

PRISONERS OF WAR
A NEGOTIABLE CURRENCY IN CONFLICT RESOLUTION

by

HORACE G. TAYLOR

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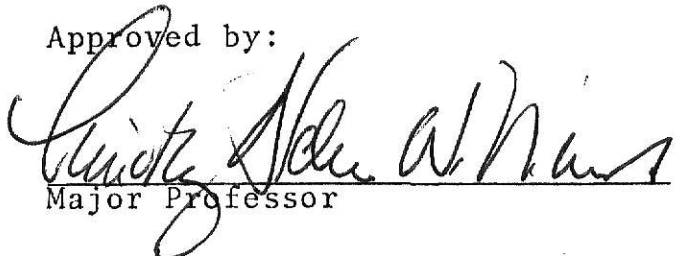
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Approved by:


Major Professor

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INTRODUCTION

Prisoners of war have been a prominent phenomenon of limited war in the nuclear age since 1945. This conspicuous position has been especially evident in two United States wars in Korea and Vietnam, and also in smaller conflicts between India and Pakistan and the Arab states and Israel. The relative prominence of prisoners in these wars seems largely due to their centrality to negotiation, bargaining, and conflict resolution. This thesis therefore builds on the implication that (a) one of the inherent limitations of a limited war is the restrictions on "currencies" which can be used to bargain for conflict resolution, and (b) when limited war excludes some of the more conventional currencies, the remaining currencies, such as prisoners of war, gain far more attention and use. As such, this implicit hypothesis cannot be completely validated due to the limitations of a comparative data base in the twentieth century. However, the assumption of a relationship between POWs and bargaining in limited war is plausible enough to support an investigation of how and whether the parties to limited conflict resolution discover the negotiable currency and value of prisoners of war. The purpose of this study therefore is to examine the general hypothesis that in limited wars, in the era of total war, POWs represent a specific means for establishing and exercising bargaining power.

The term prisoner of war, often abbreviated PW or POW, has commonly been used to denote any person captured or interned by a belligerent power during war. In a strict sense, it refers only to members of an organized armed force. However, the Geneva Convention of 1949 expanded this definition to include civilians who have openly taken up arms against an enemy, or noncombatants associated with a military force.¹ For the purpose of this study, the above definition will be broadened to encompass all persons, civilian or military, held hostage by an alien power in the furtherance of political objectives.²

In contrast to this study, which will view prisoners of war collectively as a political issue, most contemporary literature deals with war captives in a very personal or individual manner. Historians, for example, have generally considered prisoners as unfortunate by-products of war, and most of their work has been devoted to descriptions of the treatment accorded war prisoners during various periods of history.³ Psychologists and sociologists on the other hand, have viewed POWs from the standpoint of human reactions under periods of stress and their abilities to cope with captivity situations. Numerous works on the use and effect of political indoctrination or "brainwashing" in the Korean War are included in this category.⁴ Much of the recent literature concerning prisoners has been devoted to the legalistic interpretation of their rights and protections under international law.⁵ There are also many autobiographical and fictional accounts of

individual exploits while imprisoned, including successful and unsuccessful escape attempts. World War II, with its large numbers of war captives, is the background for most of these accounts.⁶ The political aspects of the prisoner of war issue had been largely ignored by writers on war until the Korean conflict. The prominence of POWs reached an unprecedented high in that war and much has been written about their behavior while in captivity, their use for propaganda purposes, and their importance as an issue in the negotiations for peace.⁷ Similarly, the prominence of the POW issue in the recent war in Vietnam has stimulated the publishing of an assortment of articles in various journals and magazines regarding the plight of prisoners in this particular conflict. While the most common approach concerns the legal position of a captive in an undeclared war, several articles discuss the political use of the prisoners as hostages to gain concessions at the negotiating table. These articles charge that the POWs in Vietnam became a central issue in the bargaining for peace and that both sides of the conflict exploited the issue for political gain.⁸

This study will be concerned primarily with the last of these categorical treatments of the prisoner of war issue. Its central focus will be on the perception of POWs as a bargaining currency and their use as a negotiable asset in a limited war environment.

In order to view the current prisoner of war issue in its proper perspective, it is important to understand the role of

captives in past wars. The study of history reveals a gradual but definite trend in prisoner treatment from barbarity to humanitarianism that encompasses a series of overlapping stages. Prevalent procedures for the treatment of war prisoners have changed successively from extermination, to enslavement, to ransom and finally to regularized exchange and parole practices. While the division between these stages is not sharp and precise, a definite progression is identifiable in which each method of handling prisoners became in turn the accepted practice.⁹ This historical evolution of concepts and practices regarding the treatment of prisoners of war has developed generally along two themes: (a) the philosophic and normative development of concepts in accordance with legal principles and (b) the development of accompanying structures to implement the above norms.

Normative Development

Throughout much of history, prisoners of war have been accorded the same status as other spoils of war -- booty to be destroyed, sold or exploited at the whim of the individual soldier who seized them. The captive has been completely at the mercy of his captor and if he survived the battlefield, his continued existence was dependent upon such factors as the availability of food and his usefulness to his captors.

The early history of warfare indicates that the ancient warrior regarded his enemy as lawful prey who had no rights and whose extermination was both logical and necessary. Egyptian

and Assyrian records (pre- 1500 B.C.) picture prisoners at the feet of their conquerors, about to be killed by him or an executioner.¹⁰ Certain parts of the Old Testament sanctioned the complete destruction of subjugated tribes and the massacre of the male members of others.¹¹ If permitted to live, the captive was considered to be merely a piece of property to be disposed of as the captor saw fit. While enslavement and ransom were used occasionally, these practices were motivated more by economic considerations than a charitable regard for human life.

The first recorded evidence of a humanitarian approach to the treatment of prisoners found voice in the East Indian Code of Manu (500 B.C.). These rules of warfare seemed to have been inspired by a genuine regard for the rights of humanity since the Hindu warrior was ordered to do no harm to the defenseless or to the subdued enemy.¹²

In ancient China the value of sparing prisoners was also recognized. For example, Sun Tzu, the ancient Chinese strategist, (400-320 B.C.) thought it better to capture enemy troops than to destroy them since prisoners were considered valuable assets for labor.¹³

The Greeks acknowledged a prisoner's right of survival only within their own race. Thus, while recommending moderation in their mutual relations, they recognized no such obligation toward barbarians. In general, victory on the battlefield gave the conqueror property rights to the captives and prisoners were normally put to death or sold into slavery.¹⁴

Roman attitudes toward prisoners of war were primarily controlled by motives of public policy or a sense of economic expediency. Prisoners were killed only when they became an encumbrance, or when their slaughter would terrify the enemy and glorify the conqueror. Otherwise, most captives were sold into slavery, used as servants or trained as gladiators to entertain Roman citizenry.¹⁵

By the time of the rise of Christian civilization, enslavement had essentially replaced extermination as the accepted fate for war captives. Except during religious wars where it was considered a virtue to put nonbelievers to death, self interest prompted captors to enslave prisoners rather than kill them. However, the early church opposed the practice of enslavement of Christians even if taken in combat. This principle, when formalized by the Third Lateran Council in 1179, helped to pave the way for more humane treatment of captives.¹⁶ Largely due to the influence of these Christian concepts during the Middle Ages, the practice of enslavement was gradually supplanted by ransom as the accepted method of determining the fate of prisoners. This was especially true for those captives of aristocratic origin. A notable example was King Richard the Lion-hearted, who was ransomed for gold during the Crusades.¹⁷

The seventeenth century Dutch legal philosopher Hugo Grotius was a notable spokesman for the practice of ransoming and exchange. Although admitting that the law of nations gave victors in war the right to enslave their enemies, he personally

advocated a policy of ransom and exchange. He insisted on the supreme authority of natural law and the individual conscience, which indicated that a conquered army should be shown clemency.¹⁸

With the emergence of the nation-state and modern international law, humanitarian considerations for prisoners became increasingly influential. The Treaty of Westphalia, which ended the Thirty Years War (1648) was the first international instrument to outline rules for the humane treatment of prisoners. It stipulated that captives of both belligerents be freed without payment or other reservation.¹⁹

The liberal views of the eighteenth century philosophers Jean-Jacques Rousseau and Charles Montesquieu were reflected in later international accords relative to prisoners. Rousseau, basing his ideas on "reason and the nature of things" maintained that war is a relation between states, not between individual men, and that the right to kill an enemy remains in force only as long as he is armed. The loss of liberty is the only measure that can be taken toward a prisoner of war and once the war ceases, his liberty should be restored.²⁰ Montesquieu's opinion was based more on pure humanitarian considerations, but his conclusions were similar. He advocated the general principle that the law of nations naturally rests upon the idea that nations must do each other the greatest good during peace time and the least possible harm during war. "War gives the captor no other right over prisoners than to disable them from doing any further harm by securing their

persons." The captive was no longer to be treated as a piece of property to be disposed of at the whim of the victor, but was merely removed from the fight.²¹ The works of these two French philosophers pioneered the basic principles underlying later international agreements on the treatment of prisoners.

A practical application of these modern views regarding prisoners is found in the Treaty of Amity and Commerce of 1785 between the United States and Prussia. This agreement provided that, should the two countries go to war, prisoners were to be treated humanely and detailed rules were outlined as procedural guides. The United States continued to play a prominent role in the development of humanitarian legal doctrine concerning prisoners; similar provisions appeared in their agreements with Tripoli in 1805, Great Britain in 1813 and Mexico in 1848.²²

During the nineteenth century these modern views of prisoner treatment began to gain wide acceptance. At the request of President Lincoln during the American Civil War, Professor Francis Lieber made the first attempt to systemize the rules of land warfare. Lieber's Instructions for the Government of the Armies of the United States, which was also recognized by the Confederacy, became the first comprehensive codification of international law relating to prisoners of war issued by any government. The code, which was based on moral precepts that recognized the enemy as fellow humans with lawful rights, played a prominent role in the further development

of humanitarian legal theories concerning prisoners and internees.²³

Concurrent with the development of the Lieber Code, the Swiss philanthropist Henri Dunant was starting a movement in Europe that was to lead to the formation of the International Red Cross. The first Red Cross Conventions drawn up at the first Geneva Conference in 1864 committed signatory governments to care for the wounded of war, whether enemy or friend.²⁴ This conference, the Brussels Conference of 1874, and the Hague Conference of 1899 and 1907 were the major efforts toward international guarantees for prisoners of war prior to World War I. A prisoner of war code, based on many of Lieber's original stipulations, was introduced at Brussels (1874), finally ratified at the Hague (1899) and further expanded at the second Hague Conference in 1907. According to the Hague rules, prisoners were declared to be in the power of the government rather than an individual captor. The capturing government was to provide for their maintenance, food, quarters and clothing at a standard equal to that of its own troops. Prisoners were expected upon capture to give their name and rank and to abide by the rules of international law and the detention rules of the capturing power. Finally, captives were to be removed from the war zone as quickly as possible and not used for any duties having a direct military connection.²⁵ Thus as the age of total war approached, humanitarian norms for prisoner treatment had finally been established and ratified by most of the world community as international law.

Structural Development

The story of actual prisoner treatment throughout history reveals a considerable gap between rules and reality for war captives. While the humanitarian norms regulating the treatment of prisoners have evolved at a fairly constant pace, the structures for implementing these altruistic theories have not developed accordingly.

In the ancient world, few structural controls were placed on the individual soldier or chieftain regarding his actions toward an enemy. Wars of extermination were normally fought with no quarter asked or given. If captives were taken, they were considered no more than chattel to be disposed of as the victor saw fit.²⁶

As the rule of the central state became dominant with the development of the Babylonian and Egyptian civilizations, the control of prisoners shifted from the individual captor to sovereigns who were more concerned with economic considerations. They generally realized that profit was to be gained by sparing the lives of captives and making them their slaves. The practice of extermination was by no means eliminated during this period. However, self-interest and the centralization of control prompted captor governments to enslave prisoners rather than kill them, although it is difficult to say whether immediate slaughter on the battlefield or a life of slavery was less humane.²⁷

Even in the Middle Ages with the increased influence of the early Church and Christian doctrine, on most occasions,

humanitarian concepts were not translated into charitable practices on the battlefield.²⁸

The development of international law near the end of the Middle Ages and the birth of the European nation-state system herald the age of treaties and agreements regulating war. While theory was still ahead of practice in the treatment given war captives during this period, the new states did attempt to abide by their treaty commitments and enforce rules of humane treatment for their prisoners. The emergence of a feeling of national consciousness and loyalty to the sovereign helped to establish a structure of control over armed forces that was not previously possible.²⁹ The use of mercenary soldiers by many nations also tended to create a more tolerant attitude toward prisoners, for the victor in one battle knew that he might be the vanquished in the next. The cost of maintaining a large mercenary army prompted governments to negotiate scales of value for the ransoming and exchange of captives. A prisoner's worth was relative to his position in life, and his price was generally fixed by cartels at the beginning of a war.³⁰ For example, in 1780 England and France agreed on a tariff that fixed the ransom value of a common soldier at one pound sterling and a French marshal or an English admiral at sixty pounds.³¹

The British who prided themselves on their humanitarian treatment of European captives, applied quite a different standard to the American "rebels" during the Revolutionary War. Not wishing to recognize the United States as a nation, the

British refused to grant POW status to American captives. Thus, treatment of prisoners was similar to the harsh punishments customarily meted out during domestic disturbances.³²

Although the French National Assembly decreed in 1792 that prisoners were under the protection of the nation and would be treated humanely, the Napoleonic Wars did not always reflect this intent.³³ Napoleon's treatment of prisoners tended to vary with the amount of resistance offered by the foe, as evidenced by his especially brutal treatment of the Spanish after their heroic defense at Saragosa.³⁴

During the American Civil War, the treatment of prisoners of war was a major issue of contention between the two adversaries. The harsh conditions of prison camps like Johnson Island in the North and Andersonville in the South aroused appeals from both sides for more lenient treatment. Although the Lieber Code responded to these appeals, it had little impact on the treatment received by captives. The so-called "fortunes of war" seemed to be the major factor in this case as neither side had the capability to provide adequate facilities, food and shelter for the prisoners.³⁵ As in many prior wars, the severities of climate, the lack of logistical preparation and resources and the disorganization of supplies by combat conditions probably played a greater role in the treatment of prisoners than the malevolence of the capturing troops or government. Armies prior to the twentieth century had not developed a sufficiently adequate logistical system to care for their own troops in many cases and therefore the lot

of the prisoners was to live a spartan existence. Although the International Red Cross and other prisoner-relief institutions were organized during the late nineteenth century, their effectiveness was limited in ameliorating prison conditions due to their lack of acceptance and support from the international community.³⁶ Additionally, the slowness of international communications prior to the turn of the century largely exempted violators of humanitarian norms in prisoner treatment from the pressures of international public opinion.

Thus the history of prisoner treatment prior to the twentieth century reveals a great disparity between the actual care of war captives and the principles and norms incorporated in the international agreements. In almost all wars, the public attitudes toward the current enemy were not so benevolent as they were toward the symbols of humanity that were considered in formulating the agreements. Numerous deviations from these humanitarian theories were occurring during the very period of their development. With few exceptions, the moral and legal doctrines agreed upon by international conferences served only as ideal models that rarely were achieved in actual practice.

FOOTNOTES

1. "Prisoner of War," Encyclopedia Britanica, 1972, XVII, 562.

2. For the purposes of this study, the terms POW, war captive, war prisoner or internee will all be used interchangeably unless otherwise clarified.

3. See Maurice R. Davie, The Evolution of War: A Study of its Role in Early Societies (New Haven: Yale University Press, 1929) and Herbert C. Fooks, Prisoners of War (Federalsburg, Maryland: J.W. Stowell Printing Company, 1924).

4. See Albert D. Biderman and Samuel M. Meyers, Mass Behavior in Battle and Captivity (Chicago: University of Chicago Press, 1968) or Edgar H. Schein, Coercive Persuasion (New York: W.W. Norton & Co., Inc., 1961).

5. See Richard A. Falk, ed., The Vietnam War and International Law, Vol. II (Princeton, N.J.: Princeton University Press, 1969); J. N. Moore, Law and the Indochina War (Princeton, N.J.: Princeton University Press, 1972); and The Prisoner of War Problem (Washington: American Enterprise Institute, 1970).

6. See William F. Dean, General Dean's Story (New York: Viking Press, 1954) and Sidney Stewart, Give Us This Day (New York: Popular Library, 1961).

7. See Albert D. Biderman, March to Calumny (New York: Macmillan Company, 1963); Eugene Kinkead, In Every War But One (New York: W. W. Norton & Co., Inc., 1959); and William Lindsay White, The Captives of Korea: An Unofficial White Paper (New York: Charles Scribner's Sons, 1957).

8. See Alexander Casella, "The Politics of Prisoners of War," The New York Times Magazine, May 28, 1972, pp. 9, 26-27, 29-31; 34-35, and Mary Costello, "Status of War Prisoners," Editorial Research Reports, Vol. I (April 26, 1972), 313-334.

9. Albert D. Biderman, "Internment and Custody," International Encyclopedia of the Social Sciences, 1968, VIII, 140-141.

10. William E. S. Flory, Prisoners of War: A Study in the Development of International Law (Washington: American Council on Public Affairs, 1942), pp. 10-11. (Hereinafter referred to as Prisoners of War.)

11. I Samuel 15:3 and Deuteronomy 20:13-18.

12. Amos S. Hershey, The Essentials of International Public Law (New York: Macmillan Company, 1912), pp. 29-30.
13. Sun Tzu, The Art of War, trans. by Samuel B. Griffith (New York: Oxford University Press, 1963), p. 76.
14. Flory, Prisoners of War, pp. 11-12.
15. Fooks, Prisoners of War, p. 10.
16. Flory, Prisoners of War, pp. 13-14.
17. James M. Spaight, War Rights on Land (London: Macmillan Company, 1911), p. 264.
18. Hugo Grotius, The Rights of War and Peace, trans. by A. C. Campbell (Washington: M. Walter Dunne, 1901), p. 301.
19. Flory, Prisoners of War, p. 15.
20. Jean Jacques Rousseau, The Social Contract and Discourses, trans. by G.D.H. Cole (New York: E. P. Dutton, 1950), pp. 7-11.
21. Charles Montesquieu, The Spirit of Laws, trans. by Thomas Nugent (Chicago: Encyclopedia Britannica, 1955), Vol. 1, p. 283.
22. "Prisoners of War", Encyclopedia Britannica, 1972, XVIII, 562.
23. Flory, Prisoners of War, p. 18.
24. Martin Gumpert, The Story of the Red Cross (New York: Oxford University Press, 1938), pp. 154-176.
25. E. G. Trimble, "Prisoners of War," Encyclopedia of the Social Sciences, 1934, XII, 420-421.
26. Flory, Prisoners of War, p. 11.
27. Henri Coursier, Course of Five Lessons on the Geneva Convention (Geneva: International Committee of the Red Cross, 1963), p. 59. (Hereinafter referred to as Lessons on Geneva Convention.)
28. Flory, Prisoners of War, p. 13.
29. Coursier, Lessons on Geneva Convention, pp. 59-60.
30. Trimble, "Prisoners of War," Encyclopedia of the Social Sciences, p. 420.

31. Spaight, War Rights on Land, p. 264.
32. Charles H. Matzzer, The Prisoner in the American Revolution (Chicago: Loyola University Press, 1971), pp. VIII-X.
33. Trimble, "Prisoners of War," Encyclopedia of the Social Sciences, p. 420.
34. Edward Fraser, Napoleon the Gaoler (London: Methuen, 1914), pp. 13-14.
35. William B. Hasseltine, Civil War Prisons: A Study in War Psychology (Columbus, Ohio: Ohio State University Press, 1930), p. 254.
36. Gumpert, The Story of the Red Cross, pp. 302-318.

CHAPTER II

POWS, THE AGE OF TOTAL WAR,
AND THE EMERGENCE OF LIMITS

The systematic exploitation of war prisoners as an entity in the twentieth century depended on the convergence of two sufficient conditions. The Hague Conference symbolized the normative development and widespread recognition of standards of human welfare and international conflict resolution. Improved means of transportation along with mass communication during the late nineteenth and early twentieth centuries contributed to the development of the fundamental logistics of potentially humane treatment of prisoners -- including their removal from combat zones, their maintenance, and notification of their country of origin.

However, the necessary condition of twentieth century prisoner diplomacy lay in the paradox of the concept of limited war in the age of total war. Total wars of 1914-1918 and 1939-1945 demonstrated that the tools and procedures of war themselves were no longer reliable restraints on war. Total wars implied that if war could no longer be reliably limited by industrial potentiality or mobilized resources, they would have to be limited by explicit or implicit restraints on the traditional stakes of war: ideological and political control, territory, damages, reparations, and commercial rights and privileges. Prisoners, as an entity of high symbolic value, could become one of those stakes. Thus, with the development of normative and logistic conditions, plus the advent

of modern limited war, the stage was set for systematic diplomacy of prisoners of war.

World War I.

World War I began with all the belligerents professing adherence to the rules of the Hague Conferences relative to the treatment of prisoners. However, as the war progressed, the number of prisoners involved made it extremely difficult to abide by these rules. By the middle of 1916 the total captives held by all parties to the conflict numbered over four million. The logistical burden of providing adequate food, clothing and housing for such a multitude sorely taxed the capabilities of most of the belligerents. This was especially true after the exigencies of the war began to take their toll. Germany, pressured by an economic blockade and saddled with more than two million prisoners, reduced prisoner rations until captives were largely dependent on food sent from home. Accusations of deprivation and inhumane treatment by all parties led to reprisals and even harsher conditions for many captives.¹

World War I did, however, lead to more humane treatment for sick and wounded prisoners. An agreement among Great Britain, France and Germany in 1916 provided that prisoners wounded or suffering from twenty specified diseases, would be transferred to neutral Switzerland and interned for the duration of the conflict.² By the end of the war more than 26,000 prisoners had been interned there. While numerous other agreements were made for the exchange of certain classes of captives, no widespread trades were negotiated. The great demand for

manpower to support large field armies and essential war industries placed a premium on the labor supply for all belligerents. The exchange of sizeable groups of POWs would have given the enemy workers for essential industrial plants even though they might be forbidden to reengage in actual hostilities.³

In an effort to induce POWs to be disloyal to their home governments, the Germans practiced a type of political warfare in their prison camps. It involved the process known today as political indoctrination and was aimed at reorienting the ideological thinking of captives. Prisoners who seemed likely subjects for subversion were sent to special camps where comfortable barracks and extra rations were used to encourage collaboration. These pioneer efforts were less than successful however, as only thirty-two captives defected to the German side.⁴

As World War I ended, the terms of the Armistice provided that all allied prisoners in the hands of the defeated Central powers be repatriated immediately without reciprocity. On the other hand, most of the prisoners held by the victors were not returned until the Peace Treaty had been agreed upon and signed.⁵

World War I gave rise to some promising developments in humane concepts of prisoner treatment such as the neutral inspection of prison camps and the internment of sick and wounded in neutral countries. However, the deaths of many thousands of prisoners due to starvation or medical neglect pointed out the need for a more comprehensive approach to the

problem. The International Committee of the Red Cross in 1921 adopted a proposed code to improve prisoner treatment, but the most important step occurred at Geneva in 1929, when forty-nine nations signed a new convention to protect war captives. The experiences of World War I led them to expand the old Hague rules to cover naval and air forces and to prohibit the policy of reprisals. These conventions called for the repatriation of all prisoners with the least possible delay after the conclusion of peace, and provided that only captives charged with crimes might be retained until their punishment had expired.⁶

Concurrent with the formulation of this new body of rules for prisoner treatment, many nations of the world were making improvements in their mechanisms for caring for captives. The primary responsibility for developing these new structures for prisoner care was generally given to the military branch of government. For example the United States placed responsibility for prisoners under the Provost Marshal General Department and in 1938 a comprehensive manual was published outlining procedures to be followed in the reception, care, disposition, and security of all POWs.⁷

World War II.

When the hostilities began in Europe in 1939, the world seemed better prepared to cope with the problem of war prisoners than at any time previously. By mid-1941, the Geneva Convention of 1924 had been ratified by forty-one nations, with Japan and the Soviet Union the only major belligerents not parties to the agreement. Most nations had

some type of organizational structure responsible for the care and administration of captives. However, as in earlier wars, levels of treatment ranged from excellent to barbaric. Japanese treatment of prisoners, exemplified by the Bataan "death march"⁸ frequently reached the extreme limits of brutality and inhumanity. Also, once the Allied blockade and bombardment of the Japanese homeland had reached its peak, adequate food and medical supplies for POWs were non-existent. In the European Theater, however, treatment tended to vary with the race and nationality of the captives. With a few notable exceptions, like the Malmedy massacre,⁹ the Germans were generally humane toward American and British prisoners while the Russians were dealt with brutally. Also, for the first time in modern history, many thousands of civilians were taken prisoner and impounded in concentration camps. The atrocities suffered by many of these civilian captives were the most inhumane in the history of war.¹⁰

The International Committee of the Red Cross was influential in ameliorating conditions in many of the prison camps especially in Europe. In addition to expediting the flow of packages and letters to and from the camps, the ICRC helped to arrange several POW exchanges between the Allied and Axis powers. These exchanges involved the release of approximately 13,500 Allied prisoners for 21,000 Germans and Italians. Additionally, over 150,000 combatants were interned in Switzerland and other neutral countries.¹¹

As the war drew to a close, the victorious Allied powers acted to repatriate their own prisoners as the internment camps

were uncovered in their drive through Germany. In Japan, prisoners were released immediately after occupational forces established control. As in the past war, release of Axis prisoners was delayed until several months after the war. The Soviet Union proved to be the most delinquent in returning captives. Although it announced in May of 1950 that all German and Japanese prisoners had been returned except for a few thousand under sentence or investigation for war crimes, substantial evidence indicates that several hundred thousand captives were retained to assist in rebuilding Russia.¹² Although the treatment and care of POWs was a matter of deep concern for all the belligerents throughout World War II, the issue was peripheral to the diplomatic bargaining for the resolution of the war.

The brutal experiences of World War II provoked demands during the post-war period for a thorough revision of the 1929 Geneva Convention relative to POWs. Thus a Diplomatic Conference for the Protection of War Victims was convened by the Swiss government and held at Geneva from April to August of 1949. The resulting agreement relative to prisoners, which is currently in effect, comprises 143 separate articles touching on virtually every stage and aspect of war captivity.¹³ The major provisions included in these agreements are summarized in Appendix I.

As World War II ended, the lot of a POW was still far from being a pleasant one. It was evident that the characteristics of total wars were not conducive to the implementation of humanitarian concepts or structures. The two total wars of

the twentieth century involved the mobilization of entire national populations and resources to contribute to the struggle against a foreign enemy. With whole nations in arms, the dividing line between actual combatants in uniform and noncombatants and civilians became very thin. The total destruction of an opponent's homeland became a legitimate military operation because it reduced the enemy's economic and military potential and thus hastened the end of military resistance. The blockade of an adversary's commerce, which amounted to an attempt to stop all supplies, inflicted serious privations, including food shortages which had a special impact on all noncombatants such as prisoners. The destructiveness of modern weapons made it impossible to limit devastation to purely military targets which in many cases were located near densely populated areas. The human and material losses suffered by nations intensified their hatred for the enemy and prompted belligerent populations to feel that victory should reduce the adversary to an unconditional surrender. Although the objectives of these wars might have been limited initially, they tended to quickly become unlimited as the belligerents became firmly locked in mortal combat. Defeat in these wars gave the victor the right to impose on the vanquished the victor's type of government and patterns of social life. Total wars of the twentieth century were fought for the highest stakes and the negotiations concluding the conflict were largely one-sided affairs with the victor dictating most of the terms of settlement to the defeated foe. The principal bargaining currencies available were ideological surrender,

monetary reparations, land and commercial hegemony. Prisoners of war were generally a secondary issue that had little impact on the final political settlements. The victor's prisoners were normally released immediately after peace was attained, and the captives from the defeated force were repatriated as a matter of course after more important issues were settled.¹⁴

Limited Wars.

As World War II ended, a new and critically important event in the history of warfare occurred. The advent of the nuclear age with the atomic explosion over Japan engendered grave doubts as to the lucidness of the concept of total war with its total commitment and its unlimited objectives. Wars no longer would involve only risks such as partial loss of national territory, a temporary enemy occupation, reparations and indemnities, or even in the worst cases, the loss of national sovereignty. In the nuclear age, war entailed the risk of an almost total extermination of belligerent populations. Measured in terms of the suffering and destruction it could cause, the image of nuclear war gave the fullest meaning to the term "total war." This quantum jump in potential destructiveness, with its unacceptable risks seems to have been the major influence in returning warfare after 1945 to a lesser level of intensity.¹⁵

Wars since that time have been characterized by restrictions on both the aims and means of using force and have been called limited wars. This term "limited war", while not new in the vocabulary of war, deserves some explanation regarding

its meaning and significance to POWs.

Robert Osgood has defined limited war as:

. . .one in which the belligerents restrict the purpose for which they fight to concrete, well-defined objectives that do not demand the utmost military effort of which the belligerents are capable and that can be accommodated in a negotiated settlement.¹⁶

It is fought for ends far short of the complete subordination of one state's will to another's and upon termination, it leaves the civilian life and armed forces of the belligerent largely intact. Limited war reflects an attempt to affect an opponent's will rather than to crush it, to make the conditions of settlement more attractive than continued resistance and to strive for specific goals rather than limited aims. While all wars involve bargaining, it is in limited war that the bargaining process appears most vividly, for not only is the outcome of the war at stake but also the mode of conducting the war itself. It is a contest between national wills whose final resolution will normally be some type of political settlement requiring a degree of compromise and accommodation.¹⁷ The restrained objectives of a limited war tend to restrict the effectiveness of the more conventional bargaining currencies, like land, booty or ideological surrender. Thus, other available currencies such as POWs become far more important at the bargaining table. POWs may well become hostages for which negotiators will barter in order to achieve political concessions coinciding with their national objectives. Indeed, a fundamental tactic of bargaining is to motivate an opponent's willingness to settle a dispute by depriving him of something he can regain only by making concessions. Prisoners of war

therefore can become a means of establishing and exercising bargaining power. Thomas Schelling has argued that hostages or POWs "represent the power to hurt in its purest form." This power to hurt, this power to inflict pain and grief is a kind of bargaining power that can be exploited through coercive diplomacy to obtain results that would otherwise require the use of brute force. Prisoners in the hands of a committed enemy represent latent violence that can greatly influence the actions of an adversary who treasures the well-being of its citizens and who is convinced of the enemy's commitment. It is a type of violence that can be used or withheld and traded for political concessions. As a form of coercive diplomacy, it focuses upon affecting an opponent's will rather than his military capability. It seeks to erode an opponent's motivation by exploiting the capacity to inflict damage and thus create the expectation of unacceptable costs in the event of noncompliance with demands.¹⁸

Since the crucial objectives in a limited war are in the minds of the enemy as much as on the battlefield, prisoners and the treatment they receive can be exploited through propaganda to weaken the will of an enemy and thus his bargaining position. Threats of punishment, alleged statements and confessions of captives, and token releases are used to influence, demoralize and intimidate the domestic as well as the military populations of an adversary. Therefore the care and consideration afforded POWs in the limited war environment are generally determined by the political benefits that can be achieved by any particular form of treatment. Rarely is a prisoner's

ransom currently measurable in gold.¹⁹ His greatest value to his captor normally resides in his worth in exchange for political concessions or in the symbolic display that can be made by his outright release. The centrality of POWs to bargaining and negotiation in the conflict resolution of limited wars is explicitly illustrated in several wars and short-of-war conflicts since 1945. While the primary focus of this study is concerned with the use of POWs for bargaining in the recently concluded war in Vietnam, other examples of this phenomenon are discernible in the Korean War, the continuing Arab/Israeli conflicts, the Pueblo Crisis and the India and Pakistan hostilities.

Korean War. During the Korean War, more than 75,000 United Nations and South Korean soldiers (at least 6,500 were Americans) were captured by Communist forces while approximately 171,000 Chinese and North Korean prisoners were taken captive by the United Nations Command.²⁰ Inhumane treatment, torture and execution began for the U.N. captives with the so-called "death marches" from the front lines to the prison camps. Many prisoners failed to survive these long marches. Once they reached permanent camps, the facilities, food and treatment were inadequate, and medical care, when available, was poor. Although the Communists asserted repeatedly that prisoners of war were being treated in accordance with the rules of the Geneva Convention, representatives of the International Red Cross were never permitted to visit the camps or to interview their inhabitants.²¹

While much of the maltreatment of U.N. prisoners by the Communists could be attributed to the sheer hostility of the captors toward their captives, brutality was also used as an adjunct to the more subtle Communist practice of political indoctrination or "brainwashing." This process involved a crafty technique of alternate cruelty and kindness designed to break a prisoner's link with old loyalties and to forge new ones advantageous to the captor. An intense effort was made to indoctrinate them with communist ideology, to induce them to confess to war crimes and to castigate their own country and fellow prisoners.²²

Exploitation of prisoners for propaganda to gain an advantage in bargaining was also a prime objective of communist policy. Photographs of selected groups of prisoners who had been given food and quarters were disseminated to the world press, in order to show the humanitarian nature of prisoner handling. Other prisoners were paraded through village streets in degrading demonstrations to incite hostility in the domestic population. Captives were also used to gain additional credibility for specific propaganda themes by having them make written statements or radio broadcasts regarding germ warfare or other atrocities. The most common and most effective propaganda exploitation of prisoners involved representation to the international community that U.N. prisoners were easily brought to abandon their own cause and endorse that of the Communists. Letters and statements from prisoners praising their captors and the treatment they had received as well as the 359 U.N. soldiers who refused repatriation lent

credibility to this theme.²³

The exploitation of POWs for propaganda purposes was not restricted to the Communist camps. With the initiation of negotiations for peace in late 1951, the question of "voluntary repatriation" of prisoners arose. The United Nations Command maintained that it would return no prisoners of war who indicated that they would resist repatriation while the Communist side held that all prisoners must be repatriated regardless of their desires.²⁴ When the Communist and North Korean captives were screened to determine who would voluntarily accept repatriation, it was discovered that of the approximately 171,000 POWs held by the United Nations Command, only about 70,000 would return to the Communists without the use of force.²⁵ In order to overcome the psychological blow of having over half of their captured personnel refuse to come home, Communist efforts now turned to a massive worldwide propaganda campaign to discredit the screening process. In this effort, they exploited the hard-core Communist prisoner groups that had formed in the crowded and poorly supervised U.N. prison camps. While violence had taken place in the camps periodically since the beginning of the war, it was isolated and desultory until the negotiations began. To counter the propaganda defeat of large numbers of prisoners refusing repatriation, the Communist began sending agents to the front lines to be captured so that they could infiltrate the prison camps. Working through refugees, civilian and local guerillas, their agents could maintain contact with their leaders in North Korea while they planned, organized and staged incidents

in the camps.²⁶

As the Communists gained tighter control of the U.N. camps, the level of violence rose, finally culminating in the capture by prisoners of a U.S. general officer in command of the camp at Kojé Do. His release was obtained only after the new camp commander signed what amounted to admission of U.S. brutality in carrying out the screening procedures. This final incident provoked the U.N. Command to commit regular combat units to regain control of the camps. Control was finally reestablished on June 19, 1952. However, the psychological damage had been done. The Communists exploited the disorder in the POW camps both at the negotiating table and throughout the world. The effects of the incident at Kojé Do and other POW camps undoubtedly weakened the international support that the U.N. Command had been getting for its screening program and the question of voluntary repatriation. By sending in agents to incite the riots, the Communists had purposely exploited their prisoners for propaganda purposes and as a negotiating asset.²⁷

By mid-1952 all outstanding issues in the peace negotiations were resolved with the exception of the repatriation of prisoners of war. The U.N. Command held firm to their policy of "no forced repatriation" while the Communists refused to bend also. The war continued with no concessions on the issue being made until April 9, 1953, when the Communists accepted a U.N. proposal to exchange sick and wounded POWs. This exchange, dubbed "Little Switch," provided the impetus

for other Communist concessions on the prisoner issue which in turn led to the July 27, 1953 Armistice Agreement.²⁸ The North Koreans and Chinese agreed to allow a Neutral Nations Repatriation Commission²⁹ to screen the prisoners who had chosen not to return to their native land. Of the 359 U.N. nationals who had decided against repatriation, two Americans and eight Koreans changed their minds. The remainder, including twenty-one Americans, returned to the Communist side. By September 6, 1953, the U.N. Command had transferred more than 82,000 prisoners of war to the Communists and received more than 13,000 U.N. prisoners in return.³⁰

More than two years of war had passed, since the beginning of peace negotiations, resulting in untold suffering both on the battlefield and in the prison camps of all belligerents. The primary issue delaying an agreement was the voluntary repatriation problem. While it is difficult to ascertain the precise motives of either side in refusing to concede on the issue, psychological and political factors seemed to play an important part. By being obstinate on the prisoner issue, the Communist could continue to use the United Nation's POWs as bargaining currency to gain concessions on other issues. Probably more importantly, the Communists were initially unwilling to accept the major psychological defeat of having so many of their prisoners refuse repatriation. On the U.N. side, the question of voluntary repatriation was based, at least to some extent, on humanitarian considerations. It was assumed that the Communists would mistreat if not execute prisoners

who had announced a desire not to be repatriated.³¹ Political considerations were undoubtedly highly important, for voluntary repatriation would inflict a major propaganda defeat on the Communists that might deter future aggression. The relative weight given these considerations for voluntary repatriation is unknown. However, the costs to the U.N. Command and the implications for the future were considerable. Admiral C. Turner Joy, the chief United Nations negotiator at Panmunjon, described the costs as follows:

Voluntary repatriation placed the welfare of ex-communist soldiers above that of our own United Nations Command personnel in communist prison camps, and above that of our United Nations Command personnel still on the battlefield in Korea.

Voluntary repatriation cost us over a year of war, and cost our United Nations Command prisoners in communist camps a year of captivity. The United Nations Command suffered at least 50,000 casualties in the continuing Korean War while we argued to protect a lesser number of ex-communists who did not desire to return to Communism.³²

The Korean War with its more than 240,000 captives provided very conclusive evidence of the use of prisoners and their treatment as currency on the diplomatic bargaining table. No issue during the negotiations received more emphasis or provided a bigger stumbling block to agreement. Prisoners were maltreated, indoctrinated, intimidated, coerced, exploited and exchanged, all in the interest of gaining a political advantage.

Arab/Israeli Conflicts. Prisoners of war or hostages have frequently been a central issue in the bargaining for the

resolution of the bitter Arab/Israeli conflicts of the past twenty-five years. In each of the major wars (1948-1949, 1956, and 1967) prisoners taken by each side have been exchanged once a truce has been declared. Frequently however, these exchanges have been delayed while the parties to the conflict haggled over the terms of the release. For example, in the "Six Day War" of July 1967, Israeli forces captured more than 11,500 Arab prisoners, the majority of whom were Egyptians, while losing only twenty-one Israeli soldiers to the Arab force. Israel released more than 6,000 of the captives immediately but retained the remaining prisoners, including nine general officers to use to bargain for the exchange of the Israeli captives.³³ Although negotiations for an exchange were begun immediately through the International Committee of the Red Cross, no real progress was made because the Arabs refused to negotiate the release of seven Israeli civilians convicted of espionage in Cairo. On January 1, 1968, Israel unilaterally released 500 Egyptian prisoners as a symbolic gesture in hopes of pressuring the Arabs to agree to release the eleven remaining Israeli soldiers as well as the Israeli civilians. This token release strategy was evidently successful because a package deal was concluded on January 12, 1968, and all of the remaining prisoners were exchanged.³⁴

The terrorist activities of the Arab guerilla groups against Israel or against Israeli citizens abroad are more exemplary of the use of hostages for bargaining and as weapons of terror. In 1970 Palestinian terrorists went on a hyjacking

rampage, which culminated in the September 6 seizure of three jet airliners, containing more than 300 passengers. These aircraft were flown to a desert airstrip in Jordan where all but fifty-four of the passengers were released and the aircraft destroyed.³⁵ The remaining hostages were held until September 29 when they were exchanged for other Arab guerillas being held in Great Britain, West Germany, Switzerland and Israel.³⁶

The Palestinian Black September Group's raid on the Olympic Village in Munich in September of 1972 is another example of its use of hostages and terror as a form of coercive diplomacy in its guerrilla war against Israel. On the morning of September 5, eight terrorists slipped into the Israeli quarters in the Olympic Village, killing two Israeli athletes and taking nine hostages. After negotiating all day for the release of 200 Arab guerillas in Israel, the terrorists agreed to be flown to Cairo with their hostages. German police attempted to free the hostages and in the resulting battle, all the hostages were killed along with five of the guerillas. Three of the guerillas survived and were subsequently exchanged for the occupants of a German airliner hijacked by other Arab terrorists in November of 1972.³⁷

While the hijacking of aircraft for ransom or for obtaining political asylum has occurred frequently in the past few years, the Arab terror groups have developed the practice as a major tactic in their protracted war against Israel. They are convinced that the terror produced by holding a few individuals

hostage can intimidate thousands of people, coerce them into fulfilling their demands, and bring worldwide attention to their struggle in the Middle East. These examples of the exploitation of hostages are only a few in the bitter conflict between the Israelis and the Arab world. However, they graphically illustrate that in a limited conflict, the ability to hurt and intimidate through the use of hostages and carefully applied terror becomes a means of establishing and exercising bargaining power.

Pueblo Incident. The story of the capture of the intelligence ship USS Pueblo provides a clear illustration of the use of prisoners in a short-of-war conflict to bargain for a propaganda advantage. The USS Pueblo was boarded by North Korean soldiers off the coast of Wonsan in January of 1968 and forced to steam into the North Korean port. This was the beginning of eleven months of imprisonment for the eighty-two members of the ship's crew. While the North Koreans exploited the capture to gain considerable intelligence about the ship and its mission, they concentrated largely on the political and propaganda aspects of the incident. The crewmen were alternately treated as war criminals, prisoners of war and hostages during their confinement. As in the Korean War, the captives were subjected to political indoctrination and coerced into making false statements regarding their mission and admissions of their guilt. Their release was obtained only after the United States made an apology for the incident to the North Korean government. Although the apology was

immediately repudiated by the United States representative signing the document, the propaganda damage had been done.³⁸

India/Pakistan War. Prisoners of war continue to be used in the bargaining for the final resolution of the conflict between India and Pakistan. Following the end of active fighting in their 1971 war, more than 90,000 Pakistani POWs captured in the new state of Bangladesh were evacuated to India to prevent reprisals by the former East Pakistanis. Pakistan has been trying to persuade India to repatriate these captives but thus far has been unsuccessful. India claims that the matter cannot be settled between it and Pakistan alone. Bangladesh, whom Pakistan refuses to recognize as a nation, was a part of the Joint Command to whom the prisoners surrendered and thus must be party to any agreement for their release. Additionally, Bangladesh has threatened on several occasions to file war crimes charges against a large part of the POW group for atrocities against its people. Although these trials have not been held, the debate goes on concerning the legality of Bangladesh as a state and the terms of a peace agreement between the belligerents in the 1971 war.³⁹ Meanwhile, more than 90,000 Pakistanis remain in Indian custody, waiting for a decision on their fate. On December 1, 1972, an agreement was reached for the exchange of Pakistani and Indian prisoners captured on the western front. This agreement involving only 540 Pakistanis and 616 Indians has not thus far encouraged a broader exchange. While the fate of these prisoners still hangs in the balance, it seems evident that

their release will be obtained only through a political accomodation between Pakistan and Bangladesh.⁴⁰

In each of the preceeding examples, prisoners of war or hostages were or are being used as negotiable currency in the bargaining to resolve a limited conflict. Although the motivation for the use of the prisoners as currency varied somewhat, their centrality to the bargaining and negotiations between belligerents remained a fundamental characteristic of each example.

The crucial condition that relates limited war and the negotiability of POWs is the bargaining parties' perception that a war is limited and that POWs are in fact a currency. Prisoners in a limited conflict become negotiable only after an evolutionary process of "learning" occurs. The parties to a limited war apparently do not instinctively recognize the value of war captives for bargaining but rather "learn" their worth as other aspects of the war, such as its limits, become more apparent. This process of "learning" occurs as the warring parties perceive their opponent's level of commitment to pursue a particular course of action relative to the war and POWs. Therefore, the negotiable value of POWs appears to be contingent, first, upon the captor's ability to make his threat concerning the POWs credible, and second, upon the intrinsic value of the captives as communicated by the captive's own nation and perceived by the captor. To test these concepts, this study will examine the developing perceptions of the major actors in a selected limited war.

The unprecedented attention and emphasis given the prisoner of war issue in Vietnam suggest it as a logical choice for investigation. Using Presidential and Congressional documents, the Foreign Broadcast Information Service, major newspaper accounts and other authoritative primary and secondary sources, the evolution of the POW problem in Vietnam is traced as it developed from a relatively minor issue to the major bargaining point at the peace negotiations. A comparative analysis is made of the statements and actions of the opposing governments regarding the POW issue in order to evaluate their perceptions of prisoners as a bargaining currency and to assess the validity of the following hypotheses: (1) As the limits of the war became more apparent to the parties to the conflict in Vietnam, the salience of the POW issue increased; and (2) As the salience of the POW issue increased, the statements and actions of the parties to the conflict reflected a discernible pattern of manipulation of the POW issue for bargaining purposes.

CHAPTER II

FOOTNOTES

1. E.G. Trimble, "Prisoners of War," Encyclopedia of the Social Sciences (1934) Vol. 12, p. 421.
2. Samuel W. Lindsay, ed., Swiss Internment of Prisoners of War: An Experiment in International Humane Legislation and Administration (New York: Columbia University Press, 1917), p. 211.
3. George G. Lewis and John Mewha, History of Prisoner of War Utilization by the United States Army 1776-1945, DA Pamphlet 20-213 (Washington: Department of the Army, 1955), p. 47. (Hereinafter referred to as History of POW Utilization.)
4. Herbert C. Fooks, Prisoner of War (Federalburg, Md.: J.W. Stowell Printing Company, 1924), pp. 193-196.
5. Elizabeth M. Thompson, "War Prisoner Repatriation," Editorial Research Reports, Vol. II (December 3, 1952), 826.
6. Ibid.
7. Lewis and Mewha, History of POW Utilization, pp. 66-69.
8. Stanley L. Falk, Bataan: The March of Death (New York: W. W. Norton & Co., Inc., 1962), pp. 198-199. The Bataan "death march" occurred after the fall of the Philippines early in World War II. Seventy-eight thousand Americans and Filipinos were captured at Bataan and in their subsequent evacuation from the peninsula, more than 600 Americans and 5000 Filipinos lost their lives.
9. John S.D. Eisenhower, The Bitter Woods (New York: G.P. Putnam's Sons, 1969), p. 237. During the Battle of the Bulge in WW II, German SS troops slaughtered 70 unarmed American POWs in a meadow near Malmedy, Belgium.
10. Desmond Flowers and James Reeves, eds., The War, 1939-1945 (London: Cassell, 1960), pp. 544-554.
11. Mary Costello, "Status of War Prisoners," Editorial Research Reports, Vol. I (April 26, 1972), 323.
12. Thompson, "War Prisoner Repatriation," 826-827.
13. Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, The Geneva Convention of August 12, 1949, 2d rev. ed. (Geneva: 1950), pp. 1-3.

14. W.W. Kulski, International Politics in a Revolutionary Age (New York: J. B. Lippencott, 1964), pp. 46-50.

15. Ibid., pp. 51-59.

16. Robert Osgood, Limited War: The Challenge to American Strategy (Chicago: University of Chicago Press, 1957), pp. 1-2.

17. Henry A. Kissinger, Nuclear Weapons and Foreign Policy (New York: Harper and Brothers, 1957), pp. 140-145.

18. Thomas Schelling, Arms and Influence (New Haven: Yale University Press, 1966), pp. 1-34.

19. Haynes Johnson and others, The Bay of Pigs (New York: W. W. Norton, 1964), pp. 312-313. The bargaining conducted for the Cuban prisoners from the ill-fated 1961 Bay of Pigs invasion is an isolated example of the modern day use of ransom to secure the release of prisoners. The United States' part in the invasion and the pressures from Cuban refugee groups led to negotiations with Fidel Castro to secure the release of the Cuban prisoners. The negotiations culminated in a ransom of over \$50,000,000 in cash and medical products being paid to free the hostages. While POWs were used for bargaining in this example, they were not central to negotiations for resolution of the conflict.

20. Walter G. Hermes, United States Army in the Korean War: Truce Tent and Fight Front (Washington: U.S. Department of the Army, Office of the Chief of Military History, 1966), pp. 141-142. (Hereinafter referred to as U.S. Army in the Korean War.)

21. U.S., Congress, Senate, Committee on Government Operation, War Atrocities, Hearing before the Committee on Government Operation, Senate, 83d Cong., 2d sess., 1954, p. 15.

22. U.S. Defense Advisory Committee on Prisoners of War, POW: The Fight Continues After the Battle (Washington: Government Printing Office, 1955), pp. 7-14.

23. Albert D. Biderman, March to Calumny (New York: Macmillan Company, 1963), pp. 77-81.

24. Hermes, U.S. Army in the Korean War, pp. 134-135.

25. Ibid., pp. 169-172.

26. U.S., Department of State, Bulletin, XXVIII, 712 (February 16, 1953), 273.

27. Hermes, U.S. Army in the Korean War, pp. 243-262.

28. Ibid., pp. 414-415.
29. Ibid., pp. 424-425. The Neutral Nations Repatriation Commission was composed of representatives from Poland, Czechoslovakia, Switzerland, Sweden and India.
30. Ibid., pp. 514-515. Approximately 60,000 Chinese and Korean captives previously held as POWs by the UNC had been either classified as refugees or unilaterally released by the South Korean government.
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39. R. P. Anand, "Pak POWs and International Law," India Quarterly, XXVIII, 2 (April-June, 1972), 109-118.
40. "Bangladesh: One Year After," Newsweek, December 11, 1972, pp. 60, 65.

CHAPTER III

POWS AS AN HUMANITARIAN ISSUE (1961-1968)

On January 27, 1973, representatives of the governments of the United States, South Vietnam, North Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam¹ signed a peace agreement in Paris bringing a cease-fire to the Vietnam War. This document was the result of almost five years of open and secret negotiations. It provided among major conditions for the repatriation within sixty days of all captured military personnel and foreign civilians of the belligerent parties.² When fully implemented, this agreement would bring to an end the imprisonment of 589 Americans and more than 29,000 Vietnamese forces who were held in captivity in this long war in Southeast Asia. The length of time the United States was involved in this war surpassed that of American participation in any previous armed conflict. This time span was also reflected in the long periods of detention that American POWs experienced in Laos, Cambodia, and Vietnam. Two of the Americans reported as captives, Major Floyd Thompson and Navy Lieutenant Everett Alvarez were prisoners for more than eight years. At least 350 U.S. prisoners were missing or in captivity for more than five years.³ This group of men was relatively small compared with the number of Americans killed (45,933) or wounded (303,616) in the war. Yet, the emotionalism surrounding their detention was so strong that the POWs became a major issue in

the negotiations for ending the war. While North Vietnam consistently refused to discuss their release until American forces were withdrawn from South Vietnam, the United States in the latter stages of the war adhered to the position that prisoner repatriation must be the springboard for all other discussions.

This position of prominence was not the prevailing situation in the early stages of the war. Prisoners of war became central to the bargaining and negotiations between the warring parties only after an evolutionary process of "learning" about their value occurred.

During the early stages of the conflict when American military involvement was limited to advisory and logistical support, the few U.S. prisoners taken by Communist forces caused little concern domestically or in the war zone itself. The few thousand U.S. personnel in Vietnam were professionals who had volunteered for the duty, and were so portrayed to the American public. American objectives in the conflict were ostensibly limited to helping the South Vietnamese government resist the insurgent efforts of the Viet Cong rebels. Pressing problems in Berlin and Cuba were rousing far more interest in the United States than the few casualties being sustained in that "little war" in Southeast Asia.

Instruments of Propaganda

When the first U.S. soldier, an Army enlisted man, was captured outside of Saigon in December of 1961, the incident was hardly noted in the United States. The U.S. Command in

Vietnam chose to refer to the captured soldier as a "detainee", rather than a POW since the United States was not officially involved in combat operations.⁴ Although numerous attempts were made through the U.S. Embassy in Saigon to obtain his release, this first captive remained with the Viet Cong forces until June of 1962. In the intervening period, the Viet Cong clandestine radio frequently reported anti-U.S. statements attributed to the prisoner. Prior to his release, the Viet Cong alleged that he had signed documents requesting clemency and apologizing for his actions.⁵ Upon debriefing after his release in June, 1962, the soldier revealed that his captors had displayed him in several villages and given him repeated political lectures regarding the rightness of the insurgent cause. However, he stated that he was not physically mistreated.⁶

As the advisory effort expanded during 1962-1963 and the Americans became more directly involved in combat operations, the numbers of Americans being detained by the Viet Cong increased. In most cases, their treatment followed the pattern of the first incident. After capture, the prisoners were displayed in VC controlled villages, subjected to a few communist lectures, asked to sign documents requesting clemency and then released. A few incidents were recorded in which captives, especially wounded captives, were summarily executed while still on the battlefield.⁷ These actions seemed motivated more by the expressions of individual hostilities and exigencies of the current battle situation rather

than the administration of general Viet Cong policy. On the whole, U.S. prisoners during this very early period of the war were treated humanely and used only for the propaganda gained from their alleged statements and release.⁸

Initial Perceptions of Value

By late 1963, after the U.S. troop level had risen to more than 16,000 men, the Viet Cong appeared to have reassessed their policy toward American captives. In two separate incidents in the Mekong Delta, seven American soldiers were captured when the Vietnamese units they were advising were overrun by insurgent troops. Their treatment was less humane than that received by former captives; they were frequently subjected to torture and physical abuse as well as political indoctrination. They were also told by their captors that release was impossible until the war ended. Eventually two of these soldiers escaped, three were released in Cambodia and two were executed. However, this occurred only after they all had served at least two years of imprisonment.⁹ One of the captives, Lieutenant James Rowe was detained in a jungle prison for more than five years prior to his escape on January 1, 1969.¹⁰ Wilfred Burchett, an Australian journalist, visited four of the American captives in May 1964, and reported that they were all being treated well. His statement concerning a revision of Viet Cong policy toward captured Americans suggested that the Communists had gained an increased awareness of the value of their POWs for bargaining. He said that:

Liberation Front policy in the past has been to give captured Americans a few weeks of "explanations" as to what the struggle was about and set them free. Judging by the way the little camp, where I met the four sergeants is organized, it seems many more Americans are to be catered for, and release in the future may be a matter of negotiation.¹¹

Hanoi's awareness of the possible use of prisoners for bargaining was evident soon after it captured the first American pilot. Navy Ensign Everett Alvarez was taken captive after his plane was shot down during one of the first retaliatory bombing raids over North Vietnam, following the August, 1964 Tonkin Gulf incidents.¹² Hanoi radio immediately reported his capture and indicated that he had been paraded through North Vietnamese villages in honor of the units destroying his plane. The United States appealed to the International Red Cross to obtain his release but the North Vietnamese refused to negotiate.¹³ On August 12, 1964, Hanoi radio hinted that Alvarez might be freed if Washington showed a willingness to stop all aggressive acts against North Vietnam, but refused to grant him POW status since he was guilty of war crimes against the people of North Vietnam.¹⁴ Periodically after his capture, Alvarez was shown in Japanese news agency films apparently in good health.¹⁵

United States officials in South Vietnam continued to search for a procedure to secure the release of American captives that would avoid bargaining about war issues. After a State Department economic official was captured by the Viet Cong in August, 1964, the U.S. Embassy in Saigon initiated a plan to negotiate his release for a substantial monetary

ransom. However, the State Department subsequently disapproved the plan to avoid setting a dangerous precedent.¹⁶

Expanding the Limits

The retaliatory bombing attacks in North Vietnam along with the congressional approval of the Tonkin Resolution¹⁷ signaled a new level of commitment of the United States to the war in Southeast Asia. Hanoi and the National Liberation Front (NLF)^{*} reacted by appealing to the International Control Commission, the United Nations, and members of the international community to condemn the United States as aggressors.¹⁸ The Communist forces also escalated their military action in the South by terrorist attacks on U.S. living quarters and raids on U.S. installations such as Pleiku and Qui Nhon.¹⁹ President Johnson responded by ordering all U.S. dependents evacuated from Vietnam, the initiation of an intensified bombing campaign against North Vietnam and movement of two battalions of U.S. Marines to Danang for security duty. These actions in March, 1965 heralded a new phase of involvement in the war. For the first time, U.S. ground troops were to be used in active combat and a graduated program of strategic bombing was to be launched against selected targets in North Vietnam.²⁰ To accompany this escalation of military commitment, President Johnson also expanded his search for a peaceful solution to the conflict. In a speech in Baltimore on April 7, 1965, the President emphasized the limited nature of American objectives in Vietnam, warned Hanoi of American determination and restated his readiness to

engage in "unconditional discussions" with the "governments concerned with the war." President Johnson also offered one billion dollars in U.S. aid to be used in Southeast Asian development when the war was concluded.²¹ Hanoi immediately rejected the President's proposal. However, it released a four point plan for settlement that was to be the basis of its negotiating posture for several years. Hanoi's proposal demanded the immediate withdrawal of all U.S. forces and equipment from South Vietnam and the cessation of all acts of war against North Vietnam. Both North and South Vietnam were to refrain from establishing military alliances with other countries and no foreign troops were to be allowed on Vietnamese soil. The internal affairs of South Vietnam were to be settled in accordance with the program of the NLF and the unification of North and South Vietnam was to be settled by the Vietnamese without outside interference.²² Thus at this stage of the war, Hanoi's objectives were still clearly directed toward the replacement of the Saigon government with the National Liberation Front.

The increased level of United States involvement was also causing repercussions on the domestic front. In May of 1965, popular disagreement with U.S. policies in Vietnam began to take an organized form with the large scale "sit-ins", draft card burnings and two suicides.²³ Future events were to substantiate that these protests were not going unnoticed in Hanoi.

Coercive Bargaining

In South Vietnam, as American pressure increased, terrorist incidents directed at U.S. personnel multiplied. The Viet Cong killed seventeen Americans with bombs planted at the U.S. Embassy and on a floating restaurant on the Saigon River.²⁴ When another Viet Cong terrorist was apprehended attempting to blow up an American officers' billet, he was promptly tried, convicted and publicly executed.²⁵ Two days after the execution, Hanoi radio announced that the Viet Cong had executed an American prisoner, Sergeant Harold Bennett in reprisal.²⁶ Two more American captives, Captain Herbert Versace and Sergeant Kenneth Roraback were put to death by the Viet Cong in September of 1965 in reprisal for the execution in Danang of three other Viet Cong agents.²⁷

The reprisals exemplified the use of prisoners as a bargaining currency to establish rules for the conduct of the war. The Communists were demonstrating by their actions that American captives would be held as hostages as a means to gain some degree of protection for Viet Cong terrorists.

The U.S. Embassy in Saigon protested that such acts of wanton murder against military prisoners were in violation of the Geneva Convention and could in no way be justified as reprisals for the Vietnamese government's recent executions of Viet Cong agitators.²⁸ An NLF broadcast on the same day defended the killings, asserting that the Viet Cong "cannot give the U.S. aggressors and their henchmen the liberty to murder our patriotic compatriots without being punished." The

broadcast warned that if South Vietnam continued to execute Viet Cong agents, American captives would be subjected to even heavier punishment.²⁹ Premier Nguyen Cao Ky of South Vietnam responded that Viet Cong reprisals against Americans would not deter his government from punishing agents of Viet Cong terrorism. At the same time, he indicated that there would be no more public executions.³⁰

Following the first reprisal executions, Secretary of State Rusk appealed to the International Committee of the Red Cross (ICRC) regarding ways to obtain better treatment for prisoners and to admit neutral observers into the prisoner camps.³¹ In response the ICRC in August, 1965 addressed an appeal to the principal parties to the Vietnam conflict, calling on them to abide by the humanitarian provisions of the Geneva Convention. The ICRC reminded North Vietnam, South Vietnam and the United States that all were parties to the Convention and sent a copy of the appeal to the National Liberation Front on the grounds that it too was bound by the agreements signed by Vietnam. The ICRC appeal specified five points: (1) ICRC should be permitted to serve as a neutral intermediary; (2) Prisoners of war should be treated humanely; (3) POW lists should be exchanged; (4) ICRC delegates should be authorized to visit POW camps; and (5) Civilian lives should be spared. The United States and South Vietnam agreed to respect the Geneva Convention in its treatment of prisoners and arranged for the ICRC to visit its POW compounds. North Vietnam and the NLF in separate letters to the ICRC rejected

the applicability of the Geneva Convention and rejected the ICRC as an intermediary. Although acknowledging that it had acceded to the Convention in 1957, the Hanoi government said its rules did not apply to the captured pilots because there was no declaration of war, and because they were war criminals.³² In a broadcast from Hanoi on September 30, 1965, the North Vietnamese announced their intention to try U.S. pilots as war criminals. This threat was not taken seriously by U.S. officials at that time since it followed the Viet Cong executions by one day and was seen only as a smokescreen for these reprisals.³³

On December 1, 1965, the Viet Cong, for the first time in nearly two years, released two American prisoners. The Viet Cong radio indicated that Sergeants George Smith and Claude McClure were being released on behalf of the many people in the United States working for peace. Their return was to help repay America's "great loss" in the deaths of two U.S. pacifists who burned themselves in early November as a protest against the war.³⁴ In a press conference in Phnom Penh, Cambodia, following their release by a Viet Cong representative, Smith and McClure praised their former captives and indicated they would join the peace movement upon their return to the United States.³⁵ This was the first prisoner release that was connected to the peace movement in the United States. However, it became the pattern that was to be followed in most future releases.

As 1965 ended, the U.S. troop level had reached 180,000

men, and American combat units were daily engaged in combat operations against the insurgent forces. At Christmas President Johnson suspended the bombing over the North and sent ranking officials off to various world capitals to discuss the possibilities for negotiations with the Communists.³⁶ In Hanoi a three-man delegation of U.S. private citizens led by peace activist Herbert Aptheker arrived to discuss the war issue with North Vietnamese officials. This group was the first in a long line of private U.S. citizens to visit North Vietnam during the war. The group interviewed at least one American POW while in Hanoi and reported that he was in excellent condition, but was considered a war criminal by the Hanoi government.³⁷

With his Christmas peace initiative showing little prospects for success, President Johnson announced in his January 1966 State of the Union message that "the United States would remain in South Vietnam until the aggression from the North ceases."³⁸ On January 24, Ho Chi Minh, in a letter to world communist leaders, proclaimed that the United States must accept Hanoi's four points as a basis for ending the war. Otherwise the Vietnamese people would "resolutely fight on" so long as the "U.S. Army of aggression" remains on Vietnamese soil.³⁹ In response, the United States resumed the bombing of the North on January 31. The pause and the diplomatic offensive that had accompanied it had lasted for almost six weeks.⁴⁰ At its conclusion both Washington and Hanoi appeared more firmly committed to the achievement of their principal

objectives by military means.

The continued bombing of the North and the rising U.S. troop levels in South Vietnam prompted considerable concern in Congress regarding the extent of U.S. commitment in Southeast Asia. In February, the Senate Foreign Relations Committee in open hearings on U.S. Vietnam policy requested Administration spokesmen to clarify the U.S. objectives. Presidential adviser Maxwell Taylor and Secretary of State Dean Rusk stressed in testimony before the committee that the United States' goals in Vietnam remained limited to protecting South Vietnam from communist aggression. They both assured Congress that Vietnam was a limited war and would remain so.⁴¹

The War Crimes Episode

As the bombing raids over North Vietnam resumed after the 1965 Christmas pause, it was obvious that Hanoi had used the six weeks advantageously. Its air defense system had been expanded to include additional surface-to-air missiles. As the raids intensified, American aircraft losses increased and provided more captives for Hanoi's prisons.⁴² With the increase in prisoners, Hanoi heightened the war crimes theme in its propaganda campaign against the bombing. Early in February, the North Vietnamese Embassy in Cairo warned that Hanoi planned to try U.S. pilots as war criminals under North Vietnamese laws.⁴³ In March, 1966 peace activist Ralph Shoeman, returning from a visit to Hanoi, reported that U.S. pilots had admitted to war crimes and that one had consented

to testify that U.S. troops were regularly committing crimes against humanity.⁴⁴ On June 22, 1966, Hanoi radio reported that three captured U.S. fliers had been paraded before an anti-American rally in Hanoi and were threatened by an angry, shouting crowd.⁴⁵ A few days later, when the United States escalated the bombing attacks to include oil installations on the outskirts of Hanoi and Haiphong, the cry for war crimes trials increased, at least in Hanoi's propaganda broadcasts. One of the pilots was driven through the crowded streets of Hanoi in an open truck as an angry mob demanded punishment of the "American air pirates."⁴⁶ A Hanoi broadcast on July 7, 1966 presented texts of statements attributed to two American captives confessing crimes against the Vietnamese people as they were paraded through Hanoi's streets.⁴⁷ Again, on July 9, a North Vietnamese news agency reported that two other captives had "admitted their crimes and begged forgiveness."⁴⁸ On July 12, a Yugoslav press agency reported that sixty-six Americans would be tried as war criminals in the very near future.⁴⁹ The following day Hanoi radio announced that the parade of POWs through Hanoi streets had demonstrated to the people "that their government would represent them all in trying and punishing the pirates in proportion to their crimes."⁵⁰

This barrage of threats of war crimes trials prompted U.S. officials to voice immediate concern for the fate of the American captives. Ambassador-at-large Averell Harriman, who in May had attempted to arrange a POW exchange through the ICRC

at Geneva, was appointed to act full-time as the American official to deal with the problem of American prisoners of war. As the war crimes threat increased, Ambassador Harriman mounted a major diplomatic and propaganda effort to convince the North Vietnamese leaders that their announced intentions were a dangerous course.⁵¹ When on July 15, 1966, the news from Hanoi indicated that the trials were definite and scheduled to start on July 20, Secretary of State Dean Rusk warned in a press release that the trials would be considered a "very grave development."⁵² Critics of U.S. involvement in the war also joined the effort to dissuade North Vietnam from such a course. Eight Senate "doves", among them the Johnson Administration's severest critics on Vietnam policy, (Senators Church, Fulbright, Gruening, and Morse) issued a statement, calling on Hanoi to "refrain from any act of vengeance against American airmen." The senators warned that such acts "would incite a public demand for retaliation, swift and sure, inflicting new levels of suffering." Personal appeals to Ho Chi Minh were made at the same time by American Socialist Norman Thomas and the private anti-war organization SANE (National Committee for a SANE Nuclear Policy).⁵³ United Nations Secretary U Thant urged North Vietnam "to exercise restraint in its treatment of American prisoners." Thant warned that executing the pilots would be "certain to generate still more intense escalation of the war" and might lead to World War III.⁵⁴ Pope Paul VI also appealed to North Vietnam to assure the safety of the

captives and pleaded that they be treated according to international norms.⁵⁵

President Johnson made his first public reference to the question at a news conference on July 20, 1966. "We feel strongly that these men are military men who are carrying out military assignments in line of duty. They are not war criminals and should not be treated as such." The American people, the President said, would find the holding of war crimes trials of American war prisoners "very revolting and repulsive and would react accordingly." The President also proposed that North Vietnam join a conference under the sponsorship of the International Committee of the Red Cross to assure fair treatment of all prisoners.⁵⁶ On July 22, the State Department announced that in the future, all captives in Hanoi would be referred to as "captured or interned" rather than "detained" as was policy in the past. The move was made as another action to help insure POW status under international law for the captives.⁵⁷

Hanoi radio announced on July 24 the appointment of an eleven-man commission to investigate war crimes by American pilots.⁵⁸ However, on July 25, in response to a cablegram from Columbia Broadcasting System, Ho Chi Minh announced "that no trials were in view." This information was subsequently confirmed through diplomatic channels. A Czech news agency reported that Ho pledged humane treatment for the fliers and blamed high U.S. officials as the real criminals.⁵⁹

With the primary sources currently available, only specu-

lation is possible concerning Hanoi's motives in threatening to bring the U.S. prisoners to trial. However, at least two explanations seem plausible: (1) The threatened trials with the accompanying "hate" campaigns among the domestic populations were intended to unify the nation and prepare it psychologically for the assumption of the full mobilization status announced by the government in late July. (2) Once the hate campaign established Hanoi's commitment to try the prisoners, its primary objective was to bargain with the lives of the American pilots after their conviction as war criminals. Since no later trials were held or seriously threatened, it appears that Hanoi realized that the trials were not worth the unfavorable image it was acquiring in the eyes of the international community. However, Hanoi's display of the POWs before its domestic population served as symbolic trials that helped to unify the nation behind the war.

Thus at this stage of the conflict, the salience of the POW issue escalated dramatically since the very lives of the captives were now at stake. The emotional reactions of the United States to the threatened trials as perceived in Hanoi undoubtedly raised the value of the captives as a bargaining asset.

The war crimes episode, with its subsequent world outcry of opposition, appeared to make Hanoi especially sensitive about the POW issue. On several occasions following the war crimes threats, governmental spokesmen took great pains to

assure the world that American POWs would be treated humanely. They continued their program of releasing propaganda film of prisoners to the world press, but more emphasis was placed on the humanitarian aspects of their treatment.⁶⁰

Quest for Humanitarian Treatment

Following the Manila Conference in October, 1966, President Johnson and other Southeast Asian leaders appealed to North Vietnam for the release of sick and wounded prisoners, as required by the Geneva Conventions.⁶¹ Hanoi rejected this proposal on the grounds that the captives were not eligible for POW status and therefore not subject to the Convention. It reiterated however, that all prisoners would be treated humanely.⁶²

On at least two occasions in 1966, the South Vietnamese government unilaterally released several North Vietnamese prisoners at the demilitarized zone. Although North Vietnam refused to admit that the prisoners were actually from the North, it agreed to allow the captives to enter North Vietnam as refugees from the South.⁶³ The U.S. government, in late 1966, announced that it was holding nineteen North Vietnamese sailors captured from gunboats in the Tonkin Gulf off the coast of North Vietnam. Since there was no doubt regarding the status of these captives as North Vietnamese, the United States retained their custody for bargaining, rather than release them to the South Vietnamese government, as was the policy with other captives.⁶⁴ When the United States offered to release some of these captives for American prisoners in

December of 1966, Hanoi responded that it would not bargain for the release of U.S. POWs but would eventually release them outright or try them as war criminals.⁶⁵

As 1966 drew to a close, new attempts at negotiation for peace were being initiated through the Polish representative to the International Control Commission in Saigon. When renewed bombing of truck depots and oil facilities in Hanoi threatened to sabotage this peace initiative, the U.S. pledged not to bomb within a ten-mile radius of Hanoi.⁶⁶ In South Vietnam, U.S. troop strength had reached 389,000 men, and the U.S. State Department announced that ninety-four American personnel were known to be captives in Viet Cong or North Vietnamese prisons.⁶⁷

Early in 1967, several U.S. private citizens were successful in obtaining permission to visit Hanoi and talk with senior members of the North Vietnamese government. This list included Harrison Salisbury, an editor of the New York Times, along with Harry Ashmore and William Baggs, who represented the Center for the Study of Democratic Institutions. Their separate talks with President Ho Chi Minh and Premier Pham Van Dong reaffirmed the commitment of the Hanoi leaders not to negotiate on any matter until the United States unconditionally stopped the bombing of the North and accepted North Vietnam's Four Point peace proposal as a basis, if not a condition, for negotiations.⁶⁸

Other private citizens visiting Hanoi were successful in arranging talks with a few of the American prisoners and returned to the United States with letters from twenty of the

captives for their families.⁶⁹ This was the initiation of a new relationship between Hanoi and the anti-war groups in the United States. By the end of the war, all mail from prisoners was being directed through peace groups.

During the first two months of 1967, the prospects of more battlefield prisoner exchanges in South Vietnam seemed promising. Early in January, the Viet Cong released two U.S. construction workers whom they had detained for several months and in return, the Saigon government released three Viet Cong captives.⁷⁰ Additionally, on February 4, 1967, Saigon freed twenty-eight more sick and wounded North Vietnamese at the DMZ.⁷¹ The other side responded by freeing two American military prisoners and ten South Vietnamese captives in the jungles east of Saigon.⁷²

Hanoi, while praising these releases in the South, continued to display its captive pilots to the world press in order to counter charges of mistreatment. Occasionally these exhibitions fell short of their obvious intent. On March 6, 1966 Lieutenant Commander Richard A. Stratton was shown to a gathering of diplomats and newsmen in Hanoi. A recorded statement attributed to Stratton was played in which he allegedly referred critically to a series of U.S. air missions. "Anti-personnel weapons are chosen to inflict maximum damage on the population," the voice on the recording said and "the business part of the day was chosen for the raid." After copies of the statement were distributed, Stratton was brought before the gathering for a brief appearance. The Navy pilot appeared to be drugged, and his manner was des-

cribed as that of a robot. An American free-lance photographer who was present, later stated,

He looked straight ahead, but he wasn't really looking; his eyes never seemed to focus...When they said something to him, he acted; if they said nothing, he did nothing. On command from a North Vietnamese officer he bowed slowly, first to the right and then to the left, his head reaching down almost to his thighs.⁷³

Stratton's demeanor provoked speculation in the United States and other nations that the prisoners were being "brain-washed" by Hanoi to obtain confessions and criticism of U.S. policy in Vietnam.⁷⁴

The year 1967 proved to be a highpoint in U.S. military involvement in the war. The U.S. troop levels in the South approached 500,000 and the bombing in the North was extended to include MIG airfields north of Hanoi, the Haiphong shipyards and several other industrial targets previously restricted.⁷⁵ In the midst of some of the heaviest bombing, President Johnson sent a personal letter through Moscow to Ho Chi Minh, offering to halt the bombing in exchange for a reciprocal de-escalation from Hanoi. Ho angrily replied that: "It is only after the unconditional cessation of U.S. bombing raids and all other acts of war...that the Democratic Republic of Vietnam and the United States could enter into talks!"⁷⁶ As the war continued and combat operations increased, the number of Americans taken captive in both the North and the South also surged upward. During the year, 179 Americans were captured, which was the highest yearly rate of the war.⁷⁷

(See Appendix II)

As the list of American missing or in captivity lengthened, President Johnson increasingly voiced his concern for their welfare. On July 17, 1967, the White House issued a statement on the treatment of prisoners in Vietnam that called for Hanoi and the National Liberation Front to release the names of those Americans held in prison and to allow ICRC inspections of their places of detention. The statement also called once more for the repatriation of sick and wounded prisoners and the exchange of other captives.⁷⁸ This appeal, as well as most other appeals by the Johnson Administration concerning prisoners, was kept separate from the peace initiatives that were being explored at the time.

There was no response from the other side to the White House appeal. However, as the number of prisoners in Hanoi increased, more and more propaganda films of the POWs were released to the world press.⁷⁹ There seemed to be a conscious effort by Hanoi to keep the prisoner issue before the eyes of the world, apparently in order to use the prisoners as a symbol of United States aggression. Possibly Hanoi also hoped that exposing the prisoners before the world would arouse even greater U.S. concern for their welfare, and thus enhance their bargaining value in any future negotiations.

In November 1967, the Viet Cong released three American prisoners to the custody of the U.S. peace activist Tom Hayden in Cambodia. As in prior releases, the Viet Cong announced that the captives were being freed in response to the U.S. anti-war movement. For the first time, the Communists

tied the release to the Negro struggle in the United States. Two of the three captives were black, and the Viet Cong radio indicated their release was in honor of the civil rights movement in America. After the release, Tom Hayden stated that he and other members of a U.S. anti-war group had been negotiating with the Viet Cong for a large prisoner release in August, but it had been cancelled due to the escalation of combat activity by American forces.⁸⁰ The pattern established in this release was to be followed in most future prisoner releases by the communists. They seemed to feel that releases made to peace groups would enhance the movement's credibility with the U.S. domestic population and thus indirectly assist in the attainment of their objectives.

During President Johnson's round-the-world trip at Christmas, he visited Rome and appealed to Pope Paul for assistance in gaining peace and also requested him to intercede on behalf of the prisoners of war.⁸¹ When the Pope implored Hanoi to abide by the Geneva Convention regarding the treatment of its captives, he was once again assured that all prisoners were being treated humanely.

While a few prisoners were released by both sides during 1967, no real progress was made in obtaining better treatment for those remaining captive. Hanoi consistently refused to allow neutral inspection of their camps or provide a complete list of the captives. The Communists continued to use the prisoners for propaganda purposes but no attempts were made to overtly associate them with the settlement of the war.

Road to Negotiations

As 1968 began, all the parties to the war were calling for negotiations to end the conflict, and prospects for large scale prisoner releases seemed brighter. Saigon released forty sick and wounded North Vietnamese prisoners in reciprocity for the release of fourteen South Vietnamese officers.⁸² Two U.S. Marines were freed by the Viet Cong on January 27 and Hanoi announced that three U.S. pilots would be released during TET.⁸³

This trend toward accomodation was short-lived, however, as the TET offensive began with communist attacks on all major South Vietnamese cities on January 30. Saigon and Hue, the modern and ancient capital cities, were particularly hard hit. By the time the Communist forces were finally driven out, large parts of the cities had been destroyed. Casualties were especially high during the first two weeks of the offensive when approximately 1,000 Americans, 2,100 South Vietnamese and 32,000 Communists were reportedly killed. While Communist objectives during the TET offensive are not absolutely clear, it appears that they believed their initial onslaught would allow them to control a few major population centers and stimulate popular uprisings among the people against the Saigon government. Captured prisoners said they had expected the population to rebel against the government and support their cause. Some regular Viet Cong units were even planning "victory parades." On January 31, 1968 a National Liberation Front broadcast stated that the objective of the general

offensive was to topple the "Thieu-Ky puppet regime" and restore "national independence, peace, sovereignty, democracy and happiness to the people." Although Communist agents and infiltrators found shelter in some parts of the cities, government efforts against the Viet Cong did not have to be diverted to cope with a popular uprising. After considerable confusion the first few days, the Saigon government regrouped and organized a credible defense against the Communist attack. With American assistance, it was able to regain most of the territory lost during the offensive.⁸⁴

In spite of the confusion caused by the offensive, the North Vietnamese kept their promise and released three American pilots on February 16, 1968. The releases were made in Hanoi to peace activists Daniel Berrigan and Howard Zinn, and reported over Hanoi radio as a gesture to demonstrate the humanitarianism of the North Vietnamese people.⁸⁵ In March, the U.S. reciprocated by releasing three captive North Vietnamese sailors to the Communists.⁸⁶

By the end of February, there were some indications that Hanoi might have renewed its interest in opening negotiations for peace. U Thant, after a peace mission to various world capitals, informed the U.S. that if the bombing were halted, meaningful talks could begin within a few weeks.⁸⁷ In the United States the new Secretary of Defense, Clark Clifford was chairing a high level review of the government's Vietnam policy. This review was followed by President Johnson's March 31 proclamation of a major change in the United States

position on the war. In a televised speech, he announced the unilateral cessation of the bombing of North Vietnam except in the area immediately north of the demilitarized zone. The President indicated that all bombing of the North could be halted if the U.S. restraint was matched by restraint in Hanoi. He called for talks to bring the war to an end but reiterated that the U.S. objectives in Vietnam remained firm. "Our objective in South Vietnam," he said, "has never been the annihilation of the enemy. It has been to bring about a recognition in Hanoi that its objective -- taking over the South by force -- could not be achieved." The President concluded his speech with the disclosure that he would not seek nor accept another term as President.⁸⁸

In response to President Johnson's speech, North Vietnam agreed to meet with U.S. representatives to discuss the U.S. bombing halt and other acts of war against North Vietnam so that talks to end the war might start. Paris was selected as the location for the talks and delegates from the U.S. and North Vietnam held their first formal meeting on May 13, 1968.⁸⁹ As these talks began, some U.S. officials suggested to the press that the atmosphere of the Paris talks could be improved if North Vietnam released some U.S. POWs. However, this suggestion was not made openly at the negotiations.⁹⁰

Although the talks remained deadlocked on other issues, Hanoi announced at Paris on July 3, 1968, that it would release three more U.S. POWs. Ambassador Harriman, the U.S. representative, thanked the North Vietnamese for their decision to release the three captives and voiced the hope

that this action signaled Hanoi's willingness to move toward a peaceful settlement.⁹¹

The release was delayed while American peace groups negotiated the arrangements. However, it finally occurred on August 2. The prisoners were escorted out of Hanoi by U.S. peace activists who accused their government of delaying the release by refusing to abide by Hanoi's conditions. They suggested that future releases were now jeopardized.⁹²

Following these releases, Ambassador Harriman disclosed to Hanoi's negotiators at Paris that fourteen North Vietnamese sailors would be released shortly and asked that more American airmen be freed.⁹³ When the sailors were released on October 23, 1968, Hanoi responded by demanding that the U.S. return all other North Vietnamese citizens.⁹⁴

On October 31, 1968, President Johnson announced that the U.S. would cease all air, naval, and artillery bombardment of North Vietnam as of November 1. With this disclosure, the North Vietnamese agreed to expand the negotiations to include all the parties to the conflict. South Vietnam had initially objected to negotiating with representatives of the NLF but a compromise was reached and the first substantive sessions were scheduled for early 1969.⁹⁵

Just prior to Christmas, the NLF radio announced that it would free three U.S. POWs if unarmed U.S. representatives would meet with NLF officials to discuss the release procedures. Over the objections of the Saigon government, the United States agreed to the meeting but insisted that it should

not be considered as an official recognition of the NLF. During the first meeting, the Communists announced that the POWs were not immediately available and requested a second meeting on New Year's Day. The Americans agreed but voiced concern at the propaganda intent of the meetings. Finally on January 1, 1969, the three POWs were released.⁹⁶ The meetings and releases were seen as an attempt to embarrass the Saigon government which was refusing to recognize the NLF at the Paris talks. By offering the POWs as bait, the Communists were confident that the U.S. would meet their demands for discussion and at least tacit recognition of the NLF.

Although more prisoners were returned during 1968 than in any previous year, as the Johnson Administration went out of office, approximately 450 Americans remained in Communist hands.

Summary

Up to this point in the war, the Communists had in general refrained from exploiting the American POWs as bargaining currency. During the early stages of the conflict when the American commitment in the South was relatively small, the Communists seemed content to "re-educate" the prisoners and then profit from the symbolic display made by their release. As the American military involvement increased, the Communists apparently recognized or "learned" that U.S. prisoners could be used to demoralize the American forces and as hostages against executions of Viet Cong captives. During

the 1966 war crimes furor, the prisoner issue reached a new level of importance. Hanoi chose to exploit the POWs by parading them before their domestic population to incite public passion and strengthen the government's commitment to continue the war. Perhaps they also intended to bargain for the reduction or cessation of the bombing raids but as world sentiment intensified against the trials, Hanoi leaders relented and agreed to treat the prisoners humanely. This episode demonstrated North Vietnam's concern with international opinion, which was even more evident in the later prisoner releases. Most of these releases seemed calculated to impress the world with its humanitarian instincts and also to achieve its maximum objective, the forcible overthrow of the Saigon government. Prisoners therefore were used only in a manner that would assist in the achievement of this goal.

Following the 1968 offensive, in which the Communists lost 32,000 troops in the first two weeks, Hanoi appeared to have conducted a reassessment of its goals in South Vietnam. Since the Saigon government had survived the TET crisis and the Communists had lost a large portion of their Southern forces, the achievement of Hanoi's principal objectives in South Vietnam seemed more remote. Although the United States and the Johnson Administration suffered a major political setback during the TET battles, nearly 500,000 American forces still remained for the Communists to contend with in South Vietnam. Therefore, when President Johnson announced in March

of 1968 a partial bombing halt and reasserted an intense desire to begin talks to end the war, the Communist leaders apparently decided to pursue more limited military objectives and to strive for a negotiated settlement. Hanoi, for the first time in the war, agreed to begin talks with a view toward a complete cessation of the bombing and ultimate resolution of the war.

Once the talks began in Paris, the prisoner issue gained in importance. POWs appeared to have become, at a minimum, tacit bargaining currency. The token prisoner releases announced at the talks were seen by the United States as a signal of progress toward further agreement. Although there were few overt attempts in the opening months of the Paris negotiations to make the prisoners a major issue in the talks, the frequent references to the prisoner problem indicated a growing interest on the part of the negotiators.

From the standpoint of the United States, the prisoner of war problem was a more emotional issue. American captives have historically served as objects of national attention and solicitude. This concern for the welfare of POWs in Vietnam was manifested by both the U.S. government and the domestic population throughout the war. However, publicly expressed anxiety and interest in the captives did not reach its peak until after 1968.

The few U.S. prisoners taken captive early in the war were normally quickly released and thus caused little concern. After President Johnson assumed office and American military

involvement in the war increased, prisoners of war became primarily a humanitarian issue that was to plague the President throughout his Administration.

President Johnson obviously possessed a deep concern for the welfare of the American captives. It was reported that his first question after his daily briefings on the northern bombing raids was in regard to rescue efforts for air crews downed on the missions. He consistently stressed that maximum effort should be made through all available channels to assure humane treatment for those personnel taken captive. Although desirous of prisoner exchanges, the Johnson Administration, prior to 1968, made a special attempt to keep the prisoner issue separate and distinct from the bargaining being conducted for the resolution of the war. The President considered the POWs a humanitarian rather than a political issue and endeavored to treat them as such. Families of the prisoners were assured privately that efforts were being made to gain the release of the POWs but they were requested not to discuss publicly the prisoner issue because any statements made by relatives might aid the North Vietnamese in attempts to indoctrinate the captives or weaken their morale. Also it was feared that public identification of a missing man who had somehow evaded capture might reduce his chances of ultimate escape.

Once the negotiations in Paris began, Ambassador Harriman periodically used the meetings as a forum to continue the government's quest for prisoner exchanges and humane treatment for the captives. Although the prisoners were not

included as a part of the stated U.S. bargaining position, the U.S. delegates made it clear that concessions by Hanoi on the prisoners would improve the climate for negotiations.

Thus, prior to the start of open negotiations between Washington and Hanoi, prisoners of war were not considered by the belligerents as central to the bargaining for resolving the conflict. All of the announced plans and conditions for ending the war, as well as the recorded "secret" peace initiatives excluded any mention of the repatriation of prisoners. Hanoi and the National Liberation Front tended to use the captives primarily for propaganda purposes or occasionally as hostages to gain limited concessions. The United States stressed the humanitarian aspects of the prisoner debate while periodically attempting to barter for prisoner exchanges.

However, as the 1968 talks began and it became more apparent that the war would likely end in a negotiated settlement, all the parties to the conflict appeared to recognize the increasing importance of the prisoner issue in resolving the war.

CHAPTER III

FOOTNOTES

1. The Provisional Revolutionary Government of the Republic of South Vietnam (PRG) was created in June 1969 by the National Liberation Front. The PRG has been given diplomatic recognition by at least twenty-three nations and was formed to eventually assume control of the Saigon government.

2. U.S., Department of State, Office of Media Services, News Release: Bureau of Public Affairs, Documentation on Vietnam Agreement (Washington: Government Printing Office, 1973), pp. 34-35.

3. U.S., Congress, House Committee on Foreign Affairs, American Prisoners of War in Southeast Asia, 1972, Hearings before a subcommittee of the Committee on Foreign Affairs, House of Representatives, 92d Cong., 2d sess., Part 3, 1972, p. 29. (Hereinafter referred to as American POWs in SEA, 1972, Part 3.)

4. The New York Times, December 29, 1961, p. 2.

5. The New York Times, June 12, 1962, p. 15.

6. The New York Times, June 25, 1962, p. 1.

7. The New York Times, May 2, 1962, p. 12.

8. The New York Times, January 9, 1963, p. 1.

9. U.S., Congress, House, Committee on Foreign Affairs, American Prisoners of War in Southeast Asia, 1971, Hearings before a subcommittee on Foreign Affairs, House of Representatives, 92d Cong., 1st sess., Part 2, 1971, pp. 49-83.

10. James N. Rowe, Five Years to Freedom (Boston: Little, Brown and Company, 1971), pp. 432-434.

11. Wilfred G. Burchett, Vietnam: Inside Story of the Guerilla War (New York: International Publishers, 1965), p. 104.

12. The New York Times, August 6, 1964, p. 1.

13. The New York Times, August 12, 1964, p. 13.

14. The New York Times, August 13, 1964, p. 1.

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CHAPTER IV

POWS AS BARGAINING CURRENCY (1969-1972)

During the final four years of American involvement in the war in Vietnam, the prisoner of war issue became increasingly important to the bargaining for the resolution of the conflict. Both sides of the negotiations appeared to consciously manipulate the issue to gain the greatest bargaining leverage. By the time that a final agreement was reached, the POW issue had escalated from a relatively minor humanitarian issue to the major bargaining condition for the settlement of the war.

Establishing a Commitment

President-elect Richard Nixon assumed office in January, 1969, with a campaign commitment to "de-Americanize" the war in Vietnam and withdraw all of the U.S. forces. In his inaugural address, he characterized his Administration as being dedicated to leading the nation from an age of violent confrontation to an era of peaceful negotiations.¹ Regarding his goal of ending the war in Southeast Asia, he was extremely hopeful that the negotiations in Paris would reach an equitable settlement that would allow the U.S. to disengage from Vietnam with an "honorable peace." To pursue his negotiating aims in Paris, the President appointed the former Vietnam Ambassador, Henry Cabot Lodge, as the U.S. chief delegate to the talks.²

In his opening statement at the first plenary session of the Paris talks, Ambassador Lodge immediately stressed the importance of the POW issue. He established the new Administration's bargaining position as he outlined the first steps needed to be taken in order to work toward a negotiated settlement. These steps included: (1) the restoration of the demilitarized zone as set forth in the 1964 Geneva Conference; (2) the mutual withdrawal of all foreign forces from South Vietnam; and (3) the immediate exchange of all prisoners of war.³ While the restoration of the DMZ and the withdrawal of foreign forces had been included in previous U.S. bargaining positions, for the first time, the prisoner of war issue was added as one of the major parts of the negotiating package.

Thus, the stage was set for a major revision in United States policy toward the prisoner of war issue. The general approach of the Johnson Administration had been to avoid treating the POW issue publicly and to concentrate instead on "secret" initiatives on behalf of the prisoners that were less vulnerable to extortionate demands. On the other hand, from its very beginning, the Nixon Administration increasingly encouraged open discussion of the POW issue and at the Paris peace talks, repeatedly broached the question of the captives' treatment and release. This change in policy, while possibly prompted by growing domestic concern for the welfare of the approximately 450 American captives, was compatible with the President's commitment to bring all U.S. forces home from

Vietnam.

The Communists responded to these initial appeals regarding the POWs by disclaiming any allegation of prisoner mistreatment and rejecting all proposals for POW exchanges. The United States delegates at Paris were reminded that the prisoners were products of an undeclared war, had perpetrated horrendous crimes against the people of Vietnam and thus were ineligible for classification as prisoners of war.⁴

When by May of 1969, no progress had been made at the Paris talks, the Nixon Administration initiated a new plan for peace. In a speech to the nation on May 14, the President ruled out a military solution to the war, reiterated the United States' limited objectives in Vietnam, and outlined the first substantive proposal for peace of his Administration. Although the principal bargaining issue of this plan was self-determination for the South Vietnamese people, the President made the POWs an integral part of the negotiations for a settlement of the war. In describing U.S. objectives in Vietnam, he stated:

We have ruled out attempting to impose a purely military solution on the battlefield. We have also ruled out either a one-sided withdrawal from Vietnam or the acceptance in Paris of terms that would amount to a disguised American defeat....What we want is very little but very fundamental. We seek the opportunity for the South Vietnamese people to determine their own political future without outside interference....In pursuing our limited objectives, we insist on no rigid diplomatic formula. Peace could be achieved by formal negotiated settlement. Peace could be achieved by an informal understanding.⁵

The major conditions of the President's formula for peace provided for the phased withdrawal of both U.S. and North Vietnamese forces from South Vietnam; the establishment of an international supervisory body to oversee a cease-fire and to hold national elections; and for arrangements to be made for the release of POWs on both sides at the earliest possible time.⁶

The POW issue gained even more prominence a few days later when Secretary of Defense Melvin Laird revealed that there was clear documentation of mistreatment of POWs by the Communists and indicated that in the future, the case for war prisoners would be aired in the "court of world opinion." Laird said that neither North Vietnam nor the Viet Cong had been willing to release the names of American POWs being held and that no progress was being made in private or public talks to obtain prisoner releases.⁷ Secretary Laird's press conference was the beginning of an intensive Administration and Defense Department effort to publicize the prisoner of war issue. The program as planned included: (1) public statements by government officials; (2) press conferences and speaking engagements by returning POWs; (3) enlistment of the assistance of the news media; and (4) encouragement of private organizations, individuals and POW family members to participate in publicity-generating activities.⁸

The Wives and Family Movement

This radical change in Administration policy toward the

prisoner of war issue could be attributed at least in part to a small but vocal domestic pressure group composed of wives and families of the POWs. As early as 1966, Mrs. James Stockdale, whose husband had been a prisoner since September 1965, began questioning the Johnson Administration's "low profile" policy concerning POWs. She initiated a search for other POW wives and by 1968 had formed a loose-knit organization of thirty-three POW families on the west coast. This group decided it was not in the best interest of the prisoners to continue to remain quiet on the issue any longer. They initiated a campaign to let the world know the truth about the plight of the POWs by making speeches, talking about the problem on radio and television, promoting "write-Hanoi" campaigns and badgering the Administration and Capitol Hill for more action.⁹ When President Nixon was inaugurated, this organization of families sponsored a campaign to have POW families send telegrams to the new President, Secretary of State and Ambassador Lodge, requesting that the prisoner of war problem be given a high-priority consideration during their Administration. During early 1969 Mrs. Stockdale's group combined with other small POW family organizations throughout the country. They named their national effort the "National League of Families of American Prisoners in Southeast Asia." When the new organization made a personal appeal to Secretary of Defense Laird, it received his assurances of a concentrated Department of Defense effort on behalf of the POW problem. He also encouraged the families to expand their

endeavors to publicize the issue.¹⁰

Hanoi's reaction to the publicity movement was to berate the Nixon Administration for attempting to obscure the central issues in the negotiations behind propaganda concerning the captured Americans. It reiterated that the Americans were war criminals but were being treated humanely.¹¹

Defining the Limits

In June of 1969 President Nixon further demonstrated the limits of U.S. objectives in Vietnam by announcing the initiation of his promised troop withdrawal program. The President indicated that 25,000 U.S. troops would be withdrawn from Vietnam by August, and that additional withdrawals would be forthcoming depending upon the state of training of the South Vietnamese and progress at the Paris talks.¹² U.S. negotiators were hoping for a favorable Communist response to the announced troop withdrawals but received no immediate reaction.

Later in the month of June, U.S. officials let it be known that a military concession such as cessation of armed reconnaissance flights over North Vietnam would not be ruled out as a means of obtaining prisoner releases. At this stage of the conflict, Hanoi remained steadfast in its refusal to trade the prisoners for limited military concessions. Xuan Thuy, Hanoi's chief delegate, responded by stating that "no prisoners would be released or identified" as long as the U.S. continued its aggressive war in Vietnam.¹³

With the Communists' continued intransigence on the POW

issue, the Administration attempted to broaden its appeal to Hanoi. In June of 1969 it requested some of the severest critics of the Administration's Vietnam policy to intercede on behalf of the POWs. Senator William Fulbright, among others, consented to make a secret personal appeal for leniency from the Hanoi government. In a letter to Ho Chi Minh, he requested at a minimum the release of the names of American captives. In his reply only a few days before his death, Ho refused to make the names public on the grounds that the question of American prisoners could be resolved only as a part of an overall settlement of the war along the lines proposed by the North Vietnamese and the National Liberation Front. He stated that the POW issue could not be taken up as a separate issue and the Nixon Administration must bear full responsibility for the delay in the settlement of this question.¹⁴ This statement from Hanoi's top leadership indicated the Communists' commitment to hold the prisoners for bargaining in the final resolution of the conflict.

Arousing Public Opinion

Contrary to its apparent obstinacy on the POW issue, on July 3, 1969, Hanoi announced that three more U.S. prisoners would soon be freed. Following the pattern of past releases, Hanoi invited a group of U.S. anti-war activists to North Vietnam to escort the captives home. The Communists built up suspense among the POW families in the U.S. by refusing to release the names of the captives to be freed until just prior to their departure from Hanoi on August 4. The release

was announced as a tribute to the anti-war movement in the United States and as an example of the North Vietnamese people's merciful attitude toward their American captives.¹⁵

The general pattern of these token releases indicated that Hanoi had two basic motives in mind. First, it desired to build a world image of humanitarian concern for POWs. Second, it wanted to increase the prestige and effectiveness of the peace groups in the United States in order to undermine support for continued American involvement in Vietnam.

Several American officials, while expressing delight at the freeing of the three POWs, charged Hanoi with conducting the release for strictly propaganda purposes.¹⁶ When Ambassador Lodge explored the possibilities of other releases at the Paris talks, he was told again that future releases would depend on the U.S. reaction to the Communist proposals for ending the war.¹⁷

Although the returning prisoners had initially indicated that they had received adequate treatment while in captivity, in September at a press conference, two of the former POWs, Navy Lieutenant Robert Frishman and Seaman Douglas Hegdahl presented a picture of brutality and torture in the North Vietnamese camps.¹⁸ Although the authenticity of these accounts was later questioned by some journalists,¹⁹ these initial disclosures, the first publicized eyewitness accounts of brutality and torture, seriously challenged Hanoi's claim of humane treatment of prisoners.

These stories of maltreatment in the prison camps were

a cause of increasing concern among the POW families and gave impetus to their movement to publicize the issue. Several relatives of the captives journeyed to Paris and other world capitals to communicate their pleas for information concerning their men. In Paris the North Vietnamese and National Liberation Front delegations to the peace talks were deluged with requests for news of individuals believed captured. If received at all, the families were normally told that information regarding the POWs was not available in Paris. On several occasions, wives were advised by the Communists to return to the United States and join the fight for U.S. withdrawal from the war.²⁰ At the peace talks, the Hanoi delegation accused the United States of exploiting family sentiment to camouflage its pursuit of the war and reiterated its pledge not to release any more American POWs until the United States had withdrawn its troops. The Communists suggested that any further information concerning the POWs would be routed through anti-war groups in the United States.²¹

In November of 1969, the climate for bargaining on the POW issue seemed somewhat improved when, following the release of eighty-eight Viet Cong captives by the Saigon government, the NLF immediately released three American POWs. However, these hopes for reciprocal releases were dampened a few weeks later when Hanoi rejected a Saigon offer to free sixty-two sick and wounded North Vietnamese.²²

Continuing its efforts to exert international pressure

on Hanoi for concessions on the POW issue, the United States brought the question before the United Nations General Assembly. In a speech on November 11, 1969, U.S. Representative Mrs. Rita Hauser protested the failure of North Vietnam and the NLF to abide by the Geneva Convention. Attempting to capitalize on Hanoi's sensitivity to world opinion, she called on all U.N. members to persuade Hanoi to allow access to the American captives. Although a lengthy debate on the issue ensued, no immediate action was taken due to the opposition of Communist countries in the General Assembly.²³

During the same period, the House Foreign Affairs Committee in Congress began hearings on the POW issue that were to be repeated in each session of Congress throughout the course of the war. One of the first actions of the committee was to present a concurrent resolution to Congress condemning the treatment of American POWs by North Vietnam and the NLF and calling on them to comply with the 1949 Geneva Convention. The resolution was passed unanimously in both the House and Senate and was used to further demonstrate the United States' commitment to the American prisoners.²⁴

One of the more highly publicized individual efforts to arouse public opinion on behalf of the POWs was launched by millionaire businessman Ross Perot just before Christmas of 1969. Perot announced a plan to charter a plane to carry Christmas packages, family messages, food and medicine to the American POWs in Hanoi. His request to deliver the supplies

was denied by the North Vietnamese government. However, undaunted, he continued with his plan. After arriving in Vientiane, Laos, the North Vietnamese emphatically rejected his request to go on to Hanoi and refused to accept the supplies for the prisoners. With this refusal, Perot flew on to Rome, Copenhagen and other world capitals in an attempt to find an intermediary to send his supplies to Hanoi and to further dramatize the issue in the eyes of the world.²⁵

Concurrent with this trip, another Perot chartered plane with 150 POW family members was on its way to Paris to appeal to the Communist delegation on behalf of the prisoners. The families picketed the North Vietnamese delegation on Christmas Day but received no assurances of assistance.²⁶

Although Perot's Christmas venture served to thrust the prisoner issue further into the international spotlight, the prisoners or families themselves gained few substantial benefits.

Flow of Letters and Information

The relationship between Hanoi and the U.S. anti-war groups was strengthened when at Christmas of 1969, three women led by peace activist Mrs. Cora Weiss visited North Vietnam in response to a Hanoi invitation. While there, the women were given a large bundle of letters from American POWs to be delivered to their families in the United States, and were invited to form an organization to act as an intermediary between Hanoi and the POW families. Upon returning

to the United States, Mrs. Weiss announced the formation of the "Committee of Liaison with Families of Servicemen Detained in North Vietnam".²⁷ This organization was to become the primary source of contact with the POWs in Hanoi throughout the remainder of the war. By refusing to deal through official channels, Hanoi was trying to force the U.S. government and the POW families to sanction the anti-war groups and lend credibility to their movement.

After one full year of substantive negotiations, the POW issue was apparently unalterably enmeshed in the diplomacy and bargaining for the resolution of the war. In the final session of the Paris talks in 1969, the U.S. representative devoted most of his presentation to the POW issue. A list of 1,406 names of Americans missing in action in Southeast Asia was handed to the other side with a request for an accounting of their status. Another request was made to separate the POW issue from the political and military questions under discussion. However, at this stage of the negotiations, there seemed little hope for this separation and accounting since the Communists reiterated the necessity for a political and military solution to the war before discussing the POWs.²⁸

During the early weeks of 1970, more information was obtained about American prisoners in Hanoi than at any previous time during the war. A number of letters arrived and were distributed to families through the newly formed Committee of Liaison. Other peace groups confirmed the captivity of at

least seventy additional prisoners.²⁹ This softening of Hanoi's attitude toward provision of information concerning the POWs was possibly in response to the adverse publicity it had received concerning the issue during the past year. However, while attempting to reassure the world community of its humane treatment of the prisoners, it showed no signs of relenting on the exchange issue. Hanoi continued to reject all proposals to discuss freeing the POWs prior to the settlement of the war and in late March again rejected an offer from Saigon to unilaterally repatriate 343 sick and wounded Vietnamese.³⁰

A "Matter of Basic Humanity"

The United States continued its Vietnamization program and by April of 1970 had withdrawn over 100,000 U.S. troops from Vietnam. In his First Annual Report to Congress on U.S. Foreign Policy in the 1970's, President Nixon emphasized that ending the war was the major goal of all U.S. foreign policy. To reach this goal he indicated that the United States would pursue mutually supporting courses of action: negotiations and Vietnamization. While committing the nation to ending the war and getting out of Vietnam, the President warned that these goals would be realized only when a just peace could be achieved that did not involve abandoning the South Vietnamese people. He appealed again for the early release of POWs on both sides of the conflict. He stated that:

This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on humane treatment for prisoners of war.³¹

While self-determination for the South Vietnamese people remained the principal U.S. objective in Vietnam, the President continued to stress the importance of the resolution of the POW issue.

In the enunciation of the nation's foreign policy objectives, the President appeared to be establishing definite limits on the Vietnam conflict that included an irreversible course of U.S. withdrawal. However, his decision in May to attack Communist base areas in Cambodia undoubtedly prompted Hanoi to question the credibility of these limitations. These incursions across the border, along with a two-day resumption of air raids on selected targets in North Vietnam, were declared as drastic escalations of the war by Hanoi and other communist nations. Hanoi responded by boycotting the Paris talks.

The Nixon Administration denied any intent to escalate the war and stated that the raids into Cambodia were justified in order to protect American lives and allow the withdrawal of forces to continue.³² When the North Vietnamese were given assurances that the American stay in Cambodia was only temporary, they agreed to return to the negotiations.³³

Although somewhat overshadowed during the Cambodian operation, once U.S. forces had withdrawn, the POW issue once more gained prominence at the Paris talks. Ambassador David

Bruce was appointed by President Nixon as new chief of the U.S. negotiating team with the charge to "place the POW issue high on his agenda." The new Ambassador promptly began pressuring the North Vietnamese delegation for more information on the POWs but received no immediate response.³⁴

Another example of President Nixon's increasing attention to the prisoner of war issue was reflected in his appointment in early August 1970 of former astronaut Frank Borman as his personal representative on POW matters. In making the appointment, the President emphasized that the United States had no desire to make a political issue of POWs but only sought humane treatment for the men. Borman immediately departed on an "around-the-world" trip to focus world attention on the prisoner issue and to attempt to obtain "third party" help in applying pressure on Hanoi concerning the problem.³⁵

When by October 1970, no progress had been made in the Paris talks, President Nixon announced another new initiative for peace. This new proposal called for a cease-fire in position; an Indochina peace conference; a negotiated timetable for the mutual withdrawal of foreign forces; a negotiated political settlement for South Vietnam; and finally, the immediate and unconditional release of all prisoners of war held by both sides. While a cease-fire in place received primary emphasis, the President indicated the increased importance of the POW issue by stating that:

The immediate release of all prisoners of war would be a single act of humanity. But it could

be even more. It could serve to establish good faith, the intent to make progress and thus improve the prospects for negotiations.³⁶

The Communists denounced this proposal, contending that it contained nothing new. In a counter-proposal, the Communists varied for the first time from their position of tying the POW issue to a complete settlement of the war. Madame Binh, the NLF representative, announced that if the United States established a total withdrawal date of June 30, 1971, the Communists would be willing to begin negotiations on the question of releasing U.S. prisoners. The United States promptly rejected this proposal as being too ambiguous since no promise was made for the actual release of prisoners.³⁷

The Son Tay Raid

In early November, the Committee of Liaison reported that Hanoi had revealed the deaths of six American airmen in captivity.³⁸ With this announcement, considerable sentiment began to build among the POW wives and families for the United States to set a definite withdrawal date. Some of the families were beginning to believe that a withdrawal commitment was their only hope for having their relatives returned alive. Other POW families, however, advocated more stringent methods and recommended that all withdrawals of U.S. forces be halted until the prisoners were returned.³⁹ Many of this latter group were undoubtedly encouraged when it was announced on November 21, 1970, that a small body of U.S. soldiers and airmen had conducted a raid on a prison camp in North Vietnam.

The Son Tay raid was unsuccessful in freeing any U.S. captives, apparently due to faulty intelligence. According to government officials, the raid had been approved by President Nixon after learning of the recent deaths of several American captives. Since the Hanoi government had failed to respond to any of the U.S. proposals for prisoner exchanges, the President had decided that a more positive course of action was justified.⁴⁰

The Son Tay raid, although failing to accomplish its primary goal, had a considerable impact on the POW issue both in Hanoi and the United States. Since the operation was the first to use U.S. ground forces within North Vietnam, it graphically demonstrated to the Hanoi government the United States' concern and commitment to the American prisoners. It also unquestionably expanded the limits of the war and raised speculation as to just how far the U.S. would go to obtain the release of its prisoners.

Within the United States, there were mixed emotions concerning the raid. It was attacked by many people, including some members of Congress, as being a dangerous escalation of the war that would only have jeopardized the lives of American POWs even if they had been in the Son Tay camp. This group strongly urged that no future raids be planned. Another segment of domestic opinion hailed the raid as an example of the firmness of American determination on the prisoner issue. The Administration, although embarrassed because the raid did not produce concrete results, publicized the bravery

of the men involved in the operation and refused to eliminate the possibility of other such ventures.⁴¹

With the failure of the Son Tay raid, the major effort to obtain a prisoner release returned to the Paris Conference table. On December 10, 1970, Ambassador Bruce proposed the exchange of 8,200 North Vietnamese POWs held by the Saigon government for approximately 800 U.S. and other free-world captives believed to be held in North Vietnam. Hanoi once again refused to discuss the POW question separate from the settlement of military and political issues.⁴² Hanoi's only remaining concession in 1970 was to release at Christmas a list containing the names of 339 American prisoners to representatives of Senators Fulbright and Kennedy. While Hanoi contended that this list was an accurate and complete accounting of all U.S. POWs, the Department of Defense stated that the list included no names not previously released.⁴³ This continuing Communist pattern of dealing with American war critics, rather than with official government sources reflected Hanoi's desire to use the POW issue to exploit U.S. domestic dissension on the war.

Applying Pressure

In early 1971, there was a noticeable change within the Nixon Administration in its approach to the POW issue. As the United States troop withdrawals continued, the Communists were showing no signs of yielding in their position on prisoner exchanges. Therefore, U.S. government spokesmen began to place limits on the extent to which the U.S. troop withdrawals

would go without a settlement of the POW issue. In a press conference on February 17, 1971, President Nixon indicated that although the ultimate goal was a complete withdrawal of U.S. forces from Vietnam, this could not be realized without a resolution of the POW problem. He emphatically stated:

...as everyone I am sure would agree, as long as the North Vietnamese have any Americans as prisoners of war, there will be Americans in South Vietnam and enough Americans to give them an incentive to release the prisoners.⁴⁴

In a later statement the President referred to a residual force in South Vietnam as the "principal bargaining counter to win the release of American prisoners of war."⁴⁵ Although the United States had earlier called for a POW exchange to coincide with troop withdrawals, a residual force had not been previously mentioned. These statements from the President however, explicitly established a prisoner release as part of the price for a total U.S. troop withdrawal.

In April 1971, a final effort was made to deal with the POW problem apart from the other war issues. The South Vietnamese representative to the Paris talks proposed that POWs of all sides who had undergone long periods of captivity be interned in a neutral country. The United States strongly supported this proposal and offered to transport 1,200 North Vietnamese prisoners to a neutral country named by Hanoi. Sweden offered to accept the prisoners from all the countries involved in the war but Hanoi rejected this and all other proposals for neutral internment.⁴⁶ Xuan Thuy, the North Vietnamese delegate to the Paris talks, reiterated that "the

POW releases can only be dealt with after a deadline is set for the withdrawal of all U.S. troops."⁴⁷

When President Nixon was asked why he did not set a definite withdrawal date in response to Hanoi's offer, he replied,

As far as any action on our part of ending American involvement -- and that means total withdrawal -- is concerned, that will have to be delayed until we get not just the promise to discuss the release of our prisoners but a commitment to release our prisoners, because a discussion promise means nothing as far as the North Vietnamese are concerned.⁴⁸

Hoping to exert pressure on Hanoi for reciprocity, South Vietnam offered on April 9, 1971, to unilaterally repatriate 570 sick and wounded North Vietnamese. For the first time in several months, Hanoi agreed to accept the prisoners.⁴⁹ However, when only 13 of the group agreed to return voluntarily, Hanoi charged that the entire plan was a propaganda trick and refused to accept any of the captives.⁵⁰

Hanoi's increased recognition of the importance of the prisoners of war in bargaining for peace was illustrated in its peace proposal presented in July of 1971. This plan called for the release of all POWs by the end of the year provided that all U.S. troops had been withdrawn and the Saigon regime in power had resigned. By setting a definite date and making a commitment for the release of the American POWs, the Communists appeared to be softening their position regarding the war captives. Accordingly the proposal received considerable support within the United States, and public pressure began to build for the Administration to seriously consider

this offer.⁵¹ Several resolutions and amendments were introduced in Congress, calling on the President to accept this proposal or establish a new withdrawal date that could be bartered for the return of the prisoners. However, only one such amendment obtained the necessary votes to pass Congress.⁵²

In response President Nixon continued to insist on a policy of self-determination for the South Vietnamese people, and implied that private as well as public negotiations were in progress concerning this Communist proposal.⁵³

Rising Discontent Among POW Families

Some members of the POW family organizations were also beginning to question the Administration's policy regarding the prisoners of war. As early as the spring of 1971, several wives had broken away from the National League of Families to form a new group called the POW/MIA Families for Immediate Release. These wives had become disenchanted with the League's so-called non-partisan political position, which they believed had become too closely identified with the President's policies in Vietnam. They lobbied for complete U.S. withdrawal from Southeast Asia, the only policy they believed would lead to the immediate repatriation of the POWs.⁵⁴ During the annual meeting of the League of Families in late September, this splinter group attended and campaigned vigorously for the League to take a more activist role. Rising discontent among the families at the meeting indicated a possible shift in position by the League until

President Nixon made a surprise visit to reassure them. He promised the families that obtaining the release of the POWs had Presidential priority and that many private as well as public negotiating channels were being used. The next day the League voted to maintain its non-partisan position.⁵⁵ Although some discord was apparent within the POW family movement, the continued support of the majority of the movement strengthened the President's bargaining position on the war and the prisoner issue.

This domestic movement that began in 1969 to focus attention on the POW problem reached its peak in 1971. Through a combination of governmental efforts and the work of private organizations like the POW families groups, the plight of the American prisoners had become central to any discussion about the war in Vietnam. A sample of some of the promotional activities being conducted by 1971 included: a "write-Hanoi" campaign sponsored by the Reader's Digest; extensive speaking engagements and appearances on radio and television by former POWs and by POW families; tributes to POWs at major sporting events; and a nation-wide advertising campaign sponsored by the National Advertising Council.⁵⁶ While these appeals effectively mobilized domestic concern and interest, the impact on Hanoi was more obscure.

Manipulation of POW Mail

The early efforts to publicize the POW issue appeared to have produced some tangible results. For example, before January 1969, only 623 letters had been received from a total

of 103 American prisoners. After world attention was directed to the POW situation, more than 3,000 letters were received from 334 men during an eighteen month period. (See Appendix II) Also during this period, the Communists identified 339 of the U.S. captives through unofficial sources. However, once the Communists had demanded a firm withdrawal date in exchange for discussing the prisoner issue, there seemed to be a shift in their attitude toward releasing letters and other information concerning U.S. captives. The Son Tay raid in November of 1970 no doubt also contributed to the apparent shift in policy. By late 1971, fewer than 500 letters had been received, and no further identification of prisoners had occurred.⁵⁷ In November of 1971 the U.S. Ambassador to the Paris talks demanded an explanation for the cut-back in letters. He was not given a direct answer and was told by a Hanoi spokesman that the captives were being treated humanely and that the United States must withdraw all of its troops to obtain further concessions.⁵⁸ The U.S. delegation continued to call on the Communist representatives to allow the mail to go through. Finally, at Christmas Hanoi released one thousand letters, eighteen of which were from prisoners of the Viet Cong in South Vietnam. With only one exception, this was the first mail from the captives in the South. Although pleased with the volume of mail, U.S. officials denounced Hanoi for first withholding the letters and then releasing them in bulk, thus brutally exploiting the emotions of the POW families.⁵⁹

Although the evidence is not totally conclusive, there appeared to have been a connection between the fluctuation in the flow of POW letters and the bargaining for a firm U.S. withdrawal date. The Communists possibly believed that this action would increase the domestic pressure on President Nixon to establish a definite date for total withdrawal.

Pawns in Presidential Politics

The POW problem became an issue in the Presidential election campaign early in 1972 when Senator George McGovern, an aspirant for the Democratic Presidential nomination, charged the Nixon Administration with deliberately deceiving the American people on the POW issue. He indicated that the North Vietnamese Paris negotiator, Xuan Thuy, had told him through an intermediary that Hanoi would release all American prisoners if U.S. forces were withdrawn and all military operations ended. Senator McGovern stated that President Nixon had refused to set a definite withdrawal date because he was using the POW issue to justify the continuation of the war.⁶⁰

Three weeks later the President responded to these charges in an address to the nation. He declared that secret talks had been going on between Washington and Hanoi since August of 1969. As early as May of 1971, presidential adviser Henry Kissinger, in secret negotiations with the Communist officials in Paris, had presented a U.S. offer to withdraw all American forces in return for the release of all

POWs. This bargain was to be coupled with an immediate cease-fire, and would leave all other issues for subsequent settlement. The Communists in the secret talks rejected this proposal, refusing to separate the POW issue from a political settlement that insisted on the abandonment of the current Saigon regime. In response the United States offered another plan that addressed the political issue. This proposal called for the simultaneous release of POWs from both sides and the withdrawal from Vietnam of all American and Allied forces within six months of the signing of an agreement. This plan would also establish an immediate cease-fire and provide for internationally supervised elections to determine the political future of South Vietnam. When the North Vietnamese refused to respond to this offer, President Nixon decided to make it public in the hope of forcing a response from Hanoi. The President also believed that the disclosure of the secret talks would answer some of his domestic critics.⁶¹

Hanoi's Xuan Thuy vehemently criticized President Nixon for divulging the secret talks and stated that "the American prisoners will only be released when the United States withdraws its support from President Thieu and the war has been brought to an end." Xuan Thuy indicated that setting a date for withdrawal of U.S. forces would not be sufficient to free the prisoners.⁶² This statement by Hanoi's chief delegate to the Paris talks clearly indicated that the Communists had no intention at that time of considering the POW issue

separate from a political solution in South Vietnam. Therefore, it appears that Hanoi's earlier public indication of a willingness to release the prisoners in exchange for a U.S. troop withdrawal was primarily intended to forment domestic dissension within the United States. After the United States disclosed a willingness to withdraw its forces in return for the POWs, the Communists reverted to their previous demand that the POW question be settled after the war was over.

Justification for Military Action

In March, since no progress was being made at the Paris talks, the United States decided to suspend further sessions until the Communists were ready to negotiate seriously.⁶³ A few days later on April 2, 1972, three North Vietnamese divisions crossed the demilitarized zone to begin a major offensive in South Vietnam. As the South Vietnamese troops were rolled back in front of the invading force, the United States retaliated with progressively deeper bombing raids into the North.⁶⁴ On April 15, as the Communist offensive continued in the South, President Nixon ordered large scale air strikes throughout North Vietnam, to include the Hanoi and Haiphong areas. U.S. officials announced that the bombing would continue until the offensive in the South was halted.⁶⁵

When, in May 1972, the Communist offensive still showed few signs of abating, President Nixon announced the mining of all North Vietnamese harbors and intensive air interdiction against Communist supply lines. The President indi-

cated that these actions would not cease until 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." After these conditions were met, President Nixon stated, the United States would stop all acts of force in Indochina and proceed with a complete withdrawal of all U.S. forces from Vietnam within four months. He went on to say that the United States could not abandon its commitment in Vietnam because "it would mean leaving hundreds of American prisoners in Communist hands with no bargaining leverage to get them released."⁶⁶ These statements indicated that at this point in the war, the release of the POWs had become not only the major condition for ending the conflict but also the major condition for the cessation of U.S. military pressure.

The President linked his military actions in Vietnam even more explicitly to the bargaining on the POW issue in a news conference on June 29, 1972. While discussing a decision to resume active negotiations with the Communists in Paris, President Nixon asserted:

I find that making a bargain with them [the Communists] is not easy, and you get something from them only when you have something they want to get from you. The only way we're going to get our POWs back is to be doing something to them, and that means hitting military targets in North Vietnam, retaining a residual force in South Vietnam, and continuing the mining of the harbors of North Vietnam.⁶⁷

Many domestic critics, especially Presidential contenders, accused the President of using the POWs only as a justification

for the escalation of military action in Southeast Asia. Senator McGovern pledged to withdraw all U.S. forces and support from Vietnam if elected and resolved, if necessary, to go to Hanoi and beg for the release of the POWs.⁶⁸ Republican spokesmen vehemently denounced these statements, insisting that they would only jeopardize the bargaining to end the war.⁶⁹

As the negotiations resumed in Paris on July 4, 1972, there were no immediate signs of progress in the bargaining on the POW issue. The United States continued to demand the return of all American prisoners and an internationally supervised cease-fire as the major conditions for ending the war. The Communists denounced the U.S. position and demanded that a political settlement be reached before discussing a cease-fire or the return of the prisoners. Madame Binh, the Viet Cong delegate, insisted that the POWs were a matter that should be discussed only after the war was over.⁷⁰

Token Releases

In the midst of the U.S. domestic election campaign, the Communists apparently decided to further amplify the POW issue in the eyes of the world and the American public. On September 2, Hanoi radio announced that three United States pilots would be freed to mark North Vietnam's National Day.⁷¹ Four peace activists, two family members of the men to be freed, and a small group of western newsmen were invited to Hanoi to receive the prisoners and act as escorts on their journey home. Once the delegation arrived in North Vietnam,

the American pilots were released to their custody in an elaborate ceremony. Several days were then devoted to visiting with North Vietnamese officials and touring Hanoi and other bomb-damaged areas while the contingent of journalists reported the events to the world press. An indication of Hanoi's interest in the impact of the pilot's release on American and world public opinion was given in a statement by a high North Vietnamese government official. He stated:

The most impressive thing about this event is that little Vietnam and the plain people of America can cause such excitement. It has put the war and the prisoners back on page one where they should be.⁷²

Hanoi's prime minister Pham Van Dong, in addressing the prisoners and their escorts, said,

The pilots' release was a signal that all the pilots would be free once the right moment came. The right moment would be when the war ended and that would come if the United States responded positively to the proposals by the Communists in Paris.⁷³

When the group was allowed to depart Hanoi on September 26, 1972, their return to the United States was marked by haggling between U.S. government officials and the anti-war escort group, which served to further increase public attention on the release. While the United States denounced the releases as an obvious propaganda ploy,⁷⁴ the incident undoubtedly added to the importance of the POW issue as a bargaining currency at Paris.

"Peace Is at Hand"

As the date for the U.S. Presidential election drew nearer,

rumors from Paris increasingly indicated that a peace agreement was about to be completed. On October 26, 1972, Radio Hanoi disclosed that an agreement was indeed close to being reached and outlined its major points. The broadcast made it clear that Hanoi was ready to put the agreement into force immediately and the Communist officials contended that any continuation of the war was Washington's fault.⁷⁵

The U.S. responded by revealing that presidential adviser Henry Kissinger had been conducting secret negotiations with Hanoi's Le Duc Tho and that an agreement seemed near. In a press conference, Kissinger outlined the general content of the proposed agreement, divulging that for the first time, the Communists had agreed to postpone the settlement of political issue until after an agreement to halt the fighting had been reached. The tentative agreement provided for a cease-fire, establishment of an international supervisory body, the total withdrawal of U.S. forces, and the exchange of all POWs within a sixty-day period.⁷⁶ Once the fighting was stopped, Saigon and the NLF were to meet to negotiate a political accomodation for South Vietnam. According to Kissinger, only a few details remained to be settled before reaching a final agreement. He concluded that, in his opinion, "Peace is at hand."⁷⁷

Although President Nixon's re-election victory in November should have strengthened his bargaining position, no immediate agreement was reached in the negotiations. Kissinger and Le Duc Tho continued to have periodic sessions to discuss a draft agreement, but some differences still remained. When

by December 17, 1972, the negotiations were completely deadlocked and no accomodation could be made, the President ordered the resumption of an intensive bombing campaign against North Vietnam. Virtually the entire U.S. air armada, including B-52 bombers, was used to pound Hanoi, Haiphong and other critical targets.⁷⁸ With only a thirty-six-hour interruption for Christmas, the bombers continued their attacks for two full weeks before President Nixon halted the raids and announced that Kissinger would resume negotiations with the Communists in Paris on January 8, 1973.⁷⁹ By January 23, 1973, an agreement had been reached, thus ending U.S. military involvement in the longest war in American history.

Summary

During the last four years of American involvement in the war in Vietnam, the prisoner of war issue became increasingly more important to the bargaining for a negotiated settlement to the conflict. From the very beginning of the Nixon Administration, a provision for the release of the POWs was an integral part of the United States negotiating position. When the Communists consistently refused to consider the issue except within the context of an overall settlement of the war, the United States launched an intensive publicity campaign, designed to focus domestic and world attention on the prisoner question and exert pressure on Hanoi for the captives release. This publicity effort, while possibly securing some tangible humanitarian benefits for the

prisoners, apparently also served to enhance their importance to the Communists as a diplomatic currency. Hanoi, recognizing the commitment of the American people to the prisoners, exploited the issue for propaganda purposes and continued to hold them captive until they were exchanged for concessions in the final settlement of the conflict.

Within the United States, the POW question became an unassailable symbol of unity within the context of an otherwise divisive issue. It served as a persuasive rationale for continued American involvement and was symbolic of President Nixon's "peace with honor." By 1972, the return of the POWs had become the United States' foremost condition for ending the war.

- When an agreement was finally reached by the warring parties, it provided for the release of all captured personnel to coincide with the total withdrawal of U.S. forces from Vietnam, thus clearly demonstrating the centrality of the POW issue to the final resolution of the war.

CHAPTER IV

FOOTNOTES

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CHAPTER V

SUMMARY AND CONCLUSIONS

It can be shown that traditionally, parties to war have used prisoners for bargaining. However, this bargaining has generally been for stakes peripheral to the central objectives of the conflict. Before the age of modern transportation, communication and mass war, the diplomatic exploitation of prisoners was largely primitive, erratic and provincial.

In the twentieth century there has been a convergence of themes concerning war and war captives that has dramatically affected POWs as a conceptual entity and has contributed to making the issue central to negotiating conflict resolution. The first of these converging themes was the development of humanitarian norms of prisoner care and treatment. Throughout much of history, war prisoners were considered little more than chattel, with no inherent rights, entirely at the mercy of their captors. However, by the twentieth century, the development of humanitarian, codified norms had invested prisoners with a symbolic value as individuals with inalienable rights and thus made them a negotiable asset.

The second theme was the development of structures for prisoner management. Much of the maltreatment received by prisoners throughout history has been due to the lack of effective structures for prisoner care and maintenance. In

the twentieth century, the general acceptance of international law and the development of the practical logistics of prisoner handling have provided those structures necessary to make humanitarian norms of prisoner care practicable. Since most nations of the world now can provide adequate prisoner care, treatment itself of prisoners can become a negotiable commodity.

The third theme was the development of the concept of limited war. The terrible consequences of modern warfare have prompted nations to focus increasingly on means for limiting or terminating conflict. Since modern limited wars normally end in a negotiated settlement, the warring parties are constantly searching for negotiable currencies, such as POWs that can be used in the bargaining to resolve the conflict.

Prisoners of war in the twentieth century are in many respects highly suited to the bargaining over the issues of modern limited war. They are tangible symbols of humanitarian concern for life and are compatible with international values and norms, the essential requirement of negotiability.

Hence, the concept of POWs as individuals, booty or spoils of war upon which most historical literature and international law is based, has been expanded to include the concept of POWs as a collective negotiable currency. As such POWs rank as one among the more firmly established or standard currencies such as territory, natural resources, commercial hegemony or political domination, which can be the goals of armed conflict and therefore, stakes to be bargained. In

order to determine how prisoners become a negotiable asset, it is necessary to establish a relationship between the limits on the use of standard currencies and the prominence of the remaining currencies. Consequently, the central hypothesis of this study is as follows: As the availability and relevance of the standard currencies decline due to the limits of a particular conflict, the remaining currencies such as POWs become more prominent. The perception by parties to a conflict of this prominence occurs through "diplomatic learning": a process whereby warring parties, by word and deed, recognize and acknowledge the reduction of standard currencies and the value of remaining currencies.

Modern limited wars with their increased political dimension and reliance on a negotiated settlement best illustrate the use of prisoners of war as a bargaining asset in conflict resolution. In Korea, the Middle East conflicts, the India and Pakistan war, the Pueblo incident and most recently in Vietnam, prisoners of war were auctioned to gain propaganda advantages and political concessions. They were used as instruments of coercive diplomacy to be mistreated, well-treated or released depending on the political purpose to be served.

The use of POWs for bargaining in a selected limited conflict, the Vietnam war, shows a distinctive variation between the bargaining parties' perceptions of the limits of the war and their perceptions of the POWs as diplomatic currency. In Vietnam, as the availability of standard currencies such as territory and political settlement declined,

the salience of POWs as a bargaining currency increased. The parties to the conflict then began to recognize that prisoners of war represented a bargaining asset that could be consciously manipulated to attain a bargaining advantage in a negotiated settlement of the war.

During the early years of the conflict prior to the initiation of active negotiations for a settlement, prisoners of war were used primarily as bargaining currency to establish rules for the conduct of the war. The reprisal executions of 1965 and the threatened war crimes trials of 1966 clearly illustrated this strategy. As the American commitment in Vietnam expanded, the Communists apparently recognized that American concern for their captive citizens could be exploited to obtain military concessions. Saigon's termination of the executions of Viet Cong terrorists after the reprisal slayings of 1965 bore out these Communist conclusions. However, a further attempt at extortion during the 1966 war crimes episode failed when Hanoi was forced to back down under the weight of world opinion. As a result, the Communists became highly sensitive to the importance of their international image and from that point on emphasized only the favorable aspects of the treatment given their American captives.

When the TET offensive of 1968 did not achieve the military objectives sought by the Communists in South Vietnam, they apparently decided to pursue the route of a negotiated settlement to achieve their goals. From the beginning of active negotiations in Paris, the statements and actions of

the Communists revealed a special awareness of the importance of the prisoner issue as an asset to be bargained for political concessions in the final settlement of the war. The Communists consistently refused to yield to world or United States pressure for the unconditional repatriation or exchange of prisoners and exploited the issue in a manner designed to enhance their bargaining position at the Paris talks. By the skillful timing of token prisoner releases, and by using American anti-war groups as the principal source of contact on POW matters, Hanoi was able to effectively exploit dissension in the United States against the war. These actions served to undermine domestic support for United States objectives in Vietnam, increase public pressure for an end to American involvement and thereby weakened the United States' bargaining position at the Paris negotiations. By the time the Communists finally agreed to a negotiated military settlement to the war, the POWs had become their principal bargaining lever.

From the standpoint of the United States, prisoners of war were not initially considered an appropriate issue to be used in the bargaining for the resolution of the Vietnam war. During the Johnson Administration, the prisoner of war problem was treated primarily as an humanitarian issue. Although extensive effort was made through private channels to obtain the release or better treatment for the American captives, except during the war crimes furor of 1966, no concerted attempt was made to focus domestic or international attention on the problem. Instead, the Johnson Administration

endeavored to keep the prisoner issue separate and distinct from the bargaining for a political settlement to the war, thereby reducing United States vulnerability to extortionate demands in exchange for prisoner releases.

When the public bargaining for peace began at Paris in 1968 and the war appeared limited to a negotiated settlement, the POW issue gained added prominence. Soon after the inauguration of President Nixon in early 1969, for the first time a provision for the release of prisoners became an integral part of the United States bargaining position. Possibly in an effort to strengthen this bargaining position, the United States launched an intensive publicity campaign designed to focus both world and domestic attention on the prisoner issue. This appeal for public support asserted that the POW problem was entirely separate from any debate about the wisdom of the war and was an issue on which all Americans of "good will" could unite. As a result of these appeals, concern for the prisoners of war soon became a unifying factor that served to generate support for American objectives in the war.

As the United States military involvement in Vietnam diminished and the limits of the conflict became more precisely defined, the POW issue gained progressively in importance. By 1972 the return of the prisoners had become the United States' foremost bargaining point in the search for peace. Until a final settlement of the war was reached, it was used as a justification for American military action ostensibly directed toward the achievement of this goal.

This study of the evolution of the POW issue in the war in Vietnam clearly reveals the significance of war captives to the bargaining for the resolution of a limited conflict. It shows that as the belligerents perceived the limits of the war and as these limits become more precisely defined, the importance of the POW issue increased until it became a negotiable bargaining currency. As the parties to the conflict "learned" the importance or worth of the captives as a diplomatic currency, there was a conscious effort to manipulate and exploit the issue to gain the greatest possible bargaining advantage. By the end of the conflict the prisoner issue was deeply enmeshed in the negotiations for peace and was central to the final resolution of the war.

Therefore, in the modern era of twentieth century war, POWs have become firmly established as a negotiable currency and thus added to the traditional stakes for which limited wars may be fought.

APPENDIX I

THE GENEVA CONVENTION RELATIVE TO THE
TREATMENT OF PRISONERS OF WAR

On August 12, 1949, sixty-one nations, including the United States completed work under the sponsorship of the International Committee of the Red Cross (ICRC) and signed four treaties known collectively as the Geneva Conventions for the Protection of War Victims. Of the four treaties, the most important to this study is the Geneva Convention Relative to the Treatment of Prisoners of War. Today 123 nations accept the Geneva Convention, including all the nations who have participated in hostilities in Southeast Asia, on both sides. The agreement consists of six parts and 143 articles. Excerpts from the most important articles and the ones more relevant to this study are listed below. Also included are the reservations to the agreement, as expressed by the US, SVN, and NVN.

ARTICLE 1

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

ARTICLE 3

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed "hors de combat" by sickness, wounds, detention, or any other

cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
 - (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.

ARTICLE 7

Prisoners of war may in no circumstances renounce in part or in entirety the rights secured to them by the present Convention, and by the special agreements referred to in the foregoing Article, if such there be.

ARTICLE 12

Prisoners of war are in the hands of the enemy Power, but not of the individuals or military units who have captured them. Irrespective of the individual responsibilities that may exist, the Detaining Power is responsible for the treatment given them.

ARTICLE 13

Prisoners of war must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited and will be regarded as a serious breach of the present Convention. In particular, no prisoner of war may be subjected to physical mutilation or to medical or scientific experiments of any kind which are not justified by the medical, dental or hospital treatment of the prisoner concerned and carried out in his interest.

Likewise, prisoners of war must at all times be protected particularly against acts of violence or intimidation and against insults and public curiosity.

Measures of reprisal against prisoners of war are prohibited.

ARTICLE 17

Every prisoner of war, when questioned on the subject, is bound to give only his surname, first names and rank, date of birth, and army, regimental, personal or serial number, or failing this, equivalent information.

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatsoever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.

ARTICLE 19

Prisoners of war shall be evacuated, as soon as possible after their capture, to camps situated in an area far enough from the combat zone for them to be out of danger.

Only those prisoners of war who, owing to wounds or sickness, would run greater risks by being evacuated than by remaining where they are, may be temporarily kept back in a danger zone.

Prisoners of war shall not be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

ARTICLE 23

No prisoner of war may at any time be sent to, or detained in areas where he may be exposed to the fire of the combat zone, nor may his presence be used to render certain points or areas immune from military operations.

Detaining Powers shall give the Powers concerned, through the intermediary of the Protecting Power, all useful information regarding the geographical location of prisoner of war camps.

Whenever military considerations permit, prisoner of war camps shall be indicated in the day-time by the letters PW or PG, placed so as to be clearly visible from the air. The Powers concerned may, however, agree upon any other system of marking. Only prisoner of war camps shall be marked as such.

ARTICLE 30

Every camp shall have an adequate infirmary where prisoners of war may have the attention they require, as well as appropriate diet. Isolation wards shall, if necessary, be set aside for cases of contagious or mental disease.

ARTICLE 34

Prisoners of war shall enjoy complete latitude in the exercise of their religious duties, including attendance at the service of their faith, on condition that they comply with the disciplinary routine prescribed by the military authorities.

ARTICLE 70

Immediately upon capture, or not more than one week after arrival at a camp, even if it is a transit camp, likewise in case of sickness or transfer to hospital or to another camp, every prisoner of war shall be enabled to write direct to his family, on the one hand, and to the Central Prisoners of War Agency provided for in Article 123, on the other hand, a card similar, if possible, to the model annexed to the present Convention, informing his relatives of his capture, address, and state of health. The said cards shall be forwarded as rapidly as possible and may not be delayed in any manner.

ARTICLE 71

Prisoners of war shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly. Such letters and cards must be conveyed by the most rapid method at the disposal of the Detaining Power; they may not be delayed or retained for disciplinary reasons.

Prisoners of war who have been without news for a long period, or who are unable to receive news from their next of kin or to give them news by the ordinary postal route, as well as those who are at a great distance from their homes, shall be permitted to send telegrams, the fees being charged against the prisoner of war's accounts.

ARTICLE 72

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 which may meet their needs, including books, devotional articles, scientific equipment, examination papers, musical instruments, sports outfits and materials allowing prisoners of war to pursue their studies or their cultural activities.

ARTICLE 76

The censoring of correspondence addressed to prisoners of war or dispatched by them shall be done as quickly as possible. Mail shall be censored only by the dispatching State and the receiving State, and only once by each.

The examination of consignments intended for prisoners of war...shall be done in the presence of the addressee, or a fellow-prisoner duly delegated by him. The delivery to prisoners of individual or collective consignments shall not be delayed under the pretext of difficulties of censorship.

ARTICLE 85

Prisoners of war prosecuted under the laws of the Detaining Power for acts committed prior to capture shall retain, even if convicted, the benefits of the present Convention.

ARTICLE 109

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....

Throughout the duration of hostilities, Parties to the conflict shall endeavor, with the cooperation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of the sick and wounded prisoners of war....

No sick or injured prisoner of war who is eligible for repatriation under the first paragraph of this Article, may be repatriated against his will during hostilities.

ARTICLE 118

Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

ARTICLE 120

Death certificates, in the form annexed to the present Convention, or lists certified by a responsible officer, of all persons who die as prisoners of war shall be forwarded as rapidly as possible to the Prisoner of War Information Bureau....The death certificates or certified lists shall

show particulars of identity...and also the date and place of death, the cause of death, the date and place of burial and all particulars necessary to identify the graves.

ARTICLE 126

Representatives or delegates of the Protecting Powers shall have permission to go to all places where prisoners of war may be, particularly to places of internment, imprisonment and labour, and shall have access to all premises occupied by prisoners of war; they shall also be allowed to go to the places of departure, passage and arrival of prisoners who are being transferred. They shall be able to interview the prisoners, and in particular the prisoners' representatives, without witnesses, either personally or through an interpreter.

Representatives and delegates of the Protecting Powers shall have full liberty to select the places they wish to visit. The duration and frequency of these visits shall not be restricted. Visits may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure.

RESERVATIONS, IF ANY, MADE TO THE 1949 GENEVA
CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS
OF WAR BY GOVERNMENTS PARTICIPATING IN HOSTILITIES
IN VIETNAM, CAMBODIA AND LAOS

UNITED STATES

No reservation, but with the following statement:
"Rejecting the reservations which States have made with respect to the Geneva Convention relative to the treatment of prisoners of war, the United States accepts treaty relations with all parties to the convention, except as to the changes proposed by such reservations."

VIETNAM, REPUBLIC OF (SOUTH)

No reservation.

VIETNAM, DEMOCRATIC REPUBLIC OF (NORTH)

With respect to the Geneva Convention relative to the treatment of prisoners of war dated August 12, 1949:

In Article 10: The request of the Detaining Power, either to a neutral State or to an organization which offers all guarantees of impartiality and efficacy, to assume the duties incumbent on the Protecting Powers by virtue of the Convention shall be recognized as legal by the Democratic Republic of Vietnam only in the event that the State on which the prisoners of war depend has approved such request.

In Article 12: The Democratic Republic of Vietnam declares that the transfer of prisoners of war by the Detaining Power to a Power which is a party to the Convention does not free the Detaining Power from its responsibility of the Convention to prisoners.

In Article 85: The Democratic Republic of Vietnam declares that prisoners of war prosecuted and convicted for war crimes or for crimes against humanity, in accordance with the principles laid down by the Nuremberg Court of Justice shall not benefit from the present Convention, as specified in Article 85.

APPENDIX II

STATISTICAL DATA

AMERICAN PRISONERS OF WAR AND MISSING IN ACTION

IN SOUTHEAST ASIA

STATISTICAL RECAPITULATION BY YEAR LOST

	1964	1965	1966	1967	1968	1969	1970	1971	1972	197
Missing	4	54	204	226	294	176	86	79	209	2
Captured	<u>3</u>	<u>74</u>	<u>97</u>	<u>179</u>	<u>95</u>	<u>13</u>	<u>12</u>	<u>11</u>	<u>105</u>	<u>2</u>
Totals	7	128	301	405	389	189	98	90	314	4

POW MAIL STATISTICS

Year	Number of letters (per year)	Writers (cumulative)
1964 -----	8	1
1965 -----	35	19
1966 -----	156	47
1967 -----	167	80
1968 -----	257	103
1969 -----	942	295
1970 -----	2,646	334
1971 (to Dec. 15) -----	<u>499</u>	<u>335</u>
Total -----	4,710*	

* 1,000 additional letters were distributed by the Committee of Liaison on December 21, 1971.

APPENDIX III

GLOSSARY

De-Militarized Zone (DMZ) An area on either side of the demarcation line, established by the Geneva Agreements of 1954 as a buffer zone between North and South Vietnam.

Democratic Republic of Vietnam (DRV) The government of North Vietnam, established in September, 1945.

Government of the Republic of Vietnam (GRV) The government of South Vietnam, established in 1954.

International Control Commission (ICC) A body set up under the Geneva Agreements of 1954, composed of representatives of Canada, India, and Poland, presided over by the Representative of India. The purpose of the Commission was to supervise the implementation of the Agreements.

Manila Conference of 1966 A summit conference called by President Marcos of the Philippines to bring leaders of the United States, South Vietnam, Australia, New Zealand, Korea, Thailand, and the Philippines together for a review of Allied military, political and economic programs in South Vietnam.

National Liberation Front - National Front for the Liberation of South Vietnam (NLF) The political arm of the Communist subversive effort in South Vietnam, said to have been founded in December, 1960, sometimes referred to as the NLF, NLFSV or NFLSV. Its leaders, who are South Vietnamese, claim to be non-Communist.

TET - Vietnamese New Year The New Year holiday is generally celebrated in late January or early February, the date being based on the Buddhist lunar calendar.

Viet Cong (VC) A derogatory contraction of "Vietnamese Communist." It is used, except by Communists, to describe the Communist subversive movement in the South after 1954.

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PRISONERS OF WAR
A NEGOTIABLE CURRENCY IN CONFLICT RESOLUTION

by

HORACE G. TAYLOR

B.S., Middle Tennessee State College, 1960

AN ABSTRACT OF A MASTER'S THESIS

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As individuals, prisoners of war have long been subjects of bargaining among adversaries. However, this bargaining was usually peripheral to the central issues of conflict. In the limited wars of the nuclear age, POWs as a collective entity appear to have become a bargaining currency for concessions in the final settlements of wars.

As a symbolically rich, negotiable currency, war captives potentially rank along with traditional stakes of armed conflict, such as ideological and political domination, territory, natural resources, reparations, and commercial and economic advantage. The less relevant these stakes were to bargaining ends of such wars as Korea and Vietnam, the more prominent the prisoner of war issue became.

The crucial condition that relates limited war and the bargaining for POWs is the bargaining parties' perception of value which occurs through a process of diplomatic "learning", whereby the parties to conflict recognize and acknowledge the unavailability or irrelevancy of traditional conflict stakes and the utility of remaining currencies such as POWs.

Three conditions converged in the mid-twentieth century to enable modern bargaining over POWs. The first condition was the development of humanitarian norms of prisoner treatment in international law. The second condition was the development of technical, logistical facilities for removing prisoners from combat and maintaining them as a negotiable

entity. The third condition was the perception that direct or indirect nuclear options imposed limits on the traditional stakes for which wars could be fought and ended.

An analysis of the use of prisoners for bargaining in a selected limited war in Vietnam, 1961-1973, suggests a definite relationship between the bargaining parties' perceptions of limited conflict stakes, and their perceptions of prisoners as diplomatic currency. In the initial period of United States involvement until about 1968, prisoners were a peripheral issue, regarded traditionally as an issue to be settled on humanitarian grounds. From 1968 to 1973, as the stakes of clear political or military settlement became ambiguous the salience of POWs as a currency increased. Recognizing the increasing value of the prisoners as a negotiable asset, the parties to the conflict deliberately manipulated the issue to gain a bargaining advantage. By the end of the conflict, the POW issue was deeply enmeshed in the peace negotiations and was central to ending the war. Moreover, diplomatic "learning" could not be explained as a simple function of the increase in POWs.

Therefore, in the modern era of twentieth century war, POWs have become firmly established as a standard negotiable currency and thus added to the traditional stakes for which limited wars may be fought. The principle hypothesis was sufficiently validated to warrant comparative analyses of bargaining and the centrality of the POW issue in the Korean War as well as other limited conflicts where captives and hostages assume symbolic, negotiable value for resolving enmities.