

SEE 18 JUN 73

# Fate of Last U.S. POW

By H.D.S. GREENWAY

VIENTIANE, May 31, Emmet James Kay is the last American known to be a prisoner of war in Indochina.

The 47-year-old civilian was flying under a U.S. government contract in northeast Laos when he apparently lost his way and landed in territory controlled by the pro-Communist Pathet Lao on May 7, 1973. More than a month after the last American POW had returned from Hanoi.

Unlike Vietnam and Cambodia, Laos has enjoyed an effective cease-fire, and on April 5, 1974, a coalition government was formed. According to the protocol which the Lao Patriotic Front and the Vientiane side signed last year, Kay should be coming home no later than next Tuesday, the 16th day after the formation of the coalition government.

But the Pathet Lao have not yet given any indication as to when Kay will be released and his plight is but one of the murkey questions surrounding the withdrawal of foreign troops and the return of prisoners in Laos.

The protocol states that all foreign troops and military personnel not authorized by the Geneva conventions of 1954 and 1962 should quit Laos within 60 days of the formation of the coalition.

The only foreign troops mentioned specifically by name are the Americans and the Thais. A Joint Commission to Implement the Agreement was supposed to have drawn up a plan for foreign troop withdrawals in three stages of 20 days each. All prisoners, "regardless of nationality," were to be released within the same time frame.

So far, no prisoners have been returned and any troop withdrawals have been unilateral, with no international supervision.

The North Vietnamese have never admitted to any troops in Laos and their allies, the Pathet Lao, are not about to blow the whistle on them.

The Americans say they

have already dismantled their large paramilitary machine, with only a handful of excess personnel left to go before the June 4 deadline. Prince Souvanna Phouma, as head of the new coalition government, announced recently that the last of the Thai troops left Laos May 22. The Chinese still maintain troops in the far north to guard the roads they have built there. Nobody knows what they intend to do with them.

The only prisoner the Pathet Lao publicly admit to holding is Kay. Privately, they have told people that they are holding over 600 Thai prisoners as well, but they have not said when they intend to release them.

The Vientiane side holds over 170 North Vietnamese prisoners of war, but neither the North Vietnamese nor the Pathet Lao will admit they are North Vietnamese and have therefore not asked for their release.

One well-informed source said negotiations may be in progress to get the Vientiane side to release their prisoners without labeling them as North Vietnamese. If these negotiations are successful, the source believes, Kay might be released as well. But most diplomatic sources are pessimistic about getting Kay back on June 4.

All the joint commission will say is that other matters remain to be considered, such as the neutralization of Vientiane and the demarcation of territory, and that it has not yet discussed the release of prisoners.

As for the Laotians, it was common on both sides simply to absorb prisoners into their own ranks and so, practically speaking, there is no problem of Laotian prisoners of war.

Estimates of North Vietnamese troops strength in Laos vary from 35,000 to 50,000. About a third are thought to be combat troops while the rest are associated with duty on the Ho Chi Minh trail combat leading from North Vietnam into South Vietnam and Cambodia.

Intelligence sources agree

that the North Vietnamese have withdrawn some troops from Laos. North Vietnamese troop strength here a year ago was about 70,000, according to American estimates. The North Vietnamese have turned many of their front-line positions over to the Pathet Lao. But as one diplomat put it, "as long as the war continues in South Vietnam and Cambodia, the North Vietnamese are going to hang onto the Ho Chi Minh trail like rock lizards."

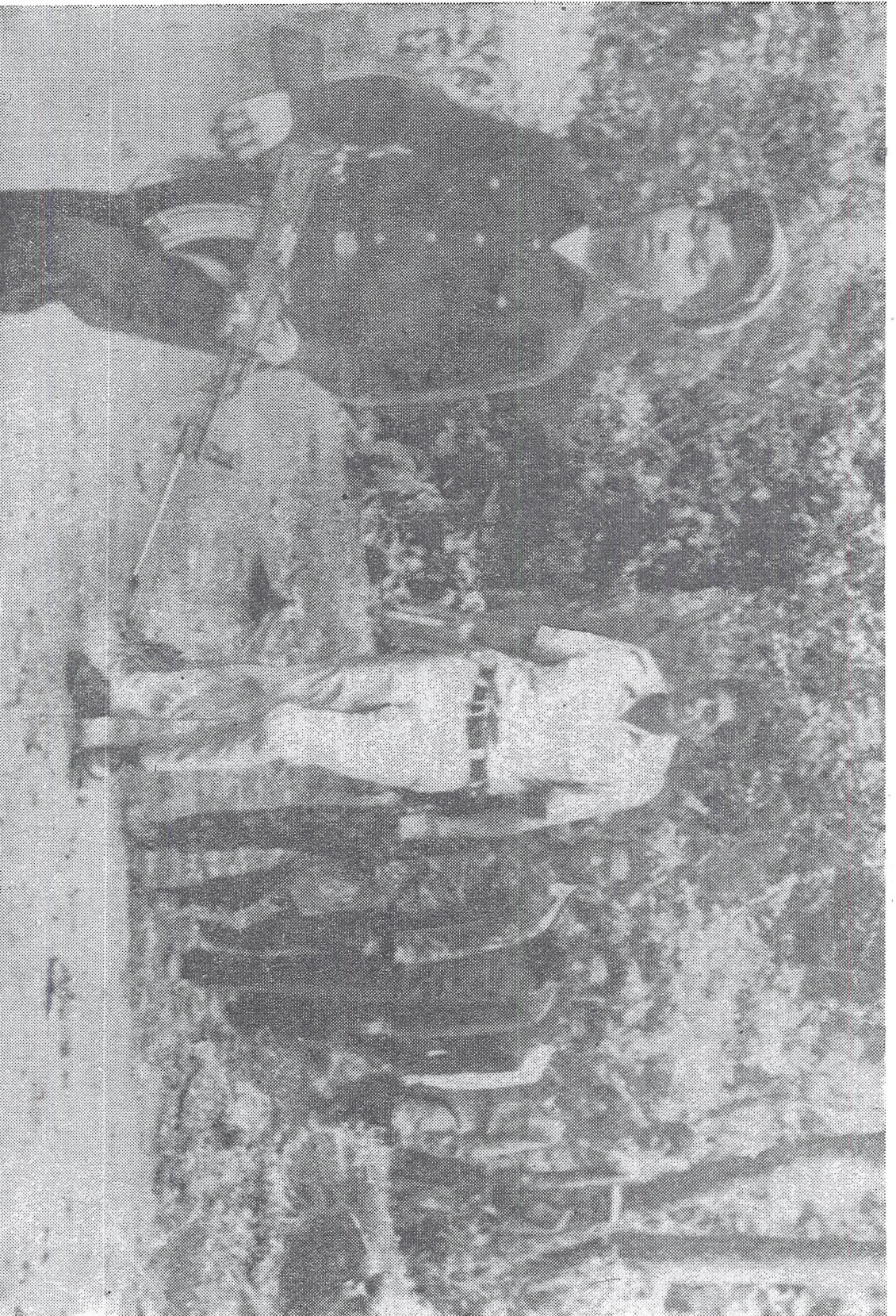
New roads have been built within the Communist-controlled portions of South Vi-

etnam, but they are not yet considered an adequate substitute for the Ho Chi Minh network.

The prevailing attitude among government and diplomatic sources here is to look the other way. As long as the North Vietnamese do not upset the peace there is little to be gained by making a big issue over their presence in the underpopulated regions near the Vietnam border.

The Americans say that, except for a handful to leave within the next few days, they have already complied with the protocol. Air





United Press International

Emmet Kay, only known American POW still in Indochina, is marched away behind Pathet Lao lines May 7, 1973, according to information provided by the Laotian Communists. This photo was given to an American visitor in Hanoi last November by the Pathet Lao ambassador.



America has closed down its operation here and the famous CIA "case officers," who advised and often led Lao irregulars into battle are said to have gone as well.

A year ago, according to a Senate Foreign Relations Committee report, there were 1,174 Americans in the U.S. mission, including more than 200 in the army and air attache offices, and 300 civilians, not including 19 marine guards.

Although Air America has gone, the U.S. mission will maintain a contract with Continental Air Services,

the outfit for which Kay flew. But only 10 or 12 Americans will be involved, according to the U.S. embassy. A year ago, the embassy had access to 125 aircraft and helicopters. Now the figure is down to eight planes and six helicopters, the latter supplied by William Bird and Son, with whom the mission has another contract.

The 18,000 Lao and Meo irregulars that were, once led by the CIA have now been integrated into the Royal Lao Army, though some will continue to receive pay from the CIA until the

end of the fiscal year, according to diplomatic sources.

Thai "volunteers" once numbered more than 20,000 in Laos but the last of them left last week, according to the prime minister.

The Chinese have also made some effort to thin out their troops guarding the road projects in the far north, according to intelligent estimates, but from 10,000 to 20,000 are said to remain in Laos.

Almost all their anti-aircraft battalions have been removed. The protocol also forbids aerial reconnais-

sance flights over Laos and, although President Nixon promised last month that the United States would "respect the provisions of the Laos accords," the Pathet Lao complain bitterly that U.S. spy flights continue.

The U.S. embassy will not comment, but privately Americans have admitted that reconnaissance planes from Thailand still take pictures of the Ho Chi Minh trail.

The number of military men in the U.S. defense attache office, 30 was arrived at in consultation with the Laotians. But the other ceilings for the U.S. mission are self-imposed. The joint commission has never asked the International Control Commission to supervise either the U.S. or the Thai withdrawals nor have the Americans asked for supervision.

Except for a brief announcement, there will be nothing to mark the passing of America's para-military presence in Laos no ceremony on June 4th as there was in Saigon last year when the last symbolic American soldier left.

The American war in Laos was, in large part, a clandestine war and the U.S. embassy's policy has been to have their operatives and military men leave as they entered—as quietly as possible.

As for Emmet Kay, the Pathet Lao have not mistreated him. His wife Flora, who lives here with her two children, is allowed to write to him at least once a month and to send him amenities such as playing cards and a table tennis set. But as yet she has had no word on when he will be free.