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

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

The 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 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 support 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. 33, by Senator Scott
- S. Con. Res. 43, by Senator McGovern
- S. Res. 243, by Senator Bayh
- S. Res. 245, by Senator Montoya (for himself, and Senator Cranston)
- S. Res. 257, by Senator Tower (for himself, and Senators Bellmon, 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 405-0 and was referred to the Committee on Foreign Relations. Unfortunately, it came before the committee too late for consideration prior to adjournment. The resolution was discussed by the committee in executive session on January 21 and on February 10 was approved without opposition or amendment. The views of the Department of State on the resolution are in the following letter from the Acting Secretary of State, Elliot L. Richardson:

DEPARTMENT OF STATE,

Washington, February 12, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: I was 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 missing in action personnel in Southeast Asia.

As you know, there is wide concern about the plight of our men who are captured or missing in Southeast Asia. In many cases the men's families have lived for years with no word as to the fate of their loved one. From the start of the Vietnam conflict our Government has sought to keep the subject of prisoners of war separate from the political and military issues of the conflict, and to approach it on a humane basis. This is 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 sets forth basic requirements for humane treatment of prisoners of war, disclosure of information, impartial inspection, and early release of seriously sick and wounded prisoners. 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 many American military personnel who are prisoners of war or missing in action in Southeast Asia.

Sincerely,

/S/ ELLIOT 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:

<i>Missing in action and believed captured— American servicemen in Southeast Asia— Jan. 24, 1970</i>	
Missing in action (location):	
South Vietnam.....	401
North Vietnam.....	414
Laos	185
Subtotal	1,000
Believed captured (location):	
South Vietnam.....	72
North Vietnam.....	368
Laos	7
Subtotal	447
Total	1,447

Thus far in the war, North Vietnam has released a total of nine United States prisoners and the National Liberation Front has released 23. 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, agreed to by the United States in 1955, South Vietnam in 1953, and North Vietnam in 1957, specifies minimum standards for treatment of prisoners, 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 parties, 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 have been 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 basic minimum standards required by the Geneva convention, but North Vietnam contends that U.S. prisoners are "war criminals." They have refused to identify prisoners they hold, and only a limited number of those known to have been captured have been al-

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 read 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 13, 1969, 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

lowed to communicate with the outside world. MAH has been received thus far from only about 175 U.S. servicemen held by North Vietnam, and, as a consequence, hundreds of wives, parents, and children of U.S. servicemen missing in action in Vietnam do not know if their loved one is dead or alive. The sick and wounded have not been released, or even identified, and the International Committee of the Red Cross' repeated requests for permission to visit the prison facilities have been denied.

RESOLUTION ADOPTED BY THE INTERNATIONAL CONFERENCE OF THE RED CROSS

After failure of all attempts through diplomatic channels to obtain compliance with the Geneva convention on treatment of prisoners of war, the executive branch last year decided to focus world attention on the prisoner issue as a possible means of influencing North Vietnam and the National Liberation Front to take a more reasonable position. The President has spoken out strongly on the issue, as can be seen from his remarks at a recent White House meeting with wives and mothers of missing and captured U.S. servicemen:

"THE PRESIDENT'S REMARKS FOLLOWING A MEETING WITH 26 OF THE WIVES AND MOTHERS AT THE WHITE HOUSE, DECEMBER 12, 1969

"Ladies and gentlemen, I have the very great honor to present in this room today five of the most courageous women I have had the privilege to meet in my life.

"Mrs. Nixon and I have met with 26 women, of which these are a part, representing approximately 1,500 women, mothers and wives of American servicemen who are missing in Vietnam and who are or may be prisoners of war. Some of these men have been prisoners or missing for as long as 5 years, most of them 2 to 3 years.

"Insofar as the treatment of prisoners is concerned, it would probably not be inaccurate to say that the record in this war is one of the most unconscionable in the history of warfare. And there have been, of course, some very bad examples in past wars, as we know.

"What I have assured these very courageous women is that, first, in reaching a settlement of the war that an integral part of any settlement that is agreed to must be a settlement that is satisfactory on the prisoner issue and, second, that clearly apart from reaching an overall settlement of the war that this Government will do everything that it possibly can to separate out the prisoner issue and have it handled as it should be, as a separate issue on a humane basis.

"Finally, I would simply add that while we all know that there is disagreement in this country about the war in Vietnam and while there is dissent about it on several points, that on this issue, the treatment of prisoners of war, that there can be and there should be no disagreement.

"The American people, I am sure, are unanimous in expressing their sympathy to these women, to their children, and also in supporting their Government's attempt to get the Government of North Vietnam and the VC to respond to the many initiatives which we have undertaken to get this issue separated out and progress made on it prior to the time that we reach a complete settlement of the war.

"I understand they will be here to answer questions."

The subject has been raised repeatedly in the Paris peace talks, and statements of December 30, 1969, and February 5, 1970, by the acting chief U.S. negotiator, Ambassador Philip C. Habib, are printed as an appendix to this report. The United States also brought up the issue during the recent session of the General Assembly of the United Nations, and the statements made in committee there by Rita E. Hauser, U.S. Alternate Delegate, are also printed as an appendix.

In an expression of world concern on this subject, the 21st International Conference of the Red Cross, meeting in Istanbul, Turkey, in September 1969, adopted a resolution calling for all parties to armed conflict to insure humane treatment of 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 0, follows:

TEXT OF RESOLUTION ADOPTED BY THE 31ST 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 of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, 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.

COMMITTEE COMMENTS

House Concurrent Resolution 454 expresses congressional support of the observance of the Geneva convention of 1949 by all combatants. It is hoped that the resolution will encourage further efforts by the International Conference of the Red Cross, the United Nations, and other international organizations to secure the observance of the Geneva convention by North Vietnam and the National Liberation Front.

The resolution reaffirms the continuing concern of the Congress of the United States over the plight of captured and missing American servicemen and assures their families that the Congress understands their anguish and continues to support in every way the efforts of our Government and international organizations to secure the humane treatment of American prisoners of war under the Geneva convention of 1949.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (H. Con. Res. 454) was agreed to.

The PRESIDING OFFICER. Without objection, the preamble is agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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.