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## 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 5, Master Sgt. Daniel L. Pitzer, 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 like a rookie caught off second base or a green cornerback faked out of his shoes by a shifty halfback.

Ever since Secretary of Defense Melvin R. Laird opted "to go public" in 1969, Administration officials have used every opportunity to push the notion that the North Vietnamese cruelly mistreat American prisoners. Besides drumming up sympathy in the sports arena, they have sent speakers into all corners of the country and triggered large-scale letter-writing campaigns to Hanoi by such organizations as the Veterans of Foreign Wars and the American Red Cross. In the Pentagon, some dozen officers work on the matter full-time under the general direction of Roger Shields, special assistant in the Office of International Security Affairs. At the Department of State, Frank A. Sieverts, another special assistant, presides over a two-man desk devoted almost exclusively to the POW issue. "The *Times* calls me all the time," says Sieverts.

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 allow as how he would continue to bomb those hateful barbarians until they yielded up our prisoners. "We have some cards to play, too," he told his black-tie audience, "and we are going to play them right to the hilt where the prisoners are concerned."



The *Times* made this its lead story on April 17, topping it with a headline that read: "NIXON BARS HALT IN RAIDS TILL FOE/FREES ALL P.O.W.'S." In the sixth paragraph, the *Times* reported that the President "charged that the North Vietnamese 'without question have been the most barbaric in the handling of prisoners of any nation in history'." In vain I read the story for some background on the charge—some analysis, some interpretation. It was late Friday night, of course, and the President was talking on deadline. Sunday, perhaps, the *Times* would produce 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 raising 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 conflicts" and those "not of an international character" (read "civil war"). If you accept the idea, as Dr. Henry A. Kissinger once did, that the Vietnam War is basically a civil war 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)

# P.O.W.

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of prison camps, have not permitted International Red Cross inspections, all in violation of the Geneva Convention. Dispassionate 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 was a province and the Algerians were men in revolt.) 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.

**R**eading 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 this matter. With a few exceptions, the reporters don't take the trouble to go below the surface."

I have seen some allusions 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



to a House Foreign Affairs subcommittee during the National Week of Concern for Prisoners of War—Missing in Action. Overly *did* describe beatings and kickings by civilians after his capture and before imprisonment, but American military authorities generally concede that this is a problem in any land. Civilians are apt to react that way when they get a crack at men who go around bombing their homes. But if Overly's testimony is the best that the Administration can muster to support its barbarism charges, then it is thin, indeed.

**A**nd 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 Sontay 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 *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 Sontay. *Newsweek* reported that Hanoi was refusing to honor the convention and instead branding American prisoners "war criminals." Obviously, 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 forecasting 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.

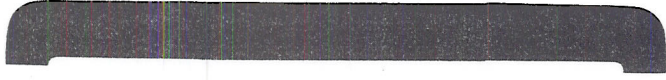
**I** am not dealing in abstractions here. On April 21, the *Associated Press* reported the following from Paris: "The chief spokesman of North Vietnam's delegation at the Paris peace talks said today 'there will be no problem' about rapid repatriation of all American prisoners held by Hanoi after the 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 a 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 dateline 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 the UPI 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 Cora 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 heaps derision 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 indicate to the Senate Foreign Relations Committee that the commando raid on the Sontay 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 countercharge 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.

**I**ndeed, 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 clarifications, 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 conference 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

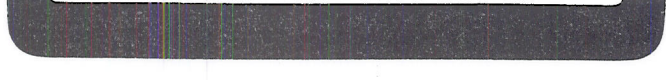
file a story. He was told to "let it go" and that the paper would use a wire service short instead. When the correspondent expressed a certain surprise at this, he was told by an assistant foreign editor that "we just don't trust these people."

Despite its own shortcomings in this area, the *Times* does not shrink from pointing out POW flackery indulged in by another medium. Last fall, for example, Jack Gould produced a solid story illustrating how ABC manipulated its half-time coverage of football games in behalf of the President's POW game plan. He reported that the network refused to broadcast a ceremony by the University of Buffalo band during a Buffalo-Holy Cross game in November. The ceremony, titled "America the Beautiful," was directed against the war and pollution, among other topics. The network decided that the show constituted partisan political comment. Yet, ABC did televise the half-time events of the Army-Navy game during which the West Point Corps of Cadets and the Annapolis Midshipmen presented a truckload of petitions to Mrs. Bobby Jean Vinson, national coordinator of the National League of Families of American Prisoners and Missing in Southeast Asia. That ceremony also featured the introduction of four



*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 criticism 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. Boone 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 editorial 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 Americans, editors and reporters want to see them freed. But the larger issue remains nonetheless: the promulgation of a certainly debatable policy by simply "objectively" reporting what Administration officials say on the subject. And on that point, another speaker at the A.S.N.E. meeting had some penetrating observations. "Objectivity," said Thomas Winship, editor of the *Boston Globe*, "is what we gave cancer-producing cigarettes before the Surgeon General's report. Objectivity let the most unexplained war in history go on without challenge until one and a half million people were killed. Objectivity let industrial wastage almost clobber to death the face of America. Ralph Nader and Rachel Carson blew the whistle, not our great newspapers. That's our definition of objectivity. I say it's spinach and I say the hell with it . . . We all know why objectivity as a debate is on the A.S.N.E. dance card this year. It's because ever since Agnew yipped at us, many editors have been more 'objective' than ever. I call it a nice, quiet backslide . . ."

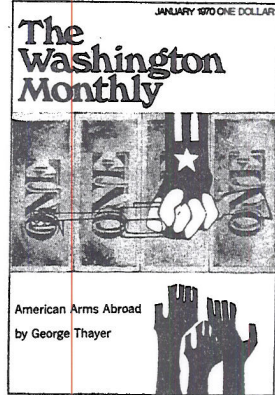
Most significantly, perhaps, Winship pointed out that "objectivity is what we gave Joe McCarthy before a great group of reporters took their gloves off, and before Ed Murrow's TV show." It is now more than two decades since Senator McCarthy made his famous Wheeling, W. Va., speech charging that the State Department was overrun with Communists. That speech did for journalism what the Monitor-Merrimac engagement did for naval warfare. It forced a whole generation of newsmen to think about the methods they used in searching out and presenting the truth. It forced them to think in practical terms about just what truth is. It's a new generation now. And the manner in which the press has covered one of the most important stories of the day—the prisoners-of-war issue—indicates that we've forgotten a lot of the lessons of the McCarthy era.

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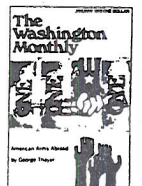
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