

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

May 28, 1973

MEMORANDUM FOR: BILL TIMMONS
FROM: BRENT SCOWCROFT *BS*
SUBJECT: Reply to Congressman Young

Attached at Tab A is a further draft reply to a letter to the President from Congressman Young (Tab B). Young is concerned over the international law on POW treatment and proposes a U. S. initiative to convene a new international conference on the subject.

The draft reply thanks him for his suggestion, states we share his concern, but notes that an international conference already is scheduled for spring 1974.

SUGGESTED REPLY

Dear Congressman Young:

This is in further reply to your letter of April 5 to the President urging that the United States take the initiative in convening a new international conference to review agreements relating to the treatment of prisoners of war.

The President shares your concern on this matter and I am happy to report an international meeting on precisely this issue already has been scheduled by the Swiss Government (the depository for the 1949 Geneva Conventions) for February 18 to April 11, 1974 in Geneva.

In recent years it had become increasingly clear that the law applicable in armed conflicts needed to be updated and made more effective, particularly in cases of unconventional guerrilla conflicts. The need for further development in this area of the law was expressed both in the UN General Assembly, which has considered the topic in recent years in its Humanitarian and Legal Committees, and by the International Committee of the Red Cross (ICRC), which has traditionally assisted in the development of international humanitarian law.

Substantive work on this subject has been carried on under the auspices of the ICRC in the past two years. Pursuant to a resolution adopted at the Twenty-First International Conference of the Red Cross,

-2-

held at Istanbul in 1969, the ICRC convened a series of meetings of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

The United States Government is particularly conscious of its recent experience in Southeast Asia. While the rules applicable to the treatment of prisoners of war are generally adequate, we believe they have not been implemented or enforced during the recent conflict. Our principal aim, therefore, has been to obtain better implementation and application of the existing law. We have stated that new rules would have little value if we could not assure that existing rules were applied. We also have proposed procedures to improve the implementation of the existing rules, specifically a mechanism to strengthen procedures for impartial supervision of the application of the rules. This position is reflected in the U.S. delegation reports on our participation in the ICRC Conferences of Government Experts.

Because work on more effective methods to guarantee the enforcement of agreements on the treatment of prisoners of war is already under way, we do not consider it necessary at this time to take a separate initiative to convene a new international conference on this subject. The United States Government will continue actively to work for better protection for the rights of prisoners of war. We welcome your support for those efforts.

Sincerely,

MEMORANDUM

2034

NATIONAL SECURITY COUNCIL

ACTION

May 21, 1973

MEMORANDUM FOR: GENERAL SCOWCROFT
FROM: ALVIN P. ADAMS
SUBJECT: Reply to Congressman Young Concerning
Prisoners of War

Attached at Tab I is a memorandum from you to Bill Timmons which encloses a draft reply (Tab A) to a letter to the President from Congressman Young (Tab B). Young is concerned over the law on POW treatment and proposes a U.S. initiative to convene a new international conference on the subject.

The reply at Tab A notes that we share his concern but that a U.S. initiative is unnecessary because an international conference already is scheduled for spring 1974.

RECOMMENDATION:

That you sign the memorandum at Tab I.

7307847



DEPARTMENT OF STATE

NSC-2034

Washington, D.C. 20520

May 17, 1973

UNCLASSIFIED

MEMORANDUM FOR MR. HENRY A. KISSINGER
THE WHITE HOUSE

Subject: Reply to Congressman Young
Concerning Prisoners of War

The President received a letter dated April 5, 1973, from Congressman Young of Florida requesting that, now that a ceasefire has been signed for Vietnam, the U.S. Government undertake an initiative to review agreements relating to the treatment of prisoners of war. An interim reply was sent by Mr. Cook on April 10, 1973.

It is significant that for the last three years international consultations have been held with a view to reaffirm and develop international humanitarian law applicable in armed conflicts. The United States has been an active participant in these activities. This work is mentioned both in President Nixon's 1973 Report to the Congress on U.S. Foreign Policy (page 211) and in the Secretary of State's 1973 Report on United States Foreign Policy During 1972 (pages 110-11). The proposed reply gives the background of U.S. involvement in the effort to strengthen international humanitarian law -- including the law applicable to the treatment of prisoners of war -- and includes for Congressman Young a copy of the most recent U.S. Delegation Report, which contains further background and detail.

Pat Miller for
Theodore L. Elliot, Jr.
Executive Secretary

Attachments:

1. Suggested reply.
2. U.S. Delegation Report --
Conference of Government Experts on the
Reaffirmation and Development of Interna-
tional Humanitarian Law Applicable in Armed
Conflicts.
3. Original Correspondence.

UNCLASSIFIED

Suggested Reply

Dear Congressman Young:

This is in further reply to your letter of April 5 to the President urging that the United States take the initiative in convening a new international conference to review agreements relating to the treatment of prisoners of war.

The President shares your concern in this area. And I am happy to provide information on precisely this issue.

~~It is important to consider some background in this area, as such a meeting has already been tentatively~~ scheduled by the Swiss Government, which is (the depository for the 1949 Geneva Conventions) for February 18 to April 11, 1974, in Geneva.

In recent years it had become increasingly clear that the law applicable in armed conflicts needed to be ^{updated} strengthened and made more effective. ~~The Geneva Conventions of 1949 provided basic rules, but they were developed in the aftermath of the second world war with that kind of conflict in view. The need for development of~~ ⁱⁿ ~~the law was expressed both in the UN General Assembly, which has considered the topic during recent years in its Third Humanitarian and Sixth Legal Committees, and by the International Committee of the Red Cross (ICRC), which has traditionally assisted in the development of~~

Honorable C. W. Bill Young,
House of Representatives,
Washington, D.C. 20515

Department of State

-2-

international humanitarian law. Substantive work on this subject has been carried on under the auspices of the ICRC in the past two years. Pursuant to a resolution adopted at the Twenty-First International Conference of the Red Cross, held at Istanbul in 1969, the ICRC convened a series of meetings of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.

The United States Government ^{is} ~~was~~ of ~~course~~ particularly conscious of ^{the} ~~the~~ recent experience ~~in~~ in Southeast Asia. ~~As far as we were concerned,~~ ^{while} the rules applicable to the treatment of prisoners of war ^{are} ~~were~~ generally adequate, ^{but} ~~but~~ they had not been implemented or enforced during the ^{current} conflict. Our principal aim, therefore, has been to obtain better implementation and application of the existing law. We ^{have} stated that new rules would have little value if we could not assure that existing rules were applied. We ^{also have} proposed procedures to improve the implementation of the existing rules, specifically a mechanism to strengthen procedures for impartial supervision of the application of the rules. This position is reflected in the U.S. delegation reports on our participation in the ICRC Conferences of Government Experts, (and we have enclosed for your information the most recent of these reports.)

-3-

Because
In view of the fact that ~~we~~ work on ~~finding~~ more effective methods to guarantee the enforcement of agreements ~~relative to~~ ^m the treatment of prisoners of war is already under way, we do not consider it necessary at this time to take a separate initiative to convene a new international conference on this subject. The United States Government will continue actively to work for better protection for the rights of prisoners of war. We welcome your support for those efforts.

Sincerely,

April 10, 1973

Dear Bill:

This will acknowledge and thank you for your April 5 letter to the President urging that the United States take the initiative in convening a new international convention to review agreements relating to the treatment of prisoners of war.

You may be assured your letter will be called to the President's attention at the earliest opportunity. In addition, it will be presented for review and consideration by his advisers on international affairs.

With warm regards,

Sincerely,

Richard K. Cook
Deputy Assistant
to the President

Honorable C. W. Bill Young
House of Representatives
Washington, D. C. 20515

bcc: w/incoming to Dr. Kissinger for DRAFT REPLY.

House of Representatives
Washington, D.C. 20515

WASHINGTON, D.C.
DISTRICT OFFICES:
627 FEDERAL BUILDING
ST. PETERSBURG, FLORIDA 33701
1906 DREW STREET
CLEARWATER, FLORIDA 33515

C. W. BILL YOUNG
6TH DISTRICT, FLORIDA

MEMBER
HOUSE COMMITTEE
ON ARMED SERVICES

April 5, 1973

The President
The White House
Washington, D.C.

Dear Mr. President:

Americans are extremely grateful that our Nation has achieved peace with honor in Vietnam and thank God for the strength and courage you displayed to make it possible.

Recent reports, however, on the abuse and torture of American Prisoners of War held captive during the conflict have focused our attention on the fact that North Vietnam and the Viet Cong flauntingly abused the requirements for treatment of Prisoners of War as set forth in the Geneva Convention. As a consequence, worldwide attention is now being focused on the inexcusable, barbaric and deplorable treatment received by our brave and courageous American fighting men who endured suffering beyond belief.

While we pray that Americans will never again be required to participate in an armed conflict, because of the manner in which the Geneva Convention Accord was flagrantly abused by the Communists and because the United Nations stood by pitifully helpless and because the cosigners did nothing to require the Communists to abide by the terms set forth in the Accord, I propose that the United States take the initiative in convening a new international convention for the purpose of reviewing agreements relating to the treatment of Prisoners of War, and to provide for effective methods to guarantee the enforcement of agreements relative to prisoners of war.

Your kind attention to this matter of vital importance will be deeply appreciated, and with best wishes and warm, personal regards, I am

Very truly yours,

C. W. Bill Young,
Member of Congress

CWY:bhm