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<td>Telegram</td>
<td>Situation Room to Col. Guay, Paris, pgs. 2</td>
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Exempt per NSC ltr 3-12-78
pg. sec 3.4(4)(I)

FILE GROUP TITLE
WH NSC FILES: BACKCHANNEL

FOLDER TITLE
BACKCHANNEL MESSAGES - 26 PATCH - 1973 - VOL.I.

RESTRICTION CODES
A. Release would violate a Federal statute or Agency Policy.
B. National security classified information.
C. Pending or approved claim that release would violate an individual's rights.
D. Release would constitute a clearly unwarranted invasion of privacy or a libel of a living person.
E. Release would disclose trade secrets or confidential commercial or financial information.
F. Release would disclose investigatory information compiled for law enforcement purposes.
G. Withdrawn and return private and personal material.
H. Withdrawn and returned non-historical material.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION  DECLASSIFIED

NA 14021 (4-85)
To: AMBASSADOR SULLIVAN
From: HENRY A. KISSINGER

Please pass the following information to Secretary Rogers:

Because of the North Vietnamese delay in releasing U.S. prisoners, the President directed the suspension of mine-clearing operations and U.S. troop withdrawals until the POW issue is clarified. The President does not want publicity on this action and it should not be mentioned as a specific threat. We will confirm only if the action should leak.

We also have received today a message from the North Vietnamese which complained at length about U.S. and South Vietnamese violations of the agreement and claimed that it was not up to their side alone to scrupulously adhere to its provisions.
DP IMMED
<
WMF458
0 271720Z FEB 73
FM THE SITUATION ROOM WMF458
TO COLONEL GUAY

TOP SECRET SENSITIVE EXCLUSIVELY EYES ONLY

FEBRUARY 27, 1973
To: COLONEL GUAY
From: HENRY A. KISSINGER

PLEASE PASS THE FOLLOWING MESSAGE TO YOUR CUSTOMER IMMEDIATELY:
BEGIN TEXT: THE UNITED STATES PROTESTS IN THE MOST EMPHATIC
FASHION AGAINST THE DELAY IN THE RELEASE OF AMERICAN PRISONERS
AS STIPULATED IN THE AGREEMENT.

THE UNITED STATES HAS SCRUPULOUSLY OBSERVED ALL THE PROVISIONS
OF THE CEASEFIRE. ON FEBRUARY 23 THE U.S. ON ITS OWN NOTIFIED
THE NORTH VIETNAMESE SIDE OF THE ACCELERATION OF THE WIND-SWEEPING
OPERATIONS. ON FEBRUARY 26 THE U.S. ON ITS OWN INFORMED THE NORTH
VIETNAMESE THAT THE UNITED STATES HAD MADE STRONG REPRESENTATIONS IN
SAIGON AGAINST THE ACTS OF VIOLENCE COMMITTED AGAINST MEMBERS OF THE
NORTH VIETNAMESE DELEGATION TO THE FOUR-POWER COMMISSION. IN
ADDITION, THE U.S. HAS BEEN WORKING DILIGENTLY TO IMPROVE THE LIVING
AND WORKING CONDITIONS OF THE MEMBERS OF THE JOINT MILITARY COM-
MISSION.

THE AGREEMENT AND ITS PROTOCOLS CLEARLY STATE THAT THESE
PRISONERS OF WAR ARE TO BE RELEASED AT A RATE NO SLOWER THAN THE RATE
OF TROOP WITHDRAWALS. THE U.S. HAS WITHDRAWN OVER ONE-HALF OF ITS
FORCES, IT IS NOW TIME FOR THE OTHER SIDE IMMEDIATELY TO RELEASE THE
NEXT GROUP OF U.S. POWS TO BRING THE TOTAL OF ALL THOSE RELEASED UP TO
AT LEAST 50 PER CENT OF THE TOTAL NUMBER SCHEDULED FOR RELEASE.

IN VIEW OF THE TOTALLY UNJUSTIFIABLE AND PROVOCATIVE ACTS OF
THE DRV SIDE, THE UNITED STATES WISHES TO INFORM THE DRV SIDE THAT
PENDING A CLARIFICATION OF THE ISSUE OF THE RELEASE OF PRISONERS THE
UNITED STATES:
1. WILL SUSPEND MINE CLEARING OPERATIONS;
2. WILL SUSPEND TROOP WITHDRAWAL.
THE UNITED STATES RESERVES THE FREEDOM TO TAKE FURTHER ACTION.
THE UNITED STATES WISHES TO POINT OUT THAT IT IS STILL COMMITTED
TO AN IMPROVEMENT AND EVENTUAL NORMALIZATION IN RELATIONS WITH
THE DRV AND THAT IT HOPES THIS MATTER CAN BE SETTLED VERY RAPIDLY.

END TEXT.

******** WHSR COMMENT ********
INFO COPIES TO: HOME LORD

PSN:001141 RECALLED PAGE 01
TOR:058/17:51Z DTG:271720Z

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E.O. 12356, Sect. 3.4
NSC 8/24/93 F9301193
By NARA, Date 9/19/93
SA 99

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Deputy Secretary of State

February 11, 1973

AMBASSADOR SULLIVAN

From: HENRY A. KISSINGER

We have had too many stories being leaked out by Vietnamese sources. I call your attention to the Manchester Guardian story quoting North Vietnamese sources in Paris that American POWs wherever they are held in Vietnam will be included in the deal. These continuous stories make our task here to refrain from comment all the harder. Please bring this to their attention and urge that they refrain from comment.

Warm regards.

DF

Kennedy, Scowcroft, Howe, Lord

PSN:032176 PAGE 01 OF 01 TDR:016/09/162 DTG:160341Z

******** TOP SECRET ********** COPY

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E.O. 12356, Sect. 3.4
NSC 9/24/73 F9301793

By NARA, Date 9/16/73

SA 99
DP IMMED
O 062155Z
FROM: COLONEL GUAY
TO: GENERAL SCOWCROFT

TOP-SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY

FEBRUARY 6, 1973
CUSTOMER CALLED ANDERSON AT 1930 FOR APPOINTMENT
WITH CHARLEBOIS AT 2200 PARIS TIME. CHARLEBOIS
DELIVERED YOUR WHP 443 AND RECEIVED THE FOLLOWING
TWO MESSAGES IN SEALED ENVELOPES:
MESSAGE ONE. QUOTE
IN THE COURSE OF PRIVATE MEETINGS OF SPECIAL
ADVISOR LE Duc THO AND MINISTER XUAN THUY WITH DR.
HENRY A. KISSINGER, THE DRVN SIDE HAS REPEATEDLY
POINTED OUT THAT TO ITS KNOWLEDGE THE NUMBER OF US
MILITARYMEN CAPTURED IN LAOS WAS A VERY SMALL ONE,
OF ONLY 5 OR 6 MEN. IN THE DRVN MESSAGE OF OCTOBER
21, 1972 IN REPLY TO THE US MESSAGE OF OCTOBER 20, 1972,
THE DRVN SIDE SAID THAT IT HAD BEEN INFORMED BY THE
LAO PATROTIC FRONT THAT THE AMERICANS CAPTURED IN
LAOS WOULD BE RELEASED WITHIN 60 DAYS AFTER THE SIGNING
OF THE PARIS AGREEMENT ON VIETNAM, IN HIS MESSAGE OF
OCTOBER 22, 1972, THE PRESIDENT OF THE UNITED STATES
ACKNOWLEDGED AND EXPRESSED HIS APPRECIATION FOR THE
ABOVE MENTIONED DRVN MESSAGE, SAYING THAT IT "SATISFIES
ALL HIS POINTS WITH RESPECT TO LAOS AND CAMBODIA AS WELL
AS US PRISONERS".

ON THE US SIDE'S REQUEST, THE DRVN SIDE ON
FEBRUARY 1, 1973, HANDED OVER TO THE US SIDE THE LIST
OF US MILITARY PERSONNEL CAPTURED AND DETAINED IN
LAOS WHICH HAD BEEN SUPPLIED BY THE LAO PATROTIC
FRONT.

THUS THE DRVN SIDE WAS WITH GOOD WILL POSITIVELY
RESPONDED TO THE CONCERN EXPRESSED BY THE US SIDE.

THE DRVN SIDE HAS BEEN INFORMED BY THE LAO
PATROTIC FRONT THAT THE LIST OF US MILITARY AND
CIVILIAN PERSONNEL CAPTURED AND DETAINED IN LAOS HANDED
OVER TO THE US SIDE ON FEBRUARY 1, 1973, WAS A COMPLETE, FULL
LIST; THE DIFFERENT PARTIES WILL ASSIST ONE ANOTHER
IN OBTAINING INFORMATION ABOUT THE MISSING AND THE
DEAD. UNQUOTE.

* * * * * * * * * * * WSHR COMMENT * * * * * * * * * * * * *

SCOWCROFT, LORD, HOWE, KENNEDY

PSN:044871 RECALLED PAGE 01

TOP-SECRET TOP-SECRET COPY

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NSC 9/23/93 F30/194
By NARA, Date 9/30/93

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COMMENT: TEXTS WERE HANDED OVER IN ENGLISH AND VIETNAMESE. VIETNAMESE TEXT WILL BE AIRMAILED TO YOU. CHARLEBOIS STATED CUSTOMER WAS CORDIAL AND TEA WAS SERVED.
END MESSAGE
ITEM REMOVED FROM THIS FILE FOLDER

A RESTRICTED DOCUMENT OR CASE FILE HAS BEEN REMOVED FROM THIS FILE FOLDER. FOR A DESCRIPTION OF THE ITEM REMOVED AND THE REASON FOR ITS REMOVAL, CONSULT DOCUMENT ENTRY NUMBER C-85 ON EITHER THE DOCUMENT WITHDRAWAL RECORD (GSA FORM 7279 OR NA FORM 1421) OR NARA WITHDRAWAL SHEET (GSA FORM 7122) LOCATED IN THE FRONT OF THIS FILE FOLDER.
TOP SECRET

TO COLONEL GUAY

FROM DR. KISSINGER

TO AMBASSADOR SULLIVAN

S E C R E T/SENSITIVE/EXCLUSIVELY EYES ONLY

FEBRUARY 28, 1973

1. THACH AND I HAVE HAD TWO SEPARATE NEGOTIATING SESSIONS ON FEBRUARY 28, AND AT THIS PARTICULAR MOMENT, WE ARE IN RECESS UNTIL MIDNIGHT. WE EXPECT, AT THAT SESSION TO CONSUMMATE OUR DEAL.

3. ON LAOS AND CAMBODIA WE HAVE A GOOD ARTICLE; IN WHICH THE PARTIES ACKNOWLEDGE THE COMMITMENTS OF THE PARTIES TO THE PARIS AGREEMENT, AGREE TO RESPECT ALL OBLIGATIONS, REFRAIN FROM ANY ACTS AT VARIANCE WITH SAME, AND CALL ON ALL OTHERS TO DO LIKEWISE.

5. ASSUMING ALL IS CONFIRMED AT MIDNIGHT SESSION, WE WILL HAVE RATIFICATION BY DRAFTING COMMITTEE IN MORNING AND INITIATING IN THE AFTERNOON. WE WILL, OF COURSE, HOLD OFF ON ARRANGEMENTS FOR SIGNATURE UNTIL WE SEE PROGRESS ON POW ISSUE. THACH TELLS ME PROGRESS SHOULD COME BEFORE TOMORROW NOON, PARIS TIME.

6. THACH RAISED ECONOMIC COMMITTEE WITH ME THIS EVENING. I SAID I COULD DO NOTHING UNTIL POW ISSUE SOLVED. HE SUGGESTED WE DEFER DISCUSSION UNTIL MARCH 5, WHEN US MEMBERS ARE TO BE NAMED. I WAS NON-COMMITTAL PENDING YOUR ADVICE.

7. WARM REGARDS.

HAK, SCOWCROFT, LORD, HOWE

RECALLED PAGE 01 OF 01

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E.O. 12356, Sect. 3.4
NSC 9/28/93

NARA, Date 9/30/93

SA 99
TOP SECRET

OP IMMED

OD: 3017302
FM: COL GUAY
TO: GENERAL SOWCROFT

TOP SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY

JANUARY 30, 1973
TO: GENERAL SOWCROFT
FROM: COLONEL GUAY
FOR: DR. KISSINGER

1. MY MEETING WITH YV JANUARY 30 AT CHOISY-LE-ROY LASTED ONE AND ONE HALF HOURS. I DEALT WITH THE LAOS POW LIST, THE CEASE-FIRE VIOLATION MESSAGE, AND THE PROBLEM OVER DRV-PRG ADHERENCE TO DISEMBARKATION PROCEDURES.

2. AFTER I HAD EXPLAINED OUR POSITION WITH RESPECT TO THE LIST AND THE ECONOMIC NOTE, YV COMPLAINED THAT WE WERE RAISING "CONDITIONS" CONTRARY TO THE SPIRIT OF THE AGREEMENT AND ARTICLE 21 THEREOF. THEY UNDERSTOOD OUR CONCERN ABOUT OUR POWS, BUT HAD TO CONSULT THEIR LADTIAN FRIENDS FIRST AND WOULD TRY TO HAVE THE LIST AS SOON AS POSSIBLE.

3. I POINTED OUT THAT OUR CONCERN OVER ALL OUR PRISONERS WAS WELL KNOWN TO THEM. THEY HAD ACCEPTED ACCOUNTABILITY FOR ALL U.S. PRISONERS IN INDOCHINA. THREE DAYS HAD NOT PASSED SINCE THE OTHER POW LISTS HAD BEEN EXCHANGED. WE COULD NOT UNDERSTAND THE REASON FOR THE DELAY WITH RESPECT TO THE LAOS LIST. I SAID THAT THEY SHOULD UNDERSTAND POLITICAL REALITIES IN THE UNITED STATES; WE COULD NOT PROCEED ON ECONOMIC MATTERS UNLESS THIS REMAINING ELEMENT OF THE POW LIST PROBLEM WAS SETTLED ACCORDING TO THE UNDERSTANDING. I WAS SURE THAT THEY COULD SOLVE ANY DIFFICULTIES IN COMMUNICATING WITH THEIR LAD FRIENDS. WAS I TO UNDERSTAND FROM HIS REMARKS THAT THEY DID NOT POSSESS THE LIST IN PARIS?

4. YV REPLIED THAT THIS WAS TRUE; IF THEY HAD THE LIST HERE THEY WOULD GIVE IT TO US; THE ONLY ISSUE WAS TIMING; THEY WOULD MAKE EVERY EFFORT TO HAVE THE LIST AS SOON AS POSSIBLE. HE REPEATED THAT

******** NETHERLANDS COMMENT ********

HAK, SOWCROFT, HOMEL, LORD, KENNEDY

PSN:040467 RECALLED PAGE 01 TDR:030/18:03Z

TOP SECRET

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NSC 9289/93 9930/94

By NARA, Date 9/30/93

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THEY UNDERSTOOD OUR CONCERN FULLY AND WERE SURE THAT WITH MUTUAL GOODWILL THIS DIFFICULTY WOULD BE OVERCOME.

POSTSCRIPT

7. DRV has just asked for meeting at 10:00 A.M. January 31 and has requested that we bring note with us, strongly hinting that they are now in possession of list. If list is handed over and subject to your confirmation by this channel, I will then put Colonel Guay in motion.

Warm regards.
CRITIC
ZZ
SR80D 291714Z
FM: COLONEL GUAY
TO: GENERAL SCOWCROFT

TOP SECRET /SENSITIVE/EXCLUSIVELY EYES ONLY

29 JANUARY 1973
TO: GENERAL SCOWCROFT
FROM: COLONEL GUAY
FOR: DR. KISSINGER
FROM: MINISTER ISHAM

1. I MET WITH VY AT OUR HOUSE IN LE VESINET JAN 29 AND MADE THE POINTS CITED IN YOUR MESSAGE. ON THE LAOS POW LIST (WHICH COL. LOWDER HAD REQUESTED FROM DRY MILREP IN SEPARATE MEETING EARLIER TODAY), I STRONGLY EMPHASIZED THE SERIOUS DOMESTIC REPERCUSSIONS OF NOT RECEIVING IT IMMEDIATELY. WHEN VY SAID HE HAD NOTHING FURTHER TO ADD TO WHAT THACH HAD SAID YESTERDAY, I PRESSED HIM FOR AN INDICATION OF PRECISELY WHEN THEY EXPECTED TO RECEIVE THE LIST. HE INSISTED HE HAD NO INFORMATION BUT PROMISED TO LET US KNOW IMMEDIATELY WHEN HE DID. AS I MENTIONED TO GEN. SCOWCROFT, I INTEND TO CONTACT THEM TOMORROW MORNING AND ASK FOR ANOTHER MEETING IF THEY STILL HAVE NO WORD.

2. WITH RESPECT TO THE UNDERSTANDINGS, VY TOOK NOTE OF OUR STATEMENT WITHOUT ANY ADDITIONAL COMMENT OF SUBSTANCE. I WOULD CONSIDER THIS MATTER CLOSED.

******** TOP SECRET ********** COPY

WHSMR COMMENT

MAK, SCOWCROFT, HOME, LORD, KENNEDY

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NSC 9/28/93 F9301194-
NARA, Date 9/30/93
SA99

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6. If you have any further guidance for tomorrow should Laos POW list still not be forthcoming, please advise.

7. Warm regards.
SECRET/SENSITIVE EXCLUSIVELY EYES ONLY

TO: GENERAL SCOWCROFT

FROM: COL. GUAY

DATE: 28 JANUARY 1973

SUBJECT: THACH AND I, ACCOMPANIED BY VARIOUS EXPERTS, MET AT GPF FROM 1030 TO 1300 JANUARY 28. PART OF OUR DISCUSSION WAS IN PRIVATE.

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THAC...
SITUATION(s): MESSAGE(s) LISTING

DATE 01/29/73/029

SITUATION: 26 PACH
SUBJECT CATEGORY: INCOMING

MESSAGE/ANNOTATION:

POINT,
SITATION(S) MESSAGE(S) LISTING
DATE 01/29/73/029

SITUATION: 26 PATCH
SUBJECT CATEGORY: INCOMING

MESSAGE / ANNOTATION:

ANNOTATIONS: HAK, SCOWCROFT, KENNEDY, HOWE, LORD

MESSAGE: IMMEDIATE

Q 2623032
PM COLONEL GUAY
TO: GENERAL SCOWCROFT

T.G.P.S.E.-R.E.T/SENSITIVE/EXCLUSIVELY EYES ONLY

JAN 26, 1973
FOR: DR. KISSINGER
FROM: AMB. SULLIVAN

2. THACH CONFIRMS THAT MEMO YOU HAVE RECEIVED CONSTITUTES ACCEPTANCE OF YOUR MEMO AND THACH STIPULATES THAT CEASE-FIRE IN LAOGI WILL BE ACCORDANCE TERMS OF OUR UNDERSTANDING.

5. HE AGREED U.S. AIRCRAFT BOTH FOR MOVEMENT OF FOUR PARTY JMC PERSONNEL AS WELL AS U.S. PRISONERS BEING RETURNED CAN APPROACH HANOI FROM SEAWARD AND WILL NOT RPT NOT NEED USE VIENTIANE CORRIDOR. DETAILS TO BE WORKED OUT BY JMC FOR FIRST FLIGHTS CARRYING DRV PERSONNEL.

7. AS I INFORMED YOU BY PHONE, HE CATEGORICALLY DENIES THAT P.O.W. LIST HAS BEEN GIVEN TO CORA WEISS.

******* WHSR COMMENTS *******

HAK, SCOWCROFT, LORD, HOWE, KENNEDY

PSNI038463 DTG: 262303 TORK: 262331

SENSITIVE

DECLASSIFIED
E.O. 12356, Sect. 3.4
NSC 9/23/93 F9801194
By: [Signature] NARA, Date 9/30/93

This document has been reviewed pursuant to Executive Order 13526 and has been determined to be declassified.
SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY

JANUARY 26, 1973

1. I HAD MEETING WITH THACH EVENING JANUARY 23 TO
DISCUSS SEVERAL LAST MINUTE DETAILS CONCERNING SIGNING
CEREMONIES AS WELL AS OTHER MATTERS. SIGNING
CEREMONY ALL WRAPPED UP, OTHER MATTERS FOLLOW.

****** WHSR COMMENTS ******

HAK, SCOWCROFT, HOWE, LORD, KENNEDY

PSC00388114  DTG: 261040  TCI0261133

SENSITIVE

DECLASSIFIED
E.O. 12356, Sec. 3.4
NSC 9/23/93  F9301194
By  NARA, Date 9/30/93
SA99
W.H. have POW list ready for January 27. I am sending this a rocket to insist it be handed over as agreed. Incidentally, own list, which shows 2,000 Ory prisoners, will probably be reused by Ory. MILREP. This may be our first crisis. One hour after signing ceremony. As you may know, White House PL.

I have asked Mr. to stay in Paris Sunday to appear on meet the press via satellite. I have agreed and will return Monday. See you Tuesday.

BT

WARM REGARDS.
SITUATION: 26 PATCH
SUBJECT CATEGORY: INCOMING
MESSAGE / ANNOTATION:

MESSAGE
IMMEDIATE

TO: GENERAL SCOWCROFT
FROM: AMBASSADOR SULLIVAN

SECRET/exclusively eyes only

JANUARY 18, 1973

1. FOLLOWING ARE THE CHANGES IN PROTOCOLS AGREED TO TODAY IN MY MEETING WITH THACH,
(1) IN THE ICCS PROTOCOL (ART. 14 (C)) WE AGREED ON FOUR AND ONE HALF MILLION FRANCS AS THE AMOUNT OF INITIAL CONTRIBUTION BY EACH PARTY TO THE ICCS BUDGET.
(2) IN THE PRISONER PROTOCOL, WE ADDED THE FOLLOWING NEW PARA. (C) TO ARTICLE 71: OUTE WITHIN FIFTEEN DAYS AFTER THE SIGNATURE OF THE AGREEMENT, THE TWO SOUTH VIETNAMESE PARTIES SHALL EXCHANGE LISTS OF THOSE VIETNAMESE CIVILIANS CAPTURED AND DETAINED BY EACH PARTY AND LISTS OF THE PLACES AT WHICH THEY ARE HELD. END OUTE.
(3) ALSO IN THE PRISONER PROTOCOL, THACH FINALLY ACCEPTED A FORMULA ALONG THE LINES WE HAD PROPOSED FOR ARTICLE 9 ON VISITS TO DETENTION CAMPS, AS FOLLOWS: QUOTE ARTICLE 9 (A) TO CONTRIBUTE TO IMPROVING THE LIVING CONDITIONS OF THE CAPTURED MILITARY PERSONNEL OF THE PARTIES AND FOREIGN CIVILIANS OF THE PARTIES, THE PARTIES SHALL, WITHIN 15 DAYS, AGREE UPON THE DESIGNATION OF TWO OR MORE NATIONAL RED CROSS SOCIETIES TO VISIT ALL PLACES WHERE CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS ARE HELD.
(4) TO CONTRIBUTE TO IMPROVING THE LIVING CONDITIONS OF THE CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL, THE TWO SOUTH VIETNAMESE PARTIES SHALL, WITHIN 15 DAYS, AGREE UPON THE DESIGNATION OF TWO OR MORE NATIONAL RED CROSS SOCIETIES TO VISIT ALL PLACES WHERE THE CAPTURED AND

********* WHIRL COMMENTS *********

MAK, SCOWCROFT, KENNEDY, HOWE, LORD--SENT TO HAIG

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DECLASSIFIED
E.O. 12356, Sect. 3.A
NRC 9/23/93  F30/194

By: NARA, Date 9/30/93

SA99
SITUATION(S) MESSAGE(S) LISTING

DATE 01/29/73//029

SITUATION: 26 PATCH

SUBJECT CATEGORY: INCOMING

MESSAGE / ANNOTATION:

DETAINED VIETNAMESE CIVILIAN PERSONNEL ARE HELD. END QOUTÉ.
SITUATION: 26 PATCH

MESSAGE / ANNOTATION:

ALL CAPTURED CIVILIANS WHO ARE NATIONALS OF THE UNITED STATES OR OF ANY OTHER FOREIGN COUNTRIES REFERRED TO IN ARTICLE 3 (A) OF THE AGREEMENT SHALL BE RETURNED TO UNITED STATES AUTHORITIES, ALL OTHER CAPTURED FOREIGN CIVILIANS SHALL BE RETURNED TO THE AUTHORITIES OF THEIR COUNTRY OF NATIONALITY BY ANY ONE OF THE PARTIES WILLING AND ABLE TO DO SO.

THE PARTIES SHALL TODAY EXCHANGE COMPLETE LISTS OF CAPTURED PERSONS MENTIONED IN ARTICLES 1 AND 2 OF THIS PROTOCOL.

(A) THE RETURN OF ALL CAPTURED PERSONS MENTIONED IN ARTICLES 1 AND 2 OF THIS PROTOCOL SHALL BE COMPLETED WITHIN 60 DAYS OF THE SINGING OF THE AGREEMENT AT A RATE NO SLOWER THAN THE RATE OF WITHDRAWAL OF UNITED STATES FORCES FROM SOUTH VIETNAM AND THOSE OF THE OTHER FOREIGN COUNTRIES MENTIONED IN ARTICLE 5 OF THE AGREEMENT.

(B) PERSONS WHO ARE SERIOUSLY ILL, WOUNDED OR WOUNDED, OLD PERSONS AND WOMEN SHALL BE RETURNED FIRST. THE REMAINDER SHALL BE RETURNED FROM ONE DETENTION PLACE AETER ANOTHER OR IN ORDER OF THEIR DATES OF CAPTURE, BEGINNING WITH THOSE WHO HAVE BEEN HELD THE LONGEST.

THE RETURN AND RECEIPTION OF THE PERSONS MENTIONED IN ARTICLES 1 AND 2 OF THIS PROTOCOL SHALL BE CARRIED OUT AT PLACES CONVENIENT TO THE CONCERNED PARTIES, PLACES OF RETURN SHALL BE AGREED THROUGH THE FOUR-PARTY JOINT MILITARY COMMISSION. THE PARTIES

******** WHSR COMMENTS ********

SCHOOLCROFT, LORD, HOWE

DECLASSIFIED
E.O. 12335, Sect. 3.4
NSC, 8/24/93 F9301193

By NARA, Date 9/16/93

SA 99
SITUATION: 26 PATCH
SUBJECT CATEGORY: INCOMING

MESSAGE / ANNOTATION:

SHALL ENSURE THE SAFETY OF PERSONNEL ENGAGED IN THE RETURN OF CAPTURED PERSONS.

ARTICLE 6

EACH PARTY SHALL RETURN ALL CAPTURED PERSONS MENTIONED IN ARTICLES 1 AND 2 OF THIS PROTOCOL WITHOUT DELAY AND SHALL FACILITATE THEIR RETURN AND RECEPTION. THE PARTIES SHALL NOT CAUSE THEIR RETURN TO BE DENIED OR DELAYED FOR ANY REASON, INCLUDING THE FACT THAT CAPTURED PERSONS MAY, ON ANY GROUNDS, HAVE BEEN PROSECUTED OR SENTENCED.

THE RETURN OF CAPTURED AND OBTAINED VIETNAMESE CIVILIAN PERSONNEL

ARTICLE 7

(A) THE QUESTION OF THE RETURN OF VIETNAMESE CIVILIAN PERSONNEL CAPTURED AND DETAINED IN SOUTH VIETNAM WILL BE RESOLVED BY THE TWO SOUTH VIETNAMESE PARTIES ON THE BASIS OF THE PRINCIPLES OF ARTICLE 21 (B) OF THE AGREEMENT ON THE CESATION OF HOSTILITIES IN VIETNAM OF JULY 20, 1954, WHICH READS AS FOLLOWS:

"THE TERM "CIVILIAN INTERNEES" IS UNDERSTOOD TO MEAN ALL PERSONS WHO, HAVING IN ANY WAY CONTRIBUTED TO THE POLITICAL AND ARMED STRUGGLE BETWEEN THE TWO PARTIES, HAVE BEEN ARRESTED FOR THAT REASON AND HAVE BEEN KEPT IN DETENTION BY EITHER PARTY DURING THE PERIOD OF HOSTILITIES."

(B) THE TWO SOUTH VIETNAMESE PARTIES WILL RESOLVE THIS QUESTION IN A SPIRIT OF NATIONAL RECONCILIATION AND CONCORD WITH A VIEW TO ENDING HATRED AND ENMITY IN ORDER TO EASE SUFFERING AND TO REUNITE FAMILIES. THE TWO SOUTH VIETNAMESE PARTIES WILL DO THEIR UTMOST TO RESOLVE THIS QUESTION WITHIN NINETY DAYS AFTER THE CEASEFIRE COMES INTO EFFECT.

TREATMENT DURING CAPTIVITY

ARTICLE 8

(A) ALL CAPTURED MILITARY PERSONNEL OF THE PARTIES AND CAPTURED FOREIGN CIVILIANS OF THE PARTIES SHALL BE TREATED HUMANELY AT ALL TIMES, AND IN ACCORDANCE WITH INTERNATIONAL PRACTICE. THEY SHALL BE PROTECTED AGAINST ALL VIOLENCE TO LIFE AND PERSON, IN PARTICULAR AGAINST MURDER IN ANY FORM, MUTILATION, TORTURE AND CRUEL TREATMENT, AND OUTRAGES UPON PERSONAL DIGNITY. THESE PERSONS SHALL NOT BE FORCED TO JOIN THE ARMED FORCES OF THE DETAINING PARTY.

THEY SHALL BE GIVEN ADEQUATE FOOD, CLOTHING, SHELTER, AND THE MEDICAL ATTENTION REQUIRED FOR THEIR STATE OF HEALTH. THEY SHALL BE ALLOWED TO EXCHANGE POST-CARDS AND LETTERS WITH THEIR FAMILIES AND RECEIVE PARCELS.

(B) ALL VIETNAMESE CIVILIAN PERSONNEL CAPTURED OR ARRESTED AND DETAINED IN SOUTH VIETNAM SHALL BE TREATED HUMANELY AT ALL TIMES, AND IN ACCORDANCE WITH INTERNATIONAL PRACTICE.

SENSITIVE
They shall be protected against all violence to life, and
person, in particular against murder in any form, mutilation,
torture and cruel treatment, and outrages upon personal dignity.
The detaining parties shall not cause their return to be denied
or delayed for any reason, including the fact that captured
persons may, on any grounds, have been prosecuted or sentenced.
These persons shall not be forced to join the armed forces of the
detaining party.
They shall be given adequate food, clothing, shelter, and the
medical attention required for their state of health. They shall
be allowed to exchange postcards and letters with their families
and receive parcels.

Article 9
(A) To contribute to improving the living conditions of the
captured military personnel of the parties and foreign civilians
of the parties, the red cross societies of the four member
countries of the international commission will send joint teams
to inspect the detention places and bring relief supplies to the
above-mentioned persons. Measures of reprisal against them are
prohibited. They shall be given adequate food, clothing, and
shelter and the medical attention required by their state of
health. Relief shipments shall be accepted for the benefit of all
such captured personnel, and they shall be permitted to communicate
with their families.
(B) Vietnamese civilians-inspection-not agreed
with regard to dead and missing persons

Article 10
(A) The four-party joint military commission shall ensure
joint action by the parties in implementing article 8 (B) of the
agreement. When the four-party joint military commission has
ended its activities, a four-party joint military team shall be
maintained to carry on this task.
(B) With regard to Vietnamese civilian personnel dead or
missing in South Vietnam, the two south Vietnamese parties shall
help each other to obtain information about missing persons,
determine the location and take care of the graves of the dead;
in a spirit of national reconciliation and concord, in keeping
with the people's aspirations.

Other provisions
Article 11
(A) The four-party and two-party joint military commissions
will have the responsibility of determining immediately the
modalities of implementing the provisions of this protocol with
regard to their respective responsibilities under articles 16 (A)
and 17 (A) of the agreement. In case the military commissions,
SITUATION: 26 PACT
SUBJECT CATEGORY: INCOMING

MESSAGE / ANNOTATION:

WHEN CARRYING OUT THEIR TASKS, CANNOT REACH AGREEMENT ON A MATTER PERTAINING TO THE RETURN OF CAPTURED PERSONNEL THEY SHALL REFER TO THE INTERNATIONAL COMMISSION FOR ITS ASSISTANCE.

(3) THE FOUR-PARTY JOINT MILITARY COMMISSION SHALL FORM, IN ADDITION TO THE TEAMS ESTABLISHED BY THE PROTOCOL CONCERNING THE CEASEFIRE IN SOUTH VIETNAM AND THE JOINT MILITARY COMMISSIONS, A SUB-COMMISSION ON CAPTURED PERSONS TO ASSIST THE COMMISSION IN ITS TASKS.

(C) FROM THE TIME THE CEASEFIRE COMES INTO FORCE TO THE TIME WHEN THE TWO-PARTY JOINT MILITARY COMMISSION BECOMES OPERATIONAL, THE TWO SOUTH VIETNAMESE PARTIES' DELEGATIONS TO THE FOUR-PARTY JOINT MILITARY COMMISSION SHALL FORM A PROVISIONAL SUB-COMMISSION AND PROVISIONAL JOINT MILITARY TEAMS TO CARRY OUT ITS TASKS CONCERNING CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL.

BT

SENSITIVE
TOP SECRET

IMMED

0 021118Z

FROM: COLONEL GUAY

TO: GENERAL SCOWCROFT

TOP SECRET/SENSITIVE/EXCLUSIVELY/EYES ONLY

FEBRUARY 2, 1973

WHEN I CALLED CUSTOMER AND PROPOSED URGENT MEETING HE SUGGESTED 1030 AS THE EARLIEST HOUR HE COULD MAKE IT. I ACCEPTED AND DELIVERED THE MESSAGE CONTAINED IN YOUR WHP 436.


HE SAID IN EFFECT THAT ONE SHOULD APPRECIATE THE DIFFICULTIES INVOLVED IN FINDING PILOTS WHO WERE DOWNED IN LAOS. YOU MUST UNDERSTAND HE ADDED, THAT WE HAVE THE BEST OF INTENTIONS AS WE HAVE ALREADY PROVEN DURING THE NEGOTIATIONS, BUT THERE ARE REAL PRACTICAL PROBLEMS ASSOCIATED WITH THE RECOVERY OF THESE PEOPLE. THERE WERE INSTANCES WHEN BOTH SIDES SEARCHED IN VAIN AFTER AN AIRCRAFT HAD BEEN OBSERVED GOING DOWN. THE BRUSH IS A LONG WAY FROM CIVILIZATION AND LAOS IS SCARCELY POPULATED.

I REPLIED THAT EVEN UNDER THE WORST CONDITIONS POSSIBLE IT WAS DIFFICULT TO ACCEPT THE FACT THAT ONLY TEN PEOPLE HAD BEEN IDENTIFIED. THAT EVEN ON A PERCENTAGE BASIS, HE SHOULD UNDERSTAND IT WOULD BE DIFFICULT FOR ANYONE TO BELIEVE THE FIGURE PRESENTED. AFTER ALL, THESE MISSING PRISONERS COULD NOT ALL BE CONSIDERED AS VICTIMS OF AIRCRAFT FAILURES OVER VIRGIN FOREST AREAS. I ADDED THAT IT SEEMED TO ME THAT THEIR FRIENDS IN LAOS COULD CERTAINLY BE BROUGHT TO A GREATER EFFORT. HE REPLIED THAT THERE WERE MANY THINGS THAT WERE BEYOND THEIR CONTROL JUST AS SOME WERE IN OUR CASE. HE AGAIN RETURNED TO THE PRACTICAL PROBLEMS STATING THAT THE PATHET LAO HAD NO ELECTRONIC EQUIPMENT WHICH WOULD HAVE

H&K SCOWCROFT HOME LORD KENNEDY

PSN: 042227 RECALLED PAGE 01 TDR: 033/11:57Z DTG: 021118Z

TOP SECRET

DECLASSIFIED
E.O. 12356, Sect. 3A
Sec. Van Tassel authority 9/15/92

By  

NARA Date 9/15/92

(SA 99)
ALLOWED THEM TO LOCATE A PILOT'S RADIO SIGNAL AS IN THE CASE OF THE ORV. WE HAVE NOT COME THIS FAR, HE SAID, TO HOLD ON TO A HANDFUL OF AMERICANS, AFTER ALL WHAT WOULD THAT PROVE. HE THEN CITED THE INCIDENT OF THE JAPANESE SOLDIERS WHO HAD BEEN FOUND ONLY LAST YEAR AND WHO AT THE TIME OF THEIR DISCOVERY WERE UNAWARE THAT WW II WAS OVER. I REPLIED THAT LAOS WAS FAR FROM AN ISOLATED ISLAND AND THAT THEIR FRIENDS HAD REGISTERED SOME PRETTY GOOD RESULTS IN COMBAT OVER THE LAST FEW YEARS AND THAT WE BOTH KNOW YOU COULD NOT ORGANIZE A CAMPAIGN OR FIGHT A BATTLE WITHOUT COMMUNICATIONS. HE THEN SWITCHED SUBJECTS AFTER STATING HE WOULD IMMEDIATELY TRANSMIT THE PRESIDENT'S MESSAGE.

HE SAID, I HAVE BEEN ASKED BY OUR SIDE TO TELL YOU THAT WE PROPOSE THAT THE LIST OF PRISONERS WHICH WE PASSED TO YOU NOT BE MADE PUBLIC BEFORE A SOLUTION TO THE LAOS PROBLEM.

I TOLD HIM I COULD NOT COMMENT ON THEIR PROPOSAL BUT WOULD PASS IT ON TO WASHINGTON.

IN ANSWER TO MY QUESTION, HE SAID THAT HANOI HAD PROMISED TO FURNISH HIM THE TECHNICAL DATA CONCERNING THE HANOI TRIP SOME TIME TODAY. I ASKED HIM IF HE EXPECTED TO BE ABLE TO FURNISH THE INFORMATION TODAY. HE INDICATED THAT HE PROBABLY WOULD NOT RECEIVE IT UNTIL LATE TONIGHT AND WOULD HOPEFULLY HAVE IT AVAILABLE THE FIRST THING TOMORROW MORNING.

COMMENT: HIS UNUSUAL AND LENGTHY COMMENT OF THEIR PROBLEMS SEEMED FORTHRIGHT AND THE RESULT OF A REAL CONCERN THAT WE DID NOT ACCEPT THEIR POSITION. HE WAS COMPLETELY RELAXED AND DID NOT GIVE ME THE IMPRESSION THAT HE WAS REPEATING PRE-RECORDED MUSIC. HIS FREQUENT INSISTENCE THAT HIS COMMENTS WERE PERSONAL AND NOT OFFICIAL MAY HAVE BEEN SINCERE BUT I AM SKEPTICAL IN VIEW OF THE NUMBER OF TIMES AMBASSADOR SULLIVAN AS WELL AS HAY ISHAM HAS RAISED THE ISSUE. THE ENTIRE SESSION WAS CORDIAL AND RELAXED BUT HE STILL DID NOT SERVE TEA. MAYBE WE HAVE ONE WHO DOESN'T LIKE IT. WARM REGARDS.

END MESSAGE
TOP SECRET/SENSITIVE/EXCLUSIVELY EYES ONLY

FEBRUARY 1, 1973
FOR: DR. KISSINGER
FROM: MINISTER ISHAM

1. HAVING INSISTED FOR THREE DAYS THAT THERE SHOULD BE NO LINKAGE BETWEEN DELIVERY OF ECONOMIC NOTE AND FURNISHING OF LAOS POW LIST, VY AT THIS MORNING’S MEETING (LE VESINET) SWITCHED TACTICS: HE OFFERED TO GIVE ME THE LIST IF I HANDED OVER THE NOTE. A NEW AIDE WHO WAS PRESENT FOR FIRST TIME AT YESTERDAY’S SESSION AND PROBABLY HAD JUST ARRIVED FROM HANOI, HAD PLACED A MANILA ENVELOPE ON THE TABLE IN FRONT OF HIM. VY ASSURED ME THAT THIS WAS IN FACT THE LIST. I EXPRESSED SATISFACTION AND COMPLIMENTED HIM ON THE COOPERATION THEY HAD BEEN ABLE TO SECURE FROM THEIR LATTIAN FRIENDS.

2. I EXPLAINED THAT WE PREFERRED TO HAVE NOTE DELIVERED BY COL. GUAY THROUGH ESTABLISHED CHANNEL FOR SUCH MESSAGES AND IN VIEW OF THEIR POSITION ON LINKAGE ASSUMED THEY ALSO WOULD PREFER THAT. I SAID I WOULD INSTRUCT COL. GUAY BY TELEPHONE IMMEDIATELY UPON RECEIVING THE LIST. HOWEVER, AFTER SEVERAL EXCHANGES, IT BECAME APPARENT THAT THEIR INSTRUCTIONS TODAY WERE FOR BUFFALO TRADING ONLY. IT WAS AGREED THAT COL. GUAY WOULD DELIVER NOTE THIS MORNING AND HIS COUNTERPART WOULD HAND OVER LIST AT SAME TIME.

3. IT SEEMS APPARENT IN RETROSPECT THAT THEY HAD LIST YESTERDAY BUT WERE MAKING ONE MORE TRY TO EXTRACT NOTE WITHOUT THIS QUIO PRO QUO.

4. I THEN INFORMED VY OF OUR ASSUMPTION ON RELEASE OF SOME POW’S PRIOR TO DR. KISSINGER’S ARRIVAL IN HANOI, AND VY TOOK NOTE.

5. WE WILL BE SENDING LIST IMMEDIATELY UPON RECEIPT THROUGH ESTABLISHED QUO CHANNELS.

6. WARM REGARDS.

END MESSAGE

HAK, SCOWCROFT, HOME, LORD, KENNEDY

RECALLED PAGE 01 OF 01 TOR: 032/11:25Z DTG: 011102Z

DECLASSIFIED E.O. 12356, Sec. 3.4
Nsc, Von Tassel authority 9/15/92
By: NARA Date 9/15/92
***TOP SECRET***

OP IMMED

O 311147Z

FROM: COLONEL GUAY

TO: GENERAL SOWCROFT

TO P-S-E-C-R-E-T/SENSITIVE/EXCLUSIVELY EYES ONLY

JANUARY 31, 1973

FOR: DR. KISSINGER

FROM: MINISTER HEYWARD ISHAM

1. MEETING WITH FY THIS MORNING WAS A LETDOWN.

INSTEAD OF PRODUCING LAO POW LIST, WHICH THEIR
LIAISON OFFICER IN REQUESTING MEETING HAD STRONGLY
HINTED WOULD BE READY, FY MERELY EXPRESSED HOPE WE
WOULD DELIVER OUR NOTE TODAY. REPEATED OBJECTIONS
TO ANY LINKAGE OF THE TWO QUESTIONS, SAID HE HAD
AGAIN CABLED HANOI ON MATTER, AND DECLARED DRY WOULD
KEEP TO ITS WORD AND PROVIDE LIST AS SOON AS RECEIVED.

2. I EXPRESSED SURPRISE AND REGRET AT HIS STATEMENT,
BRIEFLY REVIEWED THE POINTS I HAD MADE YESTERDAY, NOTED
THAT LAO POW LIST WAS RELATIVELY SHORT COMPARED TO
OTHERS ALREADY HANDED OVER AND OUR INTEREST THEREIN
HAD LONG BEEN KNOWN TO THEM, AND SAID THAT THIS
INCOMPREHENSIBLE DELAY ON THEIR PART WAS PREVENTING
US FROM PROCEEDING WITH THE CONSIDERATION OF
ECONOMIC QUESTIONS. FY REPEATED ARGUMENT THAT SINCE
QUESTION INVOLVED SOVEREIGNTY OF LAO THEY HAD TO
DISCUSS IT WITH THEIR LAOTIAN FRIENDS. HE REITERATED
THAT IN THIS COMPLICATED SITUATION IT WAS TO OUR
MUTUAL INTEREST THAT WE DELIVER NOTE. I SAID MY
INSTRUCTIONS WERE CLEAR AND THAT WE WOULD AWAITS
WORD ON LAO POW LIST FROM THEM.

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MK,SOWCROFT,KENNEDY,HOE,LORD

RECALLED

PAGE 01

TOR:031/13129Z

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E.O. 12356, Sect. 3a

NSC Van Tassel authority 9/5/92

By NARA, Date 9/5/92

(SA 99)

This document has been reviewed pursuant to Executive Order 13526 and has been determined to be declassified.
5. I WILL Await GUIDANCE ON HOW TO RESPOND TO THEIR POINTS AND, WITH RESPECT TO NOTE AND LAST TOP LIST, WILL SIT TIGHT UNTIL THEY MOVE.

6. Warm regards.

END MESSAGE

NOT RELATED TO POW/MIA'S

PSN:040944
RECALLED
PAGE 02 OF 02
TOR:031/131292
DTG:311147Z

*******TOPSECRET******* COPY
OP IMMED

0 011643Z

FM COL GUY

TO: GENERAL SCOWCROFT

TOP-SECRET/SENSITIVE/EXVUVIALLY/EYES ONLY

FEBRUARY 1, 1973


WHEN I ARRIVED I MADE A GRAB FOR THE ENVELOPE CONTAINING THE MESSAGE AND WITHOUT BREAKING HIS FINGERS I TOLD HIM THAT MY INSTRUCTIONS WERE TO EXCHANGE THE MEMORANDUM FOR HIS LIST. HE THEN SAID I COULD READ HIS LIST WHILE HE READ THE MEMORANDUM AND IF WE DIDN'T LIKE WHAT WE READ WE COULD RETURN EACH OTHERS PAPERS. ALTHOUGH WITH A HUGE SMILE WHILE HE AGAIN REACHED FOR THE ENVELOPE, I SMILED IN RETURN AND WHILE PICKING UP THE ENVELOPE WITH BOTH HANDS (TIGHT GRIP) ASKED HIM IF HE HAD THE LIST. HE CHUCKLED, SAID THAT HE HAD AND STOOD UP. HE WENT TO A CABINET AND PRODUCED AN ENVELOPE FROM WHICH HE EXTRACTED WHAT WAS OBVIOUSLY A VERY SHORT LIST OF NAMES. I TOOK THE MEMORANDUM OUT OF THE ENVELOPE AND PASSED IT TO HIM, WHILE HE PASSED THE LIST TO ME.

THERE IS A TOTAL OF 10 PEOPLE ON THE LIST, EIGHT MILITARY AND TWO CIVILIANS. I HAVE GIVEN HIM LIST TO HAY ISHAM.

WHEN HE FINISHED READING THE MEMORANDUM, I ASKED HIM IF THAT WAS THE TOTAL LIST AVAILABLE. HE REPLIED THAT WAS ALL "THEY" GAVE HIM AND THAT THEY (THE NV) WERE ATTEMPTING TO ESTABLISH PROCEDURES TO VERIFY THE EXPECTED SITUATION WITH THE PATHET LAC. AFTER ALL, HE ADDED, IT IS TO OUR INTEREST TO LIVE UP TO THE LETTER OF THE AGREEMENT. I REPLIED THAT I WAS SURE IT WOULD SERVE TO ADVANCE THE CAUSE X PEACE IF EVERYONE CONCERNED WOULD LIVE UP TO THE SPIRIT AS WELL AS THE LETTER OF THE AGREEMENT.

COMMENT: I DID NOT TELL HIM THAT I FELT LIKE RETURNING THE LIST AND TAKING THE MEMORANDUM UNTIL THEY DISPLAYED A MORE SERIOUS ATTITUDE. IN

HAK, SCOWCROFT, KENNEDY, HOGUE, LORD

PSN: 041697

RECALLED PAGE 01

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E.O. 12356, Sect. 3.4

NAC, Van Tassel authority 9/15/92

By, NARA, Date 9/15/92

(SA 99)
All honesty, though, he did seem to be somewhat embarrassed, when he said that was all "they" had given him. Even after a year of dealing with him, however, I do not feel comfortable analyzing his true reactions. The inscrutable. . . . . . . . . . . . . . . . . WARM REGARDS.
TOP SECRET SENSITIVE EXCLUSIVELY EYES ONLY

January 31, 1973

To: Minister Heyward Isham
From: General Scothcroft

Ref: OTG 311147Z

1. Please request a meeting to deliver the following note and ask that it be conveyed to Le Duc Tho.

Begin text: The U.S. side wishes to express the serious view it takes of the failure of the North Vietnamese side to produce a list of American prisoners held in Laos. Given the constant position of the U.S. with respect to its prisoners and the messages exchanged between the President and the Prime Minister of the DRV in October, the NVN side was bound to know that the U.S. side would insist on the same procedures for Laos as for Vietnam. While it is true that procedures for dealing with prisoners in Laos were not explicitly part of the formal agreement, it will be very difficult to believe that the North Vietnamese side is approaching implementation of the agreement with good will if the list is not forthcoming immediately. It must also be clearly understood that failure to solve this issue must have the effect of impairing the utility of Dr. Kissinger's visit to Hanoi, because it will restrict his ability to discuss positive programs. The U.S. side also wishes to point out that, as pointed out in its memorandum of January 23, it assumes that some U.S. prisoners will have been released prior to Dr. Kissinger's arrival in Hanoi. End text.

Warm regards.

[Signature]

Warm Regards.

[Signature]

Warm Regards.

PSN: 041079 RECALLED PAGE 01 OF 01 TOR: 031/17/49Z OTG: 311630Z

TOP SECRET SENSITIVE COPY

DECLASSIFIED
E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/92
By: Alt NARA, Date: 9/15/92

Sanitized

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Op Immeo

ZCZWHP436
0 020400Z FEB 73
FM THE SITUATION ROOM

TO: COLONEL GUAY PARIS

TOP SECRET-SENSITIVE/EXCLUSIVELY EYES ONLY CITE WHP436

DELIVER AT OPENING OF BUSINESS

FEBRUARY 1, 1973

TO: COLONEL GUAY
FROM: GENERAL SCOWCROFT

PLEASE ARRANGE MEETING WITH YOUR CUSTOMER FOR 0930 ON FEBRUARY 2 AND DELIVER FOLLOWING MESSAGE FROM THE PRESIDENT TO THE NORTH VIETNAMESE PRIME MINISTER.

BEGIN TEXT: THE LIST OF AMERICAN PRISONERS HELD IN LAOS WHICH WAS PRESENTED IN PARIS ON FEBRUARY 1, 1973, IS UNSATISFACTORY. U.S. RECORDS SHOW THAT THERE ARE 317 AMERICAN MILITARY MEN UNACCOUNTED FOR IN LAOS AND IT IS INCONCEIVABLE THAT ONLY TEN OF THESE MEN WOULD BE HELD PRISONER IN LAOS.

THE UNITED STATES SIDE HAS ON INNUMERABLE OCCASIONS MADE CLEAR ITS EXTREME CONCERN WITH THE PRISONER ISSUE. THERE CAN BE NO DOUBT THEREFORE THAT THE IMPLEMENTATION OF ANY AMERICAN UNDERTAKING IS RELATED TO THE SATISFACTORY RESOLUTION OF THIS PROBLEM. IT SHOULD ALSO BE POINTED OUT THAT FAILURE TO PROVIDE A COMPLETE LIST OF PRISONERS IN LAOS OR A SATISFACTORY EXPLANATION OF THE LOW NUMBER THUS FAR PRESENTED WOULD SERIOUSLY IMPAIR THE MISSION OF DR. KISSINGER TO HANOI. END OF TEXT.

By

DECLASSIFIED
E.O. 12356, Sect. 3.4

By Abil, NARA, Date 9/15/93
(SA 99)
OP IMMEDIATE

TO: GENERAL SCOWCROFT
FROM: COL. GUAY

S E C R E T SENSITIVE EYES ONLY

FOR: DR. KISSINGER
FROM: AMBASSADOR SULLIVAN

1. YOU HAVE ASKED FOR MY VIEWS ON HANOI TRIP. FOLLOWING
   ARE PRELIMINARY THOUGHTS:
   2. DRY (AND ESPECIALLY LE DUC THO) OBVIOUSLY PLACE GREAT
      STORE BY THIS TRIP. IN GOOD VIETNAMESE FASHION, WE SHOULD EXAMINE
      WHAT THEY WANT AND WHAT WE CAN GET IN RETURN.

4. IN THESE CIRCUMSTANCES, WE EXAMINE WHAT WE WANT. IN A STRATEGIC
   SENSE, THIS IS CLEAR, AND OUR APPROACH IS DESIGNED TO REINFORCE
   IT. IN TACTICAL SENSE, TWO THINGS COME TO MIND:
   (A) U.S. PRISONERS
   (B) CEASE-FIRE IN LAOS

5. BOTH THESE THOUGHTS ARISE FROM TIME SCHEDULE FOR VISIT,
   WHICH WILL END APPROXIMATELY 15 DAYS AFTER SIGNATURE OF AGREEMENT.
   FIRST TRANCHE OF POW RELEASES IS DUE AT THIS TIME AND ALSO
   CEASE-FIRE IN LAOS.

6. THEREFORE I SUGGEST, BEFORE YOU FIRM UP YOUR SCHEDULE WITH
   LE DUC THO, YOU SAY THAT YOU WISH THE FIRST TRANCHE OF U.S.
   PRISONERS TO LEAVE HANOI BY U.S. HEAVY-HEADED AIRCRAFT IMMEDIATELY
   PRIOR TO YOUR TAKEOFF FROM HANOI ON FEBRUARY 11. (I HAVEN'T YET
   FIGURED THE CAMERA ANGLE FOR YOU). SECONDLY, YOU SAY THAT YOU
   WILL FLY TO VIENTIEN AND WISH THE CEASE-FIRE TO TAKE EFFECT
   THERE SHORTLY BEFORE YOUR ARRIVAL. (I'M THINKING OF LITTLE
   ROUND-HEELED SPREADING FLOWER PETALS BEFORE YOU AS YOU
   DESCEND FROM THE AIRPLANE.)

HAK, SCOWCROFT, HOME, LORD

PSN: 033037 PAGE 01

NOT RELATED TO
POW / MIA'S

DECLASSIFIED
E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/92
By: Abt NARA, Date: 9/15/92
(SA 99)
10. IF YOU AGREE WITH THIS SCENARIO, GREATEST CAUTION SHOULD BE AGAINST ANY INERENCE THAT WE ARE PAYING RANSOM TO GET PRISONERS OUT. HENCE TOTAL EMBARGO AGAINST ANY PUBLIC STATEMENTS ABOUT JANUARY 30 NOTE OR SUBSEQUENT DISCUSSIONS IN HANOI UNTIL SUBSEQUENT MEETINGS OF EXPERTS (8.95?) TO ESTABLISH U.S.-DRV JOINT ECONOMIC COMMISSION.

11. WARM REGARDS.
OP IMMED

VLCZCWHP431
0 292135Z JAN 73
FM THE SITUATION ROOM WHP431

TO COLONEL GUAY

TOP SECRET SENSITIVE EXCLUSIVELY EYES ONLY

JANUARY 29, 1973
TO MINISTER HEYWARD ISHAM FROM BRET SCOWCROFT

IN AMPLIFICATION OF MY 428, COLONEL GUAY HAS THE NOTE WHICH HE IS PREPARED TO DELIVER JANUARY 30 IF YOU RECEIVE THE LAOS POW LISTS. PLEASE TELL VY THAT WE CANNOT PROCEED IN THE ECONOMIC FIELD AS LONG AS THERE IS ANY IMPLICATION THAT WE ARE RANSOMING OUR PRISONERS. YOU SHOULD POINT OUT ALSO THAT WE HAVE SHOWN A POSITIVE ATTITUDE ON THE MINE-SWEEPING ISSUE AND WE EXPECT THE SAME FROM THEM ON THE POW ISSUE.

WARM REGARDS

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

INFO COPIES TO: SCOWCROFT, HOWE, KENNEDY, LORD

PSN:040216 RECALLED PAGE 01 OF 01 TDR:030/08:08Z DTG:292135Z

******* TOP SECRET ******* S COPY

DECLASSIFIED
E.O. 12333, Sect. 3.4

Nsc, Van Tassel authority 9/15/92

By Med NARA, Date 9/15/92

(SA 99)
DATE 01/29/73

WHITE HOUSE SITUATION ROOM

MESSAGE ANNOTATIONS:
NO MESSAGE ANNOTATIONS

MESSAGE:
IMMEDIATE
O 291721Z
F/ SITUATION ROOM WH 428
TO COL GUAY

TOP SECRET SENSITIVE/EXCLUSIVELY/EYES ONLY
JANUARY 29, 1973
FOR:  MINISTER HENRY A. KISSINGER
FROM:  HENRY A. KISSINGER

YOU SHOULD CALL VY AND TELL HIM THAT YOU WILL HAVE A NOTE
READY TO HAND OVER TO HIM TOMORROW, BUT YOU CANNOT DELIVER IT
UNTIL YOU RECEIVE THE LAD OM LIST.
WARM REGARDS.

PSN: 039844
TOR: 029/18:10Z
OTG: 291721Z

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E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/72
By NARA, Date 9/15/72
(SA 99)
DO IMMEDIATE

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D 240023Z
FV GEN SCOWCROFT

TO COL GUAY

TOP SECRET SENSITIVE EXCLUSIVELY EYES ONLY

TO SULLIVAN - VIA GUAY CHANNEL

FROM: HENRY A. KISSINGER

ALDRICH QUERIES WHETHER THERE IS AGREED PLACE AND
PROCEDURE FOR EXCHANGE OF LISTS OF CAPTURED MILITARY
PERSONNEL AND FOREIGN CIVILIANS, WHICH MUST TAKE PLACE
SATURDAY, ACCORDING TO ARTICLE 8(A) OF AGREEMENT.
IF NOT, YOU SHOULD RAISE WITH THACH AND GVN
REPRESENTATIVES. WE SHOULD TRY TO COMPLY. PARIS MAY
BE EASIEST VENUE. ALSO, I SHOULD THINK WE WOULD WANT
TO AVOID ANY PRECEDENT OF U.S. BEING CONDUIT FOR
EXCHANGE OF PRISONER INFORMATION (AND DISINFORMATION)
BETWEEN THE VARIOUS VIETNAMESE PARTIES.

WARM REGARDS.

HACK, SCOWCROFT, LORD, HOWE, KENNEDY

PSN:036726  RECALLED  PAGE 01  OF 01  TOR:024/02:25Z  DTM:240023Z

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E.O. 12335, Sect 3.4
NSC, Van Tassel authority 9/15/92
By, Ada, NARA, Date 9/15/92
(SA 99)