income tax deductions. That additional incentive to their generosity would be lost if the League renounced its humanitarian and nonpartisan status to become politically active.

The customary arrangements had been made for DoD support and participation at the convention, with Secretary Laird listed as the principal speaker at the annual dinner. Thought had been given to the possibility that some strongly dissenting members might stage demonstrations or otherwise attempt to disrupt the League's business, but this was considered unlikely. Admiral Epes did pass on a friendly warning that apparently had come from within the League's hierarchy: Rude noises might be heard from some corners of the banquet hall if the secretary's remarks contained nothing more than "the usual bland assurances of concern and that everything that can be done is being done."<sup>40</sup>

Laird did not fail the test. In particular he did not duck the question of the enemy's 1 July peace plan. He pointed out that while a number of Americans had claimed on the basis of some direct or indirect contact with the North Vietnamese that Hanoi was ready to negotiate, the official U.S. delegation to the Paris talks had not even been able to obtain a clear statement of the meaning of the seven-point proposal. Did it in fact cover

\* See Chapter 21.

all prisoners wherever held in Indochina, and what provision would be made for accounting for the missing? Whenever they had pressed Hanoi's representatives for an explanation, the U.S. delegates had received "no response or a response veiled in ambiguity." In fact, Laird continued, "Hanoi has never said to anyone authorized to negotiate for the United States that the prisoners will be released if American troops withdraw, and of course, there are other conditions which they want fulfilled."<sup>41</sup>

Laird spoke to an audience already excited by the surprise appearance of President Nixon, whose unscheduled arrival had brought the diners to their feet. Another standing ovation followed his informal remarks, pitched mainly at the inspirational level, which left a more systematic account of the government's activities in the PW/MIA area to Laird, whose address he said he had read and endorsed. Nixon recalled his meeting with the group of wives and mothers in the White House in December 1969 and avowed that from that date it had been known throughout the executive branch that the task of obtaining the release of the prisoners and information on the missing had presidential priority. He repeated the assurance that every available means of negotiating with the enemy was being pursued, putting more than the usual emphasis on the point that this included many private channels not yet disclosed. In parting, the president told the PW/MIA relatives he was "just so proud of how great you have been and I am not going to let you down."<sup>42</sup>

Both Laird and the president had appealed effectively to the sensibilities of the next of kin in a bid to renew their faith that the nation's leaders had a comprehensive grasp and awareness of the PW/MIA problem. Neither man's performance had any impact on the resolution of the cardinal question before the convention, however. The proposition that the National League of Families should remain a nonpartisan, nonprofit organization devoted to humanitarian purposes had already been endorsed overwhelmingly. Of nearly 700 members present, plus 63 voting by proxy, only 15 opposed the resolution. The election of the board of directors had been conducted by a mail ballot of the entire membership, with a similar result. Of the 54 candidates, only 12 favored removing the provisions that prohibited the League from taking political action, and none of these won a seat on the board.<sup>43</sup>

Though the election results were gratifying to observers in the White House and Pentagon, it could not be supposed that the League of Families would henceforth give unquestioning support to Nixon administration policies. At the September 1971 convention the League had passed one resolution conveying to the president "its extreme distress at the continuing failure to resolve the prisoner of war/missing in action tragedy" and another

expressing alarm that the U.S. withdrawal was proceeding without prior agreement on release of the prisoners and identification of the missing. Besides calling on the executive branch for "strong, new initiatives," it had passed another measure whose effects the White House might find unwelcome:

*RESOLVED* that the National League of Families of American Prisoners and Missing in Southeast Asia do now beseech the Congress of the United States with the deepest urgency to undertake immediate and vigorous action to resolve the conflict in Southeast Asia and to assure the prompt return of all prisoners and an accounting of the missing in all areas in Southeast Asia. It is the League's strong fear that the ability of our men to survive their confinement may now be measured in hours and days, not weeks or months.

Further, the League had given an unmistakable signal that circumstances might still arise in which "going political" would have to be considered again. Unwilling to allow another full year to pass before reviewing their position, the League members scheduled a special meeting for May 1972 to reassess the situation and determine a future course of action. A final sentence not added to any other resolution adopted at the convention specified that "Copies of this RESOLUTION shall be distributed to officials of the Nixon Administration, to the leaders of both political parties, and to members of the press."<sup>44</sup>

The remaining months of 1971 saw no diminution of the domestic political controversy over the proper course for the nation to take in Southeast Asia. Restiveness continued among the PW/MIA families, as indicated by the questions submitted through the League's regular channel to Kissinger. Some played on a frequently recurring theme: "Would President Nixon be willing to set a date for the total withdrawal of troops if that would bring total resolution of this problem? Why not make this offer?" A deeper disquiet underlay another query: "If the POW's are to be sacrificed for the Vietnamization program, why not tell us now?"<sup>45</sup>

Public controversy intensified during the final week of the year, when President Nixon ordered a five-day resumption of the bombing of North Vietnamese military targets and supply depots. Convinced that the enemy had stepped up infiltration and had violated the 1968 understanding on which the bombing halt was based, he considered the air operations necessary to protect the U.S. forces remaining in South Vietnam. Opponents immediately condemned the move, with the *New York Times* declaring editorially that it "shattered the Administration-fostered myth that President Nixon is effectively winding down the war in Indochina." Senator

George S. McGovern said the aerial assault on North Vietnam "makes it certain that none of our prisoners will be released. It puts another padlock on their cells."<sup>46</sup>

Early in 1972 the secretary of defense received a memorandum prepared by Roger Shields and Assistant Secretary for Public Affairs Daniel Henkin. They saw evidence of an accelerating change of attitude among wives and parents and wrote that "we face a potential crisis here." It now appeared probable that the National League of Families would advance the special May meeting to March and that sentiment for engaging in political action would be much stronger than before. Laird's two advisers thought a major factor was the way the North Vietnamese had been using ambiguous or deceitful statements about their own position to foster uncertainties about the sincerity of the Nixon administration's commitment to ending the war. The line of action that Shields and Henkin recommended to counter this was substantially the one President Nixon adopted two weeks later in his address to the nation on 25 January 1972.<sup>47</sup>

The president revealed the existence and much of the substance of the secret negotiations that had been in progress since August 1969 and had involved Henry Kissinger in unpublicized journeys on 12 occasions. The record of the secret talks showed that many of the steps currently being urged on the Nixon administration had already been taken via this private channel. As early as 31 May 1971 the United States had offered to name a deadline for total withdrawal in exchange for the release of all prisoners of war and a general cease-fire. Both that and a later U.S. offer involving a nine-month deadline had been turned down by the North Vietnamese representatives. Then in October 1971 the United States advanced a proposal that at least partly accommodated both the latest enemy position in the private negotiations and the seven-point plan that Mme. Binh had set forth publicly at the Paris peace talks. The president said that three months had elapsed without an answer from the North Vietnamese, while the Communist delegates in the open sessions in Paris continued to berate the United States for failing to respond to the seven-point plan. North Vietnamese spokesmen intimated to unofficial American visitors that agreement could easily be attained on terms that in fact had already been rejected by Hanoi's representative in the secret talks.

President Nixon declared that the other side could no longer be allowed to exploit the good faith with which the United States had entered into the private negotiations. The peace plan that Kissinger had advanced in the secret talks on 11 October 1971 remained the U.S. position and would now be open to discussion in either the public or private channel. This plan provided that upon reaching an agreement that included a cease-

fire throughout Indochina, all U.S. and allied forces would be withdrawn from South Vietnam within six months and an exchange of all prisoners of war would take place. The political future of South Vietnam would be determined in a new presidential election, conducted under international supervision and with safeguards for the free participation of all political factions.<sup>48</sup>

Less than 48 hours later the president was informed of the results of a poll of the leadership of the National League of Families, plus the views of other outside observers. "In essence, from the standpoint of retaining the bulk of the families in support of the Administration, your speech was a great success." "You scored a ten-strike" was another of the enthusiastic comments. By demonstrating that there was substance to the secret negotiating effort and that it had been pursued untiringly and with frequent U.S. initiatives, Nixon had even won back some leading figures in the League who had lately been counted as members of the opposition. His aides were preparing to mail copies of the president's speech to all PW/MIA families.<sup>49</sup>

In the improved atmosphere created by the president's January address no more was heard of the possibility that the National League of Families might move up its special meeting to March. As the originally scheduled dates of 5-7 May 1972 approached, officials in OSD still anticipated that the League might gravitate toward a more militant political stance, especially with likely "heavy attendance of politically-minded family members." But journalists who covered the event predicted more fireworks than actually ensued. Reporting afterward to the League's members as their national coordinator, Evelyn Grubb remarked that "the news media, for the most part, portrayed actions taken at the meeting as constituting 'a break with the Nixon Administration.'" She considered this to be as far off the mark as earlier instances when the press "depicted us as being 'captives' of the Administration." The League, she affirmed, had never actively supported either the Nixon administration or its critics. As for re-directing the organization toward political ends, no resolution either for or against had been offered at the meeting. The League's humanitarian charter and goals remained unchanged.<sup>50</sup>

Nonetheless, at the May meeting the National League of Families again voiced "its extreme distress at the failure of this administration's policy to resolve the MIA-POW issue." It called for action to insure an accounting of the missing and the release of the prisoners of war—"not just the withdrawal of combat troops." And those present were not content merely to publish a resolution. They designated three of their most trusted leaders to seek an audience with President Nixon.<sup>51</sup>

Any expectation that the White House meeting would develop into a serious confrontation receded with the events of the following day, 8 May. President Nixon announced the additional measures he found necessary in the face of the massive invasion of South Vietnam launched five weeks earlier by the North Vietnamese. In order to deny Hanoi the weapons and supplies it needed to continue these military operations, he had directed the mining of North Vietnamese ports, plus action by U.S. forces to interdict deliveries by sea, rail, and land routes. Other air and naval strikes against military targets, begun at an earlier stage of the enemy assault, would continue. "These actions I have ordered will cease when the following conditions are met: First, all American prisoners of war must be returned. Second, there must be an internationally supervised cease-fire throughout Indochina." The president pledged that once those two objectives were achieved, the withdrawal of U.S. forces from South Vietnam would be completed within four months—the shortest time period yet mentioned.<sup>52</sup>

The League of Families delegation to the White House on 15 May consisted of three wives: Sybil Stockdale, Maureen Dunn, and Phyllis Galanti. At a press conference on emerging from their meeting with the president they gave a wholehearted endorsement to his recent policy pronouncement. While making clear that this expressed only their personal opinion, they were confident they could communicate the feeling of reassurance they had received to the League's membership at large. This feeling stemmed mainly from the mining of Haiphong and other ports and from President Nixon's pledge that there would be no relaxation of these measures until the captives were freed and the missing accounted for. Mrs. Galanti told newsmen that the president had "put it very well when he said that at last we may have some leverage to get the men home. We had none before."<sup>53</sup>

From the delegation's favorable response to the president's moves and the avoidance of a showdown at the May convention it was evident that pressures for the League to undertake more aggressive political activity had eased. In part the explanation lay in the fact that the board of directors had already found a role for the League to play in the political process, one that would not violate the charter provisions and yet could serve to keep the question of the prisoners and missing before the country throughout the 1972 election campaign. In late January the board had announced the establishment of a Non-Partisan Political Action Committee, and the League's national meeting in May reaffirmed this decision. Members of the Political Action Committee throughout the country had the mission of eliciting from all candidates a clear declaration of their stand on important aspects of the PW/MIA problem. The League's committee would

issue no statements either endorsing or opposing any candidate or party, but it would publicize their positions.<sup>54</sup>

Individual PW/MIA relatives could operate more freely, of course, and the political action committee's leadership was not reticent in suggesting that they do so. In a letter to League members late in February, co-chairman Joan Vinson urged the families to become involved at the local level in the process by which delegates and alternates to the state and national nominating conventions were selected. In particular, any League members who were thinking of running for delegate in either political party were encouraged to do so. If elected, they would be able to press more effectively for fulfillment of the League's objective, which was to see that no political party wrote its platform and no candidate came before the voters without taking a position on how to recover the prisoners and gain an accounting of the missing.<sup>55</sup>

Unquestionably, family members were active in politics in larger numbers in 1972 than before. Several PW/MIA relatives won places as delegates or alternates to the Democratic National Convention, including Valerie Kushner, who had been prominent in the League's affairs. She delivered one of the seconding speeches when Senator McGovern's name was placed in nomination in July. Later in the campaign, at a press conference marking the completion of her term as chairman of the board of the League of Families, Carole Hanson endorsed President Nixon's bid for reelection.<sup>56</sup>

The election year offered many channels for personal commitment and expression, all of them easier to pursue and more likely to bring satisfying results than an attempt to wheel the National League of Families into line as a unified political force. As the one widely recognized organization of PW/MIA relatives, counting most of them in its membership, the League encompassed too wide a spectrum of interests and opinion to be turned to a single political purpose. Yet those same broad ranks continued to give it a moral authority and indeed a political influence the administration could not afford to ignore.



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## PW/MIA Legislation and Benefits

By early 1973 the U.S. government had in place an extensive system of benefits and special arrangements for the captive and missing servicemen in Southeast Asia and their families. The cumulative result of decisions and administrative rulings made over several years, the system continued to grow more extensive as the day of homecoming approached. Defense officials had found sufficient authority in existing regulations for the introduction of some of these beneficial provisions. More commonly, however, congressional action had been required to amend the statutes that set the pay and other conditions of service in the armed forces. DoD had requested and supported a majority of the measures enacted, usually by including them in the legislative program that the department submitted each year to Congress.

Other proposals were advanced by members of the House or Senate who had become sensitive to the problems of the missing servicemen and their dependents. The work of certain of the congressional committees contributed to their awareness, along with what they heard more directly from the National League of Families and from individual constituents. Often DoD supported a member's bill or at least endorsed its purpose while suggesting improvements. At times Defense officials found it necessary to speak against proposed legislation, pointing out its undesirability as a precedent or detailing some of the unintended consequences that could be foreseen. It is notable that as the system of benefits evolved in the period from 1967 through early 1973, Congress enacted no measure that DoD directly opposed. Admittedly, a few benefit proposals had been allowed to pass unchallenged despite misgivings entertained in the Pentagon. One of these—the privilege of space-available travel on military aircraft within the continental United States, granted to PW/MIA wives

in 1968—had in its favor the personal endorsement of the chairman of the House Armed Services Committee.<sup>1</sup>

Underlying the entire program was the conviction that the missing men and their families deserved special consideration. They were “a group of Americans who are undergoing extreme hardship as a direct result of having faithfully served our country,” as a Defense official put it when testifying before a Senate committee in September 1972.<sup>2</sup> Their plight won immediate sympathy, and it is not surprising that some of the proposals offered on Capitol Hill seemed to spring simply from the impulse to compensate the men somehow for their hard fate. Other bills, more thoughtfully conceived, aimed to overcome particular problems. The purpose might be to remove some of the legal hindrances families encountered because their military head-of-household was not present, or to insure that rights the men would ordinarily be entitled to were not forfeited or allowed to expire during their absence. There was general agreement that the captured or missing should not have to suffer any additional setbacks owing to their status. They should not be disadvantaged financially or in career advancement, and their dependents should not have to forgo any of the opportunities normally available to military families.

Benefits affecting the next of kin usually attempted to ease their lot in some way that contributed to making their lives as tolerable as possible under the circumstances. In most cases these measures and the family allotment from the servicemen's pay were effective in insuring that material needs could be met, but it had to be recognized that no benefit provision could do much to alleviate the private anguish of wives and parents over the fate of their loved ones. Defense officials and interested members of Congress did give thought to relieving some of the secondary anxieties of the next of kin, such as fear that another male member of the family might be drafted for military service or concern about the cost of further education when children finished high school.

Laws dealing with the management of a serviceman's affairs when he became a casualty had generally been written with the killed and wounded more in mind than the captured or missing and with no particular attention to the possibility of a prolonged absence. When applied to men entering their third or fourth year as missing persons these laws were found to operate in ways that were sometimes inconsistent and occasionally unjust. Several of the earliest legislative actions sought to correct discrepancies of this kind. Considerations of equity and fair dealing also seemed to demand an extension of the War Claims Act to the current hostilities. Under that law, following both World War II and the Korean conflict, returned U.S.

prisoners of war and civilian detainees had been able to claim a set remuneration for each day of inhumane treatment while in enemy hands. Bills to extend this right to the Americans who were suffering similar privations in Southeast Asia came before Congress as early as 1968, and the legislation was approved in mid-1970.

Thus some of the earlier legislative acts had the obvious justification of rectifying oversights and preventing existing laws from operating to the disadvantage of PW/MIAs. Other purposes came to the fore in later years. By 1972, benefit actions sometimes had the appearance of reaching rather far to attain a ruling or interpretation exceptionally favorable to the interests of the men and their families.

The scope of the benefits emerges more clearly from the listing below, beginning with the provision that a serviceman continued to have credited to his account the pay and allowances to which he was entitled when he became missing, a basic necessity for PW/MIA dependents. The assurance of uninterrupted pay was not newly introduced for their benefit, however. Of much longer standing, it had a statutory basis in the laws governing the armed forces. Most of the other benefits and special provisions listed below applied exclusively to the men missing or captured in Southeast Asia and their families. A few were permanent changes in the laws, occasioned by the Vietnam experience but not limited to it. Benefit measures began to enter the record as early as 1967, but most appeared during the later years of U.S. involvement in Vietnam. Usually they were applied retroactively to 28 February 1961 to permit coverage of the early years of U.S. activity in Indochina.

*Benefit Provisions in Effect as of January 1973*

**Pertaining mainly to the men in missing status**

Members of the armed forces in missing status, including prisoners of war, continued to receive the pay and allowances to which they were entitled upon entering that status, with subsequent adjustments for promotions, longevity increases, general pay raises, and other entitlements that might be enacted. In addition to basic pay raises, and the other allowances for quarters and subsistence, the continuation applied to flight pay and other forms of incentive or hazardous duty pay and to family separation allowances, the special pay received by medical and dental officers, and the foreign duty or sea duty pay earned by enlisted men.

In July 1972 a ruling by the comptroller general of the United States established that servicemen without dependents who were not receiving quarters or subsistence allowances at the time they became missing were nevertheless entitled to such payments while in missing status.<sup>3</sup>

Both officer and enlisted personnel were considered for advancement and promoted in step with their contemporaries, except for promotion to general or flag officer rank.\*<sup>4</sup>

PL 90-122, 3 November 1967, authorized each secretary of a military department, acting in the interest of a missing serviceman or his dependents, to initiate, change, or stop an allotment from the man's pay to the Uniformed Services Savings Deposit Program (USSDP). Available only to military personnel on duty outside the United States, the USSDP paid 10 percent interest on deposits up to a maximum of \$10,000. Later, PL 91-200, 26 February 1970, exempted servicemen in missing status during the Vietnam conflict from the \$10,000 limit on deposits.

PL 91-289, 24 June 1970, extended the War Claims Act of 1948 to cover members of the armed forces held as prisoners of war at any time during the Vietnam conflict. It qualified them for the same types of payment that returned captives of World War II and the Korean War had received, but with an adjustment for intervening economic changes that doubled the earlier rates. The law authorized \$2.00 for each day the prisoner of war was not furnished the quality or quantity of food specified by the Geneva Convention and \$3.00 per day of captivity for forced labor or inhumane treatment contrary to the Geneva Convention.

PL 91-534, 7 December 1970, extended the family separation allowance of \$30 a month to any serviceman not otherwise entitled to it if he had dependents and was in missing status during the Vietnam conflict. Recipients of this benefit were enlisted men in grades below E-4 (Army corporal and equivalent) and those in E-4 with less than four years of service.

PL 92-279, 26 April 1972, amended the Internal Revenue Code to exclude from gross income for federal income tax purposes the entire compensation received by a member of the armed forces during any month he was in missing status incident to the

\* Although no missing or captured personnel were actually promoted to brigadier general or rear admiral prior to homecoming, several known prisoners were chosen for such advancement, with one instance occurring in the Air Force as early as January 1968. The names of these individuals did not appear on the selection lists to avoid marking them for enemy exploitation, and the president's further step of nominating them to the Senate for confirmation was withheld until after the men's return. See memo Laird for Pres, 20 Jan 73, sub: Air Force General Officer Nominations, SecDef 383.6 Vietnam (Jan 73).

Vietnam conflict. (The missing men were already covered by an exclusion for military personnel serving in a combat zone, which applied to all compensation of enlisted men and \$500 a month of officers' pay. Hence the main practical effect of the amendment was to give tax-free status to all of an officer's pay, rather than part. Since the legislation was retroactive to 28 February 1961, it also provided the basis for submission of amended returns for prior years, so that an income tax refund could result.)

PL 92-482, 12 October 1972, permitted the continuation of flight pay and other forms of incentive pay for up to one year during hospitalization and rehabilitation following the man's return from missing status, without regard to his ability to meet the qualification standards.

While missing or captured, military personnel continued to earn annual leave at the usual rate of 30 days per year. PL 92-596, 27 October 1972, permitted them to accumulate credit for annual leave without limit, disregarding the restriction on carry-over to a following year (normally 60 days, but 90 days when serving in a combat zone). Further, the leave accruing while in missing status was to be kept in a separate account and must be paid for by the government rather than taken as leave. (Under the repatriation plan, returnees would receive ample convalescent leave on a non-chargeable basis.) For men who died while in missing status, the cash payments would go to next of kin.

#### **Bearing primarily on PW/MIA dependents**

PL 90-236, 2 January 1968, authorized storage at government expense on a "nontemporary" basis (beyond the standard one year) of the household and personal effects of a member of the armed forces in missing status.

PL 92-477, 9 October 1972, authorized additional movements of dependents and household goods of a missing serviceman, beyond the one-time move at government expense to which he was already entitled. The law also added mobile homes and house trailers to the possessions that could be transported, in either an original or later move, and it stipulated that for these items the usual limit on cost to the government would be waived.

Under a DoD policy incorporated in service regulations in April 1968, dependent wives of the missing or captured were permitted to travel within the continental United States on a space available basis on military transport type aircraft with appropriate comfort facilities. Such travel was authorized "for humanitarian purposes." Later decisions expanded the eligibility for this benefit to include dependent children

accompanying the wife (January 1969), and dependent parents (October 1970).<sup>5</sup>

The Social Security Administration amended its regulations in June 1970 to protect survivors from loss of benefits due them following the death of a serviceman while in missing status. Difficulties had arisen because social security benefits could not be paid retroactively for more than one year, figuring backward from the month in which survivors either filed the application or made a statement of intent to claim benefits (a "protective writing statement"). Since dependents ordinarily did not take such steps until there was a conclusive official finding that their family member had died, the application date could be several years later than the date of death recognized by the Social Security Administration, with resulting loss of benefits for all but one of the years that had elapsed. Under the amended regulation the Social Security Administration accepted the service's initial report of casualty (DD Form 1300) as a notice reserving the right of next of kin to claim benefits. The protection also extended to certain rights of prisoners of war who survived. Upon repatriation they were eligible to claim insurance benefits for any period of physical disability during their captivity.<sup>6</sup>

PL 91-584, 24 December 1970, qualified the wives and children of servicemen in missing status to receive certain Veterans Administration (VA) benefits. It allowed these dependents to use the educational assistance grants to which the husband or father was entitled. The law also made the wife eligible for the VA home loan guarantee that her husband might have claimed.

Beginning in August 1971, dependent wives and children of PW/MIA servicemen became eligible to visit Hawaii under arrangements similar to those made for service wives who went there to join husbands on Rest and Recuperation (R&R) leave from duty in Vietnam. Thanks to a DoD initiative, the PW/MIA dependents qualified for reduced round-trip fares on commercial flights from the West Coast. During stays of up to two weeks in Hawaii they also received discounts on hotel accommodations and other expenditures. Participation was limited to once in 12 months.<sup>7</sup>

PL 92-129, 28 September 1971, prohibited the induction of a person under the Selective Service System during any period when his father or brother was captured or missing. In an administrative ruling in January 1973 the Director of Selective Service stated that upon the return of the father or brother from missing status the draft deferment of other eligible family members would continue, since they would then be reclassified 3-A (Family Hardship).<sup>8</sup>

Another provision of PL 92-129 granted draft exemption to the sons or brothers of any person who died in line of duty while serving in the armed forces after 31 December 1959. Though applying more commonly to killed-in-action cases, it would also come into effect whenever an official determination of death was made with respect to a servicemen in missing status.

PL 92-169, 24 November 1971, made the promotion of a serviceman while in missing status "fully effective for all purposes," including most federal benefits to survivors. Even though his death might subsequently be determined to have occurred on an earlier date than the promotion, the higher grade he had attained would be used when computing such payments as the Dependency and Indemnity Compensation that the man's survivors received from the Veterans Administration.

PL 92-365, 7 August 1972, opened the way for sons of military personnel in missing status to obtain appointments to the service academies. It allowed them to compete in a special category for a number of presidential appointments.

To relieve problems experienced by PW/MIA families when the power of attorney executed by a serviceman reached its expiration date while he was in missing status, PL 92-540, 24 October 1972, provided an automatic extension for so long as he remained in that status. The law applied only to powers of attorney granted to a wife or other relative and was limited to "the Vietnam era."

For men later determined to have died while in missing status, PL 92-596, 27 October 1972, prescribed a method of computing annual leave credits that tended to maximize the cash payments to survivors. The missing man continued to earn annual leave through the date on which the secretary of his military department received conclusive evidence of his death or determined that a presumptive finding of death should be made. The law placed a limit of 150 days on the leave for which cash settlement could be made, unless the actual date of death justified a greater credit.

The Veterans Administration took a similar approach when determining the payments to be made to beneficiaries from the Servicemen's Group Life Insurance (SGLI) of a missing man who was later found to have died. Under a VA ruling published in November 1972, SGLI coverage remained in force until the day the secretary of the military department officially terminated the man's missing status, notwithstanding any earlier date of death that might be established. Since the government had progressively increased the face value of SGLI policies over the years, the effect of the ruling was to give survivors the benefit of

the highest insurance amount that had been in effect during the period of missing status.<sup>9</sup>

Several of the listed benefits stand out as exceptionally favorable, the foremost being the pay that was entirely free of federal income tax. The beneficial effects of the promotion policy and the savings deposit arrangement are also noteworthy.

Administering the policy on the promotion of captured and missing personnel remained the responsibility of the individual services. Each adhered to the general proposition that officers were to be considered by selection boards along with their contemporaries and promoted at a rate that would maintain their relative position. Similarly, enlisted men should be advanced subject to the same time-in-grade standards as other personnel of their service but with a waiver of the qualifying examinations for promotion to the upper grades.<sup>10</sup> For the most part the record on promotion did not differ greatly from one military department to another, but one clear instance of varying performance among the services occurred late in 1970. It did not escape the notice of the National League of Families and certain members of Congress.

Writing to the secretary of the Air Force in December 1970, Joan Vinson of the National League drew attention to the decisions made on missing personnel by a recent promotion board. Of 31 Air Force lieutenant colonels eligible for promotion to colonel, only 2 had been selected. She contrasted this with what she understood to be the Navy's policy, under which every commander in the primary zone of eligibility was advanced to captain. Vinson noted in passing that the Army had only one eligible officer at that level, whose case was still pending. "This seems to be an Air Force problem," she continued. "Why only two? Why not all of them?" "All of these men probably would not have been promoted if they had not been Missing or Prisoners," Vinson conceded, "but it seems to me that persons who have done so much to help preserve our freedom should be given special consideration. They are serving their country in a very unique way and they can't control the destiny of their careers. This contribution of theirs is worthy of separate and distinct recognition."<sup>11</sup>

In answering a query from Rep. Olin E. Teague the following month, OSD confirmed that all Navy and Marine Corps officers in missing status had been selected for promotion each time they were eligible. All enlisted men, whatever the service, had received at least one promotion and those missing for longer periods had had several. The reply described in some detail how Air Force selection boards processed promotions to the grades



of major, lieutenant colonel, and colonel under guidance that had apparently been made more explicit after the recent protest. The procedures insured that the identity of those who were missing or captured was known to the board when it began its deliberations, so that any apparent weakness of their records would not be misinterpreted. When faced with an absence of current Officer Effectiveness Reports, Air Force board members were to "presume that the manner of performance and promotion potential of these officers would have continued at least at the level indicated on evaluations at the time they entered a MIA or captured status."<sup>12</sup>

Inquiries continued to be received, including one from the White House that was answered early in February 1971 by Roger Shields. Noting that all services had set aside the normal requirements for tests and fitness reports when considering the missing men for advancement, he characterized their policies as "extremely liberal." At the lower enlisted levels (E-5 and below), promotions were taking place routinely upon completion of the minimum time in grade. "In all candor, promotion to grades lower than O-6 [colonel] for officers and E-8/9 for enlisted men has been virtually automatic," Shields observed. The statistics gathered for a report to the secretary of defense later in the month bore this out. Apart from the nontypical results turned in by the recent Air Force board, in only a dozen or so instances had PW/MIA officers or enlisted men not been promoted when eligible, the assistant secretary of defense for manpower advised Secretary Laird, adding that the promotion figures for missing and captured personnel indicated "a considerably higher selection rate than is normal for their active duty contemporaries."<sup>13</sup>

The PW/MIA personnel and their families found participation in the Uniformed Services Savings Deposit Program quite advantageous, owing both to the favorable terms of the USSDP itself and to the extended length of time that many of the captured and missing were locked in as depositors. Established by legislation proposed by DoD and enacted in 1966, the savings program for members of the armed forces serving outside the United States and its possessions had a dual purpose. By providing a government-backed investment at an attractive rate of interest it offered servicemen the means and incentive to set money aside for the future. At the same time, by drawing its deposits from the pay of forces stationed abroad the program tended to reduce the spending of U.S. military personnel in other countries, thereby improving the balance of payments. Money on deposit in a USSDP account ceased to earn interest 90 days after the serviceman returned to the United States or its possessions.<sup>14</sup>

President Johnson set the interest rate at the highest level allowed in the legislation—10 percent per annum, compounded quarterly, effective

1 September 1966.<sup>15</sup> Thus the rate of return appreciably exceeded that generally available on savings instruments. In fact, the Federal Reserve Board had only recently permitted banks to raise the interest paid on certificates of deposit to 5.5 percent. In the entire period from September 1966 until Operation Homecoming in early 1973 the yield on 3- to 5-year Treasury issues averaged less than 7 percent in all years except 1970, while mortgage rates remained generally in the 7- to 8-percent range.

The USSDP was designed to be recognized as a good deal. Even so, the response of servicemen overseas surpassed expectation. During the first 10 months of operation more than 149,000 accounts were established worldwide, with total deposits in excess of \$126 million. More than 60,000 of these accounts belonged to men involved in the Southeast Asian hostilities, but few of the owners were among the downed airmen and other missing personnel. The 350 men missing or captured at the time the program went into effect had had no opportunity to subscribe to it, and many of those lost at later dates had not yet made the election or had decided not to participate. In their current circumstances, however, assignment to the USSDP of any portion of their pay not allotted to family support seemed clearly in their best interest, but there was no ready way to effect the change. By statute the secretaries of the military departments had broad authority to administer the pay accounts of servicemen in missing status, including the power to adjust allotments to meet the needs of dependents, but in October 1966 the comptroller general had ruled that this did not extend to the initiation of an allotment to the voluntary savings program.<sup>16</sup>

The denial of access to the savings program struck some family members as a prime example of insensitivity to the plight of the missing men, suggesting a disposition to view them as no longer within the military community. Expressions of family resentment reached the authorities in Washington. As one wife later put it, "we had to fight to be included in a Savings Deposit Program in which we had every right to be included automatically." During the next session of Congress DoD presented the case for removal of the inequity, and the necessary legislation, with a retroactive provision, was approved in November 1967. Acting in the interest of a man in missing status "or his dependents," the secretary of a military department was empowered to initiate or change allotments to the USSDP and to authorize emergency withdrawals from it, even though the serviceman might earlier have elected not to join the program. Before the year ended, information went out from the service casualty assistance offices to next of kin on how to assign some or all of the unallotted portion of their serviceman's pay to the USSDP.<sup>17</sup>

Before long it appeared that another aspect of the savings program might require adjustment to accommodate the special circumstances of the captured and missing. By law, USSDP interest could not be paid on amounts over \$10,000; any deposit that raised the balance above that level remained in the account without bearing interest. For depositors serving an overseas tour of normal duration the \$10,000 limit rarely mattered, but men with ever-lengthening time in missing status did build up balances that approached the ceiling. In October 1968 the DoD PW Policy Committee considered addressing the situation by approaching Congress for authority to make allotments from the missing men's pay for the purchase of U.S. savings bonds. This would at least allow the surplus funds to earn interest, though not at the exceptional USSDP rate. During further consultations in 1969 Defense officials agreed to seek a more direct remedy. In February 1970, at the behest of DoD, Congress approved removal of the \$10,000 limit from the USSDP accounts of captured or missing men.<sup>18</sup>

Each of the services encouraged its PW/MIA families to participate in the savings program, but during 1971 the Air Force took a further step. Believing that proper management of a missing man's affairs all but demanded that some portion of his pay be invested under the very favorable terms offered by the government, Air Force officials began requiring that at least 10 percent of the absent member's pay be deposited in the USSDP. This would occur automatically unless the next of kin could show that some other systematic savings program was being pursued or that the mandatory deposit would impose undue hardship on the family.<sup>19</sup>

By July 1972 roughly 95 percent of all PW/MIA personnel had funds on deposit in the USSDP, for a total that exceeded \$30 million. The average balance was just under \$20,000 while the largest individual account stood at \$120,000. Further growth of the balances was assured, given the regular monthly allotments from pay and the quarterly compounding of interest. From mid-1972 that growth continued for nearly a year for the men who returned at homecoming and ran even longer for the missing.<sup>20</sup>

The special provisions relating to the pay and career status of the missing men were under the direct control of the federal government and could be placed in effect with relative ease. Benefits that aimed at improving the circumstances of the families had to deal with a wider range of problems, some of which were less open to influence from Washington. The most notable examples involved the sale or purchase of real estate, where state laws and the realities of the marketplace were dominant factors. When seeking to buy a house with her husband as joint owner, the wife of a man in missing status usually found it difficult to obtain a mortgage. It was not merely that loan officers at most institutions were put off by

the uncertain future of the family unit and the wife's lack of an independent credit record. There were other obstacles, as an Air Force official explained early in 1970:

Some wives of missing in action and captured personnel cannot obtain commercial loans even when they have a valid power of attorney because the seller will not accept the power of attorney or because the use of powers of attorney in real estate transactions is prohibited by state law. Further, when no valid power of attorney exists, neither commercial loans nor a VA guaranteed loan is available. If they were united with their husbands, VA guaranteed loans would be available. If the fate of their husbands were known, the wives may be entitled to VA guaranteed loans as widows. In their particular circumstances, they have neither.<sup>21</sup>

Legislation in December 1970 eased the difficulties surrounding the purchase of real estate by extending eligibility for the VA home loan guarantee to the dependent wife of a captured or missing member of the armed forces. Another law, nearly two years later, provided for automatic extension of a serviceman's power of attorney beyond its original expiration date if he continued in missing status.<sup>22</sup>

Neither measure had much impact on a more fundamental problem that wives encountered when attempting to sell the family home—the question of their ability to convey a clear and marketable title for jointly owned property. A wife could not do so unless she held a valid power of attorney and resided in a state whose laws permitted the use of such powers in real estate transfers. Even when she possessed the proper papers, her action would be clouded with uncertainties arising from the common law principle that death revokes an agency. Thus, if it should later be established that the husband had died before the transaction took place, her authority to represent him could be challenged. In light of these disabilities, title insurance companies were unwilling to issue a policy unless the risks associated with the wife's use of the power of attorney were excluded from the coverage. With that limitation the property became unattractive to prospective buyers and lending institutions.<sup>23</sup>

The number of PW/MIA families affected by the difficulty of disposing of real property inevitably increased. Housing arrangements that had been acceptable while waiting out a normal overseas tour became unsatisfactory as time ran on, children grew older, and other conditions changed. The desire for more fitting accommodations or for return to the family's original home area could meet with frustration, however, if it depended on the sale of an existing residence.

One possible remedy received attention at the level of the PW/MIA Task Group during 1971. It was proposed that legislation be sought to empower the Department of Defense to acquire the houses of next of kin as a purchaser of last resort. The suggested model was the Department of Defense Homeowners Assistance Program, which implemented a law passed in 1966. In order to protect service personnel from major losses when the closing down of a military installation forced them to sell in a depressed housing market, the 1966 law authorized the secretary of defense to buy their homes at not more than 90 percent of what the property's fair market value was before announcement of the base closing. For current use the idea was soon abandoned, however, since it offered no way around the fact that the PW/MIA wife could no more convey a valid title to the government than to a private purchaser.<sup>24</sup>

DoD officials had already made attempts to heighten the awareness of state governments regarding the difficulties encountered by PW/MIA families and to encourage state legislative action to ease their situation. The matter found a place in the recommendations that went annually from DoD to the Council of State Governments, and those forwarded in 1968 focused particularly on the administration and disposition of property by the next of kin of missing servicemen. During the next two years a few states took measures to meet the growing problem in that area, but overall the response was not impressive.<sup>25</sup>

On 9 May 1972 Deputy Secretary of Defense Kenneth Rush gave new impetus to the undertaking by writing directly to each of the state governors. His letter highlighted the legal and practical problems that had arisen from the extended absence of missing and captured servicemen. Citing the beneficial statutes already enacted by some states, Rush invited the leaders in other state capitals to sponsor similar legislation to assist the PW/MIA families. In particular, he wrote, there was need to consider modifying state laws in order to facilitate real estate transactions, with suitable safeguards for all parties when powers of attorney were involved. Noting the work being done in this area by a committee of the Young Lawyers Section of the American Bar Association, Rush suggested that the governors seek the advice of the Florida attorney who headed the effort, Walter S. McLin III. His group had been active in identifying areas where remedial legislation by the states could relieve family problems, and its members were eager to assist in the process.<sup>26</sup>

The expectation was that states seeking to facilitate the sale of property in which a missing serviceman had an interest would adopt some version of the conservatorship procedures commonly used in transactions involving

persons unable to conduct their own affairs. Typically a spouse or other relative was appointed conservator by a state court and then completed the transaction under court supervision. Reviewing the matter in May 1972, Assistant General Counsel Frank Bartimo concluded that even if states installed this procedure, difficulties over the marketability of titles would not cease. The problem lay in the way most title companies and lawyers specializing in real estate interpreted certain provisions of the Soldiers' and Sailors' Civil Relief Act of 1940. The main purpose of the statute was to protect an individual against court judgments adverse to his interests when his active duty status in the armed forces materially impaired his ability to take part in the proceedings. Among other things it provided that an attorney appointed by a court to represent his interests could not bind the absent serviceman. Moreover, upon his return the serviceman could reopen the proceedings and challenge the court's original disposition of the case. Since it was widely believed that the acts of court-appointed conservators could be ruled to fall under these provisions, title insurance companies were reluctant to perform their vital role in the consummation of real estate transactions.<sup>27</sup>

Bartimo proposed that DoD sponsor legislation to set up special procedures for transactions affecting a missing member of the armed forces. His draft amendment to the Soldiers' and Sailors' Civil Relief Act provided for a court-appointed guardian with authority to make binding commitments in the serviceman's name, and it barred the relitigation of cases after the man's return. It also provided for intervention by DoD in some circumstances. The secretary of a military department could designate a legal officer to "appear in the role of guardian" if he considered it desirable that the missing man's interests be represented "as if they were adverse to those of the wife who initiated the proceeding." After receiving preliminary approval from the PW/MIA Task Force, Bartimo's proposal entered on the further steps of coordination that could make it a formal Defense Department recommendation to Congress, but no conclusive action took place prior to homecoming.<sup>28</sup>

The officials concerned with PW/MIA affairs in the military departments and the Office of the Secretary of Defense had given thought to the development of the benefit system from the beginning. From 1 March 1969 onward they had pursued this course with assurance of the unwavering support of Secretary Laird, whose memorandum of that date set the goals of "doing all that we possibly can for the next of kin" and of searching out ways to further the interests and welfare of the missing men.<sup>29</sup> The known attitude of the secretary, frequently referred to in the department's internal

correspondence, gave continuing encouragement to the initiation of measures beneficial to the men and their families. It helped to insure that ideas coming from the National League of Families and other sources would receive conscientious study and would stand a chance of adoption far above that usually accorded to outside suggestions. Nevertheless, the manner in which officials proceeded made clear that none supposed the secretary's dictum was meant to override all other considerations. Besides being concerned for the existence of appropriate legal authority, members of the PW/MIA Task Group continued to weigh each proposal carefully and with reference to its desirability as a precedent for the future. Accordingly, DoD opposed some of the suggested benefits.

One proposal debated during most of 1970 that ultimately failed to gain approval related to the privilege of space-available travel on military aircraft within the continental United States, previously granted to wives of the missing and captured in April 1968 and later extended to dependent children on the same flight. Military dependents generally were authorized to travel space-available overseas in the company of their military head-of-household, but use of the prerogative within the United States was a right held exclusively by PW/MIA dependents, one not shared even by the widows of men killed in the Southeast Asian hostilities. The travel was to be authorized "for humanitarian purposes," which Defense officials interpreted as including journeys that might give wives a respite from their responsibilities and "a renewal of strength to continue in their difficult situations."<sup>30</sup>

When the question of extending the travel privilege to overseas destinations arose, the Navy's assistant secretary for manpower and reserve affairs, James D. Hittle, became the chief proponent of the extension within the DoD PW Policy Committee. In April 1970 he wrote that in meetings around the country the wives of missing Navy and Marine personnel had repeatedly confronted him with the question, "Why can I travel inside CONUS via Government air and yet cannot be trusted to travel Government air outside CONUS?" In arguing the matter the wives often pointed out that they were prevented from qualifying for vacancies on trips abroad solely by the unavoidable absence of their husbands and thus were being denied a privilege commonly available to members of the military community. The encounters had left Hittle in no doubt that for these wives space-available travel overseas was "a right they believe they deserve." They sought it despite their awareness of the rigors of such travel, he said, and granting the right would have a very favorable effect on their morale.<sup>31</sup>

Because of the limited and highly unpredictable availability of unassigned space on Military Airlift Command flights overseas, opponents of the extension argued that the supposed "benefit" would be illusory. Wives and children who might make their way abroad would frequently find it difficult to complete their journey within any reasonable period of time. The wait for space on a return flight had been known to run beyond three weeks, and the expense of families maintaining themselves would continue during any such period. Furthermore, if wives desired the travel privilege for purposes of rest and relaxation, numerous resort areas in the continental United States were available to them under their existing authorization. If they sought it for trips to Paris and other capitals on behalf of the prisoners and missing, further considerations had to be weighed. Subsidizing the travel of family members so that they might petition foreign governments would undoubtedly arouse opposition at home if their activities were seen as supportive of the Nixon administration's war policy. A greater concern was that the appearance of direct U.S. government sponsorship would weaken the humanitarian appeal of the wives' efforts.<sup>32</sup>

Accepting that no unanimity of opinion had developed within the policy committee, Assistant Secretary Nutter as chairman issued a decision on 22 December 1970. He had concluded that to grant the request for overseas space-available travel was not in the best interest of the families. "It would constitute a disservice to our PW/MIA next of kin to authorize an ostensible privilege which would in fact result in hardship, unanticipated expense and dissatisfaction on the part of family members. While we have a responsibility to extend every possible support to these families during a very difficult ordeal, we must also assure that our well intentioned actions do not cause even greater hardship."<sup>33</sup>

Extension of the travel privilege was turned down largely on practical grounds, but it was more common for DoD to oppose a benefit on principle, from the viewpoint of the overall good of the military service. An instance had occurred more than a year earlier, when a congressional committee considered a bill to establish a payment of \$16 for each day a member of the armed forces was in missing status. When the general counsel transmitted the department's views in August 1969 he reminded the committee that each missing man continued to be credited with all his regular pay and allowances. Therefore the proposed new payment "would in effect constitute a bonus," given to anyone missing or captured simply by virtue of his status. "Although the lot of the prisoner of war is never a happy one and has recently proved to be particularly deplorable, the



payment of a premium solely on the basis of prisoner-of-war status is not considered desirable in view of the prevailing policy which prohibits any voluntary surrender to the enemy." The compensation of prisoners of war under the War Claims Act should not be regarded as a precedent for the proposed allowance, the general counsel said. To obtain an award under that act the serviceman had to apply to the Foreign Claims Settlement Commission upon returning from captivity, and favorable action required a finding that he had been denied adequate food or had endured inhumane treatment. In contrast, the proposed allowance would be paid as a matter of course to every person in missing status regardless of the treatment received.<sup>34</sup>

In May 1972 the department had its first brush with another issue that would prove to be long-lived. The recommendations that the Repatriation, Rehabilitation, and Readjustment Committee of the National League of Families sent to Secretary Laird included one concerning the Uniformed Services Savings Deposit Program. As prescribed in the law establishing the program, a serviceman's USSDP account ceased to earn interest 90 days after his return to the United States. The National League recommended that DoD petition Congress for authority to extend that period to at least one year. The brief supporting comment suggested that returnees might wish to obtain counseling before withdrawing USSDP funds. "Extension of time may avoid unwise decisions."<sup>35</sup>

The recommendation was couched in noticeably less urgent language than some others in the League's submission, and officials in the Pentagon apparently thought that a few reasonable objections and a pronouncement that the extension was "neither necessary nor advisable" would suffice to dispose of it. While recognizing that time might be needed to make long-term investment decisions, they pointed out that there was no requirement to close the USSDP account within 90 days. The money could remain on deposit indefinitely, though without benefit of the 10 percent interest rate, or it could easily be transferred to an ordinary savings account for safekeeping.<sup>36</sup>

Subsequently, as the result of circulating a questionnaire about these recommendations, the Air Force found its PW/MIA families nearly unanimous in supporting extension of the USSDP's interest-bearing period to one year. Air Force leaders felt obliged to give attention to an opinion held so widely among next of kin, and in December 1972 they attempted to have the PW/MIA Task Group reconsider the Defense position.<sup>37</sup> The proposal found a place in what was already a widening discussion of PW/MIA benefits and their underlying justification. It had been building

since October, following the release of Elias, Gartley, and Charles by the North Vietnamese.\*

### *Gartley's Proposals*

Two of the returnees had been captives for less than a year, but Navy Lt. Markham L. Gartley had been in enemy hands since 1968, and the information to be gleaned from his four-year prison experience was awaited with particular interest. During the debriefing Gartley reported that the men he had known in captivity had discussed repatriation procedures and the benefits and special considerations they believed were their due. According to the debriefing officer's paraphrase, "the general feeling of the PWs is that their personal losses, as a result of imprisonment—to wit career, health, prime years of life and family separations, are irretrievable and that the benefits should be commensurate with these sacrifices." The proposal most widely favored, Gartley said, was the "two for one plan," under which every day of captivity would count as two days toward retirement (but not for promotion or other purposes). He illustrated it with the example of an airman shot down after five years of active duty, who then endured five years in the prison camps. When repatriated he would have accrued 15 years credit and would need an additional 5 to attain the goal of 20 years and eligibility for retirement. Gartley suggested that a man in that situation could be placed in less demanding assignments to compensate for the handicap of prolonged incarceration, and he said the prisoners believed the returnee should be permitted to pursue a chosen career program, with assurances from the parent service that his subsequent assignments would adhere to it. "Pipeline orders" was the term used. Gartley indicated that one reason his prison mates attached such importance to qualifying for retirement before leaving the service was that it would make them eligible for medical treatment at DoD facilities anywhere in the country, rather than being subject to the procedures of the Veterans Administration.<sup>38</sup>

Lieutenant Gartley also said the men anticipated that the manner of their repatriation would deprive them of a privilege normally enjoyed by service personnel returning from an overseas assignment—the right to ship home items purchased while abroad in a duty-free status, as part

\* See Chapter 10.

of the individual's household effects. He spoke of the men's desire for a special arrangement permitting them to exercise this privilege by returning to overseas shopping areas during a period of a year or more following repatriation.

One of the main passages in Gartley's debriefing statement had to do with the USSDP, but the proposals were based on incomplete information and were too flawed for serious consideration. The passage recorded his view that "the ten thousand dollar maximum limit on the ten percent savings plan should never have applied to PWs, and since the limit has been abolished, it should be made retroactive for all PWs to date of capture." In fact, the military services had already interpreted the law in this way. Gartley thought that "the per diem money accrued" should be automatically deposited in the savings program, but he was actually speaking of the \$5-a-day payment under the War Claims Act, which was not part of military pay and therefore could not legally be allotted to the USSDP. Also, war claims payments did not "accrue"; they were awarded after the prisoner's return to the United States. However, a further sentence in the record did express his underlying thought, foreshadowing the revised proposal Gartley later offered: "The five dollars per day per diem is mentioned as a 'sore spot' due to the arduous conditions when compared to per diem paid to other active duty personnel, stateside and overseas."<sup>39</sup>

When the Gartley proposals came to the PW/MIA Task Group for comment in November 1972, one ISA official began his reply as follows:

I have reviewed Lt. Gartley's recommendations and find them a "bit much." The point that troubles me most is the underlying tone that the PW should be a privileged person. Whatever the misfortune and sacrifice of the PWs, the war in Vietnam has produced at least two larger groups whose sacrifices were far greater, those who were killed and those who were maimed. I know of no privileged treatment for them—their treatment closely parallels that of World War II and Korea. As we wind down this conflict, we should not set precedents which are unjustified and could prove excessively hindering in the future.

In brief compass he had expressed the main themes that ran through nearly all the replies. Like most of the other respondents, the writer did not categorically reject all the recommendations, but he felt unease over the level of privilege being claimed and particular concern over the question of equity. From time to time voices within DoD had cautioned that the

benefits devised for the missing and captured were in danger of becoming excessive when compared with the provision made for the war's other casualties. Never before, however, had that thought dominated the discussion as it did now.<sup>40</sup>

Some of the comments of the Marine Corps spokesman were especially pointed. Gartley's proposals appeared to constitute an "unwarranted proliferation" of privileges for a group whose benefits had already "mushroomed into unprecedented proportions." The provision made for men with disabling injuries and for the families of those killed in action had not kept pace. On the retirement question, the Marine Corps considered that the two-for-one plan was "without intrinsic merit as a service 'incentive' or as a desirable morale/discipline factor in future conflicts." The other three services opposed the plan as well, each of them calling it unfair to others who served and especially to the surviving prisoners of war of World War II and Korea, who had received no such consideration. Opinion divided on the proposed return to shopping areas such as Hong Kong to purchase duty-free goods. The Army commented that "once again, the question of equity arises. Should personnel who were wounded and evacuated, or dependents of those who were killed before they could go on R&R also be given this entitlement?"<sup>41</sup>

After completing his debriefing, Gartley had a number of discussions with Iris Powers and other representatives of the National League of Families, during which his ideas continued to evolve. At one appearance he spoke again of resentment among the men over the \$5-a-day payment to prisoners of war, a feeling aroused "when we think of our counterparts in the same rank, et cetera, who are in Saigon, under—and I quote—'hardship conditions,' and drawing per diems of over \$20 a day, and we are in Hanoi sleeping on cement slabs." His well-informed listeners from the League immediately took up the task of instructing him on the distinction between military per diem and the awards made under the War Claims Act, and Gartley's proposal assumed a more presentable form as a result. By December 1972 the desired increase in compensation was sometimes described as a combination of the two kinds of payments, sometimes simply as an increase in the War Claims stipend from \$5 per day to \$25. Gartley had also arrived at a position similar to that of the National League (and, more recently, the Air Force) on extending the interest-bearing period of USSDP accounts to allow returnees more time to consider disposition of the money.<sup>42</sup>

In January 1973, consistent with the vow he had made "to somehow . . . get these benefit programs started for the prisoners," Gartley sent

his proposals to members of the congressional delegation from his home state of Maine, to Massachusetts Senator Edward Kennedy, and to Rep. F. Edward Hebert (La.), chairman of the House Committee on Armed Services. The two-for-one plan, he wrote, "will enable the men to retire from active duty earlier than usual and begin a second career or try to make up the years of family life and enjoyment they were denied while in prison." He supported the proposal on compensation with the following comment: "Since US Government quarters were not available in Hanoi or in the jungle prison camps in Laos and South Vietnam, then the same per diem rate as Saigon should apply. POW's will receive \$5 per day from the foreign claims settlement commission. This should be augmented by military per diem pay to make the rates for the POW's equal to men of the same rank on duty in Saigon when government quarters and messing were not available." Before the month was out Senator Kennedy and his Maine colleagues, Edmund S. Muskie and William D. Hathaway, had introduced a bill incorporating both the per diem idea and the two-for-one retirement scheme.<sup>43</sup>

A letter from Roger Kelley, assistant secretary for manpower and reserve affairs, to Representative Hebert offered DoD's views on the Gartley proposals. It affirmed the positions established during earlier consideration by the PW/MIA Task Group. "Recognizing that it is virtually impossible to repay in benefits commensurate with the sacrifices made by our prisoners of war and their families," Kelley wrote, "the Department of Defense has worked toward providing all feasible compensations and entitlements." Indeed, MIAs had been accorded benefits greatly exceeding those granted during or after World War II or the Korean War. "This is understandable in view of current public sentiment, and justifiable in view of the prolonged periods that many have been maintained in such status . . . ." The letter strongly implied, however, that the legitimate bounds of that endeavor had already been reached. Kelley attached a four-page fact sheet detailing what Congress, Defense, and other government agencies had so far provided, to be considered when weighing Gartley's recommendations for additional benefits. And there was a further point, a finding emerging from Operation Homecoming, which was then in progress: "We have learned that Lieutenant Gartley's proposals by no means represent the consensus of the returnees."<sup>44</sup>

DoD was unwilling to endorse four of Gartley's five proposals. It favored only a largely noncontroversial one insuring that the health needs

\* In fact, Gartley would be criticized by several of the prisoners for the circumstances of his early release and for his association with a group thought to have cooperated with the enemy. See Rochester and Kiley, *Honor Bound*, 553, 567.

of returnees and their families be met on a continuing basis. In opposition to the two-for-one retirement proposal, Kelley observed that "the military retirement system which currently authorizes retirement after 20 years of service without regard to age is a liberal system under any criterion." Kelley stressed the importance of maintaining the integrity of that retirement system. It was true that prior to 1912, in a U.S. military establishment bearing little resemblance to that of 1973, an enlisted man's service in certain overseas areas was counted as double time toward the 30 years then necessary for retirement.

Since that date, however, two-for-one credit had not been authorized for any type of service, and Defense did not wish to see it reintroduced. Also, the proposal could not be considered "without weighing the impact against the past, particularly World War II and Korea, and the fact that many of the prisoners of war of these two experiences are still with us. Future implications also must be taken into consideration."

DoD did not endorse the idea of paying a per diem rate to PWs.

This proposal compares prisoner of war status to that of a man on temporary duty in Vietnam and, thereby, entitled to per diem pay by virtue of temporary duty orders. Such a person was not a true counterpart of the prisoner of war; servicemen on an official tour of duty in Vietnam, their true counterparts, were not entitled to per diem pay.

The status of the prisoner of war is recognized under the War Claims Act. Therefore, the appropriate direction of this proposal should be to raise the War Claims payments from \$5.00 to \$25.00, if any action is to be taken. However, DoD would not support the raise from \$5.00 to \$25.00.

DoD opposed any departure from the principle that had so far been controlling, namely, that payments under the War Claims Act of 1948 "have never represented more than a token gesture of a grateful government for the sacrifices, hardships and indignities endured by our prisoners of war." An excerpted quotation from President Nixon's statement upon signing the Vietnam-era amendment to the act in June 1970 served to clinch the point.

Kelley spent some time in analyzing the proposal for a one-year waiver of import duties and considered possible alternatives, such as allowing the returnees to order items from the PX catalog duty-free that they might otherwise have been able to include in their household goods shipment. "However," he concluded, "this alternative, as well as Lieutenant Gartley's proposal, raises the question of equity. The family of the man who was killed in action has received no benefit from an 'end of tour' shipment of

household goods nor has the man who was wounded in combat, subsequently medically evacuated, and now is physically disabled for the rest of his life. There seems to be no feasible way to pursue this proposal so that *all concerned* can benefit equitably.”\*

As for the proposal to permit retention of deposits in the USSDP for six months after repatriation rather than 90 days, Kelley reaffirmed the position taken earlier on a similar recommendation from the National League of Families. Its thrust had been that special consideration was really not justified when the available alternatives included so simple a transaction as moving the USSDP deposit to a private savings account. Once again, “the matter of equity” had to be considered. “For example, previously returned POWs would not stand to benefit, nor would those who elect to be separated from the service after repatriation.” Further, if the rationale offered for the proposal was that returned prisoners would not be ready to make major financial decisions for some time after repatriation, he suggested that “primary next-of-kin of missing members declared dead might likewise not be prepared to make such decisions. The same argument could be extended to those wounded or killed in action.” Finally, Kelley reminded Hebert that “in authorizing the Uniformed Service Savings Deposit Program, the Congress sought first to provide an attractive savings program for our troops serving overseas and secondly, to reduce expenditures by U.S. military personnel in overseas communities, and thus lessen the net adverse balance of payments associated with DoD activities. The subject proposal in no way appears to conform with these legislative intents.”<sup>45</sup>

The position stated in Kelley’s February 1973 letter remained DoD’s essential response to subsequent congressional inquiries or proposed bills that sought to expand PW/MIA benefits even after homecoming. As late as 1977, DoD’s standard reply continued to be, with slight variations: “The Department of Defense believes that to the extent that material benefits can compensate for the hardships and privations suffered by prisoners of war and their families, those benefits have already been provided.”<sup>46</sup>

\* Later, in May 1973, DoD queried the Treasury Department’s Bureau of Customs about a more limited eligibility for the duty-free privilege for former prisoners “traveling abroad during convalescent leave (approximately 90-120 days).” Replying on 1 June, the commissioner of customs cited a provision in the regulations that allowed a waiver when strict application of the law would “cause undue hardship to the person through no fault of his own but because of the nature of his assignment.” Accordingly, until 30 September 1973, the personal and household effects of former U.S. prisoners of war “now traveling or convalescing abroad” would be granted free entry, and the Bureau of Customs would consider requests for extension beyond that date on a case-by-case basis. See ltr Vernon D. Acree to David O. Cooke, 1 Jun 73, and routing slip, 18 Jan 73, TF files.

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## Negotiations for Peace

In January 1968 President Lyndon Johnson gave first place in his State of the Union message to reaffirmation of a proposal he had made some months earlier in San Antonio: The United States was willing to stop all air and naval bombardment of North Vietnam if that would lead promptly to productive discussions, but with the proviso that "the other side must not take advantage of our restraint as they have in the past."<sup>1</sup> His words elicited no response beyond Hanoi's previous position: Talks might be possible once the United States pledged a complete cessation of the bombing, without conditions. The enemy's Tet Offensive, begun on 31 January 1968, put off any further exchanges on the subject until spring.

As security was being restored in South Vietnam following repulse of the Communist attacks, Johnson resumed the search for peace. In an address to the nation on 31 March he announced a major step to de-escalate the conflict in the hope of inducing an immediate move toward negotiations. The president had ordered U.S. air and naval forces to make no attacks on North Vietnam except in the region adjacent to the Demilitarized Zone, where the movement of enemy troops and supplies directly threatened allied forward positions in South Vietnam. He noted that this restriction ended the bombing in an area that included almost 90 percent of North Vietnam's population. Backing up previous declarations that the United States stood ready to appear in any forum at any time to discuss means of bringing the war to an end, the president named Ambassador W. Averell Harriman to be the principal representative in the talks he hoped would ensue.<sup>2</sup>

Three days later the government of North Vietnam declared its readiness to begin discussions, but with its own uncompromising definition of their purpose. The DRV representatives would contact Harriman to arrange for the unconditional cessation of U.S. bombing raids and other acts of



war against the Democratic Republic of Vietnam. With that accomplished, actual peace talks might begin.<sup>3</sup>

After more than a month of contention over choice of a meeting place, the two sides agreed on Paris; the first session occurred on 13 May 1968. Harriman and his deputy, Cyrus R. Vance, were the principal U.S. negotiators. A veteran spokesman for the Hanoi government, Xuan Thuy, headed the North Vietnamese delegation.

Deadlock and delay characterized the next five months of the Paris proceedings, as Hanoi's representatives staunchly maintained that a total end to the U.S. bombing, without conditions, was the indispensable first step. They rejected all U.S. proposals that their government also contribute to scaling down the hostilities. The U.S. delegation fared no better when attempting to look ahead to some of the issues that would ultimately be under negotiation, such as mutual withdrawal of U.S. and North Vietnamese troops from the territory of South Vietnam. Despite the "unassailable evidence" offered by Harriman, Xuan Thuy would not acknowledge the presence of regular North Vietnamese army units in the South. One of his colleagues told newsmen that Harriman's statement on the matter was a "perfidious calumny."<sup>4</sup>

The North Vietnamese held to their demand for termination of all U.S. bombing, with no matching concession or commitment on the part of Hanoi. At length, in order to move on to actual peace negotiations, President Johnson decided to institute unilaterally a total bombing halt and to state the terms he expected to see observed in the form of "assumptions," clearly and repeatedly communicated to the enemy. First of all, "serious talks" must follow without delay. Also, leaders in Hanoi must recognize that the United States could not sustain the bombing pause if they launched attacks against South Vietnam's major cities or violated the demilitarized zone by sending troops through it to the South in unusual numbers. The president repeated these conditions in his address on 31 October 1968 that announced the cessation of all air, naval, and artillery bombardment of North Vietnam's territory, effective the following day.

Virtually the only concession Hanoi's spokesmen had made was to abandon their vow never to engage in talks with representatives of the existing South Vietnamese government, headed by President Nguyen Van Thieu. The North Vietnamese commonly spoke of Thieu and the other leaders in Saigon as "lackeys" or "puppets" of the Americans who had forfeited the right to speak for the South Vietnamese people and must give way to the superior claims of the National Liberation Front. Hanoi's concession on this point enabled Johnson to announce that a delegation of the government of South Vietnam would be free to participate in the next

negotiating session in Paris, it being accepted that representatives of the National Liberation Front would also be present. "But what we now expect—what we have the right to expect," the president continued, "are prompt, productive, serious, and intensive negotiations in an atmosphere that is conducive to progress."<sup>5</sup>

Johnson's hopes went unfulfilled, owing mainly to difficulties raised by President Thieu. Although he had appeared earlier to concur in the bombing halt, Thieu now expressed reservations and listed further conditions to be met before a delegation from the Saigon government would participate in the Paris talks. In particular, the South Vietnamese leader objected to any arrangement that implied the National Liberation Front was a legitimate political entity, separate from North Vietnam, with which his own government would be expected to negotiate on an equal footing. His insistence precipitated a debate over seating arrangements and the symbolically important shape of the conference table, one that ran on beyond the date in early December when Thieu finally dispatched a delegation to Paris.<sup>6</sup>

Not until 16 January 1969 did the conferees agree on seating and other procedural matters, thereby clearing the way for substantive negotiations to begin. The date fell within the final week of President Johnson's term, and his chosen representatives could do no more. Harriman and Vance returned to Washington, profoundly disappointed that circumstances had given them no opportunity to move beyond the preliminary stage and come to grips with the central issues.<sup>7</sup>

The main course of the search for a settlement still lay ahead, running through the entire first four years of the Nixon administration and encompassing the wearying repetitions of 174 plenary sessions at Paris as well as other consultations, usually more consequential, that occurred in private. The records of these meetings allow no doubt that the prisoner issue was a matter of large and inescapable importance in the peace negotiations, even though the return of the captive Americans was not often the central matter being discussed.

In campaigning for the presidency during 1968 Richard Nixon had repeatedly pledged the kind of new leadership that would "end the war and win the peace in the Pacific."<sup>8</sup> To accomplish this, the new president would rely on his assistant for national security affairs, Henry A. Kissinger, a man who brought unfailing energy and a remarkable array of talents to the task of extricating the United States from the struggle in Vietnam and who would in the end succeed in negotiating a peace settlement.

Guiding Kissinger in his approach to the Vietnam problem was a conviction that the United States should avoid negotiating about the future governmental structure of South Vietnam. Leaving that complex

of political issues to be dealt with by the two South Vietnamese antagonists, the United States, Kissinger believed, should negotiate primarily with Hanoi's representatives. This would allow it to concentrate on such military questions as the withdrawal of external forces from South Vietnam and termination of the fighting through a cease-fire or other arrangement. In comments supplied to Kissinger during the transition period, Harri-man and Vance indicated that they, too, had hoped to follow this "two-track" approach.<sup>9</sup>

Officials of the new administration launched immediately into a re-examination of all aspects of the nation's Vietnam policy. Some of the results were embodied in the decisions made by President Nixon following the National Security Council meeting of 18 March 1969, which included approval of a paper on overall negotiating strategy. When it came to defining broad objectives, the statement devised by the new policy-makers differed hardly at all from the previous declarations of the Johnson administration. "Our *general objective in Viet-Nam* is the achievement of a set of circumstances and conditions . . . that give the South Vietnamese people the opportunity to determine their own political future without external interference." The longer term goal was "a situation in which North Viet-Nam will live in peace with its neighbors in Southeast Asia."

The return of the U.S. servicemen held by the enemy appeared as one of seven specific objectives listed as of first importance. In the negotiations, "release of U.S. and third country prisoners should be sought on a continuing basis to as great an extent as possible and must eventually be achieved *in toto*." The strategy paper acknowledged that "we must expect Hanoi to be tough, and to seek to use the issue and our human concerns as a lever on other issues. This we must resist."

The paper gave considerably more prominence to another of the seven objectives on the list, mutual withdrawal, calling it "the key foundation stone of any ultimate agreement." The U.S. negotiators should strive for a situation in which all North Vietnamese military forces introduced into South Vietnam, Laos, and Cambodia were withdrawn "all the way to North Viet-Nam." With supervision and verification procedures in place to ensure Hanoi's compliance, the United States could then withdraw all its combat forces from South Vietnam.<sup>10</sup>

President Nixon expanded on these ideas in his first nationally televised address devoted solely to Vietnam on 14 May 1969. He reviewed the objectives to which the United States was committed, particularly a settlement under which the South Vietnamese people would determine freely their political future. "Such a settlement will require the withdrawal of all non-South Vietnamese forces, including our own, from South Vietnam,"

Nixon declared. Also needed were "procedures for political choice that give each significant group in South Vietnam a real opportunity to participate," including the Communists, assuming that they were prepared to do so without the use of force or intimidation. He proposed a settlement that featured mutual withdrawal on a 12-month schedule. It would provide for an international supervisory body to verify the force withdrawals and also to oversee a general election in South Vietnam. "Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time," the president said, but without further elaboration.<sup>11</sup>

Less than a week earlier, on 8 May, the Communist side at the Paris peace negotiations had advanced a 10-point proposal. Mutuality was not its keynote. The spokesman for the National Liberation Front demanded a unilateral withdrawal of U.S. forces that would be total and unconditional. He demanded further that the existing South Vietnamese government give way to a provisional coalition government drawn from groups that "stand for peace, independence and neutrality." It soon became clear that the Communists claimed the exclusive right to decide which groups met this description.

A reference to prisoners appeared in the NLF's Point 9, which said that "to resolve the aftermath of the war: A. The parties will negotiate the release of soldiers captured in war. B. The United States government must bear full responsibility for the losses and devastations it has caused to the Vietnamese people in both zones." The wording suggested that discussion of the men's release would not begin until most other issues were settled and that some form of U.S. reparations payment might be part of the price.<sup>12</sup>

Little common ground was apparent in the positions of the two sides. As starting points for a new round of negotiations in Paris they seemed to promise nothing but continued stalemate. Nixon and Kissinger, however, believed that Hanoi might be more forthcoming once it recognized that the United States was sincerely committed to ending the war. Furthermore, the new leaders in Washington had postulated from the first that the real advances toward an agreement would occur in private consultations. Freed of concern for press and public reaction to every move in the negotiations, high-level emissaries might work out a compromise that could then be ratified in the formal Paris sessions.<sup>13</sup>

The Nixon administration made several attempts to schedule private talks, and just after midyear one of its feelers drew a favorable response. Henry Kissinger and Xuan Thuy met in secret on 4 August 1969 at the Paris apartment of the French citizen who had acted as intermediary. Kissinger later wrote that in approaching these negotiations with the North Vietnamese he "still half believed that rapid progress would be

made if we could convince them of our sincerity." His opening remarks at the meeting took note of the courage and suffering of the Vietnamese people and stressed that the United States earnestly sought "a settlement compatible with the self-respect of both sides." Inviting further discussion, Kissinger went somewhat beyond the position the president had set forth on 14 May; as its part of a mutual force withdrawal the United States was prepared to remove not only all combat troops but all forces, without exception.<sup>14</sup>

Xuan Thuy's response gave no support to the notion that Communist representatives would show a greater willingness to explore alternatives and reach accommodations when dealing in private. What he expounded in the secret talks did not vary from the 10-point program the National Liberation Front had offered publicly in early May, and his tone was peremptory. In the military realm no course could be considered except the complete withdrawal of U.S. forces. To resolve the South Vietnamese political problem the only logical and realistic approach would be to remove President Thieu and his vice president and prime minister from office and then merge what remained of the Saigon administration with the Communist Provisional Revolutionary Government (PRG), the new form recently assumed by the NLF. Still more unsettling to Kissinger's negotiating scheme, Xuan Thuy insisted that the political and military aspects of the problem were inseparable and must be solved together.

As their sole positive accomplishment the conferees on 4 August agreed on the channel to be used whenever one party or the other wished to propose another secret meeting. Later in the month a letter to the president from Ho Chi Minh dealt a further disappointment to hopes for expanded discussions. Answering Nixon's earlier plea for mutual rededication to the cause of peace, the North Vietnamese head of state merely reiterated the points that Xuan Thuy had made. Taken together they constituted "the correct manner of solving the Vietnamese problem."<sup>15</sup>

President Nixon released the exchange of correspondence with Ho on 3 November, at the same time advising the American people that there had been no progress whatever toward a peace settlement, despite various U.S. initiatives through both public and private channels. "Hanoi has refused even to discuss our proposals," he said; no improvement could be expected until the Communist representatives dropped the demand for unconditional acceptance of their own terms and engaged in serious negotiations. Nevertheless, he declared, the United States would persist in its search for a just peace, through a negotiated settlement if possible, or through another set of measures that he now described for the first time as "the Vietnamization plan."

Nixon said that whereas previous policy had "Americanized" the war, with the United States assuming primary responsibility for the fighting, the new administration had set the goal of strengthening the South Vietnamese armed forces so that they could progressively relieve U.S. units and take over full responsibility for the security of their country. Shortly after Secretary Laird's survey trip to Saigon in March 1969 the president had ordered a substantial increase in resources committed to training and equipping the South Vietnamese. As transfer of combat responsibility began to occur, the president announced first a token recall, then a more significant withdrawal of U.S. personnel from Southeast Asia. Review of the current status provided one of the high spots in his address on 3 November 1969: "After 5 years of Americans going into Vietnam, we are finally bringing American men home. By December 15, over 60,000 men will have been withdrawn from South Vietnam—including 20 percent of all of our combat forces."

The president then described the future course of the Vietnamization program, which had been worked out in cooperation with President Thieu's government. It looked to "the complete withdrawal of all U.S. combat ground forces, and their replacement by South Vietnamese forces on an orderly scheduled timetable." The rate of withdrawal would depend on periodic assessments of three factors: the progress made in the Paris talks, the level of enemy activity, and the success of the South Vietnamese training program.<sup>16</sup>

As actually played out in the following years the withdrawal portion of the Vietnamization scenario moved at an unbroken pace. The redeployment proceeded through successive reductions of the overall troop ceiling for South Vietnam, each level to be achieved within a specific time period, with President Nixon announcing each new one as the end of the current period approached. Understandably enough, he usually began with a reminder that when his administration took office there had been some 540,000 Americans in Vietnam. Nixon's declaration on 20 April 1970 that an additional 150,000 troops would be removed by spring of the following year meant a ceiling reduction to about 275,000. Other reductions followed, until his announcement in January 1972 that 70,000 more would return home by 1 May brought the troop ceiling down to 69,000.<sup>17</sup>

As early as September 1969 Kissinger had advised the president that, once started, "withdrawal of U.S. troops will become like salted peanuts to the American public: the more U.S. troops come home, the more will be demanded." A recognized need for unflinching progress toward disengagement drove the program, and it was never seriously impeded by the periodic reassessments. At each decision point the status of the Paris talks

appeared neither worse nor better than before. Even though infiltration and hostile action by the North Vietnamese continued, there were enough encouraging reports of progress in the training of South Vietnamese units and of their holding their own in engagements with the enemy to justify continuing the U.S. withdrawal.<sup>18</sup>

In one passage of his address on 3 November 1969 the president had spoken of Vietnamization as "a plan which will bring the war to an end regardless of what happens on the negotiating front." In fact, however, the need to recover the prisoners of war made it unlikely that Vietnamization could be pursued to its end without some recourse to negotiations. At his meeting with 26 PW/MIA wives and mothers at the White House several weeks later Nixon pledged that no peace agreement would be accepted that did not include a satisfactory disposition of the prisoner issue. Thus he enunciated one of the fixed requirements of U.S. policy, but his statement also seemed to underscore the importance of reaching some sort of formal compact with the enemy. A more direct expression of the thought soon appeared in a DoD policy paper: "If Vietnamization and US troop redeployment are completed without negotiations, and especially if the war winds down to low activity levels, we could find ourselves effectively out of Southeast Asia without our prisoners."<sup>19</sup>

By mid-1970, however, a change had occurred in the public portrayal of the Vietnamization plan. First Laird and then other official spokesmen gave assurances that they would not pursue it to the point of complete U.S. withdrawal until the prisoners were released and arrangements were made for accounting for the missing.\* The president himself took up this line early in 1971 and used it frequently thereafter. He told a press conference on 17 February that so long as the North Vietnamese held U.S. servicemen "there will be Americans in South Vietnam and enough Americans to give them an incentive to release the prisoners." Nixon offered a fuller exposition during a television interview on 2 January 1972:

Can the President of the United States, sitting in this office, with the responsibility for 400 POW's and 1,500 missing in action throughout Southeast Asia, because they are also potential POW's, can he withdraw all of our forces as long as the enemy holds one American as a prisoner of war? The answer is no . . . . Our preference is to end it by negotiations. If that does not work we will do it by withdrawal through Vietnamization. But if POW's are still retained by North Vietnam, in order to have any bargaining position at all . . . , we will have to continue to

\* See Chapter 19.

retain a residual force in Vietnam, and we will have to continue the possibility of air strikes on the North Vietnamese.

Nearly eight months later, on 29 August, Nixon reaffirmed Laird's original pledge in its purest form: The United States would maintain a force in South Vietnam "as long as there is one POW in North Vietnam, or one missing in action, not accounted for."<sup>20</sup>

All these pronouncements followed from the bedrock principle that whatever form the U.S. disengagement took, there could be no abandonment of the captive Americans. Satisfactory disposition of the prisoner issue must be "an integral part of any settlement," the president had told family members at the White House on 12 December 1969. On that occasion Nixon also pledged that the U.S. government would do everything it could to single out the prisoner question and "have it handled as it should be, as a separate issue on a humane basis." In this endeavor he had the unswerving support and encouragement of his secretary of defense.<sup>21</sup>

Laird believed strongly, and stated repeatedly, that the prisoner question was fundamentally a humanitarian issue, one on which the North Vietnamese were uniquely vulnerable because of their failure to observe humane practices in the treatment, identification, and release of their captives. In particular, Hanoi's performance deserved condemnation when judged against the formal requirements of the Geneva Convention. This conviction underlay the "Go Public" campaign that Laird had been instrumental in starting, and it also conditioned his view of the negotiations. Laird did not doubt that the enemy saw the captive Americans as hostages and expected to extract major concessions for their return. He urged that the United States refuse to acknowledge the hostage status of the prisoners and keep discussion of the issue "on the humanitarian track," where Hanoi's vulnerability could be exploited. "If we agree our POWs *are* hostages, then only the price is left to negotiations," read the comment added to a JCS memorandum as it passed through Laird's office in September 1971. It was a line he had already pursued in advice to the president and Kissinger, and one he still followed in comments to Secretary of State Rogers in March 1972. Laird favored "staying on humanitarianism," since he believed that "to allow Hanoi to put the POW issue in the political arena (a) lets them off the hook where they are vitally sensitive to criticism, (b) sets up a situation where we are almost certain to have to give increasingly in other vital areas just to keep alive the prospect for POW return."<sup>22</sup>

In practice it proved impossible to keep the fate of the prisoners separate from the other military and political issues under negotiation, but exposure of Hanoi's disregard for humanitarian standards did become



one of the foremost activities of the U.S. delegation to the Paris talks. In December 1969 Laird had recommended that the U.S. representatives make use of a series of hard-hitting statements on violations of the Geneva Convention and other instances of inhumane treatment of prisoners. In the same spirit, early in 1970 Kissinger passed on the president's direction that for the time being Ambassador Philip C. Habib in Paris "should speak only about prisoners." Emphasis on the subject continued under the two delegation heads who succeeded him, David K. E. Bruce (1970-71) and William J. Porter (1971-73).<sup>23</sup>

In the Paris sessions the U.S. spokesmen scored the enemy's failure to provide full and timely identification of the captives and refusal to allow impartial inspection of the prison camps. They turned frequently to the mail and package situation when reviewing Hanoi's other unfulfilled obligations under the Geneva Convention, and they found occasion to work in a theme that Laird keenly wanted pursued. Until the North Vietnamese brought their practices into compliance with existing agreements, the secretary asked, what confidence could the world community have in their adherence to any treaty they might sign now?<sup>24</sup>

Still maintaining that captive Americans were well treated, the North Vietnamese advanced countercharges regarding the inhumanity of the U.S. bombing campaign, the use of napalm, and the conditions in South Vietnamese detention centers. These exchanges occurred at the plenary sessions in Paris, held with some regularity on a weekly basis. On the eve of the 93rd session in early December 1970 Ambassador Bruce observed at a press conference that the PRG and North Vietnamese delegates had presented certain demands and had endlessly repeated them, but that nothing properly termed a negotiation had taken place in nearly two years of meetings. "A propaganda field day" was his characterization of the other side's performance, but his own role was similarly criticized by Xuan Thuy and the PRG's chief delegate, Mme. Nguyen Thi Binh. In fact, the presentations themselves often followed a similar format, with each delegation's spokesman lecturing the other side on what it should do to prove it was really interested in negotiating seriously. Both sides spoke more for the record and the world press than with any real hope of swaying their adversaries.<sup>25</sup>

From time to time something of greater significance did take place at the Paris meetings, as when Mme. Binh addressed the plenary session on 17 September 1970. Speaking with North Vietnamese concurrence, she offered an 8-point proposal that modified some features of the NLF's 10 points of May 1969 and expanded on others. The elaborations had to do mainly with procedures for working out South Vietnam's political future, once the demand for removal of President Thieu, Vice President Nguyen

Cao Ky, and Prime Minister Tran Thien Khiem from the existing government had been satisfied. Designed to make it doubly certain that absolute Communist dominance would be the outcome, these measures contributed nothing to the attractiveness of Mme. Binh's proposals. It was the modifications that captured immediate attention, since on first reading they seemed to introduce the element of "movement" that had long been missing from the negotiations.<sup>26</sup>

Mme. Binh's first point signaled an abandonment of the previous unwillingness to talk about prisoners of war. It directly linked the question of their return to a pledged U.S. departure from South Vietnam. If the U.S. government declared that it would withdraw all its troops by 30 June 1971, then "the parties will engage at once in discussions on . . . the question of releasing captured military men." Probing by American diplomats and newsmen soon established that this did not mean return of the prisoners had been divorced from the political issues and might be pressed to a separate resolution. The Communists still maintained as a precondition to any agreement that the United States must terminate its support for "the U.S. puppet administration in Saigon." Moreover, it seemed clear that in exchange for a commitment merely to begin discussions on prisoner return the United States was being asked to make an absolute promise of withdrawal by mid-1971, to be fulfilled whether progress occurred on the other matters under negotiation or not. To analysts in ISA experience suggested strongly that "North Vietnam would refuse any real progress (release) on PWs not only until all US troops had in fact been withdrawn, but also until it had achieved a solution satisfactory to itself on the Thieu-Ky-Khiem issue, and very possibly on other questions as well."<sup>27</sup>

At the next plenary session, on 24 September 1970, Ambassador Bruce essentially rejected the proposals, though inviting further clarification. "It would appear that your fundamental demands remain unchanged," he declared. Among other evidence, he could have cited Mme. Binh's Point 2, which used a single sentence to dismiss the notion that a *mutual* withdrawal might be considered.<sup>28</sup>

Meanwhile, within the U.S. government a major new peace initiative had been in preparation. President Nixon set forth his five points on 7 October. In a statesmanlike address he summoned the other parties to focus more broadly than before on Indochina as a whole. The principal new concept came at the outset: "First, I propose that all armed forces throughout Indochina cease firing their weapons and remain in the positions they now hold. This would be a 'cease-fire-in-place.'" In effect, it would amount to a renunciation of the goal of military victory by both sides. The president urged that the parties undertake immediate

discussion of the cease-fire proposal, including provision for effective supervision by international observers. He hoped that a success here would "break the logjam in all the negotiations."

Nixon also called for an international conference to work out a settlement for the entire Indochina area. Until the idea of a broader Indochina peace conference could be fully implemented, however, the United States would continue its participation in the Paris negotiations.

After a brief review of the progress in reducing the U.S. forces in South Vietnam, the president advanced his third point: "We are ready now to negotiate an agreed timetable for complete withdrawals as part of an overall settlement. We are prepared to withdraw all our forces as part of a settlement based on the principles I spelled out previously and the proposals I am making tonight." He made no direct mention of a corresponding removal of North Vietnamese forces, but the reference to announced principles, along with several unequivocal statements made later by the president, allowed no doubt that the United States still required the withdrawal to be mutual.<sup>29</sup>

Next, the president once again asked the other side to "join us in a search for a political settlement that truly meets the aspirations of all South Vietnamese." To be fair it must reflect the existing balance of political elements in the country rather than being imposed by force. In that connection Nixon denounced the enemy's insistence that President Thieu and others be removed before even a preliminary agreement on the political future could be concluded. "Let there be no mistake about one essential point," he said. "The other side is not merely objecting to a few personalities in the South Vietnamese Government. They want to dismantle the organized non-Communist parties and insure the takeover by their party. They demand the right to exclude whomever they wish from government." He termed this "patently unreasonable" and "totally unacceptable."

Point five represented the president's most conspicuous attempt to date to remove the prisoner issue from the main negotiations and have it treated solely on a humanitarian basis. Proposing "the immediate and unconditional release of all prisoners of war held by both sides," Nixon declared that "war and imprisonment should be over for all these prisoners. They and their families have already suffered too much." He proposed that "all prisoners of war, without exception, without condition, be released now to return to the place of their choice," including journalists and other innocent civilian victims. "The immediate release of all prisoners of war would be a simple act of humanity," he said. "But it could be even more. It could serve to establish good faith, the intent to make progress, and thus improve the prospects for negotiation."<sup>30</sup>

The call for immediate and unconditional release of all prisoners of war was to stand for well over a year as the publicly declared position of the United States. Like most of the other points advanced by the president on 7 October 1970, however, it had faint chance of acceptance by the opposing side. No one who had followed the peace talks closely could readily imagine the Communists giving up their prisoners without gaining some substantial advantage in return. Nixon and Kissinger most of all were not likely to be deluded about the prospect, given their intimate knowledge of both the open negotiations and the secret talks, which had resumed earlier in the year.<sup>31</sup>

Three meetings occurred in the environs of Paris between 20 February and 4 April 1970, and for Kissinger each occasion involved covert journeys or clandestine departures from his announced itinerary in order to reach the meeting site without discovery by the press. Each time he came in hopeful anticipation that the sessions would be more productive than before, since his counterpart in the secret parley was now Le Duc Tho, a senior official and member of the North Vietnamese Politburo whose authority as a negotiator far exceeded that of Xuan Thuy. In Tho he encountered a redoubtable opponent, a man whose absolute commitment to fulfillment of the Vietnamese nation's destiny under the guidance of Marxist-Leninist doctrine spanned a lifetime, including 10 years spent in the jails of the French colonial administration.

Le Duc Tho entered the negotiating sessions fully prepared to confront the American emissary with his awareness of the trend of public opinion in the United States. He cited a Gallup Poll showing that 35 percent of the respondents now favored an immediate U.S. withdrawal—a 14-point surge since the previous reading. He quoted leading critics of the Nixon administration who demanded speedy withdrawal or endorsed some form of transitional coalition government for South Vietnam. Tho also delivered a penetrating analysis of the Vietnamization program. While accepting that the progressive withdrawal of troops and reduction of U.S. casualties might succeed for a time in making continued engagement in Southeast Asia tolerable to the American people, he questioned the assumption that the forces of the Saigon government could meanwhile be brought to a level of effectiveness that matched the tasks they must assume. He touched only indirectly on another concern that was already well developed in Kissinger's mind, that by deciding on unilateral withdrawal under Vietnamization the United States had already surrendered a prime bargaining counter without compensating gain.<sup>32</sup>

Throughout the three secret sessions Le Duc Tho rejected all of Kissinger's proposals and remained unshakeable in his insistence that the

military and political aspects must be dealt with simultaneously. He held that the only thing to be settled on the military side was the unconditional departure of the U.S. forces, with a short deadline. The political solution could be reached only by first purging the Saigon government of its leaders by some process, the chief feature of which must be the U.S. government's repudiation of President Thieu and his principal colleagues together with a cessation of material support. No change was discernible later when Kissinger met secretly with Xuan Thuy on two occasions in September 1970. It was the same month in which Mme. Binh publicly presented her eight-point proposal in the Paris talks, including a more detailed account of how the remnants of Thieu's administration were to be accepted as a minority element in a government dominated by the disciplined representatives of the Communist side.<sup>33</sup>

Although President Nixon had called the enemy's proposal for a political settlement unacceptable, Kissinger's experience with Hanoi's spokesmen in the secret talks convinced him it was not just an outrageous demand from which they expected to be bought off at some future date. They actually looked to the United States for the indispensable moves leading to Thieu's overthrow, making this abandonment of an ally part of the price that must be paid for release from the Southeast Asian entanglement. "*Our unilateral exit was not enough,*" Kissinger later wrote; "we had to engineer a political turnover before we left, or else the war could not end, we would have no assurance of a safe withdrawal of our remaining forces, and we would not regain our prisoners." Writing from a postwar perspective, he summarized the next two years in two sentences: "Our dilemma was that Hanoi maintained this position until October 1972. As long as it did so, no negotiated settlement was available."<sup>34</sup>

Evidently the North Vietnamese leadership believed that the situation could be made to yield something more than the withdrawal of U.S. forces. By playing skillfully on the U.S. government's growing need to get out of Vietnam it should be possible to bring the men in Washington to accept the necessity of cutting their ties with Thieu's administration. From that would follow such a degree of demoralization and disarray in Saigon that the final Communist takeover of the country's government would be little more than a walk-in operation.

In single-minded pursuit of their goal Hanoi's representatives in the secret negotiations never wavered in their insistence that the military and political questions were inseparable, as Xuan Thuy demonstrated at a meeting on 31 May 1971 when Kissinger tried once more to confine discussion to the military track. In this session the United States for the first time offered to set a terminal date for withdrawal of U.S. and

allied forces from South Vietnam in exchange for the release of all prisoners of war and an internationally supervised cease-fire throughout Indochina. In accompanying comments Kissinger made clear that the United States had now dropped the demand for a mutual withdrawal. Any withdrawal of forces other than U.S. and allied would be a matter that "the Vietnamese and the other peoples of Indochina should discuss among themselves."<sup>35</sup>

At the next secret session, on 16 June 1971, Le Duc Tho presented a nine-point reformulation of his side's proposals. It called for a U.S. force withdrawal to be completed in six months, by 31 December 1971. The accompanying political requirements included the familiar demand that the United States stop supporting Thieu, thus clearing the way for "a new administration standing for peace, independence, neutrality and democracy." Once again, Hanoi's senior negotiator emphasized that the proposals constituted an integrated whole. No simple swap of withdrawal for prisoners could be contemplated.<sup>36</sup>

At further secret meetings in July and August neither side yielded on the outstanding political issue—the insistence by Hanoi that the United States arrange the overthrow of Thieu's government. In contrast, however, the question of how the prisoner return would occur appeared unlikely to be a sticking point. In the course of the discussions the main features of an acceptable agreement on this matter began to emerge.

Earlier, at the initial meeting on 31 May 1971, Kissinger had reaffirmed the president's call for immediate release of all prisoners of war on humanitarian grounds. Failing that, however, Kissinger stipulated that "the men must be released as an integral part of the settlement we are proposing in our final offer." The United States, he said, expected to receive on the day an agreement was reached, a complete list of all prisoners held throughout Indochina, with the release of the prisoners beginning on the same day as U.S. withdrawals under the agreed timetable and completed at least two months before the completion of the final withdrawals.<sup>37</sup>

In his nine-point proposal of 26 June Le Duc Tho also accepted that the withdrawal of U.S. forces and release of the captured Americans would occur simultaneously. Later in the sequence Kissinger withdrew the requirement that prisoner release be completed well before the departure of the last U.S. troops; Hanoi's spokesman gave up the claim that only the prisoners in North and South Vietnam were under consideration, indicating that return of all Americans held in Indochina could be expected. There was no occasion to press on with the drafting of this portion of the final settlement, however, given the absence of agreement on the central political issue.<sup>38</sup>

During the negotiations of mid-1971 Hanoi's representatives more than once suggested that the political action they required of the United States need not appear in the written compact. Any means of removing Thieu and the other anti-Communist leaders in Saigon was acceptable, and the current season offered unusual opportunities. Thieu's four-year presidential term was nearing an end and a new election had to be held in October. Both Xuan Thuy and Le Duc Tho presumed that it was within the power of the United States to get rid of Thieu by one maneuver or another. If, owing to some quirk of the capitalist mind or conscience, the U.S. leadership found tampering with an election unacceptable, Le Duc Tho saw other possibilities. As this future winner of the Nobel Peace Prize once suggested, according to Kissinger, a simple assassination would do.<sup>39</sup>

As it turned out, the United States was not able even to preserve the election's appearance as a meaningful contest and a showcase of democracy. Hobbled by restrictive legislation passed at Thieu's behest, rival candidates for the presidency could not be induced to stay in the race, leaving the incumbent as the only entry. Accordingly, the 94.3 percent approval registered in the October balloting could not be claimed either to have enhanced Thieu's standing or enlarged his mandate.<sup>40</sup>

Meanwhile the secret negotiations appeared to be making some progress. Accepting the necessity of dealing with the political as well as the military aspects, Kissinger had attempted to narrow the differences between the U.S. position and Le Duc Tho's nine points. After the next round of rejection and critical comment from the other side, he produced a revised version that received the approval of both Nixon and Thieu. On 11 October 1971 Kissinger passed the text to the North Vietnamese delegation in Paris, along with a request for a meeting with Le Duc Tho early in November.

Nixon and his national security adviser felt that this proposal went as far as they could go in meeting Hanoi's objections to the election procedures being proposed for South Vietnam. It called for a new presidential election, to occur following the signing of the final agreement and after the parallel withdrawal of U.S. troops and release of all prisoners of war. As before, there would be international supervision, but the election would actually be organized and run by a body independent of the existing Saigon government, composed of representatives of all political forces in South Vietnam, including the Communists. To further insulate the election from undue influence, President Thieu and his vice president were pledged to resign one month before election day, leaving the government in the hands of a caretaker administration. According to the proposal's text, the United States would support no candidate and remain completely neutral in the election and would "abide by the outcome of this election and any other political processes shaped by the South Vietnamese people themselves."<sup>41</sup>

During November the North Vietnamese avoided holding the secret meeting at which they would be expected to respond to the latest U.S. proposal. First they made known that Le Duc Tho could not come because of engagements in Hanoi, then that he had suddenly become ill. The U.S. government expressed regret and asked to be advised of the next suitable date. There was no reply.<sup>42</sup>

Later events indicated that the leaders of the North Vietnamese government were already committed to launching a spring offensive in 1972. They placed their hopes in an all-out attack that would overwhelm the South Vietnamese army and make a mockery of official pronouncements that the Vietnamization program was destined to succeed. Their highest expectation must have been something approaching an unconditional surrender, but they might not have chosen the military alternative if they had seen greater promise of gaining what they wanted through further negotiation in November 1971. Remarkable as were the concessions the United States had offered by that date, they did not amount to U.S. collusion in the overthrow of Thieu's government. The United States still declined to create the conditions for a virtually effortless takeover by the Communists.

Nixon and his advisers had remained firm despite the evident decline of public support in the United States. They faced rising agitation in Congress for an end to the war, though no bill that aimed to accomplish this simply by requiring the removal of all U.S. forces by a certain date had yet won approval. Senator Mike Mansfield offered a less extreme measure as an amendment to legislation renewing the Selective Service Act; it was adopted by the Senate on 22 June 1971 by 57 votes to 42. The Mansfield Amendment declared it to be the policy of the United States to terminate all military operations in Indochina at the earliest practicable date and to provide for the prompt and orderly withdrawal of all U.S. forces within nine months after enactment, "subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government." It called on the president to implement the policy by establishing a terminal date for withdrawal within the nine-month period and to negotiate with North Vietnam both for an immediate cease-fire and for a phased withdrawal of U.S. troops in exchange for a phased release of all American prisoners of war.<sup>43</sup>

The course charted by the Mansfield Amendment was the one Kissinger had wished to follow—a negotiation confined to the military track. In fact, the proposal he had presented in the secret talks on 31 May 1971 anticipated the amendment's terms in most of its details. Kissinger's initiatives had been rebuffed; the enemy refused any negotiation that did not also meet Hanoi's demands in the political realm.



In mid-1971 members of Congress and other participants in the public debate had no knowledge of the secret meetings and were growing impatient with the perpetual deadlock in the Paris talks. They found it difficult to understand why the Nixon administration could not capitalize on the obvious potential for an exchange of U.S. withdrawal for return of prisoners. Remarks delivered by former Secretary of Defense Clark M. Clifford on 8 June 1971 further deepened the suspicions of those already distrustful of the president's motives in the matter. In a well publicized address before a convention of groups favoring legislative action to end the war, Clifford outlined a "short and simple agreement" that he thought could be reached in immediate negotiations. If the United States offered complete withdrawal and a halt to all its military activities in Indochina by 31 December 1971, there was "reason to believe" that North Vietnam and the PRG would pledge to release all American prisoners within 30 days of the day the accord was announced. Clifford said he had reached this conviction during recent meetings and conversations with a number of people, "some of them Americans and some of them not."<sup>44</sup>

The growth of dissent and antiwar sentiment in the United States was skillfully promoted by members of the North Vietnamese and PRG delegations in Paris. They found frequent opportunities in their regular contacts with the press and particularly in interviews granted to visiting American political figures. By ambiguous restatement or outright misrepresentation of their official stand in the negotiations, Xuan Thuy and other spokesmen encouraged the belief that only the willful failure of the United States to announce an irrevocable date for withdrawal stood in the way of the release of prisoners of war. During 1971 such activities reached an unusual pitch shortly after the Clifford speech and the Senate's action on the Mansfield Amendment.

On 1 July, at the 119th public negotiating session in Paris, Mme. Binh presented a new seven-point plan, but the first point merely restated the demand that the U.S. government "put an end to its war of aggression in Vietnam," withdraw all troops and weapons, and dismantle all U.S. bases "without posing any condition whatsoever." More arresting was the declaration that followed. If the United States set a terminal date in 1971 for the withdrawal, "the parties will at the same time agree on the modalities . . . of the release of the totality of military men of all parties and the civilians captured in the war (including American pilots captured in North Vietnam), so that they may all rapidly return to their homes." Further, "these two operations will begin on the same date and will end on the same date."<sup>45</sup>

Ablly crafted not only to be compatible with the Mansfield Amendment but to appear as almost a direct fulfillment of the expectations voiced

by Clark Clifford, the proposal replaced the provision for "discussion" of the return of prisoners with the more reassuring statement that the parties would "agree." It linked the prisoner release unmistakably with U.S. acceptance of a December 1971 deadline, avoiding mention of any other prior condition so that the exchange appeared to stand on its own. The proposition became even more definite and unqualified when reduced to a newspaper headline. According to the *New York Times*, "Vietcong Offer to Trade P.O.W.'s for Pullout in '71."<sup>46</sup>

When talking to newsmen in Paris, members of the North Vietnamese and PRG delegations sought to deepen the impression that a fair and unqualified offer had been made. An American journalist writing on 1 July reported that Communist spokesmen were emphasizing that "the military aspects of a Vietnam settlement—withdrawal of U.S. forces and prisoner release—could be negotiated before, and separately from, the political questions concerning the future makeup of a South Vietnam government." Yet when the next plenary session occurred on 8 July analysts in the Pentagon could detect no evidence of this kind of flexibility. Mme. Binh did not even hint at the possibility that the military and political questions might be separable, but her remarks did suggest that the United States would have to announce its irrevocable withdrawal date first. Only then could meaningful negotiations on the rest of the package proceed.<sup>47</sup>

For many in the United States Binh's seven-point plan had aroused expectations of an imminent breakthrough in the Paris talks. In the ensuing weeks, however, Ambassador Bruce could make little progress even in establishing the precise meaning of some elements of the enemy's proposal. Communist negotiators alternated between blank refusal to clarify or expand on the original terms and denunciation of the United States for failure to provide a "positive response."<sup>48</sup> Outside the formal meetings they continued to offer beguiling misrepresentations of their official position, implying that agreement was possible on terms that in fact the Communist side had already rejected. When accepted at face value, their statements provided a rallying point for opponents of the Nixon administration's policy.

One such statement was cited by Senator George S. McGovern during a television appearance on 12 September: "I have, for example, been assured by Mr. Xuan Thuy and by representatives of the Provisional Revolutionary Government that if we agree to a withdrawal date of December 31st and then proceed to withdraw, let us say, 15 percent of our troops during the next 30 days, 15 percent of our prisoners would automatically be released . . . . In a very real sense President Nixon holds the key to the jail cells of Hanoi. That key is setting the December 31st date for the withdrawal of American forces." In Paris both the U.S. delegation and the corps of American

correspondents pressed for confirmation. At the 129th plenary session in mid-September Xuan Thuy gave a rather roundabout reply, which major news organizations and such leading television commentators as Walter Cronkite and John Chancellor took as a contradiction of the McGovern statement. The main burden appeared to be that the seven points must be accepted in their entirety; accordingly, U.S. prisoners would only be released under an agreement that included removal of President Thieu from office.<sup>49</sup>

Uncertainties remained in the public mind, as evidenced during CBS News reporter Dan Rather's televised interview with President Nixon on 2 January 1972. A question had come to Rather from the mother of a known prisoner of war, and he posed it on her behalf: "Have we ever asked the North Vietnamese and the Provisional Revolutionary Government if they will release the POW's and guarantee the safety of our withdrawing troops if we set a date for withdrawal of all U.S. forces from South Vietnam?" The president replied that this had been under discussion at various times but the enemy had rejected it. "The North Vietnamese said deadline for prisoners was no deal. That was publicly stated." A controversy arose over the truth of Nixon's remark, owing largely to the fact that proof of its accuracy was more clear-cut in the still-secret record of Kissinger's negotiations than in the published accounts of the Paris talks. On 6 January, however, Xuan Thuy did make an unequivocal statement of the North Vietnamese position in a plenary session. As ISA analysts summarized it the next day, "Xuan Thuy's statement showed that real price for prisoners is entire seven points, i.e.: total withdrawal, end Vietnamization, topple Thieu."<sup>50</sup>

President Nixon's next move was calculated to disarm his critics, give the public a sounder basis for judging which side had been truly forthcoming in the negotiations, and put an end to the deceit practiced by Communist spokesmen when they made assertions publicly that they knew did not square with the position taken by Hanoi's representative in the secret talks. Addressing the nation on 25 January, the president revealed the existence of the secret negotiations and Kissinger's role in carrying them forward since August 1969. For almost 30 months the United States had guarded the security of this private channel, he said, only to see its good faith in the matter exploited by an enemy bent on spreading misinformation and sowing discontent. He would not keep silent any longer about the private talks when doing so had misled some Americans into accusing their own government of failing to negotiate intensively and with serious purpose.

As now set forth by the president the record of the secret talks showed that many of the initiatives being urged on his administration by its domestic critics had already been undertaken through this private channel. Those who clamored for the president to announce a deadline for total

withdrawal had to understand that as early as 31 May 1971 Kissinger had made such an offer in exchange for the release of all prisoners of war and a general cease-fire. It had not proved to be the one indispensable concession that would bring peace, as some had pictured it. Hanoi's representative had rejected this proposal and later versions of the same proposition.

Continuing his account of the secret negotiations, Nixon spoke of the peace plan put forward by the United States on 11 October 1971, the one to which Le Duc Tho and his colleagues had never replied. He said that Ambassador Porter would introduce it at the next session of the Paris talks so that it would henceforth be open to discussion in either the public or the private channel. It provided that, upon reaching an agreement that included a cease-fire throughout Indochina, all U.S. and allied forces would be withdrawn from South Vietnam within six months while concurrently an exchange of all prisoners of war took place. The political future of South Vietnam would be determined in a new presidential election, conducted under international supervision and with various safeguards for the free participation of all political factions, including the arrangement for President Thieu to relinquish his office prior to the balloting.<sup>51</sup>

Nixon's bold stroke of disclosing the secret negotiations brought a marked upsurge of public confidence in his handling of the search for peace even as it removed some of the disabilities under which the United States had been operating. The year 1972 witnessed further instances of presidential decisiveness and sure-handed action. In February the Nixon visit to Peking sealed the success of his effort to open up relations with the People's Republic of China, with the president and Premier Chou En-lai pledging to work toward a new era of peaceful coexistence. The final communiqué contained an acknowledgement of opposing purposes in Southeast Asia, with Communist China stressing its support for the proposals advanced by North Vietnam and the PRG while the United States declared its interest in "self-determination for each country of Indochina." Notably, these differences were not viewed as hindering the prospects for increased trade and scientific, sports, and cultural exchanges touched on elsewhere in the document.<sup>52</sup>

President Nixon scored a further success in his consultations with Soviet leader Leonid I. Brezhnev at the Moscow Summit in late May, made the more significant by the circumstances that had developed in Southeast Asia. The North Vietnamese had launched their spring offensive on 30 March 1972. Though aware that preparations had been in progress for months, American military authorities were startled by the size and staying power of the onslaught against South Vietnam. The invasion force that swept across the Demilitarized Zone and pushed through other

border areas comprised at least six regular North Vietnamese divisions, well equipped with tanks and long-range artillery of Soviet origin. In support of the defending South Vietnamese troops Nixon ordered U.S. air and naval forces to attack enemy military targets in both North and South Vietnam, later extended to include the oil depots at Hanoi and Haiphong. For several weeks the outcome remained in the balance, and on 8 May 1972 he adopted stronger measures to deny Hanoi the weapons and supplies it needed to continue the invasion. The president directed the mining of the approaches to North Vietnamese ports as well as expanded air action to interdict deliveries by road and rail. He announced that these operations would cease when the following conditions were met: "First, all American prisoners of war must be returned. Second, there must be an internationally supervised cease-fire throughout Indochina." With these terms met, he said, total withdrawal of U.S. forces from South Vietnam would follow within four months.<sup>53</sup>

The intensification of U.S. actions against a "fraternal ally" of the Soviet Union drew occasional expressions of displeasure from the men in the Kremlin, but they made no move to cancel the scheduled summit meeting. President Nixon was welcomed in Moscow on 22 May for consultations that culminated in the signing of a historic arms limitation agreement (SALT I) and the announcement of accords on a number of lesser matters. Southeast Asia had been a subject of discussion, but the communiqué of 29 May presented the opposing views of the two signatories with notable restraint. The Soviets stressed their "solidarity with the just struggle of the peoples of Vietnam, Laos, and Cambodia" and "firmly" supported the North Vietnamese and PRG demands in the peace negotiations.<sup>54</sup>

Clearly the leaders of the Soviet Union did not propose to allow Vietnam to threaten the pattern of détente evolving between their country and the United States. Limiting the arms race was only one of the desirable goals whose realization depended on improved relations. Obtaining relief from the effects of recent crop failures was another of more immediate concern; permission to make large purchases of American grain would help meet the need. For some time the United States had been engaging the Soviet Union in discussion of a broad range of issues with the hope that just such a compelling recognition of mutual interests would emerge. The president's steadiness of purpose and the skillful work of Henry Kissinger had now brought that policy to fruition. Their success extended even to persuading the Soviet leaders that they had a stake in seeing that the United States was not denied an acceptable way to withdraw from Vietnam. Otherwise an expanding détente and its further benefits might be beyond reach.

Soviet President Nikolai Podgorny arrived in Hanoi barely two weeks after the Moscow summit ended. It is likely that he counseled the North Vietnamese to modify their negotiating terms so that a settlement could be reached. He could have argued that even if the demand for Thieu's ouster had to be dropped, the resulting agreement would bring a definite end to the U.S. military presence in South Vietnam. Such a concession might delay the triumphal outcome Hanoi was seeking, but the assurance that it would occur eventually would be increased. Acceptance of the cease-fire-in-place that was a feature of recent U.S. proposals would allow North Vietnamese forces to solidify their control of the areas currently held, in preparation for the ultimate showdown and certain victory.<sup>55</sup>

Counsel on the virtues of patience brought little solace to the leaders in Hanoi. Since January they had seen their two patrons, Communist China and the Soviet Union, draw closer to the United States and become so accommodating to Washington as to forgo any serious protest of the bombing and mine blockade of North Vietnam. In August resentment found an outlet in *Nhan Dan*, the official North Vietnamese journal. Although it named no names, the editorial condemned states within the Communist brotherhood who forgot that détente was a stratagem to be used only to advance the world revolution, and then only in rare instances when no other means would suffice. Anyone who entered such arrangements with imperialistic countries merely to serve narrow national interests was shielding the reactionary forces from the just fate to which history had consigned them. It amounted to "throwing a life-buoy to a drowning pirate."<sup>56</sup>

The fact remained that Nixon's diplomacy had achieved its aims in Moscow and Peking. An American journalist who interviewed Le Duc Tho passed word to the State Department that despite a brave front and some attempt to discount the Moscow communiqué, "Tho's feelings of isolation could not be concealed."<sup>57</sup> Other elements of the situation were also conducive to a reconsideration of policy in Hanoi. Although strikingly successful in the northern provinces, the invasion of South Vietnam had failed in its ultimate purpose of shattering the organized resistance of the Saigon government. Battered but no longer prone to panicky retreats, the South Vietnamese ground forces were holding their own by mid-May. The support given by U.S. air attacks and naval gunfire had been a critical factor, and North Vietnam's rulers were aware of this as they considered the argument that some adjustment of aims might be acceptable to speed the final departure of the Americans.

The private meetings of Henry Kissinger and Le Duc Tho continued, and here the breakthrough occurred, on 8 October 1972: Le Duc

Tho presented a nine-point plan that for the first time made no demand for Thieu's ouster and the dismantling of his administration. It was essentially the two-track approach long advocated by Kissinger, with the military aspects to be dealt with through an agreement between the United States and North Vietnam. Their agreement would also broadly define the procedures under which the political aspects were to be left for settlement by the South Vietnamese parties—the Saigon government and the PRG.

The military provisions as initially proposed by Le Duc Tho included the establishment of a cease-fire in South Vietnam, following which all U.S. troops would withdraw within 60 days and "all captured and detained personnel" would be released during the same period. Kissinger spotted important omissions and unresolved details. The cease-fire did not extend to Laos and Cambodia and presumably did not cover prisoner return from those areas. The description of the machinery for international supervision was incomplete, and there were some passages in which the very wording would be offensive to President Thieu. Nevertheless, the outlines of a potential agreement were discernible. Kissinger immediately accepted Tho's draft as the basis for discussion.<sup>58</sup>

The next three days of intensive negotiation engaged the principals in sessions that lasted up to 16 hours and their staffs in uncounted hours of additional work. By 12 October 1972 this fast-paced activity produced a draft settlement that needed agreement on only a few additional matters. Confident of surmounting these last obstacles, Kissinger and Le Duc Tho had set up a timetable for implementation. On 21 October the United States would halt the bombing and mining of North Vietnam; on 22 October the two negotiators would initial the agreement in Hanoi, after Kissinger had obtained the concurrence of President Thieu; on 30 October the formal signing of the agreement would take place in Paris, bringing the cease-fire in South Vietnam into effect the following day.<sup>59</sup>

When he subscribed to the timetable Kissinger had been confident of procuring Thieu's assent to the agreement in short order. Instead, the discussions he began in Saigon on Thursday morning, 19 October, continued through the entire weekend and concluded with acceptance of Thieu's refusal to be a party to the settlement in its current form. The South Vietnamese president listed 23 changes he wanted made in the text, some of them of fundamental significance. At this stage President Nixon preferred not to apply the degree of pressure that might force Thieu to drop his objections. Instructions received from the White House midway in the consultations reminded Kissinger that "we must have Thieu as a willing partner in making any agreement. It cannot be a shotgun marriage." Accordingly

the talks ended on Monday morning with the United States committed to making a good-faith effort to obtain the changes the South Vietnamese leader desired.<sup>60</sup>

As his stay in Saigon lengthened, Kissinger had been forced to seek North Vietnam's approval for a slippage of the timetable, postponing the initialing ceremony in Hanoi by two days and rescheduling the signing in Paris for 31 October. In the next message, sent in the president's name, Kissinger skirted the timetable question while advising Hanoi that difficulties encountered in Saigon "have proved somewhat more complex than originally anticipated. Some of them concern matters which the U.S. side is honor-bound to put before the DRV side." Within 24 hours a further presidential message formally proposed that Le Duc Tho and Kissinger meet in Paris as soon as possible to resolve the remaining issues; naturally Kissinger's appearance in Hanoi to initial the agreement must await completion of these additional discussions.<sup>61</sup>

The North Vietnamese responded with a public disclosure of what had happened in the private negotiations since their own proposal of 8 October first opened the way for significant progress. In broadcasts that became known in Washington in the early hours of 26 October Radio Hanoi quoted the draft settlement's terms as agreed to by 22 October and cited a message in which President Nixon had "confirmed that the formulation of the agreement could be considered complete." It revealed as well the U.S. request that the final signing be delayed until 31 October, to which Hanoi had consented while giving notice that no further postponements would be considered. Now, however, the United States was calling for a reopening of the negotiations, using objections supplied by the Saigon government as an excuse. "The so-called difficulties in Saigon represent a mere pretext to delay the implementation of the U.S. commitments," the broadcast charged. It went on to suggest that the deeper purpose was "to sabotage all peaceful settlement of the Vietnam problem."<sup>62</sup>

At the president's direction Kissinger appeared at a televised news conference later on 26 October. The accusation that the United States had reneged on a firm commitment to sign the peace settlement by a certain date could not be allowed to stand. Kissinger maintained that fulfillment of the schedule had been accepted as a goal, but not one that the United States had pledged to achieve irrespective of how acceptable the agreement was when the deadline arrived. On the contrary, he said, U.S. representatives had made clear from the first that the negotiated terms would have to undergo review in Washington and then in Saigon before conclusive action could be taken. The review had now identified some matters that still needed to be settled and others to be spelled out more fully or recast in



clearer language. In describing them Kissinger strove to assure Hanoi that the United States intended no fundamental departure from what had been negotiated so far and was eager to press forward. He stressed that what remained to be done was as nothing compared to what had already been accomplished. "We are talking here about six or seven very concrete issues that, with anything like the goodwill that has already been shown, can easily be settled." He estimated that this could be accomplished in one more negotiating session lasting three or four days.<sup>63</sup>

In this context, and with the assumption that North Vietnam would accept the invitation to return to the bargaining table, Kissinger made the pronouncement that fixed the news conference of 26 October in the public memory. His belief that "peace is at hand" excited the hopes of millions of Americans. For some, however, it aroused suspicions that the entire performance was an election ploy, designed to insure the victory of President Nixon on 7 November. No visible progress occurred in the time remaining before election day. The parties finally arranged for the negotiations to resume on 20 November.

The return of prisoners and resolution of the MIA problem were not leading issues at this point. In fact, in the draft settlement that had been agreed to by 22 October the section covering these matters was already worded substantially as it appeared in the final treaty three months later. The draft article had three subparagraphs, the first two of which had been put in place with little difficulty. Article 8(a) covered the return of captured military personnel and foreign (non-Vietnamese) civilians, which was to occur simultaneously with and be completed not later than the 60-day U.S. troop withdrawal. Article 8(b) pledged the parties to help each other get information about military men and foreign civilians who were unaccounted for.

The exchanges leading to adoption of Article 8(c) had been more protracted. It addressed the question of the return of Vietnamese civilian personnel captured or detained in South Vietnam, many of whom were members of the Viet Cong. The Provisional Revolutionary Government was passionately committed to gaining the release of its people, and Le Duc Tho's initial proposal on 8 October had implied that all returns, whether of military captives, foreign civilians, or Vietnamese political detainees, would occur as a single operation within the 60-day withdrawal period. Kissinger had immediately demanded that the release of U.S. military men not be connected in any way with that of the political prisoners. Yielding on that point, Hanoi's negotiators continued to press for language that committed the Saigon government to handing over the political prisoners within a specified time. On 19 October they gave way here too, in one of the final

concessions leading to Nixon's acknowledgement that the agreement was now complete. The approved wording went no further than to obligate the PRG and the South Vietnamese government to "do their utmost" to resolve this matter within 90 days after the cease-fire came into effect.<sup>64</sup>

Several protocols to the treaty still had to be drafted, including one that would set out more fully the procedures for implementing Article 8. Both this protocol and some additional contention over Article 8(c) did figure in the final negotiations, but less as the subjects of substantive argument than as counters maneuvered on the board.

When the private meetings of Kissinger and Le Duc Tho resumed in Paris on 20 November the Communist spokesmen bared their frustration over the way the U.S. negotiators had evaded the attempt to hold the Americans to an October signing date. In talking to an American reporter Le Duc Tho had once been candid enough to say that his side believed the "only time to negotiate with US Presidents was just before an election." That timing advantage the North Vietnamese had now lost, and they already sensed that President Nixon's negotiating terms had stiffened since his election victory. Hanoi also had reason to resent the massive shipments of munitions, aircraft, and other equipment being rushed to South Vietnam from the United States, obviously in anticipation of the cutoff date to be named in the peace settlement. Operations Enhance and Enhance Plus, which entailed the accelerated delivery of a full year's supply of military assistance, reached their peak during November. Moreover, by making quick work of transferring legal title to its military installations to the Saigon government the United States was seeking to circumvent the treaty requirement that all U.S. bases in South Vietnam be dismantled.<sup>65</sup>

When confronted with Kissinger's list of amendments desired by the South Vietnamese government Hanoi's representatives entered on a course of obstructionism and delay. Le Duc Tho first withdrew from agreements recently concluded, then began cancelling others that dated from the October negotiations, giving a strong signal that the U.S. side must not expect to obtain the changes being sought on Thieu's behalf or to impose new requirements of its own. By retracting concessions previously made, he created an instant bank of bargaining chips that Kissinger could be compelled to buy back by abandoning U.S. positions. At first it appeared that the North Vietnamese intended to use these tradeoffs to prevent changes in the draft text of 22 October, which in Hanoi's view was the version that the president and Kissinger had once obligated themselves to sign. Later, however, Kissinger interpreted moves by the opposing side as indicating an unwillingness to reach a settlement even on that chosen basis. The Communist leaders appeared to be operating on the assumption that the Nixon

administration would come under stronger pressures at home as a result of further delay, making a settlement on Hanoi's terms more likely.<sup>66</sup>

If he desired delay, Le Duc Tho was ideally positioned to create it. When selecting points of previous agreement to declare no longer valid he had a free choice among those known to be of greatest importance to the Americans. One of the first to be withdrawn was the consent he had given in October to a definite separation of the release of political detainees from the return of prisoners of war. By 4 December Tho was demanding that the peace settlement provide for *immediate* release of the political prisoners held by the South Vietnamese government, with a clear implication that the 60-day timetable for the military repatriation might be held up until this was accomplished. By argument and timely concession Kissinger first had to coax Tho away from this extreme position, then edge him back to a reaffirmation of the previously agreed text on civilian prisoners that recognized no connection between their return and that of the prisoners of war. But with that agreement seemingly in place again, U.S. negotiators found that the North Vietnamese had reintroduced linkage between the detainee and prisoner-of-war releases in their recommended text for the protocol on the subject.<sup>67</sup>

Having returned to Washington, Kissinger denounced the enemy's negotiating practices during a news conference on 16 December. At Paris the situation had been such that "a settlement was always just within our reach and was always pulled just beyond our reach when we attempted to grasp it." He warned that this could not continue; "it cannot do that every day an issue is settled a new one is raised" or that the same one reappeared again and again. The United States was prepared to continue the negotiations in the productive spirit that had marked them in October, he said, but there could be no progress unless the opposing side was ready to deal in good faith and with good will. Kissinger made no reference to a more pointed warning from the president that he had conveyed to Le Duc Tho more than two weeks earlier, reminding him that the United States had the option of discontinuing the talks and stepping up its military activities until its enemy showed a willingness to negotiate seriously. By 16 December Nixon had already issued the order directing the use of massed B-52s in a bombing campaign against military targets in the Hanoi-Haiphong corridor. Scheduled to begin on 17 December, the planned operations also included increased aerial reconnaissance and reseeded of the mines in Haiphong harbor.<sup>68</sup>

A message from Washington reached the North Vietnamese on 18 December, coinciding with their first awareness of the unprecedented intensity of the bombing raids launched against them. It charged that Hanoi's

representatives had been "deliberately and frivolously delaying the talks." To clear the slate for a fresh start the United States proposed a return to the treaty draft as it read on 23 November 1972, before Le Duc Tho began cancelling previous concessions and agreements. On that basis, Kissinger would be prepared to reopen the negotiations anytime after 26 December.<sup>69</sup>

The first direct response from Hanoi came on 26 December, just as the B-52s were renewing their daily raids following a Christmas suspension of 36 hours. The message indicated a willingness to resume negotiations on the terms proposed in the U.S. note of 18 December. Technical experts, concerned mainly with the protocols, could start their talks as soon as the bombing ceased, but for reasons of health Le Duc Tho would be unable to appear until 8 January 1973. In reply the United States required specifically that the technical discussions get under way on 2 January. It accepted the 8 January date for beginning the Tho-Kissinger negotiations but stressed that they would need to move rapidly toward a settlement, since Kissinger would be unable to remain in Paris beyond four days. In this and following messages the United States drove home the point that there must be no recurrence of the stalling tactics that had prevented an agreement before.

Hanoi returned an affirmative reply in less than 24 hours, with accompanying protestations of its "constantly serious negotiating attitude." Announcements from the White House on 30 December 1972 gave the two January dates on which negotiations would resume and stated that "all bombing will be discontinued above the 20th parallel as long as serious negotiations are under way." In fact, the B-52 operations had ended on the evening of 29 December, Washington time.<sup>70</sup>

The discussions of the technical experts had already disposed of several points of contention by the time Kissinger journeyed to Paris for the 8 January meeting. Despite some show of defiance by the North Vietnamese for public consumption, the main negotiations also took on a businesslike tone by the second day. On 13 January Kissinger and Le Duc Tho brought the draft agreement to completed form, with all supporting protocols and understandings attached.<sup>71</sup>

President Nixon had already decided that henceforth no objection raised by his South Vietnamese ally would be allowed to deter the United States from signing an agreement that the president regarded as satisfactory. He had begun communicating this to President Thieu in the plainest terms, even before the bombing offensive ended and negotiations resumed. Nixon's personal emissary, Maj. Gen. Alexander Haig, Kissinger's deputy, delivered a letter on 19 December 1972 that advised Thieu of

“my irrevocable intention to proceed, preferably with your cooperation but, if necessary, alone.” Further communications, couched in still stronger language, pressured the Saigon government until Thieu gave up his last effort to obtain changes in the treaty’s text. The South Vietnamese leader signified his willingness to be a party to the settlement on 21 January 1973, the day following President Nixon’s inauguration for a second term.<sup>72</sup>

President Nixon addressed the nation on the evening of 23 January, leading off with the statement that was also being issued in Hanoi at that hour:

At 12:30 Paris time today, January 23, 1973, the Agreement on Ending the War and Restoring Peace in Vietnam was initialed by Dr. Henry Kissinger on behalf of the United States, and Special Advisor Le Duc Tho on behalf of the Democratic Republic of Vietnam.

The agreement will be formally signed by the parties participating in the Paris Conference on Vietnam on January 27, 1973, at the International Conference Center in Paris.

The cease-fire will take effect at 2400 Greenwich Mean Time, January 27, 1973. The United States and the Democratic Republic of Vietnam express the hope that this agreement will insure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

In his remarks the president referred to occasions during the previous year when he had “set forth the goals that we considered essential for peace with honor.”

In the settlement that has now been agreed to, all the conditions that I laid down then have been met.

A cease-fire, internationally supervised, will begin at 7 p.m. this Saturday, January 27, Washington time.

Within 60 days from this Saturday, all Americans held prisoners of war throughout Indochina will be released. There will be the fullest possible accounting for all of those who are missing in action.

During the same 60-day period, all American forces will be withdrawn from South Vietnam.

The people of South Vietnam have been guaranteed the right to determine their own future, without outside interference.<sup>73</sup>

In the full text of the agreement, made public the following day, the section dealing with captured and missing personnel was relatively brief:

Chapter III

THE RETURN OF CAPTURED MILITARY PERSONNEL  
AND FOREIGN CIVILIANS, AND CAPTURED AND  
DETAINED VIETNAMESE CIVILIAN PERSONNEL

Article 8

(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

(c) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21 (b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.<sup>74</sup>

Article 8(a) made the return of captured military men and foreign civilians dependent on the troop withdrawal and not on any other event. Also, the question of Vietnamese civilians detained in South Vietnam was treated separately in Article 8(c), with a different timetable and set of obligations, intended to insure that delays in their release would have no effect on the repatriation of military personnel and foreign civilians.

The protocol concerning the implementation of Article 8 was also published on 24 January 1973. One of its early paragraphs declared that "all captured military personnel of the United States and those of the other foreign countries mentioned in Article 3(a) of the Agreement shall

be returned to United States authorities.” The same applied to captured civilians who were nationals of the countries mentioned. Article 3(a) of the main agreement did not specifically list the nations involved, merely referring to “the other foreign countries allied with the United States and the Republic of Vietnam.” The U.S. negotiators believed there was no question it meant the countries that had contributed troops to the conflict in South Vietnam—Australia, New Zealand, Thailand, the Philippines, and the Republic of Korea. They attached much more importance to the simple statement that captured personnel “shall be returned to United States authorities.” They were relying on this wording to guarantee that the exercise would proceed in official channels, with no recurrence of the Communist tactic of handing over releasees to antiwar groups.<sup>75</sup>

Other passages of the protocol filled in the meaning of the basic agreement more explicitly, and at a news conference on 24 January Kissinger supplied further details, based in part on understandings he had reached with Le Duc Tho that did not appear in the formal documents. For instance, the protocol added an important requirement to the basic provision for return of all captured persons during the 60-day period of the troop withdrawal. The return should proceed “at a rate no slower than the rate of withdrawal from South Vietnam of United States forces and those of the other foreign countries.” Kissinger went a bit further, saying, “We expect that American prisoners will be released at intervals of two weeks or 15 days in roughly equal installments.” Whereas the protocol said the transfer of prisoners would occur at places convenient to the concerned parties, Kissinger spoke confidently of their being “returned to us in Hanoi. They will be received by American medical evacuation teams and flown on American airplanes from Hanoi to places of our own choice.”<sup>76</sup>

The cease-fire provision of the agreement applied only to South Vietnam and not to all the Indochinese states as President Nixon had once proposed. The peace settlement did contain pledges by all parties to respect the independence, neutrality, and territorial integrity of Laos and Cambodia and to cease all military activities there, but it did not treat the question of return of prisoners of war from those two countries. Such satisfaction as Kissinger had been able to obtain on this matter depended on assurances given him by Le Duc Tho. As early as 21 October 1972 Tho had stated that there were no Americans held captive in Cambodia but that the prisoners in Laos would be released at the same time as those from North and South Vietnam. This promise survived the suspension of negotiations and the December bombing that followed, and there was nothing tentative about its terms as presented in the post-agreement summary prepared in the State Department: “The DRV has assured us that,

although not covered by the Agreement, 'all U.S. military and civilian prisoners detained in Laos shall be released no later than 60 days following the signature of the Agreement.' The DRV has also assured us that it would be responsible for making the necessary arrangements with the Pathet Lao.<sup>77</sup>

As for the order in which captured persons would be selected for release, the protocol prescribed the following: "Persons who are seriously ill, wounded or maimed, old persons and women shall be returned first. The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest." To insure that this and other provisions were made known to prison camp inmates, the protocol required the parties to publish its text within five days of signature and communicate it to all persons in custody. Prisoners might be heartened when they read that "each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception." Moreover, "the detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced." From the U.S. viewpoint that final passage gave protection against revival of war crimes charges or the last-minute appearance of claims that the men had been convicted of other offenses. The protocol accomplished this by introducing an exception to the Geneva Convention. With regard to certain crimes and under various safeguards the Convention did provide for the trial and conviction of a captured military man, stipulating further that he would serve the sentence imposed before qualifying for return to his homeland. The protocol's provision set the latter requirement aside.<sup>78</sup>

The protocol also had a section on "Treatment of Captured Persons During Detention" that restated most of the protections of the Geneva Convention. Although for the military prisoners it would presumably be operative only for the next 60 days, the main article proclaimed that captured personnel "shall be treated humanely at all times, and in accordance with international practice." It went on to enumerate their rights: protection against torture and cruel treatment, murder, mutilation, or outrages against personal dignity; provision of adequate food, clothing, shelter, and medical attention; permission to receive packages and exchange mail with their families; and prohibition of forced enlistment in the armed forces of their captor. Further, the parties were called upon to agree within 15 days on "the designation of two or more national Red Cross societies to visit all places where captured military personnel and foreign civilians are held." In American eyes it was virtually a catalog



of the obligations the Communist enemy had refused to honor during the hostilities.<sup>79</sup>

The protocol left further details of implementation to be worked out by the several bodies provided for in the main agreement. Arrangements for the return of prisoners of war and foreign civilians fell to the Four-Party Joint Military Commission (FPJMC), with representation from the United States, North and South Vietnam, and the PRG. The FPJMC also had responsibility for carrying out the cease-fire, the 60-day troop withdrawal, and the dismantling of U.S. military bases. It was to operate by "consultations and unanimity." In addition, the Saigon government and the PRG were to form a Two-Party Joint Military Commission (TPJMC) to deal with matters that the agreement left exclusively to the two South Vietnamese parties, such as enforcing the cease-fire in South Vietnam and reaching an accord on the release of Vietnamese civilian detainees.<sup>80</sup>

The Paris agreement also provided for an International Commission of Control and Supervision (ICCS), composed of representatives of Canada, Hungary, Poland, and Indonesia. The protocol on captured military personnel and foreign civilians described the commission's responsibility for overseeing the return of the captives. Members of the ICCS were to participate in the ceremony at each location where a release occurred, monitoring the proceedings, examining the prisoner lists, and visiting "the last detention places" from which the returnees had been transported. Similarly, the protocol required the FPJMC to send joint military teams to observe each return of personnel and inspect their last place of detention. This provision for inspection visits had had firm backing from Defense officials, who thought of it less as an opportunity to assess the conditions of captivity than as a check to see that no men were left behind.<sup>81</sup>

In hailing the agreement President Nixon had indicated that a full accounting for the missing was now assured, but the subsidiary documents contained remarkably little to back up this assessment. The main agreement's pledge of mutual assistance in establishing what had happened to missing persons still stood, but the protocols added nothing in the way of guidance for its implementation. Understandably, the pledge itself was in general terms and barely touched on the particulars of the task, as a re-reading of Article 8(b) shows: "The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action." The agreement did make

the Four-Party Joint Military Commission responsible for ensuring joint action in implementing the missing persons provision, but the FPJMC had been granted only a 60-day lifespan. The single additional detail supplied by the protocol on captured military personnel dealt with this: "When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on this task."<sup>82</sup>

The sketchy organizational arrangement hardly suggested that a resourceful and persevering effort to resolve the MIA problem was in the making. One unfavorable aspect of the agreement was that none of what was set out in Article 8(b) or the protocol applied to Laos. Also, Article 8(b) was one of the few for which the International Commission of Control and Supervision had no responsibility; the entire matter of searches for the missing lay outside its purview.<sup>83</sup>

DoD officials had been the chief advocates of making accounting for the missing a primary element of the negotiations, and they had cause to be dissatisfied with an agreement that left so much to future decision and contained so few of the specific requirements for which they had pressed. The documents lacked the sort of commitments that Secretary Laird had described in a memorandum for Kissinger on 26 July 1972. Laird expressed his conviction that arrangements permitting the fullest possible accounting for the missing servicemen must be obtained during the negotiations. He observed that resolving the status of these men was a major problem that would confront the Department of Defense "and several thousand family members" once the prisoners of war were recovered. It could be hoped that some men previously unaccounted for would turn up during the release and that returnees would be able to fill in information about others. "However," he continued, "many missing cases will remain unresolved, and I do not believe we should accept, nor will families be satisfied with, the enemy's word as to the fate of our missing men without some form of independent verification or substantial evidence . . . . Such a form of verification could include agreements to return located remains and to permit examination of known grave and crash sites by the US, a third country or an impartial humanitarian organization."<sup>84</sup>

The secretary had spoken of "on-the-ground examination of loss areas" as a definite requirement, and officials throughout Defense held the same view. Their devotion to attaining this objective caused them to react worriedly to one passage in Kissinger's "peace is at hand" statement of 26 October. In assessing the negotiations Kissinger noted as a positive accomplishment that "North Vietnam has made itself responsible for accounting of our prisoners and missing-in-actions throughout Indochina."

DoD representatives immediately raised the question of whether Hanoi "itself" assuming responsibility meant there could be no *outside* efforts to account for the missing in action.<sup>85</sup>

Soon afterward, on 10 November, Laird sent Kissinger a list of points whose inclusion in the agreement he considered essential. Laird clearly intended the additional measures to augment the agreement's generalized references to obtaining information about the missing and its vague allusion to the possible repatriation of remains. He wanted a definite promise that all parties would "cooperate with the United States Government in arranging for the return of remains of US personnel who died during the conflict, including those who died after capture." He asked for other explicit commitments that would permit teams including U.S. personnel to inspect crash sites or last-known locations and search for remains in the country of loss. "Subject to coordination with host government," Laird wrote Kissinger, "US aircraft will be authorized overflight of areas throughout Indo-China for the purpose of identifying crash sites, recovering remains and personal effects, and supporting search and recovery teams." In Laird's conception, both the FPJMC and the International Commission of Control and Supervision would continue to function after U.S. forces had withdrawn and would have a degree of coordinating responsibility, yet to be defined, in the effort to account for the missing.<sup>86</sup>

The secretary's "essential negotiating points" relating to the MIA problem found no place in the final agreement or its protocols, but Defense officials viewed the settlement favorably in most other respects, noting particularly the fact that U.S. authorities were slated to receive most of the released prisoners by direct transfer in Hanoi. This arrangement permitted placing the men under U.S. medical care immediately, and it avoided the added exertions and uncertainties that more roundabout routes and use of intermediaries would entail. In the months leading up to conclusion of the agreement Defense officials had entertained little hope of so favorable an outcome. Whenever they had the opportunity to suggest what the negotiators should aim for they indicated a definite preference for the dispatch of U.S. personnel and medical evacuation aircraft to Hanoi to collect the releasees. Doubt that the North Vietnamese would allow U.S. military aircraft to enter remained so strong that the listing always included several alternatives, judged less desirable but more likely to be accepted. A position paper that reached Laird in November 1972 outlined these other choices. Next most acceptable was a pickup in Hanoi by aircraft of some nation not directly involved ("Swiss, French, Scandinavian, etc.") or aircraft operating under ICCS auspices.

If the Communists ruled out the North Vietnamese capital as the site, the United States could agree to delivery of the prisoners to the airport at Vientiane, Phnom Penh, Bangkok, Hong Kong, or in some other third country, where they would be received by U.S. officials. Finally, "although not desirable," the United States might assent to having the prisoners brought to a designated point in South Vietnam, probably by transit through the DMZ. A further option mentioned in earlier versions of the paper involved sending ships of U.S. or other registry to Haiphong to effect the transfer.<sup>87</sup>

The papers produced by Defense officials and staff agencies in the final months of 1972 refined and updated previous attempts to say what the peace settlement should include. Earlier in the year, for instance, DoD staff had participated in the work of the Interdepartmental Study Panel on Prisoner Release and Repatriation in Indochina that drafted recommendations for consideration within the NSC system. By means such as this DoD made an important contribution to the materials from which the U.S. negotiators were working. The actual conduct of the more significant negotiations, however, remained securely in the hands of the president, Kissinger, and the latter's immediate staff. At this level the views and influence of the Department of Defense could be brought to bear only by Secretary Laird himself.<sup>88</sup>

Laird wrote to the president or Kissinger on numerous occasions to comment on negotiating strategy or to suggest new initiatives relating to the prisoners of war. Undoubtedly some of his memorandums placed proposals on the record that he had already presented in person. Other exchanges of more closely held information occurred between Kissinger and Laird at their private breakfast or luncheon meetings, held weekly when other commitments allowed. Each of the principals brought a single confidential adviser. During 1972 Haig normally accompanied Kissinger; Laird was attended by his senior military assistant, Rear Adm. Daniel J. Murphy. In these sessions Laird expressed the views and championed the proposals of his department, and he received as much information about the negotiations as Kissinger felt it prudent to divulge.<sup>89</sup>

Laird and his closest associates in Defense at least knew that their preferences and concerns had been directly conveyed to the chief U.S. negotiator, but they harbored no illusion that they had full knowledge of Kissinger's purposes and endeavors. "Unless Henry has something up his sleeve we do not know about" was a necessary reservation that sometimes appeared in their internal communications.<sup>90</sup>

As the president's plenipotentiary in the negotiations, Kissinger exercised exclusive control. The fate of measures tabbed as important by DoD

depended ultimately on the judgments Kissinger made during the bargaining sessions, on his evolving sense of how far matters could be pressed without endangering the primary objectives of the United States in the negotiations. Presumably Kissinger could have mounted a stronger effort to bind all parties to a detailed commitment regarding searches for the missing in action and might well have questioned Le Duc Tho more closely about his claim that no Americans were being held in Cambodia. Kissinger chose not to pursue those lines, perhaps believing that to do so would unacceptably delay the concluding of the peace agreement or upset some narrowly achieved balancing of interests. In any event, his reasoning in the matter was largely beyond challenge so long as the president was satisfied with the overall result.

Whatever its flaws, the agreement Kissinger had obtained was of great consequence. It opened the way for complete disengagement of U.S. forces from the hostilities in Vietnam, and it provided for prompt repatriation of the American prisoners of war. Thus it set the stage for Operation Homecoming.

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## Operation Homecoming

The signing in Paris on 27 January 1973 of the Agreement on Ending the War and Restoring Peace in Vietnam marked the start of the 60-day period during which the withdrawal of U.S. forces and the return of captured military personnel and civilians were to occur. The Four-Party Joint Military Commission, charged with working out detailed arrangements for the prisoner exchange and other features of the agreement, was to begin operations in Saigon 24 hours after the cease-fire took effect. The U.S. delegation to that body, activated immediately upon the signing, had Maj. Gen. Gilbert H. Woodward, USA, as its chief and Brig. Gen. John A. Wickham, Jr., USA, as his deputy.

Public announcement of General Woodward's appointment came as Melvin Laird prepared to leave office on 29 January; Elliot L. Richardson was to be sworn in as secretary of defense on the following day. Earlier in the month Laird had made one final, characteristic contribution to his prisoner of war crusade. He sensed that the long-awaited repatriation of the Americans captured in Southeast Asia deserved a more meaningful, more humanly engaging title than the one assigned it several years earlier by the Joint Chiefs of Staff: Egress Recap. On 8 January 1973 he decreed that the operation should thereafter be known as Homecoming.<sup>1</sup>

### *Final Preparations for Repatriation*

Since Richardson had dealt with PW/MIA affairs while under secretary of state earlier in the Nixon administration, the briefing given him by Roger Shields, DoD's leading expert in the field, spent little time on the general background. Shields concentrated on the repatriation plans developed by OSD, the military services, and the unified commands that were

about to be implemented. He described the organizational arrangements for overseeing the repatriation and insuring coordination at all stages of the process. Upon receiving word that release of the prisoners was imminent, the Homecoming command post would commence operations from the National Military Command Center. The staff would consist of the director and officers of the PW/MIA Task Force plus representatives of the four services, JCS, DIA, the Military Airlift Command, and the ASD(Public Affairs). Direct links to the command posts of the services and the world-wide communications facilities of the NMCC would be at their disposal.<sup>2</sup>

A partial test of the NMCC command post arrangement had already taken place during more than 40 hours of continuous operation that began on 27 January 1973. On that day the North Vietnamese and Viet Cong representatives in Paris had turned over their prisoner lists to the U.S. delegation. Transmitted to Washington by both flash message and voice communication, the lists contained the names of 555 U.S. military personnel, 22 U.S. civilians, and 8 foreign nationals slated for repatriation. Officers in the NMCC passed information to Defense agencies, the State Department, and the White House and tracked the progress made by the services in notifying the men's families. Besides informing the next of kin of those to be returned, the mission included advising the relatives of more than 1,300 missing servicemen that their names did not appear on the enemy's list. The Department of State had responsibility for reaching the families of the U.S. civilians and informing foreign governments of the impending release of their nationals.<sup>3</sup>

Shields's briefing sought to insure that Secretary Richardson received a broad picture of the repatriation process and an introduction to the terminology involved. The activities of Phase I, for instance, were those occurring at the point where actual transfer of custody took place. By the end of January it appeared definite that Hanoi's Gia Lam Airport would be the principal release site. There the U.S. reception team would confirm the numbers and identity of the released men, perform a quick medical check to establish their suitability for air evacuation, and assist them in boarding the medevac aircraft for flight to Clark Air Base in the Philippines.

In Phase II more thorough medical examinations and the associated recordkeeping would take place at the joint processing center at Clark. Doctors would deal with any condition that required immediate attention; and prolonged medical treatment would be undertaken at this overseas site only if deemed necessary by the physician in charge. Other Phase II processing steps included the returnee's telephone call to next of kin and the initial intelligence debriefing, directed solely at obtaining information about men still unaccounted for. Returnees would be paid, issued uniforms,

and advised of their career status and the state of their personal and financial affairs. Once cleared for travel by the medical staff, they would board the specially configured C-141 aircraft of the aeromedical evacuation system for the one-stop flight via Hawaii to the continental United States. Phase II terminated with their arrival, normally at Travis AFB in California.

A third and more lengthy phase of repatriation processing would await returnees at one of the 31 military hospitals scheduled to receive them. The plan as it stood in late January 1973 intended that the men's reunions with their families would occur as soon as possible after arrival at the hospital and in private. Each man would enter a course of medical care designed to meet his particular needs and would undergo a second round of intelligence debriefing, providing a detailed account of his captivity experience. Counseling regarding his personal affairs and the career decisions available to him would precede the man's departure on convalescent leave, along with public affairs counseling, should he desire to grant press interviews or write for publication.

In closing his presentation for Secretary Richardson, Shields reviewed several considerations that would assume increasing importance during the repatriation. Arrival of the returnees in the United States would set in motion the various programs for rehabilitation, readjustment, and longer-term medical monitoring that DoD had pledged to provide. At the same time, the stark contrast between their return and the absence of the many whose fate was still unknown would raise public concern for the MIA servicemen to a new pitch. Intense pressures could be anticipated from families, members of Congress, news commentators, and editorial writers for fulfillment of the government's assurances that the fullest possible accounting would be obtained. Questions regarding the men's conduct while in captivity would certainly claim public attention, and the issue could become highly controversial. For the most part, the Americans in the prison camps had conducted themselves extremely well under most difficult circumstances, Shields said. There were known cases of less defensible behavior, however, and accusations might be made by some of the returned men against others.

Finally, the very breadth and intensity of interest in the homecoming operation could create difficulties. Many private organizations were eager to assist in the welcome or to make some gesture of appreciation to the men. Congressmen wanted to greet returnees from their districts; governors planned celebrations in their honor. Television networks and the press were committing massive resources to news coverage at Clark Air Base and the destination hospitals. In the face of all this, a principle that had guided repatriation planning from the beginning had to be reaffirmed: the men were



to be shielded to the fullest extent possible from fanfare and confusion, from pleas for interviews and pressures for public appearances.<sup>4</sup>

President Nixon expressed similar sentiments during his press conference on 31 January. Taking note of speculation that he planned to appear at Travis Air Force Base to welcome the first returning flight, the president dismissed the idea. It would not be a time for grandstanding, he said. "These are men who have been away sometimes for years. They have a right to have privacy, they have a right to be home with their families just as quickly as they possibly can. And I am going to respect that right."<sup>5</sup>

In suggesting that the imperatives driving the news media might play havoc with planned procedures, Shields raised a valid concern. At a Pentagon press briefing a few days earlier, Acting Assistant Secretary of Defense for Public Affairs Jerry W. Friedheim also had made the point that "this is not a ceremonial or fanfare operation." The object, he explained, was to place the released men immediately in medical channels and to return them as soon as possible to their families and to the destination hospitals where comprehensive treatment could begin. Friedheim predicted that the pace would be rapid, with the returnees' departure for home occurring as soon as the physicians determined that they could withstand the trans-Pacific journey. Accordingly, repatriation planners had assumed that returnees would not be ready for press conferences and other public exposure until well into their stay at the stateside hospital. Immediately he came under insistent questioning about opportunities for newsmen to have direct access to the returnees at Clark Air Base, and in the end Friedheim said that such contact with the press was "not ruled out. We will do the best we can for you . . . . In keeping with the medical needs of the men, we might be able to do that."<sup>6</sup>

In a bid to capitalize on this tentative opening, United Press International cabled Secretary Richardson on his first day in office, urging him to insure wider opportunities for the press representatives covering the release of the American prisoners of war. "Without wanting in any way to jeopardize the health of these men or their adjustment to freedom, we believe this is a matter of such overriding public interest that at the minimum a pool of reporters and photographers should be selected to go to Hanoi with the U.S. planes and that reasonable access should be arranged at Clark Field to at least some of those prisoners who are fit and willing to talk to the press."<sup>7</sup>

Replying promptly on 31 January, Richardson welcomed the initial disclaimer in the UPI statement as being in accord with the longstanding DoD position that the medical needs and health of the returned men came first. He acknowledged an obligation to see that the homecoming story was available to reporters as fully and promptly as possible, and he

understood the UPI's hope that American newsmen might go on a pool basis into Hanoi. Stating that "at the moment the U.S. government is unable to do that," he held out a slight chance that it might be arranged later. As to interviews, however, the secretary cast his reply in more positive terms than Friedheim had used earlier:

While we anticipate that men will be coming home so swiftly that in most cases medical considerations will not be completely satisfied until the men reach the military hospitals near their homes, we are fully prepared in our flexible planning to provide, as possible, news access at such earlier points as Clark and Travis Air Force Bases. I have given instructions that this situation is to be monitored daily with concern to each individual returnee, so that whenever the men are medically fit, have completed those intelligence debriefings by which we hope to learn about our missing men, and personally wish to do so they may meet with newsmen.

Public Affairs Guidance No. 13, issued on 3 February and containing the text of Richardson's letter, notified Clark and other installations involved in the repatriation that DoD stood committed to flexible procedures that would accommodate to the extent possible the journalists' desire to talk directly to the men.<sup>8</sup>

The commander of the 13th Air Force had activated the Joint Homecoming Reception Center (JHRC)\* at Clark Air Base on 28 January, in view of official statements that return of up to one quarter of the prisoners could occur at any time during the first 15 days after the Paris agreement came into effect. Activation of the JHRC was timed to provide immediate readiness in the event that the North Vietnamese might make a symbolic release within hours of the signing. Preparations, in progress since the designation of Clark as the primary reception site in December, included acquiring a stock of uniforms of all services and readying the individual personnel folders of the men who might be released. Some JHRC staff members had arrived early, but now full activation of the center required major additions—Quick Reaction Teams (QRTs) in readiness for deployment to the Phase I reception site, escorts, debriefers, public affairs officers, communications specialists, the expanded hospital staff, and numerous others in supporting functions. Final figures showed that Operation Homecoming had involved 1,579 personnel from Clark plus 1,307 more, most of them brought in from other U.S. military installations throughout the Pacific Command.<sup>9</sup>

\* As noted in Chapters 14, 15, and elsewhere, during development of the repatriation plans this facility had been called the Joint Central Processing Center (JCPC).

Although the JHRC was fully manned and anticipating action at any time, the wait for the first returnees dragged on until 12 February. Orientation of the recently added personnel proceeded during the interval, but one observer noted that "at times it was difficult to channel augmentee energy into productive pursuits." Also, a few last-minute problems had to be solved, as when it was discovered that no red carpet of appropriate size and luster was available at Clark for the flight-line welcoming ceremony. Authorities appealed to the U.S. embassy, which succeeded in obtaining one from the Intercontinental Hotel in Manila.<sup>10</sup>

Problems of finding useful employment during the waiting period had set in even earlier for members of the press, who had converged on the Clark base in such numbers that one element of the JHRC, the Joint Information Bureau (JIB), was activated in advance to deal with them. Soon after its opening on 25 January 1973 the JIB had accredited to it 58 reporters, photographers, and cameramen of the working press and 80 supporting technicians. From that total of 138 the number rose steadily to at least 400 on the day the first returnees were welcomed.<sup>11</sup>

The chief of JIB was Col. Alfred J. Lynn, USAF, a seasoned public affairs officer assigned from CINCPAC headquarters. His messages to that headquarters and to Washington described the effort to keep the media representatives occupied with handouts of background information and tours of the C-9 and C-141 aircraft, the base hospital, and other Homecoming-related facilities. Lynn also reported the same dissatisfactions with the ground rules for the press as were being heard in Washington. They included the desire to cover the release ceremonies in Hanoi and a protest of the official line that returnees were unlikely to be made available for interviews at Clark (which was soon given a more hopeful cast by Secretary Richardson's reference to a flexible policy). During the current waiting period newsmen objected particularly to the restrictions on interviewing personnel involved in the processing, from the air crewmembers who were to make the pickup in Hanoi, through the escort officers, the hospital commander, and the doctors, including the psychiatric specialists.<sup>12</sup>

On 29 January a reporter filed a story on the Associated Press wire that appears to have been instrumental in relaxing those restrictions. "Skits, Skirts, and Fun in Store as Nurses Prepare for POWs," read the item's caption in the *Chicago Tribune* of 30 January 1973. The *Omaha World-Herald* preferred "'Bunnies' Await the POWs." "If the nurses at Clark Air Force Base Hospital have their way, the American prisoners of war scheduled to stop here on their journey home from Hanoi will get a sweet taste of femininity and fun," the article began. The nurses—sometimes identified as "blonde" or "attractive"—hinted at the welcome

they had prepared. "Heaven knows what a good French perfume will do to a man who has been in prison for six years,' one of the nurses said with a laugh." They had asked that their names not be used, it was reported, because hospital authorities had told them not to talk with newsmen. Doctors were said to be "collecting stacks of Playboy magazine and other male literature for the men to read as they relax" and were planning a series of skits depicting such social and historical developments as the hippie phenomenon, the marijuana craze, and the reelection of President Nixon.<sup>13</sup>

From the viewpoint of public affairs officials in Washington, the Associated Press dispatch sounded entirely the wrong note. Sketching a picture of frivolity and sexual preoccupation on the part of medical personnel, it departed sharply from the desired image of professional dedication to providing the finest health care. Letters protesting the reported activities of the hospital staff soon arrived at the Pentagon from readers of the *New Orleans Times-Picayune* and the *Milwaukee Sentinel*, among others. Already, however, on 1 February 1973, CINCPAC had cabled new guidance concurred in by Washington: "Interviews with personnel associated with HOMECOMING activities at Clark AB are authorized upon approval Chief JIB." Undoubtedly the new directive reflected a conclusion that there was less to be feared from on-the-record interviews than from dispatches based on gleanings from unnamed informants that might be spiced up or distorted as the reporter saw fit.<sup>14</sup>

By 9 February under the new policy contacts between the press and members of the reception center staff were a common occurrence. *Time* interviewed a nurse while ABC-TV met with a dietician. The *San Francisco Examiner's* man played the hometown angle by interviewing a C-141 navigator who hailed from California. Lunch at the hospital offered 15 newsmen a taste of the bland diet prescribed for the first stage of the returning men's reentry into American life. Lynn notified DoD that international media representation had reached 365 and that members of the press corps now expressed greater satisfaction with the arrangements, particularly the improved flight-line position assigned them for the reception ceremony. Ways had been found to reduce the newsmen's distance from the arriving aircraft by roughly one half while also providing forward camera positions that did not obstruct their view. From a location under the wing of a parked C-141 the photographers would be no more than 30 feet from the deplaning ramp and would be able to track the returnees to the point where they boarded the medical bus for transfer to the hospital. Lynn assured officials at home that the JIB was "maintaining position of rigid flexibility."<sup>15</sup>

*Release of the Prisoners*

Roger Shields and Frank Sieverts had reached Clark Air Base on 7 February, ready to take their places as the senior Defense and State Department representatives in the first party going into Hanoi. At a joint appearance before the press the following day their responses gave newsmen somewhat more substance than earlier interviewees had provided, but neither Shields nor Sieverts could answer the cardinal question of the day: When would the first prisoner release occur? It depended, they said, on the negotiations being pursued within the Four-Party Joint Military Commission in Saigon.<sup>16</sup>

The FPJMC consisted of the delegations of the United States, the Republic of Vietnam (RVN, South Vietnam), the Democratic Republic of Vietnam (DRV, North Vietnam), and the Provisional Revolutionary Government of the Republic of South Vietnam (PRG, the Viet Cong leadership). After five days of procedural wrangles and other preliminaries, the first meeting of the chiefs of delegation convened on 2 February 1973. General Woodward presented his government's plan for withdrawal of the U.S. forces in four 15-day increments. It was generally understood that this also set the broad schedule for the return of the captive Americans, since the protocol called for that transfer to be completed at a rate no slower than the rate of the U.S. military's withdrawal from South Vietnam. A related principle, held firmly in mind by all officials representing the United States, maintained that release of the prisoners depended solely on the troop withdrawal, with no linkage to the implementation of any other article of the agreement. Its progress could not justly be delayed, for instance, because of some hitch in the return of captive North Vietnamese to their homeland. Though implicit in the wording of the Paris accord and an avowed part of the accompanying Kissinger-Le Duc Tho understandings, this principle required staunch defense on several occasions.<sup>17</sup>

The Prisoner-of-War Subcommittee of the FPJMC, charged with working out the detailed arrangements, made notable progress at its first session on 3 February 1973. The DRV and PRG representatives agreed to give 48-hour notice of the place and date of each return of U.S. prisoners. Hanoi's Gia Lam Airport had already been designated as the transfer and evacuation point in North Vietnam. The PRG now indicated that there would be a single release site for men held in South Vietnam, probably an airfield in Military Region III. Further, the Viet Cong's representative said that the first release might occur on 10 or 11 February. The DRV spokesman had not yet named a date within the first 15-day period, but he did declare that during that first phase the North Vietnamese government

would probably surrender a larger proportion of its captives than the one quarter required.<sup>18</sup>

Despite daily sessions of the PW Subcommittee, no further commitments were recorded until 9 February, when the DRV signified its intention of making the first release on 12 February. On 10 February, observing the two-day notice provision, the North Vietnamese supplied a roster of the 115 military personnel to be returned to U.S. control, 29 of them sick or wounded. The PRG shifted to 12 February also, and it now provided the names of 27 Americans, including 7 sick or injured, to be released on that day. Some would be civilians.<sup>19</sup>

Under the agreement 12 February counted as the final date in the first 15-day period. Thus the other side could be said to have fulfilled its obligation, but the experience of the U.S. authorities so far had done little to lessen their wariness of Communist intentions. Could they accept the DRV delegation's claim that it was having difficulty in communicating with Hanoi, or was this a handy excuse for inaction—one that later might be used to delay the prisoner return at some critical juncture?<sup>20</sup>

The two initial prisoner releases were scheduled to occur at very nearly the same time during the morning hours of 12 February. At the designated site in the South—an airfield at Loc Ninh, about 75 miles north of Saigon—27 persons would be handed over by the PRG and moved by helicopter within South Vietnam to Tan Son Nhut, then transferred to a C-9 medevac aircraft for flight to Clark. In the North, all clearances had been arranged for arrival at Gia Lam Airport of a C-130 bearing the Reception Support Team (RST, an expanded version of the earlier QRT), to be followed, beginning two hours later, by a succession of three C-141s, whose combined capacity would easily accommodate the men to be repatriated. Their number now came to 116, since the DRV had acceded to a U.S. request that Cdr. Brian D. Woods be added ahead of schedule so that he could hasten to the bedside of his critically ill mother in California.<sup>21</sup>

Heading the reception team going into Hanoi on this and all subsequent occasions but one was Col. James R. Dennett, USAF. Including the aircraft commander and his crew, the C-130 making the initial run would carry 34 persons—Shields and Sieverts, a flight surgeon and other medical specialists and technicians, Colonel Lynn and another public affairs officer, three documentary photographers, airlift ground control and maintenance personnel, and two English-Vietnamese interpreters, supplied by the Army. Further, the C-130 could deploy and support an AN/MRC-108 mobile radio system with its operating and maintenance crew. This assured command and control communications for the recovery party on the ground at Hanoi, since the mobile unit provided a direct link to

facilities at Clark and the conference loop that included CINCPAC and the NMCC in Washington.<sup>22</sup>

The mission of going to the enemy's capital to accept the prisoners was necessarily approached with caution, though this owed nothing to concern over the flight itself. During the previous two weeks U.S. C-130s had made a number of trips to Hanoi when ferrying elements of the FPJMG or the International Commission of Control and Supervision, thus familiarizing the crews with Gia Lam Airport and its approaches and with the bomb-damaged terminal building where the ceremonies would occur.<sup>23</sup> Still unknown, however, were the condition of the men and the atmosphere in which their return would take place. Members of the party were anxious to discover what attitudes their North Vietnamese counterparts would display and to gauge how close a watch must be maintained against trickery or excessive plays for propaganda advantage. Any elation felt on the U.S. side was to be held in check, reserved for the moment when the transfer of custody was complete and beyond recall.

Suspicion mounted when the DRV delegation to the FPJMC postponed the first flight into Hanoi for two hours, claiming adverse weather conditions. No additional delay was imposed, however, and signs that unfavorable weather had recently covered the area were still visible when Colonel Denner's C-130 touched down at Gia Lam. The DRV's spokesman, Lt. Col. Nguyen Phuong, explained the intention of handing over the 116 Americans in five groups of 20, plus one of 16. The names appeared on duplicate rosters, one group of 20 to a page, each page to be certified by Phuong and Dennett as the returnees were checked off. Some in the U.S. party were suspicious of this arrangement as well. Why the increments of 20? Why string out the exchange? Would this permit it to be broken off at will? Twenty, it soon became apparent, was the capacity of the buses being used to transport the Americans to the release point at the terminal.<sup>24</sup>

The first bus drew up just before the first C-141 came in for its landing. The 20 men emerged, formed a column of twos, and marched forward at the order of their own leader. Their captors had supplied a common issue of clothing consisting of a light zippered jacket, dark civilian trousers and shoes, and a handbag for personal articles. Flanked by photographers and newsmen of many nationalities, the column reached the forward line in the enclosed area before the terminal, where the supervising officials of the ICCS and observer teams from the FPJMC awaited them. The actual transfer was a simple exercise. As a North Vietnamese official read off each prisoner's name the man stepped forward and was joined by an escort from the U.S. reception team, who guided the returnee through the

enveloping crowd to the C-141. A few minutes later the second busload of 20 men began the process. Three in the group were litter cases. Trailed by the persistent photographers, they were carried part of the way by North Vietnamese attendants, then taken over by reception team members. All others were able to walk, as in the first group, though some were limping. The total of 40 returnees constituted the passenger load for the first C-141.<sup>25</sup>

By this time it was early afternoon of 12 February in Hanoi. Thanks to the mobile radio unit, the plane's loading and progress toward takeoff were being followed on a minute-by-minute basis at every participating headquarters. The actual moment was recorded with evident relief and exhilaration in both Hawaii and Washington. At the Homecoming command post in the Pentagon, where the first hour of 12 February had just begun, the log book entry was boldly inscribed in red with black reinforcement: "0036—First C-141 take-off from Hanoi." The North Vietnamese agreed to an earlier arrival of the two further evacuation aircraft than had originally been indicated. The men of the four remaining busloads moved through the procedure with dispatch; less than 90 minutes sufficed for the loading and departure of the second and third C-141s. The final one, with 36 returnees aboard, also carried Shields, Sieverts, and several others originally in Colonel Dennett's party.<sup>26</sup>

The operation went well. Colonel Dennett thought he detected in Colonel Phuong an attitude mirroring his own—a desire to conduct the exchange expeditiously and according to plan, without complicating changes or extraneous controversies. The only time-consuming disagreement came over interpretation of the protocol's requirement that ICCS members visit the last place of detention. Could the release site itself be claimed as the last place or was it some earlier locale, and must the inspection necessarily precede the handing over of the prisoners? The United States gave way on the second question, the DRV on the first.<sup>27</sup>

In his closing remarks to the ICCS representatives Phuong had not neglected to cite the release of the 116th man, Commander Woods, as evidence of North Vietnam's good will and humanitarian spirit, but he did not move on to more egregious propaganda themes. Instead he brought up a matter that could well have served as a legitimate pretext for delay. Though the protocol required that RVN observers be present, the South Vietnamese government had sent none. Phuong indicated that his own country's leaders had magnanimously decided to go ahead with the exchange despite this slight.<sup>28</sup>

In contrast, contention and delay marked the other prisoner release on 12 February, in the South.<sup>29</sup> The U.S. reception team, headed by Brig. Gen. Stan L. McClellan, USA, had reached the Loc Ninh site in good



time for the scheduled repatriation of 27 American prisoners. The U.S. party encountered PRG officials who insisted on connecting the event to the release of Viet Cong personnel captured by the South Vietnamese, occurring the same day. They said that no transfer of the Americans could be expected until the Viet Cong soldiers being liberated arrived at Loc Ninh, the point where they would pass to PRG custody. In fact, their movement had not yet begun since the Communist prisoners at the Saigon government's camp at Bien Hoa were engaged in a sitdown strike and refusing to leave. They professed to believe that the DRV and PRG representatives who advised them to board the trucks were actually South Vietnamese officials in disguise. An American observer considered the delay a "put-up job by the hard-core North Vietnamese" in the camp. Other reports attributed the inmates' balkiness to genuine distrust of the assurances given about their destination and reluctance to disregard earlier indoctrination on resisting repatriation.

At Loc Ninh General McClellan rejected the PRG claims and reaffirmed the principle that return of the U.S. prisoners was linked solely to U.S. troop withdrawal, but he had no ready means of forcing a resolution. General Woodward, at the headquarters of the FPJMC in Saigon, could and did bring pressure to bear. After forcefully protesting the delay to the chiefs of delegation at their morning session, he declared that unless he received assurances of positive action he would withdraw from the Four-Party Commission's proceedings and seek instructions from Washington. Soon afterward, lacking the assurances, Woodward formally announced his withdrawal, leaving the other parties to contemplate the possibility of a serious disruption to implementation of the peace agreement.

By afternoon, high-level PRG officials signified their acceptance of the no-linkage principle and dispatched liaison officers to Loc Ninh, ostensibly to instruct the local commander that repatriation of the captured Americans should proceed without reference to the release of Viet Cong prisoners. Other officials had already been sent to persuade the resisters at Bien Hoa that the call for them to move to an exchange site was authentic. This mission was successful, while the one to Loc Ninh at least induced the local commander to begin talking about procedures for the release. The next stumbling block was soon revealed.

In drafting the receipt that General McClellan would sign for the prisoners, the PRG side insisted on including a statement that assigned blame for the delay to the South Vietnamese. McClellan refused, principally on grounds that it was contrary to the guideline already accepted by senior PRG officials that no connection existed between repatriation of the Americans and that of the Viet Cong. The local commander did not give

way on this matter until 150 prisoners from Bien Hoa arrived at Loc Ninh and were turned over to their Viet Cong compatriots. Thus, although U.S. representatives had held firm and had extracted a high-level PRG endorsement of the principle they stood on, the practical outcome followed the PRG's original intent that no Americans be released until exchange of the Viet Cong prisoners was well advanced.

In all, the delay had consumed 11 hours, and it was early evening before the 27 Americans boarded the helicopters for transfer to Tan Son Nhut. Of the 19 military, all were Army servicemen except for one officer each of the Air Force and the Marine Corps. The eight civilians included one State Department employee and two from the Agency for International Development, four men employed by firms working on U.S. contracts, and Richard G. Waldhaus, who had been in South Vietnam on personal business when captured. On arriving at Tan Son Nhut, Waldhaus elected to leave the government's repatriation system and stay in Saigon. During all of Operation Homecoming he was the only U.S. civilian returnee to exercise the option of withdrawing.<sup>30</sup>

The remaining 26 men did not reach Clark until shortly before midnight, but their welcome differed little from that given the first 116 returnees earlier in the day. Awaiting them at the deplaning ramp were the same red carpet, color guard, and receiving line headed by the commander in chief, Pacific, Admiral Noel Gaylor, and the JHRC commander, Lt. Gen. William G. Moore, Jr., USAF.\* Well-wishers crowded the flight line and surrounding area, in a scene decked with flags and banners, welcoming slogans, and the hand-lettered greetings of schoolchildren. A microphone relayed the brief remarks of the senior ranking officer of the returnee group before their departure for the hospital, along a route flanked by more banners and waving members of the American community.<sup>31</sup>

The scene and spirit at the hospital were captured in a message sent to Washington before the group of 26 from Loc Ninh had arrived: "All 116 returnees have now been assigned beds, and physicians are making their initial medical evaluations. The returnees are generally euphoric and have been allowed to conduct reunions on each ward. They also have been permitted to arrange their own room assignments based on personal desires of returnees. The discipline and morale of the men is very good . . . . Televisions in every room of the hospital are on."<sup>32</sup>

There was reason to hope that no hitches would develop in the next transfer of prisoners to U.S. control since it was to be a special release of 20

\* On most later occasions U.S. Ambassador to the Philippines Henry A. Byroade joined the receiving line.

men, not previously scheduled, that North Vietnamese leaders themselves had initiated. They described it as an expression of good will on the occasion of the visit of Henry Kissinger to Hanoi. Discussions within the PW Subcommittee of the FPJMC established 18 February as the date, Gia Lam Airport as the site. Once again the United States requested an expedited release, for humanitarian reasons, of a naval officer whose father was in critical condition following a heart attack. The DRV delegation agreed to place Lt. James W. Bailey on the list, but this time as a substitution. The total remained at 20.<sup>33</sup>

Colonel Dennett, Shields, and the others preparing for the 18 February journey to Gia Lam were not aware that an unexpected difficulty had arisen, this time on the American side. Prison authorities had chosen the 20 Americans for repatriation as early as 14 February, but suspicion of the setup mounted quickly among the PWs and passed upward to their own leadership within the compound. The timing of the impending release bore no relation to the agreed schedule as the prisoners understood it. None of the men could be classified as sick or wounded, and their selection bore little relation to order of capture. Some with later shoot-down dates worried about being duped into accepting favored treatment; others suspected some sort of propaganda stunt in which they might be handed over to an escort of peace activists. With approval received through the PW organization's internal chain of command, the 20 men refused to be repatriated.

Having rejected more than one entreaty from DRV officials, the prisoners still refused to leave when the scheduled time came on 18 February. Resolution of the standoff occurred only after arrival at the prison of the FPJMC observer group, whose U.S. element was headed by Lt. Col. Lawrence Robson, USAF. Communicating through a representative of the prisoners, he persuaded the senior ranking officer that the release was genuine and officially sanctioned. Even then, some uncertainty remained among the designated prisoners as to where their duty lay. A later DIA account described the outcome: "To insure there was no stigma attached to the release, the PWs were ordered to leave by the senior officer in the camp, Col. Norman C. Gaddis, USAF. The PWs then shaved, put on their release clothes, cleaned their rooms, and departed Hanoi 'as officers and gentlemen should.'" Their transfer to U.S. control at Gia Lam took place with no further delays.<sup>34</sup>

New difficulties emerged with the approach of 27 February 1973, the last day of the second incremental period. At meetings of the FPJMC and its PW Subcommittee on 26 February the U.S. representatives pointed out that it was already too late for the DRV and PRG to give the promised

48-hour notice of the expected release. When they pressed for a list and other details the opposing side claimed to have no information, citing the familiar difficulty in communicating with Hanoi and with Viet Cong authorities in the field. Later in the day a member of the North Vietnamese delegation attempted to tie his government's observance of the release agreement to a hitherto unrelated request that regular liaison flights be established between Hanoi and Saigon. By the next morning, outside the formal negotiating channel, another DRV spokesman advised several newsmen of additional conditions to be fulfilled, such as the lifting of restrictions on the movement and press contacts of the DRV and PRG delegations and something described as "simultaneous return" of prisoners of war and civilian detainees held by the South Vietnamese government.<sup>35</sup>

Counseled by Ambassador Bunker and General Woodward, the White House reacted strongly to these new attempts to alter arrangements and particularly to the gross imbalance that had developed in fulfillment of the agreement. The United States had already passed the halfway point in withdrawal of its forces, but the men returned so far by the DRV and PRG amounted to little more than one quarter of those listed for release. At a news conference late on the morning of 27 February, White House spokesman Ronald Ziegler declared that there should be no misunderstanding on the part of the DRV about the U.S. position. "We expect our prisoners of war to be released on schedule." Ziegler followed with a formal statement, making points that he said "are being made clear to the North Vietnamese" regarding the unconditional obligations of the cease-fire agreement and referring to the president's instruction to the secretary of state "this morning" to demand clarification from the North Vietnamese delegation in Paris "as a matter of highest priority before other business is conducted at the conference."<sup>36</sup> The reference was to the International Conference on Vietnam, then meeting in Paris, which had the task of affixing a final endorsement and "guarantee" to the peace arrangements in Southeast Asia. Those represented included the Soviet Union, the People's Republic of China, France, the United Kingdom, and several other countries, plus the parties that had signed the Paris agreement itself one month earlier, on 27 January 1973.

"Move Jars Parley in Paris" was the *Washington Post's* heading of its reporter's dispatch from the scene. He wrote that the conferees had been advancing smoothly toward a formal endorsement of the Vietnam agreement, with no disposition to look into charges from both sides that it was being seriously violated. "Most delegations were stunned by the sudden turnabout" when President Nixon's instruction to Secretary Rogers effectively suspended the proceedings until the DRV's foreign minister gave a

satisfactory reply. It appeared that the redeployment of U.S. forces from South Vietnam was at a standstill. In addition, though Defense spokesman Friedheim refused to comment, international news agencies had no difficulty in interpreting the withdrawal of the U.S. Navy's minesweeping force from its task of clearing the approaches to Haiphong. To step up the pressure the United States had suspended implementation of the peace agreement on all fronts.<sup>37</sup>

Firm measures brought quick results. At the Pentagon's morning briefing for correspondents on 1 March Friedheim announced the receipt of a list of 106 American servicemen and 2 Thais that the North Vietnamese had designated for the next release, to occur within 48 hours. Notification of next of kin was already in progress, he said, and a list of men captured in the South was expected shortly from the PRG. Meanwhile, General Woodward was pursuing the matter of an exact release time within the FPJMC. At the White House later in the day Ziegler reviewed these same developments and confirmed that the secretary of state had been authorized to resume participation in the business of the Paris Conference.<sup>38</sup>

A few more attempts at delay had to be overcome before the detailed arrangements were completed. The 106 Americans and 2 sergeants from Thailand's armed forces would be handed over by the North Vietnamese at Gia Lam on 4 March. The next day's group, returning from Viet Cong captivity, would include 27 American servicemen and 3 civilians, plus 2 West German nationals and 2 Filipinos—a total of 34; although captured in the South, they had been moved to prisons in the North, most recently to Hoa Lo in Hanoi, and they, too, would exit through Gia Lam. On the U.S. reception team Brig. Gen. Russell G. Ogan replaced Roger Shields as the principal DoD representative. Since U.S. civilians and third-country nationals were involved, the State Department was also represented by an official from Washington, James P. Murphy, a deputy of Frank Sieverts.<sup>39</sup>

Exchanges between Colonel Phuong and Colonel Dennett having become an established routine, the release procedures on 4 March were readily completed. On the following day, however, Dennett had to begin a new relationship with the civilian official who represented the PRG; also, the transfer of foreign nationals added a different element. The two Germans, Bernhard J. Diehl and Monika Schwinn, a nurse who was the only surviving female prisoner of the Viet Cong, were turned over to a representative of the Federal Republic of Germany in downtown Hanoi and barely reached the airport in time for the C-141's departure. Representatives of the international press were converging on Diehl and his escort as they left the terminal building when Diehl suddenly threw his

arms above his head and shouted "God bless America!" The newsmen were so startled that Diehl reached the aircraft without any questioning. Schwinn was already there, wearing a corsage that was part of her special welcome from the American nurses aboard.<sup>40</sup>

For the next release, scheduled for 14 March, the DRV presented a list of 107 U.S. military men and one civilian, Bobby J. Keese. At Gia Lam members of the U.S. team found their movements more restricted than previously and the number of guards increased. The North Vietnamese explained that the date for this next installment fell within a week officially devoted to anti-American demonstrations that would culminate in "National Hate America Day" on 19 March. However, no disturbance marred the airport ceremony on 14 March, and the 108 prisoners passed to U.S. control without incident.<sup>41</sup>

As in the previous instance, the release of a smaller increment of Americans originally captured in the South but now in Hanoi—in this case 5 civilians and 27 servicemen—followed soon after, on 16 March. From all appearances this transfer entailed nothing unusual, but Colonel Dennett later recalled that the situation was more tense than any previously encountered, for the military contingent included several individuals who had written or broadcast statements condemning the U.S. role in Southeast Asia or expressing their personal alienation from the U.S. military establishment. Since the circumstances indicated that these actions had been voluntary, it seemed possible that the men might give further aid to the enemy's propaganda by renewing their antiwar declarations during the release ceremony. Besides planning for this contingency, officials at Clark and in Washington had given consideration to the possibility that some of the men might refuse repatriation.

Dennett went to Gia Lam on 16 March equipped with instructions for countering a serious defection, the general strategy being to use persuasion, procedural delay, or any other device to prevent an irrevocable break in a serviceman's ties with his country. Uncertainty about how things would go continued through various delays before the returnees reached the flight line, but the tension subsided as each man stepped forward to salute General Ogan and proceed to the C-141. Colonel Dennett was able to flash the code word "Sunshine" to the NMCC, rather than the "Toothache" that had been chosen for a less favorable outcome.<sup>42</sup>

During that same week in mid-March another prisoner return was being played out at another location. Shortly after the signing of the Vietnam peace agreement on 27 January 1973 the Joint Chiefs of Staff recommended an approach to the People's Republic of China about the possible release of two U.S. airmen known to be detained there—Maj. Philip E.

Smith and Lt. Cdr. Robert J. Flynn, whose planes had been downed after straying over Communist China while engaged in Vietnam operations in 1965 and 1967, respectively. The Joint Chiefs suggested to the secretary of defense that the time was propitious; such a move would offer the Chinese government "an opportunity to demonstrate its interest in contributing to an overall peaceful settlement of the conflict in Indochina."<sup>43</sup>

In Secretary Richardson's office the JCS memorandum received a terse annotation: "Dr. Kissinger fully aware and working on this." Kissinger's efforts bore fruit when on 12 March John Downey, a CIA agent who had been incarcerated in China for more than 20 years on spy charges, was released into the custody of American Red Cross official Eugene D. Guy. Accompanied by a British medical officer, Guy received Downey on the Chinese side of the Louw Bridge connecting mainland China with the British colony of Hong Kong. Barely 30 minutes after crossing to freedom, Downey was en route to Clark Air Base aboard a U.S. medevac plane. On 15 March the same Red Cross representative went through the same procedure to obtain custody of pilots Flynn and Smith. Halfway across the bridge Flynn paused to savor the moment and light the cigar his escort had provided.<sup>44</sup>

With recovery of the prisoners from mainland China and the 32 men released on 16 March, the prisoner release figures finally matched the force withdrawal figures. According to the official tally, by 16 March the number of Americans returned had reached 441, which was exactly three-fourths of the total number currently listed for release, 588.<sup>45</sup> The same proportion applied when it came to the evacuation of U.S. forces. Only the fourth incremental withdrawal remained to be accomplished; it would remove the approximately 5,300 troops still in Vietnam. The target date for completing both the prisoner exchange and force withdrawal was 28 March 1973, the sixtieth day following the signing of the agreement.

#### *Return of the Laotian PWs and the Rest of the Prisoners*

During the negotiation of the Paris agreement DRV officials had pledged that U.S. servicemen and civilians seized in Laos would be released during the 60-day repatriation period. Mainly for reasons relating to the sovereign identity of Laos, this undertaking was not included in the formal document, but it was buttressed by Le Duc Tho's assurances to Kissinger that the North Vietnamese government accepted responsibility for making the necessary arrangements with the Pathet Lao. On that basis Kissinger had publicly announced that the Laotian prisoners would

be returned, and no contradiction had come from Hanoi. But no names of persons held in Laos appeared on the prisoner list turned over by the North Vietnamese on 27 January 1973. Only after the United States protested did Hanoi, on 1 February, submit a list for Laos, a disappointingly short one showing only seven U.S. servicemen and two civilians, plus one Canadian citizen.<sup>46</sup>

When the U.S. spokesman at the PW Subcommittee meeting on 19 March asked where the Laotian prisoners would fit into the return schedule for the final increment, Hanoi's delegates claimed they had no authority to discuss the subject since it fell outside the Paris agreement. The U.S. government would have to negotiate with the Pathet Lao for the men's release, they said. During the next 48 hours the North Vietnamese offered to return the remaining prisoners held by them and the Viet Cong on 25 March, subject to the withdrawal of all U.S. forces by that date. Moreover, they would, after all, handle the negotiations with the Pathet Lao for release of the 10 persons captured in Laos.<sup>47</sup>

Washington instructed the U.S. delegation late on 22 March that nothing should be accepted on faith and no attempts to alter agreements would be allowed. The United States would complete the withdrawal of its military forces from South Vietnam in accordance with the agreement "and coincident with the release of all, repeat all American prisoners held throughout Indochina." Redeployment of forces in the fourth increment would begin only when two further conditions were met: (1) receipt by the United States of a complete list of all American PWs, including those held by the Pathet Lao, as well as the time and place of release, and (2) actual transfer of the next group of prisoners to U.S. custody. If these conditions were satisfied by 25 March there would still be time for withdrawal of the remaining 5,300 troops by the target date of 28 March. Washington's message contained one further direction: "If difficulties arise during the process of release, then cease all withdrawals until otherwise instructed."<sup>48</sup>

The DRV and PRG delegations were indignant. They repeatedly protested the new U.S. position, charging that it violated several articles of the agreement, maintaining that disposition of the Laotian captives fell outside the purview of the FPJMC and that withdrawal of U.S. forces could be linked only to the return of persons captured in Vietnam—not all of Indochina. They suspended the provision of lists for the next return, declaring that the United States must bear full responsibility for any delay in the release schedule. The U.S. side remained firm, though doing what it could in private to encourage a change in the opponent's stand. Policymakers were banking on their assessment that a final and



definite termination of the American military presence meant more to the North Vietnamese and Viet Cong than any concession they might expect to extract by holding up return of the last prisoners. Besides, there were intimations that the North Vietnamese were now negotiating with the Pathet Lao.<sup>49</sup>

On 24 March the PRG submitted a list of 32 Americans held by the Viet Cong—27 military and 5 civilian—whom they proposed to return at the Hanoi airport on 26 March, plus 1 Korean soldier to be released at a point in South Vietnam. (As with the 5 March and 16 March returnees, the 32 Americans were counted as Viet Cong prisoners even though housed in the North at the time they were let go.) The next day the North Vietnamese listed a final increment of 107 U.S. servicemen they intended to release at Gia Lam over two days beginning 27 March. At a private meeting with General Woodward on 26 March the head of the DRV delegation urged that these transfers take place, along with a parallel withdrawal of U.S. forces. Leaders of his government fully accepted the responsibility to fulfill the pledge made by Le Duc Tho, he said, and the United States could proceed on the basis of Hanoi's assurance that negotiations with the Pathet Lao would reach a favorable conclusion within a few days. General Woodward reiterated the U.S. position without change: No further withdrawal of U.S. forces would occur until firm information on the date, time, and place of release of prisoners held in Laos had been furnished.<sup>50</sup>

By evening of 26 March Hanoi's delegates had requested a second meeting. They announced that the Pathet Lao had agreed to hand over the 10 captives on the morning of 28 March. The Canadian citizen would be released to a Canadian diplomat in Hanoi and the nine Americans would be returned at Gia Lam. In deference to North Vietnamese sensitivities, the United States did accept a few procedural adjustments to distinguish this transaction from those pursuant to the Paris agreement—the usual formalities involving representatives of the FPJMC and ICCS would be omitted and only U.S. and Pathet Lao officials would participate.\* With the Laotian matter resolved, all elements of the final delivery fell into place, and General Woodward indicated that the U.S. redeployment schedule for 27 through 29 March would be made available to the FPJMC and ICCS immediately. The PRG and North Vietnamese representatives now committed to the following release sequence: the afternoon of 27 March, PRG return of the remaining 32 U.S. captives of the Viet Cong; the morning of 28 March, Pathet Lao return of the 9 Americans and 1 Canadian; the afternoon of 28 March, DRV return of 40 U.S.

\* The U.S. party was smaller than the standard reception support team and was headed by Lieutenant Colonel Robson rather than Colonel Dennett.

military; and 29 March (time not specified), DRV return of 67 U.S. military. All of the repatriation transfers were to occur at Gia Lam with the exception of the Canadian released in Hanoi. The single Republic of Korea soldier had already been freed by the PRG in South Vietnam on 25 March. He did not enter the Homecoming system.<sup>51</sup>

The series of releases took place as scheduled and without notable incident. As the United States had originally stipulated, the final phase of its troop withdrawal did not begin until the 32 Americans listed for release on 27 March were safely in U.S. custody. The redeployment was completed on 29 March, after the last captives of the North Vietnamese had been released.<sup>52</sup>

But the repatriation was not finished after all. On 28 March PRG authorities had given notice that one more American serviceman, never before reported, was being held in a Viet Cong area of South Vietnam. Capt. Robert T. White, USA, had been missing in action since November 1969. White was picked up by helicopter at a point about 65 miles southwest of Saigon and flown to Tan Son Nhut, where he was transferred to a medevac aircraft bound for the Philippines, reaching Clark in the late afternoon of 1 April.<sup>53</sup>

As may be seen in the table below, a total of 600 prisoners had emerged from captivity. Besides those named in the lists provided by the DRV and PRG in Paris on 27 January 1973 and the 10 on the supplemental Pathet Lao list of 1 February there were the 3 men released by the People's Republic of China and 3 late additions to the PRG list—Captain White, the ROK soldier, and Lt. Cdr. Phillip A. Kientzler, a Navy airman shot down even as the lists were being exchanged in Paris on 27 January.<sup>54</sup>

**Captives Returned During Operation Homecoming**  
12 February - 1 April 1973

	DRV	PRG	Laos	China	Total
Army	0	77	0	0	77
Navy	135	1	1	1	138
Air Force	312	6	6	1	325
Marines	9	17	0	0	26
U.S. civilians	1	21	2	1	25
Third-country nationals	2	6	1	0	9
Total	459	128	10	3	600

Of the 600 returnees, all but 3 were evacuated to the Philippines in the aircraft committed by the United States to Operation Homecoming. The non-participants were the Korean soldier, U.S. civilian Richard Waldhaus, and a Canadian citizen, Marc Cayer, turned over to the Canadian delegation

serving on the ICCS. Assuming control of Cayer in Hanoi on 14 February, the Canadian government arranged his travel home, including a stop for intelligence debriefing in Saigon.<sup>\*55</sup>

At the reception center at Clark Air Base the ex-PWs' medical processing took first priority. Following the welcoming ceremonies at the flight line, returnees went immediately to the hospital, typically arriving in late afternoon or early evening. According to one account, as soon as the "pandemonium" settled down, they were briefed by the hospital commander and given a preview of the schedule leading to their flight home. Doctors then examined each patient briefly to detect conditions that would preclude any of the planned activities, such as debriefing or receipt of depressing news about family situations that awaited some of the men. After hot showers and a change into hospital garb the men proceeded to the dining room for their first meal.<sup>56</sup>

The diet story had been a favorite of the reporters at Clark when seeking something to write about during the early February waiting period. Their stories described the determination of officials to avoid the hot dog binges that were said to have produced more distress than contentment for surviving prisoners of the Korean War. Special menus awaited the returnees, "including lots of liquids and easily digested soft foods to replace their prison fare." The stock of food and drink carried on the medevac flights leaving Hanoi was purposely bland, though highly nutritious. On encountering it, the senior ranking officer of the second planeload of returnees, Col. Robinson Risner, USAF, began a campaign to persuade the doctors that the planned dietary restrictions should be eased. He maintained that men who had been living on "a lot of pig fat and grease" would have no trouble digesting standard American items like steak.<sup>57</sup>

When the 116 men who came out of North Vietnamese captivity on 12 February approached the dining hall, nearly all had been certified for the regular diet—in practice, virtually unrestricted as to choice and quantity, though no alcohol was to be consumed. The memoirs of returnees give a colorful account of what followed, mentioning beef and piles of fried chicken, the bountiful ice cream bar, and enjoyment of vegetables and salad items long denied them. Risner himself passed up the bread and concentrated on cake. There was only one reported stomach upset, and it is officially recorded that the returnees "adjusted promptly to eating the normal American diet." They did so with such universal enthusiasm that the medical authorities gave up obtaining blood samples from

\* This was not the Canadian civilian released in Hanoi by the Pathet Lao on 28 March, who went on to Clark (see p. 514).

patients in a fasting condition while at Clark; tests with that requirement would have to wait.<sup>58</sup>

The exuberant state of the ex-prisoners led to changes in the limited program planned for the first evening. Keyed up to a pitch that put sleep out of the question and eager to make progress toward their ultimate departure, some of the men moved on to the intelligence debriefing, several made their telephone calls to wives or parents, and a few, attended by chaplains as required under the sensitive information procedure, received news of family deaths or pending divorces. Tailors from the clothing shop succeeded in measuring nearly all the returnees for their uniform fittings. By the day's end most men had received the physician's clearance to meet their individual escorts, who would guide them through a schedule of appointments that worked in the required administrative processing at times not preempted for medical and dental treatment.<sup>59</sup>

Usually the second day saw the completion of next-of-kin calls and a first round of debriefings, which at this point confined the interview to what the released prisoner knew of the whereabouts or circumstances of loss of other men still missing. Returnees obtained information about their career status, finances, and other personal affairs, and all received an initial pay allotment of \$250, with further disbursements available on request—the average amount withdrawn was just under \$600 per man. The former prisoners needed funds for the scheduled visit to the base exchange, which was kept open during the evening for their exclusive use. This provided a welcome opportunity to buy clothing and replace watches and other lost personal items, and to select gifts for family members and patronize the flowers-by-wire service.<sup>60</sup>

By the third day nearly all men had completed the medical and dental procedures and could devote some time to their choice of activities. A visit with the children and staff at an elementary school on the base quickly became established as the favorite outing. Some watched the movies shown in the Red Cross lounge; others sought to catch up on the current American scene through magazines and other materials. The final fitting of their uniforms generally occurred on the third day, as did the special dinner, offered in a more formal setting, with soft lighting and gourmet food items, including a somewhat wider selection of beverages than theretofore.<sup>61</sup>

Given the role that religious faith had played in their survival, it was not surprising that many of the ex-prisoners found their way to the base chapel. On reaching Clark they welcomed the attentions of the 18 chaplains, and many sought the earliest opportunity to take communion or have confessions heard. Chaplains offered individual counseling as well as formal religious rites, particularly to those called on to reconcile themselves

to tragic news from home. On three different occasions as successive groups passed through the center a senior ranking officer requested space and a scheduled time to hold a general service of thanksgiving, conducted entirely by the former prisoners.<sup>62</sup>

The U.S. civilian returnees, attended by escorts from the embassy in Manila, followed the same regimen as military personnel, and their reactions were remarkably similar. A report to Washington about the seven civilians who arrived on the late-night flight into Clark on 12 February noted that they were so keyed up despite the long wearing day that they talked with escorts until 4:30 a.m., six of the seven completing the next-of-kin call before going to bed.<sup>63</sup>

The course followed by the released prisoners of other nationalities varied, depending on the wishes of their governments. For the return of the group on 5 March that included the two Filipinos, President Ferdinand Marcos of the Philippines took an honored place on the flight-line reception stand. Following their welcome the two passed immediately into Philippine government control and were transported to a Quezon City hospital. The two West German citizens also arrived on that day, accompanied by a member of their country's diplomatic corps. Diehl and Schwinn received full but expedited medical processing at Clark in order to catch the Lufthansa flight to Germany on 7 March from Manila. Earlier the two Thai sergeants had received medical examinations at the U.S. facility but soon left for Thailand on a routine military flight, in accordance with their government's wish to avoid publicity. Canadian citizen Lloyd Oppel reached Clark with the nine Americans released by the Pathet Lao on 28 March. Oppel was found to have an active case of malaria, and Canadian officials agreed that he should stay in the system and have the benefit of medevac facilities on the trans-Pacific flight. He was to remain under American care until delivered to representatives of the Canadian government in Bremerton, Washington.<sup>64</sup>

With few exceptions, men departed on homebound flights sometime on the day following their third night at the Clark center; the typical stay was around 72 hours. Three men seriously ill or mentally disturbed were kept at the Clark hospital longer than the average, but even they were not retained beyond the fifth day. The emphasis was on stabilizing their condition at a level that permitted air evacuation to the United States rather than beginning what might be a long course of treatment at Clark.<sup>65</sup>

Four of the returnees departed quickly, with processing held to a minimum, to hasten their reunion with relatives believed to be near death. Two were the naval officers Woods and Bailey, whose expedited release had been requested for that purpose. The others were John Downey, returned

from China, and Air Force Maj. Glenden W. Perkins. Each man reached home in time either to provide comfort to a terminally ill parent or in one instance to be credited with bringing about a remarkable improvement in the patient.<sup>66</sup>

One problem anticipated during the Homecoming planning did not materialize. That most of the early arrivals at Clark remained no more than 72 hours in the Philippines strongly reinforced the advice to next of kin on the undesirability of traveling there to meet their returning serviceman. The three persons who did make the trip were all family members already residing in Southeast Asia, and each enjoyed some degree of official approval. A U.S. government employee stationed in Saigon flew to Clark for reunion with his Air Force son. No objection was raised to a similar journey by a naval officer's wife currently living in Hong Kong. Had she asked to accompany her husband on the medevac flight to the United States, however, she would have been advised to travel by commercial air. James Smith, a U.S. business representative in Hong Kong, had a joyful reunion with his Air Force brother after the latter crossed the bridge from Communist China. Permission had already been given for him to accompany the returnee as far as Clark.<sup>67</sup>

Relations between the government's public affairs officers and the news media continued to undergo strains both on the eve of and during homecoming. Even before any return of prisoners occurred the journalists on assignment at the Clark reception center made plain their frustration and impatience over the limited role planned for them. As early as 4 February CBS representatives were importuning the JIB chief, Colonel Lynn, for more details on how he intended to implement the flexible policy on returnee interviews that Secretary Richardson had recently outlined. A week later a *Newsweek* correspondent passed a comment back to the Pentagon criticizing the acting assistant secretary of defense for public affairs, saying that "Mr. Friedheim's name is mud with the media."<sup>68</sup>

Although TV and radio correspondents won plaudits for their live coverage of the first arrivals at Clark on 12 February, the beginning of processing there did not immediately improve the press situation. The foreign editor of the *New York Times* telegraphed a protest to the secretary of defense that "the first group of POWs has now taken off for the United States with press at Clark unable to get anywhere near them even though they were healthy enough to eat anything, . . . horse around in the hospital, go shopping, see movies and talk to virtually everyone else who runs into them." All information, "except from scared informants," had come "third hand and censored" through military public affairs officers.<sup>69</sup>

The editor's telegram had not yet been delivered when the first relaxation of restrictions occurred at Clark, bringing the avowed policy of flexibility closer to fulfillment. Just after noon on 15 February newsmen had the opportunity, during a 15-minute press conference, to question Colonel Risner and Lt. Col. John H. Dunn, USMC, both senior officers and recognized leaders among the prisoners. Their responses were crisp, candid, and notable for the evident sincerity with which they cited possible impact on the return of comrades still in Hanoi as the reason for not answering some of the queries.<sup>70</sup>

On 19 February six men from the group released at the time of the Kissinger visit to Hanoi were interviewed at Clark, each by a single reporter, with the information to be pooled for use by the entire press contingent. "Controversial" questions were prohibited, and public affairs officers monitored each interview. On 6 and 7 March more returned prisoners held interviews on a one-on-one basis, with television coverage in some instances.<sup>71</sup>

These arrangements had been approved by the Pentagon, and media representatives were observing the ground rules with reasonable fidelity. It was the quasi-official *Stars and Stripes* (Pacific edition) that overstepped the line on 8 March when reporting an interview with an Air Force colonel. Under the headline "Returnee Charges Protesters with Treason," the item mentioned the public affairs officer's objections to the colonel's comments on the antiwar movement and particularly to his references to named individuals, "one of them a former attorney general of the United States." Later investigation indicated that some of the returnee's more acerbic remarks had been made to the reporter after the interview's end, in the absence of the public affairs officer. In any event, Friedheim's office withdrew the authorization for interviews at Clark. By this time returnee interviews were no longer a novelty, since a number of men had already reached the United States, completed their hospital stay, and held press conferences when departing on convalescent leave.<sup>72</sup>

From the time of the arrival of the Kissinger release group at Clark on 18 February, media representatives had been allowed to observe the first meal in the dining hall; later they accompanied returnees on the visits to schools, the base exchange, and the bowling alley. Newsmen still complained that they were kept isolated from the men and had no opportunity "to chat" with them. The *New York Times* carried a report that all information released on the former prisoners was being filtered through "a team of nearly 80 military public-relations men."<sup>73</sup>

The desire of members of the press for a place on the Operation Homecoming aircraft going into Hanoi had never been satisfied, but a

contingent of 28 American newsmen did reach the North Vietnamese capital in time for the final turnover of prisoners on 29 March. They had won permission from the authorities there to fly to Gia Lam from Vientiane in a chartered plane. At the close of the ceremonies General Ogan and Colonel Dennett held a short press conference for the American correspondents.<sup>74</sup>

The number of media representatives at Clark declined after the first returns in February, but on 31 March there were 73 working press and 156 technicians still accredited to the JIB. They were expected to depart after covering the farewell ceremonies for the last group of returnees on 1 April, though CBS and UPI were committed to remaining until the last man, Captain White, also left for home.<sup>75</sup>

As successive planeloads of former prisoners moved through the departure formalities, their spokesmen had groped for something better than "No words can ever express . . ." when trying to convey how much the warm welcome, expert care, and constant solicitude for their well-being had meant to them. The tribute they paid was well deserved. From first to last, high military and political officials and the members of the American community associated with the Clark base had never failed to turn out in impressive numbers for each welcome or departure, whatever the hour. Equally unflagging in their efforts were the personnel more directly involved in the processing, from the Red Cross volunteers who managed the scheduling of the overseas telephone calls, through the X-ray and lab technicians, those who plied the needles in the tailor shop, and many more. The final accounting showed a remarkable number of voluntarily worked overtime hours throughout the organization.

Staff members could maintain the intensive processing schedule in part because of the episodic nature of the releases. Since new batches of men arrived at roughly two-week intervals, there were extended periods when the reception center was cleared of its charges and relaxation and restocking were in order. For the escorts, however, rest proved to be more elusive. Besides being responsible for keeping detailed records of the individual's progress in processing and for insuring that he missed no appointments, the escort had to be on call to assist the returnee 24 hours a day. In the Navy and Air Force the officer had the added responsibility of conducting and writing up the man's debriefing. These extremely demanding duties brought some escorts close to exhaustion by the time the moment of departure arrived. Since they normally continued in the assignment at least as far as Travis Air Force Base in California, a 15-hour flight still awaited them.<sup>76</sup>



*Return Home and Final Processing*

In all, C-141 aircraft made 38 flights carrying the men home to the United States. In a few special instances, such as the expedited return of Woods and Perkins on 13 February, the number aboard was far below capacity. The usual loading included 20 returnees, their escorts, a public affairs officer, medical personnel, and other attendants. The route ran from Clark to Hickam Air Force Base in Hawaii, where the stop was usually short and generally disappointing to the waiting newsmen. The original plan called for all flights to enter the continental United States at Travis, northeast of San Francisco. Some men deplaning there entered service hospitals nearby. Others boarded C-9 aircraft whose routes fanned out to their various home areas. Usually the C-141 also continued the journey, transporting some portion of its original passengers to such further destinations as Kelly AFB, San Antonio, or Scott AFB, in southern Illinois near St. Louis. All 11 U.S.-bound flights during February conformed generally to this pattern.

The Military Airlift Command (MAC) soon suggested a more efficient operation. Only through very close scheduling and quick turnarounds had the available C-9 resources succeeded in meeting Homecoming's requirements. Also, a C-141 had no need to make a West Coast stop unless its passengers were bound there. After refueling in Hawaii, the aircraft could fly nonstop to Scott or to Andrews AFB near Washington, D.C., or McGuire AFB in New Jersey. Accordingly, MAC recommended that aircraft loads at Clark be made up with the final destination as a controlling factor. If all men on the passenger list were bound for the East Coast, for example, they could be flown directly to a dispersal point in that area. They would reach home more quickly, and the total miles flown by the C-9s would be reduced.

The new system started in time for the first flights home in March. Given the concentration of waiting families in California, roughly one third of the C-141s still landed at Travis or its bad-weather alternates, but others flew directly to Maxwell AFB in Alabama for the southeast, to Kelly for the southwest, or to Scott, Andrews or elsewhere. From these points the men were delivered to the Great Lakes or Bethesda Naval Hospitals, Valley Forge Central in Pennsylvania, Sheppard AFB Hospital at Wichita Falls, Texas, or another of the 31 facilities awaiting them.<sup>77</sup>

Each planeload of returnees arriving stateside received a welcome similar to the spirited reception at Clark. The red carpet, color guard, and presence of the highest ranking officials available to head the greeting line were standard features. Normally the Defense public affairs officer at the scene had been speaking to the gathered well-wishers over the public

address system to inform them of the aircraft's time of arrival, identity of the men on board, and the arrival procedures. Those responsible for order and the avoidance of spectator forays onto the flight line soon recognized the need for a further announcement, directed to people in the audience who wore one of the PW/MIA bracelets obtained from the VIVA organization. Inscribed with a serviceman's name and date of loss, it signified an emotional commitment to his survival, backed up by a vow to wear it until his return. The announcement invited such persons to turn their bracelets in, with a note if desired, and be assured that their offerings would reach the particular returnee before he came down the ramp.<sup>78</sup>

The presence and participation of the men's families proved to be the event's most distinctive feature. Plans drawn up ahead of time had envisioned the returnee's reunion with wife and children or other relatives as occurring in the privacy of the hospital, and next of kin who were consulted had endorsed this arrangement. But after experiencing the emotional impact of the early TV coverage at Clark and the quickening anticipation that attended the men's progress toward home, many wives felt compelled to be on the flight line, yielding place to no one as first-hand witnesses of the arrival.

Friedheim's deputy, Maj. Gen. Daniel James, Jr., was on hand at Travis when the first contingent of returnees landed on 14 February. Back in the Pentagon in time for the next morning's press briefing, he told how the program had been altered by common agreement of wives and officials and with the enthusiastic approval of the news media. Indeed, public affairs guidance issued from Washington shortly before the event had anticipated this possible turn. It provided that "any efforts to shield meeting of returnees and dependents from photographers, if this occurs at planeside, would be inappropriate."<sup>79</sup> So it was that a scene repeatedly captured by the TV cameras remained as the enduring image of the PWs' homecoming in the minds of many Americans—the sequence of approach and enveloping embrace by which the man in uniform was restored to his family. Staff cars transported the reunited couples or family groups to the hospital.

Throughout the arrivals some families continued to prefer a private reunion, as originally intended, but once established in the hospital, all returnees followed the same program. They spent the first night in the quarters supplied by the government for their families, with dinner and breakfast delivered at their call. They then entered Phase III of the processing, which included the full-scale intelligence briefing. The main commitment, however, was to conducting a comprehensive assessment of the men's health needs and starting the indicated medical treatment.

The bearing and appearance of the returnees when first seen at Clark Air Base suggested a much better state of health than had been anticipated. Few men showed evidence of the extreme debilitation and psychological withdrawal that had sometimes been predicted. Though most were well under their pre-capture weight, they did not display the skeletal gauntness of the concentration camp survivor, and outwardly they were clearly not bowed or broken men. Their pride had played a part in sustaining the impression of general physical well-being. One observer noted that some of the returning prisoners were classified as litter patients, but "most of these appeared ambulatory to the public" as they managed to move erectly through the welcoming ceremonies. The positive tone of early hospital reports reinforced the notion of the PWs' being in surprisingly good health. At one press conference at the Clark hospital newsman Bernard Kalb remarked that "you're talking today about their condition being excellent, better than the good used before . . . . We were given a much gloomier picture of the condition that these men might be in."<sup>80</sup>

Data on the overall health status of returnees became available only some weeks later. Dr. Richard Wilbur, assistant secretary of defense (health and environment), gave the earliest assessment at a press conference on 1 June 1973, confirming that the men were in worse condition than their outward appearance had suggested. Dr. Wilbur described some of the more serious medical problems encountered, such as malaria. Though airmen downed in the North rarely contracted it, nearly two-thirds of the men captured and held in the South had been infected with a virulent strain of the disease, resistant to available treatment and producing recurring fevers and other symptoms. The main hope for its eradication lay in new medications still being developed. Doctors were more confident of getting rid of the intestinal parasites, whose incidence varied little whether the individual had been incarcerated in the North or South. More than 50 percent of all the men harbored hookworms, pinworms, whipworms, and other parasites, including a significant number of cases involving the roundworm, which Wilbur described as larger and more serious.<sup>81</sup>

Nearly one-third of the Navy and Air Force pilots had suffered major fractures when shot down, usually at the time of ejection but sometimes from hard landings following the parachute drop. At least half were vertebral fractures, often with the additional complication of disc injuries and various forms of partial paralysis. Army helicopter crewmen also suffered the consequences of violent compression of the spine when involved in crash landings, but of course enemy fire had been the main danger in ground combat. About half the soldiers and Marines had one or more significant wounds at the time of capture. The men who returned suffered

from various impairments as a result of these injuries or of healing that had occurred under unfavorable circumstances.

Closer analysis of the experience of 60 Navy airmen underscored the hazards they encountered. "All 60," Wilbur said, "were ejected from planes as their method of arriving in North Vietnam," with 20 of them receiving wounds or other injuries at the moment their aircraft was hit. In addition, 37 sustained a serious injury during ejection, 17 during the parachute descent or landing, 16 in the course of being captured, and 1 while attempting to escape. Sixty percent of them had also suffered one or more "oral-facial injuries" at some time, but whether during shootdown, capture, or later interrogation was not indicated. More definitely related to the captivity experience was the "peripheral neuropathy" found in approximately 10 percent of the Navy and Air Force prisoners from the North. This was the nerve damage caused by having their arms or legs tightly bound or shackled for long periods.<sup>82</sup>

During the men's Phase III processing service medical authorities continued the treatment of malaria, nutritional deficiencies, and other conditions. They made decisions about corrective surgery and prescribed courses of physical therapy, some of which could be pursued on an outpatient basis. Length of stay in the hospital varied considerably. The first returnee groups, because they consisted of the earliest captures and those given priority because of wounds or illness, tended to be in the worst shape and so required the longest hospital stays. Of the 142 Americans who reached the continental United States between 14 and 17 February, only 34 had completed Phase III processing by 1 March. By 8 March the figure had risen to 101. In contrast, the 66 Americans who arrived at hospitals on 31 March had all been lost to the enemy during 1972—36 of them during the December bombing campaign—and so had only spent a few months in captivity. Except for a number who had suffered serious wounds or injuries, these short-term prisoners had few ailments and relatively little to recount during the debriefing sessions. For them a stay of two days was more common than the two weeks or more seen earlier.<sup>83</sup>

Public affairs considerations came to the fore again as men approached the end of their hospital stays. DoD guidance indicated that former prisoners should make themselves available to media representatives generally before granting any exclusive interviews or contracting to write for publication. To satisfy this requirement a press conference was usually scheduled when men were ready to leave the hospital. Occasionally real or apparent breaches of the rules occurred, one as early as 18 February. A San Antonio daily devoted part of its front page to self-congratulation over an exclusive interview its reporter had obtained with a returnee at the Lackland AFB

hospital. The Defense public affairs officer (DPAO) at Lackland advised Friedheim that nothing justifying such a claim had taken place. The story, he said, had been spun out of just two sentences uttered by the returnee, only one of them addressed to the reporter. In another case, “unknown to anyone” and reportedly on the same day he had shell fragments removed from his leg, a returnee appeared on the “Sonny & Cher” show. The taped program aired at a later date but the impromptu appearance raised eyebrows.<sup>84</sup>

Whether in a press conference or an interview, the ex-prisoners soon learned to be discreet. At Scott AFB an AP correspondent queried one of the long-term prisoners, Capt. Thomas Barrett, who wisely minded the DoD instructions.

Question: Captain, I have a rather involved question—about the ground rules. We understand that you can't or would rather not speak about conditions of your captivity because of a possible threat to the release of more prisoners. Is that right?

Answer: We would not want to do anything that would conceivably jeopardize the release of the other prisoners.

Question: Government officials were quoted this week as saying that the American POWs have suffered the most barbaric handling of any persons of any nation in history. Would you consider that remark incautious in view of what you just told us—or as inappropriate?

Answer: Well, I would prefer not to comment on it at all.

Question: Would you make that kind of remark under the rules of this news conference?

Answer: I will make no remarks concerning the captive situation at all.

Barrett's circumspection may have saved him some embarrassment, for the statement he was invited to criticize came from President Nixon, as the reporter confided in a later conversation with the DPAO. What the reporter did not mention was that it had been made nearly two years earlier, on 16 April 1971.<sup>85</sup>

As long as conditions in the prisoner camps and the treatment received from the enemy remained closed subjects, the returnee interviews

generated few major news items. Friedheim told the press corps that the restrictions expressed the shared conviction of policy officials and returnees that the topics should not be discussed "until the last man is out."<sup>86</sup> At the same time, Friedheim was arguing in-house that it would be unwise and probably futile to attempt to continue the ban on personal accounts of prison experience once the last group of men had been recovered. Though some counselors objected that letting the men speak could blight the hopes for enemy cooperation in resolving the MIA question, his view prevailed.

Friedheim's accompanying recommendations were less successful, however. He had suggested that "it is in our interest, and the interest of the returnees, to have this story told in a manner which will place it in proper perspective and provide a responsible basis for future public discussion." Friedheim proposed to begin with a Pentagon news conference at which Roger Shields would present an overview of the information on conditions of captivity. He noted for Secretary Richardson that "Dr. Shields is your personal representative, was in Hanoi and at Clark, and is more expert than anybody else," and hence was the recommended spokesman rather than General James or Friedheim himself. During such a presentation Shields would announce that a representative group of returnees, including several senior camp commanders, would meet the press at the Pentagon two or three days later. Following that presentation all returned prisoners would be free to discuss their experiences, subject to normal security and other considerations.<sup>87</sup>

The desirability of staging this carefully managed sequence was questioned by Lawrence S. Eagleburger, who had become acting assistant secretary of defense (ISA) following Nutter's departure at the end of January. Referring to the strongly patriotic arrival statements made by returnees at Clark, with frequent expressions of gratitude for President Nixon's actions as commander in chief, he noted that "we have already been subjected to charges of orchestration." Proceeding as Friedheim suggested "would tend to lend credence to the charge" that government officials were dictating what was said. It would also involve the U.S. government more directly than was necessary in publicizing the returnees' accusations, if such allegations were made in the formal setting of a Pentagon press conference, which could increase still more the difficulty of enlisting North Vietnamese help in other efforts important to the United States. Accordingly, Eagleburger thought the initial disclosures about mistreatment at the hands of the enemy should not be made by an official DoD spokesman. He favored letting the individual returnees speak for themselves without Defense officials appearing prominently in a sponsor's role.<sup>88</sup>

Eagleburger's notions here generally won out, the outcome possibly influenced by consultations with senior officers among the former prisoners, which he had recommended. Both the inclination to break the story in Washington and the urge to shape its reception with official commentary were held in check, and the resulting directive simply defined the freedom individual returnees would have to speak publicly of the details of their captivity once DoD declared the subject open for discussion. The directive was issued on 28 March, accompanied by an order to public affairs officers at all Homecoming installations to see that a copy reached every returnee, whether still a hospital patient or on convalescent leave. The text advised a number of precautions:

- a. Returnees should limit their discussions to their own experiences and should not attempt to discuss subjects or actions they did not observe.
- b. Any statements of a speculative nature concerning past or future events in Southeast Asia should be avoided.
- c. Subjects which are classified will not be discussed.
- d. General comments on the suspected fate of men still carried as MIA should be avoided and specific knowledge concerning resolution of individual MIA cases should not be discussed in a news conference forum. This is a matter for the various service casualty officers and next-of-kin considerations are paramount.
- e. In general, discussions of the actions or experiences of others should be avoided.
- f. Discussions of alleged misconduct of other returnees and possible legal actions involving these people must be avoided. Any such charges would, of course, have to be legally investigated and proven, and statements concerning alleged misconduct of others could prejudice possible UCMJ procedures.<sup>89</sup>

Friedheim's message placing the directive in effect went out the following day, 29 March. By then the only remaining hint of centralized management was in the notice that transcripts of the first day's press conferences would be circulated to indicate "the types of questions that all returnees may anticipate."<sup>90</sup>

Former prisoners talked with newsmen at various locations on 29 March 1973, and their accounts appeared on front pages across the country the following day. "POWs' Nightmarish Ordeal: Tales of Torture, Beating,

Months in Solitary,” read a typical headline. One participant, Colonel Risner, now had the opportunity to insure that remarks he had made under the previous restraints were properly understood. During the 15 February press conference at Clark he had been asked about broadcasts attributed to American prisoners in Hanoi that condemned U.S. policy and called for withdrawal from the hostilities. News reports at the time showed him confining his response to the suggestion that “we should consider the source of those statements; they were made from a prison in North Vietnam.” Now at liberty to remove any doubt of his meaning, Risner gave a graphic description of the enemy’s torture techniques. “I myself have screamed all night,” he said in explaining how he and others were forced to provide the propaganda statements demanded of them. He readily acknowledged being reduced to a state where “I wrote what they told me to write . . . . If they told me the war was wrong, I said it was wrong.”<sup>91</sup>

The matter arose again in an exchange between newsmen and General James at the next Pentagon press briefing.

Question: One of the guys yesterday estimated 95 percent of the prisoners had been tortured and that 80 percent of them finally gave in and made statements. Does that pretty much square with what you’ve heard?

Answer: I think the prisoners’ statements speak for themselves. I have no reason to doubt any of them and they were told simultaneously in practically all sections of the country yesterday, and were remarkable for their consistence. The detailed description of the types of torture and this sort of thing, . . . I don’t think there’s anything I can add that would highlight that any more.<sup>92</sup>

His remarks could be read as a tribute to the wisdom of the decision to forgo official staging of the event and allow the authentic voices of the returnees to be heard.



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## Conclusion

Throughout the negotiations over ending U.S. participation in the fighting in Vietnam, the release of the American prisoners of war stood as an absolute condition for U.S. withdrawal. Washington's representatives held to this position both in the open sessions of the Paris peace talks and in secret conversations with the North Vietnamese. When opponents of the Nixon administration's policy called for speedier termination of the involvement they also commonly made it contingent on the return of all American prisoners of war and some form of accounting for the servicemen listed as missing in action. As public sentiment shifted decisively toward demanding an end to the war, some commentators spoke of assuring the recovery of the captive Americans as the only remaining legitimate reason for continuing the hostilities.

From 1968 onward the United States had sought an honorable way out of the Southeast Asian conflict. The difficult and protracted negotiations with a rigid, aggrieved, abusive, and deceitful yet maddeningly self-righteous foe finally ended with the signing of an agreement between the United States and North Vietnam in January 1973. At its heart lay the provision for simultaneous release of the prisoners and withdrawal of U.S. forces from Vietnam over a 60-day period. With the signing of the Paris agreement there began an intense emotional experience for the nation as it witnessed the homecoming of the prisoners.

### *Perceptions of Homecoming*

Exhaustive press, radio, and television coverage allowed the public to follow each step of the progress of the released captives—from arrival at Clark Air Base in the Philippines through some aspects of the processing

leading to their departure on the trans-Pacific flight, then to the welcome marking their return to American soil, reunion with families, and dispersal to military hospitals near their homes. Unlike much else that had occurred during the Vietnam War, this unfolding story seemed unambiguously worthy of celebration, and most Americans viewing it found themselves caught up in a nationwide feeling of pride in the unbowed spirit and upright bearing of the former prisoners.

The *New York Times* passed on the observations of a veteran journalist who had covered the repatriation following the Korean War: "That war was not so divisive as the Vietnam war. That war had heroes and a somewhat sympathetic press. The Vietnam war has had neither until now." *Newsweek* said the country was experiencing "a rare moment of unity and joy." Indeed, for many the homecoming of the prisoners symbolized above any other event or pronouncement the ending of the war, bringing with it a sense of completion, of relief and possible release from the divisions of the past. "The nation begins again to feel itself whole," wrote the editor of the *New Orleans Times-Picayune*.<sup>1</sup>

The virtually flawless execution of the Homecoming plan by the Department of Defense helped to sustain the elation surrounding the prisoners' return. The absence of heavy-handed actions or embarrassing breakdowns attested to DoD's forethought and effective management. *Time* remarked that "the U.S. military's planning for the operation had been meticulous and even loving, in an official way."<sup>2</sup> In addition, the planning had been carefully coordinated, with oversight from a central authority, thanks to a decision in 1967 that placed the primary responsibility for prisoner of war matters at the OSD level. Beginning in late January 1973, the Homecoming Operations Center in the Pentagon's National Military Command Center monitored and directed the repatriation on a 24-hour basis.<sup>3</sup> Occasional hitches did occur, but none of major import and none that attracted wide public attention. The flexibility and contingency planning built into the arrangements proved sufficient for dealing with the few complications that arose. When completed, Homecoming took its place as a remarkable instance of a major operation carried out as planned.

Although by any objective measure Homecoming was a resounding success, it did not escape the criticism of those who had long registered disenchantment with the war and the U.S. role in Southeast Asia and were accustomed to viewing government actions with suspicion and distrust and the military with disdain. Reflecting the cynicism ingrained among liberal academics and intelligentsia, in January 1973 the American Psychological Association asked the Pentagon "what precautions are being taken that the psychological briefing or treatment given to each returnee

be aimed only at his own rehabilitation, and that no attempt will be made to manipulate the political opinions of the returnees." The director of the PW/MIA Task Force, Brig. Gen. Russell Ogan, thanked the association for "your interest in the welfare of our men," then expressed "disappointment that a group as prestigious as yours would conclude by inference that the Department of Defense could conceivably have plans 'to manipulate the political opinions of returnees.'" He closed with an offer to send a task force member to discuss the department's objectives, plans, and policies for the reception and care of returned prisoners of war.<sup>4</sup>

The cynics found reinforcement in the first statements made by the PWs on deplaning at Clark, usually by the senior officer in each arriving group. Of these the most memorable and most frequently quoted in later years were the remarks of the first returnee to stand before the microphone, Navy Capt. Jeremiah Denton: "We are honored to have had the opportunity to serve our country under difficult circumstances. We are profoundly grateful to our Commander in Chief and to our nation for this day." According to one account, "he paused for a second, then added in a voice quavering with emotion, 'God bless America.'"<sup>5</sup> Subsequent spokesmen expressed much the same sentiment in arrival statements both at Clark and in the United States. Voicing the conviction that they had returned home with honor and almost always including an expression of gratitude for President Nixon's actions as commander in chief, they spoke of service, faith, loyalty, and patriotism in a sincere and unselfconscious manner that had been out of fashion in some circles in recent years. Some listeners took the nature and sameness of the statements as evidence of coaching or direct dictation by government officials. In a piece headed "Script by the Military," a columnist in the *Washington Post* concluded that "the return of the prisoners of war was a militarily-managed event down to the last 'God bless America.'"<sup>6</sup>

Stronger charges that the returning prisoners had not only been rehearsed but were being exploited came from some individuals long prominent in the antiwar movement. As journalist Steven Roberts put it, they felt that "the Nixon Administration has 'manipulated' the nation's 'hunger for heroes' into a commercial for its own record, and the glorification of war itself." He quoted a Yale professor who found disturbing "the image being created of simple, old-fashioned American military virtue, as though . . . the understandable emotion around these men can wipe away 10 years of an ugly, unjust war." Roberts cited another leading activist, the Rev. Philip F. Berrigan, who spoke of "over-publicizing the war criminals who are coming home," the priest adding, "but what else would you expect from the Government, but to distort the true nature of the men?"<sup>7</sup>

Responding to a query from the White House, the Department of Defense reported that its own senior officials on the scene at Clark and other reception centers "could not be more emphatic on the point that no guidance or suggestions were given on the substance of arrival statements." Also, the returnee spokesmen were "frankly outraged at the suggestion of manipulation and would welcome the opportunity to address the question publicly." During meetings with the press at their respective service hospitals in late February, Denton and several others denied being coached on what to say. In the words of Navy Capt. Howard Rutledge, "This thing all came from the heart."<sup>8</sup>

Denied as well by Secretary of Defense Elliot Richardson,<sup>9</sup> the orchestration charge was heard less frequently after the repatriation of the last man freed the returnees to tell the full story of their captivity. Their accounts of the tortures many had endured when attempting to resist exploitation by the enemy suggested that these were not men who would readily submit to thought control during their first days of freedom. That did not quell implacable opponents of the war such as activist Jane Fonda, who disputed the reports of brutality and mistreatment. Fonda charged that the men who said they had been tortured were "hypocrites and liars." When Secretary Richardson condemned her remark as "an egregious insult to all of our returning prisoners" and several state legislatures gave consideration to resolutions of censure, Fonda modified her stand to the extent of conceding that instances of torture may have occurred, probably brought on by defiance of the prison rules, "but the pilots who are saying it was the policy of the Vietnamese and that it was systematic, I believe that that's a lie."<sup>10</sup>

In fact, such influence as was exerted on homecoming utterances came mainly from the PWs themselves. The senior spokesmen were confident they expressed the generally held sentiments of their fellow prisoners because, as Col. Robinson Risner explained, they had discussed their beliefs "over the months and years" and "we knew what we felt." From those discussions, under the watchword "Return with Honor," a widely accepted view had emerged regarding how they should represent themselves upon reaching home. The returnees' press interviews commonly pictured the aviator-officers held by the North Vietnamese as a tightly knit and disciplined group, united by their shared experience, and at one in aspiring to high ideals of military conduct. There is no reason to doubt that the accompanying patriotic declarations and evocations of the flag, family, and God's blessing, even if in some cases pre-scripted, were authentic expressions of thought and feelings. A further feature of their remarks proved to be of continuing interest to the White House: the men's

acknowledgment of President Nixon's leadership. Pursuant to a White House request, OSD forwarded a succession of reports giving names and addresses of returnees "who have made favorable references to the Commander-in-Chief." The first report, on 17 February 1973, listed 26 names.<sup>11</sup>

There was criticism, too, from those who wondered if DoD had been equally concerned for the return of all servicemen, regardless of race or rank. Both citizens and members of Congress questioned Richardson repeatedly about the small proportion of enlisted men among the returnees and the apparent under-representation of minorities. In reply, DoD gave the final figures for Operation Homecoming, in which the enemy had returned 566 U.S. servicemen of whom 497 were officers and 69 enlisted; 55 were said to have died in captivity—30 officers and 25 enlisted men. DoD's accompanying explanation pointed out that "in Vietnam, unlike earlier wars, there were few major land actions in which large numbers of foot soldiers were captured. On the other hand, the extensive air war placed large numbers of officer air crewmen in positions where, if their aircraft was lost, they faced high probability of capture." In fact, about 85 percent of the men returned had been downed airmen held in North Vietnam. As for the seemingly disproportionately high fatality rate among the enlisted prisoners, most of these had been seized in the South, where an itinerant captivity and frequently harsher conditions contributed to a higher incidence of disease and death.<sup>12</sup>

Judging the matter against his own experience as an infantryman in Korea, New York Congressman Charles Rangel continued to find it incredible that the enemy had only 69 enlisted prisoners to give up, and further, that only 16 black servicemen (9 officers and 7 enlisted) had been returned during Homecoming, along with notice that 2 had died in captivity. Considering that 5,662 blacks had been killed in action, he thought DoD's figure of 53 remaining in the MIA category was also disproportionately low.<sup>13</sup>

It seems safe to say that the comments of the critics and detractors left little imprint on the image of Homecoming as it passed into the nation's collective memory. The debunkers were no match for the millions of Americans eager to salvage some joy and satisfaction from the prisoners' safe return, an operation impressively executed, and a redemption of sorts of America's strength and honor.

*Effects of the Go Public Campaign*

Perhaps more remarkable than the homecoming celebration in 1973 had been the outpouring of public concern for the well-being and survival of the Americans in enemy hands and for the fate of those missing in action that occurred in the preceding years. Viewed in the context of the nation's overall commitment in Southeast Asia, the intense and continuing attention given the cause of these men seems extraordinary, particularly as it focused primarily on the relatively small number—fewer than a thousand—known or believed to be captured. It was decidedly unusual for prisoners of war to be the subjects of unceasing anxious concern at a time when hostilities continued with little prospect of a settlement. The men's fate had gained a place in the forefront of the country's consciousness because the government and especially the military services maintained an unshakable awareness of the obligation to obtain their freedom and because their families and friends would not let the government and the American public forget them.

The second of these reasons—more dramatic and with stronger elements of human interest—has received the greater recognition. There is much to admire in the story of how wives, parents, and other relatives drew together and organized themselves to insure that the men's status as prisoners of war and the denial of their rights to humane treatment were known to their fellow citizens and the world. What became the National League of Families of American Prisoners and Missing in Southeast Asia arose from small beginnings at the local level, but it was headed from the first by women who possessed or soon developed the organizing abilities, talent for public relations, and capability of providing inspiring leadership that brought the League to a position of national prominence signified by its incorporation in the District of Columbia and the establishment of its headquarters within sight of the Capitol in June 1970. Thereafter the League grew steadily in size and influence, ultimately enrolling well over half of all PW/MIA families and maintaining its place as the only organization with membership limited to the relatives of men missing or captured that was truly national in scope and that held itself to humanitarian, nonprofit, and nonpartisan purposes.

The objectives of the League of Families coincided at most points with those of the government's Go Public campaign, and the personal testimony and constant publicity efforts of League members gave it major support. Credit for the May 1969 launching of that campaign, however, belongs almost exclusively to DoD officials and Secretary of Defense Melvin Laird. Fulfilling their deeply felt obligation to the missing

men, it represented a breakthrough for ideas advocated within the DoD PW Policy Committee almost from its inception in July 1967.

Dissatisfied with the results from the State Department's reliance on "quiet diplomacy" as the means of winning the full protection of the Geneva Convention for the captive Americans, the committee favored mounting a counterpropaganda campaign that would openly and continually challenge Hanoi's claims that the U.S. prisoners were receiving humane and lenient treatment. When arguing for this in the fall of 1967, committee members pointed to the success scored a year earlier when State's officials had set aside their usual restraint in order to speak out against Hanoi's intention of subjecting prisoners to war crimes trials. Making use of the power of adverse publicity, State had rallied world opinion in a protest that gained the support of Pope Paul VI and UN Secretary General U Thant and undoubtedly contributed to the outcome: an indefinite postponement of the trials.

Nevertheless, in interdepartmental consultations in which State's opinion had the greater weight, the more aggressive publicity campaign recommended by the DoD PW Policy Committee had failed to gain approval by early 1968. Soon afterward the Communist side gave its first signs of willingness to enter into direct negotiations, opening the way to the convening of the Paris peace talks in May. In these circumstances the primacy of the diplomatic efforts directed by Ambassador at Large W. Averell Harriman continued, and with it the supposition that an atmosphere conducive to success could best be maintained by refraining from public condemnation of the enemy's practices regarding prisoners. During the remainder of 1968 conviction grew within DoD that Harriman had held too long to the course of quiet diplomacy, given the accumulating evidence of mistreatment of captives on the one hand and of the futility of appeals to humanitarian feelings in Hanoi on the other.

When Melvin Laird took office as the Nixon administration's first secretary of defense on 22 January 1969 he heard from experienced DoD officials about the pent up urge to go on the offensive regarding the treatment of American prisoners. This coincided with his own thought and inclination and by late February his decision to move along that line had firmed. Laird believed it imperative to bring Hanoi's rejection of obligations under the Geneva Convention to the world's attention and to talk "openly, candidly, forcefully, and repeatedly" about the enemy's refusal to grant the fundamental rights of prisoners of war to the captive Americans. The previous restraints on doing so ran counter to Laird's concept of his responsibility as secretary of defense. He felt that the time had come to speak out in defense of the well-being and ultimate survival

of the prisoners. Certainly the Department of State had an important role, Laird said, because international relations were obviously involved, but "the Defense Department's overriding obligations to its men" required it to take the lead in devising programs that might improve their welfare and secure their release.<sup>14</sup>

At Laird's direction preparations began for what came to be called the "Go Public" campaign. The materials at hand in March 1969 included a counterpropaganda plan that had received favorable consideration from the policy committee as early as November 1967. Now resubmitted, it was designed to "influence world opinion to the point that Hanoi will feel compelled to afford proper treatment to U.S. PW's." This required plain speaking about the deficiencies in the enemy's treatment, backed by specific examples and driven home by sustained public exposure. On 19 May 1969 Laird committed the U.S. government to such a program by his statement opening the Go Public campaign and by the extensive DoD press briefing that followed. His action had at least the tacit approval of the White House and support now from the Department of State. Under new leadership, State had already shown less reticence than before in condemning the practices of the enemy.<sup>15</sup>

Laird had acted from conviction that Hanoi's disregard for humanitarian standards was a major vulnerability that should be exploited to induce the enemy to comply with the Geneva Convention and perhaps to negotiate seriously about the return of prisoners of war. There were additional considerations, of course—ones that Laird with his well-practiced skill at gauging political realities was unlikely to miss. He was aware of the rising impatience and unease among PW/MIA family members regarding the government's policy of restraint, which seemed to give so little notice to the central concern of their lives. Without some change their dissatisfaction would continue to grow and could find expression in unpredictable ways. Thus the Go Public campaign's aggressive and unhesitating advocacy of the prisoners' rights had the additional advantage of tending to allay the anxieties of the next of kin and to reassure them that the government was making determined efforts on behalf of their men. Also, family members could have a role in the campaign and might find comfort in feeling that their volunteer efforts might help to safeguard the well-being of their relatives.

The government's decision to abandon the close hold of confidentiality regarding major aspects of the PW/MIA issue and take the lead in discussing them openly has sometimes been pictured as a capitulation forced by growing agitation and incipient revolt among the next of kin. But the clear antecedents of the change, stretching back some 18 months



in the work of the DoD PW Policy Committee, belie this. Also, it does not appear that family organizations had yet attained the size or displayed the assertive temper that would have allowed them such a degree of influence in the first months of 1969.

In informing and arousing the American people the Go Public campaign was a phenomenal success. Once opened to discussion, the plight of the American prisoners and missing engaged the thought and emotions of hundreds of thousands—all told, probably millions—of their fellow citizens. With regard to men killed in action, the response of most people did not go beyond honoring their sacrifice and viewing their survivors with sympathy, but for the prisoners of war and their waiting families a deeper feeling of empathy often developed. Undoubtedly, displaying concern for the treatment and recovery of the missing men provided an outlet for the patriotic feelings of citizens whose support for the other declared purposes of their country's involvement in Southeast Asia had often been ambivalent at best. Had the war been one in which the nation's survival was at stake, as in World War II, it is unlikely that the cause of the prisoners and missing would have overshadowed feelings toward those who gave their lives.

The degree to which the Go Public campaign succeeded in bringing an aroused world opinion to bear on the North Vietnamese government is more difficult to judge. To be sure, at the United Nations and in other international bodies U.S. delegations obtained impressive majorities for resolutions endorsing the humanitarian treatment of prisoners of war and calling for universal observance of the Geneva Convention. Countries friendly or beholden to the United States, as well as a few others, did make representations to Hanoi about bringing its treatment of prisoners, release of information about them, and acceptance of impartial inspection closer to the internationally accepted norm. But unless given definition by deep revulsion or other truly strong emotion, "world opinion," then as now, was too amorphous an element to harness and exploit as an active force. Even if faced with widespread condemnation, a government with such determined leadership as that of North Vietnam can usually ignore outside disapprobation with relative impunity. It may be remembered that during the years of the Go Public campaign the U.S. government likewise remained largely unmoved by a high level of international disapproval, reflecting opinion in much of the world that the American intervention in Southeast Asia was an unworthy or mistaken endeavor that should be abandoned.

Whatever the level of Hanoi's concern for its world image, during the last quarter of 1969 a definite change for the better did occur in the

enemy's treatment of the prisoners, most notably the abandonment of systematic and unhesitating resort to torture. The general supervisor of the prison system was demoted and apparently made the scapegoat for certain "errors," and he soon passed from the scene. However, the Hanoi government made no announcement of this and offered no confession or apology to the world at large. Its spokesmen maintained that now as in the past, and despite their crimes against the country and people of North Vietnam, the prisoners were receiving lenient and forbearing treatment.

When writing their memoirs some returned prisoners attributed Hanoi's change of policy in 1969 to pressures generated by the protests and publicity efforts of the PW/MIA wives and relatives. Other commentators cite a number of possible contributing factors, with some believing that the move resulted from the interplay between a growing concern among North Vietnamese authorities over the deteriorating condition of the tortured captives and their awareness that the committed resistance of most of the prisoners was likely to continue.\* The precise role played by the Go Public activities is impossible to determine but they almost certainly influenced the shifting dynamic.

#### *Prisoner of War Benefits*

Laird again played the key role in another major DoD undertaking—the provision of information and assistance to the PW/MIA families and seeing that the men captured or missing suffered no disadvantage with respect to financial security, promotions, future career opportunities, and assured long-term health care. One of his earliest pronouncements, on 1 March 1969, set the goal of "doing all that we possibly can for the next of kin" and called on the military services and OSD officials to recommend courses of action and any added legal authority that would "better serve the interests of our captured and missing servicemen and their families." Thereafter the benefits legislated or administratively established for the men and their relatives and the individual attention given to each of the affected families both reached levels far exceeding that provided in previous conflicts. This owed much to the frequent reiteration of the secretary's interest in the matter and the well-nigh universal support from members of Congress. It also reflected the increasing scope and severity of the need. The ever-lengthening duration of the men's captivity or missing status magnified all the existing social, economic, and emotional

\* See Rochester and Kiley, *Honor Bound*, ch 22, which cites the death of Ho Chi Minh in September 1969 as a pivotal event and notes other factors.

problems of their waiting kinfolk and expanded the PWs' own readjustment and rehabilitation needs.<sup>16</sup>

By the end of 1972 an impressive number of benefits had been enacted and several regulations had been interpreted to permit bestowal of some additional favor on the men who would return or on the survivors of those who did not. By then Pentagon officials had reached the conclusion that the benefits devised for the missing or captured and their families were in danger of becoming excessive when compared with the provision made for the war's other casualties, the men killed in action or disabled by wounds. The further entitlements currently proposed by some members of Congress, such as crediting time in captivity at double value for retirement purposes, were particularly open to cogent objection, and DoD's negative comments discouraged their enactment.<sup>17</sup>

In response to Laird's urging and in the tradition of "taking care of their own" each military service had aspired to provide comprehensive assistance to its PW/MIA families, seeking to do everything feasible to relieve the burdens and anxieties of their special situation. Ideally, the assigned casualty assistance officer, usually serving several families, would develop an intimate understanding of their expert medical, psychological, legal, or financial counseling as appropriate. He would also keep the next of kin informed on such subjects as new legislation or rulings affecting them, the proper letter and package mailing procedures, and details of the repatriation plan.

When for a number of reasons performance often fell short of the intention, the National League of Families proposed making "one-on-one" the standard—a system in which each assistance officer would have a single family of a captured or missing serviceman as his only responsibility. That this arrangement received serious consideration, with the Air Force going so far as to offer it as an option families might choose, underscores again the relatively small and manageable size of the PW/MIA problem during the Vietnam War, which may limit its usefulness as a model for procedures in future conflicts. Under other circumstances it could prove impossible to sustain the manpower commitment and supervisory effort of a one-on-one system, or even to duplicate the less extensive arrangements for family assistance that developed during the Vietnam era. Similarly, it would appear undesirable to view the benefits and special provisions of that era as a standard precedent—a list of entitlements that future prisoners of war and their families might expect to see reinstated as an established right. A review conducted at an unpressured time could establish which benefit provisions have enduring validity, keeping in mind that a number were introduced to alleviate unique problems growing

out of the unprecedented length of the men's captive or missing status, which ran on in some instances for the better part of a decade.

In December 1972 OSD officials were already contemplating what would be involved in winding down the extensive effort devoted to "the issues of repatriation, accounting for the missing, and all of the special arrangements for PW/MIAs and the families." They identified a need to guard against "the tendency to overreact and make this category of personnel a special privileged group out of all proportion when compared to other categories of veterans and our citizenry in general." "The challenge," according to an internal ISA memo, "will be to do what is required without making these men and their families 'wards of the State.' . . . Such dependence for the rest of their lives is not in their interest nor is it equitable when considering the needs of other categories such as killed in action or wounded and disabled veterans."<sup>18</sup>

#### *Role of the Families*

Though never viewed by OSD officials as the sole representative of the PW/MIA next of kin, the National League of Families had an important role as adviser and critic of the department's actions and programs. The fact that its membership included a majority of the affected families did add weight to its opinions, and some of the League's suggestions for improving the performance of the casualty assistance officers, identifying needs that the benefits system should address, and insuring that the repatriation plan did not lack in human warmth had a self-evident value. With so many of their hopes dependent on the soundness of the government's policies and the effectiveness of its actions, League members soon overcame any hesitancy about offering plain-spoken criticism of shortcomings. The officials involved in DoD's continuing relationship with the League also found that the latter's representatives sometimes raised inconvenient questions or persisted in wanting to know the particulars behind the department's generalized assurances. They may be credited with spurring government authorities to clarify their thoughts and improve their programs.

Perhaps inevitably, a difference of perception marked the relationship. What OSD officials saw as an exceptionally high level of consultation with this outside group appeared to some League leaders as insufficient to realize fully the contribution their members could make. By 1972 the League was urging that one of its officers be invited to attend meetings of the PW/MIA Task Force "on a regular basis." DoD's rejection of this recommendation noted that the agenda of the task force encompassed a

wide variety of subjects and issues, some involving classified information and many more falling outside the expertise of the proposed family representative. Further, "the free exchange of ideas and proposals necessary to arrive at the best possible answer to many problems would be inhibited by the presence of a family member." There are indications that word from a higher authority had reinforced the normal disposition to deny such bids for direct participation in the government's deliberations, but in any event, family representation was held to be unnecessary in view of the lengthy list of occasions when responsible officials had met with the League's leaders.<sup>19</sup>

Speaking for the National League, Iris Powers advised a congressional committee in October 1972 that "we think the Defense Department has produced what may be the most detailed and conscientious repatriation, rehabilitation and readjustment program ever put together by any nation at any time in the history of warfare, but that is not to say that it is perfect." She acknowledged that frequent consultations had occurred but could not shake the feeling that "our deliberations and recommendations have, in general, been accepted with an air of benevolent paternalism." Some DoD officials, sensitive to the need to avoid appearing condescending, recognized that they had to deal warily with the issue.<sup>20</sup>

In their relations with the National League, other family groups, and individual next of kin, Defense leaders had a further concern, never more plainly set forth than in Laird's advice to President Nixon in May 1971: "If the families should turn against the Administration on the PW/MIA issue, we believe that general public support would also." The political contentiousness that gripped the country over how to end the war and what would constitute an acceptable peace could not be ignored, and taking it into account gave yet another dimension to the endeavors of OSD officials. They had to remain alert for evidence of intensifying feelings or shifts of opinion among the family members, but legitimate opportunities to head off or argue against waning support for the administration's goals lay primarily in the political area, a realm that knew few practitioners more adept than Richard Nixon.<sup>21</sup>

Yielding to the urgings of Laird and Under Secretary of State Richardson, Nixon had first become actively engaged with the PW/MIA issue at his White House meeting with a representative group of wives and parents in December 1969. On that occasion, in the first significant statement of his presidency on the subject, he declared that any agreement ending the war must include a satisfactory settlement of the prisoner issue and that the U.S. government would "do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis." Thereafter, with well-turned references to

the prisoners and missing in his public addresses and with other timely moves, the president gave PW/MIA relatives reason to believe that he understood their concerns and was working behind the scenes as well as publicly to attain the kind of peace settlement they desired.<sup>22</sup>

Even at a time when realistically the coming months offered scant hope of progress toward bringing the men home Nixon undertook to champion their cause. Though perhaps more as a holding position than as the bold new initiative for peace it was claimed to be, in an address on 7 October 1970 he took a stand on the highest moral ground with his call for "the immediate and unconditional release of all prisoners of war held by both sides . . . to return to the place of their choice . . . as a simple act of humanity." The Christmas letter he sent to all the affected families aimed to give them a feeling of being taken into his confidence. It included a tribute to "the strength, the loyalty and the dignity with which you have borne your burden" and closed with the pledge that "we will not rest until every prisoner has returned to his family and the missing have been accounted for." The following year, sounding these same themes and displaying a sure feel for the dramatic gesture, Nixon made a surprise appearance at the National League's annual convention.<sup>23</sup>

Both the president's address on 25 January 1972, revealing Henry Kissinger's secret negotiations and the enemy's record of intransigence and deceit, and his ordering of the mining of harbors and other stepped-up military action in response to North Vietnam's Easter offensive of that year had appeal for PW/MIA families. Again appearing unannounced at the National League's annual meeting that October, Nixon gave a masterful performance. He vowed that "we shall, under no circumstances, abandon our POW's and MIA's," at the same time (in what could be recognized as a deft thrust at his opponent in the upcoming election) rejecting any course that would "leave their fate to the good will of the enemy." The president also contrasted the steadfast approval of his recent decisions by League members with the almost universal lack of support from "the so-called opinion leaders of this country." His appreciation of the families' burden bound most of his hearers to him, as did the renewed pledge that "I will never let you down."<sup>24</sup>

The durability of the president's hold on the allegiance of PW/MIA families soon underwent further tests when the promise of Kissinger's avowal that "Peace is at hand" went unfulfilled and when the president's overwhelming election victory was followed by a breakdown of the Paris talks rather than accelerated progress toward a peace agreement. Nixon then unleashed the intensive B-52 raids on targets in the Haiphong-Hanoi corridor—"the Christmas bombing"—that won him severe condemnation

from many sources both at home and abroad but the applause of the PWs in Hanoi. Though importuned by the media for a statement, the officers of the National League of Families refrained from public comment. Privately some leading members advised OSD officials of their anguished objections to a policy that was swelling the roster of prisoners and missing and seemed likely to extend the hostilities, but they had no assurance that the majority of their membership held this view. Just after Hanoi's assent to resumption of the negotiations brought the raids to an end the League's headquarters sent a mail ballot to all members urgently seeking their guidance on how to react should the peace talks break down again and the bombing be resumed. Since signing of the peace agreement followed on 27 January 1973, no tabulation of the results was made public.

#### *Conduct in Captivity*

A sensitive and unwelcome problem with strong negative overtones persisted well beyond the PWs' homecoming—how to judge the men's conduct in captivity and what implications this might have for the Code of Conduct. During the planning period a great deal of thought had been expended on the precepts and procedures to be followed when debriefing the returned prisoners, including how to respond if evidence of misconduct came to light. In that connection planners and officials all had in mind a goal often expressed as "avoiding the situation that occurred after Korea," when the Department of Defense had come under public and congressional criticism because of the differing standards used by the services when deciding what behavior in captivity warranted the preferral of charges and convening of a court-martial.

The debriefing guidelines did not stress detection of wrongdoing as an objective. The cardinal purpose was to collect information, first to gather all that the returnee knew about the fate of men still unaccounted for and in later sessions to record all aspects of his captivity experience. Several principles had been clearly enunciated as early as October 1970, including the statement that "the Code of Conduct is a personal guide to conduct, but not a criminal code," which meant that failure to live up to its requirements would not be a chargeable offense. Charges and prosecutions could be based only on violations of the Uniform Code of Military Justice (UCMJ), established by act of Congress and applicable to all members of the armed forces. Especially pertinent to the debriefing exercise was the UCMJ's Article 31, setting forth the military equivalent of the familiar "You have the right to remain silent" and further statements

by which civilians suspected of crimes were advised that anything said might be used as evidence against them. "To provide the proper environment for the return of the men," the guidance read, "a returnee is to be given the warning specified in Article 31 . . . not at the outset of debriefing (which was the previous practice, and tended to brand every man as automatically suspect), but only when there is reason to suspect the individual of an offense under the UCMJ, because of his own statements, the statements of another, or evidence received prior to return."<sup>25</sup>

The repatriation plans contained further indications that a cautious approach to questions of conduct and culpability was desired and no rush to judgment was intended. By late 1972 these governing documents required that no returnee be warned under Article 31 without prior submission of the matter to the highest headquarters of his service. Other provisions sought means of avoiding the need to issue the warning, mainly because its use would be at cross-purposes with the desire for maximum retrieval of information. The authorities wished to reserve the debriefing as a purely intelligence exercise, it being understood that when deemed necessary, criminal investigators would question returnees at a later time, under conditions that fully protected their legal rights.<sup>26</sup>

For the initial interview, the debriefing officer's diligence in keeping the focus on information about men unaccounted for seemed a sufficient safeguard against needing to invoke Article 31. For the further stage of debriefing, the interviewer was instructed not to elicit comment about misconduct in the prison camp, but if the returnee wanted to talk about the misbehavior of others, he would be permitted to do so, though without follow-up questions that encouraged him to continue. The possibility that a returnee might launch into a description of his own actions that tended toward self-incrimination was viewed more seriously. In that event the debriefer was to steer him away from the subject or, if necessary, suspend the interview, submit the particulars to service headquarters in Washington, and await instructions. As described by a responsible senior officer, the Navy's guideline for an extreme instance was that "if the POW insisted on unburdening his soul about what he felt were acts of misconduct on his own part, then the debriefer was to segregate that portion of the debrief, lock it up, . . . not to access it to anyone," in addition to advising higher headquarters of the occurrence.<sup>27</sup>

These provisions that gave no priority to aggressive probing for wrongdoing accorded with the broad construction that Secretary Laird had already placed on the matter of judging conduct in captivity. In responding to the queries of newsmen and radio interviewers following the release of Elias, Gartley, and Charles in September 1972 he sought to



"make it very clear that there are no charges pending and will not be as far as the Department of Defense is concerned." His hearers should realize that the Uniform Code of Military Justice provided that any member of the armed forces could level charges against another member, but he hoped that "no such charges would be made by any individuals."<sup>28</sup>

Laird's remarks were in line with the compassionate spirit with which most citizens, as evidenced in the press and in letters to the secretary, believed the returning prisoners of war should be received. His avoidance of any appearance of applying some absolute, by-the-book standard to the judgment of the men's conduct also correctly read the public mood. Another of his pronouncements would probably have received favorable notice as well, had it been issued to the press. At some point during the final months of his term of office, which ended on 29 January 1973, Laird let it be known within the department that he believed no charges should be leveled against any returning serviceman for statements made while in captivity. In public discussions the point had often been raised that the propaganda statements attributed to individual prisoners, possibly made under extreme duress, did not condemn U.S. official policy any more severely than other statements freely made by political figures at home, including some who held high office in the government.

At a Pentagon press briefing on 15 February 1973, just after arrival in the continental United States of the first contingents of returning prisoners, a journalist asked for a precise statement of the policy concerning possible prosecution of the men for actions while in the prison camps. He was aware of Laird's statements in September and a later one by Jerry Friedheim, acting assistant secretary of defense for public affairs, but considered that the matter was "a little fuzzy." Friedheim's deputy, Maj. Gen. Daniel James, Jr., replied: "It's not fuzzy to me. I've heard both of them say on several occasions that the Government of the United States has no plans to bring any action against any of the prisoners for things that they might have said or done while in captivity. However, as has been pointed out to you, the Uniform Code of Military Justice has a provision that allows the bringing of charges by any member of the military, regardless of rank, against any other member. We cannot presume to . . . speculate at this point on what may be forthcoming from the men themselves."<sup>29</sup>

In fact, something sounder than speculation would soon be in hand. Roger Shields was serving as the senior DoD representative at the Homecoming reception center at Clark Air Base, and he was a member of the party that flew to Hanoi on the first two occasions when imprisoned Americans were handed over. Part of his mission was to make a quick

survey of the attitudes and experience of the returnees to see if the assumptions on which Washington officials were operating were correct. He soon became aware of strong feelings within the prisoner group that some few of their number deserved to be called to account for antiwar broadcasts and other collaborative acts not coerced by the enemy or for refusing to acknowledge and obey orders from the senior ranking officer of the prisoners' own command organization.\* One of the longest-held officers had written out the particulars on which charges against a number of men might be based, and he entrusted it to Shields on first encounter after takeoff from Hanoi.

Shields found also that most of the returnees freely admitted succumbing to coercion at some point. Nearly all had been forced to sign or broadcast statements of propaganda value or perform other acts that verged on collaboration. The enemy's use of prolonged and merciless torture, long-term solitary confinement, starvation diets, unsanitary conditions, and denial of medical care amounted to a physical and psychological onslaught that even the hardest-line resisters could not withstand.

On the morning of 21 February, barely seven hours after arrival of his return flight from the Philippines, Shields attended a meeting in the office of OSD General Counsel J. Fred Buzhardt, Jr., where his findings were reviewed. Soon afterward it was announced that Secretary Richardson had determined there would be "no prosecution of returned POWs based solely on propaganda statements made by returnees while in captive status"—in effect, a more formal version of Laird's earlier pronouncement.<sup>30</sup>

Subsequently, service legal officers concluded that, if subjected to litigation, the secretary's words would have to be interpreted as granting immunity to returnees for virtually any statement and as extending to conduct involving the planning, preparation, and issuance of the statements. Meanwhile the original declaration that the Department of Defense would not prefer charges had been recast: To be accepted, any charge against a returned PW must be initiated and signed by a fellow prisoner. Further instruction, conveyed on 5 April at meetings presided over by Shields and Buzhardt, may have been influenced by the White House. It expressed the desires of the secretary of defense, "who had received guidance in the matter," according to an Army participant. General Counsel Buzhardt strongly advised against advancing any charges that would not stand up in court, but the secretary's main request was that any PW investigations in progress be concluded as quietly as possible, in a generally "low profile" treatment of the conduct question, with no charges to be preferred for the time being.<sup>31</sup>

\* See Rochester and Kiley, *Honor Bound*, ch 25.

Accordingly, government authorities succeeded in handling the conduct in captivity issue in a manner that largely avoided public controversy and criticism. A number of the leaders and long-term members of the prisoner group were outraged, expressing the feeling that the Department of Defense had shirked its responsibility when it decreed that only returnees, as individual service members, might be the accusers filing charges. The military departments investigated such charges in the prescribed manner, and Shields and the PW/MIA Task Force acted as a clearinghouse for information on the actions of all of the services. There are strong indications that the ultimate disposition was dictated from above, possibly via instructions from the White House transmitted through Buzhardt. No case was pressed to the point of trial by court-martial; commonly the service secretary involved dismissed the charges. The only officers charged, Navy Capt. Walter E. Wilber and Marine Lt. Col. Edison W. Miller, received letters of censure from Secretary of the Navy John W. Warner before retiring.<sup>32</sup>

#### *The MIAs*

Still another issue, much longer-lasting and certainly the most emotional legacy of the Vietnam War, has been the question of the fate of the unaccounted for prisoners of war and the missing in action in Vietnam, Laos, and Cambodia. For more than a quarter of a century families of the PWs and MIAs and their well-wishers continued to hope that their men had survived while still enduring captivity. Their efforts to focus and keep government attention on pursuing the quest for conclusive evidence of the fate of the unaccounted for received sympathetic support from much of the public, press, and Congress.

As the war entered the final stage, in December 1972, Defense officials expressed the belief that DoD would have to "resolve the MIA problem in a manner which projects finality and satisfaction with the results . . . . There must be sufficient efforts to secure the fullest possible accounting after which the results of these efforts must be presented publicly in terms that are acceptable to the families, the public, the press and the Congress." This high purpose could not be realized, owing to the frailty of many of the peace agreement's provisions and more broadly to the circumstance that the United States had not emerged as the decisive victor in the war, with freedom to examine the former enemy's archives and to conduct searches and investigations at will throughout a conquered territory. The article of the peace agreement that obligated

all parties to assist in determining the fate of missing servicemen and civilians and in locating graves and facilitating the repatriation of remains went unhonored. Other matters marked for settlement by further discussion among the Vietnamese parties "in a spirit of national reconciliation and concord, with a view to ending hatred and enmity," were ultimately resolved by military conquest. In fact, except for the withdrawal of U.S. forces and the release of the captive Americans it is difficult to find any provision of the Paris agreement that was carried out as written.

In early 1973 U.S. authorities entered on what would prove to be a decades-long endeavor to resolve the MIA issue. They dealt with a set of ever-changing statistics as well as an evolving definition of the task. During a news briefing on 12 April covering the results of the Homecoming operation, Roger Shields said that with the return of the acknowledged prisoners of war the total number of Americans unaccounted for was 1,359. This computation included the men still carried as captured or missing in action—a status in which they were regarded as continuing on active duty. The figure had fallen to 1,284 when Shields testified before a congressional committee seven weeks later, but during that late May appearance he revealed that "there are about 1,000 others who have been declared dead by the services but whose remains have not been recovered," categorized as killed in action, body not recovered (KIA/BNR). He mentioned them again when reaffirming that the Department of Defense would continue to seek the fullest possible accounting for those listed as missing: "In addition, we will seek to recover the remains of the missing who have died and those who are already listed as killed in action but whose remains have not been recovered."<sup>33</sup>

In following years the military departments continued to review the status of the servicemen originally classed as captured or missing, and the issuance of presumptive findings of death steadily reduced the number in those categories. By 1982 only a single Air Force officer was listed as a prisoner of war, and that as a symbolic gesture attesting to the U.S. government's commitment to obtaining an accounting. All others, now legally dead but usually with body not recovered, could hardly be differentiated from the KIA/BNRs. In fact, several years earlier the Department of Defense had decided to include the KIA/BNR cases under the heading of "Americans Unaccounted for in Southeast Asia," thus producing a dramatic increase in the total number. As noted in a Senate committee report published in January 1993, when the figure stood at 2,264, "this created the anomalous situation of having more Americans considered unaccounted for today than we had immediately after the war." It also increased the proportion of cases for which there was slight hope of further resolution.<sup>34</sup>

Throughout, U.S. officials experienced continuing pressure for fulfillment of the government's pledge to obtain the fullest possible accounting. It emanated most notably from the National League of Families, whose officers and board members, beginning with those elected in October 1972, were drawn almost exclusively from the relatives of the men still missing. This public question took on a further emotional charge from the not insubstantial number of citizens who came to believe, often passionately, that American servicemen were still being held somewhere in Vietnam, Laos, or Cambodia, or even in the Soviet Union. For many subscribing to this belief, the very limited success in accounting for the missing and the claim that the government had no convincing evidence of the existence of living prisoners aroused suspicions that government officials were pursuing some secret policy objective that limited their commitment to the task. The strongest critics charged that the U.S. government had abandoned promising lines of inquiry, suppressed information about the known location of specific individuals, and perpetrated other actions contrary to the purposes it publicly avowed.

Succeeding years saw a number of congressional hearings and select committee investigations as well as inquiries by presidentially appointed commissions, all devoted to surveying the dimensions of the problem and assessing the adequacy and effectiveness of the government's efforts—mainly those of officials and agencies of the Department of Defense. The reports resulting from these proceedings sometimes spawned further controversies, as did the surfacing from time to time of pictures of individuals alleged to be Americans surviving somewhere in Southeast Asia. The high volume of "live sighting reports" and other information received from refugees helped to sustain rumors that some Americans still endured in remote work camps or underground installations and that the North Vietnamese were keeping the remains of unnumbered U.S. servicemen in storage, awaiting a favorable opportunity for barter. Citizens seized with the conviction that living prisoners existed might well respond to the fund-raising appeals of the sponsors of various private efforts to ransom or rescue the men.

Aspects of these long-running activities and the accompanying agitation were often in the news. The subject received recurring attention from popular magazines, talk shows, and journals of opinion, and Hollywood and TV scriptwriters exercised their imaginations to produce stirring treatments of the possibility of rescue. Even after nearly a quarter of a century had passed it could truly be said that the men were not forgotten. U.S. negotiations for the recovery of remains continued with what was now the Socialist Republic of Vietnam.

The pressures for intensified government investigation became stronger as the Vietnamese government, seeking to establish normal relations with the United States, became more cooperative in tracking down records and remains of the missing. Vietnam agreed to joint investigation with the United States in 1988, and Cambodia and Laos followed suit in 1991 and 1992 respectively. The Reagan and Bush administrations paid heed to the demands of the families and gave priority to the search. In 1991 the Department of Defense established the position of deputy assistant secretary of defense for POW/MIA affairs to oversee the vigorous, large-scale, and good-faith search effort. Two additional new organizations—the Joint Task Force Full Accounting and the Central Identification Laboratory—were established in Hawaii. The former undertook the enormously complex task of performing the many hundreds of prolonged, painstaking, on-the-spot searches in Vietnam. The laboratory performed the lengthy and difficult forensic procedures required to identify remains, often with baffling and disappointing results. Other Defense elements, particularly the Defense Intelligence Agency and the military services, participated actively in the overall effort.

The many hundreds of searchers in the documents and in the countries involved faced a daunting task. Their activities included in-country investigations, detailed loss-site surveys, full-scale site excavations, witness interviews, and joint archival research. The wide-ranging circumstances under which losses occurred vastly complicated the difficulties of the search. These circumstances included over-water losses with no or fragmentary knowledge of the location; topographical changes; losses in remote areas with no witnesses; remains lost while in U.S. custody; remains falling off of a helicopter under enemy fire; mistaken burials by allied forces. The existence of frequent unresolvable discrepancies made the task all the more frustrating and inconclusive.

Of the approximately 2,400 men originally counted as missing after Homecoming about half had been presumed to be dead on the basis of compelling evidence—their planes were seen to crash on land or in water with no indication of survivors. Incontrovertible evidence of the status of the missing, other than identifiable remains (unlikely to amount to more than a fraction of the total), is difficult if not impossible to come by. The cost of this near-exhaustive search has been considerable—the Defense Department estimated that for a five-year period, fiscal years 1996-2000, it spent almost \$500 million on the effort.<sup>35</sup> Still, as long as theoretical possibility of survival exists, it is likely that the search will go on. In the eyes of many, it is the last measure of national atonement to the families of the missing.

Although technology may change the nature of war in ways that will make the taking of Americans as prisoners of war less likely, it is probable that for the foreseeable future there will continue to be conflicts that will hold a substantial risk of capture of combatants. Localized conflicts in highly volatile areas of the world may require the employment of forces engaging in close-quarters combat, as occurred in Vietnam. Moreover, as in Vietnam, the United States may be confronted again with an adversary who denies the plain meaning of international agreements, who first enters into negotiations and then presents a list of absolute and unyielding demands, meanwhile remaining unswayed by humanitarian appeals and but slightly moved by international exposure and disapproval of his practices. Under such circumstances, the experience of coping with the prisoner of war dilemma during the Vietnam War will not provide an all-purpose formula but it may yield useful guidance in the way that knowledge of the past gives us a better grasp of the present. At the very least, it should increase our capacity to anticipate some of the problems and difficulties we may encounter in future hostilities and, to the extent possible, help prepare us to deal with them.

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## Notes

Records of the DoD PW/MIA Task Force, in the Office of the Assistant Secretary of Defense, International Security Affairs (ISA), are cited as TF files. Citations to 79-D317 refer to records of the Department of State, Bureau of Human Rights and Humanitarian Affairs, lot 79-D317. This collection comprises 37 boxes organized by subject and titled folders and contains material on PW/MIA affairs, 1966-76, from the office files of Frank A. Sieverts. Documents with the citation "PW coll, OSD Hist" are located, mostly in copy form, in the Historical Office in the Office of the Secretary of Defense.

### 1. PRISONER OF WAR POLICY BEFORE VIETNAM

1. Richard I. Miller, ed, *The Law of War*, 3-8.
2. House Cte on For Affs, *The Geneva Convention Relative to the Treatment of Prisoners of War* (hereafter cited as *The Geneva Convention*), Cte Print, 91 Cong, 2 sess, May 70, iii. The committee print includes an authenticated text of the convention, prepared by the Department of State. All quotations of articles of the Geneva Convention appearing hereafter are taken from this source.
3. For texts of the "London Agreement of 8 August 1945" and its annex, "Charter of the International Military Tribunal," see Benjamin B. Ferencz, *Half a Century of Hope*, vol 1 of *An International Criminal Court: A Step Toward World Peace: A Documentary History and Analysis*, 454-64 (quote, 457).
4. Robert K. Woetzel, *The Nuremberg Trials in International Law*, 232-33.
5. This sentence follows closely a statement by Thomas H. Sponsler in "The Universality Principle of Jurisdiction and the Threatened Trials of American Airmen," *Loyola Law Review*, 15 (1968-69), 56.
6. Miller, *Law of War*, 228-29.
7. House Cte on For Affs, *The Geneva Convention*, 81.
8. Miller, *Law of War*, 110-11; Dept State *Bulletin*, 11 Jul 55, 75-77.
9. Board of Editors Note, "Misconduct in the Prison Camp: A Survey of the Law and an Analysis of the Korean Cases," *Columbia Law Review*, 56 (1956), 730-31.
10. Dept State, *United States Treaties and Other International Agreements*, 6, pt 3 (1955), 3514-15.
11. US Defense Advisory Cte on Prisoners of War, *POW: The Fight Continues After the Battle: The Report of the Secretary of Defense's Advisory Committee on Prisoners of War* (hereafter cited as *POW*), Aug 55, 31. The following account of the measures used by the Communists against the captive Americans relies primarily on this report and Albert D. Biderman, *March to Calumny*.



12. Biderman, *March to Calumny*, 41-48.
13. Interv with Maj William E. Mayer, "Why Did Many GI Captives Cave In?," *U.S. News & World Report*, 24 Feb 56, 56ff.
14. *New York Times*, 25 Sep 53; *U.S. News & World Report*, 16 Oct 53, 52 (text).
15. In a letter to Secretary of Defense Charles E. Wilson on 27 July 1955 a member of the Maryland legislature, John M. Whitmore, wrote that he had "heard it said with increasing frequency" that the officers accused of misconduct "have all been acquitted and the enlisted men have generally been convicted. If this is true, it is certainly a sorry travesty on justice." Wilson had received other letters on the subject, from Rep Frank M. Karsten, 15 Mar 55, and Sen Sam J. Ervin, Jr., 28 Mar 55, SecDef 383.6 (1955).
16. *New York Times*, 2 May 54, 10 Jul 55. The caption of the latter article read, in part, "Some Who Gave In to Communists Are Punished and Some Are Not." The number of Army returnees given in the text is a later official figure, rather than the 3,322 used by the *Times*.
17. *New York Times*, 5 May 54, 8 Mar, 15 Jun 55. Letters addressed to the secretary of defense by two successive AMVETS national commanders, dated 8 September 1954 and 24 January and 14 June 1955, plus some of the replies, form a single packet within SecDef 383.6 (1955). See also ltr Wilbur M. Brucker (OSD GenCoun) to Herbert Monte Levy, ACLU, 11 May 55, *ibid*, and William Lowe, "What is Justice for a Tortured GI?," *Look*, 28 Jun 55, 28-32.
18. Ltr Wilson to Pres, 17 May 55, SecDef 334 POW, Defense Advisory Cte on (1955).
19. See note 11.
20. Daniel V. Gallery, "We Can Baffle the Brainwashers!," *Saturday Evening Post* (22 Jan 55), 20-21ff (quote, 94).
21. Def Advisory Cte, *POW*, 18.
22. *Ibid*, 22.
23. E.O. 10631, 17 Aug 55.
24. Memo Wilson for SecsMilDepts, 18 Aug 55, TF files.
25. Def Advisory Cte rpt ("Committee Recommendation for Action"), 11 Jul 55, SecDef 334 POW, Defense Advisory Cte on (1955). The degree of OSD supervision and its rationale are described in a letter from the OSD General Counsel to Rep. L. Mendel Rivers, 25 Mar 55, SecDef 383.6 (1955). Two Army court-martial cases had gone to trial before the requirement for OSD clearance was imposed on 25 January 1954.
26. DoD Dir 5120.22, 18 Aug 55; memo Carter L. Burgess for ASD(ISA), 6 Sep 55, reproduced in Classified Supplement to DoD, *Code of Conduct Program: Annual Report to the Advisory Committee*, Jun 56, TF files.
27. "Marine Corps Training in the Code of Conduct," attach to memo (JCSM-461-64) JCS for SecDef, 28 May 64, PW coll, OSD Hist; Senate Cte on Armed Svcs, Special Preparedness Subcte, *Military Cold War Education and Speech Review Policies: Hearings*, 87 Cong, 2 sess (1962), pt 1, 211-12, 228 (test of Gen David M. Shoup, CmdtUSMC).
28. Memo CSAF for All Major Commands, 12 Oct 55, TF files.
29. Msg AFOPD-SP-SA 40481 for CINCUSAFE, 16 Jan 56, *ibid*.
30. Msg AFOPD-SP-SA 55379 for CINCUSAFE, 31 Jan 56, *ibid*.
31. DoD Pam 1-16/DA Pam 21-71/NAVPERS 92638/AFP 34-10-1/NAVMC 2512, "The U.S. Fighting Man's Code," 6 Aug 59.
32. Msg CINCPACFLT for CNO, 250003Z Jan 63, PW coll, OSD Hist.
33. Memo (JCSM-747-63) JCS for SecDef, 3 Oct 63, *ibid*.
34. Memo McNamara for CJCS, 3 Jan 64, *ibid*.
35. Msg CSAF for USAFE and ATC, AFXPDO 99067, 3 May 63, PW coll, OSD Hist.
36. *Report of the Air Force Advisory Committee on Prisoners of War*, 25 Nov 63 (45, quote), TF files.
37. Memo Zuckert for ASD(M), 27 Nov 63, *ibid*; memo Zuckert for SecDef, 22 Jan 64, JCS file 1410 (13 Mar 63) sec 2, Documents Div, Jt Secretariat, Jt Staff.
38. Memo McNamara for SecAF, 7 Feb 64, TF files.
39. Memo (JCSM-461-64) JCS for SecDef, 28 May 64, PW coll, OSD Hist.
40. DoD Dir 1300.7, 8 Jul 64.

41. Ltr MajGen Albert M. Kuhfeld (JAG AF) to Victor A. Sachse (Ch, AF Advisory Cte on POWs), 13 Apr 64, PW coll, OSD Hist. Kuhfeld described the instructions given to Air Force staff representatives within OJCS. Apparently subparagraphs (3)(b) and (5) of the training guidance owed something to their effort to preserve "this important aspect of resistance training."
42. Memo (JCSM-461-64) JCS for SecDef, 28 May 64, PW coll, OSD Hist.
43. DoD Directives System Transmittal No 63-30, 26 Jun 63.

## 2. ORGANIZING FOR POLICY DECISION AND PLANNING

1. Memo Vance for SecsMilDepts et al, 26 Jul 66, SecDef 383.6 Vietnam (1966).
2. Memo (JCSM-158-64) JCS for McNamara, 26 Feb 64, ISA 383.6 (1964).
3. Memo (DJSM-718-64) RAdm J. W. Davis (DepDirJS) for DepASD(ISA) (Henry S. Rowen), 24 Apr 64, *ibid*.
4. Ltr Vance to Rusk, 4 Apr 64, *ibid*.
5. Memo Rowen for DirDIA, 27 Mar 64, ISA 383.6 (1964).
6. Memo (DJSM-718-64) Davis for DepASD(ISA), 24 Apr 64, *ibid*.
7. Ltr Solbert to Kitchen, 5 May 64, *ibid*.
8. Memo Solbert for DirJS (LtGen David A. Burchinal), 8 Jun 64, ISA 383.6 (1964).
9. Memo Col Marshall Sanders for Solbert, 28 Aug 64, memo BrigGen John W. Vogt for Solbert, 8 Sep 64: ISA 383.6 (1964). For one of the more fully developed responses, see msg MACJ21 6257 COMUSMACV for JCS and CINCPAC, 171155Z Jul 64, TF files.
10. *New York Times*, 16 May 64.
11. Ltr Kitchen to Solbert, 22 May 64, ISA 383.6 (1964).
12. Memo Solbert for Horwitz, 29 Dec 64, *ibid*.
13. Memo Horwitz for ASD(ISA), 11 Jan 65, sub: U.S. Military Prisoners of the Communists, PW coll, OSD Hist. During preliminary investigation an OASD (Admin) staff member heard again from officials in OASD (Manpower) that they were strongly disinclined to "interpose ourselves between the Services and State in the flow of information." See OASD(M) route slip notation Col James T. Kisgen USMC, 5 Jan 65, sub: POW Functions, *ibid*.
14. Ltr Vogt to Kitchen, 3 Feb 65, ISA 383.6 (1965). No parallel communication from State has been discovered in the files of either department.
15. Memo (JCSM-514-65) JCS for SecDef, 1 Jul 65, memo McNamara for CJCS, 7 Jul 65, sub: Response to Significant Incidents in Vietnam: PW coll, OSD Hist.
16. Memo (JCSM-744-65) JCS for SecDef, 9 Oct 65, SecDef 371-399 Vietnam (1965).
17. Memo McNamara for CJCS, 3 Nov 65, SecDef 383.6 Vietnam (1965).
18. Hoare interv with Robert C. Lewis (VPresARC), 22 Mar 74, PW coll, OSD Hist.
19. Memrec LtCol W. C. Ford USA, 2 Sep 65, sub: Detainees in Vietnam, TF files. The favorable vote was 14 to 1, plus one "no objection." TF files contain minutes or other evidence of all subsequent meetings, usually in the form of memoranda for record.
20. Na, "Memorandum of Understanding Arising out of Meeting of November 9, 1965 on the Assignment of Responsibilities for Americans Held Captive in South East Asia," nd, TF files. The provisions regarding casualty reporting, notification of next of kin, and ARC and ICRC responsibilities are described more fully in Chapter 7; those concerned with PW mail are treated in Chapter 6.
21. Memrec Maj J. R. Sleeper USA, 1 Dec 65, sub: Detainees in Vietnam, memo Col G. D. Overbey (Afro-AsianDiv ISA) for BrigGen G. M. Seignious II USA (DirPolPIngStaff ISA), 25 Feb 66: TF files.
22. Memrec Sleeper, 4 Feb 66, sub: Detainees for [sic] Vietnam, *ibid*.
23. Memo Overbey for Seignious, 25 Feb 66, *ibid*.
24. Memo Col M. P. DiFusco for LtGen J. B. Lampert (DepASD(M)), 21 Feb 66, memo DiFusco for Lampert, 2 Mar 66: PW coll, OSD Hist.

25. Memrec Sleeper, 17 Mar 66, sub: Conference on Detainees and Prisoners in Vietnam, TF files.
26. Ltr Kennedy to Rusk, 19 Apr 66, *ibid*.
27. Memrec William C. Hamilton (DepDirFE(ISA)), 2 May 66, sub: Action on US POWs in Vietnam, *ibid*.
28. Dept State *Bulletin*, 6 Jun 66, 888.
29. Memo Vance for SecsMilDepts et al, 26 Jul 66, SecDef 383.6 Vietnam (1966); msg DEF 7585 for CINCAL et al, 26 Jul 66, PW coll, OSD Hist.
30. Memo Harrison M. Holland (DepDirEA&P(ISA)) for John B. Rhineland (SpecAsst to SecNav), 15 Aug 67, TF files. The meeting of 15 June 1967 is the last for which a record exists in TF files.
31. Memo Zuckert for McConnell, 16 Jul 65, memo McConnell for SecAF, 11 Aug 65, sub: Escape, Evasion and Related Matters: PW coll, OSD Hist.
32. Memrec Lampert, 16 Aug 66, sub: Meeting to Discuss POW Matters, *ibid*.
33. *Ibid*.
34. Memo Monroe for Brown, 30 Jun 67, PW coll, OSD Hist.
35. Memo Gunderson for Brown, 6 Jul 67, *ibid*.
36. HQ USAF Background Paper, nd [Sep 67?], sub: Prisoner of War (PW) Matters, *ibid*.
37. Memo Brown for Nitze, 18 Jul 67, SecDef 383.6 Vietnam (1967).
38. Memo Nitze for SecsMilDepts et al, 26 Jul 67, memo Horwitz for DepSecDef, 24 Jul 67: SecDef 383.6 Vietnam (Jan-Jul 67).
39. Memo Baldwin for DepSecDef, 28 Jul 67, *ibid*.
40. Memo Warnke for SecsMilDepts et al, 27 Jul 67, *ibid*.
41. The numerous memoranda announcing appointments of representatives to the DoD PW Policy Committee are collected in TF files, which also contain the summary minutes from which information on attendance is derived.
42. Memo Warnke for SecsMilDepts et al, 7 Nov 67, SecDef 383.6 Vietnam (Aug-Dec 67).
43. Memo Col G. L. Black, Jr. USA for DirMPP DCS/PER, 17 Oct 67, and memo Capt E. R. Williams USN for distribution, nd [Oct 67], sub: Monthly Conference on Captured and Missing Personnel: TF files.
44. Memrec LtCol Julian R. Sleeper, 15 Dec 67, sub: Minutes of Monthly Meeting of OSD Sponsored Committee on Captured and Missing Personnel, *ibid*.
45. Memo MajGen R. H. Ellis USAF for LtGen Glen W. Martin USAF, 18 Aug 67, PW coll, OSD Hist; memo Warnke for SecsMilDepts et al, 16 Aug 67, TF files.
46. Memo Warnke for SecsMilDepts et al, 5 Oct 67, TF files; memo VAdm V. L. Lowrance for Ch Interagency PW Intel Ad Hoc Cte (IPWIC), 23 Oct 67, PW coll, OSD Hist; memo Warnke for DepSecDef, 7 Mar 68, SecDef 383.6 Vietnam (1968).
47. Memos Warnke for SecsMilDepts et al, 16 Aug, 11 Oct, 7 Nov, 28 Nov 67, memo Capt J. G. Andrews USN and William W. Hancock USAF for Ch DoD PW Policy Cte, 1 Nov 67: TF files.
48. Data derived from the collection of summary minutes in TF files.
49. Memo Nitze for SecsMilDepts et al, 26 Jul 67, memo Warnke for SecsMilDepts et al, 27 Jul 67: SecDef 383.6 Vietnam (Jan-Jul 67).
50. Memo Rhineland for Warnke, 10 Aug 67, memo Harrison M. Holland for R. C. Steadman (DepASD/FEA(ISA)) and RAdm William E. Lemos (DirFE(ISA)), nd [Aug 67]: TF files.
51. Memo Warnke for SecsMilDepts et al, 16 Aug 67, memo Henkin for ASD(ISA), 16 Aug 67: *ibid*.
52. Memo Warnke for SecsMilDepts et al, 29 Aug 67, TF files. The announcement appeared as OASD(PA) News Release No 847-67, 8 Sep 67, *ibid*.
53. Memo William W. Hancock (ActgGenCoun AF) for ASD(ISA), 4 Aug 67, memo Phil G. Goulding (ASD(PA)) for Warnke, 5 Aug 67, memo Arthur W. Allen, Jr. (DepUSecArmy(M)) for OSD GenCoun, 7 Aug 67, memo Henkin for ASD(ISA), 16 Aug 67: TF files.
54. Memo Warnke for DepSecDef, 14 Jan 69, SecDef 383.6 (1969).

3. THE DEPARTMENT OF STATE AND PRISONER  
OF WAR POLICY, JANUARY 1964 TO MAY 1966

1. PL 88-428, 14 Aug 64, amended the Missing Persons Act. See Chapter 7 for a fuller account of the successive decisions regarding terminology.
2. Def Advisory Cte, *POW*, vii; *Public Papers of the Presidents of the United States: Dwight D. Eisenhower, 1955*, 798.
3. Memo (DJSM-500-66) LtGen David A. Burchinal (DirJS) for ASD (ISA), 19 Apr 66, memo Blouin for DirJS, 23 Apr 66: TF files. The description given hereafter of the functions of State's Bureau of Security and Consular Affairs is drawn from National Archives and Records Service, *United States Government Organization Manual: 1966-67*, 89-90.
4. Ltr J. P. Maunoir (ICRC) to Robert C. Lewis (VPresARC), 2 May 67, box 25 (Christmas Packages), 79-D317; ltr Maunoir to Samuel Krakow (DirIntlSrvsARC), 27 Dec 67, box 15 (ICRC 68), 79-D317. See also Everett Alvarez, Jr., and Anthony S. Pitch, *Chained Eagle*, 108, 114.
5. HQ USAF, ACSI Evasion & Escape Memo No 1, 30 Dec 65, reproduced in DA/TAG, *Operations Report: Lessons Learned: Report 4-66*, 24 May 66, TF files.
6. Dept State *Bulletin*, 12 Jul 65, 55, 18 Oct 65, 635; msg Saigon 1054, 26 Sep 65, msg State 488 for Geneva, 28 Sep 65: PW coll, OSD Hist; msg Saigon 1109, 30 Sep 65, TF files.
7. Memo McGeorge Bundy for Pres, 17 Dec 65, msg Saigon 2401, 4 Feb 65: box 8 (Prisoners of Viet Cong (Hertz)), 79-D317.
8. Msg Saigon 11305, 17 Nov 67, msg State 71460 for Saigon, 18 Nov 67: TF files.
9. Dept State *Bulletin*, 1 Nov 65, 725-26; memo William P. Bundy for SecState, 8 Jan 66, PW coll, OSD Hist.
10. Dept State *Bulletin*, 18 Oct 65, 635.
11. Ltr Freymond to SecState, 11 Jun 65, reproduced in msg State 142090 for Canberra and CINCPAC, 17 Aug 72, box 34 (Red Cross, ICRC), 79-D317.
12. Ltr Rusk to Samuel A. Gonard (PresICRC), 10 Aug 65, Dept State *Bulletin*, 13 Sep 65, 447.
13. Ltr GVN MinForAff to ICRC Saigon Deleg, 11 Aug 65, reproduced in msg State 142090 for Saigon and Canberra, 4 Aug 72, TF files.
14. Jt State/Def msg 863 for Saigon and CINCPAC, 25 Sep 65, msg Geneva 943, 30 Nov 65, msg State 2369 for Saigon, 12 Feb 66: PW coll, OSD Hist. The progress in constructing prison camp facilities is briefly recounted in Jeffrey J. Clarke, *Advice and Support: The Final Years, 1965-1973*, 167-69, 227-28, 320, 376-77.
15. M. Barde, ICRC, "Steps Taken with the Government of the Democratic Republic of Vietnam," 26 Sep 70, encl to ltr Ramone S. Eaton (SrVPresARC) to Sieverts, 12 Oct 70, TF files.
16. Ltr Bui Taen Linh (MinForAff DRV) to Freymond, 31 Aug 65, *ibid*.
17. Barde, "Steps Taken."
18. Msg Geneva 650, 13 Oct 65, PW coll, OSD Hist.
19. Memo Abba P. Schwartz for Chester Cooper (White House) et al, 24 Oct 65, box 15 (ICRC through 1966), 79-D317.
20. Msg London 2166, 12 Nov 65, ltr Nguyen Van Dong (ChNLFRep to USSR) to ICRC, 16 Oct 65: PW coll, OSD Hist.
21. Ltr Maunoir to Nguyen Van Dong, 26 Nov 65, box 15 (ICRC through 1966), 79-D317.
22. Msg London 2166, 12 Nov 65, PW coll, OSD Hist.
23. *New York Times*, 12 Feb 66.
24. Memo Heymann for Schwartz, 9 Feb 66, box 14 (Red Cross Memos—Vietnam), 79-D317.
25. Ltr Schwartz to James F. Collins (PresARC), 24 Sep 65, box 17 (Prisoners-Manila Conference/Negotiations), 79-D317.
26. Msg Geneva 311, 19 Jul 66, box 15 (ICRC and UN), 79-D317.
27. Memo Heymann for Schwartz, 9 Feb 66, box 14 (Red Cross Memos—Vietnam), 79-D317. Heymann looked backward over "the events of the last six months" when analyzing the underlying assumptions of U.S. and ICRC policy.
28. Ltr Ball to Gonard, 2 Oct 65, box 15 (ICRC through 1966), 79-D317.

29. Msgs Vienna 536, 9 Oct 65, Vienna 545, 10 Oct 65: PW coll, OSD Hist.
30. Memo Schwartz for Cooper et al, 24 Oct 65, box 15 (ICRC through 1966), 79-D317.
31. Ibid; msgs Vienna 536, 9 Oct 65, Vienna 545, 19 Oct 65: PW coll, OSD Hist; msg Geneva 1707, 15 Mar 66, TF files.
32. Memo Schwartz for Cooper et al, 24 Oct 65, box 15 (ICRC through 1966), 79-D317.
33. Memo (JCSM-744-65) JCS for SecDef, 9 Oct 65, Sec Def 371-399 Vietnam (1965); Jt State/Def msg, circular 951 for Ottawa, 18 Nov 65, TF files.
34. Jt State/Def msg, circular 951 for Ottawa, 18 Nov 65, memreccs Maj J. R. Sleeper USA, 1 Dec 65, 4 Jan 66: TF files; msg State 1484 for Geneva, 23 Feb 66, box 15 (ICRC through 1966), 79-D317.
35. Msg State 1484 for Geneva, 23 Feb 66, box 15 (ICRC through 1966), 79-D317.
36. *New York Times*, 7 Mar 66.
37. Memo Sieverts for Heymann, 30 Mar 66, memo Heymann and Sieverts for Leonard Unger (ASecStateFE) et al, 5 Apr 66: box 14 (Red Cross Memos—Vietnam), 79-D317; memo Leonard C. Meeker (Legal Adviser) and Heymann for USecState, 15 Apr 66, box 14 (ICRC Relief Assistance Program), 79-D317.
38. Memo Heymann for USecState, 5 Apr 66, memo Sieverts for USecState, 18 Apr 66: box 14 (ICRC Relief Assistance Program), 79-D317. Harriman went to Geneva bearing a letter from Rusk to Gonard; msg State 2045 for Geneva, 3 May 66, box 28 (Press), 79-D317.
39. Dept State *Bulletin*, 6 Jun 66, 888.
40. Harriman did not adopt the suggestion that he regularize the status of the interdepartmental committee as an entity subordinate to him, as recommended in memo Sieverts for Harriman, 10 Aug 67, box 12 (PW Summaries for the Secretary), 79-D317; Hoare interv with Sieverts, 15 Jan 75, informal notes in PW coll, OSD Hist.
41. Msg Geneva 2196, 6 May 66, box 15 (ICRC through 1966), 79-D317.
42. Ibid; msg Geneva 285, 18 Jul 66, PW coll, OSD Hist; Dept State *Bulletin*, 22 Dec 69, 598.

#### 4. CLIMAX AND DECLINE OF THE WAR CRIMES TRIALS ISSUE

1. Foreign Broadcasting Information Service (FBIS) 69, 1 Nov 65, msg State 1016 for Geneva, 17 Dec 65: TF files.
2. Memo William P. Bundy (ASecStateFE) for SecState, 8 Jan 66, PW coll, OSD Hist.
3. Memo William C. Hamilton (DepDirFE(ISA)) for John T. McNaughton (ASD(ISA)), 16 Dec 65, memo Robert H. Miller (FE/VN State) for Leonard Unger (ASecStateFE), 20 Dec 65: TF files.
4. Msg Cairo 2042, 11 Feb 66, PW coll, OSD Hist; msg State 4547 for Cairo, 12 Feb 66, TF files.
5. Press&InfoDept, MinForAff DRV, *U.S. War Crimes in North Viet Nam* (Hanoi, Feb 66), box 2, (Vietnam-Misc), msg Geneva 2545, 22 Jun 66, box 15 (ICRC through 1966), memo Sieverts for USecState, 27 Jun 66, USIA News Policy Note No 24-66, 14 Jul 66, box 27 (War Crimes Trials and Mistreatment of PWs): all in 79-D317.
6. Msg State 3307 for Saigon, 4 May 66, box 15 (ICRC and UN), 79-D317.
7. Msg Geneva 2196, 6 May 66, box 15 (ICRC and UN), msg State 1219 for Ottawa, 15 May 66, box 24 (Channels to NVN), State Intelligence Note 391, 17 Jun 66, box 27 (War Crimes Trials and Mistreatment of PWs): 79-D317.
8. Memrec Hamilton, 28 May 66, ISA 383.6 (1966); memo Sieverts for USecState, 27 Jun 66, box 27 (War Crimes Trials and Mistreatment of PWs), 79-D317; memo RAdm F. J. Blouin (DirFE(ISA)) for DirJS, 29 Jun 66, SecDef 383.6 Vietnam (1966).
9. Msg Saigon 693, 11 Jul 66, PW coll, OSD Hist.
10. Msg State circ 6239 for Warsaw et al, 12 Jul 66, box 27 (War Crimes Trials and Mistreatment of PWs), 79-D317.
11. Memo W. Averell Harriman for SecState, 16 Jul 66, box 27 ("War Crimes" Trial), 79-D317; msg State 6229 for Moscow and New Delhi, 12 Jul 66, msg State 6230 for London, 12 Jul 66, msg State 7147 for USUN New York, 14 Jul 66, msg State 9289 for Geneva, 17 Jul 66: PW coll, OSD Hist.

12. Hoare interv with Sieverts, 15 Jan 75, PW coll, OSD Hist; *New York Times*, 15, 16 Jul 66.
13. Press Conf, *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1966*, 2:744, 745; *New York Times*, 21 Jul 66.
14. *New York Times*, 17, 20, 21 Jul 66; memo Harriman for SecState, 19 Jul 66, TF files; msg Tokyo 440, 18 Jul 66, box 23 (Circulars), msg Rome 364, 20 Jul 66, box 2 (Misc 1966), memo Benjamin H. Read (ExecSec State) for Walt W. Rostow (SpecAsst to Pres), 24 Jul 66, box 13 (Inter- and Intra-Departmental Memos): 79-D317.
15. *New York Times*, 13, 16, 17 Jul 66; *Time*, 29 Jul 66, 20-21; msg Saigon 1883, 25 Jul 66, box 13 (Saigon), 79-D317.
16. Memo Harriman for SecState, 16 Jul 66, box 27 ("War Crimes" Trial), msg State circ 10092, 18 Jul 66, box 23 (Circulars), msg DEF 7115 for CSA et al, 20 Jul 66, box 2 (Misc 1966): 79-D317; memo Vance for SecsMilDepts et al, 26 Jul 66, SecDef 383.6 Vietnam (1966).
17. Msg CINCPAC for CJCS, 150411Z Jul 66, TF files.
18. Memo Heymann for Bundy, 18 Jul 66, box 27 ("War Crimes" Trial), 79-D317.
19. Memo Harriman for SecState, 16 Jul 66, *ibid*.
20. Memrec James B. Devine (OASD(ISA)), 14 Jul 66, and na, "Resume of Agency Remarks and Open Discussion: Conference on Vietnam Detainees: July 14, 1966": TF files.
21. Msg State circ 17503, 28 Jul 66, PW coll, OSD Hist; *New York Times*, 25 Jul 66; FBIS 84, 23 Jul 66, FBIS 57, 25 Jul 66, box 28 (Press), 79-D317.
22. Msg Saigon 1883, 25 Jul 66, box 13 (Saigon), 79-D317.
23. Msg State circ 17503, 28 Jul 66, PW coll, OSD Hist.
24. Sieverts, Paper No 13, 6 May 68, box 18 (Negotiations 1968), 79-D317; *New York Times*, 10, 11 Jun 69. During his debriefing, one of the three U.S. airmen released from North Vietnam in September 1972 remarked that the enemy camp commander had caused a flurry of excitement when reading that year's Fourth of July message to the prisoners; it referred to them as "detainees." "This reference really 'shook up' all the 'old shootdowns' as they had never heard themselves called anything but 'criminals'." Msg COMNAVINTCOM for AIG 47, 111420Z Oct 72, PW coll, OSD Hist.

5. ACTION ON OTHER FRONTS:  
EFFORTS TO OBTAIN RELEASE OF PRISONERS

1. Memo Chester L. Cooper (NSC Staff) for McGeorge Bundy (SpecAsst to Pres), 6 Aug 65, box 8 (Prisoners of Viet Cong (Hertz)), 79-D317. This account of the Hertz case also relies in part on Richard B. Stolley, "The Secret Fight for Gus Hertz," *Life*, 21 Jul 67, 22ff. For another account of Senator Kennedy's involvement in the Hertz-Hai negotiations, see *Washington Post*, 27 Mar 66.
2. Memo Bundy for Pres, 17 Dec 65, box 8 (Prisoners of Viet Cong (Hertz)), 79-D317; Arthur M. Schlesinger, Jr., *Robert Kennedy and His Times*, 731-32; Stolley, "The Secret Fight for Gus Hertz," 26.
3. Msg Vienna 486, 5 Oct 65, msg Saigon 21101, 12 Dec 65, msg Geneva 1161, 6 Jan 66, msg Paris 3998, 13 Jan 66: PW coll, OSD Hist; memo Sieverts for John D. Jernegan (US Amb to Algeria), 31 May 66, box 13 (Inter- and Intra-Departmental Memos), 79-D317.
4. Msg State 1963 for Saigon, 10 Jan 66, msg State 2002 for Saigon, 12 Jan 66: PW coll, OSD Hist.
5. Msg State 1196 for Geneva, 15 Jan 66, PW coll, OSD Hist; *New York Times*, 12, 16, and 17 Jan 66; memo Sieverts for Jernegan, 31 May 66, box 13 (Inter- and Intra-Departmental Memos), 79-D317. State hastened to advise Gottlieb not to mention prisoner exchange again; "however," Sieverts wrote, "the damage may have been done by the single utterance."
6. Memo Benjamin H. Read (ExecSec State) for Bundy, 21 Jan 66, ltr Tam to Gallopin, 21 Jan 66: PW coll, OSD Hist.
7. Memtelcon Schwartz and Gallopin, 26 Jan 66, draft msg (Sieverts) State for Saigon, 27 Sep [66], memcon Heymann with Kennedy, 14 Apr 66: PW coll, OSD Hist; Stolley, "The Secret Fight

- for Gus Hertz,” 26; Ltr Kennedy to Rusk, 19 Apr 66, TF files. For evidence of Kennedy’s continuing interest in the Hertz case, see Ltr Kennedy and Sen William B. Spong, Jr., to Rusk, 28 Feb 67, box 26 (Correspondence with Families), 79-D317.
8. Ltr Nguyen Huu Tho (Pres Presidium of NLF Central Cte) to Sihanouk, 19 Jul 67, box 15 (ICRC 1967), 79-D317; *Washington Post*, 8 Nov 67; *New York Times*, 8 Nov 67. George J. Veith, *Code-Name Bright Light: The Untold Story of U.S. POW Rescue Efforts During the Vietnam War*, chs 7-9, provides additional detail on the Hertz case as well as other prisoner release efforts discussed elsewhere in this chapter.
  9. Msg Berlin 603, 7 Jan 66, memo McNaughton for DirJS, 8 Jan 66: SecDef 383.6 Vietnam (1966).
  10. Memo (JCSM-18-66) JCS for SecDef, 11 Jan 66, *ibid*.
  11. Msg State 3929 for London, 8 Jan 66, msg London 3259, 13 Jan 66, msgs State 367, 368 for Berlin, 15 Jan 66: PW coll, OSD Hist.
  12. Msg Berlin 632, 16 Jan 66, *ibid*.
  13. Msg Berlin 673, 31 Jan 66, *ibid*; msg Berlin 65, 17 Jul 66, box 23 (Berlin), 79-D317; msg State 10122 for Berlin, 18 Jul 66, PW coll, OSD Hist.
  14. Msg Berlin 956, 26 Jan 67, msg State 138146 for London, 15 Feb 67: box 18 (Prisoners: Exchange), 79-D317; msg London 7299, 10 Mar 67, PW coll, OSD Hist; msg London 7553, 17 Mar 67, box 18 (Prisoners: Exchange), 79-D317.
  15. Jt State/Def msg 1672 for Saigon, 15 Dec 65, PW coll, OSD Hist.
  16. Msg State 2066 for Saigon, 18 Jan 66, *ibid*; *New York Times*, 31 Jan 66. Disparaging references to the GVN’s “propaganda stunt” of January 1966 still appeared in State’s cable traffic half a year later; msg State 8232 for Saigon, 15 Jul 66, box 10 (Captured PT Boat Personnel), 79-D317.
  17. For a comment on the Westmoreland-Co Agreement provided for the Senate Committee on Foreign Relations, see msg Saigon 13685, 18 Dec 67, box 27 (US/Allied Treatment of Prisoners), 79-D317.
  18. Memo Sieverts for Harriman, 4 Apr 67, box 15 (ICRC-GVN Relations), *ibid*.
  19. Msg Saigon 700, 11 Jul 66, PW coll, OSD Hist; msg Saigon 1211, 17 Jul 66, box 10 (Captured PT Boat Personnel), 79-D317; *New York Times*, 21 Jul 66.
  20. Memo George H. Aldrich (Legal Adviser) for Harriman, 2 Mar 67, box 18 (Prisoners: Exchange), 79-D317.
  21. AP ticker item 24 Feb 67, PW coll, OSD Hist; msg State 151541 for Saigon, 8 Mar 67, msg Saigon 19938, 9 Mar 67, Jt State/Def msg 168291 for Saigon, 4 Apr 67, msg State 188928 for Saigon, 5 May 67, msg Saigon 25253, 10 May 67: box 18 (Prisoners: Exchange), 79-D317.
  22. Msg State 193733 for Saigon, 12 May 67, box 18 (Prisoners: Exchange), 79-D317; msg Saigon 28130, 14 Jun 67, PW coll, OSD Hist.
  23. Msg State 1140 for Saigon, 2 Jul 66, msg Saigon 192, 3 Jul 66: PW coll, OSD Hist; Jt State/Def msg 12804 for Saigon and JCS, 21 Jul 66, box 13 (Saigon), 79-D317; msg Saigon 732, 11 Jul 66, msg Saigon 10265, 7 Nov 66: PW coll, OSD Hist.
  24. Msg State 9364 for Vientiane and Geneva, 17 Jul 66, msgs Vientiane 353, 362, 20 Jul 66: PW coll, OSD Hist.
  25. Msg State 11298 for Saigon et al, 21 Jul 66, *ibid*; memo Sieverts for Harriman, 4 Apr 67, box 15 (ICRC-GVN Relations), 79-D317; msg CINCPAC for Saigon, 192351Z Jul 66, box 36 (Vientiane), *ibid*.
  26. Ltr Sieverts to Robert A. Hurwitch (USEmbVientiane), 9 May 68, box 19 (Prisoner Release to NVN-1968), 79-D317; msg Geneva 1657, 22 Nov 66: PW coll, OSD Hist; memo Sieverts for Harriman, 4 Apr 67, box 15 (ICRC-GVN Relations), 79-D317.
  27. Dept State press conf briefing paper, 21 Oct 68, box 28 (Temporary 21), *ibid*.
  28. Theodore L. Eliot, Jr. (ExecSec State) for Henry A. Kissinger (Asst to Pres for NatSecAffs), 23 Nov 70, PW coll, OSD Hist.
  29. Memo (JCSM-387-66) JCS for SecDef, 10 Jun 66, SecDef 383.6 Vietnam (1966); Dept State *Bulletin*, 14 Nov 66, 730-31; *New York Times*, 11 Oct 66.

30. Sieverts draft msg State for London for Harriman, 30 Nov 66, PW coll, OSD Hist. The *New York Times*, 11 Dec 66, reported that the Algerian foreign minister had given "a full report of his extensive talks with Mr. Harriman" to North Vietnam's ambassador, Nguyen Van Phat.
31. Msg State 96998 for Saigon and Geneva, 6 Dec 66, msg Saigon 13168, 12 Dec 66, msg Geneva 1886, 19 Dec 66, msg Geneva 2272, 6 Feb 67: PW coll, OSD Hist; *New York Times*, 4 Feb 67; msg Geneva 2481, 24 Feb 67, msg State 171221 for Saigon and Geneva, 7 Apr 67: box 18 (Prisoners: Exchange), 79-D317.
32. Msg State 149404 for Vientiane and Saigon, 6 Mar 67, msg State 173695 for Vientiane, 12 Apr 67: box 18 (Prisoners: Exchange), 79-D317.
33. Msg Saigon 22259, 6 Apr 67, msg Geneva 3171, 7 Apr 67: *ibid*.
34. Msg Saigon 25550, 12 May 67, msg State 205529 for Saigon and Geneva, 31 May 67, msg State 208641 for Saigon and Geneva, 6 Jun 67, msg Geneva 4156, 10 Jun 67, msg Saigon 27941, 12 Jun 67: *ibid*; msg Saigon 427485, 3 Jun 67, box 13 (69 Bundy Memorandum), 79-D317; memrec LtCol Richard O. Rowland USA, 19 Jun 67, TF files.
35. Memo (JCSM-387-66) JCS for SecDef, 10 Jun 66, SecDef 383.6 Vietnam (1966).
36. Memrec William C. Hamilton (DepDirFE(ISA)), 9 Jul 66, TF files; memo Vance for CJCS, 17 Aug 66, SecDef 383.6 Vietnam (1966); *New York Times*, 25 Apr 67; msg Geneva 4101, 6 Jun 67, box 13 (69 Bundy Memorandum), 79-D317.
37. Memrec Hamilton, 2 May 66, ltr Kennedy to Rusk, 19 Apr 66: TF files.
38. Msg State 770 for Vientiane, 2 Jun 66, box 18 (Prisoners: Exchange), 79-D317; msg Vientiane 1319, 13 Jun 66, box 19 (Prisoners: Direct Approach), *ibid*.
39. Harriman draft msg responding to Vientiane 1319, 22 Jun 66 [date and number as sent not indicated], box 27 (War Crimes Trials & Mistreatment of PWs), 79-D317; msg State 9364 for Vientiane and Geneva, 17 Jul 66, msgs Vientiane 353, 362, 20 Jul 66: PW coll, OSD Hist.
40. Memrec Hamilton, 2 May 66, TF files; Dept State, "Report on the Meeting of the Inter-Agency Committee on Prisoners of War in Viet-Nam," 29 Apr 66, box 13 (Inter- and Intra-Departmental Memos), 79-D317; msg State 6825 for London and 3437 for Saigon, 13 May 66: PW coll, OSD Hist; memcon Harriman with Shaplen, 20 Jun 66, box 11 (Shaplen), 79-D317; memo Benjamin H. Read (ExecSec State) for Walt W. Rostow (SpecAsst to Pres), 24 Jun 66, box 2 (Vietnam-Misc), *ibid*.
41. Msgs Australian Emb Phnom Penh 415 and 416 for Canberra, 15 Jul 66, box 11 (Shaplen), 79-D317.
42. Msg London 2113, 13 Sep 66, msg State 92007 for Bangkok and Saigon, 28 Nov 66, msg State 137895 for London, 1 Feb 67, msg London 6323, 7 Feb 67: box 11 (Burchett), 79-D317.
43. Msg State 833 for Saigon, 3 Jul 67, box 18 (Prisoners: Exchange), *ibid*.
44. Documentation in box 24 (Envelope—BUTTERCUP), *ibid*.
45. *Ibid*.
46. Msg Saigon 12351, 1 Dec 67, msg Saigon 12791, 6 Dec 67: PW coll, OSD Hist.
47. Ltr Sieverts to John A. Calhoun (USEmbSaigon), 2 Jan 67 [68], msg Saigon 16678, 23 Jan 68, memo Sieverts for Governor [Harriman], 23 Jan 68: box 24 (BUTTERCUP), 79-D317; memo NK [Nicholas Katzenbach, USecState] no addressee, nd [30 Jan 68?], box 24 (BUTTERCUP II), *ibid*.
48. Msg Saigon 433, 22 Mar 68, msg Saigon 22968, 25 Mar 68: box 24 (BUTTERCUP II), *ibid*; msg Saigon 559, 28 Mar 68, memo Sieverts for Governor [Harriman], 28 Mar 68: box 24 (BUTTERCUP), *ibid*.
49. Memo (JCSM-683-66) JCS for SecDef, 22 Oct 66, SecDef 383.6 Vietnam (1966). The Joint Chiefs noted that they were responding to "an oral request by Ambassador W. Averell Harriman."
50. *Ibid*.
51. Tom Hayden, *Reunion: A Memoir*, 175-77, 181-82, 191-93, 206, 208, 220-21. Hayden's account includes the text of a number of State Department cables obtained under the Freedom of Information Act. For the 1965 visit to North Vietnam, see also Staughton Lynd and Thomas Hayden, *The Other Side*; Rochester and Kiley, *Honor Bound*, 192.
52. Hayden, *Reunion*, 210, 220-26; *New York Times*, 18 Nov 67.



53. Hayden, *Reunion*, 227-28; *New York Times*, 4 Nov 67; msg Saigon 10333, 3 Nov 67, Jt State/Def msg 65000 for Saigon, 4 Nov 67; TF files.
54. Hayden, *Reunion*, 229-36; *New York Times*, 11, 12 Nov 67; msg Saigon 10791, 9 Nov 67, TF files; memrec BrigGen M. B. Garth USA (DDO(NMCC) JCS), 12 Nov 67, OSD Hist.
55. Hayden, *Reunion*, 237-39; *New York Times*, 18 Nov 67.
56. Howard Zinn, "The Petty Route Home," *Nation*, 1 Apr 68, 431-37.
57. *Ibid*; msg Vientiane 4534, 16 Feb 68, box 12 (3 Pilots), 79-D317; *New York Times*, 17 Feb 68; Naval Intell Cmd OCNO, *Summary Report of LTJG David P. Matheny's Experiences in North Vietnam*, nd [Apr 68], 18-20, PW coll, OSD Hist.
58. *New York Times*, 19 Feb, 3 Jul 68; msg Vientiane 4542, 17 Feb 68, box 12 (3 Pilots), 79-D317; briefing paper Sieverts, 9 Apr 68, box 12 (PW Summaries for the Secretary), *ibid*. Sieverts noted that Berrigan's and Zinn's commercial flight reached the United States almost two full days after the military jet with the three pilots had landed.
59. Msg Paris 17901, 12 Jul 68, PW coll, OSD Hist; msgs Paris 18435, 18461, 24 Jul 68, box 12 (Release of 3 Pilots—July 1968), 79-D317; memrec Col Elton L. Hall USAF (OASD(PA)), 7 Sep 72, TF files.
60. Msg Paris 18442, 24 Jul 68, msg Paris 18523, 25 Jul 68; box 12 (Release of 3 Pilots—July 1968), 79-D317.
61. Jt State/Def msg 208587 for Vientiane, 25 Jul 68, *ibid*.
62. Jt State/Def msg 208588 for Vientiane, 25 Jul 68, msg Vientiane 8011, 25 Jul 68; *ibid*; msg Paris 18488, 25 Jul 68, PW coll, OSD Hist.
63. *New York Times*, 18, 23 Jul 68; Rochester and Kiley, *Honor Bound*, 369-70.
64. Msg Vientiane 8240, 2 Aug 68, as repeated in msg State 214627 for Cairo, 3 Aug 68, box 12 (Release of 3 Pilots—July 1968), 79-D317; Maj Joe V. Carpenter, "My Experiences as a POW in North Vietnam," Air Command and Staff College, Air Univ, Maxwell AFB, Jan 70, 37-38, PW coll, OSD Hist; *New York Times*, 5 Aug 68.
65. Memo Paul C. Warnke (ASD(ISA)) for SecsMilDepts et al, 29 Aug 68, TF files; msg Vientiane 5283, 5 Aug 69, PW coll, OSD Hist.
66. Dept State *Bulletin*, 8 Jan 68, 53-55; *New York Times*, 28 Mar 68. For an instance of passport revocation, see *ibid*, 25 Apr 67.
67. Memrec LtCol Richard O. Rowland USA, 9 Aug 68, TF files. Instances of consultation with antiwar representatives include memcon Sieverts with David Dellinger, 20 Jul 67, *ibid*, and memcon Harriman and Sieverts with Dellinger and Hayden, 5 Apr 68, PW coll, OSD Hist.
68. *New York Times*, 17 Feb 68.
69. Memo Theodore L. Eliot, Jr. (ExecSec State) for Kissinger, 23 Nov 70, PW coll, OSD Hist.

#### 6. EFFORTS TO AMELIORATE THE CONDITIONS OF CAPTIVITY

1. Ltr J. P. Maunoir (CRC) to Robert C. Lewis (VPresARC), 2 May 67, box 25 (Christmas Packages), 79-D317; ltr Maunoir to Samuel Krakow (DirIntlServsARC), 27 Dec 67, box 15 (ICRC 1968), *ibid*; HQ USAF, ACSI Evasion & Escape Memo No 1, 30 Dec 65, PW coll, OSD Hist; memrec Maj J. R. Sleeper USA, 4 Feb 66, TF files. After the one-time receipt of letters from American captives of the Viet Cong in July 1965 one prisoner was permitted to send another letter out with Sergeant Smith upon the latter's release on 5 December 1965 (see Chapter 5). About the same time a released South Vietnamese brought out a letter from a U.S. Marine Corps PW. These were the last letters received from PWs in South Vietnam until 1970.
2. Memrec LtCol W. C. Ford USA, 2 Sep 65, TF files.
3. "Memorandum of Understanding Arising out of Meeting of November 9, 1965 on the Assignment of Responsibilities for Americans Held Captive in South East Asia," *ibid*.
4. Ltr NLF Rep in Czechoslovakia to ICRC, 4 Jan 66, *ibid*.

5. Ltr Maunoir to NLF Rep in Czechoslovakia, 11 Jan 66, memrec Sleeper, 4 Feb 66, TF files; ltr Johnson to Collins, 4 Apr 66, box 14 (ICRC Relief Assistance Program), 79-D317.
6. Memo Phillip B. Heymann for Johnson, 1 Apr 66, box 14 (Red Cross Memos Vietnam), 79-D317; msg State 1887 for Geneva, 16 Apr 66, msg State 961 for Prague, 16 Apr 66: box 14 (Prisoners—ARC), *ibid*.
7. Msg State 3307 for Saigon, 4 May 66, box 14 (Prisoners—ARC), *ibid*.
8. Memrec Sleeper, 17 Mar 66, TF files; msg State 2640 for Saigon, 2 Mar 66, *ibid*; msg State 12620 for Ottawa, 21 Jul 66, box 25 (Prisoners: Letters to Relatives), 79-D317.
9. Memsrec Sleeper, 17 Mar, 8 Dec 66, TF files.
10. Memo Heymann for [Laverne D.] Miller (BuNavPers) et al, 25 Feb 66, msg State 2640 for Saigon, 2 Mar 66: TF files.
11. Msg State 12620 for Ottawa, 21 Jul 66, box 25 (Prisoners: Letters to Relatives), 79-D317.
12. Na, "Minutes of OSD Meeting on Detainees and Prisoners in Southeast Asia," 9 Jun 66, memrec Sleeper, 8 Dec 66: TF files.
13. Msg Geneva 1540, 28 Feb 66, PW coll, OSD Hist; memrec Sleeper, 15 Aug 66, na, "Minutes of OSD Meeting on Missing and Captured Personnel in Southeast Asia," 9 Nov 66: TF files.
14. Ltr Maunoir to Krakow, 27 Dec 67, box 15 (ICRC 1968), 79-D317; ltr Heymann to Brig Gen William W. Berg (OASD(M)), 23 Mar 67, box 25 (Prisoners: Mail Delivery), *ibid*.
15. Memrec Maj Gordon M. Haggard USAF, 31 May 67, memo Col G. L. Black, Jr. USA for DirMMP DCS/PER, 17 Oct 67, memrec Sleeper, 24 Apr 68: TF files.
16. Memrec Capt E. R. Williams USN (BuNavPers), 4 Mar 68, *ibid*.
17. Msg State 74719 for Belgrade and Bucharest, 25 Nov 67, box 14 (Prisoners—ARC), 79-D317; memrec Sleeper, 15 Dec 67, TF files.
18. Memrec Haggard, 31 May 67, TF files; memrec na, 11 Feb 69, box 25 (Prisoners: Letters to Relatives), 79-D317. This early tally of 157 letters received during 1968 was incomplete; later reporting raised it to 257.
19. Na, "Resume of Agency Remarks and Open Discussion: Conference on Vietnam Detainees: July 14, 1966," TF files.
20. Ltr Maunoir to Lewis, 2 May 67, box 25 (Christmas Packages), ltr Maunoir to Krakow, 27 Dec 67, box 15 (ICRC 1968): 79-D317; Alvarez and Pitch, *Chained Eagle*, 108-09, 114; na, "Minutes of OSD Meeting on Detainees and Prisoners in Southeast Asia," 9 Jun 66, memrec Sleeper, 8 Dec 66: TF files.
21. Msg State 85007 for Vienna, 15 Nov 66, TF files; msg Vienna 2086, 22 Nov 66, msg State 89435 for Vienna, 22 Nov 66, msg Vienna 2370, 13 Dec 66: box 25 (Prisoners: Mail Delivery), 79-D317; ltr DirGen DRV Postal&TelecomServ to DirGen APTA, 25 Jan 67, TF files.
22. For the substance of Schoenbrun's report, see msg State 74719 for Belgrade and Bucharest, 25 Nov 67, box 14 (Prisoners—ARC), 79-D317; for text of ARC cable, see msg State 51938 for Hong Kong, 11 Oct 67, TF files; ltr DRV RC to ARC, 21 Oct 67, encl to ltr R. C. Lewis to Col W. A. Temple (OSD), 24 Nov 67, *ibid*.
23. Memo Harrison M. Holland (DepDirEA&P(ISA)) for Paul Warnke, 13 Oct 67, memo J. W. Doolittle (GenCoun AF) for ASD(ISA), nd [ca 17 Oct 67], msg State 60090 for Vienna, 16 Oct 67: TF files.
24. Msg Postmaster Gen Vienna for US Postmaster Gen, 15 Nov 67, msg Vienna 1837, 17 Nov 67, memo Warnke for DepSecDef, 5 Feb 68, ltr Sieverts to Walter F. Sheble (SpecAsst to Postmaster Gen for Intl Postal Affairs), 20 Sep 68: TF files.
25. Captured VC documents, one dtd 30 Apr 65, encls to memo LtCol R. C. Yowell USA for Ch P&O Div, OPMG DA, 13 Nov 67, TF files.
26. Press Conf, *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1966*, 2:744; msg Geneva 922, 31 Aug 66, box 14 (ICRC Relief Assistance Vietnam), 79-D317; msg Geneva 987, 9 Sep 66, PW coll, OSD Hist; ltr Roger Gallopin (ICRC) to DRV ForMin, 15 Sep 66, box 15 (ICRC through 1966), 79-D317.
27. Msg Geneva 2292, 8 Feb 67, box 18 (Prisoners: Exchange), 79-D317.
28. Memo Richard Gookin (SCA State) for Dufour Woolfley (SpecAsst to Harriman), 14 Apr 67, box 27 (POW: Treatment), *ibid*.

29. Ltr W. McKenzie Wood, Canadian Delegation, ICC, Saigon to USecState for External Affairs, Ottawa, 10 Mar 67, Reuters newswire items relating to Tanner, 20 Feb 67: box 28 (Press), *ibid*; Rochester and Kiley, *Honor Bound*, 344, 300.
30. Msg State 160211 for Geneva, 24 Mar 67, PW coll, OSD Hist.
31. Msg State circular 171555, 8 Apr 67, ltr Barbara M. Watson (ActgAdminSCA State) to Brig Gen William W. Berg (DepASD(M)), 28 Apr 67: box 27 (POW: Treatment), 79-D317; associated research notes, PW coll, OSD Hist.
32. *New York Times*, 4 Apr 67; *Life*, 7 Apr 67, 44; ltr Watson to Berg, 28 Apr 67, box 27 (POW: Treatment), 79-D317; ltr Watson to Berg, 31 Jul 67, box 28 (Press), *ibid*.
33. *New York Times*, 7, 9 May 67; ltr Watson to Berg, 31 Jul 67, box 28 (Press), 79-D317; Rochester and Kiley, *Honor Bound*, 344-45.
34. Dept State *Bulletin*, 7 Aug 67, 170.
35. Memcon Harriman with Felix Schnyder, Swiss Amb, 6 Jul 67, box 27 (POW: Treatment), 79-D317; msg Geneva 620, 25 Aug 67, box 15 (ICRC 1967), *ibid*.
36. Msg Geneva 1045, 17 Dec 65, msg Geneva 379, 21 Jul 66, msg State 12814 for Geneva, 21 Jul 66: PW coll, OSD Hist.
37. Msg State 213222 for Geneva, 20 Jun 67, msg Geneva 4485, 28 Jun 67: *ibid*; memrec Sieverts, 30 Jun 67, box 15 (ICRC 1967), 79-D317.
38. Msg State 203491 for Geneva, 26 May 67, box 15 (ICRC, UN and Geneva Agreement), 79-D317.
39. Dept State *Bulletin*, 22 Aug 66, 263.
40. Dept State BuPubAff, Viet-Nam Info Notes, No 9, Aug 67, TF files.
41. Memo LtGen H. W. Buse, Jr., CS HQ USMC, for SecNav, 30 Sep 67, Sec Def 383.6 Vietnam (Aug-Dec 67).
42. *New York Times*, 27 Sep 67; note by Sieverts, 29 Sep 67, memo Dixon Donnelley (ASecState (PA)) for SecState, 2 Oct 67: box 28 (EGer PW Films), 79-D317.
43. Memo R. E. P. [Col R. E. Pursley USAF] (MilAsst to SecDef) for McNamara, 13 Oct 67, SecDef 383.6 Vietnam (Aug-Dec 67); OASD(PA) News Release No 985-67, 14 Oct 67, PW coll, OSD Hist.
44. *Life*, 20 Oct 67, 21ff; *New York Times*, 15, 16 Oct 67.
45. Memo Eva Smetacek (SCA State) for distribution list, 11 Aug 67, box 24 (Channels to NVN), 79-D317.
46. Memcon Rusk and W. P. Bundy with Salisbury, 13 Jan 67, *ibid*.
47. Memo Warnke for SecsMilDepts et al, 27 Oct 67, TF files.
48. Memo Buse for SecNav, 30 Sep 67, memo Baird for ASD(ISA), 10 Oct 67: SecDef 383.6 Vietnam (Aug-Dec 67).
49. Memo C. Owen Smith (SpecAsst to SecArmy) for ASD(ISA), 10 Oct 67, *ibid*.
50. Memo Doolittle for ASD(ISA), 14 Nov 67, w/attach, SecDef 383.6 Vietnam (Aug-Dec 67).
51. Memo Warnke for SecsMilDepts et al, 28 Nov 67, *ibid*.
52. Jt USIA-State-Def msg INFOGUIDE No 68-16 for all USIS principal posts, 10 Jan 68, ISA 383.6 North Vietnam (1968).
53. Davis interv with Charles W. Havens III, 5 Nov 82, PW coll, OSD Hist.

#### 7. CASUALTY REPORTING, NOTIFICATION, AND ASSISTANCE TO NEXT OF KIN

1. DoD Instr 7760.5, 4 May 60; DoD Instr 7730.22, 2 Dec 63.
2. Memo Foster Adams (Dir for Stat Servs OASD(C)) for USecArmy et al, 30 Sep 64, SecDef 383.6 Vietnam (1966).
3. Na, "Minutes of OSD Meeting on Detainees and Prisoners in Southeast Asia," 9 Jun 66, TF files; memo VAdm B. J. Semmes, Jr. (ChNavPers) for SecNav, 14 Jul 66, *ibid*; memo Morris for DepSecDef, 19 Jul 66, SecDef 383.6 Vietnam (1966).
4. Memo Vance for ASD(C), 19 Jul 66, SecDef 383.6 Vietnam (1966).

5. Na, "Memorandum of Understanding Arising out of Meeting of November 9, 1965, on Assignment of Responsibilities for Americans Held Captive in South East Asia," nd, TF files.
6. Ibid.
7. DoD Instr 1342.3, 24 May 57; memrec LtCol W. C. Ford (DCS/PER-PSD), 2 Sep 65, sub: Detainees in Vietnam, TF files.
8. Ltr Russell to McNamara, 11 Feb 66, memo Arthur Sylvester (ASD(PA)) for DepSecDef, 22 Mar 66: SecDef 704 Vietnam: NOK (1966).
9. Memo Vance for SecArmy and SecAF, 25 Feb 66, *ibid*.
10. Memo USecArmy for DepSecDef, 28 Feb 66, memo Brown for SecDef, 4 Mar 66: *ibid*.
11. Memrec Maj J. R. Sleeper (DCS/PER-PSD), 15 Aug 66, TF files.
12. DoD Instr 1300.9, 6 Apr 67.
13. DoD, *Commander's Digest*, 21 Sep 72.
14. Memo (JCSM-262-66) JCS for SecDef, 26 Apr 66, memo McNamara for CJCS, 16 May 66: SecDef 383.6 Vietnam (1966).
15. Memo Rhineland for Warnke, 10 Aug 67, TF files.
16. Memo William W. Hancock (ActgGenCoun AF) for ASD(ISA), 4 Aug 67, *ibid*.
17. Na, "Resume of Agency Remarks and Open Discussion: Conference on Vietnam Detainees: July 14, 1966," memrec James B. Devine (OASD(ISA)), 14 Jul 66: *ibid*.
18. Ltr Morris to Heymann, 28 Oct 66, ltr Heymann to Morris, 14 Nov 66: PW coll, OSD Hist.
19. Memrec Col W. E. Abblitt USMC, nd [ca 15 Mar 68], TF files.
20. Ltr Maj Dean E. Roberts to Mrs. Evelyn F. Grubb, 11 Dec 67, *ibid*.
21. Memrec LtCol V. G. Johnson, 10 Oct 64, TF files.
22. Ltr LtCol J. G. Luther to Grubb, 9 Feb 66, PW coll, OSD Hist.
23. Msg DEF 1901, ASD(PA) for CINCAL et al, 12 May 65, TF files.
24. Ltr BrigGen William W. Berg (DepASD(M)) to Rep Robert B. Duncan, 31 Oct 66, PW coll, OSD Hist.
25. *Ibid*; memo McNamara for ASD(M), 25 Aug 66, memo Vance for Pres, 26 Aug 66: SecDef 704 Vietnam: NOK (1966); memo Norman S. Paul (USecAF) for SecAF, 26 Aug 66, OASD(PA) News Release No 731-66, 26 Aug 66: PW coll, OSD Hist.
26. Memo Morris for USecsMilDepts, 29 Aug 66, PW coll, OSD Hist.
27. Memo Vance for SecsMilDepts, 8 May 67, SecDef 704 Vietnam: Alpha (1967).
28. Memo Warnke for SecsMilDepts et al, 29 Aug 67, memo Harrison M. Holland (OASD(ISA)) for R. C. Steadman (DepASD(ISA)), nd [Aug 67], memo Warnke for SecsMilDepts et al, 11 Oct 67: TF files; OASD(PA) News Release No 847-67, 8 Sep 67, PW coll, OSD Hist.
29. OASD(PA) News Release No 985-67, 14 Oct 67, PW coll, OSD Hist; memos Warnke for SecsMilDepts et al, 11 Oct 67, 16 Apr 68, TF files; memo Warnke for SecsMilDepts, 3 May 68, ISA 383.6 (Jan-Jun 68).
30. Memo Warnke for SecsMilDepts et al, 29 Oct 68, TF files.
31. Memo Warnke for SecsMilDepts et al, 10 Aug 67, sub: First Meeting of DoD POW Policy Committee, w/Tab A, "DoD Position on Travel of Relatives of POWs to North Vietnam," *ibid*.
32. Ltr Warnke to Harriman, 26 Aug 67, SecDef 383.6 Vietnam (Aug-Dec 67); memo Warnke for SecsMilDepts et al, 29 Aug 67, TF files.
33. Ltr Barbara M. Watson (ActgAdminSCA State) to Karen Butler, 13 Sep 67, box 29 (US Statements on PWs), 79-D317; memrec Charles W. Havens III (OASD(ISA)), 11 Sep 67, TF files.
34. Memo Arthur W. Allen, Jr. (DepUSecArmy(M)) for OSD GenCoun and ASD(ISA)-Designate [Warnke], 7 Aug 67, TF files.
35. Memo Nitze for SecsMilDepts, 3 May 68, memo SecAF for DepSecDef, 29 May 68, memo ActgDepASecArmy for DepSecDef, 1 Jun 68, memo SecNav for DepSecDef, 6 Jun 68: SecDef 704 Vietnam (Jan-Sep 68).
36. Memo Morris for USecsMilDepts, 3 Aug 66, PW coll, OSD Hist.
37. Memrec Sleeper, 15 Aug 66, TF files; memo Richard A. Beaumont (DepUSecNav(M)) for ASD(M), 10 Nov 66, memo Allen for ASD(M), 17 Nov 66, memo Eugene T. Ferraro (DepUSecAF(M)) for ASD(M), 22 Nov 66: PW coll, OSD Hist.

## 8. CHANGING ATTITUDES TOWARD THE CODE OF CONDUCT

1. Def Advisory Cte, *POW*, 2, 28-29.
2. Memo Nitze for SecsMilDepts and CJCS, 8 Jun 68, SecDef 383.6 (1968).
3. EO 10631, 17 Aug 55.
4. DoD Dir 1300.7, 8 Jul 64.
5. Memo (JCSM-150-66) JCS for SecDef, 9 Mar 66, msg JCS 5720 for CSA et al, 9 Mar 66: SecDef 383.6 Vietnam (1966). Even as late as August 1967, an investigator noted an Army discovery "that some POWs considered that the Code prohibited letter-writing to their next of kin and that training in the Code has over-shadowed visions of the Geneva Conventions"; see memo Rhineland for Warnke, 10 Aug 67, TF files.
6. Ltr Harriman to McNamara, 13 Jun 66, SecDef 383.6 Vietnam (1966).
7. Ltr Vance to Harriman, 25 Jul 66, *ibid*.
8. Memo Vance for SecsMilDepts, 25 Jul 66, *ibid*.
9. Memo Brown for SecDef, 27 Jun 66, *ibid*.
10. Memo Berg for DepUSecs(M)of MilDepts, 14 Mar 67, SecDef 383.6 Vietnam (Jan-Jul 67).
11. Memo Nitze for SecsMilDepts et al, 26 Jul 67, *ibid*.
12. Memo MajGen Thomas N. Wilson for GenCoun AF, 7 Nov 67, PW coll, OSD Hist; Wilson participated regularly in the policy committee's deliberations. The accepted status of the proposition that "the Code of Conduct should not be changed" is evident in memo Warnke for SecsMilDepts et al, 12 Dec 67, TF files.
13. Na, "Agenda for DOD PW Policy Committee Meeting: 15 September 1967," nd, memo C. Owen Smith (SpecAsst to SecArmy) for DoD PW Policy Cte, 14 Sep 67: TF files.
14. Memo J. William Doolittle (GenCoun AF) for ASD(ISA), 14 Sep 67, *ibid*.
15. Memo Warnke for SecsMilDepts et al, 5 Oct 67, *ibid*.
16. Memo Henkin for Warnke, 22 Sep 67, *ibid*.
17. Memo Doolittle for ASD(ISA), 6 Oct 67, *ibid*.
18. Memo C. O. Smith for ASD(ISA), 13 Nov 67, *ibid*.
19. AR 350-30, 8 Jul 68.
20. AR 350-30, 12 Nov 64.
21. Dept State *Bulletin*, 12 Feb 68, 189-90.
22. *Ibid*, 189-95. For accounts by the ship's officers, see Lloyd M. Bucher, *Bucher: My Story*; Edward R. Murphy, Jr., *Second in Command*; F. Carl Schumacher, Jr., and George C. Wilson, *Bridge of No Return*.
23. Dept State *Bulletin*, 6 Jan 69, 1-3.
24. *Time*, 31 Jan 69, 16-17; *U.S. News & World Report*, 20 Jan 69, 17; Crosby S. Noyes, "Spartan Code for POWs Yielding to Realities," *Washington Star*, 9 Jan 69.
25. House Cte on Armed Svcs, *Inquiry into the U.S.S. Pueblo and EC-121 Plane Incidents: Report of the Special Subcommittee on the U.S.S. Pueblo* (HASC No 91-12), 91 Cong, 1 sess, 28 Jul 69, 1691-93; Bucher, *Bucher: My Story*, 374-75, 381-82; *New York Times*, 7 May 69.
26. House Cte on Armed Svcs, *Inquiry into the U.S.S. Pueblo and EC-121 Plane Incidents: Hearings*, 91 Cong, 1 sess, 4 Mar 69, 629.
27. *Ibid*, 28 Apr 69, 933-34, 945, 1077.
28. *Ibid*, 936-37.
29. House Cte on Armed Svcs, *Report of the Special Subcommittee on the U.S.S. Pueblo*, 1626, 1691-94.
30. Ltr Gen John D. Ryan (VCSAF) to ACIC et al, 12 Feb 69, PW coll, OSD Hist.
31. Ltr BrigGen Leo E. Benade (DepASD(M&RA)) to Sen J. William Fulbright, 10 Feb 69, SecDef 383.6 (1969).
32. Memo Benade for CJCS et al, 8 May 69, memo (JCSM-289-69) JCS for SecDef, 2 Jun 69, memo Arthur W. Allen, Jr. (DepASecArmy(M&RA)) for DepASD((MPP)M&RA), 5 Jun 69, memo James P. Goode (ActgASecAF) for ASD(M&RA), 2 Jun 69: PW coll, OSD Hist. When it concurred in the Navy statement the Air Force noted that it "provides a perspective of the

Code of Conduct which is not reflected in applicable DOD documents"; therefore it recommended revision of DoD Dir 1300.7.

33. Memo Warnke for SecsMilDepts et al, 17 Jan 69, TF files; memo Benade for Alfred B. Fitt (ASD (M&RA)), 17 Jan 69, PW coll, OSD Hist.

#### 9. EARLY REPATRIATION PLANNING

1. Joint Staff Briefing Sheet for CJCS on JCS 2478/141 for JCS meeting on 27 Mar 68, nd, JCS file 170 (30 Mar 68), Docs Div, Jt Secretariat, JS.
2. Memo John B. Rhinelander (SpecAsst to SecNav) for Paul C. Warnke (ASD(ISA)), 10 Aug 67, TF files. When describing existing "primary responsibilities," Rhinelander listed repatriation planning under JCS. ASD(M) Thomas Morris had just submitted a draft DoD directive titled "Functions and Responsibilities Related to U.S. Prisoners of War" that would make a formal assignment of this JCS responsibility (see memo Morris for Warnke, 7 Aug 67, *ibid*). The DoD PW Policy Committee received progress reports on the JCS paper at its meetings of 3, 22 Nov, 8 Dec 67 and 8 Feb, 1 Mar 68.
3. Memo (JCSM-198-68) JCS for SecDef, 30 Mar 68, SecDef 383.6 (1968); *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1968-69*, 1:469-76; *Dept State Bulletin*, 22 Apr 68, 513, 29 Apr 68, 551, 6 May 68, 577-78, 20 May 68, 629; *New York Times*, 14 Apr 68.
4. Memo Warnke for SecsMilDepts et al, 16 Apr 68, TF files.
5. Memo Murray I. Litmans (OffGenCoun) for Capt John W. Thornton USN (OASD(ISA)), 10 Apr 68, ISA 383.6 (Jan-Jun 68).
6. Memo Fitt for ASD(ISA), 29 Apr 68, *ibid*. Fitt had succeeded Morris as ASD(M) in October 1967; effective 1 January 1968 the duties of the office were broadened and the title became "Manpower and Reserve Affairs" (M&RA).
7. Memo Warnke for SecsMilDepts et al, 4 Jun 68, TF files. For an intermediate draft directive and the subsequent appointment of a working group to bring it to final form, see memo Warnke for SecsMilDepts et al, 15 May 68, ISA 383.6 (Jan-Jun 68), and memo Warnke for SecsMilDepts et al, 25 May 68, TF files.
8. Memo Warnke for SecDef, 6 Jun 68, SecDef 383.6 (1968).
9. Memo Nitze for SecsMilDepts and CJCS, 8 Jun 68, *ibid*.
10. The omissions seem the more puzzling in light of evidence that inclusion was definitely contemplated at one stage. An intermediate draft produced in the OSD General Counsel office used the JCS sentence, coupled with a direct paraphrase of the Vance memorandum; see memo Frank A. Bartimo (OffGenCoun) for Charles W. Havens III (OASD(ISA)), 13 May 68, TF files. The reference to captivity not being a state of culpability (first seen in the Air Force regulation of December 1965) soon reappeared and became a standard feature of later repatriation planning documents.
11. Memo Fitt for ASD(ISA), 29 Apr 68, ISA 383.6 (Jan-Jun 68); memo Warnke for SecsMilDepts et al, 4 Jun 68, TF files.
12. Memo Bartimo for Warnke, 4 Jun 68, ISA 383.6 (Jan-Jun 68).
13. Memo Warnke for DepSecDef, 27 Nov 68, memo Nitze for SecsMilDepts and CJCS, 30 Nov 68: SecDef 383.6 (1968).
14. Memo ViceAdm Charles K. Duncan (ChBuNavPers) for Warnke, 5 Aug 68, memo Warnke for SecsMilDepts et al, 29 Aug 68: TF files.
15. Memo Warnke for SecsMilDepts et al, 25 Nov 68, memo Warnke for SecsMilDepts et al, 12 Dec 68: *ibid*.
16. Msg JCS 7364 for CINCPAC, 10 Dec 68, msg CINCPAC for JCS, 042130Z Jan 69, Fact Sheet, "Summary of CINCPAC's Plans and Concepts to Exercise the Unified Commanders' Initial Control of Returned US PWs," nd: SecDef 383.6 Vietnam (Jan-May 69).
17. Msg CINCPAC for JCS, 042130Z Jan 69, *ibid*.
18. Memo Warnke for SecsMilDepts et al, 17 Jan 69, TF files.

19. Memo Warnke for DepSecDef, 17 Jan 69, SecDef 383.6 Vietnam (Jan-May 69).
20. Memo Nitze for SecsMilDepts and CJCS, 18 Jan 69, *ibid*.

## 10. EMERGENCE OF THE PW/MIA TASK GROUP/TASK FORCE

1. Memo Warnke for SecsMilDepts et al, 17 Jan 69, TF files; memo Warnke for DepSecDef, 14 Jan 69, sub: Prisoner of War Policy Committee Report, SecDef 383.6 (1969).
2. Memo Henkin for ASD(ISA), 5 Feb 69, memo Ralph Earle II (ActgASD(ISA)) for SecsMilDepts et al, 10 Mar 69: TF files.
3. Memos [two with same subject and date] Havens for Nutter, 30 Apr 69, sub: Department of Defense Prisoner of War Policy Committee, memo Havens for Nutter, 30 Apr 69, sub: Reorganization of ISA to Discharge Effectively Responsibilities for the DOD PW Policy Committee, memo Havens for Nutter, 20 May 69: *ibid*.
4. Memo Nutter for SecsMilDepts et al, 3 Jun 69, *ibid*. The policy committee met only once more during 1969, on 6 August.
5. Memo Nutter for Laird, nd [ca 22 Nov 69], SecDef 383.6 Vietnam (Oct-Dec 69); OASD(PA) News Release No 1039-69, 2 Dec 69, TF files.
6. Ltr Mrs. Stockdale to Pres, 12 Dec 69, SecDef 383.6 Vietnam (Oct-Dec 69). The League's title is given in its ultimate form; "and Missing" was added at the time of incorporation in May 1970.
7. Memo Butterfield for Col James D. Hughes USAF (MilAsst to Pres), 12 Dec 69, memo Hughes for Carl Wallace (SpecAsst to SecDef), 15 Dec 69, memo Col James S. Murphy USAF (MilAsst to SecDef) for Hughes, 23 Dec 69: SecDef 383.6 Vietnam (Oct-Dec 69).
8. Ltr Mrs. Stockdale to Laird, 27 Jul 70, *ibid* (Jul 70).
9. Memo Nutter for SecDef, 3 Aug 70, *ibid*.
10. Ltr Nutter to Mrs. Stockdale, 8 Aug 70, *ibid*.
11. Ltr Mrs. Stockdale to Laird, 24 Sep 70, *ibid* (Aug-Oct 70).
12. Program, *National League of Families of American Prisoners and Missing in Southeast Asia: Annual Meeting: October 2-5, 1970*, TF files; memo Nutter for SecDef, 12 Oct 70, SecDef 383.6 Vietnam (1970); ltr Nutter to Mrs. Stockdale, 27 Oct 70, *ibid* (Aug-Oct 70).
13. Hoare interv with Shields, 4 Jun 74, PW coll, OSD Hist.
14. Memo Resor for SecDef, 30 Jan 71, SecDef 383.6 Vietnam (Jan 71).
15. ISA paper, nd [stamped "Sec Def Has Seen" on 1 Feb 71], sub: Establishment of Prisoner of War/Missing in Action (PW/MIA) Task Group and Task Force, SecDef 383.6 Vietnam (Feb 71); memo Col H. J. Dalton, Jr. (OASD(PA)) for BrigGen Daniel James, Jr. (DepASD(PA)), 27 Jan 71 [misdated 1970], PW coll, OSD Hist.
16. Memo Laird for SecsMilDepts et al, 13 Feb 71, sub: Establishment of Prisoner of War/Missing in Action (PW/MIA) Task Group, TF files.
17. *Ibid*; a typical submission naming the representatives was memo James for ASD(ISA), 22 Apr 71, TF files.
18. Memo Nutter for SecsMilDepts, 22 Feb 71, ISA 383.6 North Vietnam (20-28 Feb 71); Shields interv, 4 Jun 74, PW coll, OSD Hist.
19. Memo Shields for Armistead I. Selden, Jr. (PrinDepASD(ISA)) and Nutter, 18 Mar 71, memo Edward B. Finnegan (OASD(ISA)) for Col George F. Harrington (MilAsst to Selden), 13 Mar 71, memo RAdm H. H. Epes, Jr. (Dir PW/MIA Task Force) for Shields, 28 Apr 71: TF files. Commander Mauldin's tour of duty began in late April 1971.
20. Memo Nutter for SecsMilDepts et al, 15 Apr 71, ISA 383.6 (Jan-Sep 71).
21. For responses to Nutter's call for appointments to the task group, see memo John H. Chafee (SecNav) for ASD(ISA), 29 Apr 71, and others in TF files.
22. Shields interv, 4 Jun 74, PW coll, OSD Hist.
23. Memo Selden for PrinDepASD(H&E), 17 Aug 71, memo BrigGen George J. Hayes USA (PrinDepASD(H&E)) for PrinDepASD(ISA), 15 Sep 71: TF files.
24. Memo MajGen Verne L. Bowers (TAG) for CSA, 8 Oct 71, ISA Talking Paper, 10 Nov 71, sub: Debrief of SSG Sexton: SecDef 383.6 Vietnam (Oct-Nov 71); msg Saigon 16206, 090456Z

- Oct 71, TF files. "Inept performance," with "no continuity at all," was the characterization used in ISA Talking Paper, 1 Nov 71, sub: Sexton Debriefing Problems, *ibid*.
25. Msg Saigon 16223, 091130Z Oct 71, msg State 186334 for Saigon, 100114Z Oct 71: TF files; State-Def msg 186356 for Saigon, 101814Z Oct 71, memo (DJSJ-1891-71) LtGen John W. Vogt (Dir]S) for CJCS Adm Thomas H. Moorer), 12 Oct 71: SecDef 383.6 Vietnam (Oct-Nov 71); msg Saigon 16371, 131120Z Oct 71, msg COMUSMACV for CINCPAC, 110344Z Oct 71: TF files; memrec BrigGen Robert C. Hixon USA (DDO NMCC, Jt Staff), 11 Oct 71, PW coll, OSD Hist.
  26. Memo Richard Helms (DirCIA) for Henry A. Kissinger (Asst to Pres for NatSecAffs), 27 Oct 71, SecDef 383.6 Vietnam (Oct-Nov 71). Apparently OSD's first certain knowledge of CIA's intervention came from "a summary of field reporting on the Sexton Affair" that Helms provided on 13 October 1971. On that date Brig. Gen. Robert E. Pursley, military assistant to the secretary of defense, advised Laird that "the basic information being fed into 'the system' was in error." See memo R. E. P. [Pursley] for Laird, 13 Oct 71, sub: POW Exercise Last Weekend, *ibid*; ISA Point Paper, nd [ca 18 Oct 71], sub: PW Release/Exchanges, msg Saigon 16371, 131120Z Oct 71, which responded to queries in State-Def-CIA msg 187153 for Saigon, 130010Z Oct 71: TF files.
  27. ISA Point Paper, nd [ca 18 Oct 71], sub: PW Release/Exchanges, TF files; memo Nutter for SecDef, 22 Oct 71, SecDef 383.6 Vietnam (Oct-Nov 71).
  28. Memo Nutter for SecsMilDepts et al, 20 Oct 71, ISA 383.6 (Oct-Dec 71).
  29. Memo Nutter for CJCS, 20 Oct 71, *ibid*.
  30. Memo (CM-1312-71) Moorer for ASD(ISA), 19 Nov 71, *ibid*.
  31. Memo Laird for SecsMilDepts et al, 3 Dec 71, sub: Prisoners of War/Missing in Action Matters; Coordination within the Department of Defense, SecDef 383.6 Vietnam (Dec 71). The only indication of the origin of this action is in the two-sentence memo by which Selden submitted the draft for Laird's signature. Dated 20 November 1971, it began: "You recently directed that Roger Shields, of my office, be the overall coordinator of Department activities regarding PW/MIA matters" (*ibid*).
  32. Foreign Broadcasting Information Service (FBIS) 13, 2 Sep 72, TF files.
  33. Msg USDEL France 16646, 2 Sep 72, AP ticker item, 2 Sep 72: TF files.
  34. ISA Point Paper, 5 Feb 71, sub: Alleged US Violation of Article 117 of 1949 Geneva Convention, ISA 383.6 (Jan-Sep 71); memo Harry H. Almond, Jr. (OffGenCoun) for Shields, 23 Feb 71, ltr Selden to Rep Ogden R. Reid, 8 Mar 71: TF files. On 15 Feb 71 a TV newscast had focused on one of the flight instructor returnees, Navy Lt. David P. Matheny, and raised the issue of whether his duties violated Article 117. Laird directed that Matheny be reassigned, in order, Shields wrote, "to demonstrate good will and to avoid any inference that the U.S. is in conflict with even the spirit of the Geneva Convention." During further consultations, however, the course recommended by ASD(PA) was adopted: give only the explanation of the legal correctness of DoD actions when replying to queries, leaving Matheny's transfer to the Naval Postgraduate School to occur routinely at a later date. See memo Shields for Nutter, 24 Feb 71, memo LtCol W. M. Taylor (ExecAsst to ASD(PA)) for Col Clyde Clark (ExecAsst to ASD(ISA)), 3 Mar 71, ISA Point Paper, nd [ca 4 Mar 71], sub: Proposed Action Regarding Lieutenant Matheny (Navy PW Returnee) and Reply to Inquiry by Congressman Reid: TF files. When the question reappeared during congressional hearings 18 months later, DoD again cited the authoritative interpretation of the Geneva Convention that showed Article 117 to be inapplicable and declared that the United States, by its own decision, "does not return any men to the theatre of combat or to active military service associated with the combat activities in Southeast Asia once they have been repatriated or returned to the United States from enemy prisoner of war camps." See Senate Cte on Judiciary, Subcte to Investigate Problems Connected with Refugees and Escapees, *Problems of War Victims in Indochina, Part IV: North Vietnam: Hearing*, 92 Cong, 2 sess, 28 Sep 72, 5-6; memo LtCol Charles F. Kraak (PW/MIA Task Force) for Jim Murphy (SpecAsst to USecState), 10 Oct 72, TF files.
  35. ISA Point Paper, 2 Sep 72, sub: Pending Release of US PWs by Hanoi, memo Nutter for SecDef, 6 Sep 72: SecDef 383.6 Vietnam (Sep 72).



36. ISA Point Paper, 11 Sep 72, sub: Current Status—Actions Regarding Release of Three PWs, TF files; the paper characterized “this scheme of having the families go to Hanoi” as “a vicious and callous exploitation of the families.” See also memo BrigGen Russell G. Ogan (Dir PW/MIA Task Force) for RAdm J. M. James (DDO, J-3, Jt Staff), 15 Sep 72, memo Shields for Bowers et al, 14 Sep 72: *ibid*.
37. Memo MajGen Alexander M. Haig, Jr. (DepAsst to Pres for NatSecAffs) for Robert T. Curran (ExecSec State), 9 Sep 72, SecDef 383.6 Vietnam (Sep 72). Haig’s “revisions which reflect the desires of the President” provided the text for State-Def msg 165003 for Vientiane, 10 Sep 72, State-Def msg 171526 for Vientiane, 20 Sep 72: TF files. Msg State 174414 for Vientiane, 24 Sep 72, PW coll, OSD Hist, contains the most firmly worded guidance in the series and lists the originator as “text received from the White House.”
38. Msgs Moscow 9837, 9841, and 9842, 27 Sep 72, and 9864, 28 Sep 72, msg State 177194 for Copenhagen, 28 Sep 72, msg Copenhagen 4435, 28 Sep 72: TF files; House Cte on Armed Svcs, *Full Committee Briefing on Project Egress Recap*, HASC No 92-76, 92 Cong, 2 sess, 10 Oct 72, 16698-99.
39. OASD(PA) transc, Shields press conf, 29 Sep 72, TF files; *Time*, 9 Oct 72, 13; *New York Times*, 29 Sep 72; *Washington Post*, 30 Sep 72; msg COMTHREE (Cmdt, Third Naval District, New York, NY) for JCS/SecDef et al, 032253Z Oct 72, PW coll, OSD Hist.
40. Memo OASD(ISA) for SecDef, 11 Oct 72, sub: Recent Release of Three US Prisoners—Lessons Learned, TF files.
41. Memo Shields for distribution, 16 Jun 72, sub: Director, PW/MIA Task Force, *ibid*.
42. OASD(ISA) paper, nd, sub: Chairman’s Agenda for PW/MIA Task Group Meeting, 4 August 1972, *ibid*; Davis interv with Col Vincent A. DiMauro USAF (Ret), Verona, NJ, 1 Apr 83, PW coll, OSD Hist.

#### 11. THE GO PUBLIC CAMPAIGN

1. Memo Laird for SecArmy et al, 1 Mar 69, sub: Defense Department Relations with Servicemen Listed as MIA/PW and Their Families, OASD(PA) News Release No 149-69, 3 Mar 69: SecDef 383.6 (1969).
2. Davis interv with Havens, 5 Nov 82, PW coll, OSD Hist. Warnke’s service in OSD continued until 15 February 1969.
3. Memo J. William Doolittle (ASecAF(M&RA)) for ASD(ISA), 17 Mar 69, memo James D. Hittle (ASecNavy(M&RA)) for ASD(ISA), 17 Mar 69: SecDef 383.6 (1969); quotation is from the Air Force program as originally submitted by memo Doolittle (GenCoun AF) for ASD(ISA), 14 Nov 67, SecDef 383.6 (Aug-Dec 67).
4. The quoted words are from Laird’s address at the annual dinner of the National League of Families in 1971, OASD(PA) News Release No 828-71, 28 Sep 71, TF files. For an earlier occasion when Laird spoke publicly of the decision to launch the Go Public campaign, see Senate Cte on For Rels, *Bombing Operations and the Prisoner-of-War Rescue Mission in North Vietnam: Hearing*, 91 Cong, 2 sess, 24 Nov 70, 30-31.
5. Ltr Mr. and Mrs. E. D. Pyle to Sen Alan Cranston, 28 Apr 69, SecDef 383.6 Vietnam (Jan-May 69).
6. Ltr Sybil Stockdale to Laird, 9 Mar 69, *ibid*.
7. *New York Times*, 3 May 69; the contemporary ISA records include a copy of this news item.
8. Giusti interv with Laird, Washington, D.C., 6 Apr 81, PW coll, OSD Hist.
9. DeptState Press Release No 22, 4 Feb 69, TF files; *New York Times*, 5 Feb, 27 Apr 69. For evidence of earlier concern at senior staff level over Hanoi’s use of “ugly techniques to wring ‘confessions’ and other statements” from captured American pilots and the absence of counteraction “to invite public attention to what is going on,” see memo Sieverts for Harriman, 15 Mar 67, box 27 (POW: Treatment), 79-D317.

10. Memo Laird for USecState, 30 Apr 69, SecDef 383.6 (1969); memo Sieverts for USecState, 2 May 69, sub: Briefing on PWs, box 3 (Miscellaneous Papers), memo Sieverts for USecState, 5 May 69, box 14 (LICROSS/Beer/Hanoi), memo Sieverts for USecState, 16 May 69, box 28 (Prisoners: Press): 79-D317.
11. OASD(PA) News Release No 406-69, 19 May 69, TF files.
12. Ibid.
13. Ibid; transc, "Question and Answer Session: May '19, 1969," box 28 (Press Campaign, May 68 [sic]), 79-D317.
14. *New York Times*, 20 May 69; *Washington Post*, 20 May 69; *Public Papers of the Presidents of the United States: Richard Nixon, 1969*, 373.
15. *Washington Post*, 21 May 69; OASD(PA) News Release No 425-69, 21 May 69, SecDef 383.6 Vietnam (Jan-May 69).
16. Dept State *Bulletin*, 9 Jun 69, 485, 487.
17. State/Def msg 79524 for Bangkok, 19 May 69, State/Def msg 81498 for Paris, 21 May 69, msg State 83919 for Paris, 24 May 69; TF files; State/Def/USIA msg 83914 for Paris, 24 May 69, PW coll, OSD Hist; *Washington Post*, 23 May 69.
18. Dept State *Bulletin*, 23 Jun 69, 529; memo Capt John S. Harris USN (DIA) for ASD(ISA), 20 Jun 69, msg FBIS Okinawa to RHATAA/ATG et al, 271653Z May 69; TF files.
19. OASD(PA) News Release [unnumbered], 6 Jun 69, TF files.
20. *Public Statements of Secretary of Defense Melvin R. Laird, 1969*, 1206, 1310-11, 1993-94.
21. *U.S. News & World Report*, 23 Jun 69, 47-49; memo Harris for ASD(ISA), 20 Jun 69, TF files.
22. Memo Harris for ASD(ISA), 20 Jun 69, TF files; James B. Stockdale and Sybil Stockdale, *In Love and War*, 307-09; AP ticker item, "Navy Prisoner," 14 Jun 69, TF files.
23. Stockdale, *In Love and War*, 305-06, 310-15; *New York Times*, 31 Jul 69.
24. Msg State 109962 for Paris and Saigon, 030718Z Jun [should read Jul] 69, PW coll, OSD Hist; ISA paper, 9 Jul 69, sub: Unresolved PW Issues [stamped "SecDef has seen"], SecDef 383.6 Vietnam (Jun-Jul 69).
25. OASD(PA) News Release No 660-69, 7 Aug 69, SecDef 383.6 Vietnam (Aug-Sep 69).
26. OASD(PA) News Release No. 671-69, 12 Aug 69, *ibid*.
27. Memo Laird for Kissinger, 28 Aug 69, msg OUSAIRA (US Air Attaché) Vientiane Laos for JCS/SecDef/DIA, 071041Z Aug 69; SecDef 383.6 Vietnam (Aug-Sep 69); Scott Blakey, *Prisoner at War: The Survival of Commander Richard A. Stratton*, 240-41.
28. Transc, News Briefing, Bethesda Naval Hospital, 2 Sep 69, TF files.
29. Ltr Richardson to Laird, 5 Sep 69, SecDef 383.6 Vietnam (Aug-Sep 69).
30. Memo Shields for Selden, 12 Dec 72, sub: Stewardship Report, TF files; memo Selden for SecDef, 31 Oct 70, sub: PW Activities at Army-Navy Game, SecDef 383.6 Vietnam (Aug-Oct 70).
31. Memo Jerry W. Friedheim (ActgASD(PA)) for SecDef, 14 Mar 73, SecDef 383.6 Vietnam (1-15 Mar 73); OASD(PA) listing, "PW/MIA Activities, Speaking Engagements and Special Events," 18 Feb 71, TF files.
32. Memo Packard for SecsMilDepts et al, 8 Jun 70, SecDef 383.6 Vietnam (May-Jun 70); memo Laird for SecsMilDepts et al, 10 Nov 70, *ibid* (Nov 70).
33. *Congressional Record*, 91 Cong, 1 sess, 115, pt 10, 26 May 69, 13846-48, pt 11, 2 Jun 69, 14500-02, 9 Jun 69, 15127.
34. Ltr Laird to Rep Bob Wilson, 5 Jun 69, ltr Laird to Sen John G. Tower, 6 Jun 69, memo Stempler for Laird, 10 Jun 69, ltr Laird to Fulbright, 12 Jun 69; SecDef 383.6 Vietnam (Jun-Jul 69).
35. Ltr Sen Alan Cranston and Sen Charles E. Goodell to Laird, 13 Aug 69, SecDef 383.6 Vietnam (Aug-Sep 69); *Congressional Record*, 91 Cong, 1 sess, 115, pt 18, 13 Aug 69, 23692-94.
36. *Congressional Record*, 91 Cong, 1 sess, 115, pt 19, 17 Sep 69, 25851-25919; ltrs Dickinson to Laird, 5, 25 Sep 69, SecDef 383.6 Vietnam (Aug-Sep 69).
37. House Cte on For Affs, 91 Cong, 1 sess, H Rept No 91-739, 10 Dec 69, 1-5; House Cte on For Affs, Subcte on National Security Policy and Scientific Developments, *American Prisoners of War in Southeast Asia, 1970: Hearings* (hereafter cited as House Cte on For Affs, *American POWs, 1970: Hearings*), 91 Cong, 2 sess, 29 Apr 70, 1-3.

38. Of the occasions when Dole spoke of the poorly attended February meeting in Constitution Hall, the most revealing was his appearance before a House subcommittee on 29 April 1970; see House Cte on For Affs, *American POWs, 1970: Hearings*, 16-18.
39. *Congressional Record*, 91 Cong, 2 sess, 116, pt 6, 20 Mar 70, 8331-32.
40. Ltr Dole to Laird, 21 Apr 70, SecDef 383.6 Vietnam (Jan-Apr 70); White House release, 1 May 70, Presidential Proclamation: Day of Prayer, *ibid* (May-Jun 70).
41. *Washington Post*, 2 May 70; DoD, *Commanders Digest*, 23 May 70, 1-3; Program, Appeal for International Justice: DAR Constitution Hall—Washington, D.C., May 1, 1970, SecDef 383.6 Vietnam (May-Jun 70).
42. Dept State *Bulletin*, 22 Dec 69, 596-99, 13 Oct 69, 317, 19 Jan 70, 58-60 (59, quote).
43. Dept State *Bulletin*, 13 Oct 69, 323-25.
44. *Ibid*, 325 (text of resolution); Senate Cte on For Rels, 91 Cong, 2 sess, S Rept No 91-705, 16 Feb 70, 16.
45. Dept State *Bulletin*, 1 Dec 69 (472, 475, U Thant and Hauser quotations).
46. *Nixon Public Papers, 1970*, 930; Dept State *Bulletin*, 4 Jan 71, 8-11.
47. Dept State *Bulletin*, 4 Jan 71, 12-13 (text of resolution). Noting that “the Soviet Union and its allies bitterly opposed this resolution from the time it was introduced,” Laird commended the “determination and ability” of the State Department officials who had obtained its passage; see Ltr Laird to William P. Rogers (SecState), 30 Dec 70, ISA 383.6 North Vietnam (1970).
48. “Report on Activities on Behalf of American Prisoners of War—North Vietnam,” nd, attach to agenda for meeting of ARC Cte on Public and Personnel Relations, 15 Feb 70, TF files.
49. Ltr Kenneth O. Gilmore (Washington Editor, *Reader's Digest*) to Capt John Thornton USN (OASD (ISA)), 23 Oct 69, forwarding an advance copy of the November article, Stockstill, “What You Can Do for American Prisoners in Vietnam,” TF files; the files also contain a copy of the reprint version issued by *Reader's Digest*.
50. Memo Ralph H. Jefferson (SpecAdvisor for PW Affairs to ASD(ISA)) for LtCol Harold B. Long, Jr. USA et al, 20 Feb 70, sub: Red Cross Resolution on Prisoners of War, msg State 30167 for all diplomatic posts, 28 Feb 70: TF files.
51. ARC News Service, “Revised Background Statement on U.S. Prisoners of War in Vietnam,” Oct 70, ARC, “Summary of Red Cross Action on Behalf of U.S. Prisoners of War in Southeast Asia,” 11 Sep 72: TF files.
52. ARC, “Summary of Red Cross Action . . .,” 11 Sep 72, TF files; Stockstill, “Inside the Prisons of Hanoi,” *Reader's Digest*, Apr 71, 67-72.
53. Ltr Uhl to Laird, 22 Jul 69, SecDef 383.6 Vietnam (Jun-Jul 69); Ltr W. F. Rockwell, Jr. (Ch and CEO, North American Rockwell) to Packard, 30 Dec 70, *ibid* (Dec 70).
54. Clipping from *The Arizona Republic* (Phoenix), 1 Feb 71, attach to Ltr Laird to Mrs. Martin Berger, Litchfield Park, Ariz, 23 Feb 71, SecDef 383.6 Vietnam (Feb 71).
55. House Cte on For Affs, *American POWs, 1970: Hearings*, 1 May 70, 61.
56. Stockdale, *In Love and War*, 317-23 (September 1969 Paris visit); *New York Times*, 22 Jan 70; msg USDEL France 5994, 29 Mar 72, National League of Families, “Special Report . . . trip to several Western European capitals and to Roumania, by a special delegation from the National League of Families, . . . 20 May 1972 through 4 June 1972”: TF files.
57. National League of Families News Release, “POW-MIA Relatives Plan Special Geneva-Paris Missions,” nd [May 71], msg Geneva 179 for ASD(PA) and DepASD(PA), 27 May 71 (quote), msg USDEL France 9145, 1 Jun 71, msg Brussels 1815, 3 Jun 71: TF files.
58. Transe, H. Ross Perot appearance on the “Today Show,” 1 Jan 70, PW coll, OSD Hist; *Newsweek*, 8 Dec 69, 57-58.
59. The following account of Perot’s campaign relies primarily on materials produced by United We Stand, Inc. (UWS), including UWS staff report, “Formation and Activities of United We Stand,” nd [1970], and copies of the newspaper advertisements published in November 1969: PW coll, OSD Hist; *Washington Post*, 23 Nov 69.
60. UWS staff report (draft), “Operation Understanding,” nd [1970], and UWS report of “Washington Visitation to Foreign Embassies, 17 December 1969”: PW coll, OSD Hist.

61. UWS, "Operation Understanding," cable, Perot for Prime Minister Pham Van Dong, DRV, 24 Dec 69, teleg, General Department of Poste, DRV, for Perot, 20 Dec 69: PW coll, OSD Hist; msg Tokyo 10241, 30 Dec 69, msg Moscow 7062, 31 Dec 69: box 31 (Ross Perot), 79-D317; editorial, "Innocent Abroad," *Washington Star*, 6 Jan 70, reprinted in House Cte on Armed Svcs, *Hearing on Problems of Prisoners of War and Their Families*, 91 Cong, 2 sess, 6 Mar 70, 6026.
62. Transc, "Today Show," 1 Jan 70, PW coll, OSD Hist.
63. Memo Mervin L. Stauffer (UWS staff) for Perot, 2 Jan 70, PW coll, OSD Hist; msg Paris 19275, 25 Dec 69, box 17 (Travel on Behalf of POWs), 79-D317.
64. Untitled UWS staff document, nd [1973?], PW coll, OSD Hist; msg State 43267 for Saigon, 25 Mar 70, box 31 (Ross Perot), 79-D317; *New York Times*, 6 Apr 70; *Washington Post*, 7 Apr 70.
65. House Cte on For Affs, *American POWs, 1970: Hearings*, 1 May 70, 68-70, 73-74; *Congressional Record*, 91 Cong, 2 sess, 116, pt 14, 4 Jun 70, 18420-21; DoD, *Commanders Digest*, 13 Jun 70, 1-3.
66. Ltr United We Stand, Inc., to "Dear Concerned American," nd [1970], TF files; untitled UWS staff document, nd [1973?], PW coll, OSD Hist.
67. Editorial, "Putting a Price on War Prisoners," *Philadelphia Inquirer*, 16 Jan 70, reprinted in House Cte on Armed Svcs, *Hearing on Problems of Prisoners of War and Their Families*, 6023-24; transc, "Today Show," 1 Jan 70, PW coll, OSD Hist.
68. *New York Times*, 23 Dec 70; msg USDEL France 17871, 23 Dec 70, DRV Ministry of National Defense, "U.S. Pilots Captured in the Democratic Republic of Vietnam (from August 5, 1964, to November 15, 1970)": TF files.
69. Msg State 207417 for Paris, 22 Dec 70, "Guidance for Use in Response to Queries by PW/MIA Families," nd, attach to memo Selden for SecsMilDepts et al, 11 Aug 71, sub: PW List Released by North Vietnam on December 22, 1970: *ibid*.
70. Ltr Sieverts to Shields, 11 Mar 71, *ibid*.
71. Ltr (translation) Pham Van Dong (Premier DRV) to Fulbright, 14 Dec 70, *ibid*.

## 12. OTHER DEFENSE ACTIONS AND INITIATIVES

1. Annotation by Col Robert E. Pursley USAF (MilAsst to SecDef), 9 Jul 69, on memo Havens for Nutter, 8 Jul 69, SecDef 383.6 Vietnam (Jun-Jul 69).
2. Msg Paris 18442, 24 Jul 68, box 12 (Release of 3 Pilots—Jul 68), 79-D317.
3. Msg State 109962 for Paris and Saigon, 030718Z Jun [should read Jul] 69, PW coll, OSD Hist; memo Elliot L. Richardson (USecState) for Vice Pres Spiro T. Agnew, 10 Jul 69, SecDef 383.6 Vietnam (Jun-Jul 69); *New York Times*, 9 Jul 69.
4. Msg Paris 10516, 10 Jul 69, box 19 (4th July Release 69), 79-D317.
5. Memo Richardson for Agnew, 10 Jul 69, SecDef 383.6 Vietnam (Jun-Jul 69).
6. *Ibid*.
7. Msg State 118155 for Vientiane, 17 Jul 69, box 19 (4th July Release 69), 79-D317; msg Vientiane 4827, 18 Jul 69, PW coll, OSD Hist.
8. Memo Agnew for Laird, 23 Jul 69, SecDef 383.6 Vietnam (1969).
9. Memo Laird for Vice Pres, 28 Jul 69, *ibid*.
10. *Ibid*.
11. Ltr Richardson to Laird, 13 Aug 69, *ibid*.
12. Memo Sieverts for ActgSecState, 6 Aug 69, TF files.
13. OASD(PA) News Release No 660-69, 7 Aug 69, SecDef 383.6 Vietnam (Aug-Sep 69).
14. Ltr Richardson to Laird, 13 Aug 69, memo Laird for Vice Pres, 28 Jul 69: SecDef 383.6 Vietnam (1969).
15. Memo Nutter for SecsMilDepts et al, 22 Nov 69, ISA 383.6 North Vietnam (1969).
16. Memo Havens for Nutter, 1 Dec 69, w/attach, TF files.
17. Memo Curtis W. Tarr (AsstSecAF) for ASD(ISA), 1 Dec 69, memo Col Robert E. Work USAF (MilAdvisor for PW Affairs OASD(ISA)) for Nutter, 23 Jan 70: *ibid*.

18. Memo Nutter for SecsMilDepts et al, 29 Jan 70, *ibid*.
19. Memo Tarr for ASD(ISA), 16 Feb 70, memo Arthur W. Allen, Jr. (AsstSecArmy) for ASD (ISA), 11 Feb 70: TF files.
20. Memo Nutter for SecsMilDepts et al, 26 May 70, memo Nutter for SecArmy et al, 3 Jul 70, memo Ralph H. Jefferson (SpecAdvisor for PW Affairs to ASD(ISA)) for Capt John S. Harris USN (DIA), 27 Aug 70: *ibid*.
21. Memo Laird for Vice Pres, 7 Aug 69, memo Laird for Kissinger, 23 Aug 69, SecDef 383.6 Vietnam (Aug-Sep 69).
22. Ltr Kissinger to Laird, 29 Aug 69, *ibid*; memo Kissinger for SecDef, 22 Oct 69, *ibid* (Oct-Dec 69).
23. Memo Kissinger for SecState, SecDef, Dir CIA, and Dir USIA, 24 Mar 70, *ibid* (Jan-Apr 70).
24. Memo Laird for Kissinger, 31 Mar 70, *ibid*.
25. Memo RBF (Col Ray B. Furlong, MilAsst to DepSecDef) for Packard, 25 Mar 70, *ibid*.
26. Stockdale, *In Love and War*, 303-04; ltr Jane Maury Denton to Rep Jack Edwards, 18 Jan 69, encl to ltr Edwards to William Timmons (DepAsst to Pres), 22 Jan 69, SecDef 383.6 Vietnam (Jan-May 69). Another member of Mrs. Denton's group made the same request through her own congressman; see ltr Dorothy H. McDaniel (Mrs. Eugene Barker McDaniel) to Rep Thomas N. Downing, 23 Jan 69, *ibid*.
27. Ltr Timmons to Edwards, 30 Jan 69, memo Carl S. Wallace (SpecAsst to SecDef) for Col James D. Hughes (MilAsst to Pres), 29 Jan 69: SecDef 383.6 Vietnam (Jan-May 69).
28. Ltr Edwards to Wallace, 5 Mar 69, ltr Ralph Earle II (ActgASD(ISA)) to Edwards, 11 Mar 69: *ibid*; memo Havens for Nutter, nd [22 May 69?], sub: Meeting with Group of Wives of PWs/MIAs from Norfolk Area—Friday, 23 May, 1000 Hours (quote from marginal annotation), ISA 383.6 Vietnam (Jan-Jul 69).
29. Ltr Wilson to Laird, 11 Apr 69, ltr Laird to Wilson, 12 May 69: SecDef 383.6 Vietnam (Jan-May 69).
30. ISA staff memo, 2 May 69, encl to memo Nutter for SecDef, 8 May 69, *ibid*.
31. Memo Sieverts for USecState, 23 Apr 69 ("Approve" line initialed "ELR"), box 26 (Wives/Families 69), 79-D317.
32. Memo Daniel Z. Henkin (ASD(PA)) for SecDef, 23 Jun 69, memo Nutter for SecDef, 23 Jul 69: SecDef 383.6 Vietnam (Jun-Jul 69); memo Sieverts for ActgSecState, 25 Jul 69, box 21 (Chron file 69), 79-D317 (quote).
33. Memo Nutter for SecDef, 23 Sep 69, SecDef 383.6 Vietnam (Aug-Sep 69).
34. Task Force files contain a memorandum for the president, prepared at State for Richardson's signature but annotated "6/27/69 Apparently did not go forward"; it presented a well-developed argument for the recommendation "that you issue a written statement, or speak publicly, to express your concern about missing and captured Americans in Southeast Asia." Origin and purpose of the only Nixon statement available during most of 1969 are explained in ltr Sieverts to BrigGen Leo E. Benade (OASD(M)), 6 Feb 69, TF files. For typical use in OSD correspondence see ltr Richard A. Ware (PrinDepASD(ISA)) to Rep B. F. Sisk, 18 Apr 69, SecDef 383.6 Vietnam (Jan-May 69); later in 1969 OSD letters achieved a stronger effect by quoting only the two words "urgent priority" from Nixon's last sentence, as in ltr Nutter to Rep Clark MacGregor, 22 Jul 69, *ibid* (Jun-Jul 69).
35. Memo Laird for Pres, 25 Sep 69, SecDef 383.6 Vietnam (Aug-Sep 69).
36. Memo Hughes for Wallace, 1 Oct 69, *ibid* (Oct-Dec 69); memo Havens for Nutter, 4 Nov 69, TF files; memo Havens for Nutter, 20 Nov 69, *ibid* (quote); memo Nutter for SecDef, 22 Nov 69, w/annotation, 29 Nov 69, showing the White House action, SecDef 383.6 Vietnam (Oct-Dec 69).
37. Text of Nixon telegram, 5 Dec 69, encl to memo MajGen Russell E. Dougherty USAF for CSAF, nd [8 Dec 69?], TF files; memo Capen for SecDef, 6 Dec 69, SecDef 383.6 Vietnam (Oct-Dec 69); Stockdale, *In Love and War*, 365.
38. *Public Papers of the Presidents of the United States: Richard Nixon, 1969*, 1021; *New York Times*, 13 Dec 69.

39. *Nixon Public Papers, 1971*, 1010.
40. Memo Capen for Nutter, 15 Dec 69, TF files; memo Butterfield for Hughes, 12 Dec 69, memo Laird for Vice Pres, 22 Dec 69: SecDef 383.6 Vietnam (Oct-Dec 69).
41. Memo Laird for Pres, 20 Dec 69, memo Pursley for ASD(ISA), 29 Dec 69: SecDef 383.6 Vietnam (Oct-Dec 69).
42. Memo Richardson for Kissinger, 30 Dec 69, *ibid.* TF files contain an undated copy of Richardson's earlier comments; see memo ActgSecState for Kissinger, nd [ca 29 Aug 69].
43. Memo Kissinger for SecState and SecDef, 22 Jan 70, SecDef 383.6 (Jan-Apr 70). Both Laird's recommendations and the president's directive included a course to be followed if efforts to find an individual emissary failed: assemble a high-level briefing team to go abroad in his stead. This less favored alternative was never actively pursued.
44. Memo Laird for Kissinger, 17 Feb 70, memo Laird for ASD(ISA), 3 Apr 70: *ibid.*
45. Memo Laird for Kissinger, 7 Apr 70, *ibid.*
46. Memo Laird for Pres, 23 Apr 70, SecDef 383.6 Vietnam (Jan-Apr 70); memo Nutter for SecDef, 7 May 70, ltr Thomas E. Dewey to Nutter, 12 May 70: *ibid.* (May-Jun 70).
47. Memo Laird for Kissinger, 9 May 70, memo Nutter for DepSecDef, 15 Jun 70: SecDef 383.6 Vietnam (May-Jun 70); memo Laird for Kissinger, 18 Jul 70, memo Richard A. Ware (ActgASD(ISA)) for SecDef, 22 Jul 70: *ibid.* (Jul 70).
48. Memo Laird for Kissinger, 23 Jul 70, SecDef 383.6 Vietnam (Jul 70); *Nixon Public Papers, 1970*, 649-50.
49. Kegley was a member of the delegation that interviewed Dewey and had been tabbed for service with the mission from the first, as strongly recommended in memo Henkin (ASD(PA)) for ASD(ISA), 7 Apr 70, SecDef 383.6 Vietnam (Jan-Apr 70); ltr Borman to Laird, 31 Aug 70, *ibid.* (Aug-Oct 70); *Washington Post*, 14 Aug 70.
50. White House press release, 2 Sep 70, ltr Borman to Laird, 21 Sep 70: SecDef 383.6 Vietnam (Aug-Oct 70); Dept State *Bulletin*, 12 Oct 70, 405-08.
51. Memo Laird for SecState, 19 Sep 70, SecDef 383.6 Vietnam (Aug-Oct 70).
52. Ltr Irwin to Laird, 2 Oct 70, *ibid.*
53. Memo Laird for Kissinger, 18 Jul 70, and substantially identical ltr Laird to Rogers, 18 Jul 70, *ibid.*
54. Memo Kissinger for SecDef, 31 Aug 70, memo Sullivan for Kissinger, 23 Oct 70, memo Kissinger for SecDef, 2 Nov 70: *ibid.*
55. Memo Laird for Pres, 17 May 71, *ibid.* (1971).
56. Henry A. Kissinger, *White House Years*, 1018-19, 1488-89.
57. OASD(PA) News Release No 949-70, and news conf, 23 Nov 70, *Public Statements of Secretary of Defense Melvin R. Laird, 1970*, 2274-81; msg BrigGen Leroy J. Manor for CJCS and CINCPAC, 210215Z Nov 70, SecDef 383.6 Vietnam (Nov 70).
58. Benjamin F. Schemmer, *The Raid*, 18-19, 80. Schemmer provides a detailed and largely unchallenged account of the rescue operation, with frequent reference to the photo reconnaissance findings.
59. Senate Cte on For Rels, *Bombing Operations and the Prisoner-of-War Rescue Mission in North Vietnam: Hearing*, 91 Cong, 2 sess, 24 Nov 70, 1-2, 8, 35, 47.
60. *Ibid.*, 3.
61. *Ibid.*, 23; news conf, 24 Nov 70, *Public Statements, Laird, 1970*, 2334.
62. Senate Cte on For Rels, *Bombing Operations and the Prisoner-of-War Rescue Mission in North Vietnam: Hearing*, 7, 9-10, 12-13 (7, 10, quote).
63. Allegations included that Defense planned and undertook the operation without consulting CIA and that Laird recommended that it proceed despite having clear evidence that the prison cells were empty. These items evoked sharp criticism when considered in the form in which the news media first reported them; see *Congressional Record*, 91 Cong, 2 sess, 116, pt 30, 4 Dec 70, 39958-61. Schemmer's *The Raid* provides fuller information and a more balanced assessment; see particularly 263-67.
64. Memo Maj Ludwig J. Spolyer for AFNIFPC, 5 Oct 71, TF files.
65. Schemmer, *The Raid*, 282-84.

## 13. A BITTER LESSON

1. Msg Geneva 4388, 11 Dec 69, TF files.
2. Ltr Laird to Rogers, 31 Jan 70, SecDef 383.6 Vietnam (Jan-Apr 70).
3. Ibid.
4. Msg State 16109 for Saigon, 2 Feb 70, TF files.
5. Memcon Laird with Nguyen Van Thieu (Pres RVN), 12 Feb 70, dtd 17 Feb 70, SecDef 333 Vietnam: Laird (1970).
6. Memo Laird for Pres, 17 Feb 70, *ibid*; memo Kissinger for SecState, 3 Mar 70, msg State 31590 for Paris and Saigon, 3 Mar 70: TF files.
7. Msg State 32266 for Saigon, 5 Mar 70, msg State 38735 for Saigon, 17 Mar 70: TF files.
8. Msg Saigon 4383, 24 Mar 70, *ibid*.
9. Msg State 43278 for USDEL France, 24 Mar 70, *ibid*.
10. Msg Saigon 4457, 25 Mar 70, msg USDEL France 3926, 2 Apr 70: *ibid*; memo Sieverts for USecState, 4 Jun 70, PW coll, OSD Hist; msg Saigon 9015, 9 Jun 70, msg USDEL France 7625, 11 Jun 70, msg USDEL France 8854, 2 Jul 70: TF files.
11. Msg USDEL France 7625, 11 Jun 70, msg State 99421 for Saigon et al, 23 Jun 70: TF files.
12. Msg Saigon 11116, 12 Jul 70, msg COMUSMACV for CINCPAC, 150415Z Jul 70: *ibid*.
13. Draft State/Def msg for Saigon, encl to memo Nutter for SecDef, 7 Jul 70, memo Nutter for SecDef, 17 Jul 70: SecDef 383.6 Vietnam (Jul 70); memo Ralph H. Jefferson (SpecAdvisor for PW Affairs to ASD(ISA)) for Nutter, 10 Jul 70, TF files.
14. ISA memcon Laird with Ambs Ellsworth Bunker, David K. E. Bruce, and Philip C. Habib, 20 Jul 70, dtd 24 Jul 70, SecDef 091.112 Vietnam (1970).
15. Memo Nutter for SecDef, 8 Aug 70, SecDef 383.6 Vietnam (Aug-Oct 70).
16. *Ibid*, Tab B, State draft State/Def msg for Saigon.
17. Memo Nutter for SecDef, 8 Aug 70, SecDef 383.6 Vietnam (Aug-Oct 70).
18. Memo Laird for ASD(ISA), 11 Aug 70, *ibid*.
19. State/Def msg 138075 for Saigon, 24 Aug 70, memo Jefferson for Nutter, 25 Aug 70: *ibid*. When submitted to and seen by Laird the document did not bear two handwritten additions. Jefferson wrote that he was "not aware of any effort to clear these additions with SecDef, who had approved cable without them."
20. Memcon William K. Hitchcock (Minister-Counselor for PolAff, USEmb Saigon) with GVN MinForAff et al, 25 Aug 70, TF files.
21. Msg Saigon 14605, 7 Sep 70, *ibid*.
22. Memo Laird for CJCS, 2 Sep 70, memo (JCSM-449-70) JCS for SecDef, 18 Sep 70: SecDef 383.6 Vietnam (Aug-Oct 70).
23. Memo Nutter for SecDef, 12 Oct 70, *ibid*.
24. *Ibid*.
25. *Nixon Public Papers, 1970*, 825-28 (quote, 827).
26. Dept State *Bulletin*, 26 Oct 70, 468, 2 Nov 70, 554-56.
27. Msg State 187074 for Saigon, COMUSMACV, and Vientiane, 14 Nov 70, SecDef 091.112 Vietnam (1970).
28. *Ibid*; memo Nutter for SecDef, 14 Nov 70, SecDef 383.6 Vietnam (Nov 70).
29. *Ibid*.
30. Memo Laird for Pres, 18 Nov 70, SecDef 383.6 Vietnam (Nov 70).
31. *Ibid*; memo REP (BrigGen Robert E. Pursley, MilAsst to SecDef) for ASD(ISA), 10 Nov 70, *ibid*.
32. Msg Saigon 19270, 7 Dec 70, TF files; State/Def msg 199387 for Saigon, 7 Dec 70, SecDef 383.6 Vietnam (Dec 70).
33. Dept State *Bulletin*, 28 Dec 70, 773.
34. Msg Saigon 20080, 22 Dec 70, TF files.
35. *New York Times*, 23 Dec 70; *Washington Post*, 24 Dec 70; msg Saigon 1093, 23 Jan 71, TF files.
36. Msg Saigon 977, 21 Jan 71, TF files.
37. Msg Saigon 1169, 25 Jan 71, msg COMUSMACV for JCS and CINCPAC, 241223Z Jan 71: *ibid*.

38. Msg Saigon 1223, 26 Jan 71, ISA paper, nd, sub: Significant Public Statements Regarding the 4 June 1971 Repatriation Effort: *ibid*; Dept State *Bulletin*, 22 Feb 71, 235.
39. Memcon Laird (accompanied by Bunker and Abrams) with Thieu, 11 Jan 71, encl to memo Laird for Pres, 16 Jan 71, msg JCS 1693 (for Laird) for CINCPAC and COMUSMACV (for Bunker), 212241Z Jan 71: SecDef 333 Vietnam: Laird (1971).
40. Memo Nutter for SecDef, 22 Dec 70, SecDef 383.6 Vietnam (Dec 70).
41. *Ibid*. Nutter identified the attached document titled "Hanoi's Views of Prisoner of War Exchanges" as an "informal paper" prepared by William L. Stearman, State Bureau of Intelligence and Research (INR). One month later State issued INR Intelligence Note 4, "North/South Vietnam: Release of North Vietnamese Prisoners," covering the same material; see msg State 11065 for Saigon et al, 21 Jan 71, TF files.
42. Msg JCS 9981 for CINCPAC and COMUSMACV, 151422Z Apr 71, SecDef 333 Vietnam: Laird (1971).
43. Msg JCS 1693 (for Laird) for CINCPAC and COMUSMACV (for Bunker), 212241Z Jan 71, *ibid*.
44. Msg COMUSMACV (for Bunker) for JCS (for Laird), 261215Z Jan 71, *ibid*.
45. Msg State 45511 for Saigon, 18 Mar 71, TF files.
46. *Ibid*; ltr Findley to Pres, 11 Dec 70, SecDef 383.6 Vietnam (Jan 71).
47. *Public Statements of Secretary of Defense Melvin R. Laird, 1970*, 2614; ltr Packard to Findley, 8 Jan 71, SecDef 383.6 Vietnam (Jan 71).
48. ISA Talking Paper, 25 Mar 71, TF files.
49. *Ibid*; msg Saigon 4109, 20 Mar 71, State/Def msg 57194 for Saigon, 5 Apr 71: *ibid*.
50. Dept State *Bulletin*, 26 Apr 71, 540-41, 3 May 71, 568.
51. Msg JCS 9981 (for Laird) for CINCPAC and COMUSMACV (for Abrams), 151422Z Apr 71, SecDef 333 Vietnam: Laird (1971).
52. Msg COMUSMACV for CJCS, 191016Z Apr 71, *ibid*.
53. Msg State 72095 for Saigon and USDEL France, 27 Apr 71, msg Saigon 6456, 28 Apr 71: TF files.
54. Significant Public Statements . . . 4 June 1971 Repatriation Effort, *ibid*.
55. Msg Saigon 6456, 28 Apr 71, msg State 73348 for Saigon and USDEL France, 28 Apr 71, mgs Saigon 6495 and 6496, 29 Apr 71: *ibid*.
56. Dept State *Bulletin*, 17 May 71, 634-35.
57. *Nixon Public Papers, 1971*, 595-96.
58. FBIS 42, 30 Apr 71, SecDef 383.6 Vietnam (Apr-May 71); Dept State *Bulletin*, 24 May 71, 666-68, 31 May 71, 704-05; State Dept paper, na [Sieverts?], nd, sub: Significant Developments, April 26-May 9, 1971: Prisoner-of-War Initiatives: TF files.
59. Significant Public Statements . . . 4 June 1971 Repatriation Effort, *ibid*.
60. *New York Times*, 14 May 71; msg JCS 6575 for CINCPAC and COMUSMACV, 221722Z May 71 (Laird quote), msg Saigon 7506, 14 May 71: TF files.
61. State/Def msg 84898 for Saigon, USDEL France, and Geneva, 15 May 71, TF files.
62. Msg Saigon 7890, 20 May 71, msg State 88711 for Saigon and Geneva, 20 May 71, Significant Public Statements . . . 4 June 1971 Repatriation Effort: *ibid*.
63. Msg Saigon 7651, 17 May 71, msg Saigon 7890, 20 May 71: *ibid*.
64. State/Def msg 84898 for Saigon, USDEL France, and Geneva, 15 May 71, *ibid*.
65. Msg State 88711 for Saigon and Geneva, 20 May 71, msg Geneva 1950, 21 May 71, msg Saigon 8075, 24 May 71: *ibid*.
66. Msg Geneva 1983, 24 May 71, TF files.
67. Msg Geneva 2046 [corrected copy], 27 May 71, *ibid*.
68. Msg Saigon 8408, 28 May 71, msg Geneva 2066, 28 May 71: *ibid*.
69. Msg COMUSMACV for JCS and CINCPAC, 290730Z May 71, memrec R. S. Barrett (USEmb Saigon), 31 May 71: *ibid*.
70. Msg Saigon 8466, 29 May 71, memcon John M. Reid (USEmb Saigon) with Pierre du Pasquier and 3 other ICRC delegates, 9 Aug 71, dtd 12 Aug 71: TF files.
71. Msg State 95365 for Saigon, 29 May 71, Significant Public Statements . . . 4 June 1971 Repatriation Effort, msg Saigon 8482, 31 May 71: *ibid*.



72. Msg State 97447 for Saigon and Lisbon, 3 Jun 71, msg Saigon 8716, 4 Jun 71, msg Saigon 8742, 4 Jun 71, msg COMUSMACV for CINCPAC et al, 040445Z Jun 71: *ibid*.
73. ISA Point Paper, nd [Jun 71], sub: The Prisoner of War Situation [marked "For Laird breakfast for Kissinger"], *ibid*.
74. Memrec Barrett, 31 May 71, memo Col J. D. Foulk for ACSI, 7 Jun 71, memcon Reid with du Pasquier et al, 9 Aug 71, msg Saigon 14034, 31 Aug 71, airgram Saigon A-158, 22 Sep 71, memo Reid for Stephen Winship (USEmb Saigon), 4 Oct 71, airgram Saigon A-205, 23 Nov 71: TF files.

#### 14. REPATRIATION PLANNING: A CENTRAL ISSUE RESOLVED

1. Msg JCS 6463 for Commanders of Unified and Specified Commands et al, 17 Dec 69, memo (MJCS-564-69) JCS for Ch DoD PW Policy Cte, 17 Dec 69: TF files.
2. Ltr COMUSMACV to CINCPAC, 21 Mar 69, *ibid*.
3. Msg CINCPAC for JCS/SecDef et al, 032321Z Nov 71, *ibid*.
4. Ltr COMUSMACV to CINCPAC, 27 Nov 71, *ibid*.
5. Msg CINCPAC for CINCUSARPAC, CINCPACFLT, CINCPACAF et al, 312235Z Dec 71, *ibid*.
6. *Ibid*.
7. Memo Cdr Richard A. Mauldin for RAdm H. H. Epes, Jr. (Dir PW/MIA Task Force), 30 Jul 71, *ibid*.
8. *Ibid*; ltr COMUSMACV to CINCPAC, 27 Nov 71, TF files.
9. Memo BrigGen George J. Hayes (PrinDepASD(H&E)) for ASD(ISA), 8 Oct 71, w/attchd memo [signed but undtd] Wilbur for SecsMilDepts and CJCS, *ibid*.
10. While "it could be argued"—and was—officials closely involved in the case remain convinced that Sexton's most pressing problems were physical rather than psychological, making prompt transfer to a CONUS hospital desirable; Davis interv with Shields, New York, NY, 24 and 25 Jun 87, OSD Hist.
11. Draft memo Wilbur for SecsMilDepts, CJCS, and ASD(ISA), undtd, encl to memo Shields for BrigGen Paul C. Watson et al [Task Group members], 19 Nov 71, memo Shields for Nutter, 1 Dec 71: TF files.
12. The basic definition of Wilbur's duties as ASD(H&E) made him "the principal staff adviser and coordinator for the Secretary of Defense for health and sanitation matters, including care and treatment of patients . . ." Like the other assistant secretaries, Wilbur had been delegated authority to issue "one-time directive-type memoranda . . . appropriate for carrying out policies approved by the Secretary of Defense for his assigned fields." See DoD Dir 5126.1, 26 Aug 71.
13. Draft memo Wilbur for SecsMilDepts et al, undtd, encl to memo Shields for Watson et al, 19 Nov 71, TF files.
14. Memo Epes for PW/MIA Task Group, 18 Nov 71, memo Armistead I. Selden, Jr. (PrinDepASD(ISA)) for ASD(H&E), 20 Nov 71: *ibid*. The reaction to Wilbur's memo from two Air Force offices was particularly pointed; see memo Richard J. Borda (ASecAF(M&RA)) for ASD(ISA), 19 Nov 71, and memo BrigGen James R. Allen (DepDir for Plans & Policy, DCS/P&O AF) for Ch PW/MIA Task Group, 19 Nov 71: *ibid*.
15. PW/MIA Task Force Issue Paper, undtd, encl to memo Nutter for SecsMilDepts et al, 30 Nov 71, *ibid*.
16. Memo Shields for Nutter, 1 Dec 71, *ibid*.
17. Memo Nutter for SecsMilDepts et al, 30 Nov 71, *ibid*. As mentioned in Chapter 10, Wilbur, as ASD(H&E), was a member of the task group but not of the Policy Committee.
18. Memo Wilbur for ASD(ISA), 7 Jan 72, circulated by memo Selden for SecsMilDepts et al, 11 Jan 72, TF files. In referring to the December Policy Committee meeting Selden wrote, "As you are aware, the Committee's deliberations were inconclusive." No minutes of the meeting have been discovered.

19. Memo James E. Johnson (ASecNav) for ASD(ISA), 26 Jan 72, memo Borda for ASD(ISA), 22 Jan 72: *ibid*.
20. Memo Arthur W. Allen, Jr. (DepASecArmy) for ASD(ISA), 26 Jan 72, memo Borda for ASD(ISA), 22 Jan 72: *ibid*.
21. Memo (DJSM-137-72) Vogt for ASD(ISA), 25 Jan 72, *ibid*.
22. Memo Benjamin Forman (AsstGenCoun) for PrinDepASD(ISA), 13 Jan 72, memo LtGen Jammie M. Philpott (DepDirDIA) for ASD(ISA), 24 Jan 72, memo Daniel Z. Henkin (ASD (PA)) for ASD(ISA), 2 Feb 72, memo Kelley for ASD(ISA), 25 Jan 72: TF files.
23. Memo Shields for Nutter, 3 Feb 72, *ibid*.
24. The successive versions appear as attachments to memos Nutter for SecsMilDepts et al, 11 Feb, 14 Mar 72, *ibid*.
25. Memo Nutter for SecsMilDepts et al, 14 Mar 72, *ibid*.
26. Memo Wilbur for SecsMilDepts, 17 Mar 72, *ibid*.
27. Memo Arthur W. Allen, Jr., for ASD(H&E), 22 Mar 72, memo Johnson for ASD(H&E), 22 Mar 72, memo Borda for ASD(H&E), 24 Mar 72, memo Wilbur for ASD(ISA), 7 Apr 72: TF files.
28. PW/MIA Task Force, Point Paper on Status of Proposed Policy for Medical Processing of Returnees, nd [ca 29 Mar 72], memo Hayes for ASD(H&E), 14 Apr 72, memo Epes for Nutter, nd [ca 3 Apr 72], *ibid*.
29. Msg CINCPAC for CJCS, 270259Z Apr 72, *ibid*.
30. Memo BrigGen William M. Schoning USAF for Dir PW/MIA Task Force, 21 Apr 72, *ibid*.
31. Handwritten memo Wilbur for Nutter, nd, filed with memo Hayes for ASD(H&E), 14 Apr 72, in Shields collection, TF files. Admittedly speculative, this account rests almost entirely on the Wilbur note, there being no other documentary evidence. Addressed to "Warren" and signed "Dick W.," the note continued, "Let me know if I can help more." The tone seems to be that of a writer who has made a concession to facilitate agreement. A date between 22 and 28 April appears probable, since the Air Force memo of 21 April described Wilbur as still advocating "an inflexible detention period overseas" of 14 days.
32. Memo Nutter for SecDef, 4 May 72, TF files.
33. Memo Laird for SecsMilDepts et al, 16 May 72, SecDef 383.6 Vietnam (Apr-May 72). Available records do not reveal the process by which the significant changes in the latter part of the Wilbur paragraph came into place.
34. Msg JCS 5607 for CINCPAC, 31 May 72, TF files.
35. Msg CINCPAC for JCS, 042200Z Jun 72, *ibid*.
36. Msg JCS 4794 for CINCPAC, 15 Jul 72, *ibid*.
37. Msg CINCPAC for JCS/SecDef, 212336Z Jul 72, CINCPAC Instr C3461.1C, 3 Aug 72: *ibid*.
38. CINCPAC Instr C3461.1C, 3 Aug 72, *ibid*.
39. The Air Force record of conference participation is contained in a memo dated 29 August 1972 in TF files. Regarding medical processing it noted with evident approval that "medical procedures will be accomplished only as clinically indicated to prevent unnecessary delay overseas." For the fuller record maintained by the conference recorder see memo ACofS Personnel, CINCPAC Hq, for Ch PW/MIA Task Force, 25 Aug 72, *ibid*.
40. Memo Shields for Nutter, nd, sub: DoD PW Policy Committee Meeting, 27 November 1972, 1500 hours, *ibid*; memo Nutter for SecsMilDepts et al, 29 Nov 72, ISA 383.6 (Nov-Dec 72). In addition to announcing approval of the medical form, Nutter imposed a strict confidentiality on the information that would be recorded on it regarding individual returnees. The data "will not be utilized in any manner except for internal official use."
41. Msg CINCPAC for SecDef, 080319Z Dec 72, TF files.
42. Msg CINCPAC for JCS, 042200Z Jun 72, *ibid*.
43. Memo Paul H. Nitze (DepSecDef) for SecsMilDepts and CJCS, 30 Nov 68, SecDef 383.6 (1968); memo Laird for SecsMilDepts and CJCS, 27 Oct 70, ISA 383.6 (1970). When recommending this change on behalf of the Policy Committee, Nutter had written that "it would, among other things, help to relieve the feeling of many parents that they are the 'forgotten' next of kin"; memo Nutter for SecDef, 23 Oct 70, *ibid*.

44. Memo Laird for SecsMilDepts and CJCS, 26 Aug 72, ISA 383.6 (Aug 72).
45. Memo for ASD(ISA), 7 Aug 72, *ibid.* As recounted in Chapter 9, the absence of clear legal authority had been similarly raised, discussed, and discounted when the first directive on next-of-kin travel was being prepared in 1968.
46. Memo Nutter for ASD(M&RA), 28 Jul 72, ISA 383.6 (Jun-Jul 72).
47. Memo Rush for SecsMilDepts and CJCS, 4 Dec 72, *ibid.* (Nov-Dec 72).
48. Msg CINCPAC for CINCUSARPAC et al, 060441Z Dec 72, TF files.
49. Memo Nutter for SecDef, 13 Dec 72, SecDef 383.6 Vietnam (Nov-Dec 72).

#### 15. REPATRIATION PLANNING: REHABILITATION AND READJUSTMENT

1. Memo Nutter for SecDef, 12 Oct 70, ISA 383.6 N. Vietnam (Oct 70); memo Armistead I. Selden, Jr. (PrinDepASD(ISA)) for SecsMilDepts et al, 27 Feb 71, memo Nutter for SecsMilDepts and ASD(M&RA), 3 Jun 71: TF files. A representative of OASD(H&E) later joined the panel.
2. Report of the DoD PW/MIA Rehabilitation/Readjustment Study Panel, Jan 72, SecDef 383.6 Vietnam (7 Jun 72).
3. *Ibid.* The report stated that the record of American survivors of the German and Italian PW camps of World War II differed notably from that of captives of the Japanese. "Pacific prisoners from World War II averaged an initial 50 percent excess of deaths as compared with the expected U.S. rate, and the death rate did not decline to the usual range for ten years following release . . . . On the other hand, the mortality rate compiled in the case of European prisoners was lower than the ordinary rate for U.S. males." Accordingly, the panel members felt justified in using the captivity experience at the hands of the Japanese, North Koreans, and Chinese Communists as their guide when attempting to gauge the effects of imprisonment by the Vietnamese enemy.
4. *Ibid.*
5. Memo Nutter for SecDef, 27 May 72, memo Laird for SecsMilDepts et al, 7 Jun 72: *ibid.*
6. Memo Nutter for ASD(M&RA), 24 Jul 72, memo M. Richard Rose (DepASD(M&RA)) for AsstSecsMilDepts, 6 Oct 72: TF files. For an account of the Air Force experience in providing career counseling to returnees and aiding their selection of active duty assignments, see Air Force Military Personnel Center, *Special History of Project HOMECOMING: Officer Career Development Division: 1 November 1972-31 October 1973*, PW coll, OSD Hist.
7. Memo Frank M. McKernan (OASD(M&RA)) for "Conference Participants," 9 Nov 72, TF files.
8. OASD(M&RA) pamphlet, "Guidelines for Career Planning and Other Assistance for Returned POW/MIA Personnel," Nov 72, revised the following month to add a section on assistance available from the Office of Minority Business Enterprise, Department of Commerce, TF files. During the same period the Department of Labor produced its own "Resource Handbook for Implementation of Program for POW/MIA Returnees," 6 Dec 72, and the Veterans Administration's Department of Veterans Benefits published DVB Circular 20-72-94, "Prisoner of War/Missing in Action (POW/MIA) Returnee Program," 8 Dec 72, *ibid.* See memo Shields for MajGen V. L. Bowers et al [Task Group members], 8 Jan 73, ISA 383.6 (Jan 73).
9. Memo McKernan for BrigGen Russell G. Ogan (Dir PW/MIA Task Force), 29 Jan 73, TF files. Another OASD(M&RA) publication was the "Directory: Federal Agency and Industry Contacts for Assistance to Returned POW/MIA," rev ed, Jan 73, *ibid.*
10. Memo Shields for BrigGen Paul C. Watson et al, 19 Nov 71, memo Nutter for ASD(H&E), 2 Dec 71: *ibid.*
11. Memo Hayes for ASD(ISA), 14 Dec 72, *ibid.*
12. Memo Nutter for ASD(H&E) and ASD(M&RA), 10 Nov 72, memo Hayes for ASD(ISA), 14 Dec 72: *ibid.*
13. Memo Shields for Hayes, 16 Jan 73, *ibid.*
14. Memo Wilbur for ASD(ISA), ASD(M&RA), and AsstSecsMilDepts (M&RA), 22 May 73, TF files. Most of the returnees chose to continue in active duty status; others were retired with various degrees of disability. Thus the category covered by the above policy was relatively small. By

- November 1973 the "Roster of Designated Prisoners of War" contained 51 names; see memo Hayes for Asst to ASD(ISA), 5 Nov 73, *ibid*.
15. Memo Shields for Lawrence Eagleburger (ActgASD(ISA)), 3 May 73, *ibid*.
  16. Memo Nutter for SecsMilDepts and ASD(H&E), 13 Jun 72, ISA 383.6 (Jun-Jul 72).
  17. Memo Ogan for Shields, 15 Aug 72, TF files.
  18. Ltr Shields to Iris Powers, Ch Cte on Repatriation, Rehabilitation and Readjustment, NLOF, 22 Sep 72, *ibid*.
  19. *Ibid*. The family briefing tours were conducted pursuant to memo Nutter for SecsMilDepts, 13 Jul 72, ISA 383.6 (Jun-Jul 72). The origin of this directive is discussed in Chapter 18.
  20. Memo BrigGen K. L. Tallman (AsstDCS/Pers AF) for AF/XOX, 29 Aug 72, TF files.
  21. Memo BrigGen William M. Schoning (DepDir for Plans & Policy, DCS/P&O AF) for Dir PW/MIA Task Force, 21 Aug 72, *ibid*.
  22. Memo DepChNavPers for Dir PW/MIA Task Force, 16 Aug 72, memo MajGen E. B. Wheeler (ACS USMC) for Dir PW/MIA Task Force, 7 Aug 72, memo MajGen Verne L. Bowers (TAG) for Dir PW/MIA Task Force, 31 Aug 72: *ibid*.
  23. The revised versions published during 1972, with subsequent changes, were the plans in effect at the time of Operation Homecoming in early 1973. They included the following, all to be found in TF files: HQDA OPLAN EGRESS-RECAP-ARMY, 19 Oct 72; CNO EGRESS RECAP OPLAN, 26 Oct 72; USAF EGRESS RECAP, 15 Apr 72; CINCPAC Instr C3461.1C, 3 Aug 72; COMUSMACV OPLAN J190, 3 Nov 72; 13th Air Force OPLAN EGRESS RECAP, 1 Dec 72; MAC EGRESS RECAP, 25 Feb 72. During 1972 the Marine Corps continued issuing changes to its basic Marine Corps Order 03461.1, 19 Feb 70.
  24. Memo Nutter for SecsMilDepts et al, 1 Dec 71, ISA 383.6 (Oct-Dec 71).
  25. Texts or outlines of the Nutter, Epes, and Shields presentations are in TF files, as is the full Report, Department of Defense U.S. Prisoner of War Repatriation Planning Conference, 19-21 Jan 72.
  26. Msg JCS 6711 for CINCPAC et al, 7 Mar 72, TF files.
  27. Memo RAdm H. H. Epes, Jr. (Dir PW/MIA Task Force) for OSD(C), 22 Feb 72, ISA 383.6 (Jan-Mar 72).
  28. Msg CINCPAC for JCS, 122118Z Mar 72, msg JCS 3928 for CINCPAC, 22 Mar 72: TF files. No attempt will be made to treat the complexities of the communications support question, which apparently was resolved satisfactorily. Two key messages in the exchange were msg CINCPAC for JCS, 112234Z Jul 72, and msg JCS 5733 for CINCPAC, 7 Aug 72, *ibid*.
  29. Msg CINCPAC for CINCUSARPAC et al, 052109Z Feb 72, *ibid*.
  30. *Ibid*.
  31. HQ USAF Military Airlift Command, MAC Egress Recap, 25 Feb 72, OASD(ISA) Report, Department of Defense U.S. Prisoner of War Repatriation Planning Conference, 19-21 Jan 72: *ibid*.
  32. Msg CINCLANT for JCS, 182233Z Jan 72, msg JCS 5558 for CINCLANT, 28 Jan 72: *ibid*.
  33. Msg JCS 1610 for USCINCEUR, 22 Jun 72, *ibid*.
  34. Memo Laird for SecsMilDepts and CJCS, 15 Jul 72, msg JCS 3933 for USCINCEUR, 5 Aug 72: ISA 383.6 (Jun-Jul 72).
  35. Memo Shields for PW/MIA Task Group, 7 Sep 72, ISA 383.6 (Sep-Oct 72); OASD(ISA), EGRESS RECAP Visit Agenda, 15, 16 and 17 Nov 72, USEUCOM EGRESS RECAP European Directive ED 35-5, Nov 72: TF files.
  36. Documents revealing preparations for the conference include memo Epes for PW/MIA Task Group Members, 17 May 72, msg CINCPAC for JCS, 262305Z May 72, msg JCS 2015 for USCINCEUR et al, 12 Jul 72, Agenda, DoD/PAC EGRESS RECAP Conference, 9, 10 and 11 Aug 72: TF files. The conference recorder's report was forwarded by memo ACS/Pers CINCPAC for Ch [Dir] PW/MIA Task Force, 25 Aug 72, and an Air Force summary of the proceedings is contained in memo Col Ray A. Dunn, Jr. (Ch Global Plans and Pol Div, Dir Plans, DCS/P&O AF) for AF/XOXX, 29 Aug 72: *ibid*. Unless otherwise indicated, discussions and actions of the August conference described in the following account are based on these two sources.
  37. Msg CINCPAC for CMDR 13th AF, CG USARBCO Okinawa, and CINCPACREPGUAM/TTPI, 182219Z Jun 72, *ibid*.

38. Memo Ogan for Schoning, 23 Aug 72, ISA 383.6 (Aug 72).
39. Ltr Epes to Col George Iles (Cdr 1126th USAF FAG), 8 Mar 72, TF files; memo Shields for RAdm D. B. Whitmire (DIA), 8 Jun 72, ISA 383.6 (Jan-Jun 72).
40. Memo Nutter for SecsMilDepts, CJCS, and Dir DIA, 11 Oct 72, ISA 383.6 (Sep-Oct 72); msg DIA 4186 for CINCPAC et al, 211432Z Nov 72, TF files.
41. Memo Hayes for Dir PW/MIA Task Force, 3 Aug 72, ISA 383.6 (Aug 72); memo Nutter for DepASD(A) (D. O. Cooke), 4 Oct 72, *ibid* (Sep-Oct 72); memo Cooke for ActgASD(ISA), 8 Feb 73, TF files.
42. Msg CINCPAC for JCS, 201925Z Jun 72, TF files.
43. Memo Capt K. W. Wade (Actg CHINFO, Navy) for Dir Office of Information for the Armed Forces, 19 Nov 68, memo RAdm L. R. Geis (CHINFO, Navy) for DepASD(PA), 7 Oct 69, memo Capt James H. Scott (SpecAsst for POW/MIA Matters, OCNO) for Shields, 26 Apr 72: *ibid*.
44. PW/MIA Task Force, Weekly Activities Reports, 19 Nov 71, 23 Jun 72, memo Shields for Whitmire, 23 Jun 72, State Airgram A-2884 for US Mission Geneva et al, 22 Mar 72, msg State 128111 for Manila, Saigon, and Vientiane, 14 Jul 72: TF files.
45. Msg State 122602 for Manila, 7 Jul 72, PW/MIA Task Force, Weekly Activities Report, 19 Nov 71: *ibid*.
46. Ltr Sieverts to Ogan, 1 Nov 72, *ibid*; memo Shields for Sieverts, 24 Jan 73, ISA 383.6 (Jan 73).
47. Memo Shields for Sieverts, 24 Jan 73, ISA 383.6 (Jan 73).

16. REPATRIATION PLANNING: PUBLIC AFFAIRS AND CONDUCT IN CAPTIVITY

1. DoD Dir 5230.9, 24 Dec 66.
2. Memo Nitze for SecsMilDepts and CJCS, 8 Jun 68, SecDef 383.6 (1968); CINCPAC Instr 03461.1A, 13 Jun 69, TF files.
3. Report of the Public Affairs Work Group, 21 Jan 72, Tab C to Report, Department of Defense U.S. Prisoner of War Repatriation Planning Conference, 19-21 Jan 72, memo Henkin for ASD(ISA) et al, 15 May 72: TF files.
4. Memo MajGen Leo D. Benade (DepASD(M&RA)) for ASD(PA), 23 May 72, memo Selden for ASD(PA), 31 May 72: *ibid*.
5. Memo Shields for ASD(PA), 16 Jun 72, ISA 383.6 (Jun-Jul 72).
6. Memo Henkin for SecArmy et al, 3 Aug 72, TF files; the following discussion contains numerous extracts from this 18-page guidance directive.
7. CINCPAC Instr C3461.1C, 3 Aug 72, *ibid*.
8. ASD(PA) EGRESS RECAP Conference Agenda and List of Attendees, 9 Nov 72, *ibid*.
9. OASD(PA), "EGRESS RECAP Points of Contact for Defense Public Affairs Officers," nd [9 Nov 72], *ibid*.
10. Shields, "Comments before PA EGRESS RECAP Conference," 9 Nov 72, *ibid*.
11. Memo Nutter for SecDef, 12 Oct 70, SecDef 383.6 Vietnam (Aug-Oct 70).
12. Ltr Vinson to Laird, 23 Aug 71, *ibid* (Aug-Sep 71).
13. Ltr Nutter to Vinson, 1 Sep 71, *ibid*.
14. For the Uniform Code of Military Justice see 10 U.S.C. 801-940. The text also appears in U.S. Dept of Defense, *Manual for Courts-Martial*, 1969 (rev ed). The most recent revision had been effected by the Military Justice Act of 1968, PL 90-632, 24 Oct 68.
15. Report, Department of Defense U.S. Prisoner of War Repatriation Planning Conference, 19-21 Jan 72, TF files.
16. Marine Corps Order 03461.1, 19 Feb 70. HQ USAF Plan EGRESS RECAP/AIR FORCE [formerly SENTINEL ECHO], 1 Jul 68, was superseded by USAF EGRESS RECAP, 15 Apr 72; the revisions issued by the Army and Navy were HQDA OPLAN EGRESS-RECAP-ARMY, 19 Oct 72, and CNO EGRESS RECAP OPLAN, 26 Oct 72. All in TF files.
17. Memo Shields for Bartimo, 25 Jul 72, ISA 383.6 (Jun-Jul 72).
18. Memo Cdr J. H. Baum (Ch Ad Hoc Working Group) for AsstGenCoun, 15 Sep 72, *ibid* (Sep-Oct 72).

19. Memo Shields for MajGen V. L. Bowers USA et al, 22 Sep 72, *ibid*; memo Bowers for Shields, 6 Oct 72, memo BrigGen William M. Schoning USAF for Ch PW/MIA Task Group, 11 Oct 72: TF files. The ad hoc working group had submitted its report without the concurrence of its Marine Corps member, who provided a written dissent three days later. No copy of the latter document has been discovered, but Bowers quoted some of its provisions when signifying the Army's agreement with them.
20. Memo Shields for Bowers et al, 25 Oct 72, memo MajGen James S. Cheney (JAG, AF) for AF/XO, 10 Nov 72: *ibid*.
21. Memo RAdm Robert B. Baldwin (DepChNavPers) for Ch POW Special Cte (Col Vincent A. DiMauro, PW/MIA Task Force), 17 Nov 72, memo Col Donald S. Aines (Ch Casualty Div, TAGO) for DiMauro, 30 Nov 72, memo Col E. A. Parnell USMC for Ch PW/MIA Task Group, 1 Dec 72: *ibid*.
22. Memo Schoning for PW/MIA Task Force, 5 Dec 72, w/attach memo Cheney for AF/XO, 10 Nov 72, *ibid*.
23. *Ibid*; Change 1, 15 Jan 73, to USAF EGRESS RECAP, 15 Apr 72, TF files. The published change was an edited and somewhat expanded version of the draft quoted above.
24. Memo Selden for AsstGenCoun, 2 Aug 72, *ibid*.
25. Memo Bartimo for DiMauro, 13 Nov 72, *ibid*; Davis interv with Bartimo, 13 Feb 80, PW coll, OSD Hist. Nearly five years earlier Bartimo had recommended that "in view of the disparate treatment of returning Korean POWs," OSD officials "should make every effort to obtain a uniform approach now to obviate inconsistent practices of the Services in the past"; see memo Bartimo for Havens, 13 May 68, TF files.
26. Memo Bartimo for Shields, 16 Sep 72, ISA 383.6 (Sep-Oct 72).
27. Memo Shields for Bowers et al, 22 Sep 72, *ibid*; memo Schoning for Ch PW/MIA Task Group, 11 Oct 72, memo Parnell for Ch PW/MIA Task Group, 1 Dec 72: TF files.
28. Memrec, Davis interv with Forrest Holmes (DepAsstGenCoun), 19 Dec 79, PW coll, OSD Hist.
29. The account in this and following paragraphs is based on documents that were discussed with Laird but never formally transmitted. Though prepared in final form, after coordination completed on 8 December 1972, they bear no date or signature. The ribbon copies found in TF files consist of memo Shields for Nutter, forwarding the recommended memo Nutter for SecDef.
30. When interviewed some years later Laird believed it had not been his intention to reject the review board proposal but rather to postpone announcing his decision until return of the prisoners was a certainty. Since that condition was just coming to fulfillment when he left office on 29 January 1973, the matter passed to his successor, Elliot Richardson. Davis interv with Laird, 6 Apr 81, PW coll, OSD Hist.
31. Memo Parnell for Ch PW/MIA Task Group, 1 Dec 72, TF files.
32. *Ibid*.
33. *Public Statements of Secretary of Defense Melvin R. Laird, 1972, 3256-57.*
34. One listener wrote that even to raise the possibility of court-martial action against the returnees was an "appalling and insensitive suggestion"; less elegantly, another called on Laird to "shut your mouth." A dozen or so letters in this vein are to be found in ISA 383.6 North Vietnam (16-30 Sep), (21-31 Oct), and (1-9 Nov) 72.
35. *Laird Public Statements, 1972, 3268, 3271-72, 3283, 3291-92, 3302; transc, ASD(PA) Morning Press Briefing, 2 Oct 72, TF files.*

#### 17. MAIL AND PACKAGES

1. Ltr Robert C. Lewis (VPresARC) to LtCol Charles F. Kraak (PW/MIA Task Force, OASD (ISA)), 11 Oct 72, msg Geneva 493, 19 Feb 69, msg Geneva 3866, 12 Nov 70: TF files. The final total of letters forwarded by ARC in 1972 is not available. Since Lewis certified that it had reached 995 during September, with only a slight downward trend in the month-to-month figures, it seems safe to say the volume was "above 1,000 letters in 1972."

2. Ltr Sieverts to Sheble, 20 Sep 68, TF files.
3. Msg Moscow 5833, 3 Oct 68, *ibid*.
4. Ltr Sieverts to Harriman, 4 Oct 68, msg Paris 22111 (DELTO 808), 9 Oct 68: *ibid*.
5. Na [US Post Office Dept], "Debriefing Session: Negotiations on Prisoner of War Mail—October 1968," nd, ltr VAdm Charles K. Duncan (ChNavPers) to "Dear Wives and Parents," 20 Nov 68: *ibid*.
6. AP ticker item 68, 26 Nov 68, msg Bern 4984, 20 Nov 68, msg Bern 5094, 2 Dec 68: *ibid*.
7. Msg Paris 25258 (TODEL 1049), 12 Dec 68, msg State 286468 (TODEL 1775) for Paris et al, 13 Dec 68, memo Capt John W. Thornton USN for Charles W. Havens III, 13 Dec 68, memrec Thornton, 13 Dec 68: *ibid*. Thornton was convinced that "Hanoi purposely cut the time short by holding off their answer . . . just to throw a monkey wrench into our plans."
8. Msg State 287247 for Moscow, 14 Dec 68, msg State 287507 for Moscow, 15 Dec 68, ltr E. A. Motin to Sheble, 9 Jan 69: TF files; *Washington Post*, 18 Jan 69.
9. US Post Office Dept, "Meeting on POW Parcels," 3 Jan 69, TF files.
10. Memrec Havens, 19 Feb 69, *ibid*; *Washington Post*, 4 Jul 69.
11. Msg State 122169 (TODEL 3010) for Paris and Moscow, 23 Jul 69, box 25 (Christmas Packages—1970), 79-D317; msg Paris 10947 (DELTO 1952), 18 Jul 69, msg Saigon 14895, 24 Jul 69: TF files; *Washington Post*, 25 Jul 69.
12. Ltr Col J. G. Luther (Directorate of Personnel Services, AF) to "Dear Air Force Next of Kin," 22 Jul 69, msg State 140936 (TODEL 3133) for Paris, 20 Aug 69: TF files.
13. Msg Paris 17095 (DELTO 2273), 5 Nov 69, msg State 187547 (TODEL 3459) for Paris, 5 Nov 69, msg State 200260 (TODEL 3567) for Moscow, 1 Dec 69: *ibid*.
14. Text of DoD statement, 17 Nov 69, *ibid*; *New York Times*, 18 Nov 69.
15. Msg State 3395 (TODEL 3736), 9 Jan 70, box 25 (Christmas Packages—1970), 79-D317; msg Paris 19398 (DELTO 2463), 30 Dec 69, msg Moscow 568, 2 Feb 70: TF files; *Washington Post*, 15 Jan 70.
16. Memo Col Franklin Rose, Jr. (AsstDepDir for Plans & Policy, DCS/P&O AF) for distribution, 23 Jan 70, ltr Luther to "Dear Air Force Next of Kin," 19 Sep 69: TF files; documents, na, "Suggested Items for Packages" and "Suggested Health Items and Dietary Supplements," attach to "Instructions for the Preparation and Mailing of Christmas Parcels to North Vietnam," nd [Nov 69], *ibid*.
17. *New York Times*, 2 Apr 70; msg Vientiane 8323, 28 Dec 70, box 25 (Prisoners: Mail Delivery), 79-D317.
18. Msg FBIS Okinawa for COMUSMACV et al, 090552Z Nov 70, msg State 190952 for Moscow, 21 Nov 70: TF files; memo Epes for Nutter, 8 Apr 71, ISA 383.6 North Vietnam (8-13 Apr 71) (quote).
19. Memrec LtCol William E. Gregerson (PW/MIA Task Force), 7 Apr 71, TF files.
20. PW/MIA Task Force, "PW Package Statistics," 7 Feb 72, *ibid*.
21. PW/MIA Task Force Point Paper, 10 Dec 71 [stamped "SecDef has seen"], SecDef 383.6 Vietnam (Dec 71); msg FBIS Okinawa for FBIS Washington et al, 110254Z Nov 71, TF files; *New York Times*, 11 Nov 71.
22. OASD(PA) News Release No 1080-71, 29 Dec 71, TF files.
23. Msg State 233069 for USDEL France, 30 Dec 71, PW/MIA Task Force Talking Paper, 1 Feb 72 (quote), memrec Col Charles W. Hayward (USDEL France), 5 Jan 72: *ibid*.
24. Msg FBIS Okinawa for COMUSMACV et al, 221617Z Jan 72, *ibid*.
25. Ltr Weiss to "Dear friends," 31 Jan 72, *ibid*.
26. PW/MIA Task Force, "DoD Package Program—Past Practices," nd [7 Feb 72], *ibid*.
27. *Ibid*.
28. Statements developed from data in folder "US PW/MIA Mail Statistics," TF files.
29. Memo Shields for PW/MIA Task Group Members, 22 Nov 72, msg FBIS Okinawa for FBIS Washington et al, 280752Z Nov 72: *ibid*.
30. "US PW/MIA Mail Statistics," *ibid*.
31. Extracts from letters of four PWs, dated 16, 21, 22 Aug and 4 Oct 67, *ibid*.

32. Memo Benjamin Forman (AsstGenCoun) for Paul C. Warnke (ASD(ISA)), 2 Jan 68, memo Thornton for Warnke, 2 Jan 68: ISA 383.6 North Vietnam (1968); memo William W. Hancock (DepGenCoun AF) for ASD(ISA), 20 Dec 67, TF files.
33. Memo Hancock for ASD(ISA), 20 Dec 67, *ibid*.
34. Memo Warnke for SecsMilDepts et al, 17 Jan 68, ISA 383.6 (Jan-Jun 68); memo Forman for Warnke, 2 Jan 68, memo Thornton for Warnke, 2 Jan 68: 383.6 North Vietnam (1968).
35. Ltr Warnke to Margaret W. Schwartz (TreasDept), 30 Jan 68, TF files.
36. Ltrs Schwartz to Warnke, 6 Feb, 21 Jun 68, ISA 383.6 North Vietnam (1968); ltr Schwartz to Warnke, 10 Oct 68, memo J. William Doolittle (ASecAF) for ASD(ISA), 30 Apr 68, memo Warnke for SecsMilDepts et al, 19 Sep 68: *ibid*.
37. Ltr Warnke to Schwartz, 20 Dec 68, TF files.
38. *Ibid*; ltr Schwartz to Warnke, 6 Jan 69, ltr Nutter to Schwartz, 7 Apr 70, ltr Schwartz to Nutter, 17 Apr 70, ltr Edmund C. Ursin (OffGenCoun AF) to Peter A. Knowles (Riggs National Bank), 6 May 69, ltr Knowles to Ursin, 5 Aug 69: *ibid*.
39. PW/MIA Task Force, "PW/MIA Letter Mail Statistics," 31 Dec 72, *ibid*.
40. Msg State 211955 (TODEL 3677) for Paris, 24 Dec 69, memo Col Robert E. Work for Dennis J. Doolin (DepASD(ISA)), 24 Dec 69: TF files.
41. Msg State 4395 (TODEL 3747) for Paris, 9 Jan 70, msg Paris 1270 (DELTO 2560), 3 Feb 70 (quote): *ibid*; *Washington Post*, 19 Jan 70.
42. COLIAFAM press release, "Profiles and Background Information on Peace Escort Delegation to Hanoi and the Committee of Liaison . . ." 13 Sep 72, TF files.
43. *New York Times*, 16 Jan 70.
44. Msg State 231495 for USDEL France, 28 Dec 71, msg State 211995 (TODEL 3677) for Paris, 24 Dec 69, msg State 191993 for USDEL France, 24 Nov 70, ltr Weiss to "Dear friends," 31 Jan 72: TF files.
45. Memo Nutter for SecsMilDepts et al, 18 Feb 70, *ibid*.
46. Dept State *Bulletin*, 16 Mar 70, 347-48; msg State 31603 (TODEL 3955) for Paris, 4 Mar 70, TF files.
47. Memo Nutter for SecDef, 20 Oct 70, msg State 173766 for USDEL France, 21 Oct 70: *ibid*. Blount earned high marks with the U.S. mission staff in Geneva for the effectiveness of his presentation before the governing body of the ICRC, which was reported as having "cemented a firm relationship of mutual confidence between USG and ICRC"; see msg Geneva 3866, 12 Nov 70, *ibid*.
48. Ltr Selden to Blount, 29 Oct 70, ISA 383.6 North Vietnam (1970); ltr Blount to Amb William J. Porter (USDEL France), 20 Sep 71, msg USDEL France 17422, 15 Oct 71: *ibid*.
49. Msg State 22065 for Moscow, 9 Feb 71, TF files; House Cte on For Affs, Subcte on National Security Policy and Scientific Developments, *American Prisoners of War in Southeast Asia, 1971: Hearings*, 92 Cong, 1 sess, 31 Mar 71, 232-33.
50. Msg Moscow 831, 10 Feb 71, msg State 24103 for Moscow, 12 Feb 71, msg Moscow 1980, 31 Mar 71, ltr Sussman to E. A. Motin, 8 Apr 71: TF files.
51. Memrec Maj Dannie M. Jackson, 11 Jan 71, memrec LtCol Gregerson (PW/MIA Task Force), 7 Apr 71: *ibid*.
52. PW/MIA Task Group Briefing Paper, 19 May 71, sub: New PW/MIA Letter Mail Route Via Moscow, draft memo [ASD(ISA)?] for AsstSecsMilDepts (M&RA), nd [May 71]: *ibid*.
53. Msg State 132349 for Moscow, 21 Jul 71, msg Moscow 5218, 23 Jul 71, ltr Sussman to Motin, 28 Jul 71, ltr Motin to Sussman, 12 Aug 71: *ibid*.
54. Memo Epes for BrigGen Robert E. Pursley (MilAsst to SecDef), 30 Jul 71, SecDef 383.6 Vietnam (Jun-Jul 71); PW/MIA Task Force Fact Sheet, nd [ca 1 Sep 71], sub: Reduction in PW Mail from North Vietnam in 1971, TF files.
55. National League of Families News Release, nd [ca 1 Oct 71], sub: Mail from Prisoners of War Sharply Reduced, msg State 200538 for USDEL France, 3 Nov 71: *ibid*; Dept State *Bulletin*, 22 Nov 71, 587.
56. *New York Times*, 5 Nov 71; Dept State *Bulletin*, 20 Dec 71, 704, 27 Dec 71, 730; msg USDEL France 20544, 2 Dec 71, TF files.



57. Msg State 130592 for Vientiane, 20 Jul 71, msg State 231495 for USDEL France, 28 Dec 71: TF files; *New York Times*, 23 Dec 71.
58. *New York Times*, 3 Dec 71; PW/MIA Task Force, "Comments on December 2 Meeting and Press Briefing," nd [3 Dec 71?], TF files.
59. A number of former prisoners mentioned the letter moratorium during debriefing or in their published memoirs; see for example, John A. Dramesi, *Code of Honor*, 220, 240, and Armand J. Myers et al, *Vietnam POW Camp Histories and Studies* (Air War College study, 1974), vol 1, 398-400, PW coll, OSD Hist. See also Rochester and Kiley, *Honor Bound*, 537.
60. Msg State 221031 for USDEL France, 8 Dec 71, msg State 231495 for USDEL France, 28 Dec 71: TF files; *New York Times*, 23 Dec 71.
61. *New York Times*, 23 Dec 71; memo Nutter for SecDef, 23 Dec 71, memo LtGen J. M. Philpott (ActgDirDIA) for SecDef, nd [ca 24 Dec 71]: SecDef 383.6 Vietnam (Dec 71).
62. Ltr Amb Henry Cabot Lodge to Sieverts, 21 Aug 70, msg State 231495 for USDEL France, 28 Dec 71: TF files.
63. Msg Paris 1415 (DELTO 2577), 6 Feb 70, *ibid*; ltr Havens to Sieverts, 15 Feb 69, ISA 383.6 Vietnam (Jan-Jul 69).
64. Msg State 41648 for Algiers, 21 Mar 70, msg State 267409 (TODEL 1491) for Paris, 6 Nov 68, msg State 34057 (TODEL 3979) for Paris, 7 Mar 70: TF files; msg Geneva 493, 19 Feb 69, box 25 (Prisoners: Letters to Relatives), 79-D317.
65. Msg State 191570 for USDEL France, 19 Oct 71, filed with extracts from Sexton debriefing, TF files.
66. Msg State 4055 for USDEL France, 8 Jan 72, PW/MIA Task Force document, "Addressees of Embassy of the Provisional Revolutionary Government of South Vietnam," nd [annotated "Sent to Casualty offices on 10/13/70"]: *ibid*.
67. Memo Shields for Nutter, 1 Feb 72, msg State 18241 for USDEL France, 2 Feb 72: *ibid*; *Washington Post*, 1 Feb 72. In news reports and some internal government correspondence the 541 figure appeared as "451."
68. Msg State 4055 for USDEL France, 8 Jan 72, memo Epes for MajGen V. L. Bowers et al, 20 Jan 72: TF files.
69. Memo Selden for SecsMilDepts, 1 Dec 71, ISA 383.6 (Oct-Dec 71).
70. Memo BrigGen R. B. Carney, Jr. USMC for ASD(ISA), 31 Jan 72, memo Epes for Bowers et al, 24 Mar 72: TF files.
71. PW/MIA Task Force Point Paper, 17 Aug 72, sub: Letter Mail for PW in North Vietnam, *ibid*; memo Shields for Task Group Members, 24 Aug 72, ISA 383.6 (Aug 72); memo Shields for PW/MIA Task Group Members, 22 Sep 72, *ibid* (Sep-Oct 72).
72. Statements developed from log entries in TF file "US PW/MIA Mail Statistics"; memos Sieverts for Marshall Green (ASecState), 23 Mar, 14 Nov 72, box 21 [loose papers], 79-D317.
73. *New York Times*, 26 Jul 72; *Washington Post*, 16 Sep 72; msg State 134787 for Saigon, 25 Jul 72, TF files. Spokesmen for Kennedy took care to publicize the Justice Department's opinion that his correspondence was not a violation of the Logan Act, which forbids private citizens to conduct foreign policy.
74. Log entries in TF file "US PW/MIA Mail Statistics," TF files.
75. National League of Families newsletter, Oct 72, w/attach "Resolutions . . . Approved during the Third Annual Meeting, 14-17 October, 1972," news item clipping, *Philadelphia Inquirer*, 18 Oct 72: TF files.
76. Memo Shields for Sieverts, 16 Oct 72, msg Paris 17830 (DELTO 2317), 18 Nov 69, msg State 194280 for Saigon, 19 Nov 69, msg Paris 18074 (DELTO 2341), 21 Nov 69, msg USDEL France 22832, 29 Nov 72: *ibid*.
77. *New York Times*, 2 Jan 73; PW/MIA Task Force Point Paper, 5 Jan 73, sub: Recent Mail from Prisoners of War, TF files.
78. Memo Epes for BrigGen Daniel James, Jr. (DepASD(PA)), 1 Feb 72, ISA 383.6 North Vietnam (1-4 Feb 72).

## 18. INFORMATION AND ASSISTANCE FOR PW/MIA FAMILIES

1. Memo Laird for SecArmy et al, 1 Mar 69, OASD(PA) News Release No 149-69, 3 Mar 69: SecDef 383.6 (1969).
2. Memo Nutter for SecDef, 19 May 69, memo BrigGen Leo E. Benade (DepASD(M&RA)) for ASD(ISA), 13 Mar 69: *ibid*.
3. Memo Havens for Nutter, 30 Apr 69, ltr Anne M. Wolfkeil et al to DoD PW Policy Cte, 8 Mar 69: ISA 383.6 (1969).
4. Ltr Sybil Stockdale to SecDef, 18 Mar 69, SecDef 383.6 Vietnam (Jan-May 69); Stockdale, "Questions I Wish Someone Would Answer," nd [18 Mar 69] (quote), attach memo Capt Stansfield Turner (ExecAsst to SecNav) for Capen and Havens, 21 Mar 69, ISA 383.6 (1969).
5. Memrec Havens, 5 Apr 69, PW coll, OSD Hist; memrec LtCol Richard O. Rowland, 10 Apr 69, TF files; annotation by Capt John W. Thornton on ltr Wolfkeil et al to DoD PW Policy Cte, 8 Mar 69, ISA 383.6 (1969).
6. OASD(ISA) Fact Sheet, "Briefings for PW/MIA Families," nd [Jun 70?], TF files; memo Havens for DoD PW Policy Cte Points of Contact, 21 Jul 69, ISA 383.6 Vietnam (Jan-Jul 69).
7. The reaction of a wife in Puyallup, Wash., was typical of the sentiments expressed: "It is good to know—at long last—that someone in government really does care"; see ltr Mrs. R. W. Hagerman to Laird, 10 Jul 69, SecDef 383.6 Vietnam (Jun-Jul 69).
8. Memo Havens for Nutter, 6 Aug 69, memrec Thornton, 20 Aug 69: TF files.
9. Transc, News Briefing, Bethesda Naval Hospital, 2 Sep 69, *ibid*.
10. Memo Havens for DoD PW Policy Cte Points of Contact, 4 Sep 69, *ibid*.
11. OASD(ISA) Fact Sheet, "Briefings for PW/MIA Families," nd [Jun 70?], DA Staff Action Summary Sheet, MajGen Karl W. Gustafson for DCS/PER and CofS, nd [Jan 70]: *ibid*. Van Putten is spelled on some official lists as Vanputten.
12. Memos Epes for PW/MIA Task Group, 13, 18 May 71 (quotes): *ibid*.
13. Memo Epes for PW/MIA Task Group, 21 May 71, *ibid*; memo Selden for SecsMilDepts, 27 May 71, ISA 383.6 (Jan-Sep 71).
14. Memo Epes for Nutter, 21 Jun 71, memo Shields for MilAsst to Pres (BrigGen James D. Hughes), 13 Jul 71: TF files.
15. Memo Nutter for SecsMilDepts, 13 Jul 72, ISA 383.6 (Jun-Jul 72).
16. PW/MIA Task Force Weekly Activities Reports, 30 Jun, 25 Aug, and 13 Oct 72, DoD, "Information Pamphlet for Families of United States Servicemen Who Are Prisoners of War or Are Missing in Action in Southeast Asia," nd [Sep 72]: TF files. Though contemplated since January 1972, production of a pamphlet on repatriation procedures had to await Laird's decision in May on the length of time returnees would be held overseas. During the next three months the draft prepared in ISA passed through several stages of revision and service coordination. Laird signified final approval of the text on 22 September 1972 by signing a letter to the families to be reproduced in the pamphlet.
17. Ltr Sybil Stockdale to Laird, 9 Mar 69, SecDef 383.6 Vietnam (Jan-May 69); notes attach to memrec Rowland, 10 Apr 69, TF files.
18. Speaking for the National League of Families, Powers described the work of its Repatriation, Rehabilitation, and Readjustment Committee during testimony given in October 1972. See House Cte on Armed Svcs, *Full Committee Briefing on Project Egress Recap*, HASC No 92-76, 92 Cong, 2 sess, 10 Oct 72, 16676-80.
19. Ltr Carole Hanson (ChBoard, NLOF) to Laird, 20 May 72, TF files; also reproduced in House Cte on Armed Svcs, *Full Committee Briefing on Project Egress Recap*, 16680-85.
20. Memo BrigGen William M. Schoning (DepDir for Plans & Policy, DCS/P&O AF) for Dir PW/MIA Task Force, 6 Jun 72, TF files.
21. Memrec Lindquist, 4 Apr 72, sub: Army, Navy and Marine Corps Assistance to PW/MIA Families, *ibid*.
22. Memo MajGen Verne L. Bowers (TAG) for Dir PW/MIA Task Force, 9 Jun 72, memo RAdm Douglas C. Plate (DepChNavPers) for Dir PW/MIA Task Force, 2 Jun 72: *ibid*.

23. Memo BrigGen R. B. Carney, Jr. USMC for Dir PW/MIA Task Force, 5 Jun 72, memrec Lindquist, 4 Apr 72: *ibid.*
24. Ltr Mrs. William Butler to Laird, 9 Jun 72, SecDef 383.6 Vietnam (Jun-Aug 72). Some of the information in this and subsequent paragraphs is drawn from the coordinated DoD response to the Triple R Committee's May report, as reproduced in House Cte on Armed Svcs, *Full Committee Briefing on Project Egress Recap*, 16692-97. At a Triple R Committee meeting on 23 June 1972, service representatives and PW/MIA Task Force members had responded orally to the recommendations in the May report. One officer recorded that the replies were received favorably for the most part and sometimes generated applause; see memo Lindquist for AFMPC/DPMSC, 29 Jun 72, TF files. The written version of DoD's response is undated but prepared some time after the meeting just cited; it includes final results from circulation of the Air Force questionnaire, which had not been completed in June.
25. Ltr Maerose J. Evans to Laird, 21 Jun 72, SecDef 383.6 Vietnam (Jun-Aug 72); ltr Phyllis S. Corbitt to Col J. G. Luther, 5 Sep 72, TF files. On this matter the Army, Navy, and Marine Corps had each responded that all, or substantially all, of their assistance officers were commissioned personnel; however, next of kin might sometimes find themselves dealing with civilian or enlisted staff members who operated under the assistance officer's direction.
26. Memrec Lindquist, 4 Apr 72, *ibid.*
27. Memo Carney for Dir PW/MIA Task Force, 5 Jun 72, *ibid.*
28. Transc of proceedings, NLOF Repatriation, Rehabilitation, and Readjustment Cte, 25 Mar 72, pt 2, 98-99, *ibid.*
29. DA Pamphlet No 608-33, *Survivor Assistance Officer and Family Services and Assistance Officer Handbook*, Aug 71, 7, reproduced in House Select Cte on Missing Persons in Southeast Asia, *Americans Missing in Southeast Asia: Hearings*, 94 Cong, 2 sess, pt 5, 238-52. During 1971 Iris Powers had served as a consultant to the Department of the Army on PW/MIA family affairs, and DA Pamphlet 608-33 consolidated a number of advances in the Army's thinking and procedures that are generally credited to her influence. Perhaps the most basic was the distinction made, by separate title and description of duties, between the Survivor Assistance Officer, serving relatives of the killed and wounded, and the Family Services and Assistance Officer, who dealt with PW/MIA families. See Powers, "The National League of Families and the Development of Family Services," in Hamilton I. McCubbin et al, eds, *Family Separation and Reunion: Families of Prisoners of War and Servicemen Missing in Action*; OASD(PA) News Release No 264-71, 26 Mar 71, TF files.
30. Memo Zumwalt, "Personal for All Flag Officers, Commanders, Commanding Officers and Officers in Charge," 22 Jun 72, ISA 383.6 Vietnam (Jun 72); memo Ryan for distribution list, 3 Jul 69, sub: Assistance to the Families of USAF Personnel Missing or Captured, TF files.
31. Davis interv with Havens, 5 Nov 82, PW coll, OSD Hist.

#### 19. THE NATIONAL LEAGUE AND OTHER FAMILY ORGANIZATIONS

1. Primary sources for this account of the origin and early activities of the National League of Families are the testimony given by Sybil Stockdale on 1 May 1970, recorded in House Cte on For Affs, Subcte on National Security Policy and Scientific Developments, *American Prisoners of War in Southeast Asia, 1970: Hearings*, 91 Cong, 2 sess, 1 May 70 (hereafter cited as House Cte on For Affs, *American POWs, 1970: Hearings*), 58-62, and Iris R. Powers, "The National League of Families and the Development of Family Services," in McCubbin et al, eds, *Family Separation and Reunion*, 1-4. See also Emma M. Hagerman's description of her early participation in Mrs. Stockdale's group, in House Select Cte on Missing Persons in Southeast Asia, *Americans Missing in Southeast Asia: Hearings*, 94 Cong, 2 sess, 25 Jun 76, pt 5, 20-22, and the part taken by two other wives, recounted in Jeremiah Denton, Jr., *When Hell Was In Session*, 97-98, 210-11, and Blakey, *Prisoner at War*, 222-25. All except Hagerman comment on the government's pre-1969 policy of quiet diplomacy and its advice to PW/MIA families not to

publicize their status. The early records contain few direct expressions of the official attitude toward next-of-kin contacts with the news media, but with the opening of the "Go Public" campaign spokesmen felt free to acknowledge that "such interviews were discouraged in the past"; see ltr Col J. G. Luther to "Dear Air Force Next of Kin," 25 Jul 69, SecDef 383.6 Vietnam (Aug-Sep 69).

2. House Cte on For Affs, *American POWs, 1970: Hearings*, 60.
3. Powers, "The National League of Families," 4-5. Stockdale's statement is from her remarks at the formal opening of the NLOF headquarters on 30 June 1970, in LtCol Charles F. Kraak, "Family Efforts on Behalf of United States Prisoners of War and Missing in Action in Southeast Asia," USAWC Military Research Program Paper (23 May 75), 12, PW coll, OSD Hist.
4. "Articles of Incorporation of National League of Families of American Prisoners and Missing in Southeast Asia," 28 May 70, "Bylaws of National League . . .," nd: PW coll, OSD Hist. Charles Havens, former special assistant (POW Affairs) to ASD(ISA), oversaw the incorporation process. Soon after resuming the private practice of law in February 1970 he had volunteered to serve as general counsel of the National League. His testimony regarding the organization's purposes and legal status appears in House Cte on For Affs, Subcte on National Security Policy and Scientific Developments, *American Prisoners of War in Southeast Asia, 1971: Hearings*, 92 Cong, 1 sess, 23 Mar 71 (hereafter cited as House Cte on For Affs, *American POWs, 1971: Hearings*), 48-49. See also Davis interv with Havens, 5 Nov 82, PW coll, OSD Hist.
5. Kraak, "Family Efforts . . .," 12-13, PW coll, OSD Hist; NLOF, newsletter, nd [Jul(?) 70], TF files; msg Laird for Iris R. Powers, 30 Jun 70, SecDef 383.6 Vietnam (May-Jun 70). State's principal PW/MIA affairs expert advised his superiors a few days after incorporation of the League that "the wives have pressed their cause with considerable adroitness and have won a measure of useful publicity for the cause"; see memo Frank A. Sieverts for USecState (Elliot L. Richardson), 4 Jun 70, sub: PW's—where do we go from here?, box 12 (Summaries, for Secretary, President), 79-D317.
6. Ltr Stockdale to "Dear Wives and Families of the MIA and POW," 25 Oct 69, TF files; House Cte on For Affs, *American POWs, 1970: Hearings*, 61-62.
7. Memrec Maj Barclay Hastings USMC, 22 Jul 70, sub: Minutes of Monthly OSD Committee Meeting on Missing and Captured Personnel, TF files.
8. Memo Jefferson for Nutter, 16 Sep 70, *ibid*; supporting docs include ltr M. K. Choo to Maurice Lien, 16 Aug 70, encl to ltr Lien to Col Robert E. Work (MilAdvisor for PW Affairs OASD(ISA)), 19 Aug 70: *ibid*.
9. Memo Jefferson for MajGen Leo E. Benade (OASD(M&RA)), BrigGen Daniel James, Jr. (OASD(PA)), and Benjamin Forman (AsstGenCoun), 5 Oct 70, TF files; memo Armistead I. Selden, Jr. (ActgASD(ISA)) for SecDef, 6 Jan 71, ISA 383.6 (Jan-Sep 71); memo Packard for SecsMilDepts and CJCS, 8 Jan 71, TF files.
10. Memo Jefferson for Nutter, 16 Sep 70, memo Nutter for SecsMilDepts et al, 1 Oct 70, sub: Meeting of DoD PW Policy Committee on 17 Sep 70: TF files.
11. Memos Selden for SecsMilDepts, 13 Aug 71, 11 Sep 72, *ibid*. Space-available travel for next of kin of the nearly 50 U.S. civilians listed as captured or missing had been proposed by State in ltr Sieverts to Shields, 24 Jul 72, box 25 (Travel on Behalf of PW's), 79-D317.
12. NLOF newsletter, 22 Feb 71, TF files.
13. NLOF newsletter, Dec 72, *ibid*. The standardized language used to refer citizen correspondents to the League appeared as early as May 1971; see ltr Selden to Sen Strom Thurmond, 25 May 71, ISA 383.6 (Jan-Sep 71). For an instance of a League official forwarding the latest version of the membership application to OASD(ISA) with a well-founded expectation that it would reach all next of kin through service channels, see ltr Evelyn F. Grubb (Nat'l Coord NLOF) to Brig Gen Russell G. Ogan USAF (Dir PW/MIA Task Force), 15 Aug 72, TF files; see also memo Ogan for MajGen V. L. Bowers (TAG) et al, 24 Aug 72, *ibid*. Under this system the address of a PW/MIA relative would be received at the NLOF office only if that individual chose to fill out and return the form. Accordingly, when questioned, DoD spokesmen maintained that family mailing lists had never been supplied to the League.

14. See Tab B “Scenario and Suggested Remarks,” Chairman’s Agenda for PW/MIA Task Group Meetings, 15 Jun, 4 Aug 72, TF files; Davis interv with Col Vincent A. DiMauro, USAF (Ret), 29 Mar 83, PW coll, OSD Hist.
15. Memo Laird for Pres, 17 May 71, SecDef 383.6 Vietnam (1971).
16. Memo Nutter for SecDef, 23 Sep 69, *ibid* (Aug-Sep 69).
17. *Nixon Public Papers, 1969*, 901-09.
18. Memo Havens for Nutter, 4 Nov 69, TF files; memo Laird for Pres, 25 Sep 69, SecDef 383.6 Vietnam (Aug-Sep 69).
19. Ltr Stockdale to Pres, 12 Dec 69, *ibid* (Oct-Dec 69); Dept State *Bulletin*, 5 Jan 70, 3-4.
20. Ltr Stockdale to Laird, 11 Apr 70, memo Nutter for Laird, 28 Apr 70: SecDef 383.6 Vietnam (Jan-Apr 70). Laird received the five-woman delegation, all prominent in the National League, in his office on 29 April 1970 and apparently was successful in providing the “straight” answers demanded. In expressing appreciation for the meeting Iris Powers wrote, “we have been much more effective in putting points across with other next-of-kin since then”; see Ltr Powers to Laird, 9 May 70, *ibid* (May-Jun 70).
21. Memo Richardson for Kissinger, 10 Apr 70, TF files.
22. *Nixon Public Papers, 1970*, 373-77 (376, quote); House Cte on For Affs, *American POWs, 1970: Hearings*, 1 May 70, 53 (quote). On 30 April 1970 Nixon announced the attacks against enemy sanctuaries in Cambodia, saying the operation was designed to “protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs”; again the families heard nothing that linked the government’s endeavor directly to their concern for the missing and prisoners of war; see *Nixon Public Papers, 1970*, 405-10 (quote, 406).
23. Memo Sieverts for USecState, 4 Jun 70, box 12 (Summaries, for Secretary, President), 79-D317. Nixon often reaffirmed the objective of keeping the prisoner question separate from other considerations. Besides being among the assurances he gave to the wives and mothers visiting the White House in December 1969, it appeared in his letter to PW/MIA next of kin at Christmas 1970 (drafted by Sieverts). See *Nixon Public Papers, 1969*, 1021, and *1970*, 1157-59; memo Sieverts for SecState, 28 Dec 70, box 12 (Summaries, for Secretary, President), 79-D317.
24. *Washington Post*, 18 Sep 69; memo BrigGen James D. Hughes (MilAsst to Pres) for Richard G. Capen, Jr. (ASD(LA)), 15 Jul 70, memo Capen for Hughes, 20 Jul 70: SecDef 383.6 Vietnam (Jul 70); House Cte on For Affs, *American POWs, 1970: Hearings*, 6 May 70, 88.
25. Ltr Stockdale to Laird, 11 Apr 70, SecDef 383.6 Vietnam (Jan-Apr 70); *Wall Street Journal*, 30 Sep 71, reproduced in House Cte on For Affs, *American POWs, 1971: Hearings*, pt 2, 169-73.
26. Msg North for SecDef, 18 Jan 71, SecDef 383.6 Vietnam (Jan 71).
27. *Ibid*; atchd OSD routing sheet read “No action required—questions were discussed by Mrs. North with Dr. Kissinger at White House meeting”; NLOF, “Meeting with Dr. Kissinger: January 23, 1971 [attendance list],” box 23 (National League of Families), 79-D317.
28. Meetings of NLOF representatives with Kissinger occurred in January, May, July, August, and November 1971, and in January and April 1972. Next of kin besides the League’s board members often attended, and State and Defense representatives were normally present. For procedural details, including the acknowledged hazard of postponement or cancellation, see NLOF newsletters, 22 Feb 71 and 27 Mar 72, PW/MIA Task Force Weekly Activities Report, 27 Aug 71, ltr Carole Hanson to Kissinger, 28 Nov 71: TF files.
29. Memo Packard for Kissinger, 3 May 71, PW coll, OSD Hist.
30. Memo Laird for Pres, 17 May 71, SecDef 383.6 Vietnam (1971).
31. *Washington Post*, 27 May 71.
32. Kraak, “Family Efforts . . .,” 25-26, PW coll, OSD Hist. For the opinions of several next of kin critical of administration policy, including Louise Jones, co-founder of Families For Immediate Release (FFIR), see House Cte on For Affs, *American POWs, 1971: Hearings*, pt 2, 171-73 (172, “in disgust”); a presentation of FFIR’s position, including quotation of its statement of purpose, appears in *Congressional Record*, 92 Cong, 1 sess, 17 Nov 71, 41808-09.
33. Ltr Mrs. Stephen Hanson (POW-MIA International, Inc.) to Members of Congress, 11 Jun 71, reproduced in House Cte on For Affs, *American POWs, 1971: Hearings*, 140-41. Both FFIR

- and POW/MIA International are characterized briefly in J. L. [Joseph Lelyveld], "P.O.W. Politics," *New York Times*, 3 Oct 71.
34. Memo Nutter for SecDef, 5 Jun 71, SecDef 383.6 Vietnam (Jun-Jul 71).
  35. Memo Shields for MilAsst to Pres (Hughes), 13 Jul 71, PW coll, OSD Hist. Army participants in the tour reached a similar assessment of family opinion; see memo MajGen Verne L. Bowers for CSA, 13 Jul 71, TF files.
  36. *New York Times*, 2 Jul 71; text of teleg NLOF to Pres, Kissinger, and Amb David K. E. Bruce, attach to ltr Joan M. Vinson (Nat'l Coord NLOF) to League Members, 14 Jun 71 [date later corrected to 14 Jul 71], TF files.
  37. Memo Shields for MilAsst to Pres, 13 Jul 71, PW coll, OSD Hist.
  38. For the remarks of Ambassador Bruce at successive plenary sessions during July, see Dept State *Bulletin*, 26 Jul 71, 97-98, 2 Aug 71, 136-38, 9 Aug 71, 151, 16 Aug 71, 178-79; *Washington Post*, 13 Sep 71.
  39. Memrec RAdm H. H. Epes, Jr. (Dir PW/MIA Task Force), 9 Sep 71, SecDef 383.6 Vietnam (Aug-Sep 71).
  40. Ibid.
  41. Dept State *Bulletin*, 25 Oct 71, 448-50.
  42. Ibid, 447-48; *New York Times*, 29 Sep 71.
  43. NLOF candidate information and instructions for voting in Board of Directors election, nd [22 Sep 71 deadline for returning ballots], ltr Vinson to Family Members, 13 Oct 71: TF files.
  44. Ltr Vinson to Family Members, 13 Oct 71, TF files.
  45. Memo Sven Kraemer (NSC Staff) for Sieverts and Shields, 21 Dec 72, w/NLOF questions, ibid.
  46. Dept State *Bulletin*, 24 Jan 72, 77; *New York Times*, 28, 29 (editorial) Dec 71.
  47. Memo D.Z.H. and R.E.S. (Henkin and Shields) [no addressee or date but clearly for SecDef, stamped "Sec Def has seen: 12 Jan 1972"], SecDef 383.6 Vietnam (Jan 72).
  48. *Nixon Public Papers, 1972*, 100-06.
  49. Memo Hughes for Pres, 27 Jan 72, SecDef 383.6 Vietnam (Feb 72).
  50. PW/MIA Task Force, Point Paper, 28 Apr 72, sub: League of Families May Meeting, ltr Grubb to "Dear League Members and Concerned Citizens," nd [ca 15 May 72]: TF files.
  51. Ltr Grubb to Laird, 15 May 72, SecDef 383.6 Vietnam (Apr-May 72). Balloting for the three positions was designed to select "members in whom the great majority has complete confidence."
  52. *Nixon Public Papers, 1972*, 583-87.
  53. White House press release, 15 May 72, TF files; *Washington Post*, 16 May 72.
  54. NLOF newsletter, nd [Jan 72], TF files. Also in late January 1972 the POW/MIA Families for Immediate Release opened a political headquarters in Washington. It sought to generate support for the election of candidates who favored imposing a cutoff date for U.S. withdrawal from South Vietnam, subject only to the return of all prisoners and an accounting of the missing; see Kraak, "Family Efforts . . .," 26-27, PW coll, OSD Hist.
  55. Ltr Vinson to League Members, 24 Feb 72, TF files.
  56. *Washington Post*, 4, 12, 13 Jul, 19 Oct 72.

## 20. PW/MIA LEGISLATION AND BENEFITS

1. Ltr Rep L. Mendel Rivers (Ch House Cte on Armed Svcs) to Paul H. Nitze (DepSecDef), 19 Feb 68, ltr Nitze to Rivers, 13 Mar 68: SecDef 580 (1968).
2. Senate Cte on Armed Svcs, Subcte on General Legislation, *Miscellaneous Bills: Hearing*, 92 Cong, 2 sess, 7 Sep 72, 5-32 (quote, 21). In his testimony Lt. Gen. Leo E. Benade, deputy assistant secretary of defense for military personnel policy, expressed DoD's support for four measures to enhance the benefits available to PW/MIAs and their families, though favoring an alternative version in one instance.
3. 37 U.S.C. 552 contains the provision for continuation of pay; ltr R. F. Keller (DepCompGen US) to SecDef, 17 Jul 72, SecDef 383.6 Vietnam (Jun-Aug 72); NLOF newsletter, Aug 72,

TF files, described the effects of the ruling. The comptroller general's decision brought DoD practice into compliance with a provision of PL 90-207, 16 Dec 67, theretofore thought not to apply.

4. The promotion policy followed with virtual unanimity by the military services had been arrived at by common agreement rather than formal directive; authoritative statements regarding it were given to congressional committees from time to time, in such communications as Ltr Benade to Rep F. Edward Hebert (Ch House Cte on Armed Svcs), 22 Feb 72, SecDef 383.6 Vietnam (Jan 72).
5. Dir of Transp, DCS/S&L, AF, document summary, "Space Available Travel for Wives of MIA or Captured Personnel," nd [received 16 Sep 85], PW coll, OSD Hist. The policy first appeared as Change 2, 28 Apr 68, to AR 96-20/OPNAV Instr 4630.10/AFR 76-6, TF files. Memo Nitze for SecsMilDepts, 18 Jan 69, SecDef 383.6 (1969), directed the addition of dependent children, which appeared in AFR 76-6/AR 59-20/OPNAV Instr 4630.10A/MCO 4630.5, 20 May 69, while Change 1 thereto, 4 Jan 71, extended the privilege to dependent parents, pursuant to a decision of 15 Oct 70.
6. Memrec Capt Dean E. Webster USN (Spec Asst for PW Matters, BuPers), 12 Jun 70, sub: Minutes of the June meeting of the OSD Committee on Missing and Captured Personnel, memrec Capt H. D. Mills, Jr. USN (OASD(M&RA)), 22 Jun 70, sub: Social Security Benefits for Servicemen Missing-in-Action: TF files. The problem had been defined and the solution first proposed in memo Curtis W. Tarr (ASecAF) for ASD(M&RA), 25 Feb 70, *ibid*.
7. Memo Armistead I. Selden, Jr. (PrinDepASD(ISA)) for CJCS et al, 17 Aug 71, memo RAdm H. H. Epes, Jr. (Dir PW/MIA Task Force) for distribution list, 19 Aug 71: TF files.
8. Ltr BrigGen Russell G. Ogan (Dir PW/MIA Task Force) to Helene Knapp (Natl Coord NLOF), 18 Jan 73, ISA 383.6 (Jan 73).
9. 38 C.F.R. 9.5(D), 22 Nov 72; DoD published a detailed explanation of the ruling's effect in *Commanders Digest*, 1 Mar 73, 12-13.
10. For a description of the Army's promotion policy and its results see HQDA, *Operation HOMECOMING (formerly EGRESS-RECAP) After Action Report*, nd [Aug 75], 36-38, PW coll, OSD Hist.
11. Ltr Vinson (Natl Coord NLOF) to Robert C. Seamans, Jr. (SecAF), 2 Dec 70, SecDef 383.6 Vietnam (Dec 70).
12. Ltr Benade to Teague, 25 Jan 71, *ibid* (Jan 71).
13. Memo Shields for John Holdridge (NSC Staff), 8 Feb 71, TF files; memo Roger T. Kelley (ASD (M&RA)) for SecDef, 26 Feb 71, SecDef 383.6 Vietnam (Feb 71).
14. PL 89-538, 14 Aug 66; Senate Cte on Armed Svcs, 89 Cong, 2 sess, S Rept No 1422, 29 Jul 66, 1-4.
15. EO 11298, 14 Aug 66.
16. House Cte on Armed Svcs, 90 Cong, 1 sess, H Rept No 707, 27 Sep 67, 1-3; Ltr Frank H. Weitzel (ACompGen US) to SecDef, 19 Oct 66, TF files.
17. Ltr Louise M. Mulligan to Rep L. Mendel Rivers, 20 Dec 68, ISA 383.6 (1969) (quote); Stockdale, *In Love and War*, 144-45, 226; H Rept No 707, 4-5; PL 90-122, 3 Nov 67; Ltr Maj Dean E. Roberts (USAF Accounting & Finance Ctr) to Evelyn F. Grubb, 11 Dec 67, TF files.
18. Memo VAdm Charles K. Duncan (ChBuPers) for Paul C. Warnke (ASD(ISA)), 5 Aug 68, memo Warnke for SecsMilDepts et al, 29 Oct 68: TF files; memo G. Warren Nutter (ASD(ISA)) for SecDef, 19 May 69, SecDef 383.6 (1969); PL 91-200, 26 Feb 70.
19. Memo James P. Goode (DepASecAF) for ASD(ISA), 14 Jun 71, TF files.
20. Memo Shields for Nutter, 21 Jul 72, *ibid*. The further accumulation "for nearly a year" includes the 90-day continuation of interest following the account holder's return to U.S. territory.
21. Memo Tarr for ASD(M&RA), 25 Feb 70, *ibid*.
22. PL 91-584, 24 Dec 70; PL 92-540, 24 Oct 72.
23. Ltr David O. Maxwell (GenCoun HUD) to Rep Sam M. Gibbons, 15 Apr 71, TF files.
24. PL 89-754, 3 Nov 66; DoD information bulletin on Homeowners Assistance Program, nd, TF files; Ltr Benade to Gibbons, 16 Apr 71, SecDef 383.6 Vietnam (Apr-May 71); memo Edward J.

- Sheridan (DepASD(I&L)) for DepASD(M&RA) (Benade), 11 May 71, memo Epes for DepASD (M&RA), 1 Jul 71: TF files.
25. Dir Personnel Services, HQ USAF, "Benefits and Entitlements for Families of Missing in Action and Captured Personnel," nd ["for presentation during March 1970"], PW coll, OSD Hist.
  26. Ltr Rush to Gov George C. Wallace (Alabama), 9 May 72, TF files, which also contain the replies of 30 state governors. ISA had recommended this action and supplied the draft by memo Nutter for DepSecDef, 25 Apr 72, ISA 383.6 (Apr-May 72). See also ltr Walter S. McLin III to Gov William T. Cahill (New Jersey), 26 Jul 72, TF files.
  27. Memo Bartimo for Benade, 9 May 72, TF files; see also J. Robert Nelson, "The Legal Plight of the PW/MIA Family," in McCubbin et al, eds, *Family Separation and Reunion*, 58-60.
  28. Memo Bartimo for DepASD(M&RA), 9 May 72, TF files; memo Benade for Dir PW/MIA Task Force (Epes), 16 May 72, memo Epes for DepASD(M&RA), 30 May 72: ISA 383.6 (Apr-May 72).
  29. Memo Laird for SecArmy et al, 1 Mar 69, SecDef 383.6 (1969).
  30. Ltr Col Harold H. Maness (OASD(M&RA)) to Jeanette Connell, League of Wives of American Vietnam Prisoners of War, 6 Jan 70, TF files.
  31. Memo James D. Hittle (ASecNav) for ASD(ISA), 23 Apr 70, *ibid*.
  32. Memo Ralph H. Jefferson (SpecAdvisor for PW Affairs to ASD(ISA)) for Nutter, 16 Sep 70, memo Nutter for SecsMilDepts et al, 9 Oct 70: *ibid*.
  33. Memo Nutter for SecsMilDepts et al, 22 Dec 70, ISA 383.6 North Vietnam (1970).
  34. Ltr L. Niederlehner (ActgGenCoun) to Rep L. Mendel Rivers, 27 Aug 69, TF files.
  35. Ltr Carole Hanson (ChBoard, NLOF) to Laird, 20 May 72, *ibid*.
  36. The DoD response to the NLOF recommendations, first given in an oral presentation on 23 June 1972, was put in writing and is reproduced in House Cte on Armed Svcs, *Full Committee Briefing on Project Egress Recap*, HASC No 92-76, 92 Cong, 2 sess, 10 Oct 72, 16695.
  37. Memo BrigGen William M. Schoning (DepDir for Plans & Policy, DCS/P&O AF) for Dir PW/MIA Task Force, 20 Dec 72, TF files.
  38. Msg FICEUR (NAS Jacksonville, Fla) for COMNAVINTCOM, 110021Z Oct 72, *ibid*; text repeated verbatim in encl to memo Ogan for PW/MIA Task Group, 16 Nov 72, ISA 383.6 (Nov-Dec 72).
  39. Ogan memo cited in note 38 (quotes). On the retroactive deposit of excess funds in USSDP accounts, see memo Benade for AsstSecsMilDepts(M&RA), 7 Apr 70, sub: Policy Guidance for Implementation of Public Law 91-200, TF files.
  40. Memo MajGen David E. Ott USA (Dir Vietnam Task Force, OASD(ISA)) for Ogan, 27 Nov 72, *ibid*; for an early example of the cautionary note, see memo Arthur W. Allen, Jr. (DepASecArmy) for Ch DoD PW Policy Cte, 13 Mar 69, ISA 383.6 (1969).
  41. Memo Col E. A. Parnell (Exec G-1, HQ USMC) for Ch PW/MIA Task Group, 29 Nov 72, memo MajGen Verne L. Bowers (TAG) for Alternate Ch PW/MIA Task Group, 2 Jan 73, memo RAdm Robert B. Baldwin (DepChNavPers) for Ogan, 28 Nov 72, memo Col Ray A. Dunn, Jr. (Ch Global Plans & Policy Div, DCS/P&O AF) for Dir PW/MIA Task Force, 28 Nov 72: TF files.
  42. NLOF transc, "Discussion with Lt. Mark Gartley re RRR Committee," nd [ca 15 Oct 72], 2 (quote), 6-8 [all in second series of page numbers], memo Robert C. Seamans, Jr. (SecAF) for ASD(ISA), 18 Dec 72: *ibid*.
  43. NLOF transc, "Discussion with Lt. Mark Gartley . . ." 30-31 [first series of page numbers] ("to somehow . . ."), *ibid*; ltr Rep Peter N. Kyros to Laird, 24 Jan 73, SecDef 383.6 Vietnam (Jan 73), and ltr Hebert to Roger T. Kelley, 2 Feb 73, TF files. Both the Kyros and Hebert letters forwarded a letter received from Gartley, enclosing his listed proposals (quotes); see also *Congressional Record*, 93 Cong, 1 sess, 119, pt 2, 29 Jan 73, 2420-21.
  44. Ltr Kelley to Hebert, 23 Feb 73, TF files.
  45. *Ibid*.
  46. See, for example, memo Frank J. Sherlock (Dir LegisRefServ, OffGenCoun) for SecArmy et al, 8 Mar 73, *ibid*; ltr William P. Clements, Jr. (DepSecDef) to Sen Edmund S. Muskie, 1 Oct 73, SecDef 383.6 Vietnam (Jul-Dec 73); and, regarding the 1977 instance, memo Werner Windus (Dir LegisRefServ, OffGenCoun) for SecArmy et al, 10 Mar 77, TF files.



## 21. NEGOTIATIONS FOR PEACE

1. *Johnson Public Papers, 1968-69*, 1:25-26.
2. *Ibid*, 469-70.
3. *Ibid*, 492; *New York Times*, 4 Apr 68.
4. Harriman's statements in the Paris meetings of 13, 15, and 18 May 1968 appear in *Dept State Bulletin*, 3 Jun 68, 701-09; see particularly 707-09 for his marshaling of "massive and unassailable evidence" in response to the "perfidious calumny" charge.
5. *Johnson Public Papers, 1968-69*, 2:1099-1103 (quote, 1100).
6. See Chester L. Cooper, *The Lost Crusade: America in Vietnam*, 402-07; George C. Herring, *America's Longest War: The United States and Vietnam, 1950-1975* (2d ed), 216-19; *Dept State Bulletin*, 2 Dec 68, 563-64.
7. *New York Times*, 17, 20 Jan 69.
8. Richard M. Nixon, *RN: The Memoirs of Richard Nixon* (hereafter cited as *Nixon Memoirs*), 298. Although news accounts tended to give the opposite impression, Nixon denied ever saying that "I had a 'plan,' much less a 'secret plan,' to end the war."
9. Kissinger, *White House Years*, 234, 257-58. Unusual insight into Kissinger's thought was provided by an article he wrote before his selection as a presidential assistant but not published until the month his service began; see Kissinger, "The Viet Nam Negotiations," *Foreign Affairs*, 47 (Jan 69), 211-34 (it contains no reference to prisoners of war).
10. NSDM 9, 1 Apr 69, and "A General Strategy and Plan of Action for Viet-Nam Negotiations" (quotes), encl to memo Jeanne W. Davis (NSC Secretariat) for Office of the Vice Pres et al, 14 Apr 69, SecDef 092 Vietnam (1969).
11. *Nixon Public Papers, 1969*, 369-75 (quotes, 372, 373).
12. Text of proposal submitted at the Paris conference by the chief NLF delegate, 8 May 69, in Senate Cte on For Rels, *Background Information Relating to Southeast Asia and Vietnam* (7th rev ed), Cte Print, 93d Cong, 2d sess (hereafter cited as *Background Information*), 628-30.
13. *Nixon Memoirs*, 390-92. After stating at a news conference on 14 March 1969 that it would be his policy not to comment on press speculation about negotiations in private channels or otherwise discuss the subject, Nixon continued: "I trust there will be private talks . . . I think that is where this war will be settled—in private rather than in public"; see *Nixon Public Papers, 1969*, 210.
14. Kissinger, *White House Years*, 277-80 (quotes, 279, 280).
15. *Ibid*, 281-83 (quote, 283); *Nixon Memoirs*, 393-94, 397.
16. *Nixon Public Papers, 1969*, 901-09 (quotes, 903, 906); also see 910-11 for texts of the Nixon letter to Ho Chi Minh, 15 Jul 69, and Ho's reply, 15 Aug 69.
17. *Ibid*, 1970, 374; 1972, 30.
18. Memo Kissinger for Pres, 10 Sep 69, in *White House Years*, 1480-82.
19. *Nixon Public Papers, 1969*, 905, 1021; DoD (ISA/JtStaff) Policy Paper, 29 Apr 70, sub: US Prisoners of War, attach to memo G. Warren Nutter (ASD(ISA)) for SecDef, 1 May 70, SecDef 383.6 Vietnam (1970).
20. *Nixon Public Papers, 1971*, 162; 1972, 4, 830.
21. *Ibid*, 1969, 1021.
22. Memo Laird for Pres, 16 Jan 71, SecDef Vietnam 333 Laird (1971); memo RAdm Daniel J. Murphy (MilAsst to SecDef) for DepAsst to Pres for NatSecAffs, 12 Jul 71, SecDef 092.2 Vietnam (1971); annotation by BrigGen Robert E. Pursley (MilAsst to SecDef) on memo (CM-1197-71) Adm T. H. Moorer (CJCS) for SecDef, 10 Sep 71, SecDef 383.6 Vietnam (1971); memo Laird for Kissinger, 16 Nov 71, *ibid* (16-30 Nov 71); ltr Laird to Rogers, 8 Mar 72, SecDef 092.2 Vietnam (Mar 72).
23. Memo Laird for Pres, 20 Dec 69, SecDef 383.6 Vietnam (Oct-Dec 69); msg State 31590 for Paris and Saigon (TODEL 3953), 3 Mar 70, TF files.
24. Memo Pursley for ASD(ISA), 29 Dec 69, SecDef 383.6 Vietnam (Oct-Dec 69); ltr Nutter to Elliot L. Richardson (USecState), 19 Jan 70, *ibid* (Jan-Apr 70).
25. *Dept State Bulletin*, 21 Dec 70, 737-45 (quote or paraphrase from 740, 744-45).

26. Mme. Binh's 8-point proposal of 17 September 1970 appears in *Background Information*, 638-40.
27. OASD(ISA) Fact Sheet, "DRV/PRG Position on Prisoners of War," nd [ca 25 Feb 71], TF files.
28. Dept State *Bulletin*, 12 Oct 70, 408-10 (quote, 408). Binh's Point 2 declared that "the question of Vietnamese armed forces in South Vietnam shall be resolved by the Vietnamese parties among themselves"; see *Background Information*, 638.
29. *Nixon Public Papers, 1970*, 825-26 (as printed there, a number of key sentences are italicized). When responding the following day to newsmen's questions about the international reaction to his speech, the president said, "we offered a total withdrawal of all of our forces, something we have never offered before, if we had mutual withdrawal on the other side"; see *ibid*, 830. A news conference on 17 February 1971 was the first of several occasions during that year when Nixon made the linkage even more explicit (*ibid*, 1971, 162).
30. *Ibid*, 1970, 826-27 (italics omitted).
31. William Safire, *Before the Fall*, 284-85.
32. Kissinger, *White House Years*, 439-44; for the Gallup Poll referred to by Le Duc Tho, see *New York Times*, 15 Feb 70.
33. Kissinger, *White House Years*, 44-46, 975-79.
34. *Ibid*, 979.
35. *Ibid*, 1017-19; for text of the U.S. proposal of 31 May 1971 see 1488-89 (quote, 1488).
36. Kissinger, *White House Years*, 1021-23 (quote, 1023).
37. *Ibid*, 1489.
38. *Ibid*, 1023, 1035.
39. *Ibid*, 1019, 1028, 1030.
40. Thieu's margin of victory has been variously computed. The figure given is drawn from the detailed account of the election campaign in *Keesing's Contemporary Archives, 1971*, 24945-48A.
41. Kissinger, *White House Years*, 1039-40, 1489-90 (quote, 1490). Text of the U.S. proposal of 11 October 1971 also appears in *Nixon Public Papers, 1972*, 105-06.
42. Kissinger, *White House Years*, 1040-41. For summaries of the messages exchanged during October and November 1971 regarding a possible Kissinger-Le Duc Tho meeting, see msg USDEL Paris 1893, 31 Jan 72, TF files.
43. *New York Times*, 23 Jun 71; *Keesing's Contemporary Archives, 1972*, 25167. The *New York Times* noted that the Senate's action "represented the first major victory of critics of the Vietnam War in months of attempting to find some legislative formula to end the war." In its original form the Mansfield Amendment never received the approval of both houses of Congress, but in November a compromise version was enacted as an attachment to the Military Procurement Act of 1971. It still urged the president to establish a "final date" for the withdrawal of U.S. forces but with the nine-month time limit deleted. When signing the act Nixon declared that the amendment "expresses a judgment about the manner in which the American involvement in the war should be ended. However, it is without binding force or effect" (*Nixon Public Papers, 1971*, 1114).
44. *New York Times*, 9 Jun 71; *Washington Post*, 9 Jun 71.
45. *New York Times*, 2 Jul 71.
46. *Ibid*; memo Thomas M. Constant (DepDir Vietnam Task Force, OASD(ISA)) for Nutter, 2 Jul 71, SecDef 092.2 Vietnam (1971).
47. *Washington Post*, 2 Jul 71; OASD(ISA) Vietnam Task Force, "Talker for MG Karhohs," 9 Jul 71, SecDef 092.2 Vietnam (1971).
48. For a plenary session statement by Ambassador Bruce on 29 July 1971, including comment on the "positive response" charge, see Dept State *Bulletin*, 16 Aug 71, 178-79.
49. OASD(ISA) Talking Paper, nd [7 Jan 72], sub: The Enemy's Terms for Release of the PW's, and atchd resume ["prepared at Secretary Laird's request"], 7 Jan 72, SecDef 383.6 Vietnam (Jan 72); *Washington Post*, 17 Sep 71; msg USDEL France 600, 11 Jan 72, PW coll, OSD Hist.
50. *Nixon Public Papers, 1972*, 5; *New York Times*, 7, 21 Jan 72; OASD(ISA) Talking Paper, nd [7 Jan 72], SecDef 383.6 Vietnam (Jan 72).
51. *Nixon Public Papers, 1972*, 100-06.
52. *Ibid*, 376-79.

53. Nixon described the invasion and his initial orders for counteraction in an address on 26 April 1972 (*Nixon Public Papers, 1972*, 550-54); his speech of 8 May 1972 appears on 583-87 (quote, 585). For a front-line account of the part played by U.S. advisers and the support received from U.S. naval gunfire, see Col. G. H. Turley, USMCR (Ret), *The Easter Offensive: Vietnam, 1972*.
54. *Nixon Public Papers, 1972*, 640-41 (quote, 641). A few weeks later *Pravda* revealed that the decision to receive the American president had encountered some opposition within the upper levels of Soviet officialdom, but the meetings had gone forward “despite obstructionist actions by rightist and leftist foes of relaxation.” Western observers read other portions of the *Pravda* article as an attempt to discount speculation that a secret deal had been struck over Vietnam; see *New York Times*, 16 Jun 72.
55. Marvin Kalb and Bernard Kalb, *Kissinger*, 336-37; see also Hedrick Smith’s dispatch, *New York Times*, 17 Jun 72. However, Kissinger’s references to the Podgorny mission are more tentative in crediting the Soviet emissary with a major role; Kissinger, *White House Years*, 1251, 1253, 1303.
56. Editorial, *Nhan Dan*, 17 Aug 72, in Gareth Porter, ed, *Vietnam: The Definitive Documentation of Human Decisions*, vol 2, 569-70 (570, quote).
57. Msg USDEL France 10568, 2 Jun 72, TF files.
58. Kissinger, *White House Years*, 1343-49; Kalb and Kalb, *Kissinger*, 353-54. A summary of Le Duc Tho’s proposal of 8 October 1972 as broadcast later by Radio Hanoi appears in *Background Information*, 484-85.
59. Kissinger, *White House Years*, 1350-55, 1357; Kalb and Kalb, *Kissinger*, 356-58.
60. Kalb and Kalb, *Kissinger*, 357-58; Kissinger, *White House Years*, 1358, 1378-79, 1390-91; *Nixon Memoirs*, 697 (quote).
61. *Background Information*, 486; Kissinger, *White House Years*, 1388-89, 1391-92 (quote, 1388).
62. Statement by the Democratic Republic of Vietnam, 26 Oct 72, *Background Information*, 484-87 (quotes, 485, 487).
63. Dept State *Bulletin*, 13 Nov 72, 549-58 (quote, 552; also 549: “We believe that peace is at hand”).
64. Kissinger, *White House Years*, 1354-55, 1371; *Background Information*, 486 (quote); see also Gareth Porter, *A Peace Denied: The United States, Vietnam, and the Paris Agreement*, 122-23, 128-29.
65. Kissinger, *White House Years*, 1415-17; msg USDEL France 10568, 2 Jun 72 (quote), Foreign Broadcasting Information Service, “FBIS Trends: Indochina,” 8 Nov 72; TF files. For Operations Enhance and Enhance Plus, see William E. Le Gro, *Vietnam from Cease-Fire to Capitulation*, 17; Kalb and Kalb, *Kissinger*, 388-89; Porter, ed, *Vietnam: The Definitive Documentation*, vol 2, 583-84. In the work last cited, see also 603-04 for official acknowledgement of the U.S. purpose in transferring ownership of the bases.
66. Kissinger, *White House Years*, 1417-18, 1444-45.
67. *Ibid*, 1418, 1434-36, 1442-44, 1449-50; Porter, *A Peace Denied*, 153-55; Kalb and Kalb, *Kissinger*, 406-07, 409-10.
68. Dept State *Bulletin*, 8 Jan 73, 33-41 (quotes, 36, 37); *Nixon Memoirs*, 720-22, 734.
69. Kissinger, *White House Years*, 1457.
70. *Ibid*, 1457-59 (quote, 1459); *Nixon Public Papers, 1972*, App B, 21 (quote); transc, White House news conference, 30 Dec 72, SecDef 092.2 Vietnam (Nov-Dec 72).
71. Kissinger, *White House Years*, 1461-66. For Le Duc Tho’s statement on arriving in Paris, which Kissinger describes as “bloodcurdling,” see msg USDEL France 370, 7 Jan 73, TF files.
72. *Nixon Memoirs*, 736-37, 749-51 (quote, 737); Kissinger, *White House Years*, 1470.
73. *Nixon Public Papers, 1973*, 18-20.
74. Text and Protocols, “Agreement Ending the War and Restoring Peace in Vietnam,” 27 Jan 73, Dept State *Bulletin*, 12 Feb 73, 169-88 (quote, 170).
75. *Ibid*, 174-77 (quote, 175); “Briefing Paper on Interpretations of the Paris Peace Agreement by State Department Legal Adviser George Aldrich, February 1973,” in Porter, ed, *Vietnam: The Definitive Documentation*, vol 2, 601-08 (quote, 603). The “foreign countries mentioned” were also the ones whose military personnel and war materials were to be withdrawn within 60 days. For this purpose the U.S. interpretation also included “countries such as the Republic of China and the United Kingdom which provided advisory units to military, para-military or

police activities," and certain elements of the Cambodian armed forces that were being trained in South Vietnam.

76. Dept State *Bulletin*, 12 Feb 73, 155-69 (Kissinger quotes, 156), and 175 (quote).
77. Dept State *Bulletin*, 12 Feb 73, 169-70, 173-74; Kissinger, *White House Years*, 1380; Porter, ed, *Vietnam: The Definitive Documentation*, vol 2, 604 (quote).
78. Dept State *Bulletin*, 12 Feb 73, 175-76 (quotes, 175); Porter, ed, *Vietnam: The Definitive Documentation*, vol 2, 607-08.
79. Dept State *Bulletin*, 12 Feb 73, 175-76.
80. *Ibid*, 172.
81. *Ibid*, 172-73, 176 (quote); memrec Davis, 1 Jul 87, interv with Roger E. Shields, 25 Jun 87, PW coll, OSD Hist.
82. Dept State *Bulletin*, 12 Feb 73, 170 (quote), 172, 176 (quote).
83. Porter, ed, *Vietnam: The Definitive Documentation*, vol 2, 604-05. The agreement's delineation of ICCS responsibilities listed Article 8(a) and (c), but not 8(b); see Dept State *Bulletin*, 12 Feb 73, 172-73.
84. Memo Laird for Kissinger, 26 Jul 72, SecDef 383.6 Vietnam (Jun-Aug 72).
85. *Ibid* (Laird quote); memo Sieverts for Amb [U. Alexis] Johnson (USecState for PolAffs) and Amb [William H.] Sullivan (Ch Ad Hoc Group on Vietnam), 2 Nov 72, PW coll, OSD Hist.
86. Memo Laird for Kissinger, 10 Nov 72, SecDef 092.2 Vietnam (1972).
87. OASD(ISA) Position Paper, nd ["Sec Def has seen, 7 Nov 1972"], sub: Modalities for Release of Prisoners of War, SecDef 383.6 Vietnam (Nov-Dec 72); PW/MIA Task Force Position Paper, 2 Nov 72, same sub, TF files.
88. Interdepartmental Study Panel, "Prisoner Release and Repatriation in Indochina," Apr 72, TF files; memo Shields for Nutter, 1 Nov 72, ISA 383.6 (Nov-Dec 72).
89. Memrec Davis, 26 Mar 82, interv with Murphy, 25 Mar 82, PW coll, OSD Hist.
90. Memo Murphy for Laird, 13 Sep 71, SecDef 383.6 Vietnam (1971) (quote); memrec Davis, 1 Jul 87, interv with Shields, PW coll, OSD Hist. See also Elmo R. Zumwalt, Jr., *On Watch: A Memoir*, 396-97.

## 22. OPERATION HOMECOMING

1. Memo Laird for SecsMilDepts et al, 8 Jan 73, SecDef 383.6 Vietnam (Jan 73). Laird commented on the Woodward appointment and preparations for Homecoming during a televised interview on 26 January 1973; see *Public Statements of Secretary of Defense Melvin R. Laird, 1973*, 259-62.
2. Outline, "Briefing on PW/MIA Situation," nd [ca 25 Jan 73], and PW/MIA Task Force Weekly Activities Report, 26 Jan 73, which describes it as "prepared . . . for Chairman of the PW/MIA Task Group [Roger E. Shields] to brief Secretary Richardson": TF files.
3. Memo Cdr R. A. Mauldin for Dir PW/MIA Task Force, 29 Jan 73, sub: PW/MIA Activities Report (270530 Jan 73 - 282200 Jan 73), msg USDEL France 2075 for JCS, SecState, and AFMPC, 271853Z Jan 73: TF files; memo Sieverts for Amb [U. Alexis] Johnson (USecState for PolAffs), 26 Jan 73, sub: Informing families of U.S. civilians missing or captured in Indochina, box 31 (Operation Homecoming—Lists 1973), 79-D317.
4. Outline, "Briefing on PW/MIA Situation," nd, TF files.
5. *Nixon Public Papers, 1973*, 54. The Department of State extracted this portion of the Nixon press conference for immediate dispatch to the embassy in the Philippines; see msg State 18646 for Manila, 31 Jan 73, box 31 (Operation Homecoming—Lists 1973), 79-D317.
6. Transc, News Briefing by Friedheim and MajGen Daniel James, Jr., DepASD(PA), 26 Jan 73, TF files.
7. Teleg, Roderick W. Beaton, Pres UPI, to Richardson, 30 Jan 73, SecDef 383.6 Vietnam (Jan 73).
8. Ltr Richardson to Beaton, 31 Jan 73, msg SecDef 8483 for AIG 8797 and COMUSMACV, 032359Z Jan 73 [sic; actually 3 Feb 73; also, document is filed by its erroneous date]; *ibid*. The secretary used most of the same text when replying to a more heated communication from the

- managing editor of the *New York Times*, who objected to “the Department’s total clampdown on covering both civilian and military prisoners of war processed through Clark Field”; see teleg A. M. Rosenthal to Richardson, 30 Jan 73, and ltr Richardson to Rosenthal, 31 Jan 73, *ibid*. The National League of Families reacted strongly to news accounts of the UPI’s requests, advising Richardson that “neither the news media nor any other outside influence should be allowed to delay” or disrupt the orderly processing of the returnees; see ltr Phyllis E. Galanti (ChBoard, NLOF) to Richardson, 5 Feb 73, SecDef 383.6 Vietnam (1-15 Feb 73).
9. 13th Air Force JHRC After Action Rpt, 6 Jun 73, 1-2 and 10-12, TF files. The account of the center’s operations given here relies heavily on this source, hereafter cited as 13AF JHRC AARpt. For the change of name to JHRC (formerly JCPC), see msg SecDef 7465 for AIG 8797, 022158Z Feb 73, and msg CINCPAC for CINCUSARPAC et al, 052234Z Feb 73, *ibid*.
  10. 13AF JHRC AARpt, 12 (quote) and Encl 13, 20, *ibid*.
  11. *Ibid*, Encl 13, 1, *ibid*.
  12. Msg 13AF/JIB/Clark AB for CINCPAC, 281016Z Jan 73, TF files.
  13. *Chicago Tribune*, 30 Jan 73; *Omaha World-Herald*, 30 Jan 73.
  14. Msg CINCPAC for 13AF Clark AB, 010420Z Feb 73, TF files. For examples of correspondence on the subject, see ltr Ogan to Mrs. C. G. Cherney, DePere, Wis., 13 Feb 73, ISA 383.6 (1-13 Feb 73); ltr Sen Carl T. Curtis to LtCol Charles Arquette USAF, Senate Liaison Officer, 6 Feb 73, and text of reply prepared in OASD(PA) HOMECOMING Information Center, *ibid*.
  15. Msg 13AF/JIB/Clark AB for JCS/SecDef, 091040Z Feb 73, *ibid*.
  16. Msg CINCPAC for COMUSMACV and 13AF, 060016Z Feb 73, msg 13AF/JIB/Clark AB for JCS/SecDef, 071504Z Feb 73, “Highlights of 8 Feb 2PM Clark Press Conference [Shields and Sieverts],” nd [8 Feb 73]: TF files.
  17. Msg Chief USDEL FPJMC (MajGen Gilbert H. Woodward USA) for COMUSMACV, 021850Z Feb 73, PW coll, OSD Hist; Walter Scott Dillard, *Sixty Days to Peace*, 57-59, 71-72. Written with intimate knowledge of both the events and the records of the U.S. delegation, Dillard’s account serves as a main source for activities of the FPJMC and negotiations to resolve delays in the prisoner release.
  18. Msg Chief USDEL FPJMC for COMUSMACV, 031510Z Feb 73, memo Ogan for Dir Vietnam Task Force, OASD(ISA), 3 Feb 73: TF files.
  19. Memos Ogan for Dir Vietnam Task Force, 9, 10 Feb 73, *ibid*.
  20. Dillard, *Sixty Days to Peace*, 72-73.
  21. *Ibid*, 73, 74; memo Lawrence S. Eagleburger (ActgASD(ISA)) for RAdm Daniel J. Murphy (MilAsst to SecDef), nd [10 Feb 73], 13AF JHRC AARpt, 15-16: TF files.
  22. Msg CINCPAC for JCS/NMCC et al, 102329Z Feb 73, JIB press release, “Reception Support Team,” 10 Feb 73, 13AF JHRC AARpt, Encl 11, 1-2, and Encl 15, 5-6: *ibid*. Enclosure 15 is the 63-page report of Colonel Dennett, which includes a 23-page oral history statement he made on 15 February 1973.
  23. 13AF JHRC AARpt, Encl 15, 6, *ibid*.
  24. 13AF JHRC AARpt, 16, and Encl 15, 7, 14-16, 20, *ibid*; Dillard, *Sixty Days to Peace*, 73-74.
  25. Dillard, *Sixty Days to Peace*, 75; 13AF JHRC AARpt, Encl 15, 20-22, TF files.
  26. OASD(ISA) HOMECOMING Command Center Log Book entry, 12 Feb 73 (quote), TF files; Dillard, *Sixty Days to Peace*, 75; 13AF JHRC AARpt, Encl 3, 8-9, and Encl 15, 23, TF files.
  27. 13AF JHRC AARpt, Encl 15, 15-19, 21-22, TF files. For more detailed treatment of the inspection issue, see Dillard, *Sixty Days to Peace*, 75-76, and, especially, msg Saigon 2346, 15 Feb 73, box 16 (Red Cross—Visits 1973), 79-D317.
  28. 13AF JHRC AARpt, Encl 15, 23, TF files; Dillard, *Sixty Days to Peace*, 74.
  29. The following account of this release, including Woodward’s actions in Saigon, is drawn from msg Chief USDEL FPJMC for COMUSMACV, 121725Z Feb 73, PW coll, OSD Hist; *New York Times*, 13 Feb 73; *Washington Post*, 13 Feb 73; and Dillard, *Sixty Days to Peace*, 77-81 (quote, 77).
  30. Dept State, “Eight U.S. Civilians Released at Loc Ninh, SVN, Feb 12,” nd, box 31 (Operation Homecoming 1973), 79-D317; memo LtCol Lawrence Robson USAF (DepChief USDEL FPJMT) for FPJMT Staff, 10 Apr 73, 13AF JHRC AARpt, 16: TF files.

31. *New York Times*, 13 Feb 73; *Washington Post*, 13 Feb 73; AP ticker items 37 and 40, 12 Feb 73.
32. Msg 13AF/JHRC/Clark for AIG 7942 and JCS/DIA, 121300Z Feb 73, TF files.
33. Memo Murphy for Richardson, 13 Feb 73, SecDef 383.6 Vietnam (1-15 Feb 73); memos Ogan for Dir Vietnam Task Force, 15, 16 Feb 73, 13AF JHRC AARpt, 17; TF files. For Kissinger's account of his consultations in Hanoi beginning 10 February 1973, see *Years of Upheaval*, 24-43, including brief mention of PW/MIA cases and the 20-man release, 33-34.
34. Memo VAdm V. P. de Poix (Dir DIA) for SecDef, 9 Mar 73 (quote), SecDef 383.6 Vietnam (1-15 Mar 73); 13AF JHRC AARpt, Encl 15, 27-30, TF files.
35. Dillard, *Sixty Days to Peace*, 83-86; msg Saigon 3109, 270935Z Feb 73, PW coll, OSD Hist; memo BrigGen Paul Krause USAF (DepDir for Opns, NMCC) for SecDef, 27 Feb 73, SecDef 383.6 Vietnam (20-28 Feb 73).
36. Transc, "News Conference at the White House with Ron Ziegler, . . . February 27, 1973," TF files.
37. *Washington Post*, 28 Feb 73; OASD(PA) release "For Correspondents," 28 Feb 73, and AP ticker items forwarded by memo Murphy for Richardson, 28 Feb 73, SecDef 383.6 Vietnam (20-28 Feb 73).
38. OASD(PA) transc, Morning Briefing, 1 Mar 73, transc, "News Conference at the White House with Ron Ziegler at 12:53 P.M. EST, March 1, 1973": TF files.
39. Dillard, *Sixty Days to Peace*, 88-89; 13AF JHRC AARpt, 17-18 and Encl 15, 31-34, TF files.
40. 13AF JHRC AARpt, Encl 15, 39-42 (Diehl quote, 42), TF files. Prior to takeoff Schwinn had also received a rose plucked from their tiny prison garden by the ranking U.S. civilian PW, Philip Manhard; see Monika Schwinn and Bernhard Diehl, *We Came to Help*, 250, 255 (the nurses' corsage is not mentioned here).
41. 13AF JHRC AARpt, Encl 19 and Encl 15, 43-44; Dillard, *Sixty Days to Peace*, 91.
42. 13AF JHRC AARpt, Encl 15, 45-47, TF files.
43. Memo (JCSM-41-73) JCS for SecDef, 31 Jan 73, SecDef 383.6 Vietnam (Jan 73).
44. Ibid; msg Hong Kong 2395 for CINCPAC et al, 120640Z Mar 73, msg Hong Kong 2547 for CINCPAC et al, 150715Z Mar 73: box 31 (Returnees/U.S.—General 1973), 79-D317.
45. Memo Col V. A. DiMauro (ActgDir PW/MIA Task Force) for Dir Vietnam Task Force, 16 Mar 73, TF files. Actually 442 Americans had come back, but at this time the official accounting omitted Downey, whose captivity was unrelated to the Southeast Asian hostilities. However, in later statistical summaries (such as the table on p. 511) Downey was included in the total figure for U.S. civilians returned.
46. Dillard, *Sixty Days to Peace*, 91-92; msg USDEL France 2551 for JCS/NMCC et al, 011612Z Feb 73, TF files.
47. Dillard, *Sixty Days to Peace*, 92-93; msg COMUSMACV for ChJCS, 200425Z Mar 73, memo DiMauro for Dir Vietnam Task Force, 22 Mar 73: TF files.
48. Msg JCS 43419 for CINCPAC, 220036Z Mar 73, memo DiMauro for Dir Vietnam Task Force, 22 Mar 73: TF files.
49. Memo DiMauro for Dir Vietnam Task Force, 23 Mar 73, *ibid*; msg CJCS for Ch USDEL FPJMC et al, 230459Z Mar 73, PW coll, OSD Hist.
50. Memos DiMauro for Dir Vietnam Task Force, 24, 25, 26 Mar 73, TF files; Dillard, *Sixty Days to Peace*, 94-97.
51. Dillard, *Sixty Days to Peace*, 98; memo DiMauro for Dir Vietnam Task Force, 26 Mar 73, TF files. For the ROK soldier, see msgs Saigon 4903 for Seoul, 241101Z Mar 73, Saigon 4918 for Seoul, 251105Z Mar 73: *ibid*.
52. Msg Chief USDEL FPJMC for CINCPAC, 310600Z Mar 73, PW coll, OSD Hist.
53. Msg Chief USDEL FPJMC for COMUSMACV, 281520Z Mar 73, *ibid*; memo DiMauro for Dir Vietnam Task Force, 1 Apr 73, TF files.
54. Memo Robson for FPJMT Staff, 10 Apr 73, TF files.
55. *Ibid*; *New York Times*, 14 Feb 73; msgs Saigon 2333, 150900Z Feb 73, Saigon 2522, 181330Z Feb 73: TF files.
56. 13AF JHRC AARpt, Encl 12, 2, TF files.
57. Peter Arnett (AP) news item, "No Hot Dogs," 28 Jan 73; UPI ticker item 213A, 5 Feb 73 ("lots of liquids"); Risner, *Passing of the Night*, 246-47 (quote, 246).

58. Transc, JIB Press Conf, Dr. John W. Ord (Clark Hospital commanding officer), 16 Feb 73, TF files; Risner, *Passing of the Night*, 249; 13AF JHRC AARpt, 38 and 41 (“adjusted promptly”), TF files.
59. 13AF JHRC AARpt, Encl 12, 2-3, TF files.
60. Ibid, Encl 9, 3-4, and Encl 14, 6-7.
61. Ibid, Encl 12, 3.
62. Ibid, Encl 14, 44-47.
63. Msg Manila 1680, 130756Z Feb 73, box 31 (Operation Homecoming 1973), 79-D317.
64. Msg 13AF JIB Clark AB for JCS/SecDef and CINCPAC, 051234Z Mar 73, msg Manila 2638, 080104Z Mar 73, msg Bangkok 3420 for JHRC Clark AB, 021150Z Mar 73, msgs 13AF Clark AB for AIG 7942, SecState and JCS/DIA, 061000Z Mar 73, 291100Z Mar 73, and 311100Z Mar 73: TF files.
65. Based on survey of the Operation HOMECOMING Processing Summaries, Nos 1-53, TF files. Except during intervals when the Clark base had been cleared of all returnees, the JHRC commanding officer dispatched these reports to Washington twice daily.
66. *New York Times*, 14, 15 Feb, 13 Mar 73; AP ticker item 60, 25 Feb 73.
67. 13AF JHRC AARpt, 19-20, 23, OASD(ISA) HOMECOMING Command Center Log Book entries, 0140 and 1815, 13 Mar 73, 0730, 0739, and 0805, 14 Mar 73: TF files; msg Hong Kong 2547, 150715Z Mar 73, box 31 (Returnees/U.S.—General 1973), 79-D317.
68. Msg 13AF Clark AB for JCS/SecDef, 041353Z Feb 73, TF files; memrec Capt Mike Burch USAF, 12 Feb 73 (quote), PW coll, OSD Hist.
69. Teleg, James L. Greenfield to Richardson, 14 Feb 73, SecDef 383.6 Vietnam (1-15 Feb 73).
70. Msg 13AF/JIB/Clark AB for CINCPAC, 190240Z Feb 73, TF files.
71. 13AF JHRC AARpt, Encl 13, 2, *ibid*; *New York Times*, 20 Feb 73 (“‘controversial’ questions”).
72. *Stars and Stripes* (Pacific ed), 8 Mar 73; msg DPAO Wright-Patterson AFB for JHRC Clark AB, 092034Z Mar 73, 13 AF JHRC AA Rpt, Encl 13, 2: TF files.
73. *New York Times*, 15 Feb 73 (“to chat”), 19, 20 Feb 73 (quote). According to a Homecoming Command Center note on data received from the Clark JIB, there were 80 personnel of all types engaged in the 24-hour operations of the JIB, 28 of them public affairs officers; the note is dated 21 February 1973 (TF files).
74. 13AF JHRC AARpt, Encl 13, 2, Encl 15, 55, 57, TF files. CINCPAC had been advised of “DOD concern that all go smoothly on last return, especially since major news media may be involved, i.e., CRONKITE”; OASD(ISA) HOMECOMING Command Center Log Book entry, 1815, 26 Mar 73, *ibid*.
75. Msgs 13AF Clark AB for AIG 7942, SecState, and JCS/DIA, 311100Z Mar 73 and 011100Z Apr 73, *ibid*.
76. 13AF JHRC AARpt, 44 and Encl 9, 1-2, 6, *ibid*.
77. Military Airlift Command HOMECOMING After Action Rpt, Jul 73, 7-8 and Tab D, 18-28, which gives mission data for all C-141 and C-9 flights, *ibid*.
78. *Ibid*, 56-58; *New York Times*, 15 Feb 73.
79. OASD(PA) transc, Morning Briefing, 15 Feb 73, msg SecDef 7044 for AIG 8797, 121732Z Feb 73: TF files.
80. MAC HOMECOMING After Action Rpt, 40-41 (“appeared ambulatory”), transc, JIB Press Conf, Dr. John W. Ord, 16 Feb 73: *ibid*.
81. Transc, Press Conf, Dr. Richard S. Wilbur (ASD(H&E)), “On Medical Aspects of Operation Homecoming,” 1 Jun 73, 2-3, *ibid*.
82. *Ibid*, *passim* (quote, 3).
83. Data derived from the JHRC Operation HOMECOMING Processing Summaries and the OASD(ISA) HOMECOMING Command Center’s “Daily HOMECOMING Summary: Returnee Tabulation,” TF files.
84. OASD(PA) transc, Morning Briefing, 6 Mar 73, msg AFMTC/DPAO Lackland AFB for JCS/OASD(PA), 180525Z Feb 73, OASD(PA) memrec, 3 Mar 73, sub: Update on Capt Nasmyth Appearance on Sonny & Cher Show: *ibid*.

85. Transc extract and commentary, nd (ca 2 Mar 73), *ibid*. The AP correspondent may have felt justified in claiming that "Government officials were quoted this week" because the 1971 volume of presidential papers had just been published by the Government Printing Office. Nixon's remark (he said "in modern history"), during an interview at the annual convention of the American Society of Newspaper Editors, may be found in *Nixon Public Papers, 1971*, 540.
86. OASD(PA) transc, Morning Briefing, 6 Mar 73, TF files.
87. Memo Friedheim for SecDef, 20 Mar 73, SecDef 383.6 Vietnam (16-21 Mar 73).
88. Memo Eagleburger for SecDef, 21 Mar 73, *ibid*.
89. Msg SecDef 1771 for AIG 8797, 281615Z Mar 73, TF files. Richardson had approved the directive by annotation on memo, Friedheim for SecDef, 27 Mar 73, SecDef 383.6 Vietnam (22-31 Mar 73).
90. Msg SecDef for AIG 8797, 29 Mar 73, TF files.
91. *New York Times*, 15 Feb 73; *Washington Post*, 30 Mar 73.
92. OASD(PA) transc, Morning Briefing, 30 Mar 73, TF files.

## 23. CONCLUSION

1. *New York Times*, 20 Feb 73; *Newsweek*, 26 Feb 73, 16; *New Orleans Times-Picayune*, 14 Feb 73.
2. *Time*, 19 Feb 73, 13.
3. Memo Shields for PW/MIA Task Group Members, 30 Nov 72, ISA 383.6 (Nov-Dec 72). Shields attached a copy of Laird's memo of 3 December 1971 that defined his responsibility.
4. Ltr Fred Strassburger, American Psychological Assn, to Shields, 22 Jan 73, and ltr Ogan to Strassburger, 9 Feb 73, TF files.
5. *Newsweek*, 26 Feb 73, 19.
6. *Washington Post*, 21 Feb 73. Three days later a *New York Times* editorial suggested that something more than sincerity was involved. It declared that "the military authorities evidently imposed an invidious form of censorship, not in the interest of the P.O.W.'s or of national security but for obscure and self-serving political reasons."
7. Steven V. Roberts, *New York Times*, 3 Mar 73, 16.
8. Memo RAdm Daniel J. Murphy (MilAsst to SecDef) for BrigGen Brent Scowcroft (DepAsst to Pres for NatSecAffs), 26 Feb 73, w/attch 22 Feb 73 Friedheim for SecDef, SecDef 383.6 Vietnam (20-28 Feb 73); *Washington Post*, 24 Feb 73.
9. *Public Statements of Secretary of Defense Elliot L. Richardson, 1973*, 207-08, 250.
10. *New York Times*, 7 Apr 73; *Washington Post*, 5 Apr 73, where the news item quotes from Richardson's fuller statement in House Cte on Approps, Subcte on DoD, *Department of Defense Appropriations for 1974: Hearings*, 93 Cong, 1 sess, 158.
11. Risner, *Passing of the Night*, 247, 248 (quote); Risner "My Turn" column in *Newsweek*, 18 Jun 73; memo Col Joseph R. Ulatoski USA (MilAsst to SecDef) for Scowcroft, 17 Feb 73, SecDef 383.6 Vietnam (16-19 Feb 73). Later expanded to include quotations, the reporting of favorable statements continued into April.
12. Among the numerous examples of such inquiries, most were letters from constituents, referred to DoD by members of Congress asking for material on which to base a reply. Mayor Charles Evers of Fayette, Mississippi, addressed Richardson directly by telegram on 15 February 1973; noting that "thus far I have seen only high ranking officers being released," he wondered "what happened to the foot soldiers, the Marines, and especially the black and Mexican-American GIs." See SecDef 383.6 Vietnam (1-15 Feb 73). See also questioning of Richardson in House, *Department of Defense Appropriations for 1974: Hearings*, 515, and PW/MIA Task Force Fact Sheet, 13 Apr 73, sub: Officer and Enlisted PW/MIA Statistics, prepared in response to a further query from the House committee, TF files. DoD responses include ltr MajGen Daniel James, Jr. (OASD(PA)) to Evers, 2 Mar 73, SecDef 383.6 Vietnam (1-15 Feb 73), and ltr William E. Orlom (OASD(PA)) to Rep Wendell Wyatt (Ore), 19 Apr 73 (quote), *ibid* (1-10 Apr 73). On the



relatively high fatality rate among enlisted in the South, see Rochester and Kiley, *Honor Bound*, 67, 228-31.

13. Ltrs Rangel to Richardson, 4 Apr, 24 May 73, and ltr Shields to Rangel, 1 May 73, SecDef 383.6 Vietnam (1-10 Apr 73). The statistics provided by Shields covered the entire period 1 January 1961 through 7 April 1973, thereby including all men released by the enemy prior to Homecoming plus a number who had escaped and successfully evaded. This raised the number of enlisted men returned from missing or captured status to 194, of whom 26 were blacks.
14. OASD(PA) News Release No 828-71, 28 Sep 71; memo Laird for Kissinger, 23 Aug 69, SecDef 383.6 Vietnam (Aug-Sep 69).
15. Memo J. William Doolittle (GenCoun AF) for ASD(ISA), 14 Nov 67, w/attach, SecDef 383.6 (Aug-Dec 67); OASD(PA) News Release No 406-69, 19 May 69.
16. Memo Laird for SecArmy et al, 1 Mar 69, SecDef 383.6 Vietnam (1969); OASD(PA) News Release No 149-69, 3 Mar 69.
17. See Chapter 20, n 46.
18. See Chapter 20; ISA memo, nd, ISA 383.6 (Dec 72).
19. Memo National League of Families to Laird, attach ltr Carole Hanson to Laird, 20 May 72, with DoD responses to recommendation, in TF files; see also House Cte on Armed Svcs, *Full Committee Briefing on Project Egress Recap*, HASC No 92-76, 92 Cong, 2 sess, 10 Oct 72, 16684, 16696-97.
20. Iris R. Powers testimony before House Cte on Armed Svcs, 10 Oct 72, *ibid*, 16677-78.
21. Memo Laird for Pres, 17 May 71, SecDef 383.6 Vietnam (1971).
22. *Nixon Public Papers, 1969*, 1021.
23. *Ibid, 1970*, 827, 1159.
24. *Ibid, 1972*, 986-88.
25. Memo G. Warren Nutter (ASD(ISA)) for SecDef, 12 Oct 70, SecDef 383.6 Vietnam (Aug-Oct 70).
26. See Chapter 16.
27. *Ibid*.
28. *Laird Public Statements, 1972*, 3271-72.
29. Transc, ASD(PA) Morning Press Briefing, 15 Feb 73, PW coll, OSD Hist.
30. Dept of Army, "After Action Report—Operation HOMECOMING," 29 Aug 75, 42-43. Shields's recollection of the significance of Richardson's pronouncement differs substantially.
31. Talking Paper, attach to memo MajGen Verne L. Bowers to Army Chief of Staff, 9 Apr 73, sub: Whether Court-Martial Charges Should be Pressed Against Former PW for Alleged Misconduct, PW coll, OSD Hist.
32. See Rochester and Kiley, *Honor Bound*, 563n, 568; memrec Davis, 1 Jul 87, interv with Shields, PW coll, OSD Hist.
33. Press Briefing by Shields, 12 Apr 73, Washington, D.C., PW coll, OSD Hist; House Cte on For Affs, Subcte on National Security Policy and Scientific Developments, *American Prisoners of War and Missing in Action in Southeast Asia, 1973: Hearings*, 93 Cong, 1 sess, pt 4, 31 May 73, 59.
34. Senate Select Cte on POW/MIA Affairs, *POW/MIA'S*, 103 Cong, 1 sess, 13 Jan 93, 164.
35. Telephone conversation Alfred Goldberg (OSD Historian) with Alan Liotta (DepDir Defense POW/MP Office), 27 Apr 2000.

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