Playing the Nixon P.O.W. Game

BY STUART H. LOORY (WASHINGTON BUREAU, L.A. TIMES)

On January 17, four U.S. Air Force jets flew over the Super Bowl in Miami and while 80,000 spectators—and, not incidentally, 60 million television viewers—paused in reverential silence, one jet soared away to symbolize Americans missing or captured in Southeast Asia. "I was on the phone with the White House for five days ironing out the details," recalls Robert Cochran, who handles television promotion for the National Football League. Eleven weeks later, on April 3, Master Sgt. Daniel L. Pitts, who spent four years as a prisoner of war in Vietnam, appeared at Robert F. Kennedy Stadium in Washington to throw out the first ball of the 1971 baseball season in place of President Nixon, who observed that "no president has been better represented than I am today." That sports fan Richard M. Nixon would so exploit the prisoner-of-war issue is hardly surprising. What is surprising, however, is that the press has so eagerly cooperated with what from its inception has been a carefully-planned, well-orchestrated Administration public relations campaign. Indeed, with a few exceptions, the press has seemed not to ask many tough questions, it would seem. Consider, for example, the newspaper's handling of President Nixon's answer to a question put to him by Otis Chandler, publisher of the Los Angeles Times, during a panel at the American Society of Newspaper Editors meeting in April. "Well, Mr. Chandler," the President said, "as you know, we have had some pretty bitter experiences with some Communist nations with regard to American prisoners. And we have had a very difficult experience with the North Vietnamese, who have, without question, been the most barbaric in their handling of prisoners of any nation in modern history." The president went on to add how he would continue to bomb those hateful barbarians until they yielded up our prisoners. "We have carried on a public relations campaign. Indeed, with a few exceptions, the press has seemed not to ask many tough questions, it would seem. Consider, for example, the newspaper's handling of President Nixon's answer to a question put to him by Otis Chandler, publisher of the Los Angeles Times, during a panel at the American Society of Newspaper Editors meeting in April. "Well, Mr. Chandler," the President said, "as you know, we have had some pretty bitter experiences with some Communist nations with regard to American prisoners. And we have had a very difficult experience with the North Vietnamese, who have, without question, been the most barbaric in their handling of prisoners of any nation in modern history." The president went on to add how he would continue to bomb those hateful barbarians until they yielded up our prisoners. "We have produced a backgrounder. I waited. As I write this, eleven days later, I am still waiting.

Now you may argue that Mr. Nixon's statement was so patently without foundation, considering what we know of the way North Koreans, Nazis, Japanese, Russians and even South Vietnamese have treated prisoners of war in modern history, that it needs no analysis. I cannot buy that argument. It is becoming more and more apparent that the POW issue is going to be used to either prolong the war or shorten it, depending on which side has the upper hand at any given time when negotiations might otherwise begin. The POW issue is no longer simply a humanitarian matter. It is a political matter of the gravest import and like any political matter—the need for taxing or lowering taxes, the ramifications of revenue sharing, the drug problem or the invasion of Laos and Cambodia—it needs the most comprehensive reporting and dispassionate analysis. When President Nixon accused the North Vietnamese of barbarism he implicitly accused them of violating the Geneva Convention of 1949 on treatment of prisoners of war. The administration has explicitly made that charge before. Yet, how many newspapers, magazines, television or radio stations have bothered to look into the matter of just what the Geneva Convention provides? Such an inquiry would show that far from barbaric treatment, the North Vietnamese, by one interpretation of the Geneva Convention (to which those barbarians are signatory), are observing it in letter and spirit.

The Geneva Convention recognizes two types of warfare—"international conflict" and those "hot of an international character" (read "civil war"). If you accept the idea, as Dr. Henry A. Kissinger once did, that the Vietnam War was basically a civil war which into which the United States has intruded, then North Vietnam has been living up to Article 3 of the Geneva Convention which is nothing more than a declaration of the minimum rights of all captives. Article 3 outlaws murder, torture, taking of hostages, degrading treatment, trials without due process, and the discrimination on account of race, religion, sex, class or economic status. The administration has charged—and the press has dutifully reported—that the North Vietnamese have not allowed regular mail flow between prisoners and families, have not disclosed the location (continued on page 20)
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of prison camps, have not permitted International Red Cross inspections, all in violation of the Geneva Convention. Disputatious analysis would point out that if the Vietnam War is "not international in character," none of this is required by the Geneva Convention. It would also point out that, however weak the North Vietnamese case may be, there is precedent for it. First of all, they are treating American prisoners exactly the way the French treated Algerians in the fifties. (France, though a signatory of the Geneva Convention, ruled Algeria as a province and the Algerians were seen as rebels.) Secondly, the Saigon government was treating its prisoners in the same manner until the United States prevailed upon it to change so that charges against North Vietnam could be more reasonably made.

Reading of the Geneva Convention makes all this quite clear. But a reporter doesn't even have to take on that heavy task. All he needs to do is call Richard I. Miller of Harbridge House, Inc., a Boston consulting firm, who has researched the matter for the Department of the Army. Miller published the findings, on which the above is based, last November in the Boston Bar Journal and talks easily with reporters. Not many call. None from the New York-based media. "The problem with the press," Miller said recently, "is that it focuses on the most sensational statement made by any side on the matter. With a few exceptions, the reporters don't take the trouble to go below the surface."

I have seen some situations to torture in stories about POWs. I have talked to several of the nine POWs who have been released by the North Vietnamese and not one of them has recounted any torture. I'm talking of the bamboo-under-the-fingernails or electric-wire-attached-to-the-testicles type of torture which, incidentally, several Vietnam veterans have testified recently, the American and South Vietnamese forces use with regularity. I do get a picture of "subtle inhumanity" through "enforced inactivity," as Air Force Col. Norris M. Overly, a prisoner of nine months at the "Hanoi Hilton," recently described it.

And it gets thinner. Article 118 of the convention—and here again I am indebted to Miller—stipulates that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." This provision would seem particularly applicable to the attempt last November to rescue prisoners from the Son Tay compound 23 miles from Hanoi. Secretary Laird justified that raid on the grounds that North Vietnam was refusing to honor the convention. The Times and New York Daily News simply quoted the Administration claim that Hanoi was violating the Geneva provisions. Time did not mention the convention at all in its coverage of Son Tay. Newsweek reported that Hanoi was refusing to honor the convention and instead branding American prisoners "war criminals." Obv- ously, when the President says, as he did to the editors, that he will continue American air strikes until Hanoi gives up the prisoners, he is forewarning a violation of the Geneva Convention on his part. The argument gets subtle here, but under the terms of Article 118, he may not require a release of prisoners before the cessation of active hostilities, which would certainly include air strikes. Thus, one can read the President's statement as using the prisoners as an excuse for prolonging the war.

I am not dealing in abstractions here. On April 21, the Associated Press reported the following from Paris: "The chief Resistance of North Vietnam's delegation at the Paris peace talks said today "there will be no problem" about rapid repatriation of all American prisoners held by Hanoi after the announcement of a deadline for total withdrawal of all American armed forces from South Vietnam." Now, if the AP was correct in its account and if the North Vietnamese were telling the truth, then Mr. Nixon can get our prisoners back merely by announcing a deadline for withdrawal. We would not even have to wait for the completion of our withdrawal. Yet, the story was not reported in the Times, Time or Newsweek. Now it could be that the story was not used because there was conflicting United Press International version, the lead of which read: "Hanoi's chief spokesman in Paris said today North Vietnam would not discuss the release or exchange of American war prisoners unless President Nixon first announced a firm deadline for full withdrawal of all U.S. forces from South Vietnam." Given a conflict like this, it is the duty of a responsible newspaper or magazine to do its own reporting and resolve the difference, not to ignore the story. Even if theUPI version is correct (which the State Department determined to its satisfaction to be the case), the North Vietnamese are more in accord with Article 118 than Mr. Nixon.

The press also seems to have swallowed whole the Administration line that the North Vietnamese have permitted little or no contact between prisoners and their families. Once again, the facts are somewhat different. Hanoi has established a well-used channel through the Committee of Liaison With Families of Servicemen Detained in North Vietnam. This committee, headed by Con Weiss and David Dellinger, the anti-war activists, has been instrumental not only in getting mail back and forth but also in securing the most complete list so far of American prisoners held by Hanoi. The Administration angrily derided on the committee most of the time but is not beyond quoting it when convenient. Thus, last fall, Secretary Laird used information supplied to the Defense Department by the committee to the Senate Finance Committee: the commando raid on the Son Tay prison near Hanoi was necessary because Americans were dying in North Vietnamese prisons. The next day, Mrs. Weiss accused Laird of distorting the information she had given him. It was a classic case of the counterecharge never quite catching up with the charge. The Laird statement was front page news in the Times. Mrs. Weiss's rebuttal appeared on page 19.

Indeed, the Times' canted treatment of the committee began the day it was announced at a news conference in Chicago more than a year ago. Several insiders report that after one of the newspaper's correspondents there filed his story he received several callbacks from the foreign desk, including one from foreign editor James Greenfield himself. The requests were for inserts and clarifi- cations, at least some of them suggested by the aforementioned State Department POW expert Frank Sieverts, to whom the copy was read over the phone. It is of more than passing interest that Greenfield was Assistant Secretary of State for Public Affairs before joining the Times and that Sieverts was one of his aides. At any rate, when the story appeared the next day it had been cut back sharply and played inside. Several weeks later, the committee held another news con- ference in Chicago at which it released a partial list of American prisoners obtained from Hanoi. The same correspondent covered it and afterwards called the foreign desk to ask whether, in light of his earlier experience, the Times wanted him to...
I offer the accompanying examination of how the press has covered the prisoner-of-war issue out of the belief that a strong press must be capable of absorbing critics just as a strong democratic government must. I have written in the same style I would use in criticizing the activities of government. I single out individual organizations only to make points more generally applicable. I hope the reader will understand that, as I maintain a basic respect for the integrity of the governmental institutions I criticize, I maintain the same respect for the institutions taken to task here. In short, I offer my views in good spirit and hope they will be accepted in the same way.

S. H. L.

Heroes of the Sontay raid by Admiral Thomas H. Moorer, chairman of the Joint Chiefs of Staff. Roone Arledge, president of ABC Sports, said he had reviewed the texts of the statements to be made at half-time and approved them for showing as non-political. "The reason we didn't show the Buffalo half-time was because it was an emotion to get out of Vietnam. The difference today (at the Army-Navy game) is that this had no political viewpoint," Arledge said. "I think it would have been political if they had said that any American who didn't support the recent raid was un-American."

The general acceptance by the press of Administration policy on the prisoner-of-war issue doubtless flows in part from a genuine humanitarian concern for the welfare of those held captive by the North Vietnamese. Even under the best of circumstances, being a prisoner in war time is no fun; like all other institutions taken to task here. In short, I offer my views in good spirit and hope they will be accepted in the same way.

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