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Congressional Record S. 1853 - American Prisoner of War in Southeast Asia

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CONGRESSIONAL RECORD—SENATE

S1853

AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 698, House Concurrent Resolution 454.

The PRESIDING OFFICER. The concurrent resolution will be read.

The assistant legislative clerk reads as follows:

H. CON. RES. 454

Whereas more than one thousand three hundred members of the United States Armed Forces are prisoners of war or missing in action in Southeast Asia; and Whereas North Vietnam and the National Liberation Front of South Vietnam have refused to identify prisoners they hold, to allow impartial inspection of camps, to permit free exchange of mail between prisoners and their families, to release seriously sick or injured prisoners, and to negotiate seriously for the release of all prisoners and thereby have violated the requirements of the 1949 Geneva Convention on prisoners of war, which North Vietnam ratified in 1957; and

Whereas the twenty-first International Conference of the Red Cross, meeting in Istanbul, Turkey, on September 18, 1966, adopted by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to insure humane treatment of prisoners of war and to prevent violations of the Geneva Convention; and

Whereas the United States has continuously observed the requirements of the Geneva Convention in the treatment of prisoners of war; and

Whereas the United States Government has repeatedly appealed to North Vietnam and to the National Liberation Front to comply with the provisions of the Geneva Convention: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly protest the treatment of United States servicemen held prisoner by North Vietnam and the National Liberation Front of South Vietnam, calls on them to comply

with the requirements of the Geneva Convention, and approves and endorses efforts by the United States Governments for humane treatment of prisoners of war, the United Nations, the International Red Cross, and other leaders and peoples of the world to obtain humane treatment and release of American prisoners of war.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and Senate will proceed to the consideration of the concurrent resolution.

Mr. MANSFIELD. Mr. President, this concurrent resolution has been reported from the Senate Foreign Relations Committee unanimously. I am sure that it has the full support of the Senate. I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-705), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE RESOLUTION

The purpose of the resolution is to place the Congress on record in favor of humane treatment for U.S. prisoners of war and to focus world attention on the failure of North Vietnam and the National Liberation Front to comply with the provisions of the Geneva Convention on the treatment of prisoners of war.

COMMITTEE ACTION

Five resolutions concerning the treatment of U.S. prisoners of war by North Vietnam and the National Liberation Front have been introduced in the Senate. These are:

S. Con. Res. 43, by Senator Scott
S. Res. 243, by Senator McGovern
S. Res. 244, by Senator Bayh
S. Res. 245, by Senator Mitford (for himself, and Senator Cranston)
S. Res. 247, by Senator Tower (for himself, and Senators Kelms, Bennett, Byrd of Virginia, Curtis, Dodd, Dole, Eastland, Fannin, Fong, Gore, Gurney, Holland, Hollings, Mansfield, Murphy, Pearson, Pell, Randolph, Smith of Maine, Stevens, Thurmond, and Young of North Dakota)

H. Con. Res. 454, was approved by the House of Representatives on December 15, 1969, by a vote of 408-0 and was referred to the Committee on Foreign Relations. Unfortunately, it came before the committee too late for consideration prior to adjournment. The Senate version was discussed by the committee in executive session on January 21 and on February 10 was approved without amendment. The views of the Department of State on the resolution are in the following letter from the Acting Secretary of State, Elliott L. Richardson:

DEPARTMENT OF STATE,

WASHINGTON, February 12, 1970.

HON. J. W. FOLSENBURG,

Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman:

I am glad to note that the committee approved H. Con. Res. 454, expressing the concern of the Congress about the treatment and welfare of American prisoners of war and of military personnel in Southeast Asia.

As you know, there is wide concern about the plight of our own who are captured or missing in Southeast Asia. In many cases the men's families have lived for years with no word as to their fate or loved one. From the start of the Vietnam conflict our Government has sought to remove subject of prisoners of war separate from the political and military issues of the conflict, and to approach it in the spirit of the Geneva Prisoner of War Convention of 1949, by which North Vietnam, South Vietnam, the United States, and the other nations with forces supporting the Republic of Vietnam are bound. The convention calls for humane treatment of prisoners of war, disclosure of information, impartial inspection, and early release of prisoners of war. We deeply regret North Vietnam's refusal to live up to these fundamental humanitarian standards.

I hope the Senate will give early approval to this resolution as an expression of concern about the 2,200 servicemen who are prisoners of war or missing in action in Southeast Asia.

Sincerely,

Elliott L. Richardson

Acting Secretary

BACKGROUND CONCERNING THE PRISONER PROBLEM

As of January 24 there were 1,447 U.S. servicemen who were missing or presumed captured in Southeast Asia. A breakdown of this figure follows:

Missing in action and believed captured—American servicemen in Southeast Asia—January 24, 1970

<table>
<thead>
<tr>
<th>Location</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>401</td>
</tr>
<tr>
<td>Laos</td>
<td>185</td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,000</td>
</tr>
</tbody>
</table>

Believed captured (location):

<table>
<thead>
<tr>
<th>Location</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vietnam</td>
<td>368</td>
</tr>
<tr>
<td>Laos</td>
<td>7</td>
</tr>
<tr>
<td>Subtotal</td>
<td>447</td>
</tr>
<tr>
<td>Total</td>
<td>1,447</td>
</tr>
</tbody>
</table>

Thus far in the war, North Vietnam has released a total of nine United States prisoners and the National Liberation Front has released 29. Many hundreds of prisoners have been released by the allied side, including 89 released to the North, North Vietnam has refused to accept the return of prisoners of war since 1967. In recent months the Republic of Vietnam has tried without success to arrange the return of 62 sick or wounded prisoners of war to North Vietnam.

The 1949 Geneva convention on the treatment of prisoners of war applies to both the United States in 1955, South Vietnam in 1953, and North Vietnam in 1967, specifies minimum standards for prisoners of war, including requirements that information be provided on the prisoners held, that prisoners be allowed to send and receive mail, that neutral representatives be permitted to visit prison camps, and that seriously sick and wounded prisoners be released as soon as they can travel. The convention applies to all cases of declared war or of any other armed conflict which may arise between two or more of the high contracting powers, even if the state of war is not recognized by one of them.

The United States turns over to the South Vietnamese any prisoners our forces capture. The South Vietnamese operate six prisoner of war camps holding some 33,000 prisoners of war, of which about 7,000 are North Vietnamese. The camps are visited regularly by representatives of the International Committee of the Red Cross, the names of prisoners are made available to the ICRC, and prisoners have the right to send and receive mail.

The United States has tried time after time to persuade North Vietnam and the National Liberation Front to comply with the provisions of the Geneva convention, but North Vietnam contends that U.S. prisoners are "war criminals." Despite this, the United States has refused to identify prisoners they hold, and only a limited number of those known to have been captured have been identified.
In an expression of world concern on this subject, the 21st International Conference of the Red Cross, held in Istanbul, Turkey, in September 1969, adopted a resolution calling for all parties to armed conflict to obtain compliance with the Geneva Convention of 1949 to protect prisoners of war and to abide by the obligations of the Geneva Convention. The statement made by the Chairman of the U.S. delegation to the Conference, Ambassador Graham Martin, is also printed in the appendix. The resolution, adopted by a vote of 114 to 9, follows:

aska resolution adopted by the 21st International Conference of the Red Cross, Istanbul, Turkey, September 13, 1969

Recalling the Geneva Convention of 1949 on the protection of prisoners of war and the historic role of the Red Cross as a protector of victims of war,

Considering that the Convention applies to each armed conflict between two or more parties to the Convention without regard to how the conflict may be characterized,

Recognizing that, even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provision for an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior so that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse, and reprisals,

Requests each party to the Convention to take all appropriate measures to insure humane treatment and prevent violations of the Convention,

Calls upon all parties to abide by the obligations set forth in the convention and upon all authorities involved in the armed conflict to insure that all uniformed members of the regular armed forces of another party to the conflict and all other persons entitled to prisoner-of-war status are treated humanely and given the fullest measure of protection prescribed by the convention; and further calls upon all parties to provide free access to the prisoner of war and to all places of their detention by a protecting power or by the International Committee of the Red Cross.

Mr. MANSFIELD. Mr. President, may I say that I am delighted that action has been taken unanimously by the Senate. I am hopeful that the concern which we all feel for prisoners of war in North Vietnam and Laos will be considered in any further discussions of this matter among the parties involved, in Paris and elsewhere.