

SA 99 B-20

MEMORANDUM

* NATIONAL SECURITY COUNCIL

URGENT ACTION

~~TOP SECRET/EYES ONLY~~

November 29, 1972

MEMORANDUM FOR:

GENERAL HAIG

FROM:

JOHN D. NEGROPONTE *JDN*

SUBJECT:

Response to DOD Questions

You supplied me with some questions from DOD (Tab B). At Tab A are some suggested replies.

I have coordinated this with Dick Kennedy who wrote the part about civilian and contractor personnel.

~~TOP SECRET/EYES ONLY~~

(Signature)

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E.O. 12356, Sect. 3.4

NSC

9/22/93

F9301189

By

(Signature)

NARA, Date 9/30/93

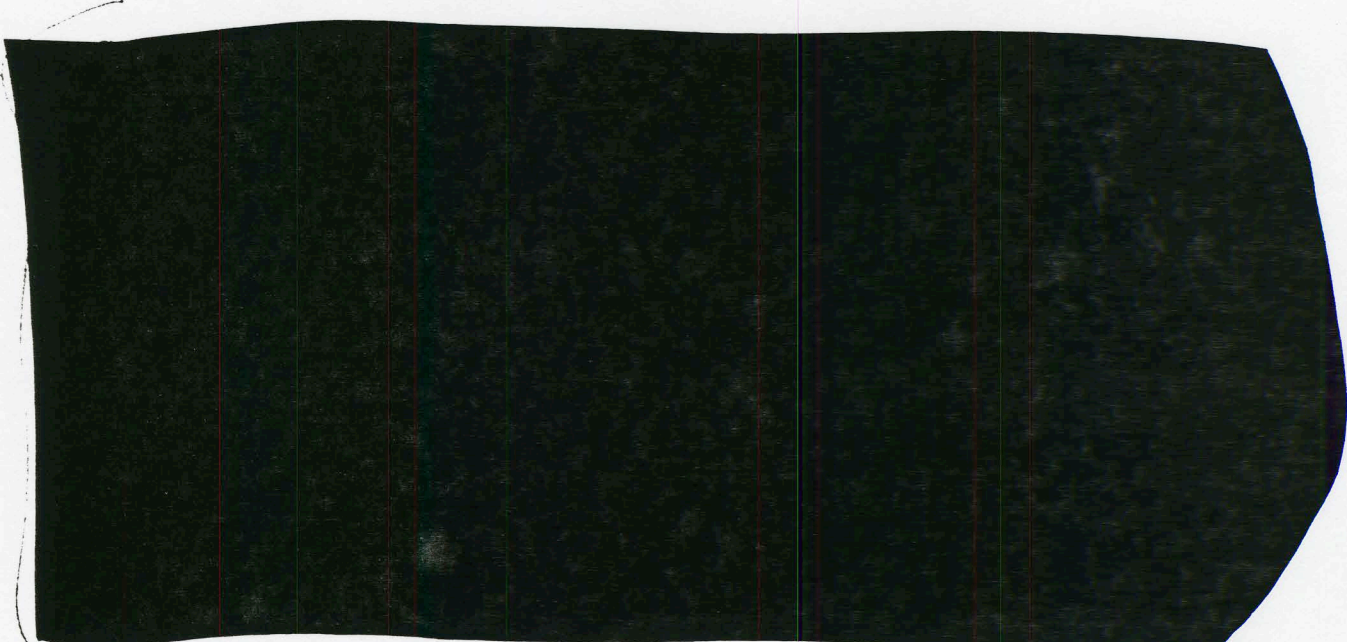
SA 99

TOP SECRET/SENSITIVE

ANSWERS TO QUESTIONS REGARDING
THE VIETNAM AGREEMENT RAISED BY
THE DEPARTMENT OF DEFENSE NOVEMBER 28 MEMORANDUM

Question: What areas of agreement have been reached in the PW/MIA areas?

Answer: The other side has agreed to exchange complete POW lists and to return our POW's and detained civilian personnel simultaneously with our troop withdrawals. They have also agreed to help get information about MIA, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains and to take any such other measures as may be required to get information about those still considered missing in action.



TOP SECRET/SENSITIVE

Questions to be Raised at WSAG, 28 Nov 72

POW/MIA

- What parts, if any, of the Defense Department negotiating paper covering prisoners and missing have been accepted by the other side?
- What areas of agreement have been reached in the PW-MIA area?

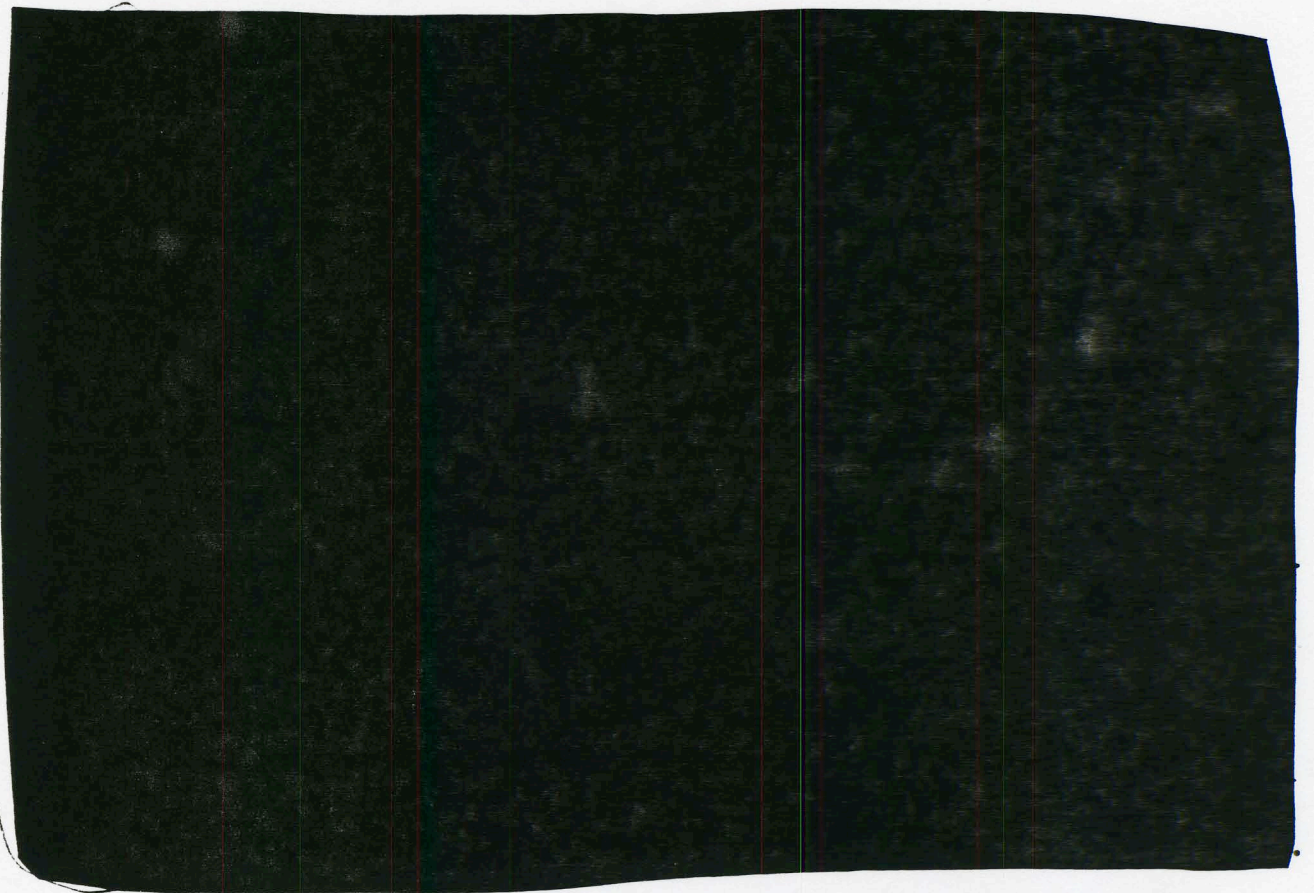
See TAB A for specific detailed questions.



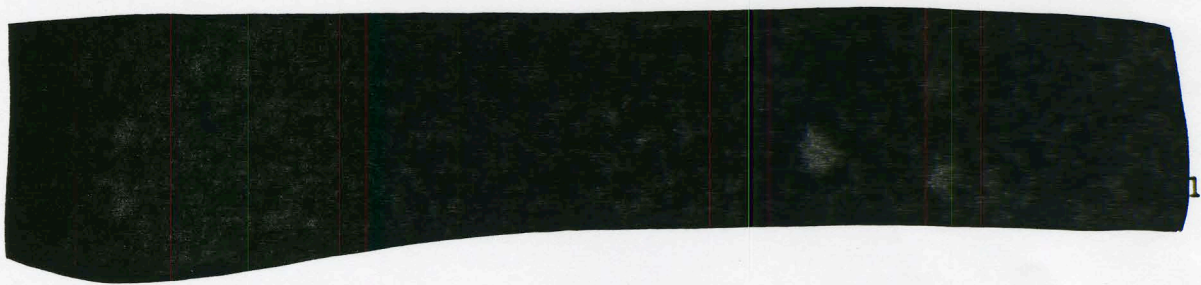
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8/9



3. The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement.



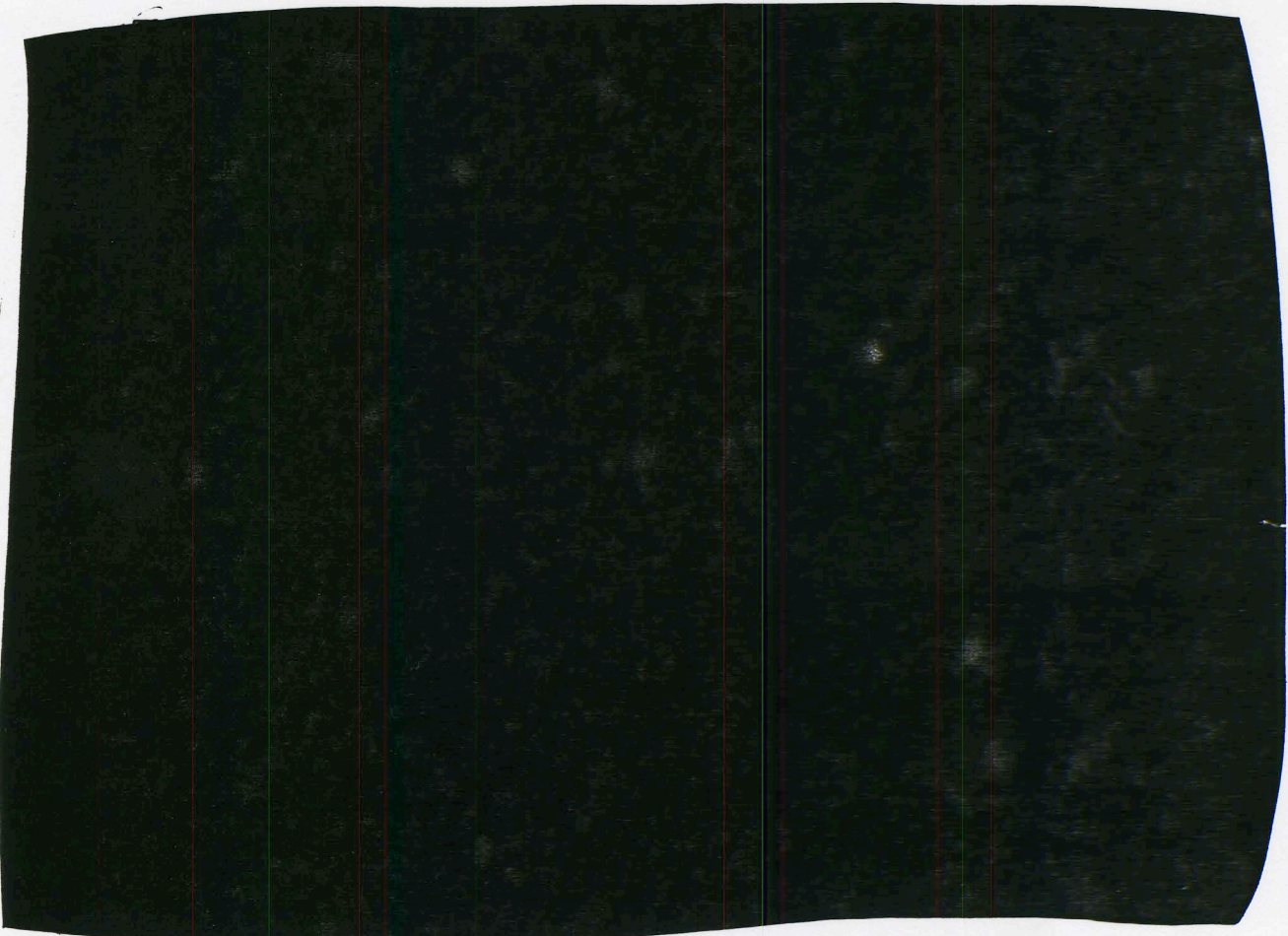
SP

~~TOP SECRET/EYES ONLY~~

PROPOSAL ON THE CONDUCT OF NEGOTIATIONS

The parties agree that there will be the following forums:

(1) First, a forum of private meetings between representatives of the United States and the Democratic Republic of Vietnam: This forum will discuss and resolve such military matters as the withdrawal of United States forces, the return of prisoners of war, a ceasefire and any such other matters as may be agreed between the parties. In addition, the two parties will discuss and resolve the principles of certain political questions affecting the settlement of the Vietnam problem.



TOP SECRET/EYES ONLY

(P)

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E.O. 12356, Sect. 3.4

NSC 9/22/93 F9301189

By MTO NARA, Date 9/30/93

SA 99

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SA99 B-26

TOP SECRET/EYES ONLY

Areas of Agreement and Difference Keyed to their 10 Points and
Procedural Document



TOP SECRET/EYES ONLY

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E.O. 12356, Sect. 3.4

NSC 9/22/93

F9301189

By MMK NARA, Date 9/30/93

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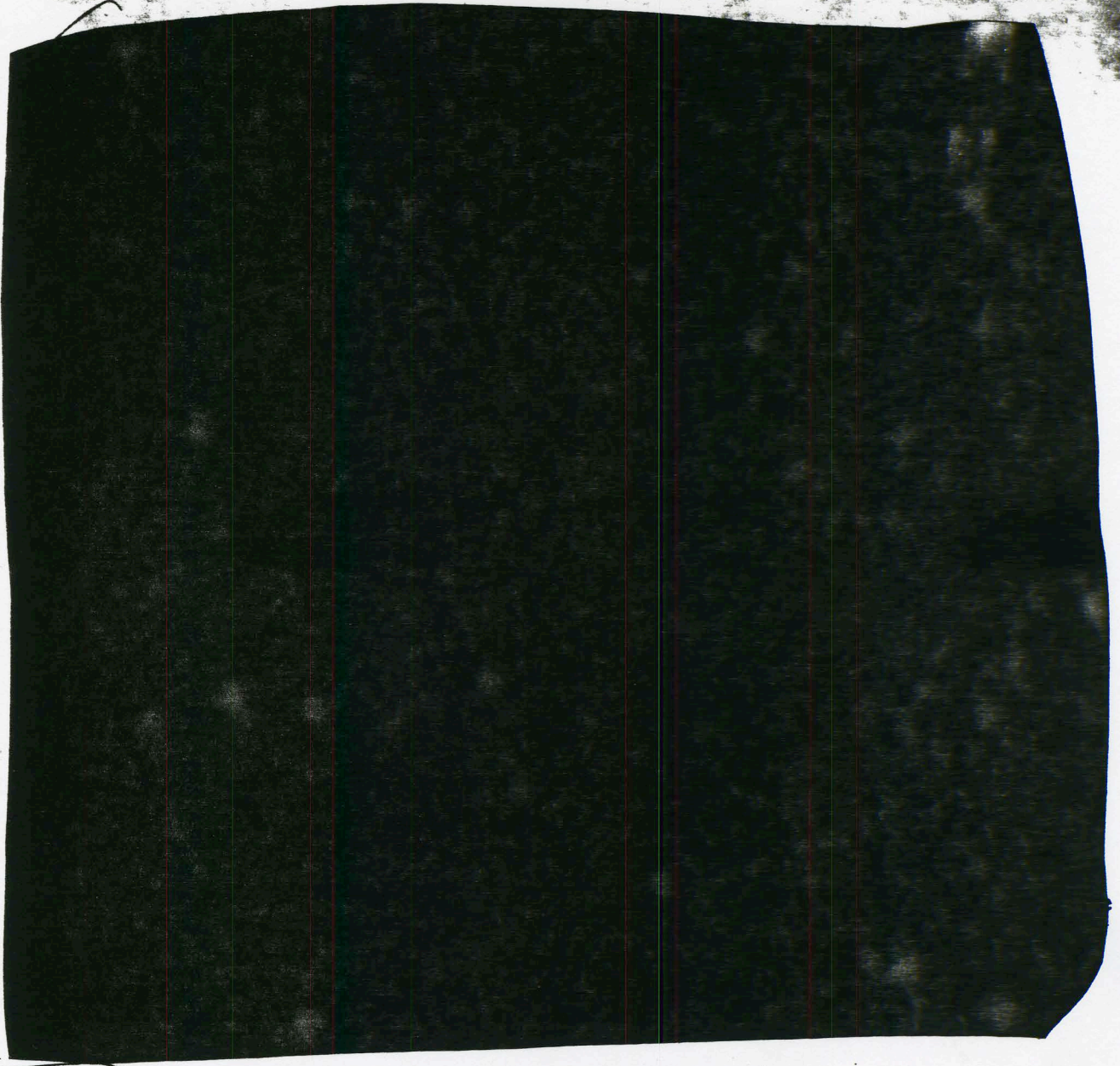
(DP)

Point 3: POWS

Agreement: The release of all military men and innocent civilians of the parties will be carried out simultaneously with and completed the same day as troop withdrawal. The parties will exchange complete lists on the day of signature of agreement.

Difference: DRV limits proposition to Vietnam with no reference to Laos or Cambodia. We insist on POW release in Laos and Cambodia as well.

TOP SECRET/EYES ONLY



Point 10: Geneva Agreements of 1954 and 1962

Agreement: Both sides respect the 1954 Geneva Agreements on Laos and Cambodia and those of 1962 on Laos. The problems existing among the Indochinese countries will be settled by the Indochinese peoples on the basis of mutual respect for independence, sovereignty, territorial integrity and non-interference in each other's affairs.

TOP SECRET/EYES ONLY

~~TOP SECRET/EYES ONLY~~

4

Difference: We assert the explicit principle of armed forces remaining within their own frontiers.

General Area of Disagreement: Exclusive operational focus of the document on Vietnam whereas on numerous aspects we insist on an Indo-china-wide character (e.g. POWS, ceasefire, neutrality).

~~TOP SECRET/EYES ONLY~~

SA 99 B-27

TOP SECRET/EYES ONLY

PEACE PROPOSAL
OF THE DEMOCRATIC REPUBLIC OF VIET NAM
August 1st, 1972

3



TOP SECRET/EYES ONLY

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E.O. 12356, Sect. 3.4

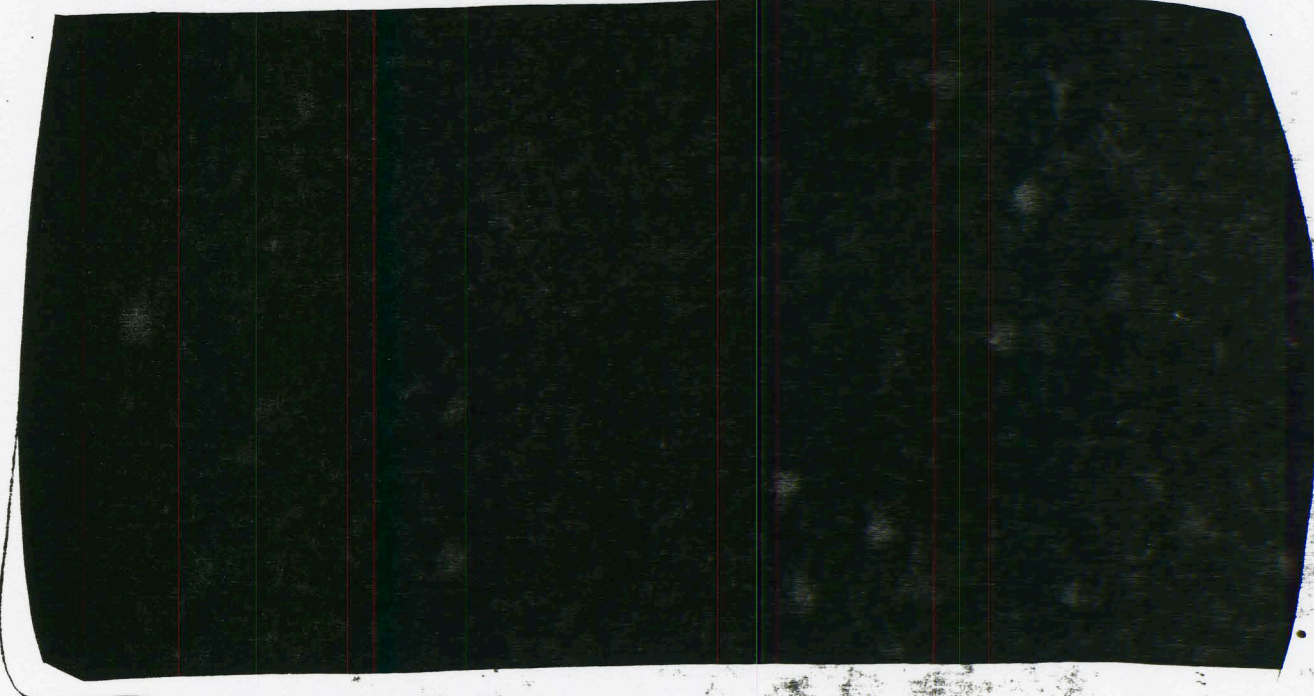
NSC 9/22/93 F9301189

By MX NARA, Date 9/30/93

SA 99

(DF)

3. The release of all military men and civilians of the parties captured during the war (including American pilots captured in North Viet Nam) will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange the lists of the militarymen and civilians captured during the war on the day of the signing of the overall agreement.

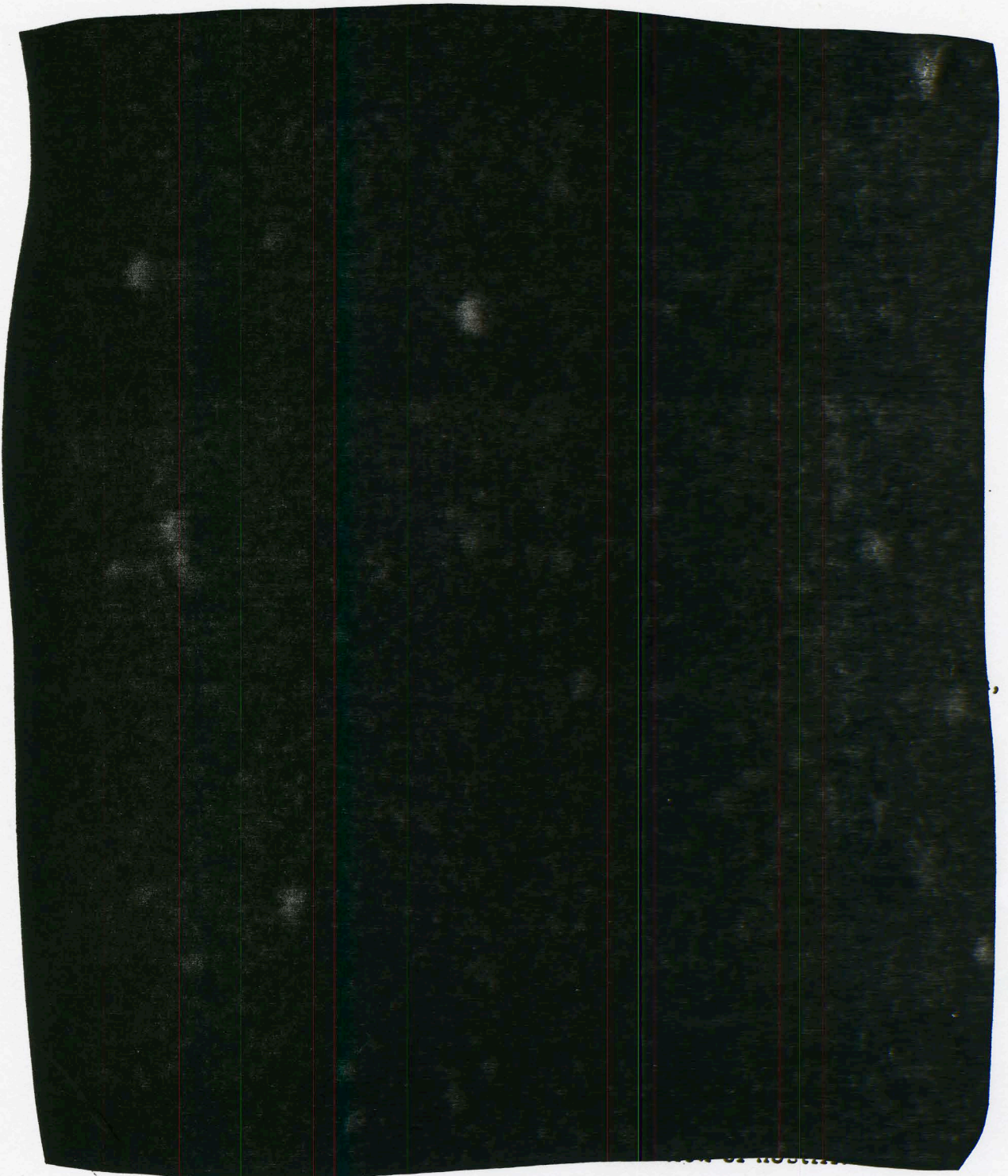


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SA 99 B-28

UNITED STATES 12-POINT PROPOSAL

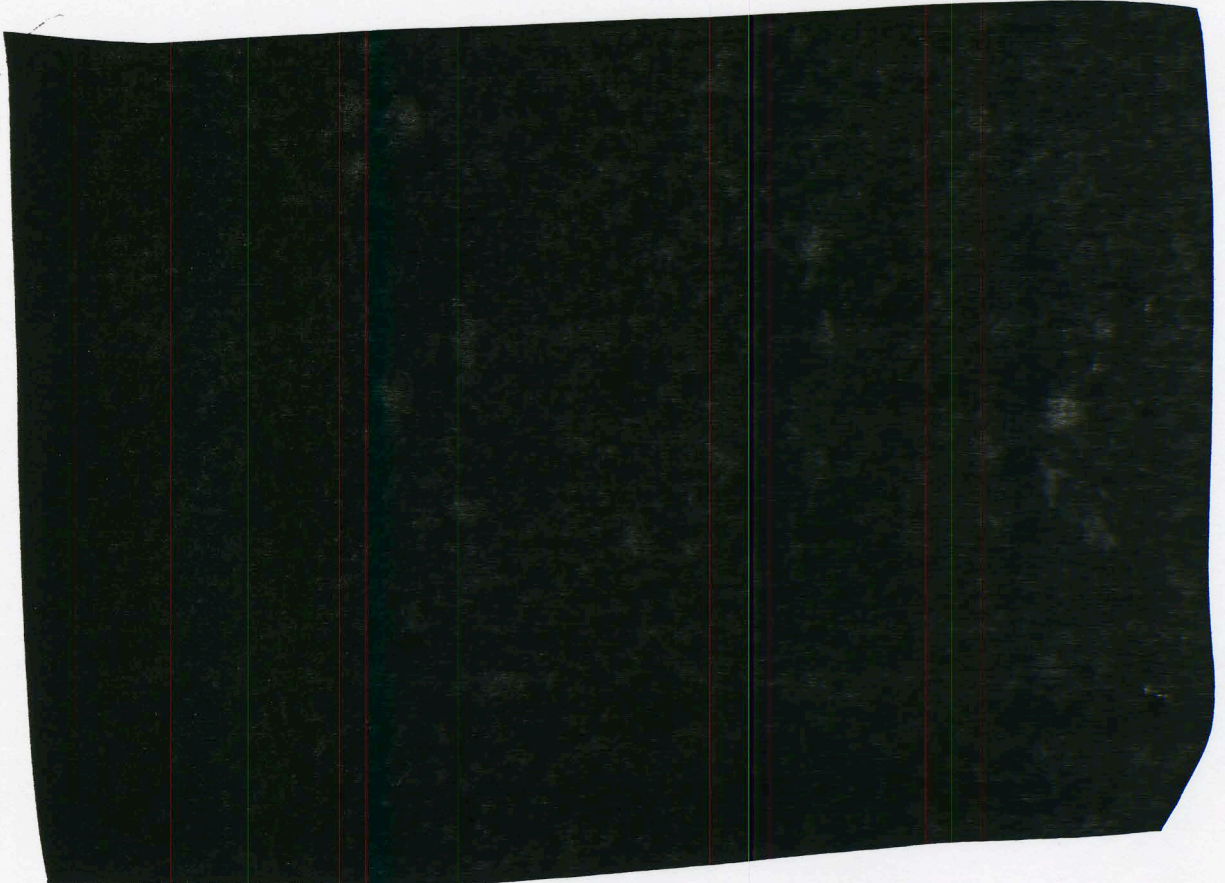
August 1, 1972



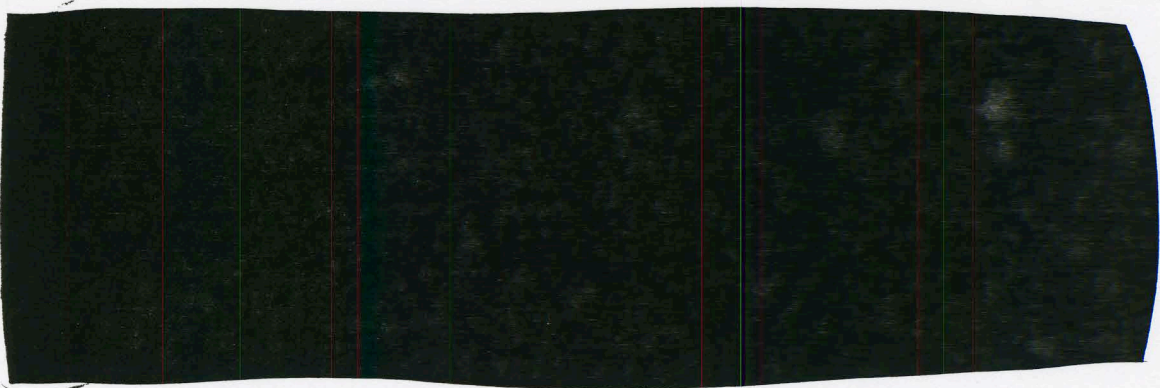
DP



3. The release of all military men and innocent civilians captured throughout Indochina will be carried out in parallel with the troop withdrawals mentioned in Point 1. Both sides will present a complete list of military men and innocent civilians held throughout Indochina on the day this general agreement is signed. The release will begin on the same day as troop withdrawals and will be completed when they are completed.



11. There will be international supervision of the military aspects of this agreement, including the cease-fire and its provisions, the release of prisoners of war and innocent civilians, the withdrawal of outside forces from Indochina, and the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers.



5999 B-30

International Commission of Control and Supervision



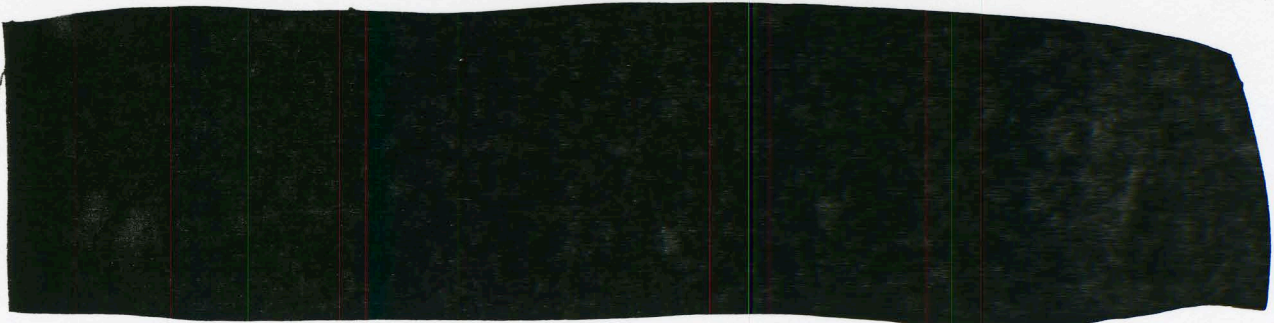
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Freedom of Movement: The Commission and its Control and Supervisory Force shall have freedom of movement throughout Indochina.

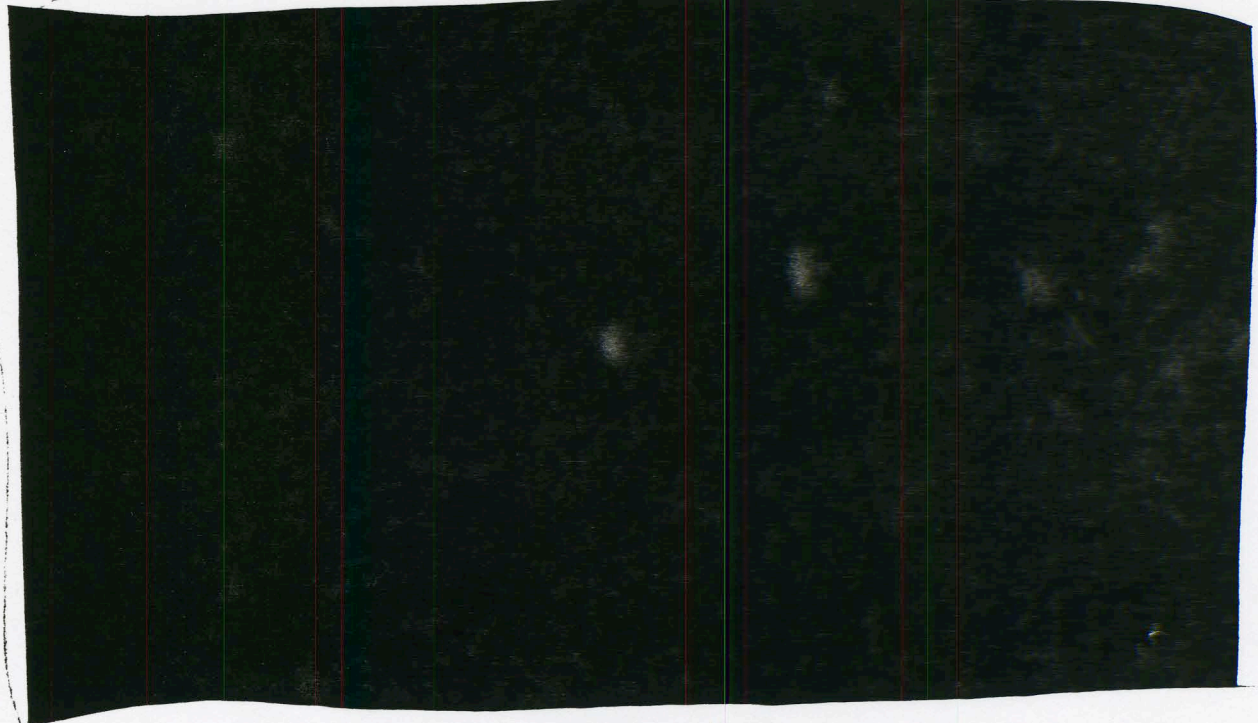
Functions: The Commission, assisted by the Control and Supervisory Force, will control and supervise the withdrawal of United States forces and those of other foreign countries allied with the Government of the Republic of Vietnam, the release of military men and innocent civilians captured throughout Indochina, the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers, the implementation of an Indochina-wide ceasefire, the solution of the question of Vietnamese armed forces in South Vietnam and supervision of whatever electoral provisions in respect to South Vietnam may be finally agreed between the parties.

The International Committee of the Red Cross will also participate in the control and supervision of prisoner of war releases.

Negotiations: Details of the membership, responsibilities, composition, functions, and costs of the Commission and the Control and Supervisory Force will be negotiated at the Kleber forum.



3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. - The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement.



Withdrawal of Forces and Prisoner of War Releases

Modalities: The modalities of the withdrawal of United States forces and other foreign forces allied with the Government of the Republic of Vietnam and the modalities of the release of all military men and innocent civilians captured during the Vietnam war throughout Indochina will be discussed and settled by the parties to the Paris Conference on Vietnam, based on the principles enumerated below.

Troop Withdrawals: The total withdrawal from South Vietnam of all troops, military advisors and military personnel, including technical military personnel, armaments and war materials of the United States and those of the other foreign countries allied with the Government of the Republic of Vietnam and the dismantlement of all United States military bases in South Vietnam, will be completed within 3 months after the signing of the overall agreement.

Prisoners of War: The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal.

Schedule of Withdrawal and Releases: Withdrawals and releases will take place according to the following schedule:

-- One sixth of United States and allied forces will be withdrawn and one sixth of the prisoners held will be released two weeks after the signing of an overall agreement.

-- Each remaining sixth of United States and allied forces will be withdrawn and each remaining sixth of prisoners of war still detained will be released during the following consecutive two week intervals.

-- The parties undertake to release first those prisoners who are sick or wounded. Remaining prisoners will be released in the order in which they were captured, starting with the longest held.

Lists: The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement. They will also provide the International Control and Supervision Commission and the International Committee of the Red Cross with appropriate information regarding prisoner detention facilities including their precise location.

Supervision: Troop withdrawals and prisoner releases will be carried out under the control and supervision of the International Control and Supervisory Commission. In respect to prisoner releases, both the International Supervision and Control Commission and the International Committee of the Red Cross will have access to prisoner detention facilities, release points and such other access throughout Indochina as necessary to verify prisoner releases and for other purposes consonant with the 1949 Geneva Convention.

Missing in Action: If, after the exchange of complete prisoner lists, there remain servicemen who are considered missing in action, the parties will reach agreement for the verification of their whereabouts through such measures as agreements to return located remains and permission to examine known grave and crash sites throughout Indochina.

TOP SECRET/EYES ONLY
32 SA 99 B-32

POW'S

The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement.

The release of all military men and innocent civilians captured throughout Indochina will be carried out in parallel with the troop withdrawals mentioned in point 1. Both sides will present a complete list of military men and innocent civilians held throughout Indochina on the day the agreement is signed. The release will begin on the same day as the troop withdrawals and will be completed when they are completed. (Point 2)



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E.O. 12356, Sect. 3.4
NSC 9/22/93 F9301189
By WKO NARA, Date 9/30/93
SA 99

TOP SECRET/EYES ONLY

(D)

TOP SECRET/EYES ONLY

Major Differences between new U.S. proposal and DRV September 15 Plan (minus political provisions)

U.S.

DRV

Point 3:

POW's

- a) We want release of POWs throughout Indochina.
- b) We speak of "innocent civilians," meaning primarily journalists, missionaries, etc.

- a) They restrict provision to Vietnam.
- b) Their language ("total release of people of the parties, military men and civilians") encompasses all civilians, presumably meaning VCI, political prisoners and others the GVN might characterize as common criminals.

TOP SECRET/EYES ONLY

International
Supervision

- a) We propose Indonesia* as ICSC neutral.
- b) Subjects for supervision:
 - troop withdrawals
 - prisoner releases
 - political provisions
 - solution of Vietnamese armed forces in South Vietnam
 - implementation of principle of Indochinese countries'
armed forces staying within their frontiers.
 - ceasefire
- c) The ICSC should be responsible to the guarantor powers.
(Our point 10a)

*Subjects of Difference Underlined

- A) They propose India.
- b) Subjects for supervision:
 - Everything they propose we respect and stop in their
point 1.
 - troop withdrawals
 - prisoner releases
 - enforcement of democratic liberties
 - general elections
 - ceasefire
- c) The ICSC is responsible to the parties in Paris and the
National Concord Government. (Their point 9a)

SA 99-B-33

MEMORANDUM

NATIONAL SECURITY COUNCIL

TOP SECRET/EYES ONLY

ACTION

August 23, 1972

MEMORANDUM FOR:

MR. KISSINGER

FROM:

JOHN D. NEGROPONTE

SUBJECT:

Further Analysis of the DRV August 1
Peace Proposal

Further to our conversation of Monday, I have revised the memorandum to the President on the above subject (Tab I).

The paper is now structured along the lines you indicated in our discussion.

Recommendation:

That you sign the memorandum to the President at Tab I.

TOP SECRET/EYES ONLY

DP

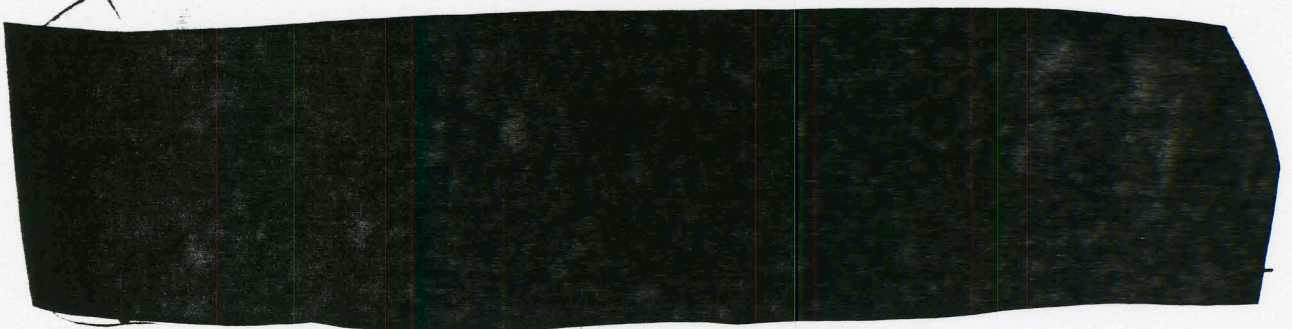
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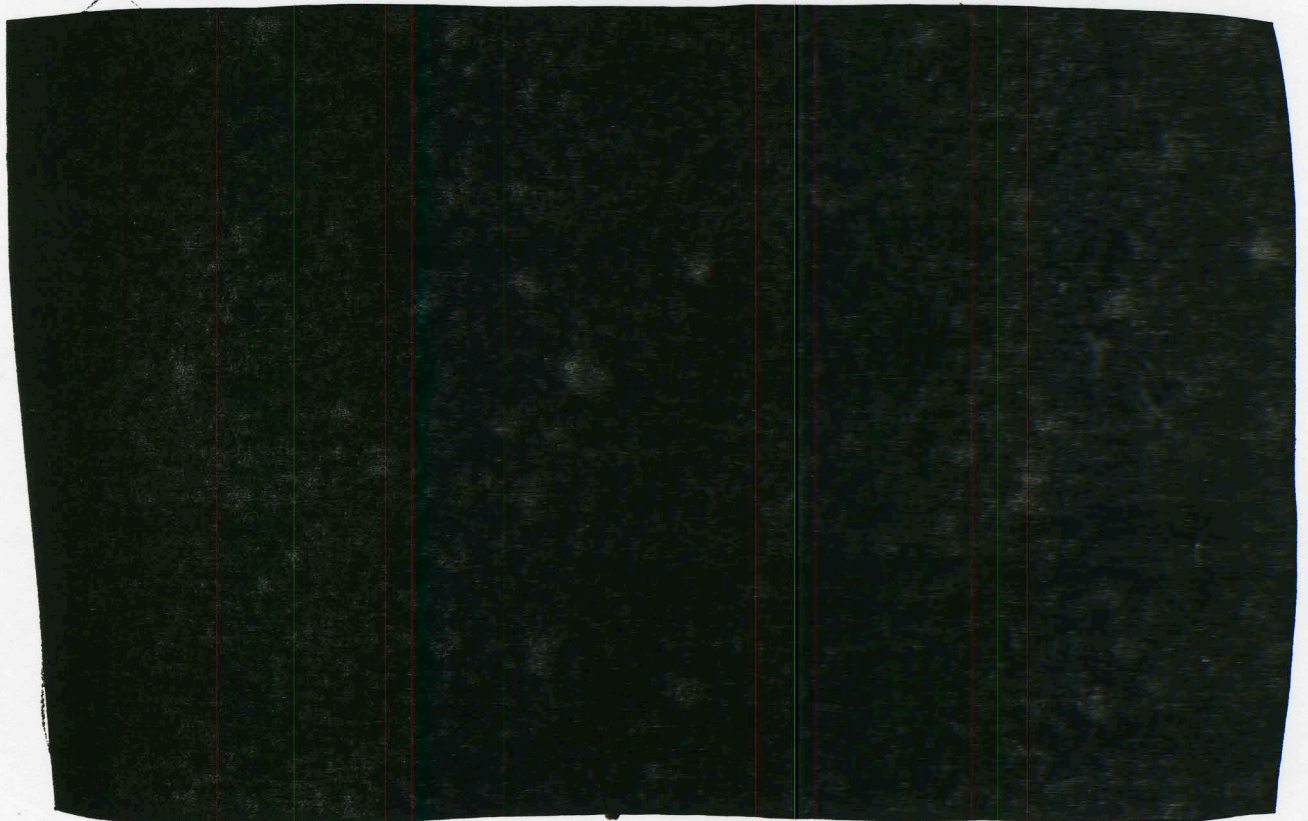
NSC 9/22/93 F9301189

By WKO NARA, Date 9/30/93

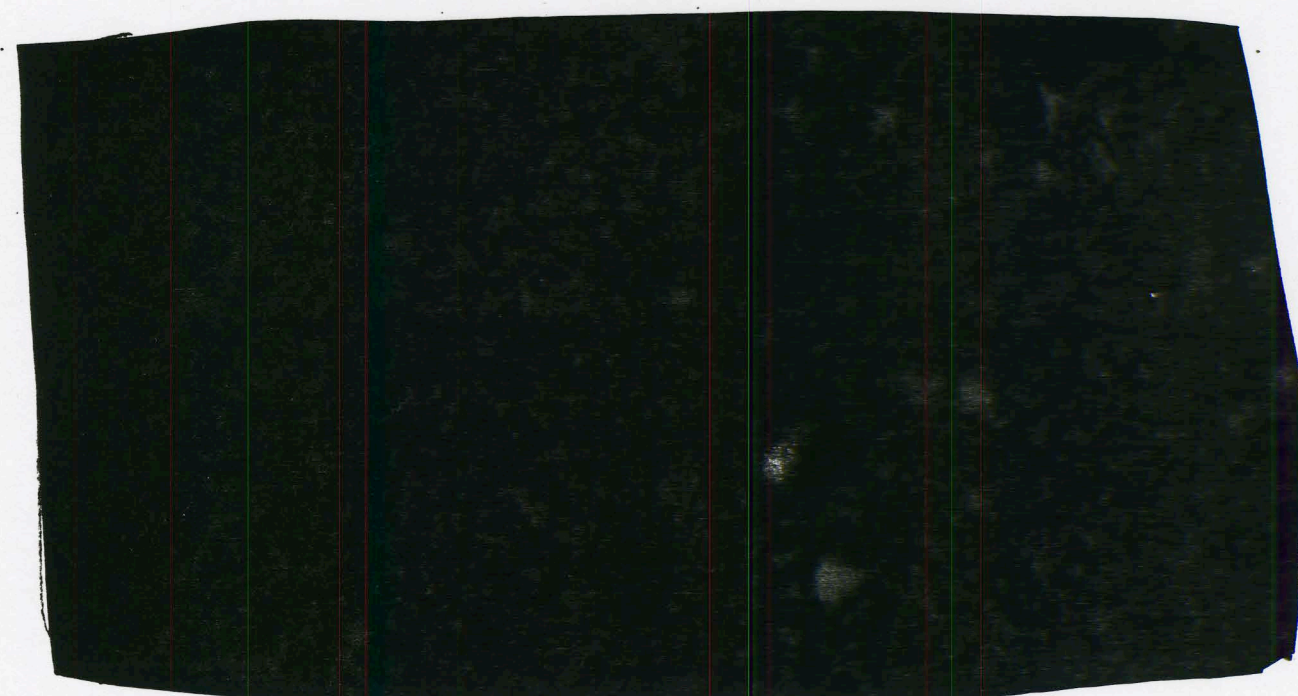
SA 99



-- Point 3: Prisoner Release: This provides for release of all captured military men and civilians in Vietnam to be effected simultaneously with troop withdrawals, and is essentially a restatement of their previous position. It is unacceptable in that it does not provide for prisoner releases in Laos or Cambodia. However, Tho has indicated that once the Vietnam problem was settled, the Laos and Cambodia aspects should be easily resolved. They seem to be saying that they have to work formally through their allies but will exert the necessary influence. In any event I have made clear that we cannot compromise and must have all of our prisoners back. -



3. The release of all military men and civilians of the parties captured during the war (including American pilots captured in North Viet Nam) will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange the lists of the militarymen and civilians captured during the war on the day of the signing of the overall agreement.



~~TOP SECRET/EYES ONLY~~

SA 99 B-35

~~TOP SECRET~~/SENSITIVE/EXCLUSIVELY EYES ONLY

TO: Ambassador Bunker VIA Bunker Channels
FROM: Henry A. Kissinger
SUBJECT: Text of Our Peace Proposals Revised to Incorporate GVN
Comments

REFERENCE:

1. To facilitate your discussions with Thieu, we have revised the texts of our substantive and procedural proposals modified to incorporate those changes suggested by the GVN which we can accept (reftel).
2. Herewith the text of our ten-point plan as it now stands:

[Quote from Text at Tab A]

3. Herewith our modified text of procedures regarding the conduct of negotiations:

[Quote from text at Tab B]

(DP)

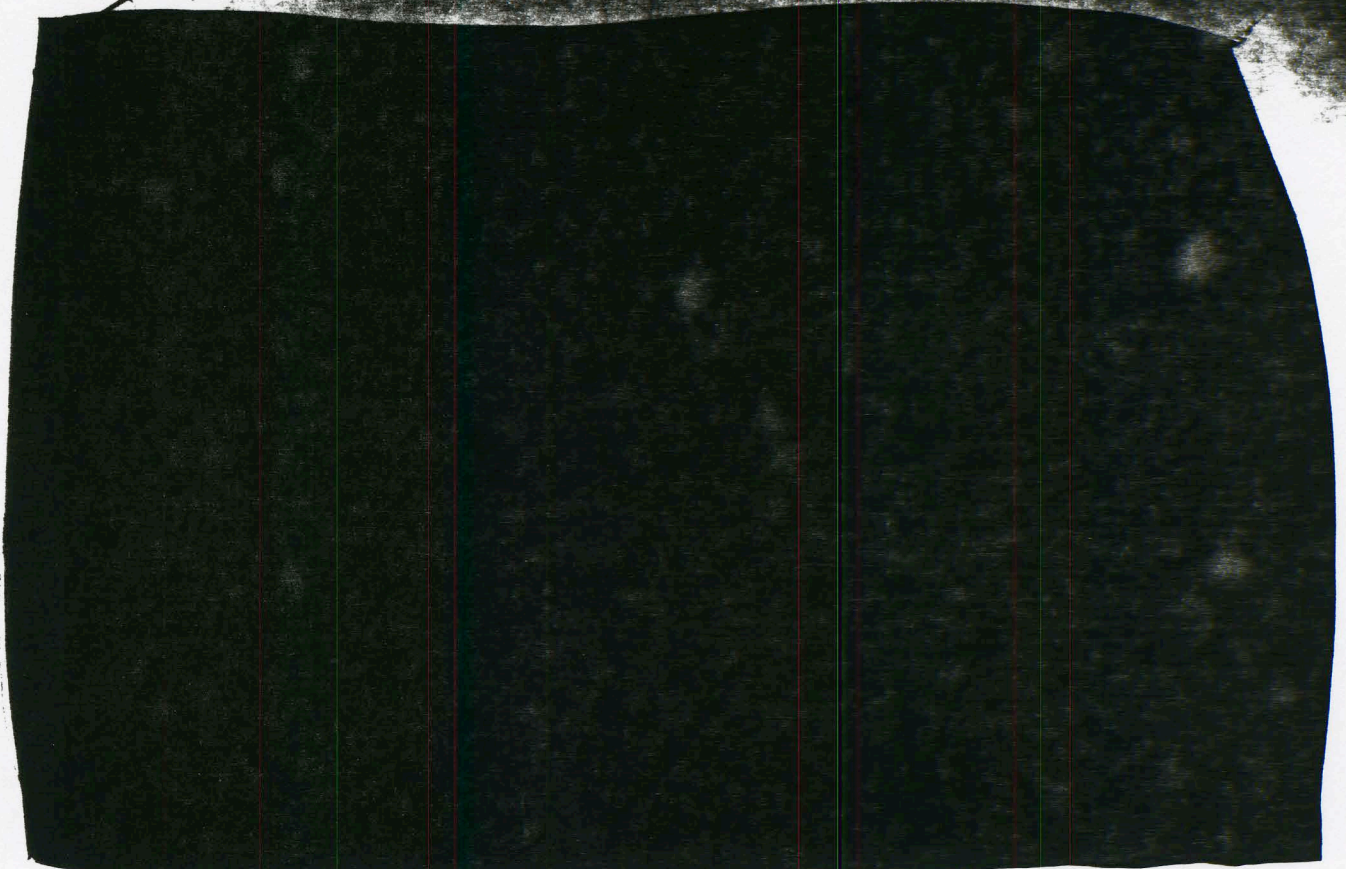
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E.O. 12356, Sect. 3.4

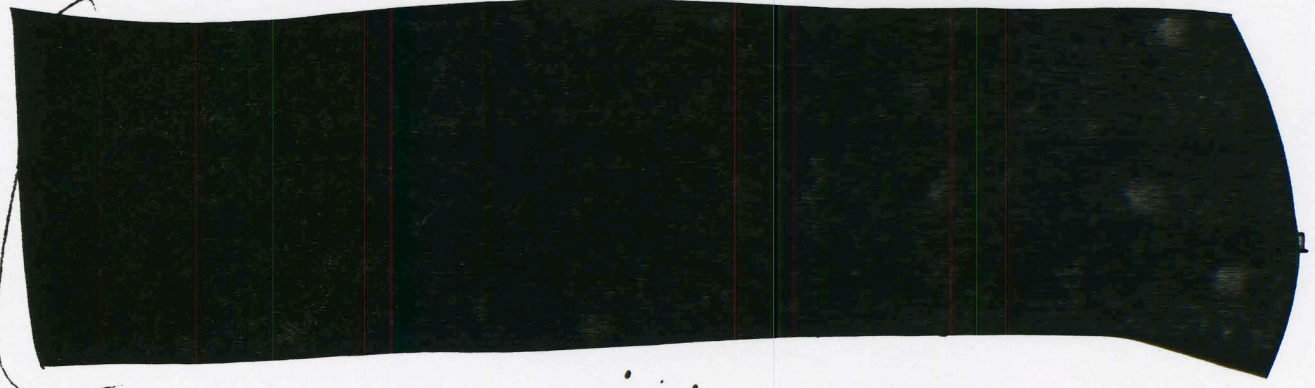
NSC 9/22/93 F9301189

By MMO NARA, Date 9/30/93

SA 99



3. The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement.



SA 99 B-36

Handwritten:
New York
8/22/72

~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

August 19, 1972

MEMORANDUM FOR: THE PRESIDENT
FROM: HENRY A. KISSINGER
SUBJECT: Further Analysis of DRV
August 1 Peace Proposal



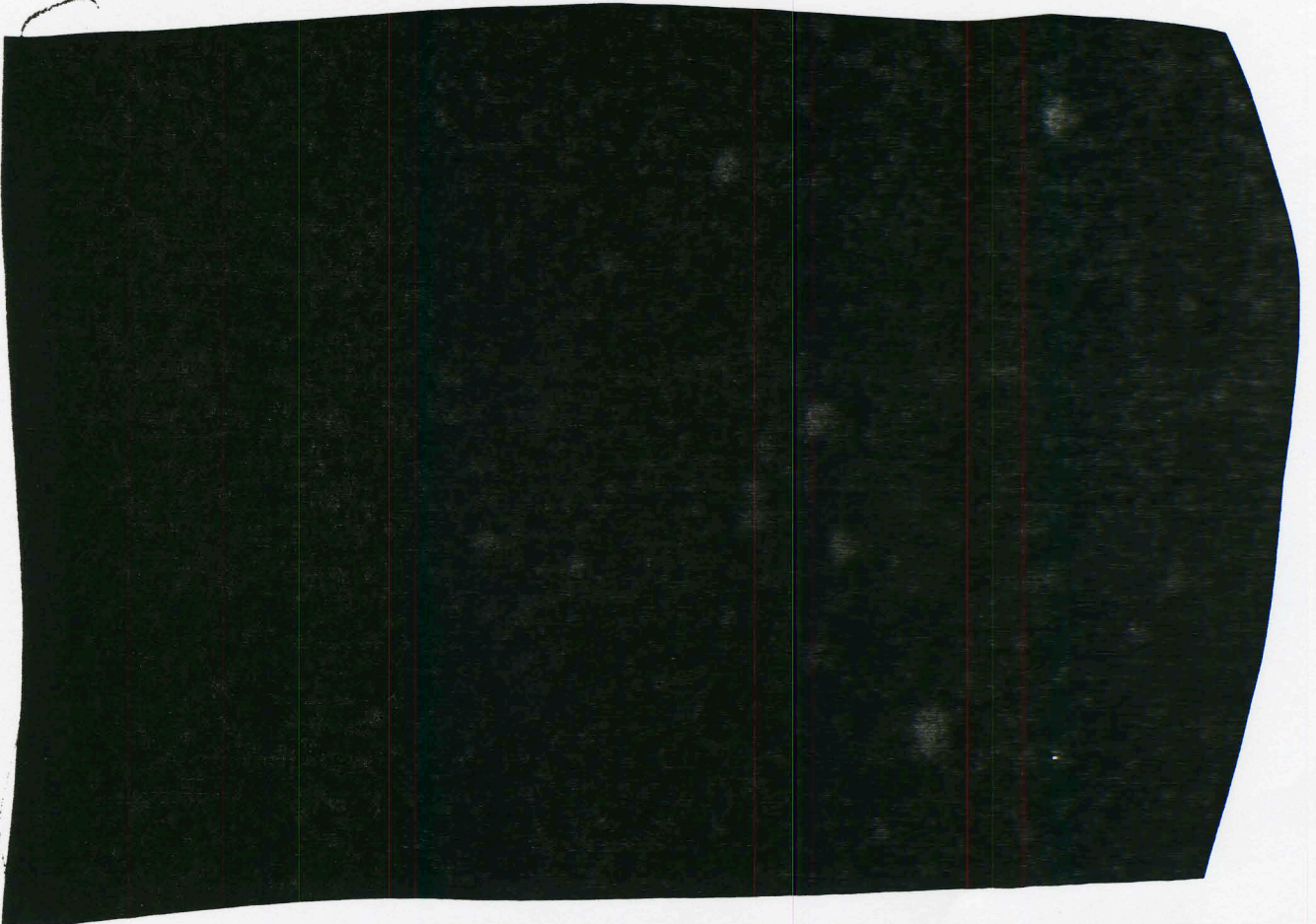
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EXCLUSIVELY EYES ONLY

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E.O. 12356, Sect. 3.4
NSC 9/22/93 F9301189
By MPK NARA, Date 9/30/93
SA 99

~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

3



-- Point 3: Prisoner Release: This provides for release of all captured military men and civilians in Vietnam to be effected simultaneously with troop withdrawals, and is essentially a restatement of their previous position. It is unacceptable in that it does not provide for prisoner releases in Laos and Cambodia. However, Tho has indicated that once the Vietnam problem was settled, the Laos and Cambodia aspects should be easily resolved. They seem to be saying that they have to work formally through their allies but will exert the necessary influence. In any event I have made clear that we cannot compromise and must have all of our prisoners back.



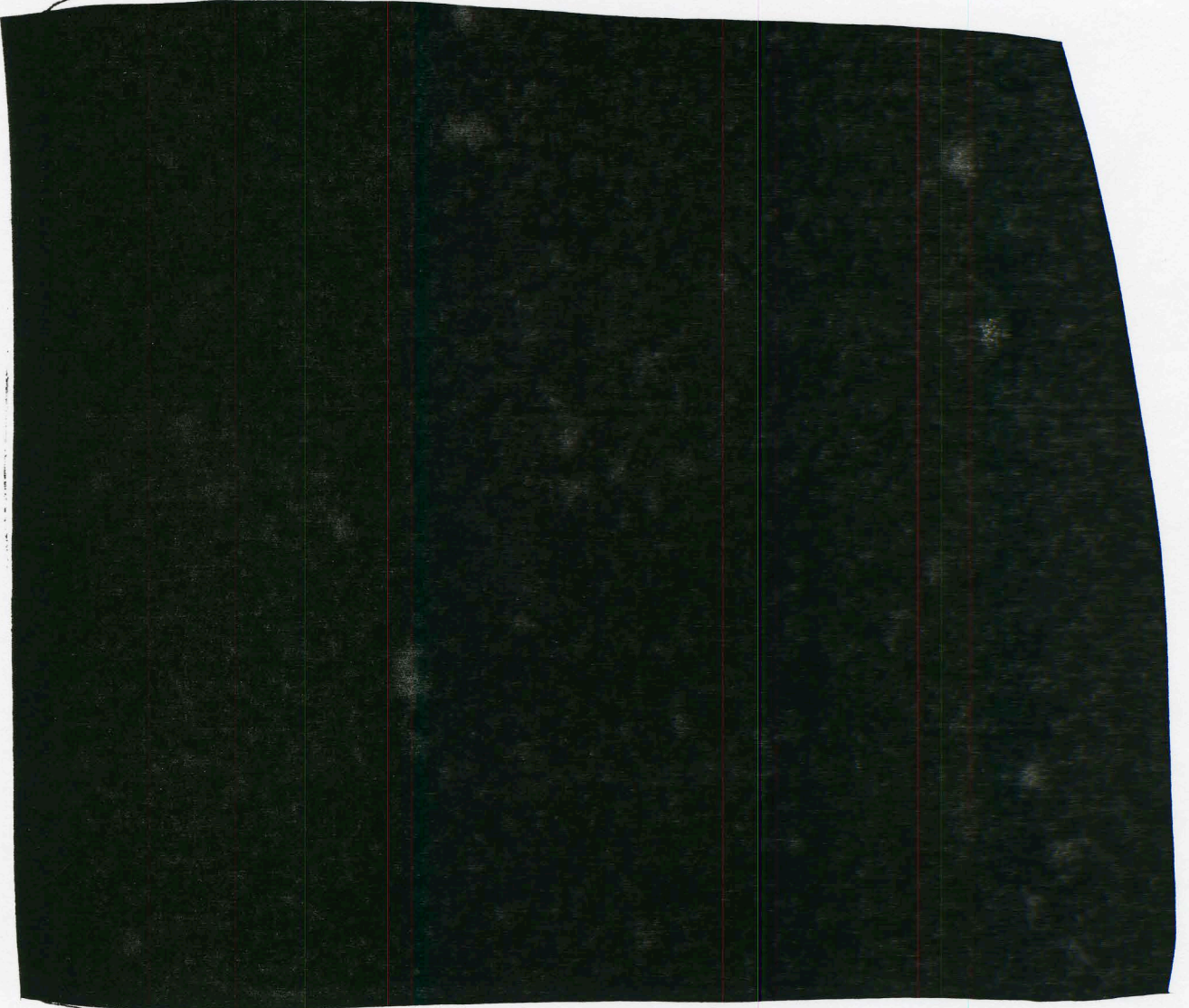
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EXCLUSIVELY EYES ONLY

SA 99 B-37

EO

NEW PROPOSAL WITH PRESIDENTIAL
AND NATIONAL ASSEMBLY ELECTIONS

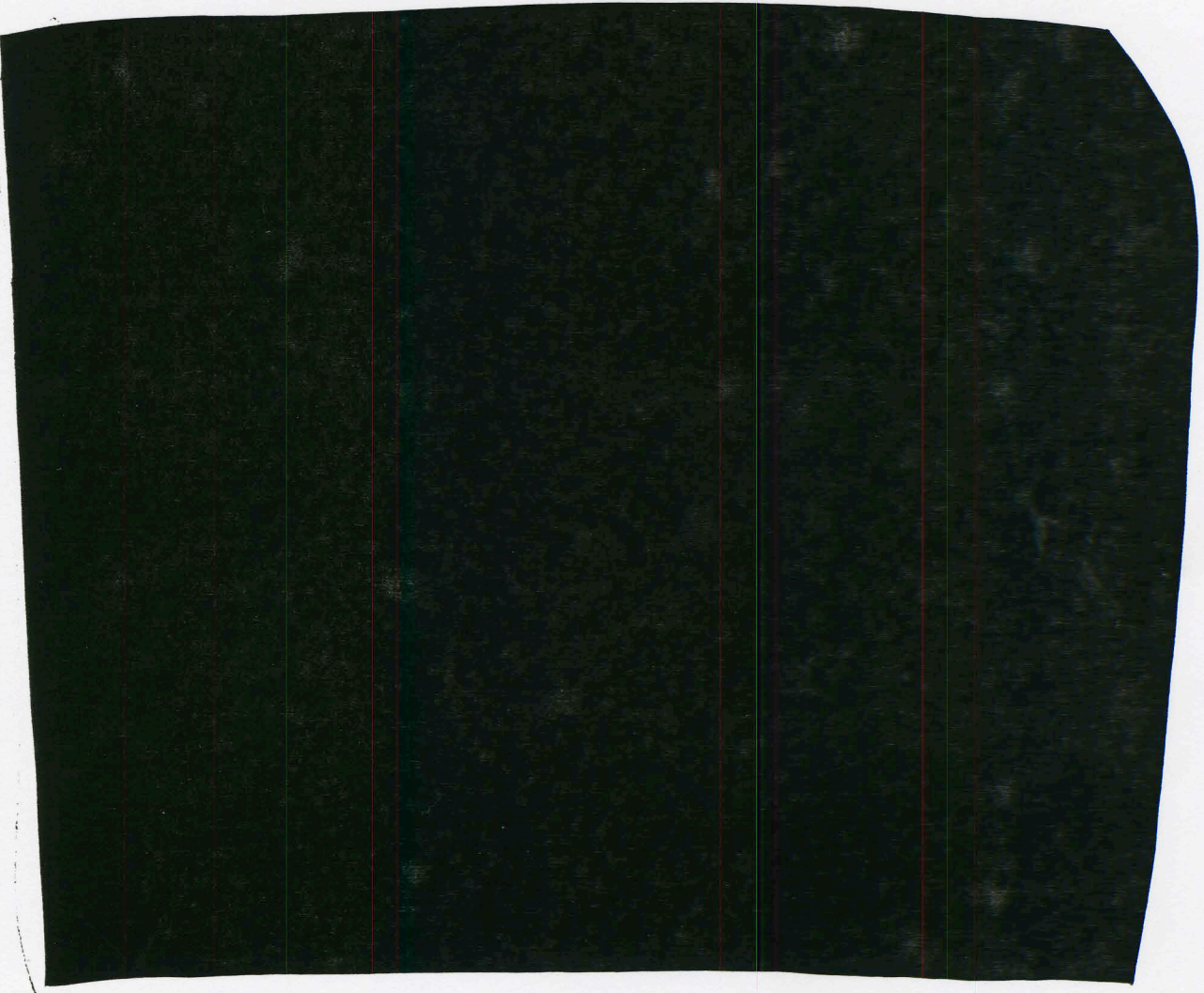
U.S. PROPOSAL



3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously

(DP)

with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement. As part of the overall agreement there will be provision for verification of those still considered missing in action throughout Indochina after prisoner of war lists have been exchanged.



Remaining pages
not relevant

SA 19 B-41

PROPOSED NEW DRAFT

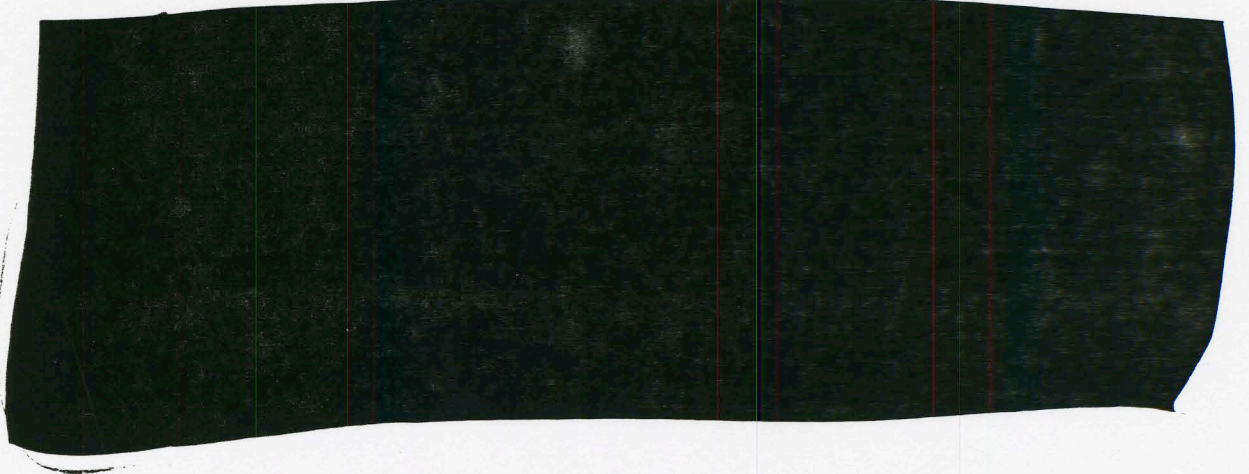
Changes from draft 11.1.1
with DRV underlined

AGREEMENT ON ENDING THE WAR

AND

RESTORING PEACE IN VIETNAM

The Parties to the Paris Conference on Vietnam; [GVN change.]



1

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Chapter III

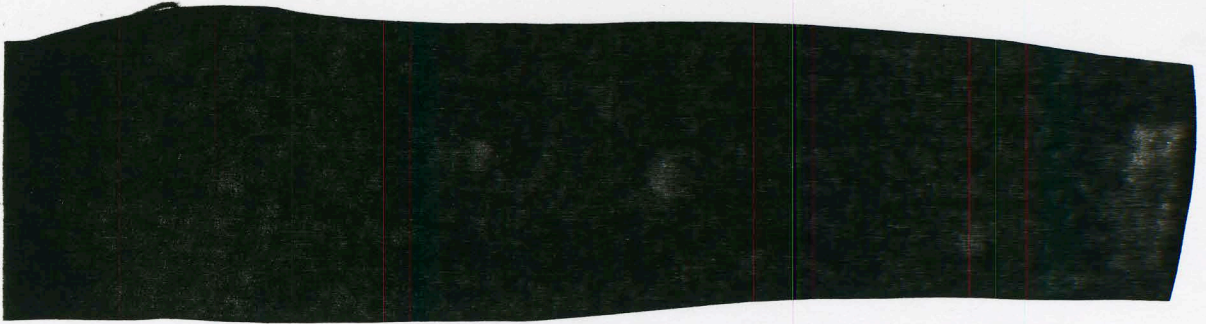
THE RETURN OF CAPTURED MILITARY PERSONNEL
AND FOREIGN CIVILIANS OF THE PARTIES

Article 8. - a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians in their custody [more precise] on the day of the signing of this agreement.

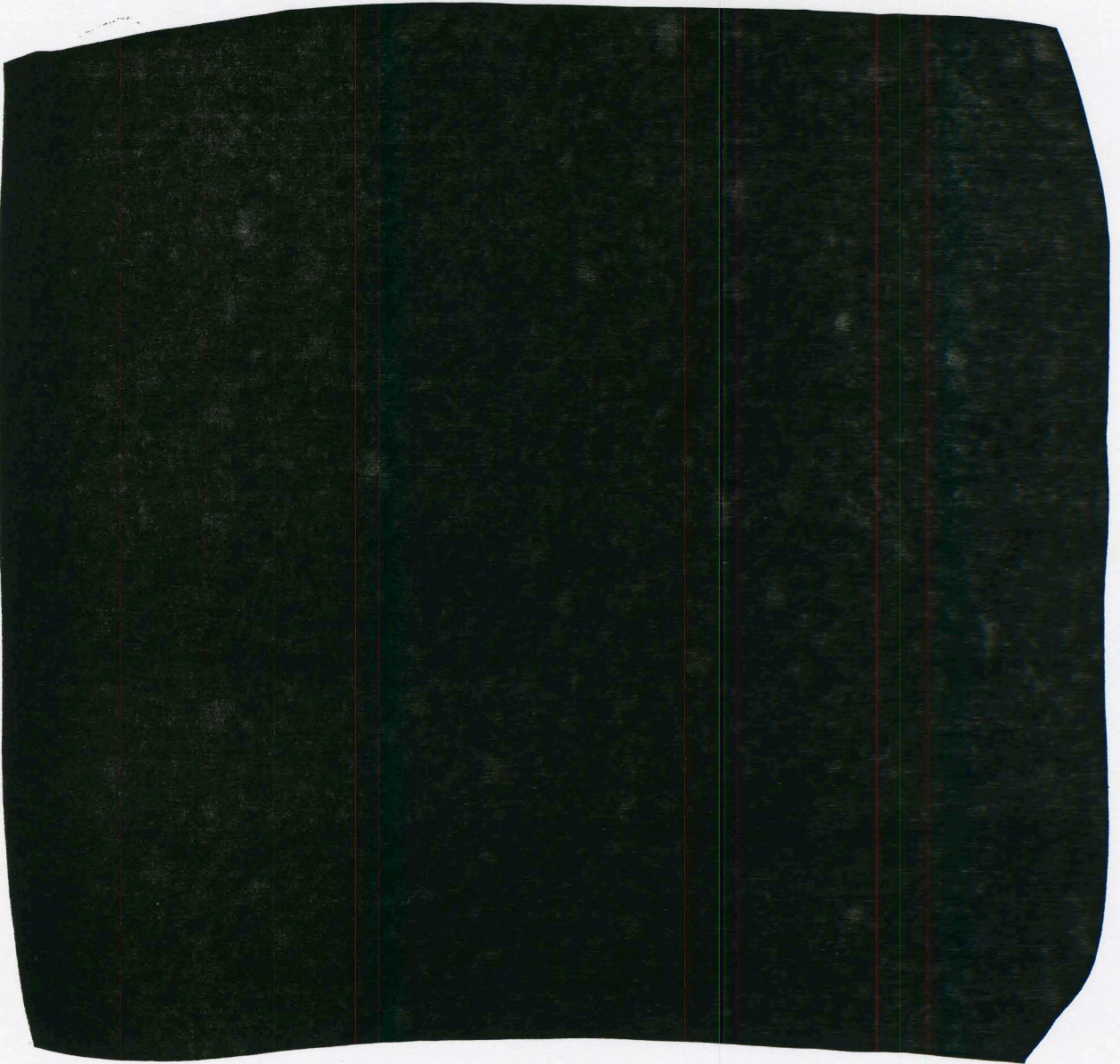
b) The parties shall help each other to get information about those captured military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required; to get information about those still considered missing in action.

c) The question of other Vietnamese civilian personnel detained in South Vietnam and not covered by 8 a) above will be resolved by the South Vietnamese parties on the basis of the principles of Article 21 b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954.






- Article 8, regarding the return of captured
military personnel and foreign civilians of the parties.



- Article 8, regarding the return of captured
military personnel and foreign civilians of the parties.



SA 99 B-42

THE WHITE HOUSE
WASHINGTON

November 1, 1972

To: John Negroponte

From: Win Lord

For your info and any follow-up action.

(DP)

Chapter III

THE RETURN OF CAPTURED MILITARY PERSONNEL
AND FOREIGN CIVILIANS OF THE PARTIES

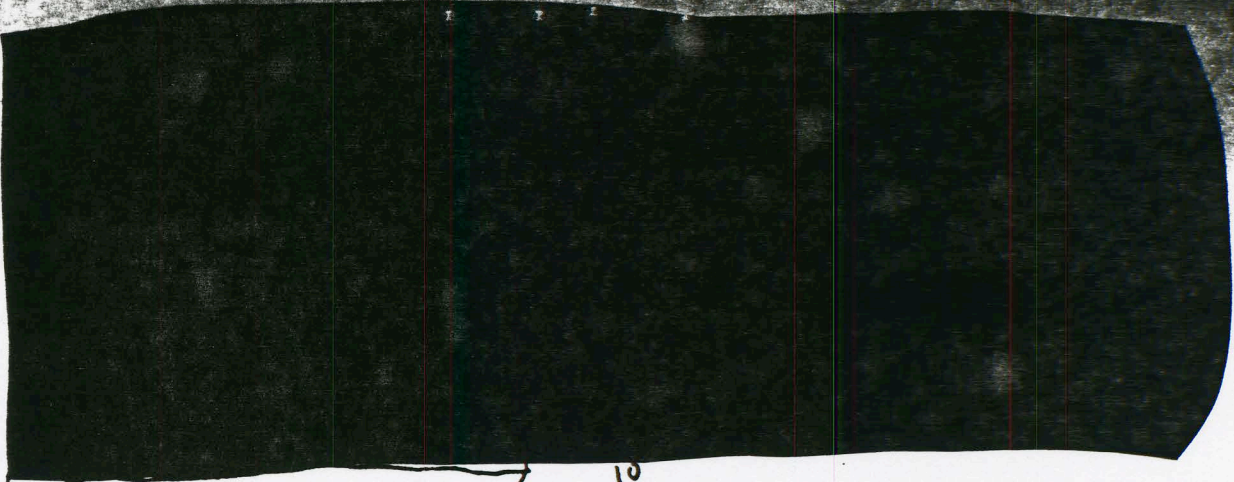
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Article 8. - a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed on the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this agreement.

b) The parties shall help each other to get information about those captured military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

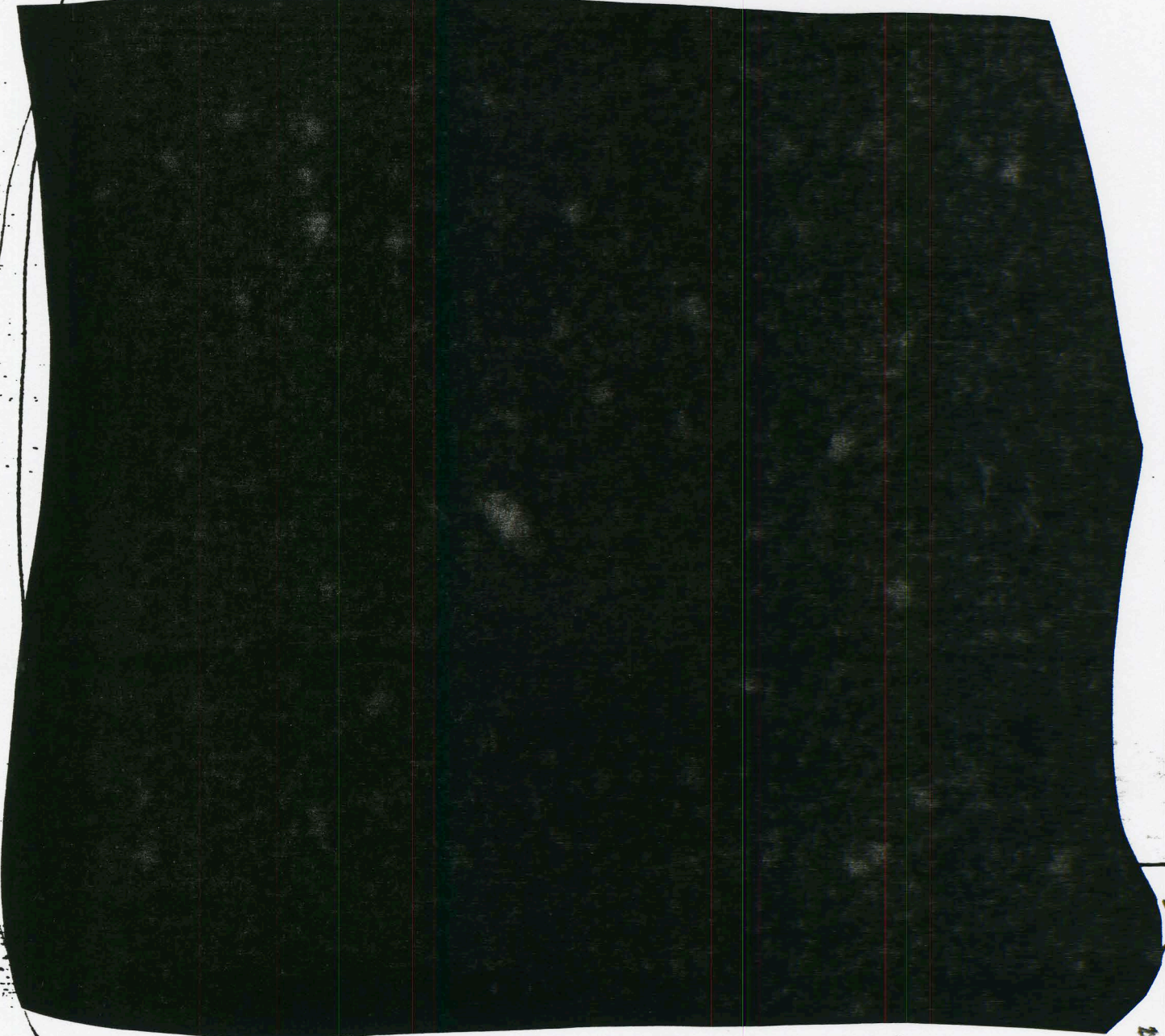
c) The question of other Vietnamese civilian personnel detained in South Vietnam and not covered by 8 a) above will be resolved by the South Vietnamese parties on the basis of the principles of Article 21 b) of the agreement on the cessation of hostilities in Vietnam of July 20, 1954. The South Vietnamese parties will do so 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 three months after the ceasefire comes into effect.




10

- Article 8, regarding the return of captured
military personnel and foreign civilians of the parties.



... - Article 8, regarding the return of captured
military personnel and foreign civilians of the parties.



OCT 31, 1970

THE WHITE HOUSE
WASHINGTON

TOP SECRET/EXCLUSIVELY EYES ONLY

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

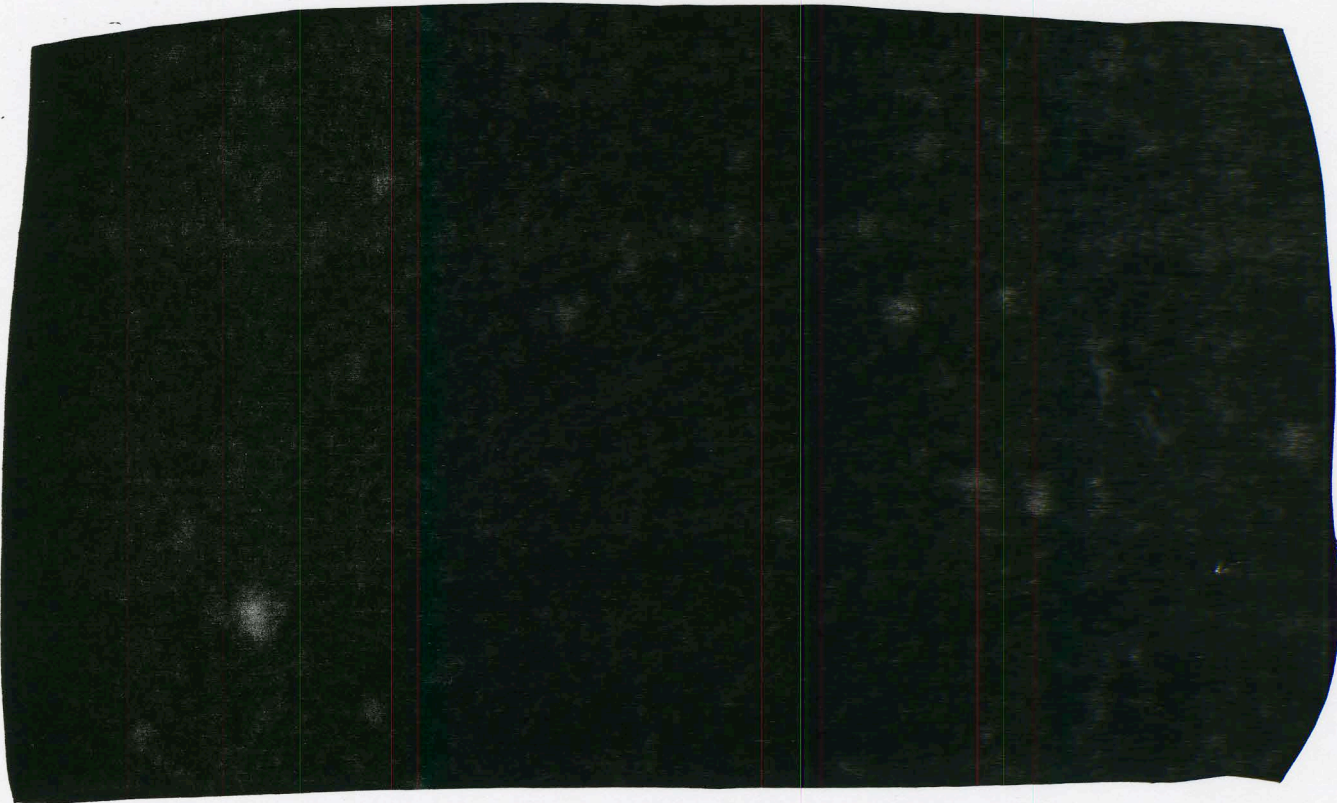
Lon Nol, President of the Khmer Republic
Hang Thun Hak, Prime Minister of the
Khmer Republic
Dr. Henry A. Kissinger, Assistant to the
President for National Security Affairs
Ambassador William H. Sullivan, Deputy
Assistant Secretary of State for Far
Eastern Affairs
John D. Negroponte, NSC Staff

DATE & TIME:

October 22, 1972, 10:00 a.m. - 1:15 p.m.

PLACE:

Lon Nol's Residence
Phnom Penh, Cambodia



TOP SECRET/EXCLUSIVELY EYES ONLY

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E.O. 12356, Sect. 3.4

NSC 9/22/93 F9301189

By MKO NARA, Date 9/30/93

SA 99

As you know, the basic position of President Nixon was laid down on the 8th of May, 1972 when he announced the mining and the resuming of bombing of North Vietnam. The principles he established at that time were that we wanted a ceasefire and the release of United States prisoners of war in return for which we would withdraw from Vietnam. In addition, we have said consistently that we would not impose a government on South Vietnam, that we would not discuss political personalities and we would insist that the political future of South Vietnam be shaped by the South Vietnamese people themselves. We have always said there could be no concessions on these points.





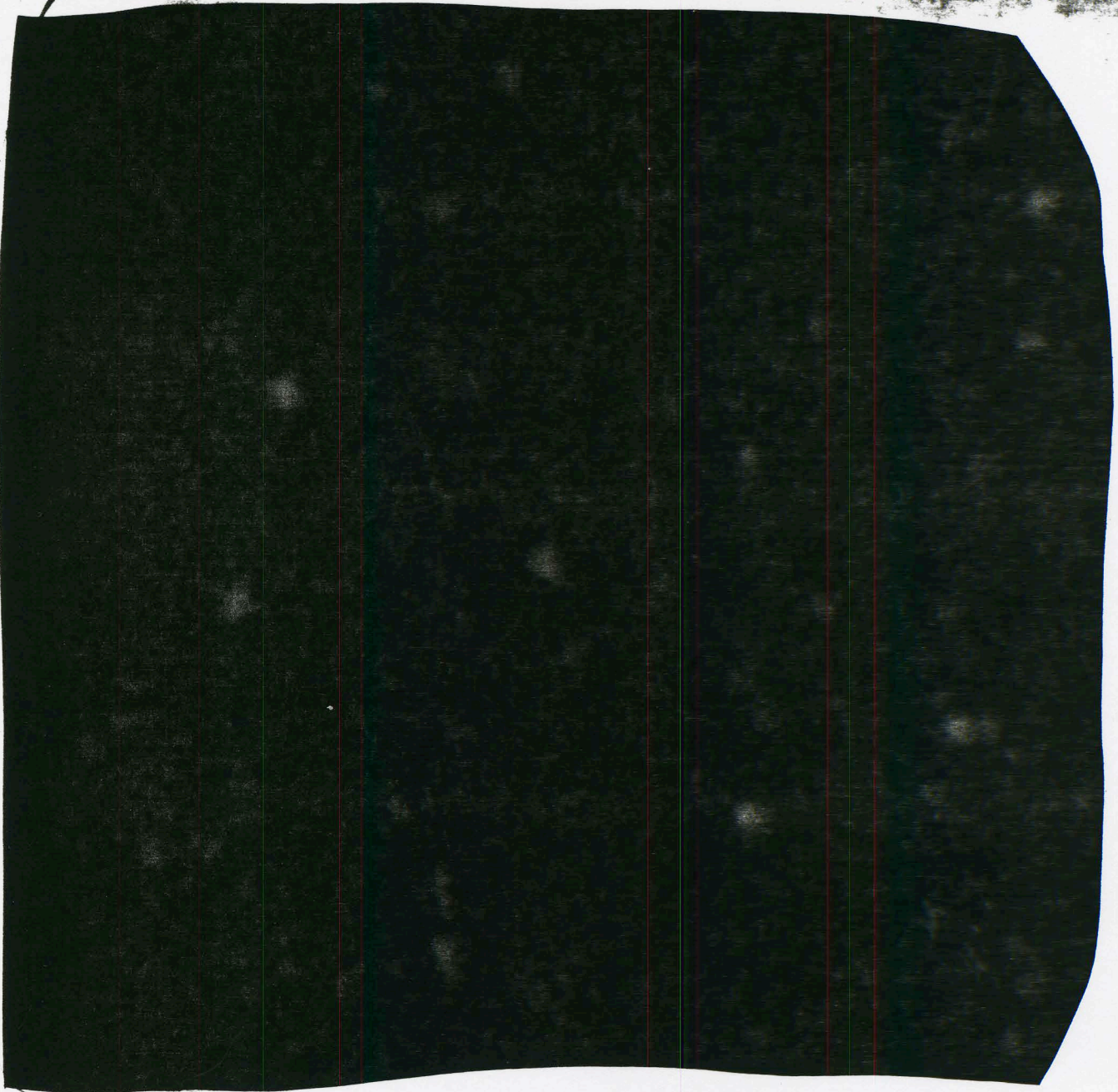
President Lon Nol: Of course -- I just wanted to give you a general idea of my feelings.

Dr. Kissinger: Along with the ceasefire both sides will release their prisoners except the civilian prisoners held by the Republic of Vietnam which will be the subject of a separate negotiation between the South Vietnamese parties. In other words, the North Vietnamese have left Viet Cong civilian prisoners of war to the South Vietnamese for negotiations. One can hardly say that this is the action of a victorious side.

TOP SECRET/EXCLUSIVELY EYES ONLY

SA 99 B-44


PROPOSAL

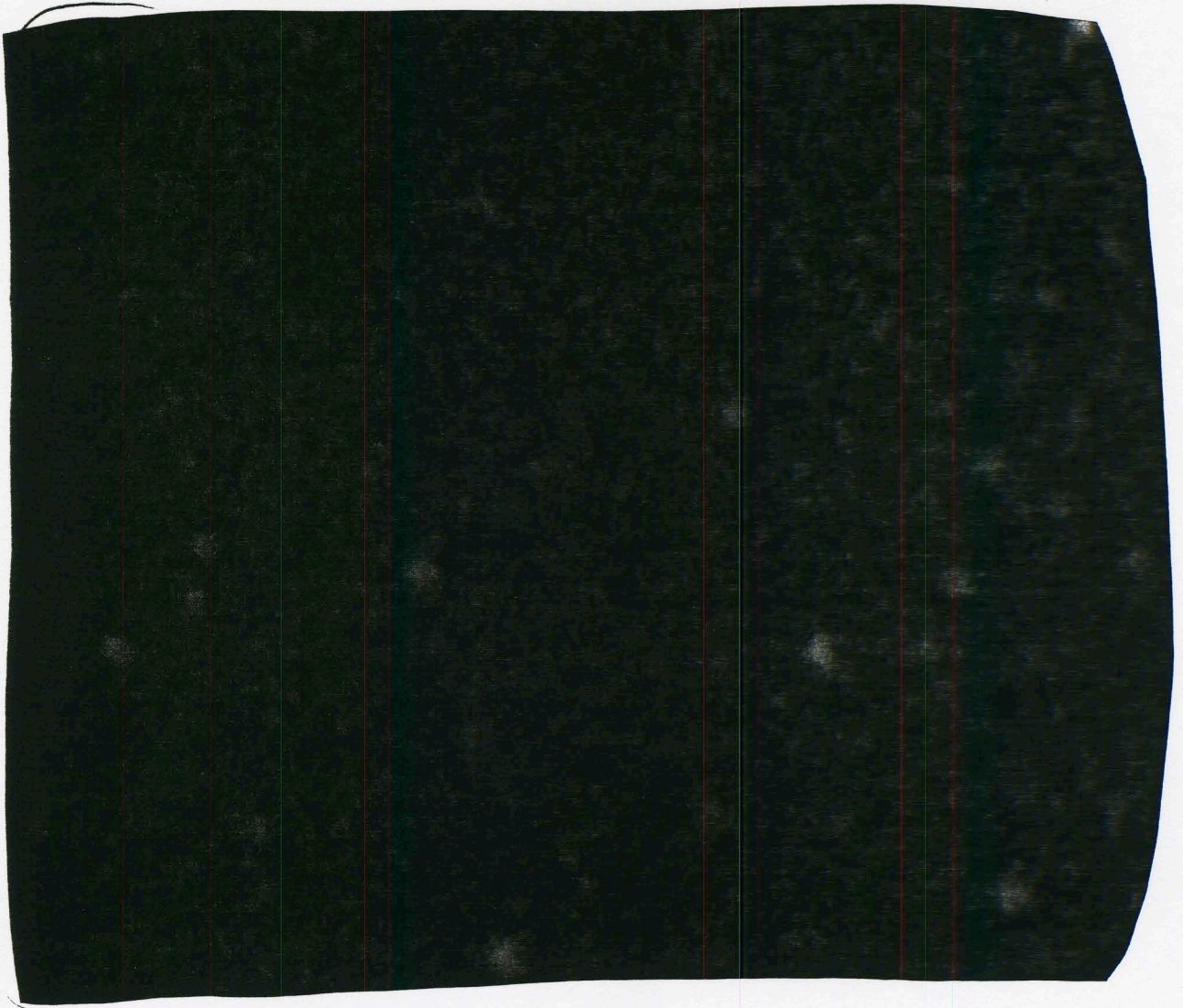


3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina, including American servicemen captured in North Vietnam, will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties

(DP)

will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement. As part of the overall agreement there will be provision for verification of those still considered missing in action throughout Indochina after prisoner of war lists have been exchanged.





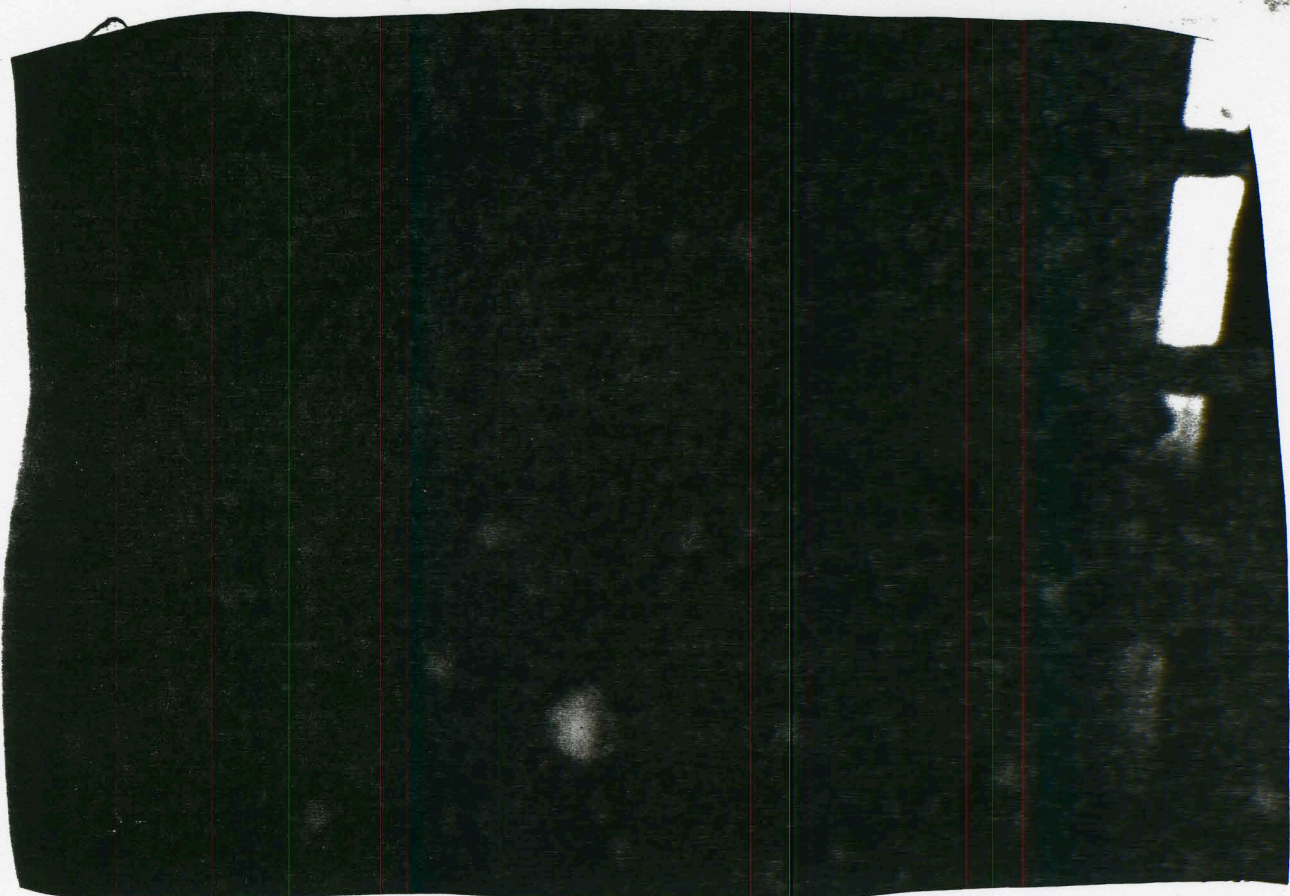
Following the signature of the overall agreement and implementation of ceasefires throughout Indochina, the tasks of the International Commission of Control and Supervision will be:

-- To control and supervise U. S. and allied withdrawal from South Vietnam and the releases of prisoners of war and innocent civilians, as defined in points 2 and 3 above;

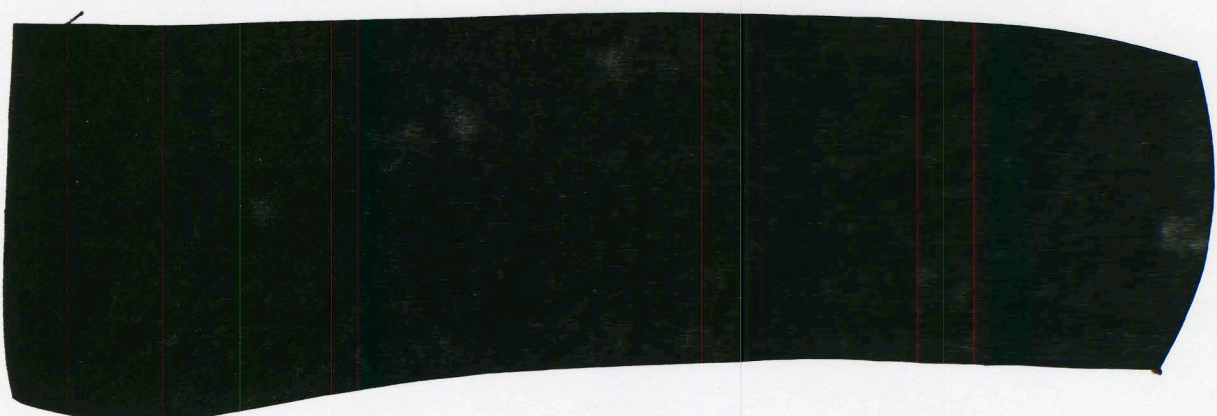
remaining pages

not relevant

SA 99 B-45



3. The release of all military men and innocent civilians captured throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured throughout Indochina on the day of the signing of the overall agreement.



DP

remaining pages
not relevant

A99 B-46
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

*Excluded
9/28/72*

MEMORANDUM FOR:

THE PRESIDENT

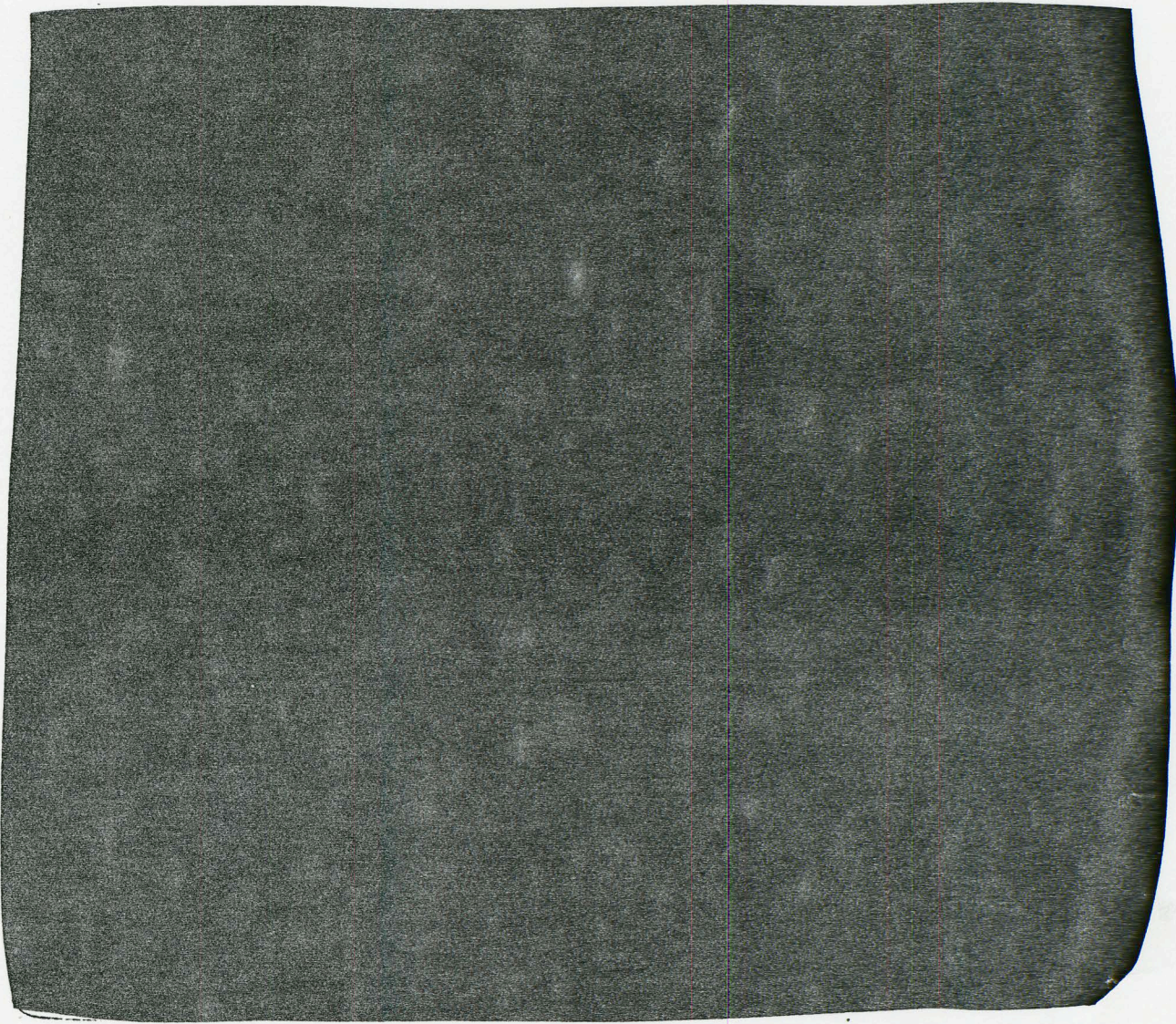
FROM:

HENRY A. KISSINGER

SUBJECT:

My Meetings With the North Vietnamese
September 26-27, 1972

Overview



TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

(DP)

DECLASSIFIED

E.O. 12356, Sect. 3.4

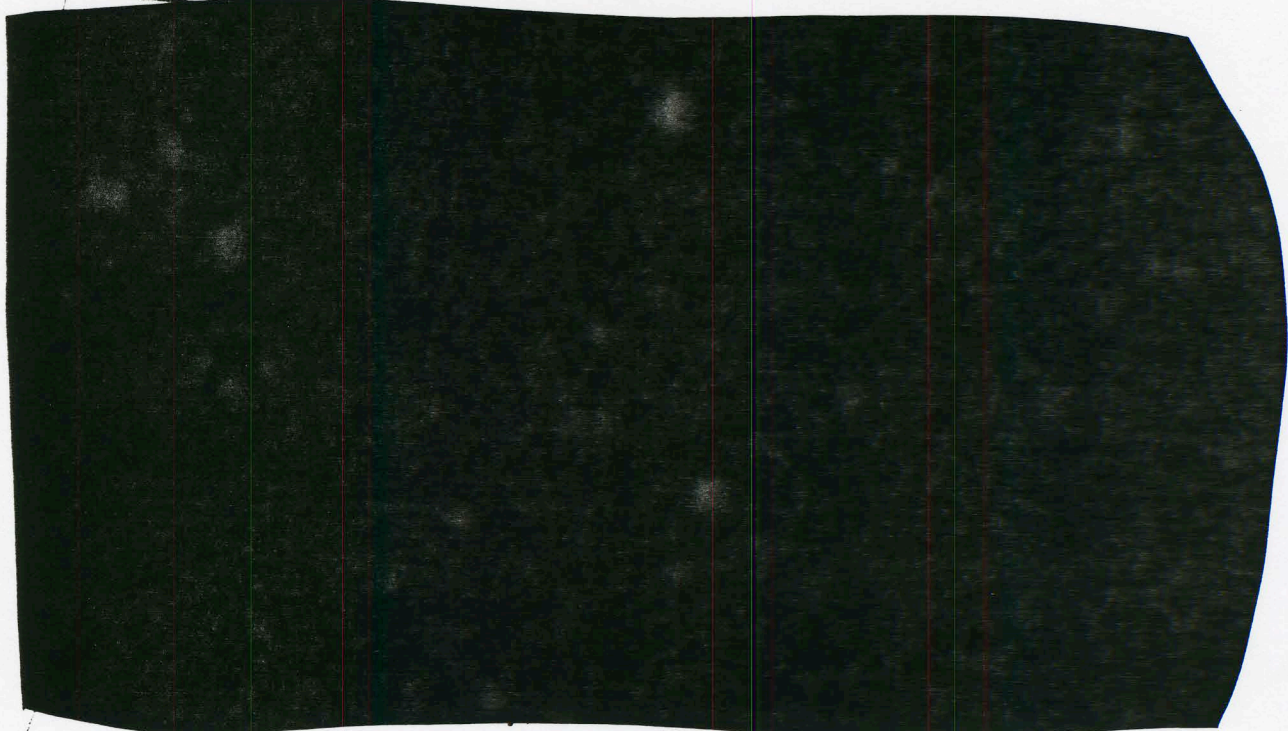
NSC 9/22/93 F9301189

By MRO NARA, Date 9/30/93

SA 99

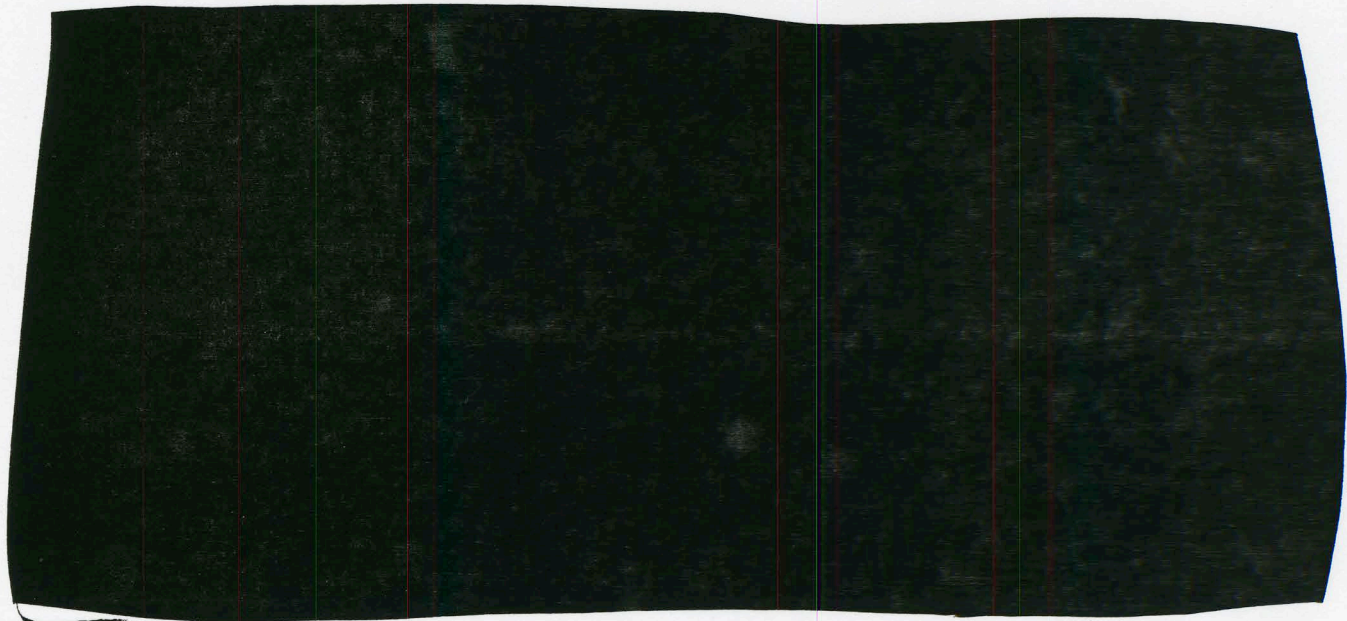
~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

3



Both sides reviewed all issues again, specifying agreements and disagreements. Among the more significant points that emerged:

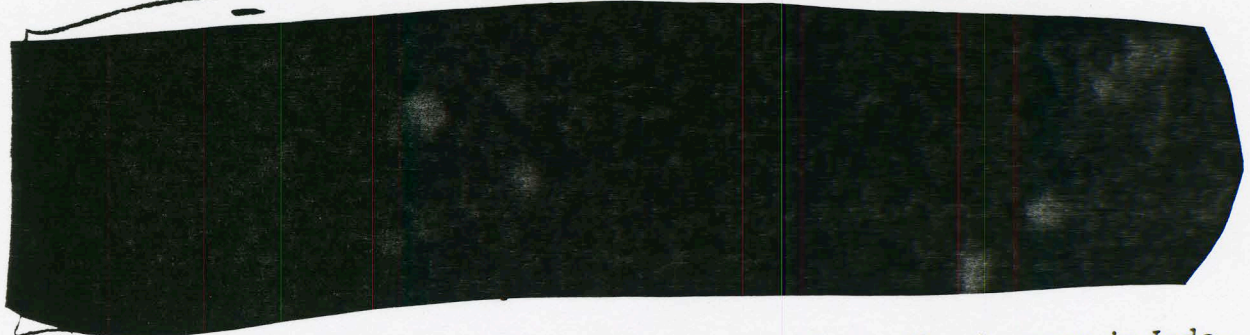
-- Their assurances that there were no American POWs in Cambodia and that the few in Laos would be released by their friends.



~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

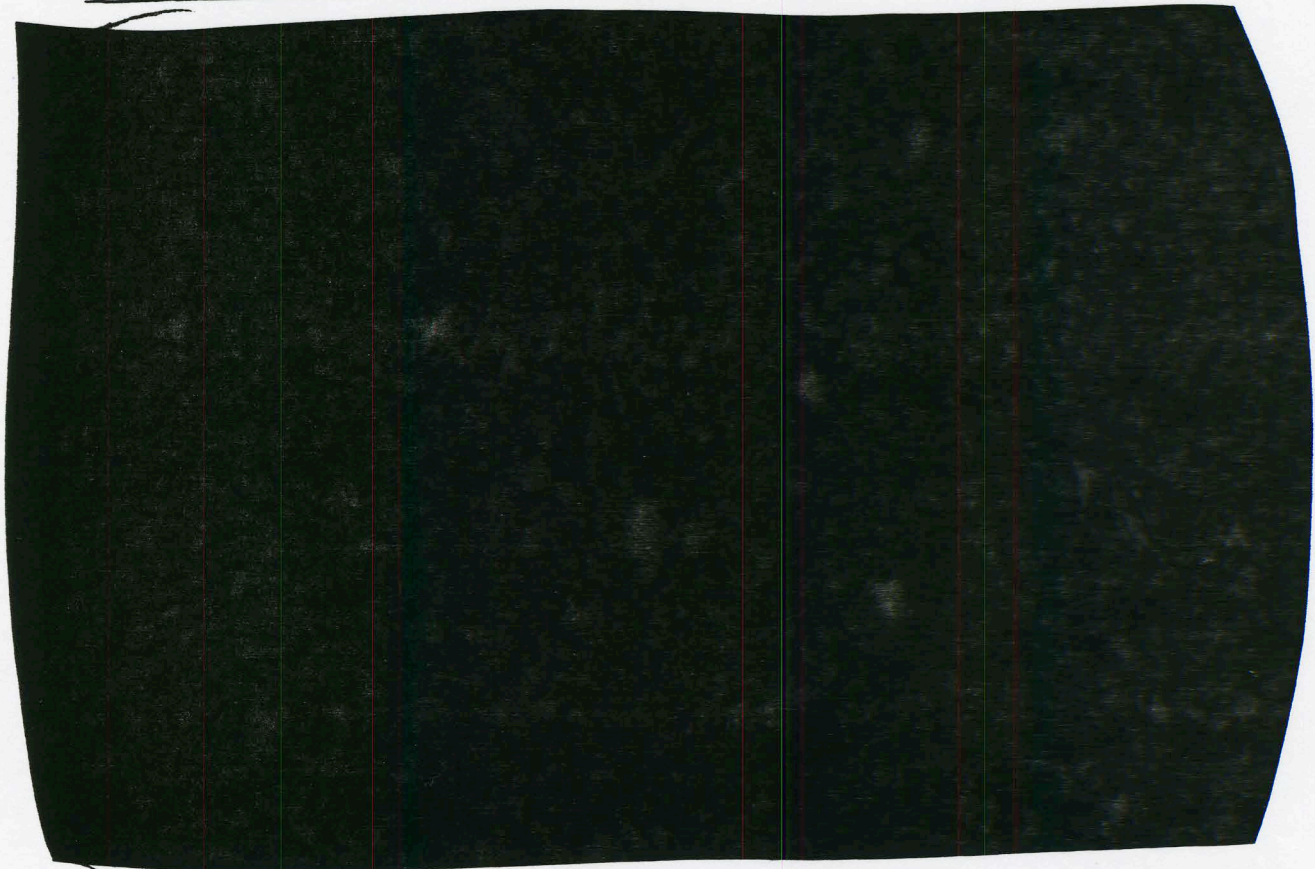
~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

9



-- We would conclude no agreement unless all prisoners in Indochina were released. He later said that no American military personnel were being held in Cambodia; few in Laos; and they would make sure their friends released them in any event.

-- I handed over an illustrative paper on the modalities for withdrawals and prisoner release, each paced evenly over three months.



-- In addition to his assurances that all our prisoners would be released, his most interesting comment was on their troops in Laos and Cambodia. In response to my pointed questions, he did not deny they

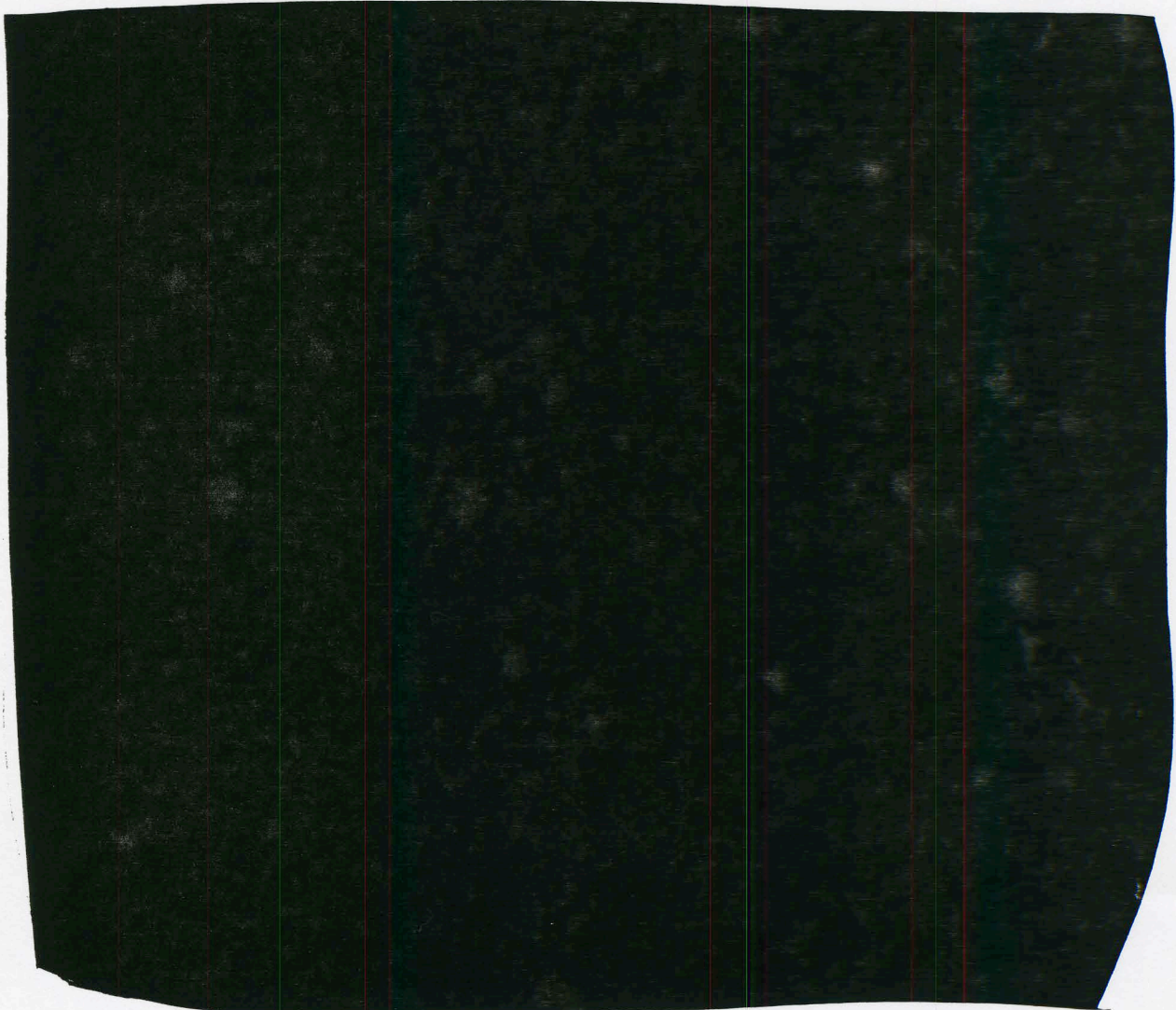
~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

10

were in those countries and assured us they would all withdraw as part of the Laos and Cambodia settlements which would quickly follow the Vietnam one.

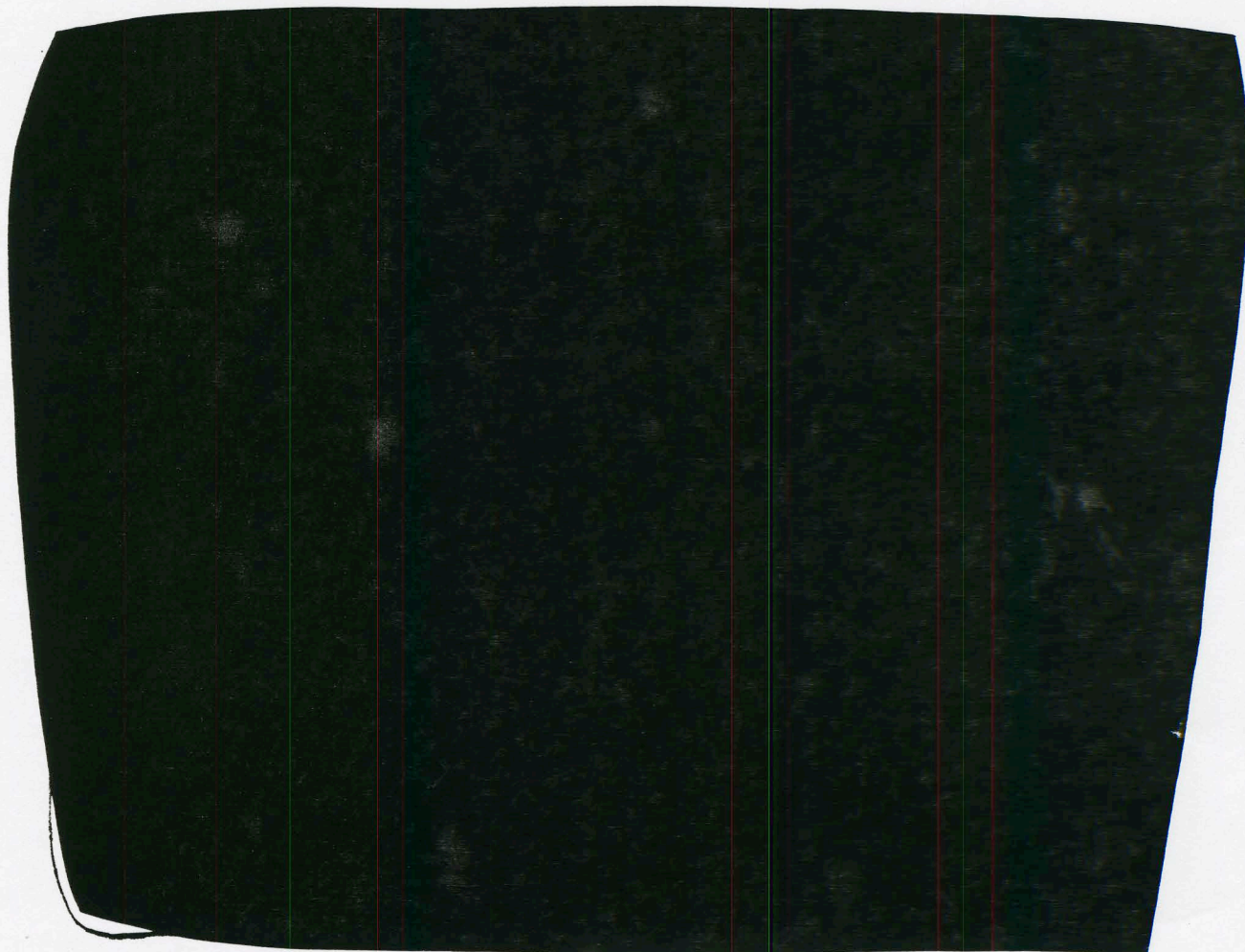
-- He refused to put this assurance in writing, claiming (as on prisoner and ceasefire) that the U.S. and DRV could not unilaterally decide matters for Laos and Cambodia. (This verbal commitment, of course, means nothing in itself, but we can perhaps build on it. It is the first time they have ever addressed this problem.)



~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY



-- Our point 3, on prisoners, remained the same. However, I referred to the implementation paper we had handed them the previous day, stressing access to detention facilities, verification of MIA's, and the necessity of getting back all our POW's throughout Indochina. I noted the assurances Tho had given us on our prisoners in Laos (as well as there being none in Cambodia).



~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

13-47

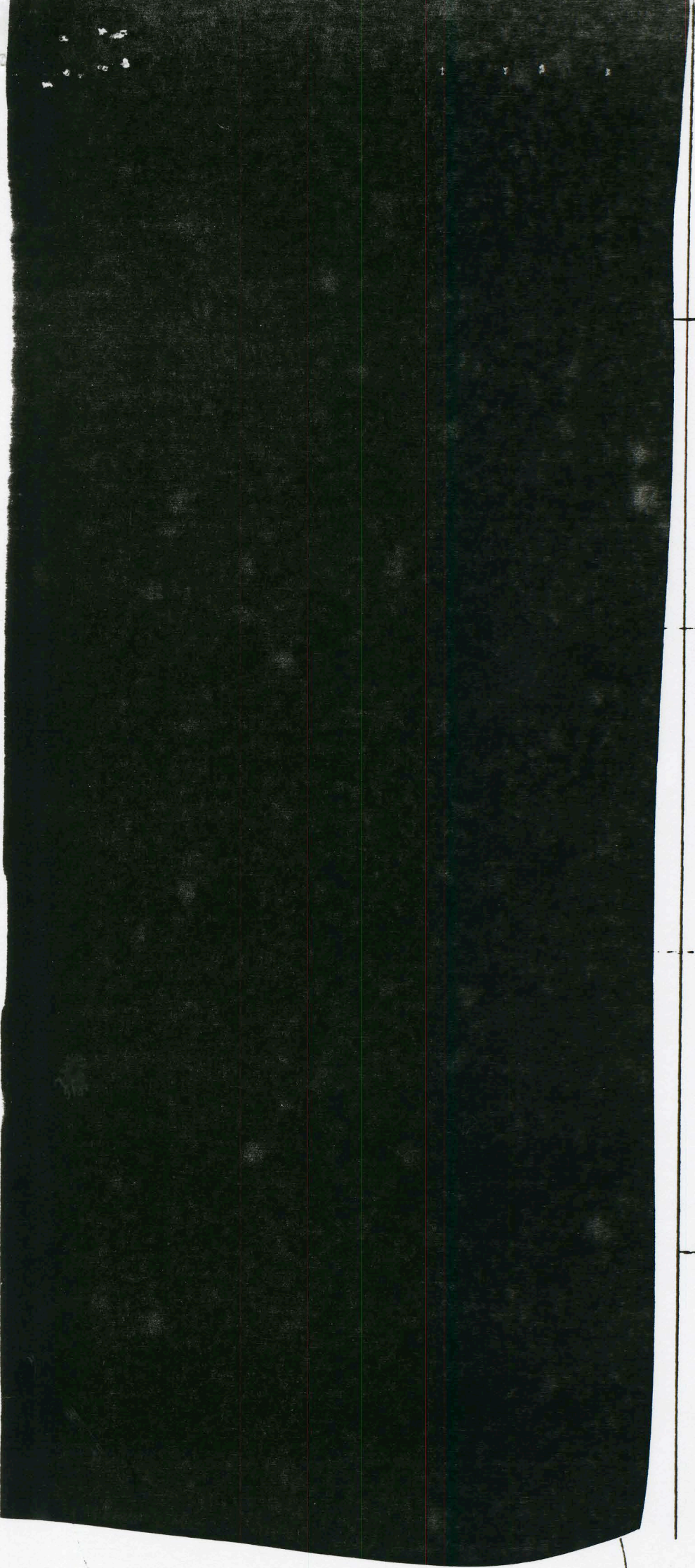
MILITARY STIPULATIONS

13-47

DP

Prisoners of War

Seven Points	Two Points	August 1, 1972	September 15, 1972	September 26, 1972
The total release of military men and civilians on both sides captured during the war will begin on the same date as U.S. withdrawal and will end with the completion of U.S. withdrawals.	The terminal date of U.S. withdrawals will also be the terminal date for prisoner releases. (No mention is made of when prisoner releases should begin.)	Prisoners "captured during the war" will be carried out simultaneously with and completed on the same day as the U.S. withdrawal. Lists of prisoners will be exchanged on the day of the signing of an overall agreement.	Same as August 1 except it specifies those "captured during the Vietnam war." This is probably designed to exclude those captured in Laos and Cambodia.)	Same as August 1.



p. 3 not
relevant

SA 99 B-48

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~TOP SECRET~~
~~EYES ONLY~~

URGENT INFORMATION

September 28, 1972

MEMORANDUM FOR:

MR. KISSINGER

FROM:

JOHN NEGROPONTE

SUBJECT:

New Proposals

New Points Contained in Both New Proposals

2. Verification of MIA in point 2.

~~TOP SECRET~~
~~EYES ONLY~~

(DP)

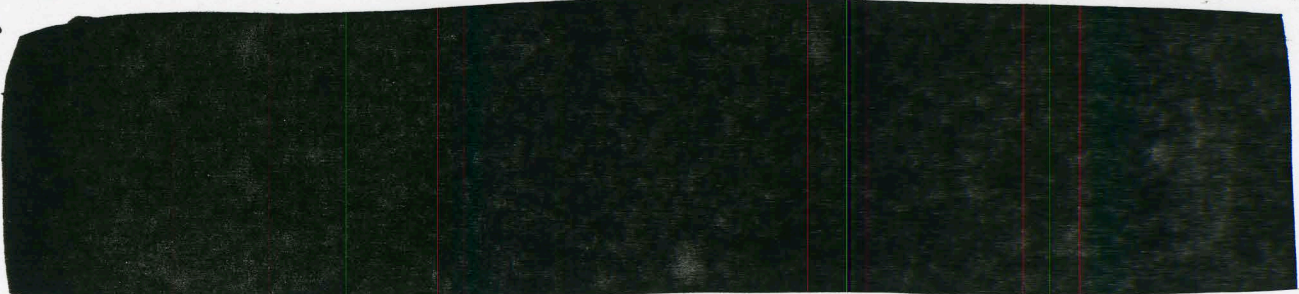
DECLASSIFIED

E.O. 12356, Sect. 3.4

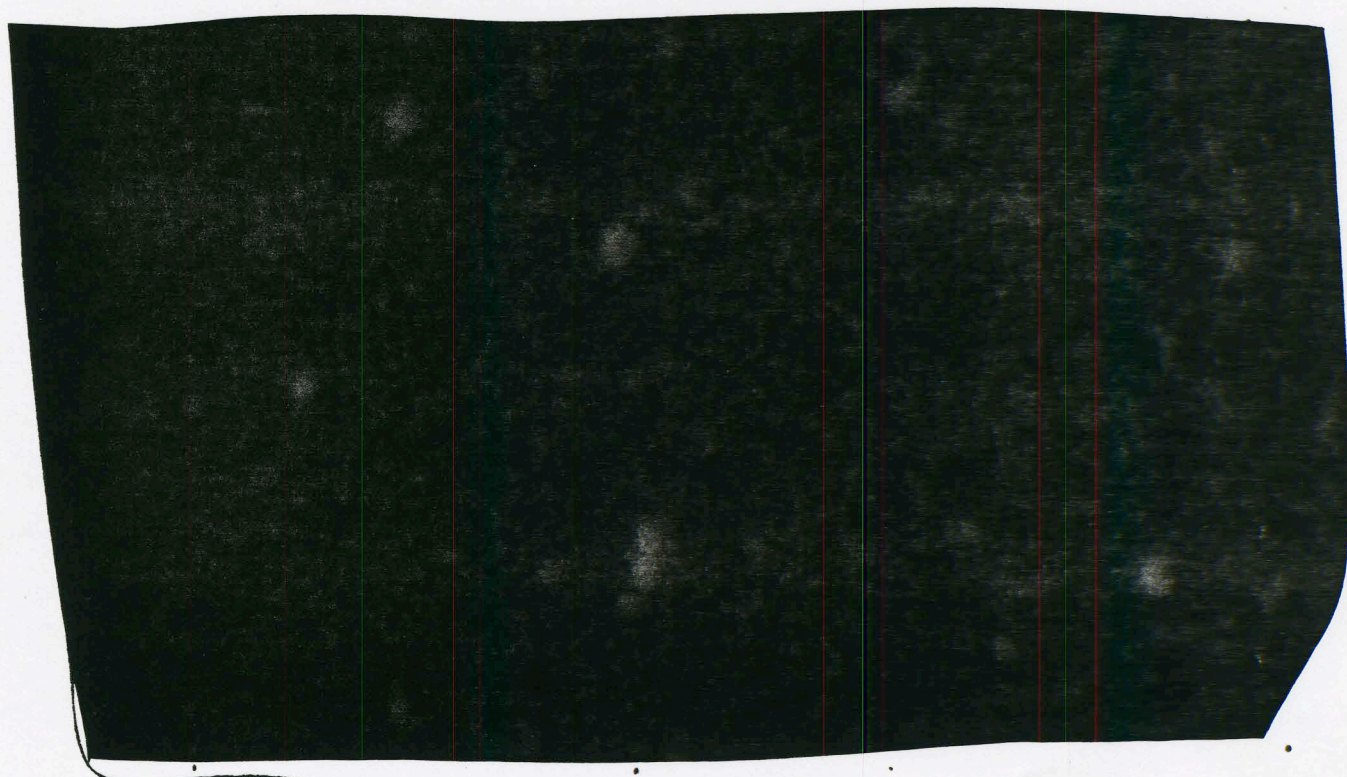
NSC 9/22/93 F9301189

By 1110. NARA, Date 9/30/93

SA 99



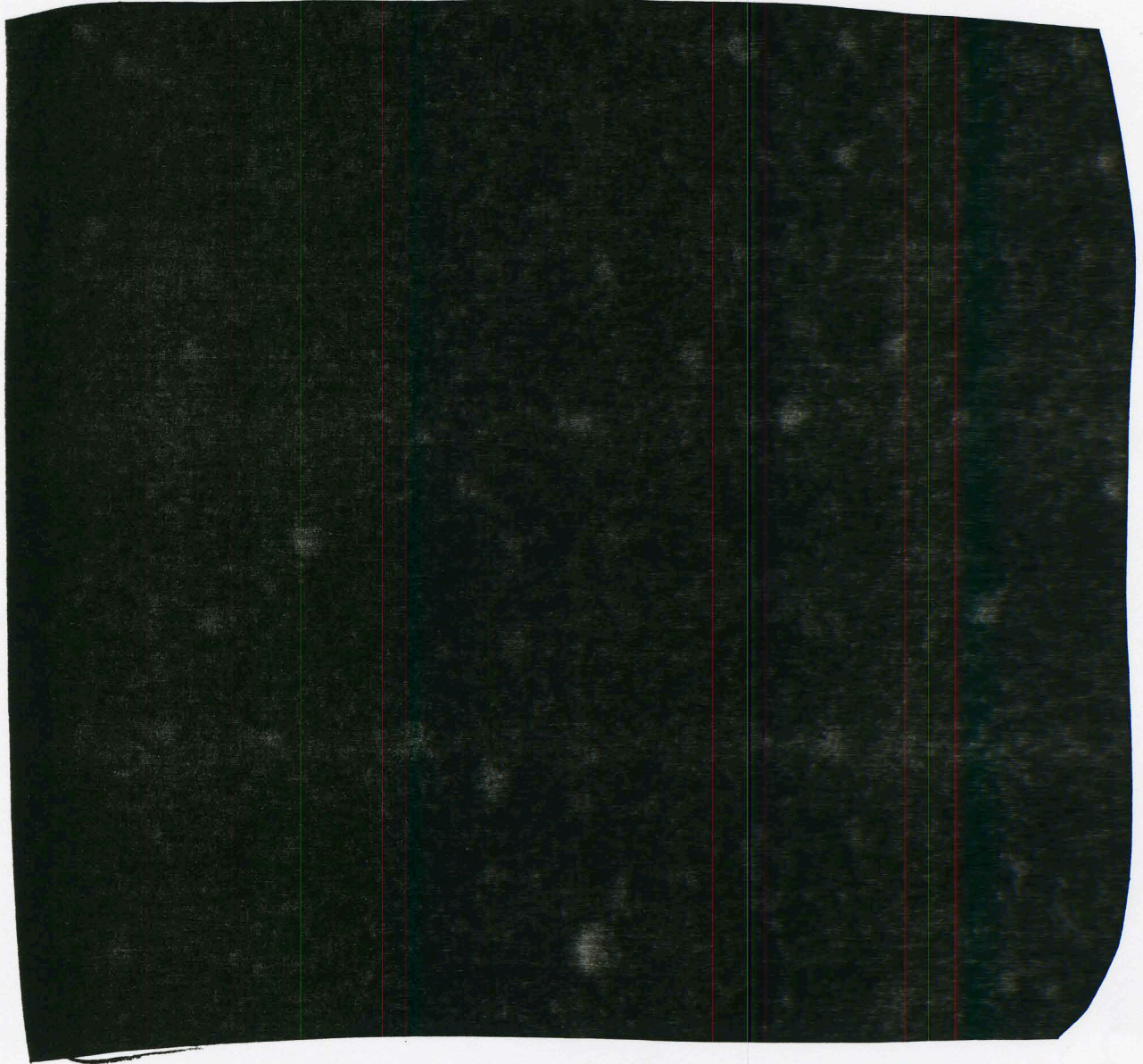
3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement.



*Substantive
Requirements as compared
to 9/27 Proposal*

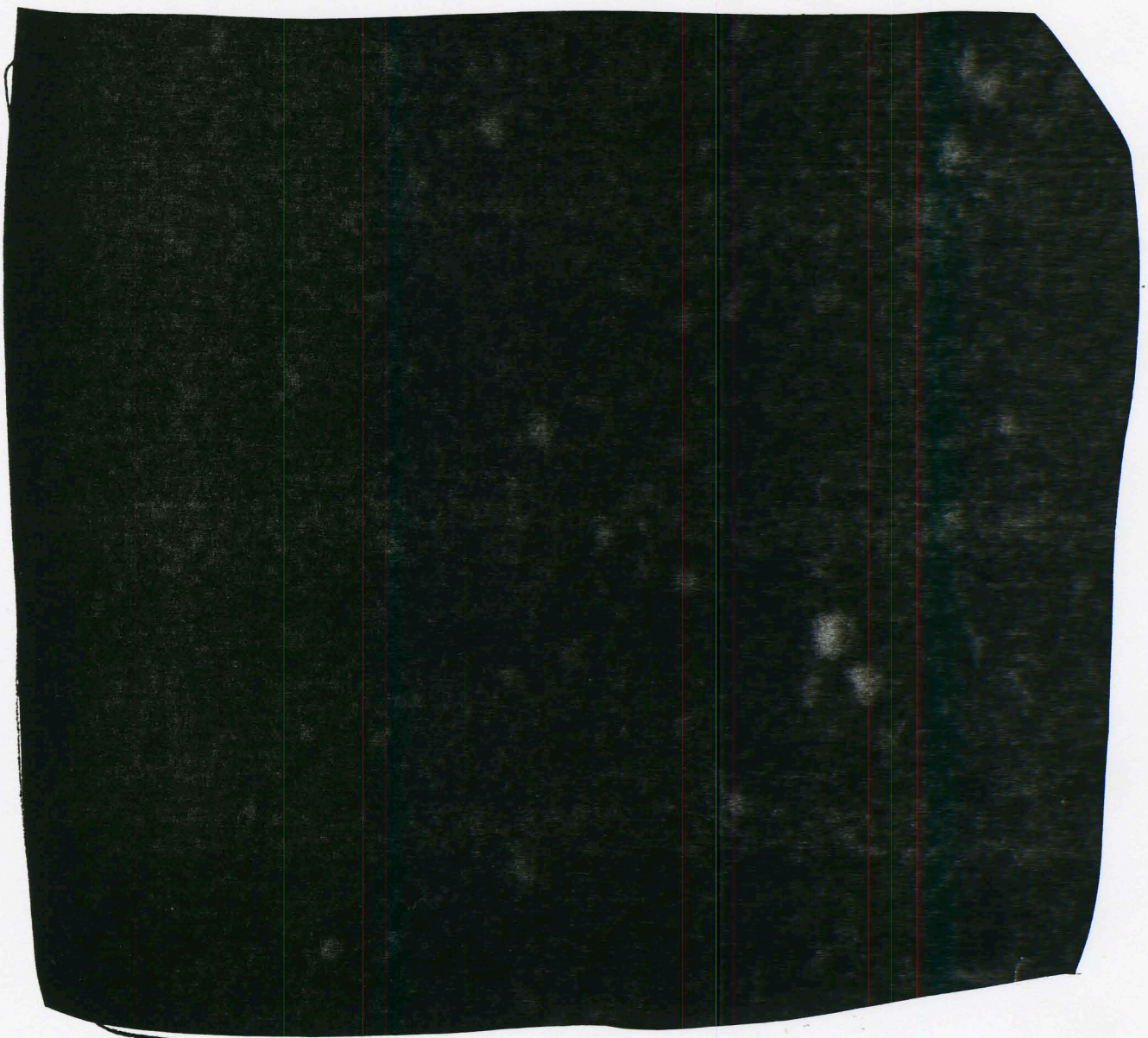
NEW PROPOSAL WITH CONSTITUENT ASSEMBLY

U. S. PROPOSAL



3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal.

The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout on the day of the signing of the overall agreement. As part of the overall agreement there will be provision for verification of those still considered missing in action throughout Indochina after prisoner of war lists have been exchanged.

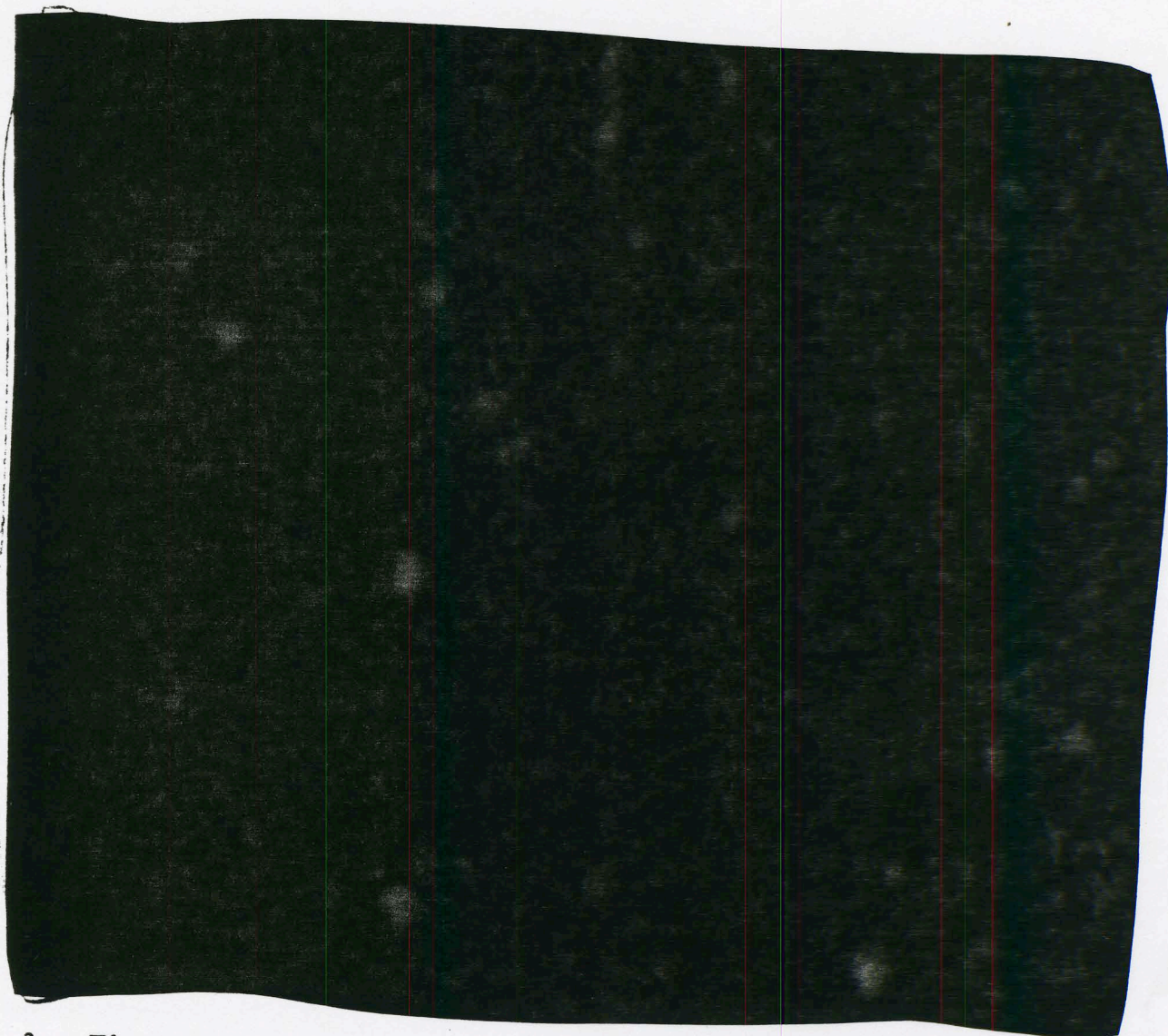


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*New substantial points
uncovered!*

NEW PROPOSAL WITH PRESIDENTIAL
AND NATIONAL ASSEMBLY ELECTIONS

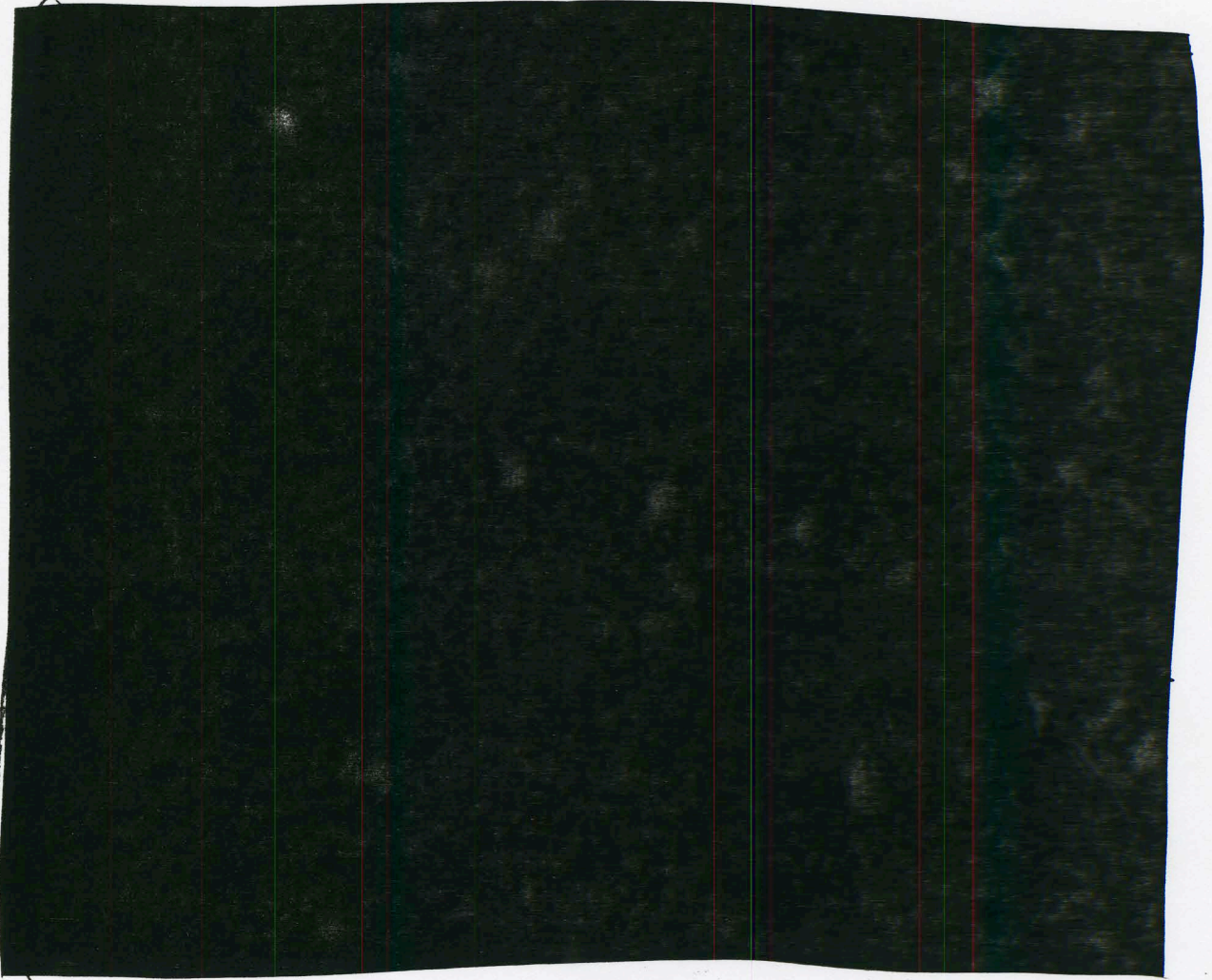
U. S. PROPOSAL



3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously

TOP SECRET

with and completed on the same day as the aforesaid troop withdrawal.
The parties will exchange complete lists of the military men and innocent
civilians captured during the Vietnam war throughout on the day of the
signing of the overall agreement. As part of the overall agreement
there will be provision for verification of those still considered missing
in action throughout Indochina after prisoner of war lists have been
exchanged.



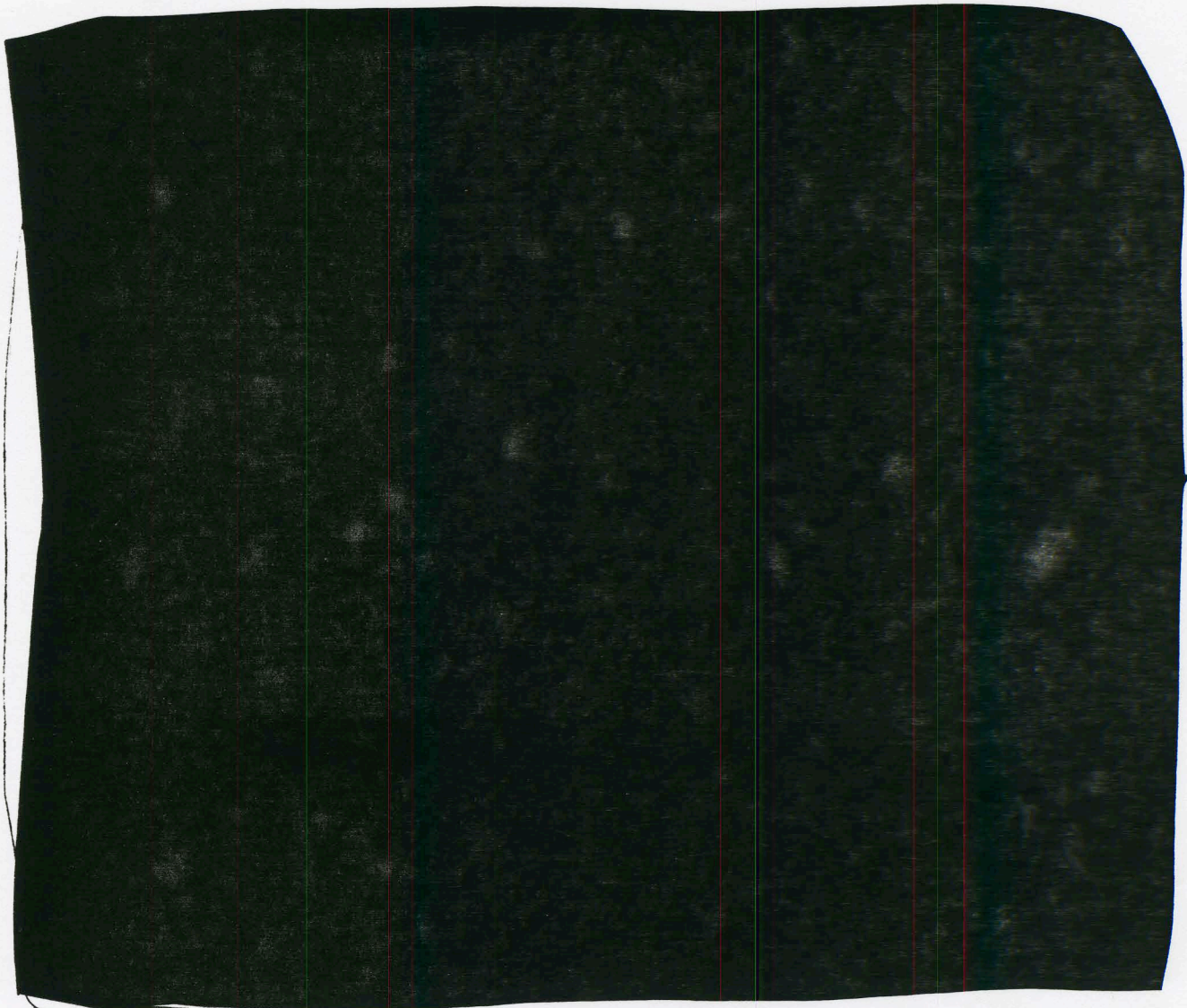
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SA 19 B-49
~~TOP SECRET~~

NEW PROPOSAL WITH PRESIDENTIAL
AND NATIONAL ASSEMBLY ELECTIONS

Eyes only
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file

U. S. PROPOSAL



3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously

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E.O. 12356, Sect. 3.4

NSC 9/22/93 F9301189

By MMO NARA, Date 9/30/93

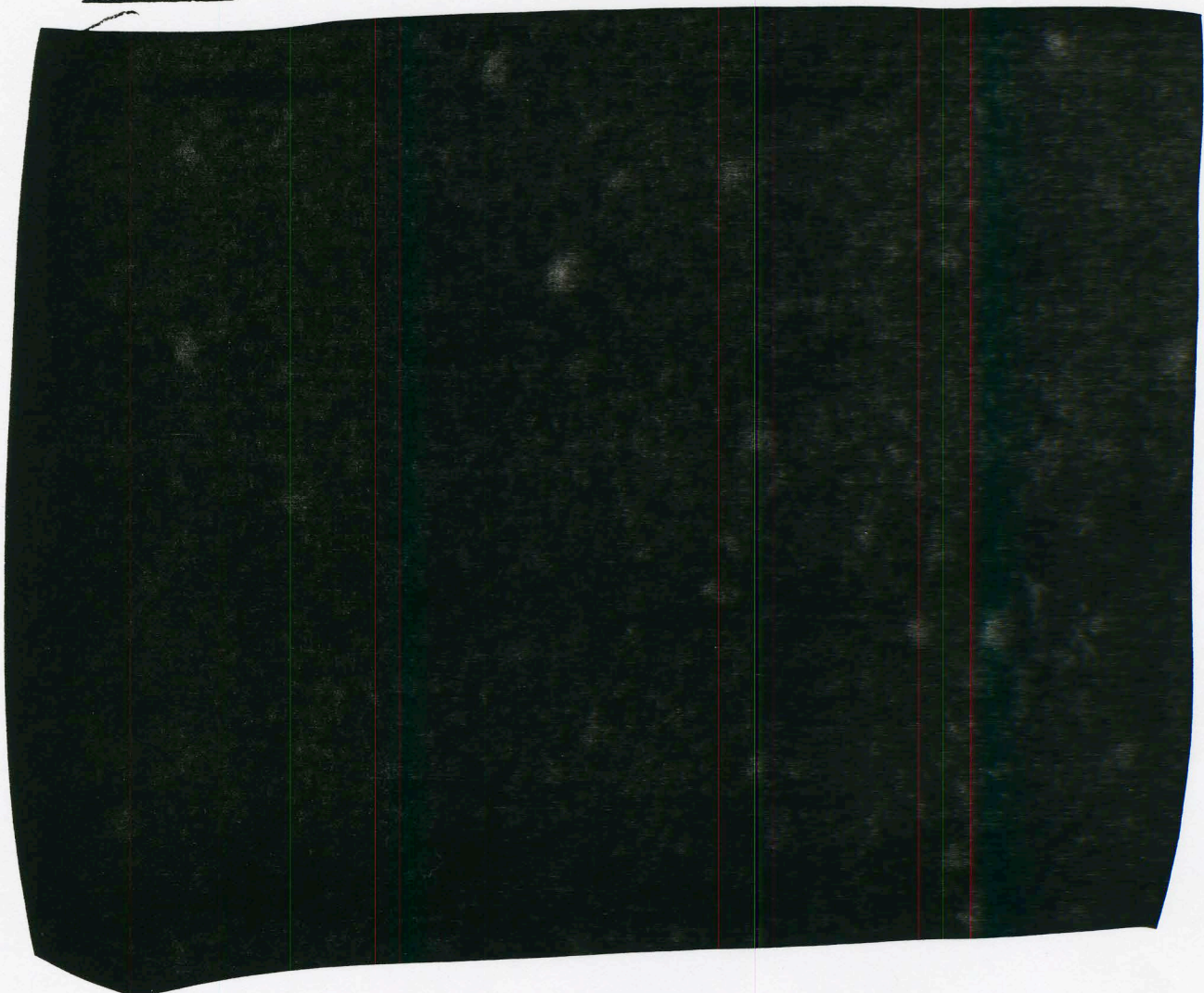
SA 99

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-2-

with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout on the day of the signing of the overall agreement. As part of the overall agreement there will be provision for verification of those still considered missing in action throughout Indochina after prisoner of war lists have been exchanged.



~~TOP SECRET~~

Remaining pages
not relevant

SA 99
B-50

MEMORANDUM

NATIONAL SECURITY COUNCIL

~~TOP SECRET/EYES ONLY~~

September 21, 1972

MEMORANDUM FOR:

MR. LORD

FROM:

JOHN D. NEGROPONTE *JN*

SUBJECT:

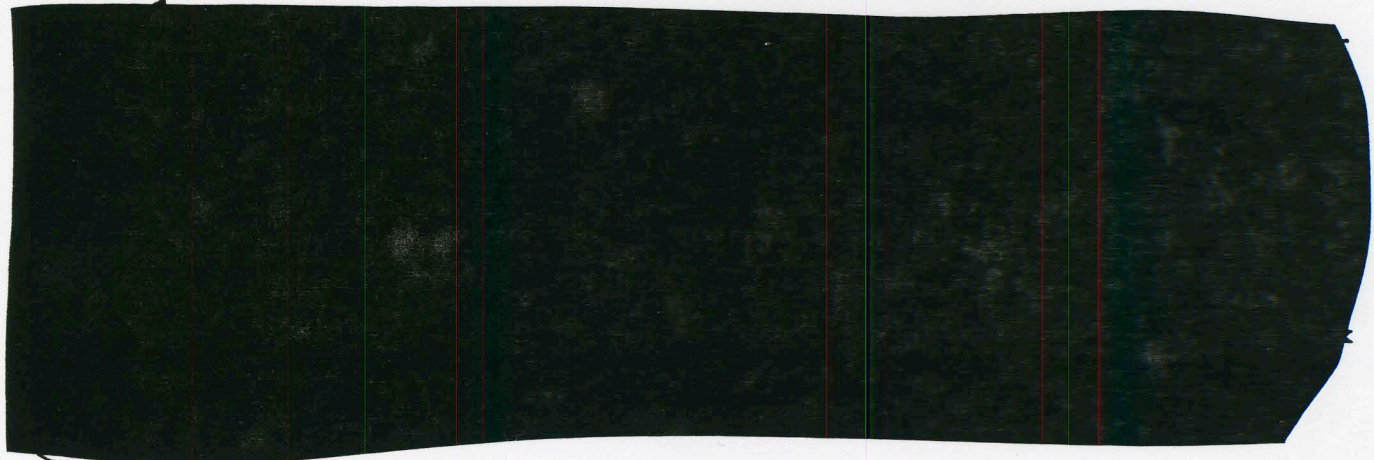
Preparations for Our September 26 Meeting

Attached at Tab A is a brief explanation of how we arrived at our agreed statement of principles which you may want to put in Henry's book.

As for the speech, I think it is superb and have only three suggestions:

1. On page 13 in respect to prisoners you say we are essentially agreed. I have no problem with this but we should flag for Henry the fundamental problem about categorization of prisoners which we do in fact have. Perhaps the way to deal with this would be to add a bracketted note at the end of that paragraph which would read as follows:

Note: We retain the language about "innocent civilians" because we mean civilians, doctors, journalists, missionaries and so forth -- mostly Americans -- and we do not want to open up the whole question of VCI and political prisoners which more appropriately comes under discussion of political guarantees between the GVN and PRG. Clearly the DRV language, as presently framed, is designed to get all the jails open as part of an agreement. End of note.



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NSC 9/22/93 F9301189

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

SA 99

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relevant

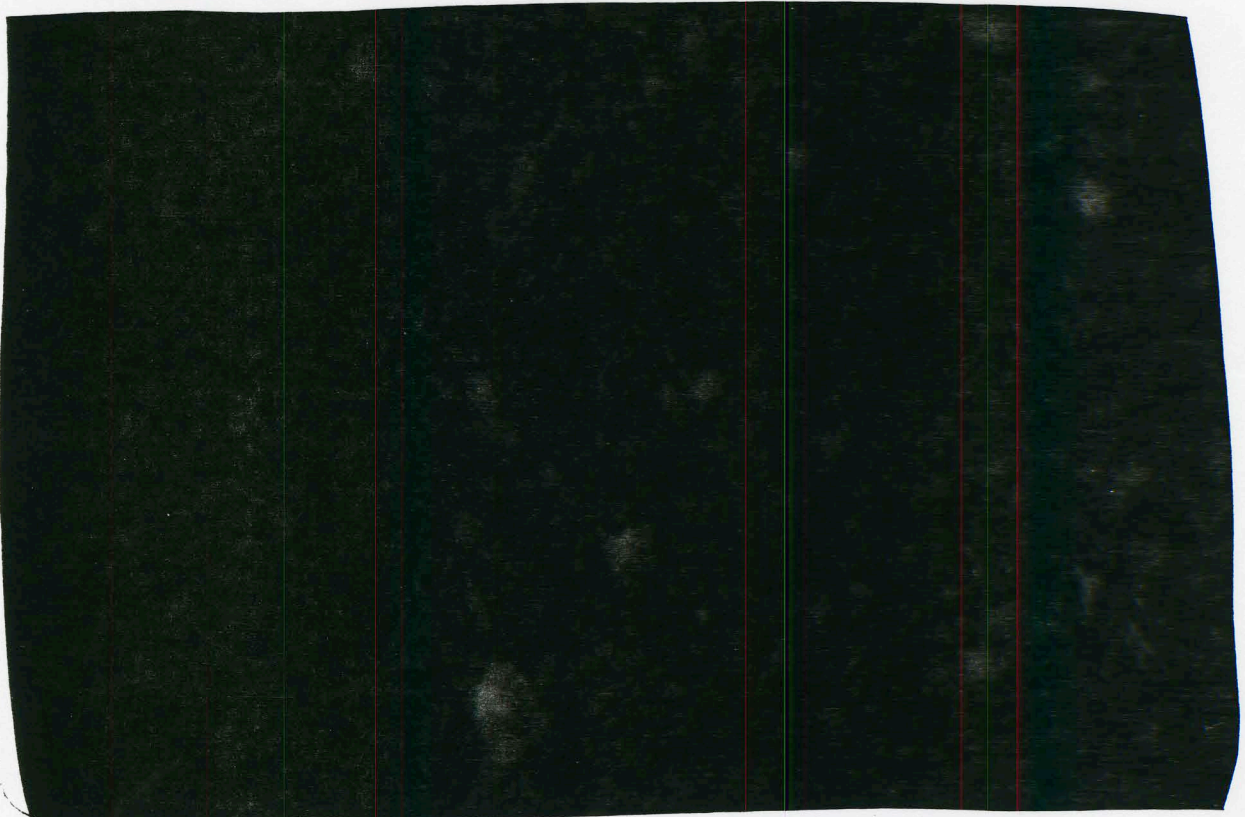
Sh 97 B-53

41
Eyes Only
W/ST full

~~TOP SECRET/EYES ONLY~~

MEMORANDUM FOR: THE PRESIDENT
FROM: HENRY A. KISSINGER
SUBJECT: My Meeting with the North Vietnamese,
September 15, 1972

Overview



I also came down hard on their recent handling of POW releases and their recent public statements which have edged on divulging the private negotiating record.


~~TOP SECRET/EYES ONLY~~

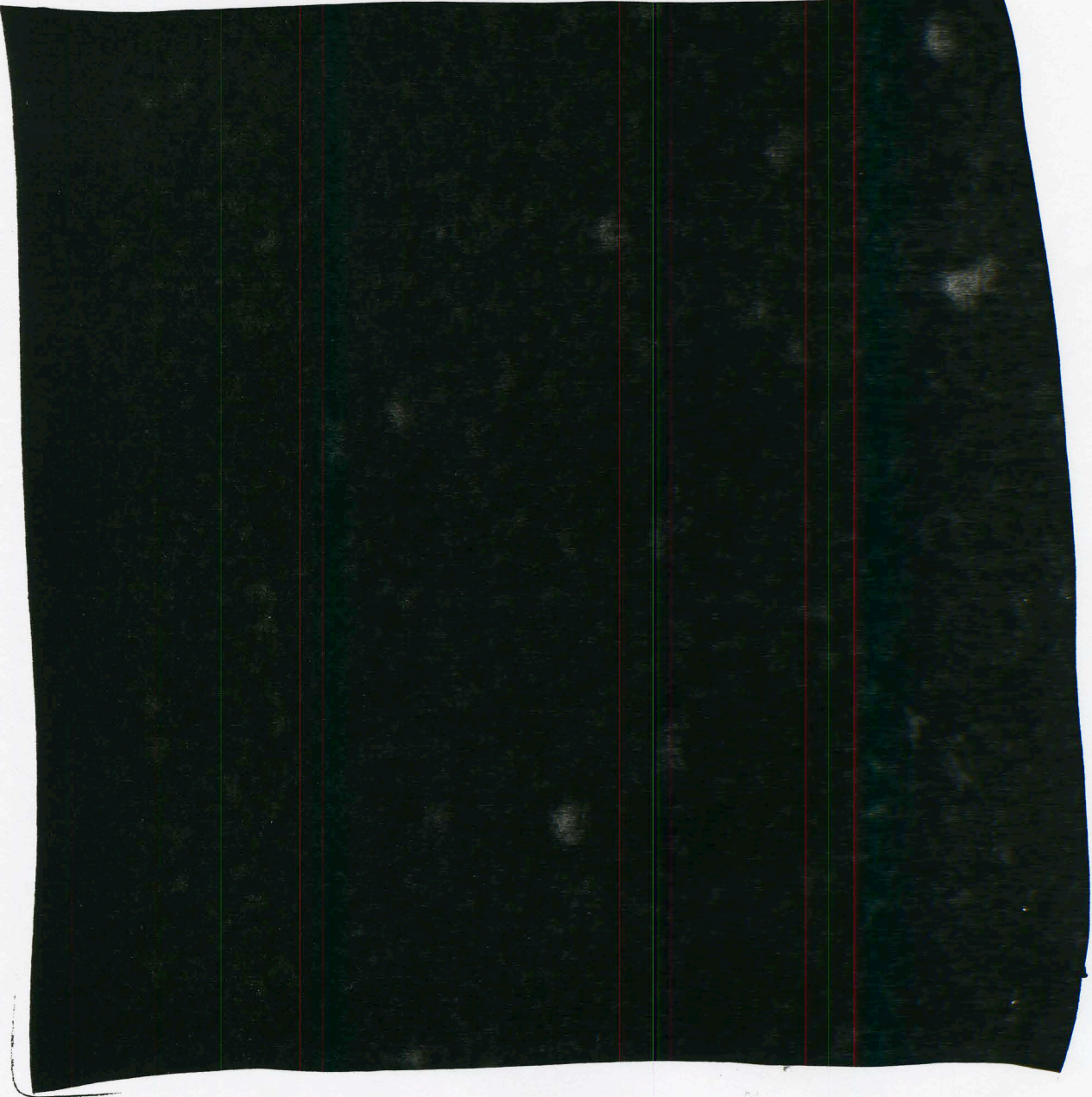
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E.O. 12356, Sect. 3.4
NSC 9/22/93 F9301191
By WKO NARA, Date 9/30/93
SA99

~~TOP SECRET/EYES ONLY~~

-6-

 I also came down hard on the current POW release, pointing out to them the fact that their choice of method assured them that the U. S. public would react in exactly the opposite way of that they intended. Finally, I agreed to stay over until the next day and continue to negotiate if we did not get a chance to finish our business in one session.



~~TOP SECRET/EYES ONLY~~

DRV August 1 Proposal on the Conduct of
Negotiations (Verbatim)

U.S. August 14 Proposal (Summary)

U.S. September 15 Proposal (Summary)

1. At the forum of private meetings between the DRVN and the U.S., will be discussed and resolved all the military questions, all the principles and main contents of the political questions in the settlement of the Viet Nam problem. The two parties will discuss and resolve the questions one by one. In the course of discussion, if one question is not yet agreed upon, discussions may be shifted to another question and return to the outstanding question later on. The principles that are agreed upon will be recorded for the subsequent discussions of the details.

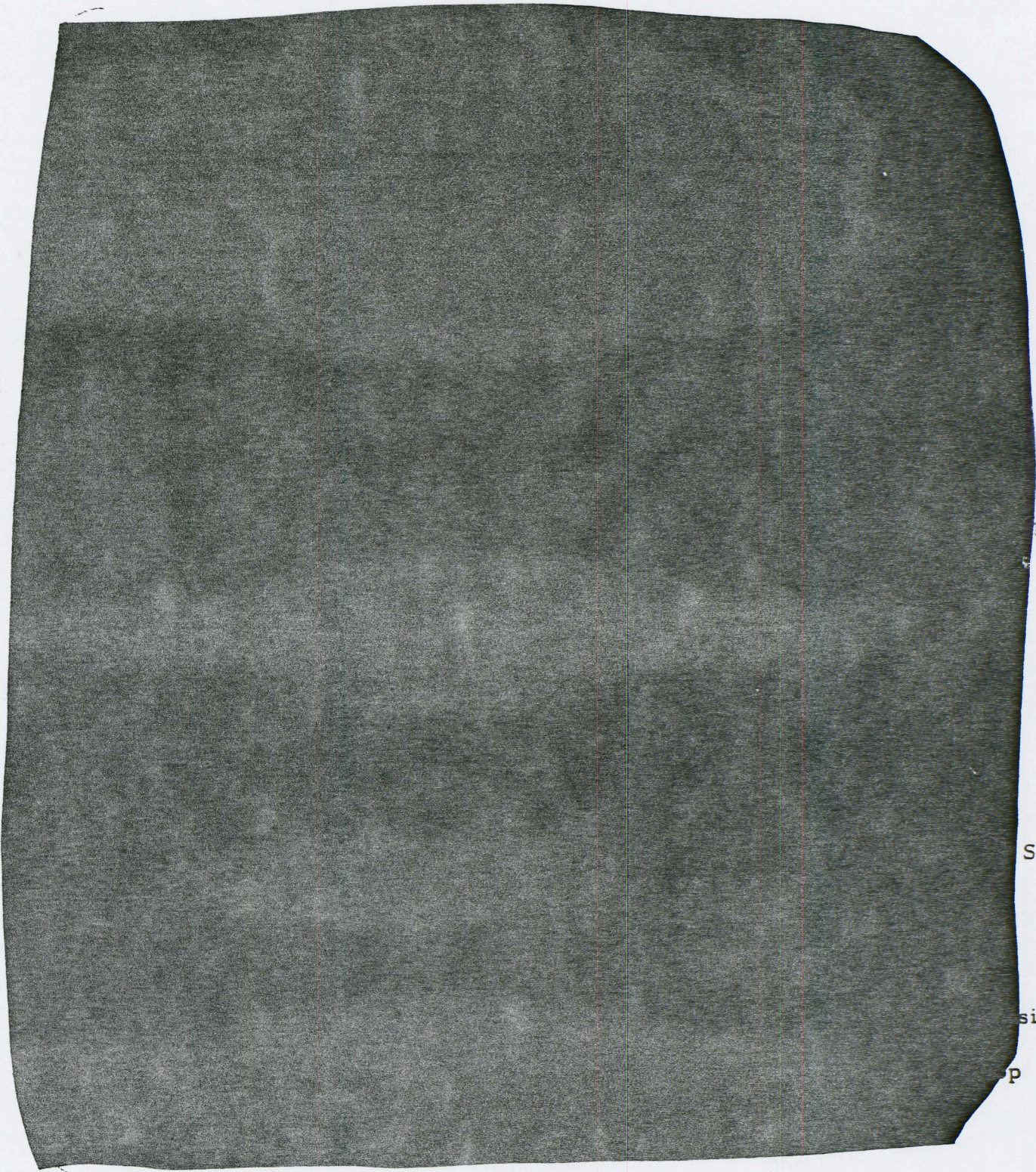
1. Retains language regarding discuss and resolve.
2. Gives examples of issues to be dealt with, e.g. ceasefire, POW's and such other issues as may be agreed between the parties.
3. Provides that parties will discuss and resolve principles and general content of political problems as opposed to principles and main content in DRV draft.
4. Provides for discussing and resolving issues one by one and recording principles agreed upon.

1. Substitutes deal with for discuss and resolve wherever it appears.
2. Substitutes Vietnam war for Vietnam problem in sentence ending "political operations affecting the settlement of the Vietnam problem."
3. Otherwise no changes from our August 14 draft.

SA 99 B-29

TOP SECRET/EYES ONLY

What Is New in the Communist Proposal of August 1, 1972

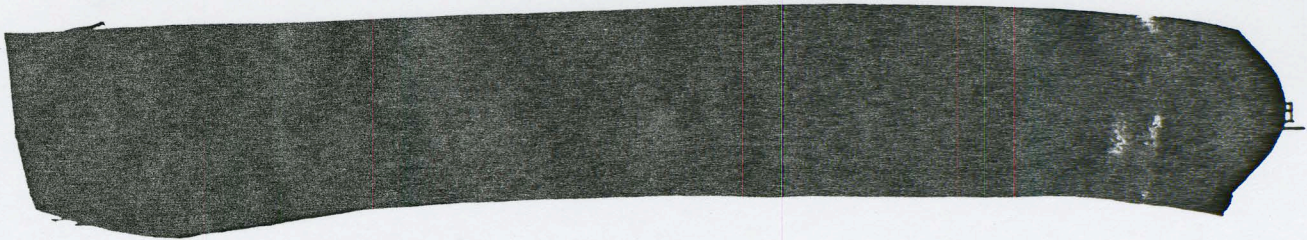


NOT RELATED
POW/MIA'S

TOP SECRET/EYES ONLY

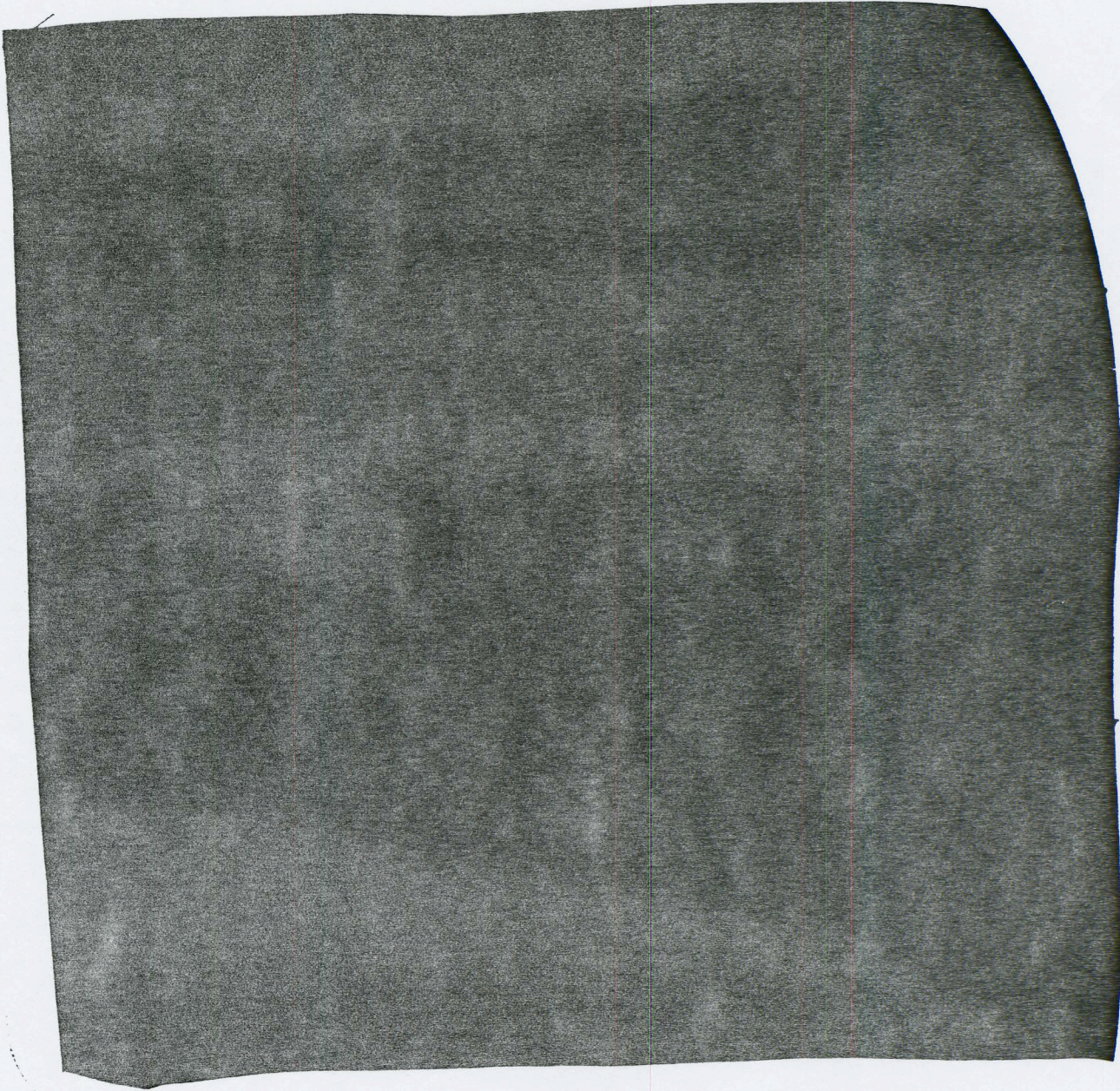
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E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/92
By ADH NARA, Date 9/15/92
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3. Exchange of Prisoner Lists:

This is the first mention of an exchange of prisoner lists, which is to be done on the day of the signing of the agreement.



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POW / MIA'S

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E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/92
By ADH NARA, Date 9/15/92
(SA 99)

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THE WHITE HOUSE

WASHINGTON

~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

President Nguyen Van Thieu
Mr. Huynh Phu Duc, Special Assistant to the
President for Foreign Affairs
Mr. Hoang Duc Nha, Press Assistant
Ambassador Ellsworth Bunker
Henry A. Kissinger, Assistant to the President
for National Security Affairs
John D. Negroponte, NSC Staff Member

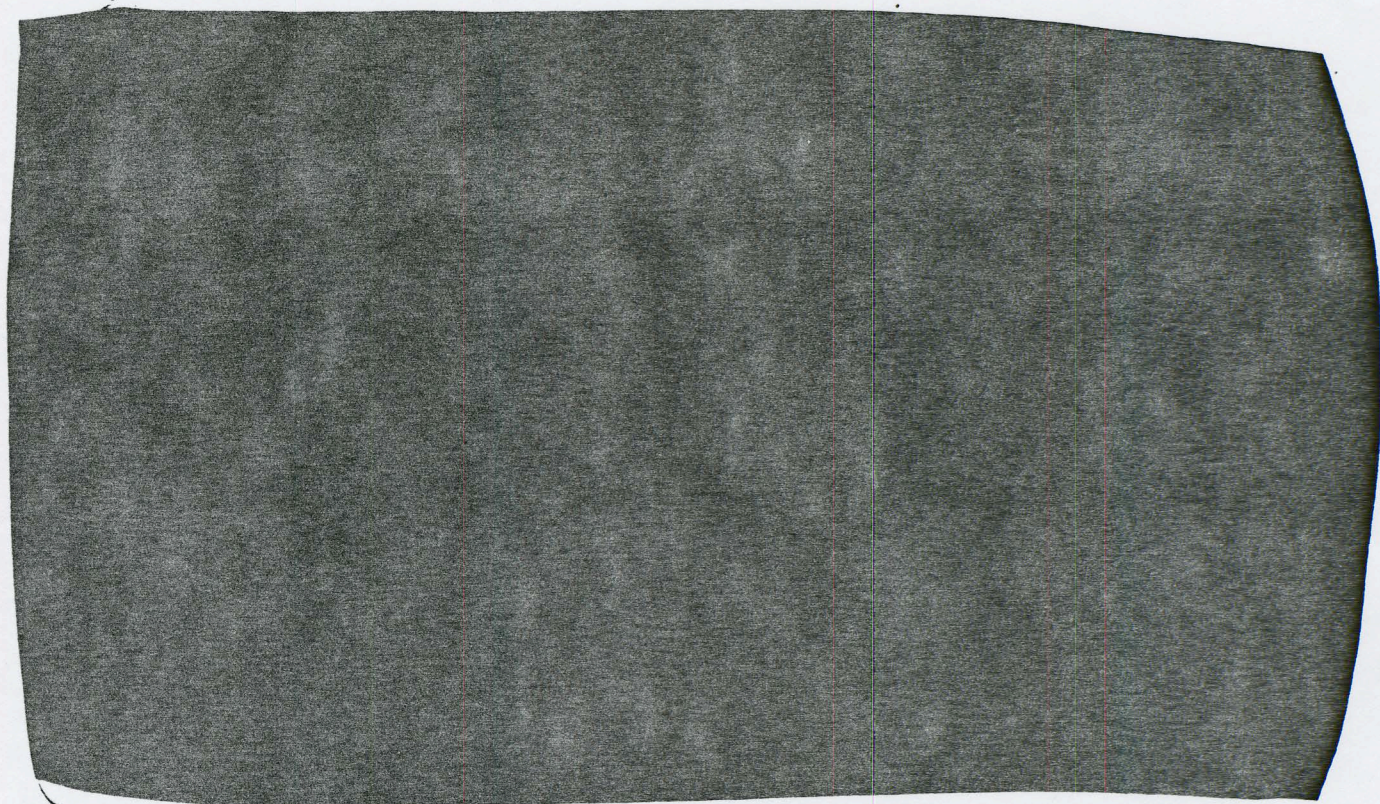
DATE & TIME:

Friday, August 18, 1972 10:00 a.m. - 1:30 p.m.

PLACE:

Presidential Palace, Saigon

NOT RELATED TO
POW / MIA'S

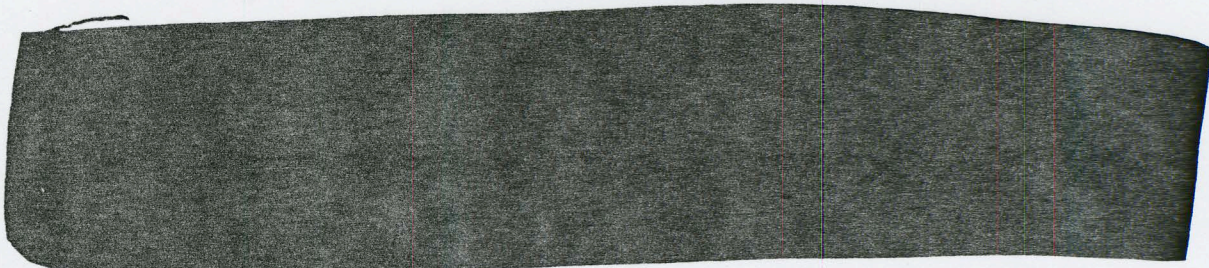


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EXCLUSIVELY EYES ONLY

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NSC, Van Tassel authority 9/15/92
By ADL NARA, Date 9/15/92
(SA 99)

NOT RELATED TO
POW/MIA'S



Dr. Kissinger: It is also in our interest. I thought at first it would be best to have a ceasefire as soon as possible because of our election. But upon reflection I have decided that it is easier if we keep up the bombing through the elections, unless in your view your military situation requires a ceasefire. You see, our strategy is that we are prepared to step up the military pressure on the DRV immediately, drastically and brutally one or two weeks after our election. We want to be in a position that they have rejected our reasonable proposals. After that we will put everything on the prisoner of war question. They think they can use the prisoners of war to overthrow you. If we can move quickly after the elections, we can destroy so much that they will not be in a position to come back and harm you for a long time to come.

Mr. Duc: Are we clear that we are including agreement on supervision before a ceasefire?

Dr. Kissinger: Yes, but I don't think there will be a ceasefire. In fact I prefer that they don't return the prisoners of war and that there is no ceasefire before the election. If Le Duc Tho returns on September 15 and proposes a ceasefire I will say in principle that I agree but that the details must be discussed at Avenue Kleber and then we can insist on international supervision before the ceasefire. Second, if their proposal with regard to the ceasefire does not involve a return of prisoners of war, then we will only stop the bombing and not remove the mines. We will not stop the mining until the prisoners of war are returned. Is that clear? It is important that in the next two months there be mutual confidence between us. We cannot control what others say and I do not know where Time Magazine got its story, but a certain amount of confusion may be desirable in any event. To sum up, we will insist that ceasefire modalities are discussed at Kleber and not separately between us and them.



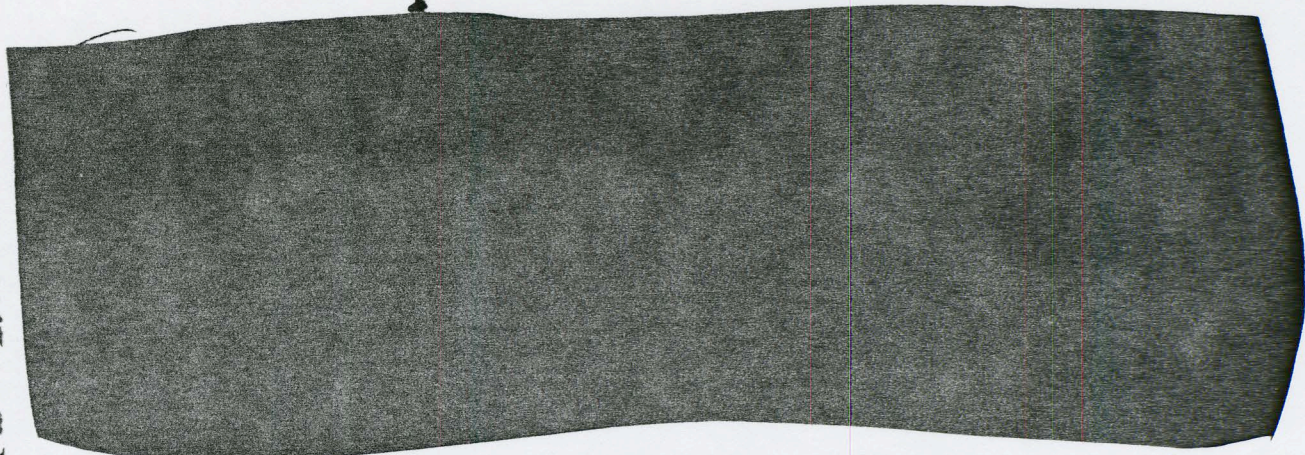
~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

NOT RELATED TO
POW/MIA'S

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E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/92
By ADT NARA, Date 9/15/92
(SA 99)

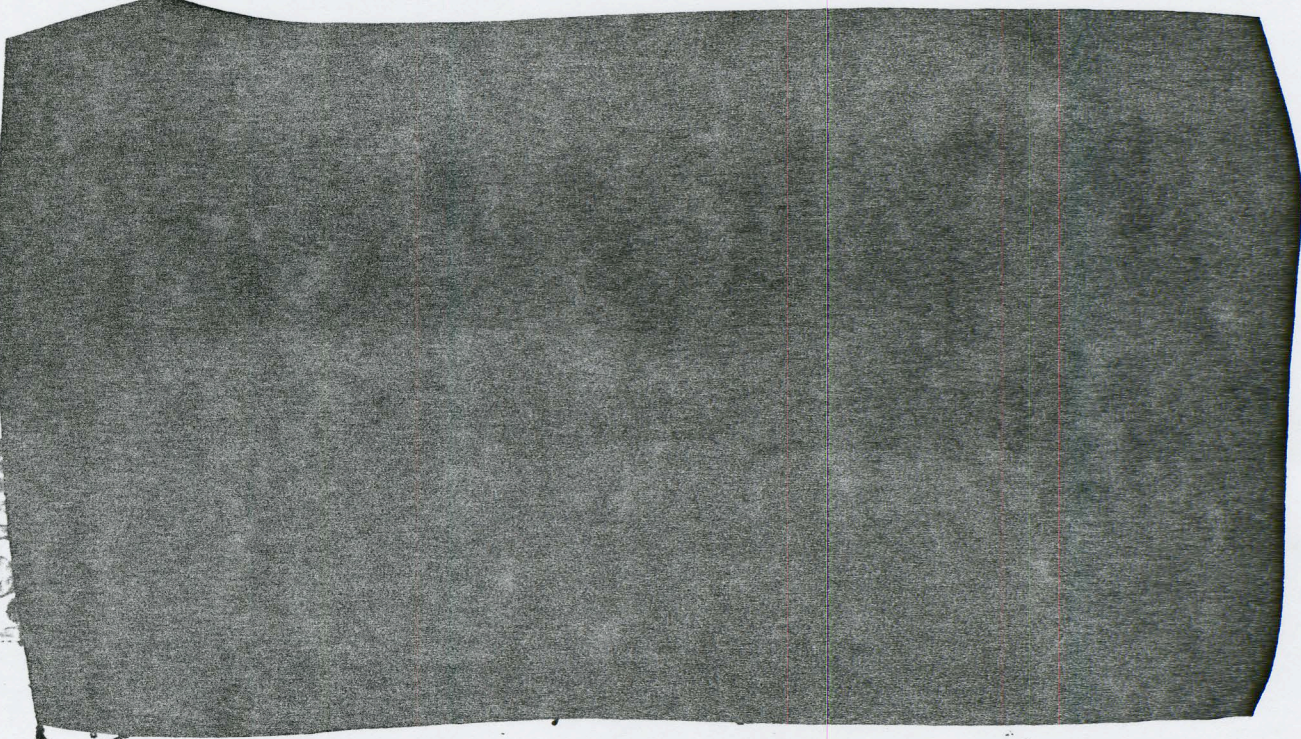
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NOT RELATED TO
POW/MIA'S



Mr. Nha: You stick to the idea of a ceasefire and [cessation of] mining against prisoners of war?

Dr. Kissinger: In his proposal Tho mentioned a ceasefire. I therefore proposed to discuss the technical modalities of a ceasefire and so forth at Kleber. My idea was just to discuss what a ceasefire would look like. He refused. On the other nine points he has a good idea of our views from our January 25 proposal. He knows our general ideas from the eight points in January. As for point 4, he has no idea whatsoever on our thinking.

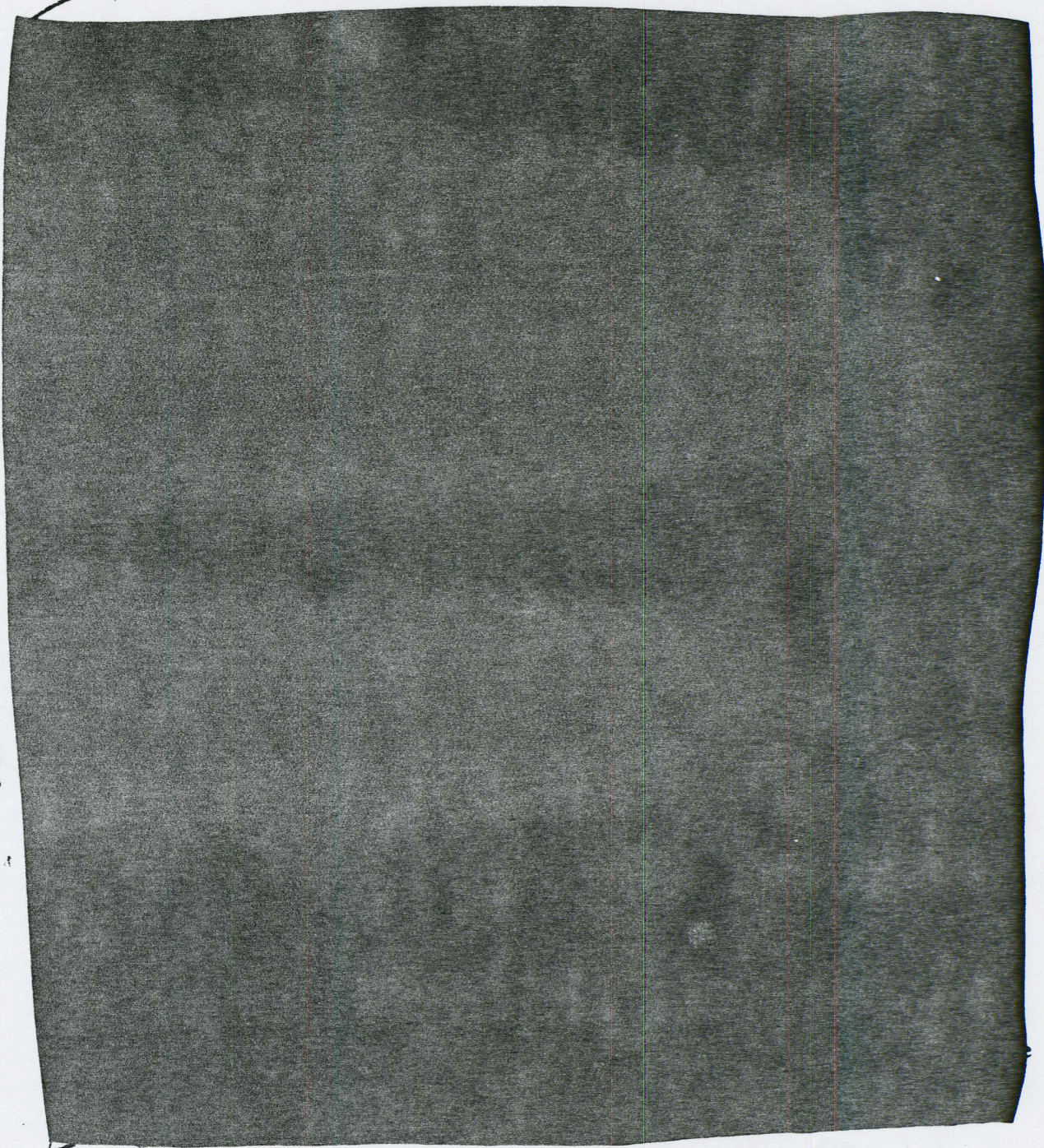


TOP SECRET/SENSITIVE
EXCLUSIVELY EYES ONLY

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NSC, Van Tassel authority 9/15/92
By AK NARA, Date 9/15/92
(SA 99)

NOT RELATED TO
POW/MIA'S



President Thieu: How about the return of prisoners of war?

Dr. Kissinger: They may not return the prisoners, or perhaps they will return them when they are convinced we don't care any more. We will make one tremendous effort to get back the prisoners and in this effort I can assure you we will stop at very little. It is out of the question that we will make any additional concessions after the election.

~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

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By ADH NARA, Date 9/15/92
(SA 99)

President Thieu: They cannot accept and they will continue to fight but I still believe that after the election they will have to revise their policy. They will have to negotiate a temporary peace or continue protracted warfare. If they continue protracted warfare, we may have the prisoner of war issue if you exert pressure on them. Do you foresee any possibility that they will ask for a settlement which involves only prisoners of war? What kind of offer would you think they might make for a prisoner of war solution?

Dr. Kissinger: At some point we may have to accept the prisoners of war for an end of the bombing. But if so, it will be at a point when we have severely weakened them. At some point we may have to stop the bombing for this. Maybe in the second half of next year. But what they want is for us to also stop military and economic aid. If we agreed to stop such aid we could settle now, but we will not do this. We have to get to a point where you can continue to fight with a minimum of direct U.S. involvement, but with continued military and economic assistance. We can also try to influence their allies not to arm them in such a way that they are capable of repeating military activities on the scale of the past few months.



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(SA 99)

NOT RELATED TO
POW/MIA'S

99 B-39
MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~TOP SECRET~~/SENSITIVE
EXCLUSIVELY EYES ONLY

MEMORANDUM OF CONVERSATION

PARTICIPANTS:

President Nguyen Van Thieu
Mr. Huynh Phu Duc, Special Assistant to the
President for Foreign Affairs
Mr. Hoang Duc Nha, Presidential Press
Assistant

Henry A. Kissinger, Assistant to the
President for National Security Affairs
Ellsworth Bunker, United States Ambassador
to the Republic of South Vietnam
Winston Lord, National Security Council Staff

DATE & TIME:

Thursday, August 17, 1972 4:35 p.m. - 6:40 p.m.

PLACE:

The President's Palace, Saigon

NOT RELATED TO
POW/MIA'S

~~TOP SECRET~~/SENSITIVE
EXCLUSIVELY EYES ONLY

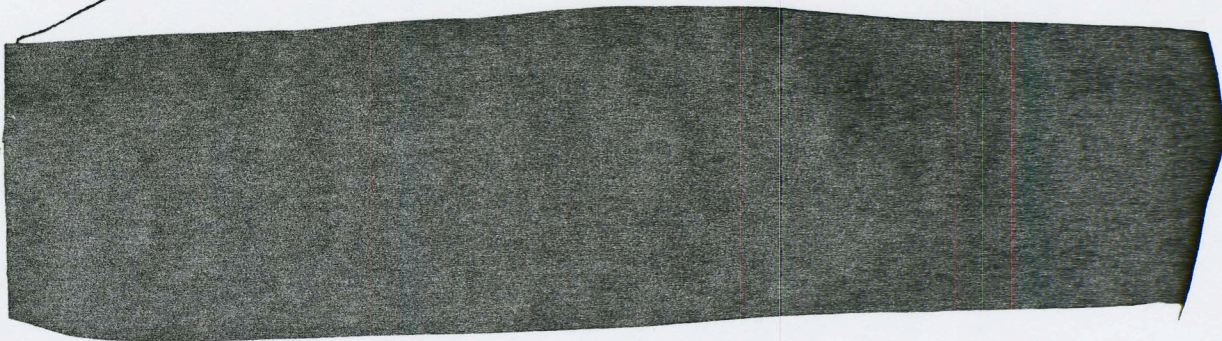
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E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/92
By AOH NARA, Date 9/15/92
(SA 99)

NOT RELATED TO
POW/MIA'S

~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

-19-



Dr. Kissinger: We will send it to the President [Thieu] tonight. Let me send you what I sent to the Ambassador concerning what Le Duc Tho said. At our last meeting he went through their proposal. He said they had not accepted the January 25 proposal because you would still be in power -- this is not unreasonable from their point of view. Then he said that we wanted a ceasefire while the principles were being worked out; you remember that Ambassador Bunker proposed to you that we set a three-month deadline for the political negotiations and you agreed. They did not like this. They only want everything to be settled before a ceasefire. They are always afraid to release our prisoners. They have concluded that they cannot defeat you. Their only hope is that we overthrow you. For you it is essential that this Administration survive, because we will never overthrow you directly or indirectly. The only way they can get us to do this is to keep the war going -- they would rather pay the military price here. That's why they do not give the prisoners or agree to a ceasefire.

They are in a real dilemma. If there is no ceasefire, their military situation deteriorates, and if they don't give back the prisoners, we keep bombing them. So long as they talk to me, this confirms negotiations. I know you think that a ceasefire might come soon. I have that impression. As of our last meeting on Monday, they have totally rejected ceasefire. I have proposed every conceivable variation on May 8. There is no need to offer it any more; we have made a record. At the next meeting I would like to accept their proposal that there be no ceasefire until all is done.



~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

NOT RELATED TO
POW/MIA'S

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NSC, Van Tassel authority 9/15/92
By AdH NARA, Date 9/15/92
(SA 99)

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~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

-26-

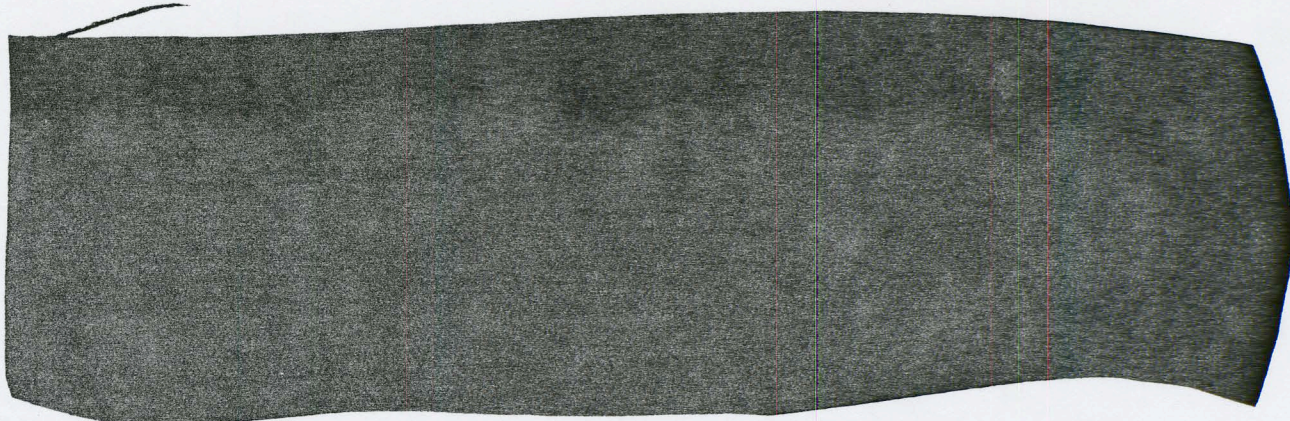
We want to go to the absolute limit of what is and looks reasonable, but defend the principle that the U.S. will not end the war in which it lost 45,000 men by joining our enemy against our friend, or destroying a government allied with us for 400 prisoners of war, or even to win an election. We would rather not win the election on that basis. The history books will last longer than the election.

NOT RELATED TO
POW / MIA'S

~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

DECLASSIFIED
E.O. 12356, Sect. 3.4
NSC, Van Tassel authority 9/15/92
By ABH NARA, Date 9/15/92
(SA 99)

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President Thieu: About the prisoners of war, you have nothing?

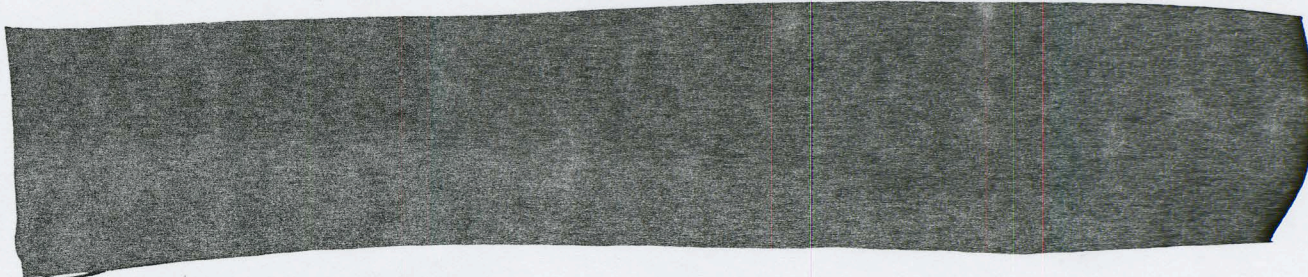
Dr. Kissinger: I think they are keeping the prisoners as blackmail. We will raise this issue brutally after November if they don't return them. They won't release them. They have made no proposal.

If they accept our May 8 proposal for ceasefire and prisoners, then we must withdraw. That is our official position, and we can't change that. But they won't accept it. There is no possibility.

President Thieu: If there is only one condition, only a ceasefire for North Vietnam, that is most advantageous to them. If we say throughout Indochina, they see no advantage to that.

What if they propose a ceasefire in North Vietnam for an exchange of prisoners? You would cease the bombing and pull out the blockade in North Vietnam in order to get a return of the American prisoners. So they would say the war is finished now for America and North Vietnam in South Vietnam. This would be the most unfriendly proposal.

Dr. Kissinger: I will be honest. If they propose this during the election campaign, we will be in a very difficult position.



~~TOP SECRET/SENSITIVE~~
EXCLUSIVELY EYES ONLY

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NSC, Van Tassel authority 9/15/92
By Att NARA, Date 9/15/92
(SA 99)

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MEMORANDUM

NATIONAL SECURITY COUNCIL

TOP SECRET/EYES ONLY

URGENT ACTION

September 18, 1972

MEMORANDUM FOR:

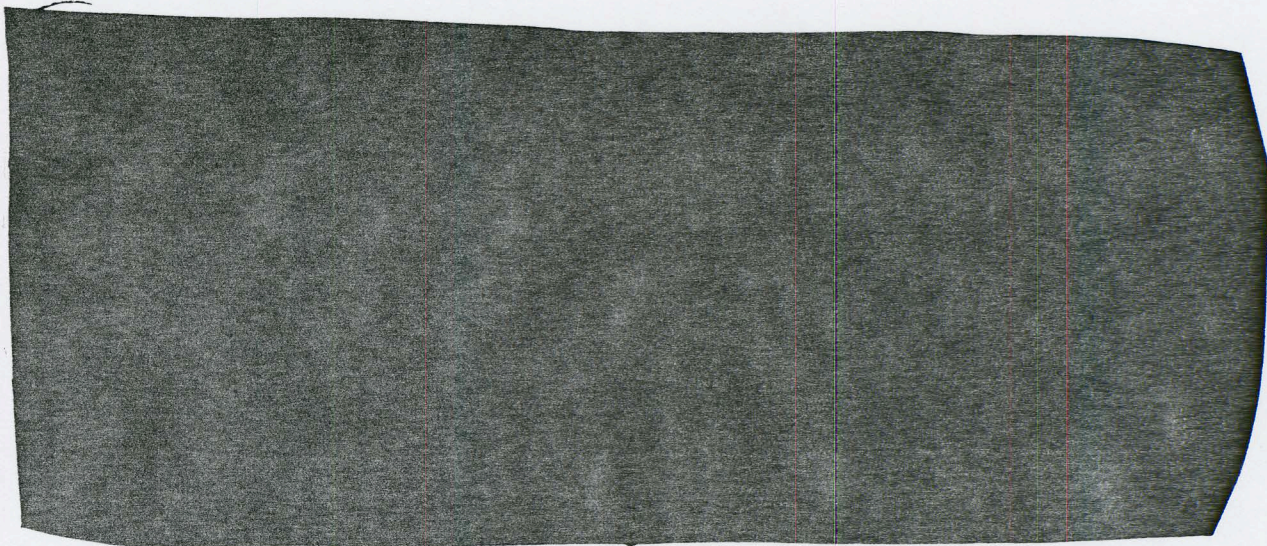
MR. KISSINGER

FROM:

JOHN D. NEGROPONTE

SUBJECT:

Negotiations Papers



We have not yet attempted a POW paper. To be frank I am a bit apprehensive about trying to draft one and I wonder what we would gain by tabling such a document in any event. Perhaps we could get more mileage for our POW's at this stage by asking them for a list of our POW's throughout Indochina as a gesture of their good will. We could tell them that if they provided this it would obviously create an obligation of reciprocity on our part.



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-- Whereas the August 1 proposal called for the "release of all military men and civilians of the parties captured during the war" (including those in North Vietnam), the latest proposal stipulates: "The total release of people of the parties, military men, and civilians captured during the Vietnam war..." (emphasis added). This change was no doubt aimed at excluding those captured in Laos and Cambodia while at the same time broadening release criteria to cover all pro-Communist elements now held by the GVN, many of whom the GVN probably categorize as common criminals.

NOT RELATED TO
POW / MIA'S

~~SECRET/EYES ONLY~~

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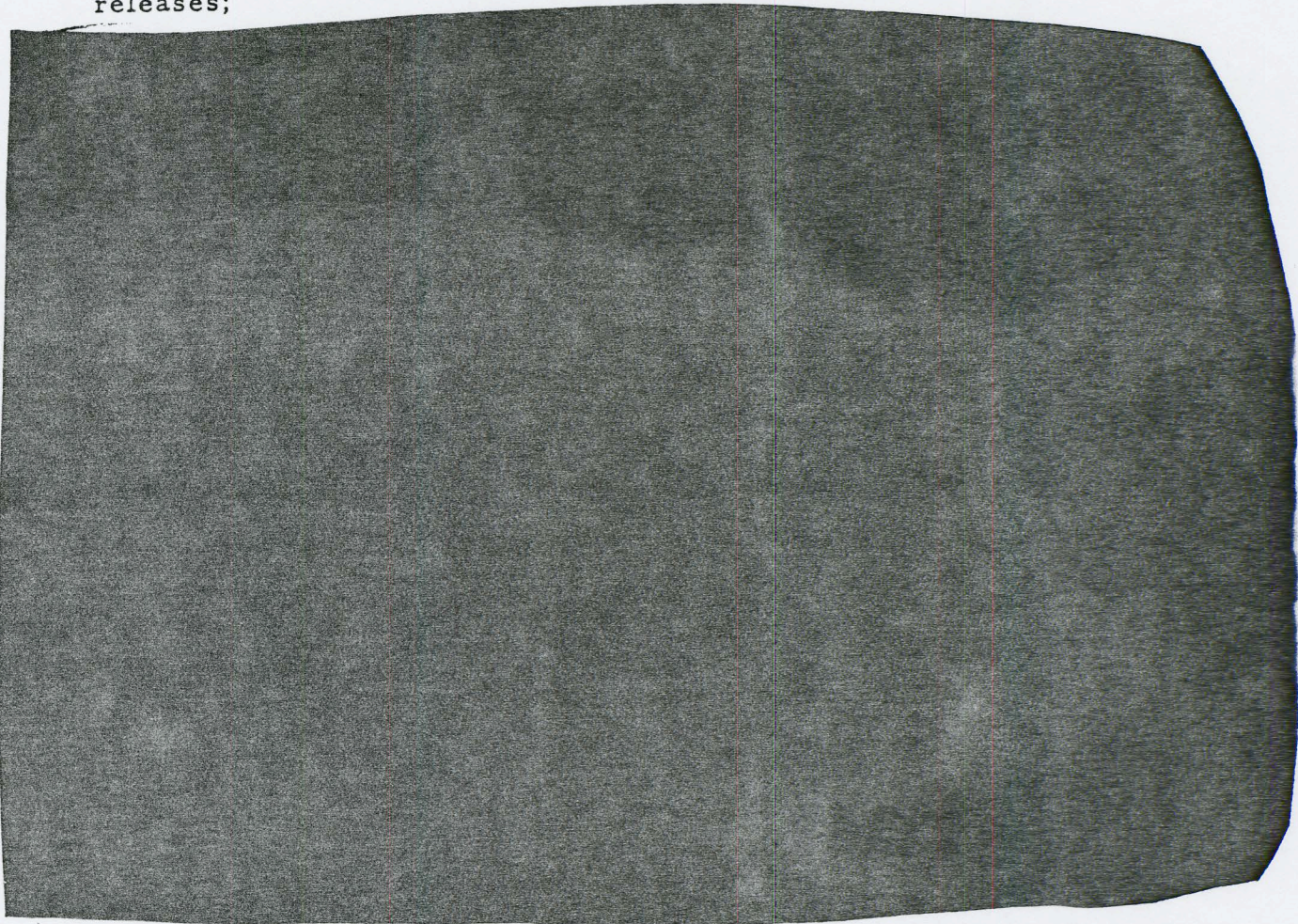
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International Supervision

The other side has for the first time spelled out the composition and tasks of an international supervisory body. They have proposed an "International Commission of Control and Supervision" (ICCS) composed of five countries including the membership of the present ICC (India, Poland and Canada). In addition, "each side will propose another country agreeable to the other side." Even if they accepted our choice, the Commission would still be weighted at least three to two against us.

The tasks of the Commission are to "control and supervise":

-- All of the military stipulations, including withdrawals and POW releases;



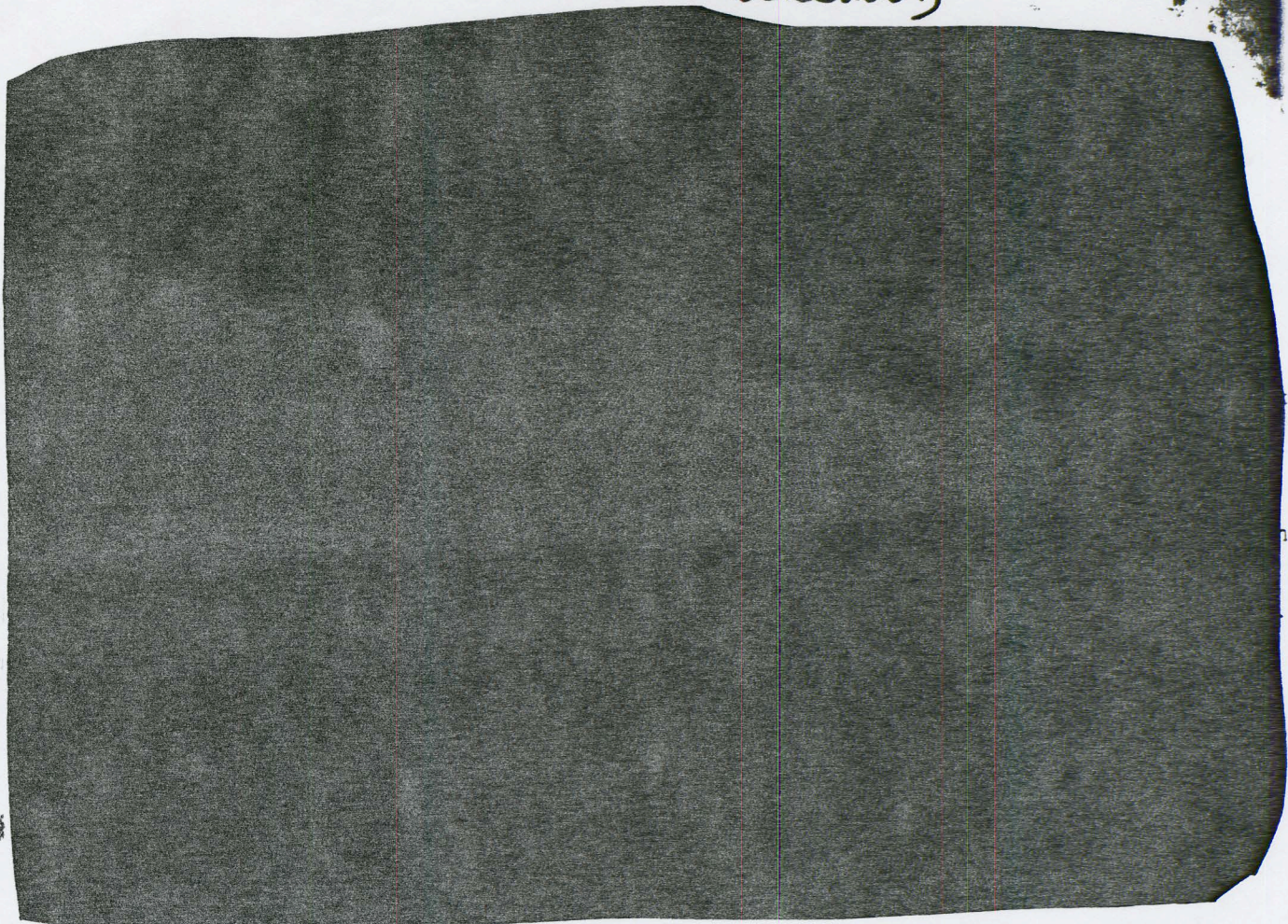
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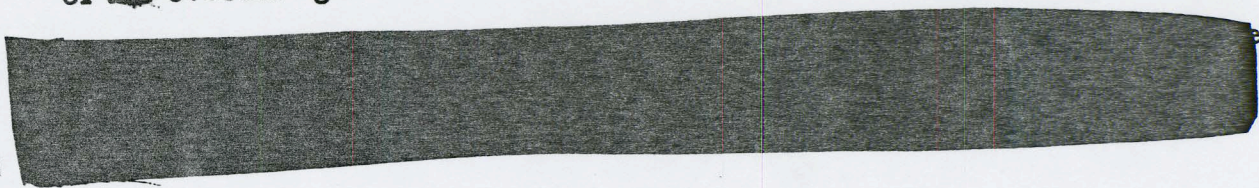
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POW/MIA'S

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3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal. The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement.



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Functions

The Commission will supervise the withdrawal of United States forces and those of other foreign countries allied with the Government of the Republic of Vietnam, the release of military men and innocent civilians captured throughout Indochina, the implementation of the principle that all armed forces of the countries of Indochina must remain within their national frontiers, the implementation of an Indochina-wide ceasefire and supervision of whatever electoral provisions in respect to South Vietnam may be finally agreed between the parties. The foregoing does not preclude a supervisory role for other international bodies such as the International Committee of the Red Cross with respect to release of prisoners of war.

Negotiations

Details of the membership, responsibilities, composition and functions of the Commission will be referred for negotiation to the Kleber forum.

~~TOP SECRET/SENSITIVE~~
~~EXCLUSIVELY EYES ONLY~~

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Eyes only
negot file

THE WHITE HOUSE
WASHINGTON

~~TOP SECRET/SENSITIVE~~
~~EXCLUSIVELY EYES ONLY~~

MEMORANDUM OF CONVERSATION

PARTICIPANTS: Major General Alexander M. Haig, Jr.,
Deputy Assistant to the President for
National Security Affairs
Ellsworth Bunker, American Ambassador to
Saigon

President Thieu
Hoang Duc Nha, Special Assistant to President
Thieu

DATE & TIME: Monday, October 2, 1972
11:00 a.m.

PLACE: Presidential Palace
Saigon

Following press photographs and exchange of greetings, General Haig informed President Thieu that President Nixon had asked him to meet with him initially in private so that General Haig could convey to President Thieu a personal message directly from the President which Mr. Nixon hoped to confine to President Thieu's ears alone. President Thieu asked Minister Nha and Ambassador Bunker to wait in the adjoining conference room. General Haig then outlined the following considerations for President Thieu.

President Nixon asked General Haig to speak to President Thieu in the most direct and frank terms without concern for diplomatic niceties but in a context of one soldier to another. President Nixon is concerned that President Thieu be genuinely aware of President Nixon's innermost thinking at this critical juncture of the war. This is particularly important in the current atmosphere when routine diplomatic reporting and inaccurate and speculative press accounts can lead to disastrous misunderstandings between the two leaders.

~~TOP SECRET/SENSITIVE~~
~~EXCLUSIVELY EYES ONLY~~

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TALKING POINTS

Point 3: POWs

-- This point remains unchanged except that we have added a sentence about provision for verification of those still considered missing in action after prisoner of war lists have been exchanged.

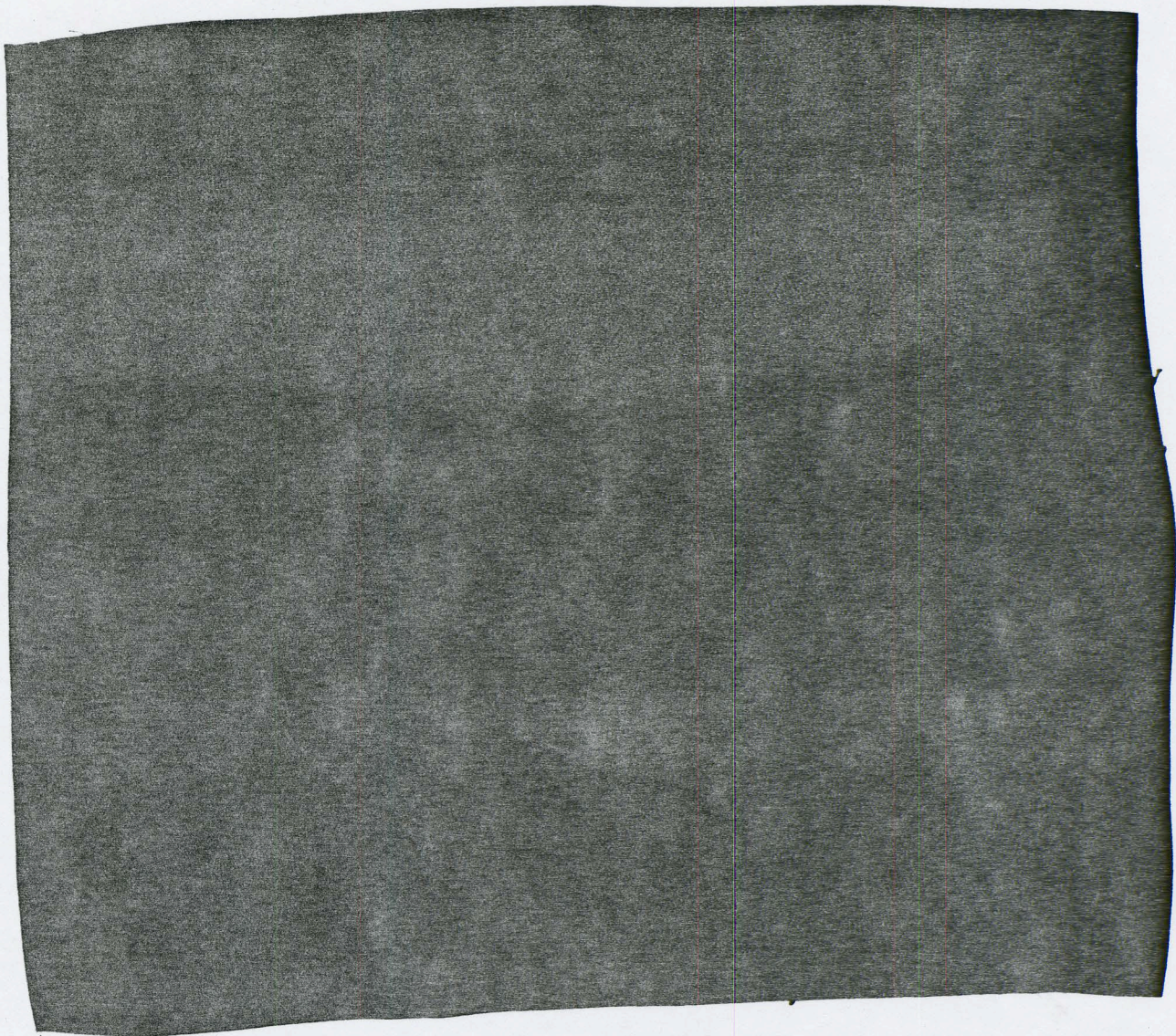
-- I am sure you have no problem with this addition. It relates to our concern that there be access to grave and crash sites throughout Indochina to ensure that every possible effort is made to locate MIA after the war is over. If the talks were to break up on this point we would be in excellent shape since this is the major U.S. concern.

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PROPOSAL

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POW/MIA'S



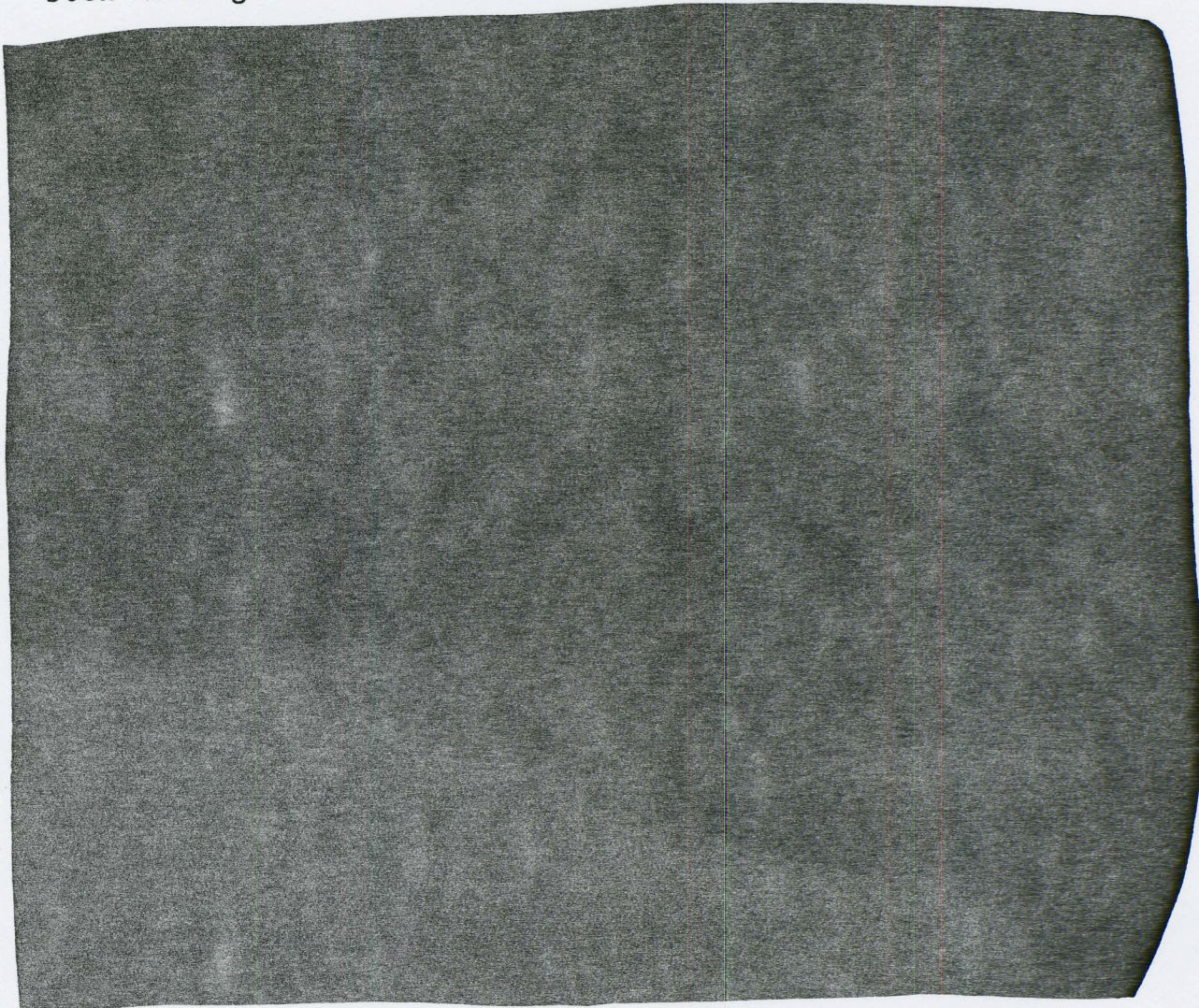
3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American servicemen captured in North Vietnam will be carried out simultaneously with and completed on the same day as the aforesaid troop withdrawal.

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The parties will exchange complete lists of the military men and innocent civilians captured during the Vietnam war throughout Indochina on the day of the signing of the overall agreement. As part of the overall agreement there will be provision for verification of those still considered missing in action throughout Indochina after prisoner of war lists have been exchanged.

NOT RELATED TO
POW/MIA'S

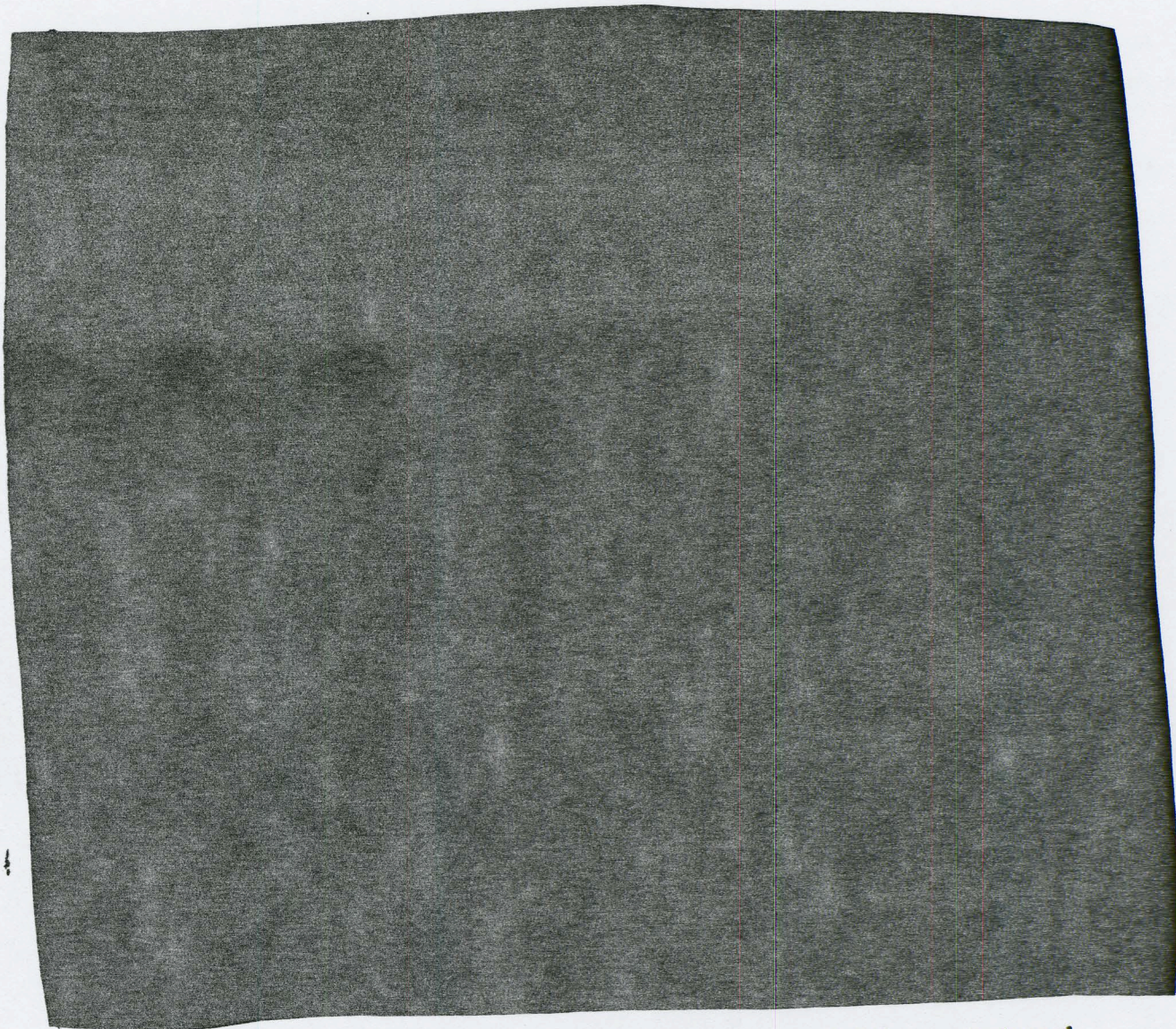


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NEW PROPOSAL WITH PRESIDENTIAL
AND NATIONAL ASSEMBLY ELECTIONS

U.S. PROPOSAL

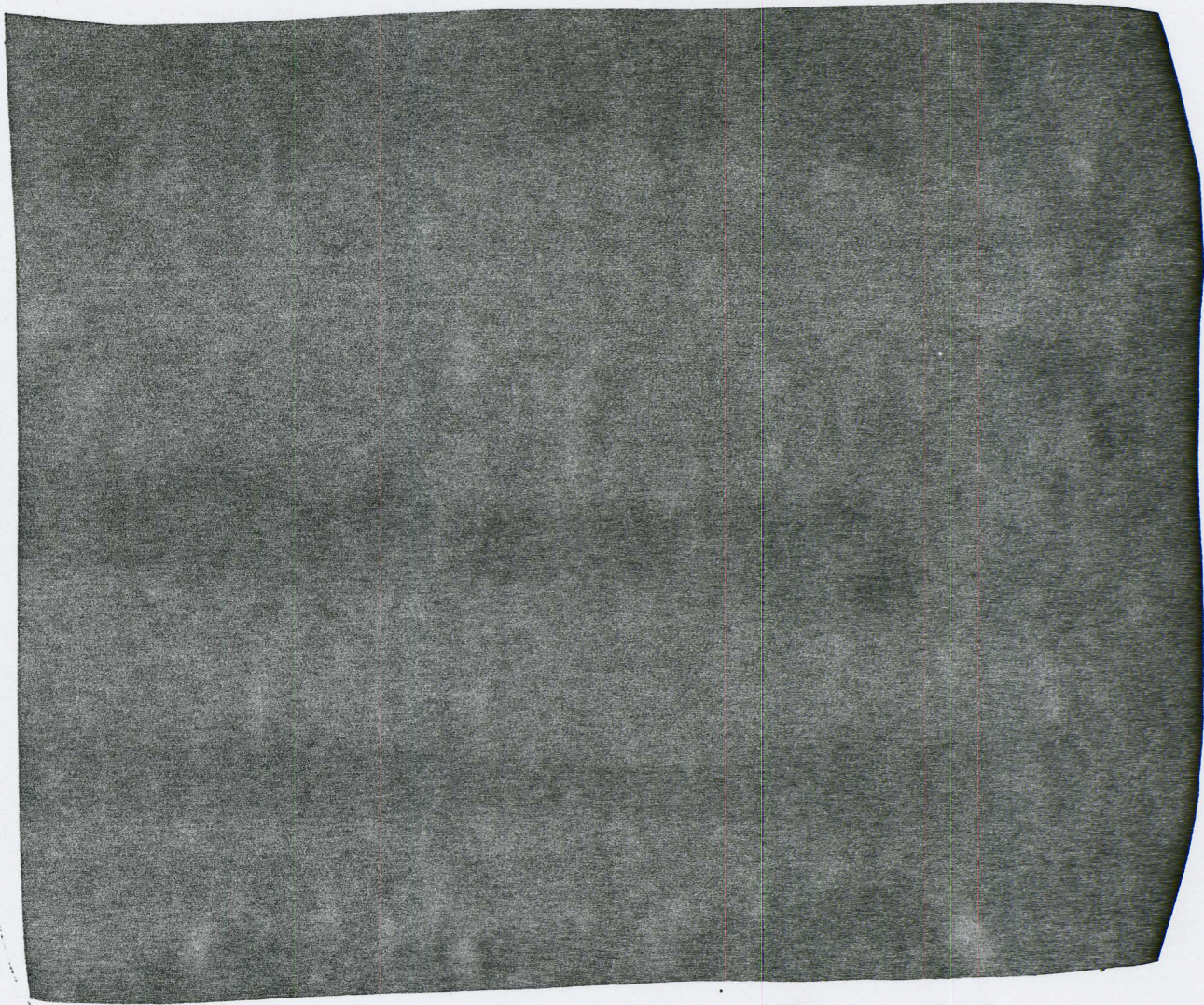


3. The release of all military men and innocent civilians captured during the Vietnam war throughout Indochina including American service-men captured in North Vietnam will be carried out simultaneously

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