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 O 161102Z MAR 73

~~TOP SECRET~~ SENSITIVE 161102Z MAR 73 VIA BUNKER CHANNEL

FROM: AMBASSADOR BUNKER SAIGON 0398
 TO: THE WHITE HOUSE, EYES ONLY FOR HENRY A. KISSINGER
 REFS: A) WHS 3168; B) WHS 3169
 SUBJECT: DRV COMPLAINTS OF NON-COMPLIANCE WITH AGREEMENT.

1. IN PARTIAL ANSWER TO THE CHARGES OF LE DUC THO CONCERNING NON-COMPLIANCE WITH THE AGREEMENT AND ITS PROTOCOLS BY THE U.S. AND RVN, THE FOLLOWING EVIDENCE PREPARED BY MACV HIGHLIGHTS THE EXTENSIVE FAILURE OF THE DRV AND PRG TO COMPLY WITH MANY ASPECTS OF THE AGREEMENT.

***** WHSR COMMENT *****

HAK, SCOWCROFT, LORD, HOWE

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E.O. 12356, Sect. 3.4

NSC 9/23/93 F9301194

By M/K NARA, Date 9/30/93

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G. RELEASE OF MILITARY AND CIVILIAN PRISONERS. A NUMBER OF OBSTACLES AND FAILURE TO COMPLY WITH THE AGREEMENT HAVE BEEN CREATED BY THE DRV/PRG AS FOLLOWS:

(1) DESPITE THE FACT THAT OVER 16,000 RVN HELD POW'S HAVE BEEN RELEASED THROUGH 16 MARCH, THE PRG ARE BEHIND IN THEIR RELEASES AND HAVE ONLY RELEASED 2,367. DELAYS IN PW RELEASE ARE CREATED BY PRG DESIGNATION OF RELEASE POINTS EITHER IN CONTESTED AREAS SUCH AS DUC PHO OR IN SITES WHERE THE AIRSTRIP WILL NOT PERMIT FIXED WING AIRCRAFT SUCH AS MINH THANH. THE PRG OBVIOUSLY PICKS SUCH RELEASE POINTS FOR POLITICAL PURPOSES IN ORDER TO DEMONSTRATE CONTROL OVER TERRITORY AND POPULATION.

(2) THE LISTS OF MILITARY AND CIVILIAN PRISONERS PROVIDED BY THE PRG ARE RIDICULOUSLY LOW IN NUMBER. FOR EXAMPLE, THE PRG HAS PROVIDED LISTS OF ONLY 200 CIVILIANS AND ONLY 4,700 MILITARY.

(3) EXAMINATION OF RETURNED PRG HELD PRISONERS REVEALS EXTENSIVE MALTREATMENT WHILE IN CAPTIVITY. FOR EXAMPLE, PRISONERS WERE FED ONLY 550 CALORIES PER DAY CONSISTING OF 150 GRAMS OF RICE PLUS SALT WATER. REPORTS INDICATE THAT PRISONERS WERE USED AS SLAVE LABOR.

(4) RECENT FIRM INTELLIGENCE INDICATES THAT RELEASED RVN HELD PRISONERS HAVE BEEN ASSIGNED IMMEDIATELY TO COMBAT POSITIONS SUCH AS IN THE 9TH AND 7TH NVA DIVISIONS.

(5) THE PRG/DRV HAVE CONTINUED TO OBSTRUCT THE DESIGNATION OF RED CROSS SOCIETIES TO VISIT DETENTION SITES. GEN. WRINCH OF THE CANADIAN RED CROSS ON HIS RECENT VISIT TO VIETNAM SUPPORTS THIS CONCLUSION. THE RVN HAS PERMITTED RED CROSS VISITATION OF DETENTION CENTERS IN ORDER TO INSPECT FOR ADEQUACY OF HUMANE TREATMENT. IN ADDITION, THE PROTOCOL ON CAPTURED PERSONS HAS

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BEEN COMMUNICATED TO THESE PERSONS THROUGH LOUDSPEAKER, BRIEFINGS, AND BY POSTING ON BULLETIN BOARDS IN DETENTION CAMPS. AS TO INSPECTION OF DETENTION SITES, THE RVN HAS PERMITTED FPJMC INSPECTION IN ACCORDANCE WITH THE AGREEMENT AND HAS URGED AGREEMENT ON RED CROSS SOCIETIES TO INSPECT DETENTION SITES AS WELL AS RELEASE POINTS. THE PRG/DRV CONTINUES TO REFUSE AGREEMENT.

(6) THE PRG HAS NOT COMPLIED WITH THE RELEASE OF U.S. PRISONERS IN ACCORDANCE WITH THE PHASING OF TROOP WITHDRAWAL. PHASE THREE PRISONER RELEASE OCCURRED TWO DAYS LATE AND ON THE FIRST PHASE OF THE PRISONER RELEASE THE PRG ATTEMPTED TO LINK THE RELEASE WITH RVN HELD PRISONER RELEASES.

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O 050955Z MAR 73 ZFF4

WHCA PLS PASS KATHMANDU FOR AMBASSADOR BUNKER, IMMEDIATE PRECEDENCE

~~TOP SECRET~~ SENSITIVE 050955Z MAR 73 VIA BUNKER CHANNEL

FROM: C.S. WHITEHOUSE, SAIGON 0388 IMMEDIATE

TO: DR. HENRY KISSINGER, THE WHITE HOUSE

AMBASSADOR BUNKER, KATHMANDU

MARCH 5, 1973

REFS: KATHMANDU 005; WHS 3159

1. I HAVE ASKED FOR AN APPOINTMENT WITH PRESIDENT THIEU BUT AS TUESDAY IS THE DAY HE MEETS WITH THE PROVINCE CHIEFS I WILL PROBABLY NOT SEE HIM UNTIL WEDNESDAY. AT THIS MEETING I PLAN TO GIVE HIM THE FOLLOWING LETTER DRAWN FROM WHS 3159.

BEGIN TEXT OF LETTER:

DEAR MR. PRESIDENT:

DR. KISSINGER HAS RECEIVED A MESSAGE FROM THE DRV ON THE SUBJECT OF CIVILIAN PERSONNEL CAPTURED AND DETAINED IN SOUTH VIETNAM. THE MESSAGE STATES THAT ACCORDING TO THE AGREEMENT THE RETURN OF MOST OF THESE PERSONNEL WILL BE COMPLETED WITHIN SIXTY DAYS OF THE SIGNING OF THE AGREEMENT AND THE WHOLE NUMBER OF THESE PERSONNEL WILL BE RETURNED WITHIN NINETY DAYS OF THE SIGNING OF THE AGREEMENT.

THE DRV MESSAGE FURTHER STATES: QUOTE. UP TO THE PRESENT TIME MORE THAN A MONTH AFTER THE SIGNING OF THE AGREEMENT, THE REPUBLIC OF VIETNAM SIDE HAS NOT RETURNED ANY CAPTURED VIETNAMESE CIVILIAN PERSONNEL. THE RVN SIDE ALSO BROUGHT FORTH A LIST OF CAPTURED AND DETAINED CIVILIAN PERSONNEL OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM WHICH COMPRISED ONLY 5,081 PERSONS, WHEN THE NUMBER OF THESE DETAINED PERSONNEL TOTALLED IN REALITY TENS OF THOUSANDS. THIS IS A MOST ABSURD THING. AND THUS, THE UNDERSTANDING BETWEEN THE TWO SIDES REGARDING THE RETURN OF VIETNAMESE CIVILIAN PERSONNEL CAPTURED AND DETAINED IN SOUTH VIETNAM HAS NOT BEEN CARRIED OUT. THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM HAD HANDED OVER TO THE GOVERNMENT OF THE REPUBLIC OF VIETNAM A LIST OF CIVILIAN PERSONNEL CAPTURED AND DETAINED BY THE FORMER, BUT THE GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM PRODUCED A LIST OF ITS CIVILIAN PERSONNEL WHO HAD BEEN CAPTURED AND DETAINED, THE NUMBER OF WHICH HAD BEEN FANCIFULLY EXAGGERATED. THE FACT IS THAT DURING WAR TIME, THE PROVISIONAL GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM HAD NO CONDITIONS FOR DETAINING FOR A LONG PERIOD CAPTURED CIVILIAN PERSONNEL OF THE REPUBLIC OF VIETNAM SIDE, THAT WAS WHY AFTER ONLY A SHORT PERIOD

***** WHSR COMMENT *****

HAK, SCOWCROFT, LORD, HOWE

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OF DETENTION NECESSARY FOR POLICY EXPLANATION, MOST OF THE CAPTURED PERSONS HAVE BEEN RELEASED BY THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM. WHEN THE AGREEMENT WAS SIGNED, ONLY A VERY SMALL NUMBER OF PERSONS WERE STILL DETAINED. THE LIST OF THESE PERSONS HAS BEEN HANDED OVER BY THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM TO THE GOVERNMENT OF THE REPUBLIC OF VIETNAM. THEREFORE, THE PRETEXT USED BY THE REPUBLIC OF VIETNAM SIDE TO DELAY THE RETURN OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL CANNOT COVER ITS VIOLATIONS OF THE AGREEMENT. END QUOTE.

WE BELIEVE THE FOREGOING WILL BE OF INTEREST TO YOUR GOVERNMENT AND I HAVE BEEN ASKED TO EMPHASIZE TO YOU THAT WE DO NOT ENDORSE THIS EXPLANATION BY THE DRV. IT IS BEING TRANSMITTED TO THE GOVERNMENT OF VIETNAM FOR ITS INFORMATION AND FOR ITS COMMENT.

RESPECTFULLY,

CHARLES S. WHITEHOUSE

CHARGE D'AFFAIRES, A.I.

END TEXT OF LETTER

2. FRANKLY, I AM NOT VERY HOPEFUL OF RECEIVING ANYTHING VERY USEFUL IN THE WAY OF COMMENT FROM THE GVN. I HAVE REVIEWED THE TEXT OF WHS 3135 IN WHICH DR. KISSINGER STATED THAT IT WOULD BE HELPFUL IF PRIOR TO HIS VISIT TO HANOI THE GVN COULD RELEASE SOME CIVILIAN PRISONERS. THIS IS WHAT THE GVN HAS DONE BUT IT HAS NOT RETURNED ANY CIVILIAN DETAINEES TO THE OTHER SIDE. AS YOU KNOW WE HAVE BEEN TRYING FOR SOME TIME TO GET THE DETAILS ON THIS RELEASE BUT REPORTS FROM THE PROVINCES SHOW THAT RELEASES HAVE BEEN TAKING PLACE.

3. I HAVE CHECKED ON THE SO-CALLED CIVILIANS WHO WERE RECEIVED IN RIEN HOA ON FEBRUARY 28 AND LEARN THAT THEY ARE A MIXTURE OF RD CADRE, PSDF AND CIDG IRREGULARS. THEY WERE RELEASED ALONG WITH ARVN POW'S AND CANNOT BE CONSIDERED CIVILIAN DETAINEES RELEASED BY THE OTHER SIDE.

4. AS YOU POINT OUT BOTH SIDES ARE DISSEMBLING ON THE WHOLE ISSUE OF POW'S AND CIVILIAN DETAINEES, AND I BELIEVE THAT WHILE THESE QUESTIONS ARE NOT LINKED IN THE AGREEMENT, BOTH SIDES TEND TO CONNECT THEM. IT IS NOTE WORTHY, HOWEVER, THAT ACCORDING TO GENERAL WOODWARD BOTH SIDES REALIZE THAT THE CIVILIAN DETAINEE PROBLEM IS TO BE RESOLVED IN A DIFFERENT TIME FRAME (NINETY DAYS) FROM THE POW RELEASE. THE FPJMC WAS AGAIN DEADLOCKED TODAY ON THE RELEASE OF DRV/PRG POW'S BY THE GVN WITH THE GVN AGAIN INSISTING THAT IT WILL RELEASE TWO FOR ONE, I.E., ABOUT 2,000 POW'S. I PLAN TO DISCUSS THIS PROBLEM WITH THIEU EMPHASIZING AS WE HAVE TO KEEP OUR STRONG BELIEF THAT THE GVN MUST COMPLY WITH THE AGREEMENT AND STRESSING THE VERY UNFORTUNATE IMPACT THE GVN'S STAND WILL HAVE IN THE U.S. GENERAL

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WEYAND, GENERAL WOODWARD AND I BELIEVE THE OTHER SIDE AY WELL TRY TO LINK THE GVN'S REFUSAL TO RELEASE 7,000 POW'S TO THE RELEASE OF U.S. POW'S NEXT TIME. DURING A TALK WITH THEM THIS AFTERNOON, GENERAL WOODWARD REPORTED THAT AT THIS MORNING'S FPJMC WHICH HAD POW, THE JOINT APPEAL ON ARTICLE 4 OF PROTOCOL, AND ADDITIONAL ITEMS ON TRANSPORT AND PRIVILEGES ON THE AGENDA, THE OTHER SIDE REFUSED TO DISCUSS ANYTHING EXCEPT POW'S. WHEN WOODWARD SUGGESTED THAT NOT ONLY SHOULD PHASE II BE COMPLETED BUT THAT PLANNING SHOULD COMMENCE IMMEDIATELY ON THE PHASE III RELEASE, THE PRG REPLIED THAT IF THE GVN WAS NOT FORTHCOMING ON ADHERENCE TO THE AGREEMENT AND PROTOCOL ON POW RELEASE, NOT ONLY WILL PHASE II BE DELAYED BUT PHASE III WILL BE ADVERSELY AFFECTED. DRV SUPPORTED THIS VIEW BY SAYING THAT ONLY IF PHASE II IS COMPLETED CAN WE MOVE AHEAD ON PHASE III. BOTH DRV AND PRG REFUSED TO CONSIDER ANY OTHER MATTERS.

5. [SANITIZED] RECEIVED A REPORT THAT THE OTHER SIDE INTENDS TO USE EX-POW'S AS FILLERS IN THE 7TH AND 9TH DIVISIONS AFTER A PERIOD OF RE-INDOCTRINATION. AS THE GVN HAS RECEIVED THIS AND SIMILAR REPORTS, ITS RELUCTANCE TO ADD STRENGTH TO THE ENEMY IS UNDERSTANDABLE AND I AM AFRAID THIS WHOLE POW/CIVILIAN DETAINEE RELEASE SITUATION IS GOING TO CONTINUE TO BE VERY DIFFICULT. I WILL GIVE IT A WHIRL AS SOON AS I CAN AND WILL PROCEED AS DESCRIBED ABOVE.

6. WARM REGARDS.
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SAIGON 0369 IMMEDIATE
 FROM SULLIVAN
 TO THE WHITE HOUSE, EXCLUSIVELY FOR HENRY A. KISSINGER

1. FOLLOWING IS SUMMARY REPORT OF MY FIRST TWENTY-FOUR HOURS IN SAIGON. IT IS WRITTEN PRIOR TO DINNER WHICH FOREIGN MINISTER LAM IS GIVING THIS EVENING, AT WHICH THERE WILL BE SEVERAL SENIOR OFFICIALS CONCERNED WITH PROBLEMS OF NEGOTIATIONS BETWEEN GVN AND PRG. I WILL REPORT SEPARATELY ANYTHING SIGNIFICANT WHICH DEVELOPS FROM THAT SESSION.
2. MY FIRST COMMENT SHOULD BE UPON APPEARANCES OF SAIGON. CITY IS FESTOONED WITH FLAGS AND BANNERS. BANNERS GENERALLY EXHORT PEOPLE TO VIGILANCE AND INSIST UPON SCRUPULOUS CEASE-FIRE OBSERVANCE BY COMMUNISTS.
3. SECOND OBSERVATION CONCERNS GENERAL ATTITUDES DISPLAYED BY GVN OFFICIALS I HAVE MET AND TO LARGE MEASURE SHARED BY U.S. MILITARY. THEY ALL DISPLAY CONSIDERABLE SKEPTICISM ABOUT COMMUNIST INTENTIONS AND ARE INCLINED TO TREAT COMMUNIST REPRESENTATIVES AS WELL AS COMMUNIST STATEMENTS WITH ENORMOUS RESERVE. AMBASSADOR BUNKER IS VALIANTLY ATTEMPTING TO INDUCE MORE FORTHCOMING ATTITUDES INTO BOTH THESE SECTORS OF HIS CONSTITUENCY.
4. MY FIRST MEETINGS HERE WERE WITH SENIOR U.S. OFFICIALS AT AMBASSADOR BUNKER'S RESIDENCE LAST EVENING. DISCUSSIONS GENERALLY CONCERNED MILITARY SITUATION, PERFORMANCE OF FOUR-PARTY JOINT MILITARY COMMISSION AND ICCS. ESSENTIALLY MILITARY SITUATION APPEARS MOST SATISFACTORY FROM GVN PERSPECTIVE. BOTH JMC AND ICCS MAKING HALTING PROGRESS, WITH PROSPECTS THAT THEY WILL EVENTUALLY MOVE MORE EFFECTIVELY.
5. NEXT MEETING WAS MORNING FEBRUARY 14 WITH U.S. OFFICIALS RESPONSIBLE FOR LIAISON WITH ICCS. IT IS CLEAR THAT U.S. MILITARY AND CIVILIAN AGENCIES HAVE BEEN THE PRIMARY CRUTCH ON WHICH ICCS AND JMC HAVE LEANED IN ORDER TO BEGIN THEIR ACTIVITIES. PERFORMANCE OF U.S. OFFICIALS, PARTICULARLY MILITARY, IN THIS FIELD HAS

*****WHSR COMMENT*****

HAK, SCOWCROFT, LATIMER, SEC FILES

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BEEN ABSOLUTELY FIRST CLASS.

6. NEXT MEETING WAS WITH FOREIGN MINISTER LAM, ACCOMPANIED BY BUNKER. DISCUSSION CONCERNED TWO PRIMARY SUBJECTS: A) NEGOTIATIONS WITH THE PRG, AND B) INTERNATIONAL CONFERENCE. ON FORMER LAM LAID OUT LOGICAL SCHEME OF ACTION WHICH GVN INTENDS TO PURSUE. THEIR PRINCIPAL NEGOTIATOR WITH THE PRG WILL PROBABLY BE VICE PRIME MINISTER VIEN. THEY HAVE SUGGESTED RANGOON AS PREFERABLE LOCUS OF NEGOTIATIONS, ALTHOUGH PRG PREFERS PARIS. LAM HIMSELF IS PREPARED TO ARRIVE IN PARIS A FEW DAYS EARLY FOR INTERNATIONAL CONFERENCE IN ORDER TO RESUME PRELIMINARY CONTACTS WITH MADAME BINH. THEY HAVE IN MIND A NATIONAL COUNCIL OF RECONCILIATION COMPOSED OF ABOUT THIRTY MEMBERS. THEY UNDERSTAND AND INTEND TO KEEP THE INITIATIVE IN PRESSING FOR RAPID POLITICAL SETTLEMENT, RECOGNIZING THAT THE PRG IS UNPREPARED FOR SERIOUS MOVE TOWARD ELECTIONS.

7. CONCERNING INTERNATIONAL CONFERENCE, LAM SEEMS RELATIVELY WELL PREPARED BUT HAD NO PARTICULARLY HELPFUL SUGGESTIONS CONCERNING CHAIRMANSHIP. I FLOATED BOTH US-DRV CO-CHAIRMANSHIP AND ROTATING CHAIRMANSHIP AMONG ICCS MEMBERS WITHOUT GETTING ANY PARTICULAR RESPONSE. HE SEEMS PREPARED TO ACCEPT PRG PRESENCE, NAME PLATE AND TITLE. HOWEVER HE TALKED IN TERMS OF REFUSING TO SIGN FINAL ACT OF THE CONFERENCE. INSTEAD HE PROPOSED ISSUING A STATEMENT SUPPORTING THE ACT. BUNKER AND I BOTH TOOK VIOLENT EXCEPTION TO THIS SUGGESTION, THEREBY EXTRACTING LAM'S PROPOSAL FOR A COMPROMISE ACTION IN WHICH SIGNATURES WOULD BE ON SEPARATE SHEETS OF PAPER. WE TOLD HIM THIS SEEMED FEASIBLE AND THAT WE WOULD BE PREPARED TO SUPPORT IT.

8. MY NEXT SESSION WAS LUNCH WITH GENERALS WOODWARD AND WICKHAM, WITH JOHN VOGT PRESENT. THEY REPORTED ON MORNING MEETING OF JMC, IN WHICH COMMUNISTS DID TABLE CEASE-FIRE PROPOSAL, BUT FAILED TO INTRODUCE POINTS OF ENTRY. I ENCOURAGED WOODWARD TO MAKE ARRANGEMENTS FOR JMC AND ICCS TO OBSERVE U.S. AND ROK DEPARTURES, IN ACCORDANCE WITH PROTOCOL PROVISIONS. HE AGREED. I ALERTED VOGT TO POSSIBILITY OF CEASE-FIRE IN LAOS AND HE RAISED NUMBER OF QUESTIONS CONCERNING U.S. AIR REACTION IF CEASE-FIRE IS VIOLATED. I ADVISED HIM THAT ANSWER TO THAT PROBLEM WOULD HAVE TO COME FROM THE PRESIDENT.

9. I THEN PAID SURPRISE VISIT TO DRV/PRG CONCENTRATION CAMP, ACCOMPANIED BY ENGEL AND U.S. LIAISON OFFICER. GVN MILITARY POLICE REFUSED TO PERMIT MY VEHICLE TO ENTER CAMP. THEY EVEN ATTEMPTED (INSUCCESSFULLY) TO PREVENT ENGEL AND ME FROM WALKING IN ON FOOT, WHICH WE DID AFTER WAITING FIVE MINUTES FOR VEHICLE CLEARANCE. IN CAMP WE MET GENERALS HOA AND TRA, PLUS YOUR FRIEND BLINKY. I GAVE THEM ALL GREETINGS FROM LE DUC THO. THEY THEN POURED OUT LIST OF COMPLAINTS, MOST OF WHICH CENTERED UPON

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SAIGON (KATHMANDU) 0388 IMMEDIATE MARCH 5, 1973
 FM AMBASSADOR BUNKER
 TO THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER
 RFF: WHS 3159

ON RECEIPT OF REPTEL I SENT MESSAGE TO WHITEHOUSE REQUESTING HIM TO SEE PRIME MINISTER KHIEM AND THIEU AND TRY TO DETERMINE EXACTLY WHERE GVN STANDS ON QUESTION OF CIVILIAN PRISONERS. WE HAVE HAD DIFFICULTY IN PINNING DOWN THE FIGURES; THE GVN HAS NOT BEEN VERY FORTHCOMING TO DATE AND, IN FACT, I THINK THERE MAY BE SOME CONFUSION AMONG THEMSELVES CONCERNING EXACT STATUS OF THEIR CIVILIAN DETAINEES. WE SENT, THROUGH STATE CHANNELS, MARCH 1, THE FIGURES AND THE DISPOSITION OF CIVILIAN PRISONERS AS WE COULD BEST DETERMINE THEM AS OF THAT DATE.

I DO NOT HAVE TEXT OF THAT MESSAGE HERE, BUT MY RECOLLECTION IS THAT OUR RECORDS SHOWED, AS OF FEBRUARY 1, 22,427 CIVILIAN PRISONERS; THIS IS THE FIGURE I MENTIONED TO THIEU WHEN I ASKED HIM WHETHER HE WOULD RELEASE "SEVERAL THOUSAND" PRISONERS IN CONNECTION WITH YOUR TRIP TO HANOI. DURING TET, FEBRUARY 3-5, AND SUCCEEDING DAYS, GVN HAS ANNOUNCED RELEASE OF APPROXIMATELY 5,800 CIVILIAN DETAINEES. YOU WILL RECALL THAT ON FEBRUARY 9 WHEN IN BANGKOK, WHITEHOUSE TELEPHONED THAT PRIME MINISTER HAD REQUESTED HIM TO INFORM ME THAT GVN WOULD RELEASE 5,000 CIVILIAN PRISONERS. I SUSPECT THAT THEY MAY CONSIDER THEIR COMMITMENT TO RELEASE 5,000 PRISONERS FULFILLED BY ABOVE-MENTIONED FIGURE.

IN THE MEANTIME, GVN HAS BEEN RELEASING OR CONVERTING TO CHIEU HAI CERTAIN OF THE AN TRI PRISONERS. OTHERS THEY HAVE BEEN CONVERTING TO COMMON CRIMINAL STATUS (THIS SEEMS CLEARLY TO BE VIOLATION OF AGREEMENT). THE GVN HAS ADMITTED THAT THE FIGURE OF 5,081, WHICH THEY SUBMITTED TO THE OTHER SIDE WAS AN ARBITRARY ONE WHICH SEEMED "REASONABLE". WHAT GVN HAS FEARED, OF COURSE, IS THAT PRG WILL TURN LOOSE THE RELEASED PRISONERS AS CADRES TO CARRY ON PROPAGANDA AND SUBVERSION IN THE COUNTRYSIDE.

AT THE SAME TIME, THE GVN IS INTENSELY SUSPICIOUS THAT THEY ARE BEING TRICKED BY THE OTHER SIDE CONCERNING BOTH POW AND CIVILIAN PRISONERS. THE ORIGINAL FIGURE OF 4,000 POW, NOW INCREASED TO 4,500, SEEMS ABSURDLY SMALL, CONSIDERING PRISONERS TAKEN IN THE WITHDRAWAL FROM CAMBODIA 1970, IN LAMSON 719, AND IN NORTHERN QUANG TRI WITH COLLAPSE OF THE THIRD ARVN DIVISION

***** WHSR COMMENT *****

HAK, SCOWCROFT, LORD, HOWE

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IN 1972 UNLESS MANY PRISONERS HAVE DIED OR BEEN DONE AWAY WITH.

LE DUC THO'S STATEMENT THAT CIVILIAN PRISONERS WERE HELD BY THE PRG ONLY FOR A PERIOD OF INDOCTRINATION AND THEN RELEASED HAS SOME LOGIC. WE KNOW THIS HAS HAPPENED IN A GOOD MANY CASES BUT THERE IS NO WAY IN WHICH WE CAN DETERMINE THE PROPORTION OF ABDUCTEES THUS RELEASED. THE GVN BELIEVES THE FIGURE OF 200 SUBMITTED BY PRG ABSURDLY LOW.

I AM SORRY THAT IN MY ABSENCE FROM SAIGON, I CANNOT BE MORE SPECIFIC. WHITEHOUSE WILL TRY TO GIVE YOU AN EXACT STATUS REPORT AS PROMPTLY AS POSSIBLE.

WARM REGARDS.

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SAIGON 0382 FLASH MARCH 1, 1973
 FM AMBASSADOR BUNKER
 TO THE WHITE HOUSE, FOR GENERAL SKOWCROFT

1. THE FPJMC CHIEFS' MEETING THIS MORNING HAS INSTRUCTED POW
 SUB-COMMITTEE TO WORK OUT THE DETAILS OF POW RELEASE. DRV/PRG
 DELEGATIONS AGREED THAT NO CONDITIONS OTHER THAN THOSE CONTAINED IN
 AGREEMENT AND PROTOCOLS ARE ATTACHED TO POW RELEASE. WE ARE
 TRYING TO ARRANGE FOR SUB-COMMITTEE MEETING AT 1500.

2. WARM REGARDS.

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HAK, SCOWCROFT, LORD, HOWE

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SAIGON 0381 FLASH MARCH 1, 1973
 FM AMBASSADOR BUNKER
 TO THE WHITE HOUSE, FOR GENERAL SKOWCROFT

1. MEETING TO DISCUSS DETAILS OF POW RELEASE HAS BEEN SET FOR 1100 SAIGON TIME TODAY. WE HAVE ALSO COORDINATED WITH RVN IN PROVIDING ASSURANCES FOR SECURITY FOR DRV/PRG DELEGATIONS TO FPJMC. WE WILL BE REPORTING DEVELOPMENTS.

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HAK, SCOWCROFT, LORD, HOWE

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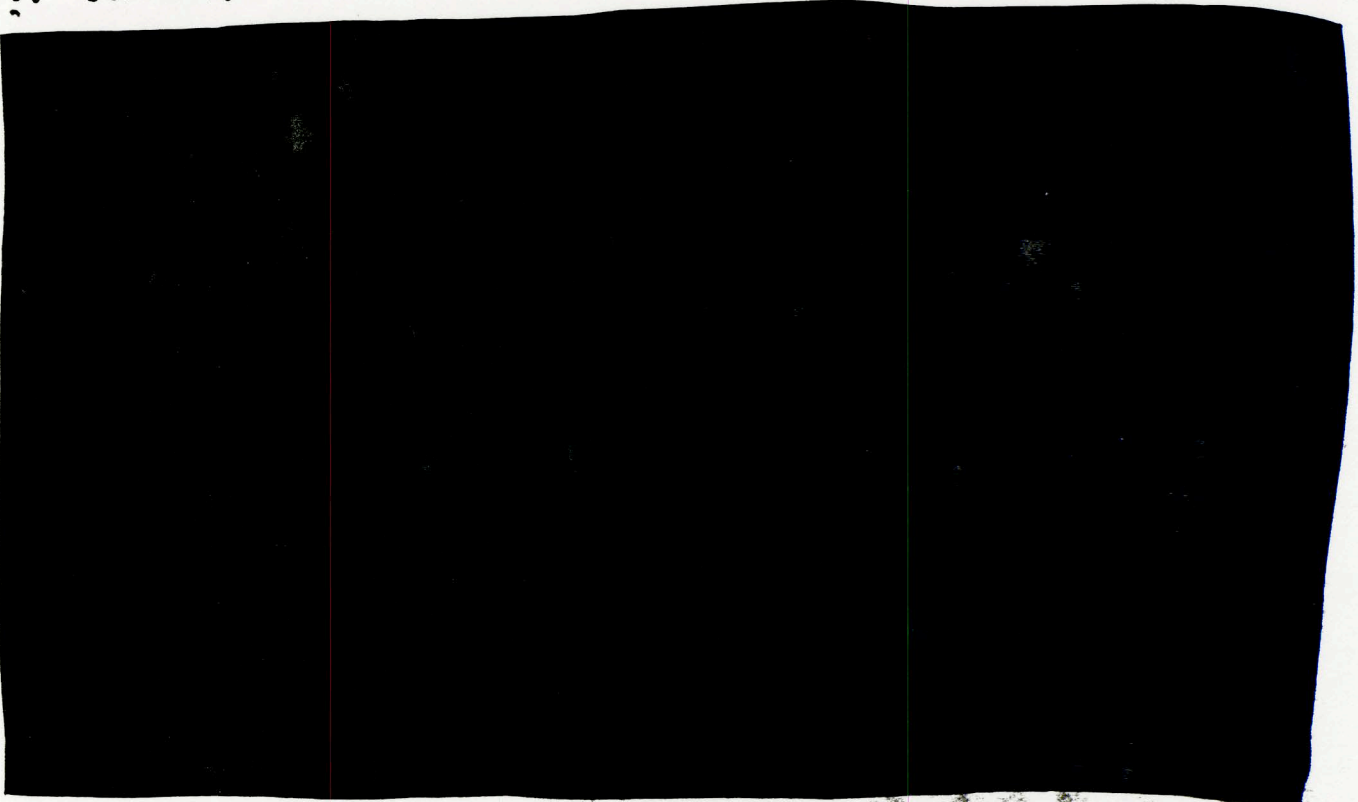
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SAIGON 0386 IMMEDIATE MARCH 2, 1973
FM AMBASSADOR BUNKER
TO THE WHITE HOUSE, FOR HENRY A. KISSINGER
SUBJECT: VIET-NAM: ASSESSMENT OF THE CEASE-FIRE AFTER
THIRTY DAYS.

1. I THOUGHT YOU WOULD BE INTERESTED IN HAVING AN ASSESSMENT OF
HOW THE CEASE-FIRE LOOKS FROM HERE AFTER THE FIRST THIRTY DAYS.
THE SITUATION OBVIOUSLY KEEPS CHANGING FROM DAY TO DAY, AND I
HOPE FOR THE BETTER, BUT THIS IS ABOUT THE WAY IT LOOKS TO US HERE
AS OF TODAY.

I. SUMMARY.



***** *WHSR COMMENT*****

HAK, SCOWCROFT, LORD, HOWE

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22. DESPITE OUR DETERMINED EFFORTS, THE FOUR-PARTY JOINT MILITARY COMMISSION HAS SO FAR FAILED TO DEVELOP INTO AN EFFECTIVE MECHANISM FOR ENFORCING THE CEASE-FIRE, ALTHOUGH IT HAS PROVED INDISPENSABLE IN ARRANGING THE RETURN OF OUR PRISONERS. THIS DISCOURAGING STATE OF AFFAIRS RESULTS FROM STALLING AND OBSTRUCTIONISM BY THE PRG AND DRV WHO APPARENTLY DO NOT WANT THE JOINT MILITARY COMMISSION TO HINDER THEIR ATTEMPTS TO ATTAIN THEIR MILITARY OBJECTIVES IN THE FIRST SIXTY DAYS.

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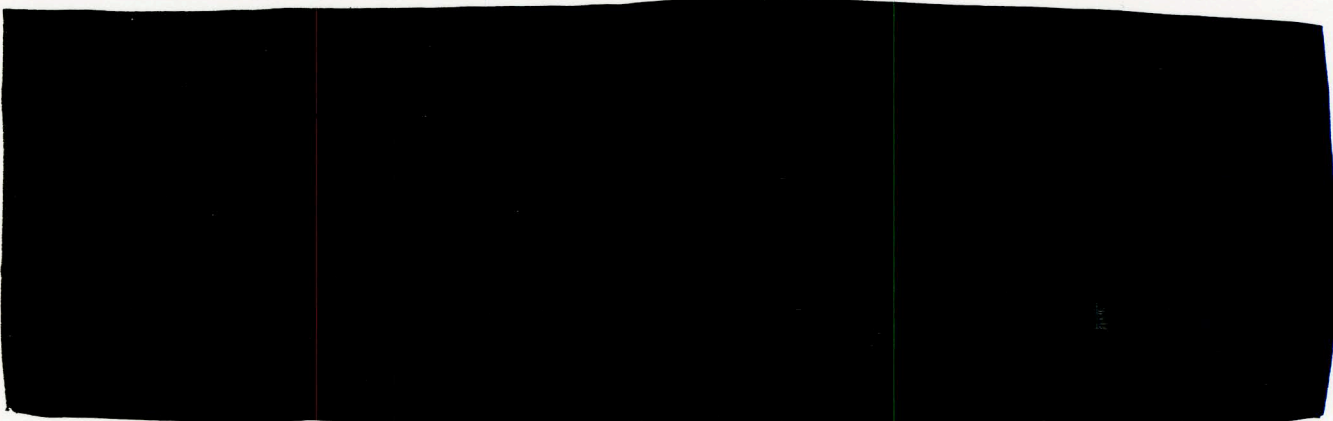
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V. PRISONER OF WAR RELEASES AND THE QUESTION OF CIVILIAN DETAINEES.

27. AS OUR RECENT EXPERIENCE SHOWS, THE COMMUNISTS ARE DETERMINED TO EXTRACT EVERY ADVANTAGE THEY CAN FROM THEIR HOLDING OF OUR PRISONERS OF WAR AND THEY WILL PROBABLY CONTINUE THEIR ATTEMPTS TO LINK THE POWS WITH POLITICAL ISSUES. NONETHELESS, I HAVE NO REASON TO DOUBT THAT THE DRV AND PRG AT THIS POINT STILL INTEND TO RELEASE OUR MAN, AS THEY UNDERTOOK TO DO IN THE AGREEMENT, BY THE END OF THE SIXTY DAY PERIOD. ON THE OTHER HAND, BY OBSTRUCTIONISM IN THE JOINT MILITARY COMMISSION THE PRG AND DRV HAVE SO FAR MADE A DEAD LETTER OF ARTICLE 9 (A) OF THE PRISONER PROTOCOL WHICH PROVIDES FOR VISITS TO PLACES OF DETENTION BY DESIGNATED RED CROSS SOCIETIES.

28. THE RELEASE OF VIETNAMESE POWS HAS NOT BEEN CONDUCTED BY EITHER SIDE IN THE SPIRIT OF THE AGREEMENT. THE COMMUNISTS CAME UP WITH AN ABSURDLY SHORT LIST OF THE POWS THEY HOLD, AND THE GVN IN RETALIATION HAS TWICE THREATENED TO RELEASE FEWER THAN THE PRESCRIBED NUMBER OF COMMUNIST PRISONERS. (ON BOTH OCCASIONS WE PERSUADED THE GVN TO REVERSE THEIR DECISION.) RELEASED GVN PRISONERS HAVE RETURNED WITH ACCOUNTS OF SERIOUS MISTREATMENT WHILE IN COMMUNIST HANDS.

29. THE QUESTION OF RELEASE OF CIVILIAN DETAINEES HAS STILL TO BE SETTLED. IT IS AN IMPORTANT MATTER FOR THE PRG, WHICH COUNTS ON THE VC CADRE RELEASED BY THE GVN TO CARRY ON THEIR POLITICAL AGITATION IN THE MONTHS AHEAD; AND IT IS AN IMPORTANT ISSUE FOR THE GVN, FOR THE SAME REASON. THE GVN GAVE THE PRG AN INCOMPLETE LIST OF DETAINEES AND HAS RECLASSIFIED LARGE NUMBERS OF THEM AS COMMON CRIMINALS IN AN EFFORT TO EXEMPT THEM FROM THE EFFECT OF THE AGREEMENT. THE PRG HAS PERFORMED NO BETTER. IT PRESENTED THE GVN A LIST OF ONLY 200 DETAINEES, WHILE IT SEEMS EVIDENT ON THE FACE OF IT THAT THE NUMBER OF SOUTH VIETNAMESE ABDUCTED BY THE COMMUNISTS AND WHO HAVE NOT YET RETURNED TO THEIR HOMES MUST BE MANY TIMES THAT NUMBER.



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SAIGON 0384 IMMEDIATE MARCH 1, 1973
 FM AMBASSADOR BUNKER
 TO THE WHITE HOUSE, EXCLUSIVELY EYES ONLY FOR HENRY A. KISSINGER
 REF: SAIGON 0380

1. I MET WITH PRESIDENT THIEU FOR ONE-HALF HOUR THIS AFTERNOON
 AND INFORMED HIM THAT THE IMPASSE ON THE POW RELEASE APPEARED
 TO BE BROKEN AS THE DRV/PRG HAD AGREED TO A MEETING OF THE POW
 SUB-COMMITTEE TO DISCUSS DETAILS OF THE SECOND PHASE RELEASE.
 (THIS MEETING IS STILL GOING ON AND WE HAVE NO RESULTS AT THIS TIME.)

***** * * * * * WHSR COMMENT * * * * *

HAK, SCOWCROFT, LORD, HOWE

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 SAIGON 0380 IMMEDIATE FEBRUARY 28, 1973
 FM AMBASSADOR BUNKER
 TO THE WHITE HOUSE, EXCLUSIVELY EYES TLY FOR HENRY A. KISSINGER
 REFS: A) WHS 3151
 B) WHS 3153
 SUBJECT: MEETING WITH PRESIDENT THIEU: IMPLEMENTATION
 OF THE CEASE-FIRE.

1. I MET WITH PRESIDENT THIEU TO TAKE UP MATTERS COVERED IN REFERENCED MESSAGE; GENERAL WEYAND ACCOMPANIED ME.
2. I EMPHASIZED THE PRESIDENT'S GREAT CONCERN ABOUT THE HOLD-UP OF THE RELEASE OF AMERICAN PRISONERS AND MENTIONED FOR THIEU'S INFORMATION ONLY STEPS WHICH WE HAD TAKEN (REF B). THE PRESIDENT, I SAID, IS ALSO GREATLY CONCERNED ABOUT THE UNSATISFACTORY IMPLEMENTATION TO DATE OF THE CEASE-FIRE. WHILE IT IS CLEAR THAT THE OTHER SIDE HAS AND IS VIOLATING THE CEASE-FIRE, WE CANNOT AFFORD TO HAVE THE AGREEMENT THREATENED, ESPECIALLY THE RELEASE OF AMERICAN PRISONERS, BY ACTIONS WHICH ARE UNDER OUR CONTROL.

***** WHSR COMMENT *****

HAK, SCOWCROFT, LORD, HOWE

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5. I DID NOT TAKE UP THE QUESTION OF THE CIVILIAN PRISONERS
SINCE AT THE TIME OF MY MEETING I DID NOT HAVE SUFFICIENT
INFORMATION EITHER ON STATUS OR NUMBERS, BUT I SHALL TRY TO DO
SO TOMORROW.

6. WARM REGARDS.

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FROM: AMBASSADOR BUNKER SAIGON 0403
 TO: THE WHITE HOUSE, EYES ONLY FOR GENERAL SCOWCROFT
 REF: WHS 3177

2. THE PROBLEM IN THE FPJMC OVER POW'S AND WITHDRAWAL, AS YOU KNOW, HAS ARISEN FROM FACT THAT WOODWARD'S FIRST LETTER DID NOT MENTION POW'S HELD IN INDOCHINA AND THOSE SPECIFICALLY HELD BY THE PATHET LAO. I FEAR THAT HE MOVED TOO HASTILY ON THIS AND WITHOUT FULL COORDINATION. IN HIS EAGERNESS TO SEE POW'S RETURNED AS SOON AS POSSIBLE. IT IS REGRETTABLE AND I HOPE THAT WE SHALL BE ABLE TO GET IT WORKED OUT BEFORE THE 28TH.

4. WARM REGARDS.
 BT

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***** WHSR COMMENT *****

SCOWCROFT, LORD

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