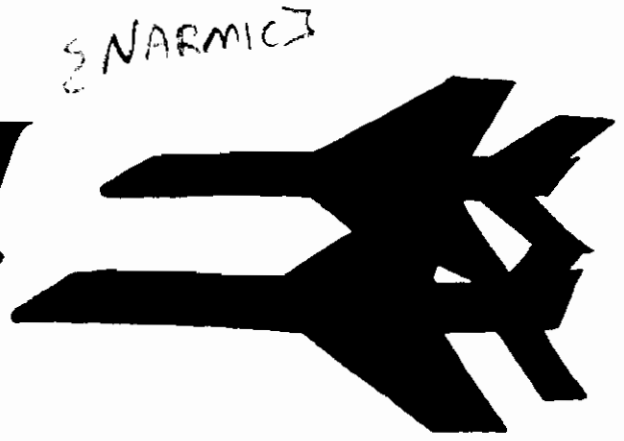


P.O.W.



by Debby Frazer

Treatment of P.O.W.'s

Government Challenges

It has now been eight years since the first American pilot was captured in Indochina. As of Sept. 1, 1972 over 500 American men are held as prisoners in Viet Nam, Cambodia, and Laos. Over 1,200 others are listed as missing in action.

As the nature of American involvement in the war changes from ground combat to air war, the prisoners take on a special significance: for many Americans, they are the only concrete reminder that the war in Indochina is still going on.

But more than being just a reminder, the Nixon Administration now claims that the captured pilots are actually the *reason* the war continues:

The only way we're going to get our P.O.W.'s back is to be doing something to them [the North Vietnamese] and that means hitting military targets in North Viet Nam, retaining a residual force in South Viet Nam, and continuing the mining of the harbors of North Viet Nam. (President Nixon, quoted in *The New York Times*, July 9, 1972)

The Legal Question

Destroy the village in order to save it; bomb the North to get the pilots back. Such Orwellian logic invites a closer look at the P.O.W. issue.

They've [the North Vietnamese] already agreed to abide by the Geneva Conventions, and then have just absolutely disregarded them. (Secretary of Defense Melvin Laird, Oct. 22, 1971)

The Geneva Convention Relative to the Treatment of Prisoners of War (1949) is the international law governing treatment of P.O.W.'s. It covers such areas as mail, packages, inspection of camps, medical care, and release. The D.R.V. (Democratic Republic of [North] Viet Nam) ratified the Convention in 1957, with *one reservation*: that prisoners guilty of war crimes or crimes against humanity, as defined by the Nuremberg Tribunal, would not be protected by the Convention.

Because of U.S. bombing of civilian targets in North Viet Nam, and the use of antipersonnel bombs against civilians—both of which are well-documented by Western journalists—the D.R.V. maintains that American pilots are not obeying the international rules of war, which prohibit such attacks against civilian targets, they cannot claim protection under those same rules of war.

The D.R.V. has always insisted, however, that it treats P.O.W.'s humanely. They say that the basis of their treatment of the prisoners is humanitarian concern, since the international law does not apply.

Much of the popular concern in the U.S. with the P.O.W. issue rests on the fear that American prisoners are being mistreated. The only evidence for the charge that the North Vietnamese are torturing prisoners comes from the statements of one man.

Navy Lieut. Robert F. Frishman, a former prisoner, was released by the North Vietnamese in August, 1969. In a press conference shortly after leaving Viet Nam, Frishman and fellow ex-prisoner Apprentice Seaman Douglas B. Hegdahl stated that food, housing, and medical treatment had been adequate, and they assured relatives of the Americans left behind in the North Vietnamese camps that they had no cause to worry (AP report, *San Francisco Chronicle*, Aug. 6, 1969).

After one month of treatment at Bethesda Naval Hospital, Frishman changed his story. During a press conference, he said a fellow pilot, Richard Stratton, 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 fingernails removed, and put in solitary. . . . (American Prisoners of War in Southeast Asia, 1971; Hearings before the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs, House of Representatives, March and April, 1971, p. 499. Hereafter called P.O.W. Hearings.)

Over a year later, after the torture stories had been through numerous revisions, Frishman told Pulitzer Prize-winning journalist Seymour Hersh: "I never said fingernails were pulled out of Stratton. I never said he lost fingernails." (P.O.W. Hearings, p. 502.)

The contradictory nature of Frishman's statements cast doubt on his credibility. He is also the only one out of nine prisoners released by the D.R.V. in 1968 and 1969 to make such charges. Other returned prisoners, such as Hegdahl, have complained of solitary confinement and harassment by villagers in areas of heavy bombing, but none have charged brutality or torture.

Other released prisoners and American civilians who have visited P.O.W. camps in the D.R.V. give favorable reports on conditions. After a visit with 10 captured pilots, former U.S. Attorney General Ramsey Clark stated:

I've seen a lot of prisons in my life. These 10 men were unquestionably humanely treated, well treated. Their individual rooms were better and bigger than the rooms in essentially every prison I have ever visited anywhere. (*The New York Times*, Aug. 15, 1972)

The three P.O.W.'s released Sept. 18, 1972 appear to be in good health.

The U.S. Government challenges the authenticity of the reports that P.O.W.'s held by the North Vietnamese are treated humanely:

If Hanoi wants to demonstrate to the world that these men are being treated humanely and are receiving proper medical treatment, it must permit inspections of prisoner of war camps by impartial groups. (Secretary of Defense Melvin Laird, news release, June 6, 1970)

One important reason that the D.R.V. has refused official inspection of the P.O.W. camps is their fear that if the United States knew the location of the camps, they would conduct more armed commando raids, such as the one on Sontay in November, 1970. This fear appears to be well-grounded:

Question: Do you expect to use military efforts, that is to say, something akin to the raid of a week ago?

Answer: We are going to make every kind of effort to free our prisoners of war. . . .

Question: You're not ruling out further military action?

Answer: I would not rule out any action.

(Secretary of Defense Melvin Laird answering newsmen's questions, Dec. 1, 1970, shortly after the Sontay raid.)

The Nixon Administration also charges that North Viet Nam has refused to provide a list of captured pilots. In fact, the D.R.V. has provided such a list to several U.S. Senators, including Edward Kennedy, and to the Committee of Liaison with Families of Servicemen Detained in North Viet Nam. The U.S. Government rejects these lists on the grounds that they are "unofficial."

American officials also complain that the number of letters received by families is not as high as specified by the Geneva Convention. There is, however, a regular flow of mail administered by the Committee of Liaison. As of September, 1972 more than 7,500 letters had been received from P.O.W.'s, and an indeterminate number sent to them by their families.

The Committee of Liaison also transmits packages to the prisoners, receipt of which has been acknowledged in letters from the pilots. Among the items permitted are toilet articles, dried foods (including camping goods such as freeze-dried sliced peaches), vitamins, medicines, clothing, games, art supplies, chess sets, and air mattresses.

Cora Weiss, co-chairwoman of the Committee of Liaison, described instances where U.S. Government officials have actually interfered with the flow of mail and packages between P.O.W.'s and their families. (P.O.W. Hearings, pp. 237-238) Customs officials have seized

letters being transmitted by Committee of Liaison people.

The State Department refused to set up special channels to deliver mail to P.O.W.'s via Moscow on the grounds that this would "interfere" with the post office. As a result, many letters to P.O.W.'s have been lost or delayed, and the only sure way of sending letters to prisoners in North Viet Nam is through the Committee of Liaison.

In contrast to the official line, Jon van Dyke, former legal adviser at the State Department, has sifted through all available evidence on treatment of P.O.W.'s and concluded:

The furor and publicity nonetheless do an injustice to the North Vietnamese, who have probably treated their captives better than any other nation fighting in Asia this century... the handling of captives by the United States and the Saigon Government is in many respects worse than that of North Viet Nam and the Viet Cong. (*Prisoners of War in Viet Nam*, Glad Day Press, 1970, p. 6)

Saigon's Prisoners

Prisoners taken by U.S. forces in Viet Nam are interrogated, then classified as either P.O.W.'s or C.D.'s (Civilian Detainees). They are then transferred to the control of the Saigon Administration and put in P.O.W. camps or civil prisons.

Many captured guerrillas are executed rather than imprisoned, a practice encouraged by the use of "kill statistics" to measure success in the war. If a captive is taken alive, however, he is likely to be tortured during interrogation. The Winter Soldier Investigation and Congressman Ronald Dellums' (D-Calif.) War Crimes Inquiry provide ample evidence of U.S. soldiers using torture during interrogation procedures. (Full documentation of this is in "Aid To Thieu," available from NARMIC, 160 N. 15th St., Philadelphia, Pa.)

The Saigon Government, in conjunction with U.S. military advisers, operates six P.O.W. camps holding over 36,000 prisoners. There are also over 100,000 political prisoners and some 25,000 civilian detainees in civilian prisons in South Viet Nam. (*U.S. Assistance Programs in Viet Nam*, Hearings before the House Subcommittee on Government Operations, July-August, 1971, p. 105)

The horrifying conditions in these prisons first received widespread publicity when two U.S. Congressmen uncovered the use of torture in the "tiger cages" of Con Son prison. Despite efforts by the Thieu Administration to maintain secrecy concerning conditions in the prisons, reports continue to leak out. On Aug. 13, 1972 The New York Times reported:

Documents smuggled out of South Vietnamese prisons and extensive interviews with former prisoners paint a picture of widespread torture of people jailed by the Saigon Government... The normal laws governing the rights of the accused appear to have been virtually suspended... prisoners are sometimes kept for months and years without a hearing or trial... *

U.S. Publicity Campaign

In its concern with shaping public opinion on the P.O.W. question, the U.S. Government has not limited itself to debating the fine points of the Geneva Convention. The Department of Defense has an active publicity program, financed by U.S. tax money, that focuses on P.O.W.'s.

In January-February, 1969 D.o.D. [Department of Defense] began considering a program to publicize the P.O.W./M.I.A. problem. The program was initiated in March, 1969. It involved: public statements by Government officials; press conferences/speaking engagements by returnees; enlisting assistance of news media; encouraging private organizations, individuals, and family members to participate in publicity-generating activities. (Congressional Record, Feb. 2, 1972; cited in P.O.W. Hearings, 1972, p. 161)

Among the many activities that have gone on in conjunction with the Nixon Administration's publicity program are the "Write Hanoi" campaigns sponsored by the American Red Cross; the saturation campaign by the American Legion to push for release of prisoners; the petitions circulated by the Veterans of Foreign Wars; publicity by local Jaycees and local telephone companies; the extravaganzas of Texas millionaire H. Ross Perot; a 25-nation tour by former astronaut Frank Borman; and currently the P.O.W. bracelet campaign.

Although the 1969 program called for press conferences and speaking engagements by returned prisoners, the Government has a definite idea of what these men shall be allowed to say:

The U.S. Army will forbid newsmen to speak with American prisoners when they are released by the Viet Cong because some have spoken well of their captors, informed military sources said today... Sources said the Army may make an exception if a former prisoner is found during debriefings to be hostile to his captors. News conferences also may be permitted in the United States after a "readjustment" period, the sources said. (UPI, The Washington Post, Jan. 16, 1970)

Why All the Publicity?

The Geneva Convention provides for release of prisoners of war after the cessation of hostilities. The Nixon Administration has not ended the war, and thus has not obtained the release of these men. Publicity stunts such as the "Write Hanoi" campaign deflect criticism of the Administration and convert it into criticism of North Viet Nam. The P.O.W. issue has also provided Nixon with a new rationale for continuing, and escalating, the air war.

As British writer Peggy Duff has suggested, the 1969 decision to "go public" with the P.O.W. issue coincided with the policy of Vietnamization, a policy which committed the U.S. to continuing its air war while Vietnamese troops replaced G.I.'s on the ground.

This commitment meant more years of

war, more years of captivity for P.O.W.'s, and more U.S. airmen captured—100 more prisoners have been taken since April, 1972.

Release of P.O.W.'s

President Nixon has said that the North Vietnamese cannot be trusted to release P.O.W.'s after the political issues of the war are settled:

The only way we're going to get our P.O.W.'s back is to be doing something to them [the North Vietnamese] and that means hitting military targets in North Viet Nam, retaining a residual force in South Viet Nam, and continuing the mining of the harbors of North Viet Nam. Only by having that kind of activity go forward will they have any incentive to return our P.O.W.'s rather than not account for them, as was the case when the French got out of Viet Nam in 1954 and 15,000 French were never accounted for after that. (President Nixon, The New York Times, July 9, 1972)

The French Embassy in Washington flatly contradicted Nixon's charge:

The last French prisoners have been returned by the North Vietnamese less than three months after the conclusion of the Geneva Agreements of 1954... To the best of our knowledge, there does not exist any member of the French Expeditionary Corps in the Far East unwillingly kept in North Viet Nam. (Letter from Francois Bujon de l'Estang, First Secretary to the French Embassy, Washington, D.C., printed in the Philadelphia Inquirer, Aug. 31, 1972)

Historically, prisoners are not released before a war is ended, that is, before the political and military issues are resolved. Yet President Nixon's program for an end to the war in Viet Nam calls for release of prisoners *before* the question of political control of the South is settled.

The D.R.V. and P.R.G. (Provisional Revolutionary Government) position, as stated in their Seven-Point Peace Proposal, calls for release of prisoners *after* the withdrawal of American forces and the establishment of a coalition government, in which the P.R.G. would have one-third representation.

The sole deterrent [to prisoner release], I come back to saying, is the question of political control in South Viet Nam—that is the only thing that seems to block a resolution. (Hon. William Sullivan, Deputy Asst. Secretary, East Asian and Pacific Affairs, State Department, in P.O.W. Hearings, p. 24)

The question of prisoner release, then, is really a question of settling the issues that cause the war to continue. The Paris peace talks have shown that there is agreement in principle to the withdrawal of U.S. forces, internationally supervised free elections, the eventual release of war prisoners, and even a coalition government.

The one question that remains unresolved is the continuation of U.S. aid to the Thieu regime. This was seen clearly by one P.O.W.'s wife:

He [President Nixon] talks about a bloodbath but he's not kidding us. He's got to choose between President Thieu and my husband, and if he doesn't choose my husband, you can bet he's going to hear from me. We've been polite long enough, and we know we've been had. (Washington Star, July 13, 1971)

Debby Frazer is a staff member of NARMIC (National Action/Research on the Military Industrial Complex), a project of the American Friends Service Committee. The research for this article was a collective effort by the NARMIC staff.

