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Department Discusses Return of Prisoners of War and Efforts To Account for Missing in Action

Following is a statement made before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs on May 31 by Frank A. Sieverts, Special Assistant to the Deputy Secretary of State for Prisoner of War/Missing in Action Matters.¹

I appreciate the opportunity to report to this subcommittee on the return of our prisoners of war and on our efforts to obtain the fullest possible accounting for our missing-in-action personnel in Indochina. These subjects are not new to this subcommittee. Your hearings on them in the past five years have contributed greatly to public understanding of the POW/MIA problem; they constitute a significant public record that will be of permanent value.

The return of prisoners on both sides, with accounting for the missing and dead, is covered in article 8 of the Viet-Nam agreement signed January 27 in Paris. This article, also designated as chapter III of the agreement, reads as follows: ²

(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

¹ The complete transcript of the hearings will be published by the committee and will be available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

² For texts of the agreement and protocols, see BULLETIN of Feb. 12, 1973, p. 169.

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 Viet-Nam 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 Viet-Nam 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.

Additional provisions are contained in a separate protocol on captured persons. These documents were signed by representatives of the four parties to the Viet-Nam conflict: the Democratic Republic of Viet-Nam (North Viet-Nam), the Provisional Revolutionary Government of the Republic of South Viet-Nam (the Viet Cong), the Republic of Viet-Nam, and the United States. Secretary Rogers signed on behalf of the United States.

With your permission, Mr. Chairman, I submit the Viet-Nam agreement and the protocol on captured persons for the record of this hearing.

As is clear from the provisions quoted above, and from the captured-persons protocol, the return of prisoners on both sides, with accounting for the dead and missing, formed a key part of the Viet-Nam settlement. Our government had emphasized to the Communist side the importance we attached to securing the expeditious release of prisoners of war, with the fullest possible accounting for the dead and missing. The quoted sentences embody the essential provisions on these subjects.

As specified in article 8(a), lists of "captured military personnel and foreign civilians" were exchanged on January 27, the date of the signing. North Viet-Nam listed 457 U.S. personnel and the Provisional Revolutionary Government (PRG) listed 121, for a total of 578, of whom 556 were U.S. military personnel and 22 were U.S. civilians. These lists did not cover those captured in Laos; and on February 1, in response to our urgent request, a further list of nine Americans, described as prisoners of the "Lao Patriotic Front," was handed to U.S. officials by North Vietnamese officials in Paris. Those nine included seven U.S. military personnel and two civilians. The PRG subsequently informed us they held one additional U.S. prisoner, bringing the overall total of U.S. personnel released from Indochina to 588. The Communist side listed nine non-U.S. personnel on these lists: two West Germans, two Canadians, two Philippine nationals, two Thai, and one South Vietnamese.

To round out the figures, it should be noted that two U.S. military personnel and one American civilian who had been detained in the People's Republic of China were released during the same period and flown home under Operation Homecoming. Thus the total number of Americans returning home was 591.

Under article 8(a), the release of captured military personnel (POW's) was to be carried out "simultaneously" with the withdrawal of U.S. troops, at approximately 15-day intervals. The first release took place close to that schedule and was followed by a "good will" release a few days later. When further releases failed to keep to schedule, the President ordered a halt in U.S. force withdrawals to make clear the importance we attached to prompt and full compliance with the agreement. A final impasse over the release of prisoners captured in Laos was resolved when North Viet-Nam arranged their release March 28 in Hanoi. The final prisoners captured in North Viet-Nam were released March 29.

It should be noted that the majority of prisoners captured in South Viet-Nam, as

well as all those captured in Laos, were in fact moved to and held in North Viet-Nam, in most cases soon after their capture. Communist authorities went to considerable lengths to conceal this from the rest of the world, presumably in furtherance of their refusal to acknowledge North Viet-Nam's responsibility for Communist forces in South Viet-Nam. The U.S. prisoners from the South were held separately from those captured in the North until shortly before their release. Throughout the conflict, Communist officials maintained the position that they could not provide information or mail for prisoners captured in South Viet-Nam because they were held in the "war zone"; i.e., South Viet-Nam. We have confirmation now that the great majority were in fact held in North Viet-Nam, in many cases no farther from the Hanoi post office than those captured in the North.

During the same 60-day period, the Republic of Viet-Nam, with our support, released more than 26,000 Communist prisoners of war. Another 10,000 Viet Cong POW's who had entered the "New Life" program and made clear their desire to remain in the Republic of Viet-Nam had been released prior to the agreement. We were aware of the problems attached to the release of prisoners of war in the Korean conflict, when a settlement was delayed more than a year largely over the question of nonforcible repatriation, and were determined that the release of enemy prisoners of war in this conflict should not become an obstacle to a settlement. Altogether, a total of 26,508 North Vietnamese and Viet Cong POW's were released in compliance with the Viet-Nam agreement and protocols. The Communist side during the same period released approximately 5,000 South Vietnamese POW's.

From its past hearings this subcommittee has firsthand testimony on the consequences for our men of North Viet-Nam's refusal to treat them in accordance with the Geneva Convention. The Communist side never permitted impartial inspection of POW camps; mail and packages were sporadic and lim-



ited—virtually nonexistent for our men captured in South Viet-Nam and Laos (even though they were held in the North).

The following information for the Republic of Viet-Nam thus provides an interesting contrast. From 1966 through the end of 1972, there were a total of 475 separate inspections of POW facilities in South Viet-Nam by the International Committee of the Red Cross, carried out by 60 different ICRC delegates. Reports on these visits were provided to the Government of Viet-Nam, who shared them with us because of our responsibility for U.S.-captured POW's under article 12 of the Geneva Convention.

During the three years 1970-72, Communist POW's received over 510,000 letters and over 115,000 parcels, while sending over 280,000 pieces of mail. With rare exceptions North Vietnamese POW's did not avail themselves of the opportunity to send mail to their families in the North. The small number of letters sent by those men were forwarded through the ICRC, but it is not known what happened to them after they reached North Viet-Nam.

It is a matter of continuing regret to us that the Communist side persisted to the end in its refusal to accept the ICRC in its humanitarian role on behalf of prisoners of war. Our negotiators sought to have the ICRC designated to observe and assist in the release and return home of POW's on both sides under the Viet-Nam agreement. When this was rejected, agreement was reached to designate two or more "national" Red Cross societies for this purpose (article 9 of the captured-persons protocol). The Red Cross societies of Canada and Poland were nominated for this purpose, and the National Commissioner of the Canadian Red Cross went personally to Viet-Nam to head his society's team. The Communist side refused, however, to cooperate in arrangements for even this final effort at Red Cross inspection, and the POW's were released without benefit of Red Cross observation.

Article 8(b) of the Viet-Nam agreement quoted above contains far-reaching provi-

sions for exchange of information on the missing and on the dead. Although this subject has been covered in past war-ending agreements, to my knowledge this is the most specific such provision ever agreed to by the two sides in an armed conflict. This section is important in light of our experience following the Korean war, when North Korea failed to provide information or accounting for a large number of American and other U.N. Command personnel known or believed to have been in their hands.

It was also important in view of the Communist side's poor record during this conflict in identifying prisoners of war as required by the Geneva Convention. Although we had been able to accumulate information on many of our men, especially on those captured in North Viet-Nam, there was always uncertainty as to the accuracy and completeness of this knowledge. Until the day of the cease-fire, we had received no lists or other direct word on the majority of our prisoners captured in South Viet-Nam and Laos. There had been no communication from these men to their families, in some cases during periods of captivity extending up to nine years.

Thus we have long been aware of the importance of obtaining the fullest possible accounting for all our personnel. Through the years, our diplomatic efforts were part of a wide-ranging effort to gather information about our missing men. Family members and others traveled throughout the world in private efforts to seek word of loved ones. In Indochina, our Embassies and U.S. forces in the field carried out continuing efforts in this area. The Joint Personnel Recovery Center was the main repository for information on the missing as well as on those listed as dead, body not recovered.

At the time of the cease-fire, more than 1,400 U.S. personnel, including civilians, were listed as missing in Indochina. They come from all the military services and are of high rank as well as low. They include over 20 American civilians, among them contract workers, merchant seamen, and a State Department officer missing since the Tet of-

fensive in 1968. Three missionaries of the Christian and Missionary Alliance have been gone since May 30, 1962—the longest time for any Americans missing or captured in Indochina.

Our efforts to obtain information on these people are going forward on three fronts:

1. *As each POW returned, he was carefully debriefed for any information he might have on any others known to him*—U.S. military personnel, civilians, foreign nationals. It might be no more than a nickname or a glimpse of someone across a prison compound. No matter how small the bit of information, it was logged into our system and carefully analyzed. Thus a stockpile of information was acquired which has already helped resolve the cases of some of our missing men.

It should be noted that there is no indication from these debriefings that any American personnel continue to be held in Indochina. All American prisoners known to any of our returned POW's have either been released or been listed by the Communist authorities as having died in captivity. Returnees with whom I have talked, including those who appeared before this subcommittee May 23, are clear in their belief that no U.S. prisoners continue to be held.

The present situation thus differs from that following the return of our POW's in Korea. You, Mr. Chairman [Representative Clement J. Zablocki], conducted hearings on that subject and heard testimony about the large number of Americans reported by returned POW's who were neither returned nor accounted for. Despite persistent efforts by the U.N. Command and U.S. Government, the other side in that conflict failed to provide additional information, and our missing men were eventually presumed dead. As stated, there are no reports from our returned men in this conflict that other Americans are held in captivity.

2. *We are in direct contact with officials of the Communist side.* In Saigon, we are proceeding through the Four-Party Joint Military Team established under the Viet-Nam agreement. The team has already made two

trips to North Viet-Nam to visit cemeteries where Americans who died in captivity are buried. Communist officials have also acknowledged the existence of additional graves of Americans who died in aircraft crashes or of other causes. Our aim is to arrange the early repatriation of the remains of as many of these persons as possible.

At the same time, we have made clear our urgent interest in receiving information on the missing. Complete lists of our missing personnel have been provided to the Four-Party Team for this purpose.

In Laos, U.S. officials have been in direct contact with representatives of the Lao Patriotic Front (the Pathet Lao) to press for additional information on Americans missing or captured in Laos. We have told the Communist side of our concern at the small number of Americans listed as captured in Laos, in view of past hints that a larger number were held by Pathet Lao forces, and in view of evidence that at least two others had been captured in Laos. The Communist side has repeatedly told us and has recently stated publicly that there are no more Americans captured or held in Laos. They have also said that further accounting for the missing must await the formation of a coalition government, as specified in the February 21 Laos cease-fire agreement. Our efforts to convince the Communist side to proceed with this accounting without waiting for a new government to be formed have thus far been in vain.

There is little to say at this point regarding missing or captured personnel in Cambodia. In his press briefing January 24, Dr. [Henry A.] Kissinger said, "We have been told that no American prisoners are held in Cambodia." We are aware of reports gathered by journalists and others that there continue to be prisoners detained in Cambodia, possibly including some of the 20 international journalists missing in that area. Although there has been no confirmation of these reports from the Communist side, they suggest the possibility that some Western personnel continue to be held in the country. Journalists in a number of countries have formed International Committees to Free

Journalists Held in Southeast Asia, the U.S. committee of which is chaired by Walter Cronkite of CBS News. We have maintained close touch with this group and share their hope for favorable word on the missing newsmen.

3. *We are carrying out our own efforts to search for information on our missing and dead.* Specific responsibility for this has been assigned to the Joint Casualty Resolution Center, located in Thailand at Nakhon Phanom near the Lao border. The JCRC is manned by American military personnel and functions with the close assistance of our Embassies and consulates in the area. We have told the Communist side about the JCRC, making clear its peaceful, open, and humanitarian purpose. The JCRC already has carried out a number of searches, so far in South Viet-Nam. We plan to work in harmony with local people wherever Americans may be missing or dead, and we hope to have the cooperation of the Communist authorities. Our aim is to find the fullest possible information on each missing man. We recognize this is an enormous undertaking and that we cannot succeed in every case, or even in a majority of cases. But we intend to try.

We want to do the job thoroughly, but we also recognize an obligation to move quickly. Many of our men have been missing for up to eight years, some even longer. During that time wives and families have lived with the anguish—and the legal complications—of not knowing the fate of their men. Speed is also essential because information about the missing becomes more elusive with passage of time.

In conclusion, Mr. Chairman, may I express my own sense of joy at the return of our men. Seeing them last week when they were here for the President's May 24 dinner, I was reminded of the first group I saw arriving at Gia Lam Airport in Hanoi last February 12. The guards ordered the men off the bus. Suddenly, the senior American officer of the group took command away from the guards and gave the orders for the men to march in formation to the release point.

The guards tried to intervene but fell back. It was clear then that, despite the grim experience of their captivity, our men had endured and prevailed. They deserve our thanks and commendation, as do their families.

And they would be the first, I know, to join in expressing our sense of obligation to the missing and to their families. I can assure you this subject will continue to have our most serious attention.

U.S.-Uruguay Extradition Treaty Transmitted to the Senate

*Message From President Nixon*¹

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition and Cooperation in Penal Matters Between the United States of America and the Oriental Republic of Uruguay, signed at Washington on April 6, 1973. I transmit also, for the information of the Senate, the Report of the Secretary of State with respect to the Treaty.

The Treaty significantly updates the present extradition relations between the United States and Uruguay and adds to the list of extraditable offenses both narcotic offenses, including those involving psychotropic drugs, and aircraft hijacking. Provision is also made for extradition for conspiracy to commit the listed extraditable offenses.

The Treaty will make a significant contribution to the international effort to control narcotics traffic. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1973.*

¹ Transmitted on May 18 (White House press release); also printed as S. Ex. K, 93d Cong., 1st sess., which includes the text of the treaty and the report of the Secretary of State.