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VIETNAM POLICY PROPOSALS

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-FIRST CONGRESS

SECOND SESSION

ON

S. 3000, S. Con. Res. 39, S. Con. Res. 40, S. Con. Res. 42, S. Res. 268, S. Res. 270, S. Res. 271, S. Res. 280, and S.J. Res. 166

FEBRUARY 3, 4, 5, AND MARCH 16, 1970

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FEBRUARY 3, 4, 5, AND MARCH 16, 1970



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VIETNAM POLICY PROPOSALS

TUESDAY, FEBRUARY 3, 1970

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committe met, pursuant to notice, at 10:05 a.m., in room 318, Old Senate Office Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Church, Symington, Pell, Aiken, Case, Cooper, and Javits.

The CHAIRMAN. The committee will come to order.

OPENING STATEMENT

The Committee on Foreign Relations is beginning a series of hearings this morning on various aspects of our engagement in Vietnam.

There has occurred in the last 2 years a most important—and welcome—change in America's war policy in Vietnam. Prior to March 1968 we were expanding the scale of the war; since that time we have been reducing it—slowly but steadily. President Johnson initiated the process of gradual deescalation by limiting the bombing of North Vietnam, thus allowing the Paris peace talks to begin, and then, near the end of his term, by ending the bombing of North Vietnam altogether. President Nixon has continued the deescalation through gradual, periodic withdrawals of American troops. In early 1969 there were 542,500 American troops in Vietnam. By April 1970—which will be 2 years after the deescalation policy began—there will remain, under current withdrawal plans, 434,000 American soldiers in Vietnam.

The great majority of the American people—and of the Congress and of the members of this committee—have welcomed the deescalation policy of the last 2 years as a signal improvement over the previous policy of escalation. Many Americans—including members of this committee—have thought the process excessively slow but the fact remains: reducing the scale of this longest war in American history is far preferable to expanding it—though not as good as ending it. I believe, further, that most Americans can unite in support of the broad policy objectives outlined by President Nixon in his recent state of the Union message: an early end to the war in Vietnam; the implementation of the Guam doctrine calling on other nations to accept primary responsibility for their own defense and development; and the refocusing of American energies on a quest for a new quality of life in America.

ORDER OF WITNESSES

In order to assist the Executive in advancing toward these objectives the committee opens today a new series of public hearings on the war in Vietnam. Today and tomorrow we will hear testimony by Senators speaking on various resolutions and legislative proposals relating to the war in Vietnam as well as to related general problems of American foreign policy. Witnesses scheduled for today are Senator Goodell of New York, Senator Hughes of Iowa, Senator Eagleton of Missouri, and Senator Mathias of Maryland. Tomorrow the committee will hear testimony by Senator Scott of Pennsylvania, Senator McGovern of South Dakota, Senator Hartke of Indiana, Senator Dole of Kansas, and Senator Young of Ohio and, I believe, Senator Javits of New York.

Testimony by representatives of the executive branch and by a number of nongovernmental foreign policy experts will be heard at a later date.

PURPOSE OF COMMITTEE HEARINGS

As the President said in his state of the Union message, the prospect for a lasting peace will be greatly improved by a continuation of the relationship between Congress and the Executive under which we all conduct ourselves not as Republicans or Democrats but as Americans—despite differences in detail about the security of our country and the peace of the world. It is in that spirit that the committee opens these new hearings on Vietnam.

Much of the discussion is likely to deal with those differences in detail of which the President spoke. Difficult questions may be raised, and it will not astonish me altogether if criticisms of the Administration's policy are expressed. That, however, is part of the vitality of the democratic process. Praise is gratifying but it is seldom useful as a means of generating serviceable new ideas. There is no better way for this committee to assist the President than by thorough, open discussion of the best possible means of achieving the objective which all of us support—an early reasonable peace settlement in Vietnam.

PROSPECTS FOR PEACE IN VIETNAM

We have been hearing a great deal lately about the progress that has been made toward ending the war. The President said in his state of the Union message that the "prospects for peace are far greater today than they were a year ago." And Secretary of State Rogers said recently that we are on "the right track toward national release from total preoccupation" with Vietnam. These are welcome assurances, which can usefully be examined in greater detail. In what exact ways, we may ask, have we advanced toward peace? The war, as we know, is still on. Replacements are still being sent to Vietnam; we are still suffering about 750 casualties a week; and the war is still costing the American people $70 million a day.

No member of this committee, I am sure, would wish to denigrate the limited steps which have been taken toward peace, but neither can we allow ourselves to become complacent. I for one have been puzzled by comments to the effect that the war is no longer an issue in Amer-

ican politics. Some writers have suggested that the American people have lost interest in the war and are now preoccupied with inflation. Aside from the fact that the war and the inflation are closely related—the cost of the war being a major spur to rapidly rising prices—the war remains a critical issue in its own right. As long as American soldiers are fighting and dying in a distant conflict, that conflict—even though slightly scaled down—must remain the major concern of the American people and their elected representatives. For that reason this committee can and must ask: In what exact way have the prospects for peace improved? And how and when may we expect the prospect of peace to become the reality of peace?

VIETNAMIZATION POLICY

In this connection more specific questions arise regarding the so-called "Vietnamization" of the war. How well is it progressing? And how long will it take? Does "Vietnamization" mean that all American troops will be withdrawn or only our ground combat troops, leaving a "residual" force of 100,000 or 200,000 or 300,000 men? What is the likelihood that the Vietcong and the North Vietnamese will allow "Vietnamization" to proceed without trying to shatter it through a major new offensive? What will we do if "Vietnamization" fails, if the South Vietnamese Army, left on its own, should come near to collapse again as in 1964? Would we then send American troops back in and reescalate the war? Is that what President Nixon meant when he said last November 3, and again on December 15, that he would take "strong and effective measures" if the enemy took military advantage of American withdrawal?

Secretary Laird has said, and I quote, that he "would not rule out" reescalation if "Vietnamization" should fail. Finally we must ask whether, all things considered, "Vietnamization" is the cost promising path toward peace, more promising than a renewed effort to negotiate a compromise settlement in the Paris talks. All these questions require clarification if Congress and the American people are to make informed judgments about the best possible route to peace.

PERTINENCY OF DEBATING U.S. INTERVENTION IN VIETNAM

It has been said that it is too late now to debate whether we should or should not have gone into Vietnam in the first place. My own feeling is that the continuing exploration of this question is still pertinent, not just for the sake of history, or for parceling out praise and blame, but for purposes of defining our national interests and the best means of upholding them. If it was wise for us to intervene in Vietnam in the first place, if it was really essential for our national security, then it might now be judged wise to remain there in full force and not just to "Vietnamize" the war but to win it outright. But if our intervention was a mistake to begin with, if South Vietnam never was of major importance to our national security, then it might now be judged safe and wise to negotiate a prompt end to American participation in the war, leaving the Vietnamese factions to fight it out among themselves. We must continue to reevaluate the past because the wisdom or lack of it in what we have already done has everything to do with the wisdom or lack of it in what we are now doing and with what we now ought to do.

FEASIBILITY OF NEGOTIATED COMPROMISE SETTLEMENT

The committee can further assist the President in his efforts for peace by reexamining the feasibility of a negotiated compromise settlement. Perhaps, after 2 years of futile peace talks in Paris, it is time to call the effort off, or to suspend the talks temporarily, or simply to leave them in the downgraded condition they have been in since the withdrawal of Ambassador Lodge and the Administration's decision not to replace him with another top-ranking American representative. On the other hand, depending upon what we judge our national interests to be, it may be feasible to send a top-ranking American team back to Paris with a whole new set of proposals for a compromise peace.

If the survival in power of the Thieu-Ky government or one very much like it is judged not essential to American interests—and that now seems to be the judgment of well-informed people both in and out of government—then it may be feasible to reach agreement with the National Liberation Front and the North Vietnamese on an interim government representing all of the Vietnamese factions which would then conduct elections, or simply negotiate among themselves, for the creation of a more permanent regime. Recent visitors to Hanoi report that the National Liberation Front and the North Vietnamese would be prepared to make significant concessions in return for our agreement to the gradual, phased but complete withdrawal of American forces from Vietnam. The immediate solution they are said to favor is the creation of an interim regime representing all of the South Vietnamese factions. The North Vietnamese Government is also on record as being willing to accept a neutralist, independent South Vietnam which they would not seek forcibly to reunite with North Vietnam. The North Vietnamese and the National Liberation Front remain adamant, however, in their opposition to the continuation of the present Constitution of South Vietnam, which bars all Communists from participation in the government.

PRIMACY OF UNITED STATES VITAL INTERESTS

Whether and to what extent the North Vietnamese and the Vietcong are seriously prepared to negotiate a compromise along these lines can only be determined by substantive negotiations. Whether we for our part can accept such a compromise settlement must depend upon how the President, with the advice and assistance of the Congress and the Nation, defines the national interests of the United States.

Should it be decided that we can agree to an interim regime and to ultimate total American military withdrawal from South Vietnam without detriment to our national security, then it might also be judged timely to become somewhat more firm in dealing with the present South Vietnamese Government. Even now there are important policy differences between the Nixon Administration, which is committed to "Vietnamization," and the Thieu-Ky government. President Thieu recently said, for example, that the withdrawal of American ground combat forces from Vietnam by the end of 1970 is an "impossible goal" and that, instead, "it will take many years" to remove

those forces. Even more disturbing was President Thieu's declaration of last June: "I solemnly declare," he said at that time, "that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government."

Whether and how we take a firmer hand with our ally must depend upon our own vital interests and responsibilities. Neither the President nor the members of this committee nor the American people would have a single American soldier sacrifice his life for a purpose extraneous to our country's safety and welfare, and surely not for the sole purpose of perpetuating in power the present ruler of South Vietnam. As the President pointed out in his state of the Union message, our differences are over matters of detail and approach. There are no differences among us about the overriding objective of American foreign policy, which is the safety and welfare of the American people.

Through these hearings we hope to assist the President in bringing to an early end this war which has divided and agitated the American people for the last 5 years. Only when we are liberated from Vietnam will we be able to work together effectively on such urgent tasks as curbing the still accelerating inflation, stemming the tide of pollution, and all the other long-neglected items on the American agenda. The time has come, as the President said in his state of the Union message to initiate the quest for a "new quality of life in America."

(S. 3000, S. Con. Res. 39, S. Con. Res. 40, S. Con. Res. 42, S. Res. 268, S. Res. 270, S. Res. 271, S. Res. 280, and S.J. Res. 166 together with existing individual comments of the Department of State, follow:)

LEGISLATIVE PROPOSALS BEFORE THE COMMITTEE

[S. 3000, 91st Cong., first sess.]

A BILL To amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Disengagement Act of 1969."

SEC. 2. (a) Congress finds that the broad foreign policy interests of the United States require that the American military presence in Vietnam be removed at the earliest possible time, and that such action will promote the social and political well-being of the people of South Vietnam; that the prosecution of the war in Vietnam with American troops must be ended, not merely reduced; that the loss of American lives in Vietnam can be halted only by establishing a clear timetable for terminating American combat operations and withdrawing American troop commitments in the near future; and that the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its constitutional authority to "raise and support armies" and to "declare war."

(b) It is the purpose of this Act—

(1) to reassert the responsibility of Congress, under its constitutional authority to "raise and support armies" and "declare war," to share with the President the task of extricating this Nation from the Vietnam war; and to involve Congress in setting a clear and unequivocal timetable for the withdrawal of American troops from Vietnam;

(2) to express the clear intent of Congress that all American military personnel be withdrawn from Vietnam on or before December 1, 1970; so that the retention even of noncombat military training personnel in Vietnam after that date would not be permitted without the enactment by Congress of further legislation specifically approving such retention; and

(3) to give clear notice to the Government of South Vietnam that following December 1, 1970, it must assume the burden of fighting; and to permit

the withdrawal of American military personnel and the assumption of their combat functions in an orderly fashion on a schedule set by the President with a required termination date of December 1, 1970.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620A. PRESENCE IN VIETNAM.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Bill 3000 and requesting the views of the Executive Branch on this bill.

We are opposed to passage of this bill, which in effect seeks to legislate an end to the war through a prohibition on the use of appropriated funds to maintain American military personnel in Viet-Nam beyond December 1, 1970. Not only do we consider that this would be an unwise approach to a complex and vital foreign policy problem, but we believe passage of such a bill would undermine our efforts to obtain a just peace in Viet-Nam.

By setting an arbitrary date for the complete withdrawal of U.S. military forces, this bill implicitly rejects our fundamental, longstanding, and widely accepted goal in Viet-Nam—the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves beforehand to the total withdrawal of our troops by a certain date regardless of whether or not that goal is achieved.

We intend to have our troops out of Viet-Nam as quickly as possible consistent with this basic goal. As the President said in his news conference on September 26:

"* * * if the Administration were to impose an arbitrary cutoff time * * * for the complete withdrawal of American forces * * *, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective I am trying to achieve of ending the war before the end of 1970. * * * I also believe that (proposals such as this one) inevitably undercut and destroy the negotiating position we have in Paris * * * any incentive for the enemy to negotiate is destroyed if he is told in advance that if we just wait for 18 months we will be out anyway."

We believe, therefore, that passage of this bill would not serve our country's best interests, and we urge its rejection.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

[S Con. Res. 39, 91st Cong., first sess.]

CONCURRENT RESOLUTION Relating to withdrawal of United States forces from Vietnam

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present Administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interest of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Concurrent Resolution 39 and requesting the views of the Executive Branch on this resolution.

We would oppose passage of this resolution. While we agree that the war in Viet-Nam has resulted in heavy burdens for our people, we do not believe the great majority of Americans would wish us to abandon our fundamental objective—that of self-determination for the South Vietnamese people—for the more limited goals this resolution implicitly sets in calling for more rapid withdrawal of American forces from Viet-Nam.

The resolution suggests the only requirements we should fix for withdrawal are the safety of our own forces, the release of prisoners, and amnesty or asylum for those Vietnamese endangered by our withdrawal. In our view the withdrawal of United States troops from Viet-Nam must be carried out in such a way as to help assure our goal of self-determination and to support our negotiating efforts designed to achieve it.

As the President said on May 14:

"What kind of a settlement will permit the South Vietnamese people to determine freely their own political future? Such a settlement will require the withdrawal of all non-South Vietnamese forces from South Vietnam and procedures for political choice that give each significant group in South Vietnam a real opportunity to participate in the political life of the nation.

"To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam, also in accordance with a timetable.

"We include Cambodia and Laos to ensure that these countries would not be used as bases for a renewed war. The Cambodian border is only 35 miles from Saigon; the Laotian border is only 25 miles from Hue.

"Our offer provides for a simultaneous start on withdrawal by both sides; agreement on a mutually acceptable timetable; and for the withdrawal to be accomplished quickly.

"If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurances that they will not return."

In addition, as the President stated on November 3:

"We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat ground forces, and their replacement by South Vietnamese forces on an orderly scheduled timetable. This withdrawal will be made from strength and not from weakness. As South Vietnamese forces become stronger, the rate of American withdrawal can become greater."

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we can be forced to abandon the principle

of self-determination. We believe that the rejection of this resolution will help destroy that false hope and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

[S. Con. Res. 40, 91st Cong., first sess.]

CONCURRENT RESOLUTION To terminate Public Law 408 of the Eighty-eighth Congress (Gulf of Tonkin resolution), and for other purposes

Whereas the Armed Forces of the United States have been involved in warfare in Vietnam, pursuant to Public Law 408 of the Eighty-eighth Congress, on a scale resulting in the third highest combat fatalities in United States history; and

Whereas the Army of the Republic of Vietnam is being trained and equipped to take over from the United States forces in Vietnam; and

Whereas domestic and world conditions do not warrant further prolongation of the present United States combat involvement in Vietnam; and

Whereas the moral obligation the United States bears to the people of South Vietnam is to provide asylum for those whose lives would be endangered by our withdrawal: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should withdraw all American combat troops by the end of 1970; and be it

Resolved further, That upon such withdrawal, unless the President shall have previously determined that peace and security in Southeast Asia is reasonably assured pursuant to section 3 of Public Law 408 of the Eighty-eighth Congress, such joint resolution shall terminate on December 31, 1970; and be it

Resolved further, That it is the sense of the Congress that the remaining United States forces should be withdrawn in a reasonable time thereafter and that during this period steps should be taken by the United States in cooperation with the United Nations or other international organizations to provide asylum for those in South Vietnam whose lives would be endangered by such action.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 17 enclosing copies of Senate Concurrent Resolution 40 and requesting the views of the Executive Branch on this resolution.

We would oppose passage of this resolution, which seeks to establish the end of 1970 as the date both for a fixed deadline for withdrawal of all United States combat troops and for repeal of the Tonkin Gulf Resolution.

We believe that the establishment of a firm date for withdrawal of United States troops will not bring us closer to our goals in South Viet-Nam. The Administration hopes to withdraw United States combat troops from Viet-Nam as quickly as possible and has a plan for accomplishing this objective. Public revelation of a fixed timetable, however, would not contribute to the attainment of this objective. It would jeopardize our chances of obtaining a political settlement through negotiations and could interfere with the continuing orderly transfer of the United States share of combat to the South Vietnamese.

Further, we oppose the repeal of the Tonkin Gulf Resolution at this time. Certainly the Congress has the right to terminate this resolution if it chooses to do so. However, we do not believe that its termination would bring us any closer to peace. The Administration's commitment to terminate participation of American combat forces in the war is clear, and the basic objective of the proposed resolution, namely the disengagement of United States forces from the war, is already on the way to being achieved.

In addition, the existence of the Tonkin Gulf Resolution has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its

termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

[S. Con. Res. 42, 91st Cong., first sess.]

CONCURRENT RESOLUTION To terminate the joint resolution commonly known as the Gulf of Tonkin Resolution

Resolved by the Senate (the House of Representatives concurring), That, under the authority of section 3 of the joint resolution, commonly known as the Gulf of Tonkin Resolution and entitled "Joint resolution to promote the maintenance of international peace and security in southeast Asia," approved August 10, 1964 (78 Stat. 384), such joint resolution is terminated upon passage of this concurrent resolution.

Department of State Comments

WASHINGTON, D.C. *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 27, enclosing copies of Senate Concurrent Resolution 42 and requesting the views of the Executive Branch on this resolution.

We would oppose the passage of this resolution. While the Congress certainly has the right to terminate the Tonkin Gulf Resolution if it chooses to do so, we do not believe that its termination would bring us any closer to peace. The basic objective of the proposed resolution, namely the disengagement of United States forces from the war, is already on the way to being achieved through this Administration's current program of seeking a negotiated settlement and withdrawing United States combat forces on an orderly basis as the South Vietnamese are able to assume a greater share in their own self-defense.

The existence of the Tonkin Gulf Resolution also has consequences for Southeast Asia which go beyond the war in Viet-Nam. The question of its termination must be considered carefully in terms of our other international obligations in the area, particularly the Southeast Asia Collective Defense Treaty which the Tonkin Gulf Resolution specifically cites.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

[S. Res. 268, 91st Cong., first sess.]

RESOLUTION Expressing the sense of Senate that certain measures should be taken by the Government of South Vietnam

Resolved, That it is the sense of the Senate that the Government of South Vietnam should promptly be urged to take the following steps within the next sixty days:

(1) Grant liberty and amnesty to all of those presently held in custody as political prisoners;

(2) Lift the censorship of all communications media, foreign and domestic, including especially those newspapers which have been closed down;

(3) Permit political parties the freedom to organize and operate without governmental controls; and

(4) Present a plan for a provisional government, broadly representative of the main political, ethnic, and religious groups of South Vietnam, whose principal functions will be to maintain government effectively during the transition from war to peace; and be it further

Resolved, That it is the sense of the Senate that if each of these conditions is not satisfied, in whole or in substantial part, then the United States should de-

clare officially that its commitment to the present Government of South Vietnam is ended, and that with all responsible haste it will terminate its military, political, and economic assistance to that Government.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Resolution 268 and requesting the views of the Executive Branch on this resolution.

This resolution would make continuation of United States involvement in Viet-Nam contingent upon two steps by the Government of the Republic of Viet-Nam: (1) instituting certain political liberalization measures within the next 60 days; and (2) presenting a plan for a broad provisional government. In our view, the resolution ignores the substantial political progress already made by the South Vietnamese government, as well as the reasonable proposals for a peaceful settlement which that government has made in recent months.

We are of course interested in seeing the Vietnamese make rapid progress in the field of political liberalization. At the same time we realize the problems they face in doing so under difficult and unusual wartime conditions. We nevertheless will continue to encourage their efforts in this regard and to make our views known. However, we cannot impose on the South Vietnamese our own idea of what their government should be, and we believe an ultimatum to the Vietnamese government such as this resolution implies would be neither proper nor useful as a means of furthering the common search for peace in which our two countries are engaged.

This resolution apparently reflects a misunderstanding of our basic purpose in Viet-Nam. We are not fighting there to maintain in power any individual, group, or government. Our goal is self-determination for the people of South Viet-Nam, so that they can choose their own government freely. Both we and the present Government of the Republic of Viet-Nam have pledged to accept that choice and have made reasonable proposals for elections in which all South Vietnamese could participate in order to determine it.

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we can be forced to abandon this principle of self-determination. We believe the rejection of this resolution will help destroy that false hope and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

[S. Res. 270, 91st Cong., first sess.]

RESOLUTION Expressing the sense of the Senate relative to the Vietnam war

Resolved, The Senate of the United States takes cognizance that:

(1) It is the duty of the Senate to give advice and consent to the Executive in the conduct of foreign affairs. In view of the continuing war in Vietnam, the exercise of such responsibility is the highest form of service to be performed.

(2) The war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring the war to an end. In the past five years, some forty thousand American soldiers have died. Since the beginning of this year, more than eight thousand American fighting men have been killed. In light of the thousands of lives being lost, there can be no moratorium on discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

(3) The President has taken a step in the right direction by his announced withdrawal of sixty thousand American troops. But this is only a small beginning to what must be done to extricate the United States from this war. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next eight to ten years. The policy of the United States can no longer wait upon the pleasure of either Saigon or Hanoi.

(4) The future of South Vietnam must be shaped by the will of the South Vietnamese. The continued presence of United States military forces can only postpone the political accommodations essential to ending the conflict, and be it further

Resolved, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 13 enclosing copies of Senate Resolution 270 and requesting the views of the Executive Branch on this resolution.

We would be opposed to passage of this resolution. We certainly agree with the resolution's statement that the people of South Viet-Nam must take charge of their own destiny; this has been, and continues to be, our fundamental objective in Viet-Nam. We do not agree, however, that this can be achieved "only" through a more rapid withdrawal of American troops and a commitment by the United States to fully disengage from South Viet-Nam, as the resolution further states.

It has been the attempt by North Viet-Nam to impose its own solution by force of arms on the people of South Viet-Nam that accounts for our troops being there. We feel that the goal of self-determination for the South Vietnamese can only be achieved by the mutual withdrawal of all non-South Vietnamese forces, and we have repeatedly proposed this to those on the other side. It is the other side's refusal to accept this basic and reasonable principle that prevents a more rapid withdrawal of United States forces from Viet-Nam.

We do not agree that the presence of our forces postpones the political accommodations [sic] essential to ending the conflict. Both we and the Government of the Republic of Viet-Nam have made reasonable and forthcoming proposals for political settlement of this conflict in a manner fully consistent with the principle of self-determination for all the South Vietnamese people. Again, it is the other side's refusal even to consider these proposals that is the real obstacle to political accommodation and an honorable political settlement.

We intend to withdraw our combat troops as rapidly as possible, but we must do this in such a way as to support our fundamental objective of self-determination and our negotiating proposals and other actions designed to achieve it. In our view the much more limited conditions and requirements for withdrawal which the resolution proposes would not support that objective and those actions and would make far more difficult our efforts to obtain a just and lasting peace in Viet-Nam.

The authorities in Hanoi are prolonging the war and refusing to engage in serious negotiations because they hope we will abandon the principle of self-determination and withdraw precipitately from Viet-Nam. The rejection of this resolution will help destroy that false hope and enhance the prospects for meaningful negotiations and an early peace.

Sincerely yours,

H. G. TORBERT, Jr.
Acting Assistant Secretary
for Congressional Relations.

[S. Res. 271, 91st Cong., first sess.]

Resolved, That it is the sense of the Senate that the Government of North Vietnam and the National Liberation Front are urged to take promptly the following steps:

(1) acknowledge that a just and mutually agreed settlement is the best hope for lasting peace;

(2) show at the Paris peace talks the same flexibility and desire for compromise which the Allies have clearly demonstrated over the past year;

(3) agree to direct negotiations between representatives of the National Liberation Front and of the Government of the Republic of Vietnam as proposed by the latter;

(4) withdraw their insistence on Allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam before genuinely free elections could be held; and

(5) provide information on the status of United States prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention; and be it further

Resolved, That it is the sense of the Senate that the United States must maintain its one fundamental goal in Vietnam of peace, with self-determination for the South Vietnamese people.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of October 14 enclosing copies of Senate Resolution 271 and requesting the views of the Executive Branch on this resolution.

We fully agree with this resolution, which reiterates our fundamental goal of self-determination for the South Vietnamese people and correctly places the blame for lack of progress toward peace on the communist side. It also notes correctly the flexibility our side has shown in attempting to reach a negotiated settlement, and it calls upon Hanoi to do the same.

The drafters of this resolution have recognized that Hanoi continues to remain inflexible in the hope that pressures in this country will force us to abandon our fundamental goal. This resolution, if endorsed by the Senate, could contribute greatly to an early and honorable settlement by making clear to the other side that the majority of the American people are firmly behind our present efforts to reach an honorable negotiated solution. We would greatly welcome such an endorsement.

H. G. TORBERT, Jr.
Acting Assistant Secretary
for Congressional Relations.

[S. Res. 280, 91st Cong., first sess.]

RESOLUTION Affirming the support of the Senate for the President's efforts to negotiate a just peace in Vietnam

Resolved, That the Senate affirms its support for the President in his efforts to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections, and requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire and to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

Department of State Comments

WASHINGTON, D.C., *December 4, 1969.*

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate,

DEAR MR. CHAIRMAN: The Secretary has asked that I reply to your letter of November 12 enclosing copies of Senate Resolution 280 and requesting the views of the Executive Branch on this resolution.

We welcome this proposed resolution in its support of our fundamental objective in Viet-Nam and of President Nixon's efforts to negotiate a just peace which assures that objective—the right of self-determination for the people of South Viet-Nam. The resolution draws special strength from the fact that it is co-sponsored by the Majority and Minority leaders as well as by an impressive list of other distinguished Senators from both parties.

The authors of the resolution approve the United States' willingness to honor and be bound by the results of free elections open to all South Vietnamese, requests the President to seek agreement with the government of North Viet-Nam on a joint proclamation of a mutual ceasefire; and requests the President to call upon the government of North Viet-Nam to announce its willingness to honor such elections and to allow the issues in controversy to be resolved peacefully.

This is entirely in accord with the goals of this Administration. We are already committed to acceptance of the outcome of free elections and to peaceful settlement of the issues in dispute and have repeatedly urged this on the other side. Mutual cease-fire under international supervision was an element of the President's peace plan of May 14 and has been an integral part of our peace proposals since then.

Endorsement of this resolution by the Committee and the Senate would enhance the prospects for peace by demonstrating to those on the other side that our current efforts to reach an honorable settlement in Viet-Nam enjoy strong backing in the legislative as well as executive branch of our government and must be taken seriously as a basis for real negotiations.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional relations.

[S.J. Res. 166, 91st Cong., first sess.]

JOINT RESOLUTION To repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) the joint resolution of January 29, 1955 (69 Stat. 7), relating to the protection of the security of Formosa and the Pescadores, (2) section 2 of Public Law 85–7 (71 Stat. 5), relating to the use of the Armed Forces of the United States under certain circumstances to maintain peace in the Middle East, (3) the joint resolution of Cuba of 1962, Public Law 87–733 (76 Stat. 697), expressing the determination of the United States in relation to Latin America, and (4) Public Law 88–408 (78 Stat. 384), relating to the maintenance of international peace and security in Southeast Asia, are repealed effective with the sine die adjournment of the Ninety-first Congress.

SEC. 2. (a) There is hereby established a joint committee of the Senate and the House of Representatives to be known as the Joint Committee on the Termination of the National Emergency (hereinafter in this section referred to as the "joint committee") consisting of twelve members, as follows:

(1) six Members of the Senate, to be designated by the President of the Senate, three of whom shall be members of the Committee on Foreign Relations of the Senate; and

(2) six Members of the House of Representatives, to be designated by the Speaker of the House of Representatives, three of whom shall be members of the Committee on Foreign Affairs of the House of Representatives.

The joint committee shall select a chairman and vice chairman from among its members.

(b) Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee.

(c) A majority of the members of the joint committee shall constitute a quorum thereof for the transaction of business, except that the joint committee may fix a lesser number as a quorum for the purpose of taking testimony.

(d) No legislative measure shall be referred to the joint committee and it shall have no authority to report any such measure to the Senate or the House.

(e) The joint committee shall cease to exist upon the sine die adjournment of the second session of the Ninety-first Congress.

(f) It shall be the function of the joint committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the joint committee shall—

(1) consult and confer with the President and his advisers regarding the most effective method of terminating such national emergency;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency.

(g) The joint committee shall submit a report to the Congress as soon as practicable after the date of enactment of this joint resolution, but in no event later than the end of the Ninety-first Congress, setting forth the results of its study and investigation together with such recommendations as it deems appropriate.

(h) In carrying out its duties under this section, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings; to sit and act at such times and places; to take such testimony; to procure such printing and binding; and to make such expenditures as it deems advisable. The committee may make such rules respecting its organization and procedure as it deems necessary.

(i) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman. The cost of stenographic service to report hearings shall not exceed the amounts fixed by law for reporting the hearings of standing committees of the Senate.

SEC. 3. The Congress hereby declares its support of the President's efforts to achieve a political solution in Vietnam and of his plan for the accelerated withdrawal of all United States forces from South Vietnam and strongly urges that, in carrying out such plan, the President take appropriate action to seek the creation of an international peacekeeping force under the United Nations or appropriate Asian auspices to prevent further hostilities in the Republic of South Vietnam and to prevent reprisals against any people of that country following the withdrawal of United States forces.

SEC. 4. The Congress hereby urges South Vietnamese leaders representative of all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed to lead to the creation of a government capable of gaining popular support and sustaining a durable political order after the departure of United States forces.

SEC. 5. Congress hereby urges the President, as soon as practicable after the date of enactment of this joint resolution, to invite other nations to participate with the United States in the formulation of a plan for the reconstruction of war-ravaged areas in Southeast Asia through multilateral cooperation and to submit to the Congress as soon as possible recommendations for a United States contribution to such multilateral activity and to submit such proposals for legislation as may be necessary to implement such plan.

REQUEST TO TESTIFY

Senator JAVITS. Mr. Chairman, will the Chair yield momentarily? I just wish to state that Senator Pell and I would like to testify on our resolution tomorrow as witnesses, with the permission of the Chair.

The CHAIRMAN. Certainly, the Senators will be accommodated.

Senator JAVITS. May I just make one other observation, Mr. Chairman? I think that what the chairman has initiated in the hearings on these resolutions is a really classic function of this committee. I, for one, feel very deeply about this and will do my utmost to give the President the benefit of our collective wisdom without any stint and without any effort toward leading any special cause.

The CHAIRMAN. I thank the Senator. I certainly agree with that statement.

Our first witness this morning is the distinguished junior Senator from New York, Senator Goodell. Senator, will you proceed? I believe you have a statement to make to the committee.

I would like to say that Senator Goodell initiated this spate of resolutions and I think his initiative is much to be commended. This is the type of activity in this field the Senate should undertake and I congratulate the Senator on his original initiation.

STATEMENT OF HON. CHARLES E. GOODELL, U.S. SENATOR FROM NEW YORK

Senator GOODELL. Thank you, Mr. Chairman, and members of the Foreign Relations Committee.

May I first commend this committee and its chairman for these hearings which, I believe, can make a vital contribution to bringing peace to our country and particularly bringing peace to Southeast Asia.

DISAGREEMENT WITH ADMINISTRATION POLICY

Mr. Chairman, I obviously do not agree with the President's Vietnam policy—although I feel that he should be commended for reversing the military escalation so disastrously implemented by the previous Administration and for reducing the level of combat forces in Vietnam.

I fear the path the Administration is taking is fraught with illusion and danger.

We have not Vietnamized the war; we have cosmetized it.

We have painted a happy scene where Saigon prevails while we withdraw. Behind the facade of this Potemkin village, the facts of Vietnam remain as ugly as ever.

Vietnamization has been a great public relations success. Every month the polls show that more Americans support it. But the war is not a public relations problem.

It is said that the war has been "defused" by the Administration. This assumes the war is something taking place in this country—that it is over when the President's "silent majority" thinks it is over.

The real war—the war going on there, in Vietnam—has not been defused. The Vietcong has not been defused. The powerful North Vietnamese Army has not been defused. Neither has the political and social decay that debilitates the Saigon government and army.

If there is one thing clear in Vietnam today, it is that the overwhelming majority of the people want peace—and that they are governed by a military clique that wants war.

The people of South Vietnam are truly the "silenced majority." It is an illusion to claim we are fighting to preserve the "self-determination" of the people, and I noted with great interest that findings of the recent Vietnam report of this committee's staff ["Vietnam: December 1969"] support the statement that I just made.

Vietnam is a hothouse for illusions. The new policy has been wrapped in the same mantle of official optimism that formerly cloaked the old approach of military escalation.

The intractable realities of Vietnam—the vitality and determination of the enemy and the lack of these qualities in our allies—have made shambles of earlier policies. I fear these realities will do the same to present policies.

THE ADMINISTRATION'S POLICY

The President's plan is not a true policy of disengagement. It is not a covert or delayed version of the complete withdrawal policy I have been urging. It is, at best, a plan to scale down U.S. ground combat activities in Vietnam—although, as the Tet offensive in 1968 showed, such a reduction is subject to the veto of the enemy so long as substantial numbers of Americans remain.

In recent testimony before this committee, Secretary of State Rogers used four different formulations in describing the Administration plan—formulations which in fact are far from equivalent:

1. "* * * to permit the people of South Vietnam to determine their own future without outside interference."

2. "* * * to achieve an end to the American involvement in the war."

3. "* * * to withdraw all of our forces from Vietnam."

4. "* * * to lead to an end of the American engagement in hostilities in Vietnam."

While the first three may represent ultimate hopes, there are indications that only the fourth describes the practical, immediate commitment of the Administration. In other words, the Administration has merely adopted a combat reduction strategy, aimed at cutting back American casualties to a level where a continued U.S. presence in Vietnam would be "acceptable" to American public opinion.

According to informed sources, the Administration plans to retain close to 300,000 troops in Vietnam until the beginning of 1971.

Serious consideration is apparently being given to a very small troop reduction during 1971—one that would only bring the level of troops remaining in Vietnam down to about 250,000 by the beginning of 1972.

The Administration also is contemplating the retention of a "residual force" (sometimes called a "transitional force") in Vietnam for an unspecified and possibly indefinite period.

The residual force level being advocated by military circles in the Pentagon is 200,000. As the staff report on Vietnam policy released yesterday by your committee indicates, Americans and Vietnamese officials in Saigon are discussing a still higher figure of 250,000.

The lowest residual force figure that has been quoted is about 30,000, attributed to the Secretary of Defense.

Even a relatively "low" residual force figure of 30,000 represents a permanent commitment larger than the level of U.S. troops in Vietnam at the beginning of 1965—which, according to many observers at the time, compelled President Johnson to escalate under Communist pressure.

The human and material costs of continuing so large an American presence for so long are totally unacceptable.

The price of present policies will be anywhere from 5,000 to 20,000 Americans dead in the next 3 years.

The price will be anywhere from 20,000 to 100,000 Americans wounded during that time. A tragic and disproportionate number will be maimed for life.

The price will be anywhere from $40 billion to $60 billion in that period of 3 years. These figures must be measured in the opportunities foregone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies the sacrifice of so many American lives in this seemingly interminable war.

No U.S. interest in Vietnam justifies the maiming of so many young Americans.

No U.S. interest in Vietnam justifies squandering these huge sums, at the expense of meeting the problems of hunger, poverty, slums, and environmental decay in this Nation.

These are the costs of present policies if everything goes according to plan. If it does not, the price will be more staggering still.

And there are reasons to fear that not everything will go according to plan.

VERBAL ESCALATION

While abandoning actual military escalation, the President seems recently to have embarked on a course of verbal escalation that has its own grave risks.

On two occasions last year—November 3 and December 15—the President has sought to warn the enemy against increasing the level of their activities while we are reducing our forces, saying and I quote the President:

> Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

In his press conference last Friday, the President very much raised the verbal stakes of his warning by saying and I quote:

> If at a time that we are attempting to de-escalate the fighting in Vietnam, we find that they take advantage of our troop withdrawals to jeopardize the remainder of our forces by escalating the fighting, then we have the means—and I will be prepared to use those means strongly—to deal with that situation more strongly than we have dealt with it in the past.

Given the drastic methods that have been used in past years to punish the enemy, the warning that we are prepared to act "more strongly than we have in the past" strikes an ominous note of possible reescalation.

For six and a half years, however, this strategy has not succeeded. There is no reason to expect it to succeed now.

Beginning with the first bombing raids on the north after the Gulf of Tonkin incident, President Johnson sought to dissuade the enemy from attacking our forces by initiating reprisals of increasing severity for such attacks. This strategy was a failure. It did not deter the enemy. It only embroiled us ever deeper in the war.

I cannot see why the enemy will be deterred by President Nixon's threats of reprisal, when it was not deterred by President Johnson's actual reprisals. I cannot see why escalation in words will succeed where escalation in deed failed.

ENEMY HAS MILITARY INITIATIVE

The unpalatable fact is that the military initiative in Vietnam remains where it always has been—in the hands of the enemy. Our adversaries—not the South Vietnamese or ourselves—control the level and intensity of the fighting.

The Communists continue to be in a position to choose whether to

strike, to choose the most advantageous moment to strike, and to choose the manner of striking most deleterious to our policies. This point was aptly made in your recent committee staff report, on the basis of first-hand observations:

> It seemed clear to us, however, that no one has the slightest idea whether the enemy will attack in force during the time the United States is in the process of withdrawing combat forces in order to accelerate the American withdrawal, shake confidence in the South Vietnamese Government, demoralize the army, and disrupt pacification; whether the enemy will continue the "high point" pattern until American combat forces are withdrawn and then strike; or whether, even then, the enemy will concentrate on political subversion and competition in preference to a reintensified military effort. Those who hold these various theories appear tacitly to agree, however, that the choice lies with the enemy.

The Administration's plan for retention indefinitely of a residual force in Vietnam—and for maintenance of large forces there for the next several years—may well serve as an inducement to the enemy for offensive action. The longer any contingent of American troops remains in Vietnam, the greater may be the incentive on the Communist side to raise American casualties in order to increase domestic pressure in the United States for the troops' return.

TROOP WITHDRAWAL

In a recent article in the New York Times Magazine, former Under Secretary of State George Ball suggests one possible scenario for enemy action: North Vietnamese and Vietcong forces would continue the present lull in the fighting until our program for withdrawals had acquired a sustained momentum. Then they would launch a series of major offensives in order to raise the pressure for further withdrawals and undermine confidence in the South Vietnamese Army and Government.

It should also be borne in mind that future Communist offensives, like the Tet offensive of 2 years ago, might undermine our policies even if they do not achieve their military objectives.

Lyndon Johnson claimed that Tet was a Communist defeat. In the strict military sense, he was right—for the enemy was thrown back from the cities with enormous losses. In the much more important sense, he was wrong, for Tet was a resounding psychological and political success for the enemy, demonstrating to the American public the delusions of the old policy of escalation.

The popular success of the new policy rests on its appearance as a relatively painless course: One that permits us to help the South Vietnamese regime defend itself while we pull out gradually with reduced casualties. It would not be difficult for the enemy to plan and execute a series of offensive actions that would make the policy of Vietnamization seem far from painless.

After making the threats he has, what choices are open to the President if the Communists elect an offensive course?

He has three choices, all of them unpalatable.

He could slow down or stop American withdrawals. This would prolong the American involvement and increase American casualties and costs.

He could carry out his threats and initiate harsh reprisals. This would be a return to the disastrous road of escalation.

He could back down from his threats and continue to withdraw. This would be the most painful and internally divisive way of accomplishing the desirable objective of withdrawal.

HANOI'S AND SAIGON'S VETO

The administration plan gives the North and South Vietnamese Governments an absolute veto over our withdrawal and tempts them to exercise this veto.

The President says our troop withdrawals will depend upon three factors: progress at Paris, level of enemy activity, and Vietnamization. Each can be blocked by Hanoi or Saigon.

Hanoi decides whether there is to be movement in the Paris talks. For the past year and a half, it has decided that in the current negotiating context there can be no progress.

Moreover, by retaining our close identification with the military government of South Vietnam and by refusing to commit ourselves unequivocally in the negotiations to the principle of complete withdrawal of all American troops, we have created no inducement for a more flexible Communist negotiating position in the future.

Hanoi and the Vietcong decide upon the level of enemy actions and, for reasons already discussed, our present policies may tempt them to step up this activity.

Saigon decides upon Vietnamization. The speed with which South Vietnam can take over the burden of the fighting from American troops depends upon the capacity and morale of the South Vietnamese Government.

The recent staff report of your committee has aptly pointed out some of the obstacles to Vietnamizing South Vietnamese forces:

> As far as problem areas are concerned, it is common knowledge that the quality of South Vietnamese Army units is uneven. The desertion rate continues to be high. We were repeatedly told that officer leadership is still a major problem, especially at the middle and lower ranks. There has apparently been little progress in broadening the social base from which officers are drawn and even less in promoting noncommissioned officers. . . . Various Vietnamese stressed the continuing problems resulting from the low military pay scales. . . .
>
> There is still heavy dependence on the United States by South Vietnamese Army combat units. Even the 1st Division, supposedly the best in the South Vietnamese Army, requires massive U.S. support and depends heavily on helicopters, 80 percent of which are American. . . .

In this connection, I would note that a colleague of considerable military background, Senator Goldwater—whose views on the war otherwise are diametrically opposed to mine—has recently returned from Vietnam with his own pessimistic assessment of Vietnamization. Moreover, Vietnamization faces political hazards that are even more formidable than the military ones. They lie in the nature of the Saigon government.

The Saigon government has been maintained in power for years almost solely by the American military presence. Its political base continues to rest mainly on a small group of army officers and northern emigrees. It has steadfastly refused to permit any participation by perhaps the most important non-Communist elite in Vietnam—the Buddhist leadership. It has systematically branded as "neutralists" and "traitors," non-Communists who have not supported a wholly military solution to the war.

The United States has for years been pressing Saigon to "broaden its base." The effort has been an unqualified failure. In a reorganization last year, General Thieu expelled virtually all the civilians from

key posts in his cabinet and replaced them with hard-line army officers. Only last week, he proposed a constitutional amendment to bar all Communist-supported groups from participating in future elections—having already barred "neutralists" from participating in the 1967 elections.

If such a regime were able to survive at all after the departure of American forces, it could only do so by undertaking drastic reforms and by permitting the participation in the country's political life of elements that are now completely excluded. The simple truth is that the junta presently has no intention of going forward with this painful process—painful because it would require the junta to share its power with others—since it can cling to the hope of an almost indefinite presence of at least a residual force of American troops.

COMPLETE DISENGAGEMENT

It is time, Mr. Chairman, we recognize that this catastrophic war has not been and cannot ever be won.

It is time we perceive that, as I pointed out in 1967, Americans cannot build an Asian society at gunpoint.

It is time we understand that the real interests of our Nation in preserving the military junta of South Vietnam are marginal or nonexistent; that the human, economic, and other costs of prolonging our military presence there clearly outweigh any benefits that could conceivably result from our continued presence.

It is time that we completely and swiftly terminate our military participation in the war, and keep to a minimum any further loss of men, money, and prestige.

To achieve these objectives, I believe that we must adopt a plan for disengagement that meets the following criteria:

First, it must be a plan for complete disengagement of all American military personnel, both combat and noncombat. It cannot involve the indefinite retention of a residual force of any size in Vietnam. While we must recognize that there may be some risks attending complete withdrawal, they clearly are less than the risks and costs of any extended troop commitment.

Second, it must set a firm target date for the completion of the withdrawal. Our final disengagement cannot be conditional and cannot be deferred by the decisions of Hanoi or Saigon.

Third, the withdrawal should be accomplished with reasonable swiftness, in order to limit the further loss of American lives and the further disruption of American domestic priorities. A reasonable time should be allowed to enable us to withdraw and the South Vietnamese forces assume the task of the fighting. If, however, the South Vietnamese do not have the will or the capacity to do so, this should not be cause for delaying our departure.

Finally, public disclosure should be made of our intention to withdraw completely and of our proposed termination date. Such disclosure is essential to provide any hope of breaking the stalemate in Paris and, if possible, to induce the South Vietnamese Army and Government to make the reforms necessary for their survival.

PUBLIC COMMITMENT TO SPECIFIC WITHDRAWAL DATE

I have endeavored to embody these principles in the bill I introduced last September, now before this committee, S. 3000, the Vietnam Disengagement Act.

In my bill, I selected a withdrawal deadline of approximately 1 year from the time of the bill's introduction. I did so because I was convinced a year would minimize further loss of lives and at the same time permit an orderly process of withdrawal of American troops and assumption of their functions by South Vietnamese forces. I stand by the timetable I then proposed.

Let me emphasize, however, that the most important objective is the establishment of a public commitment to withdraw by a specified date within a reasonably short span of time. It would be tragic, indeed, if agreement on this vital objective were obscured by disagreement concerning the setting of the date a few months earlier or later.

A publicly announced deadline such as I have been proposing would make certain that after a specified date, no more American soldiers would die in Vietnam. The vain sacrifice of thousands of American lives would be over. So would the waste of tens of billions of dollars. We would, at last, be able to turn our energies and resources from fighting this seemingly endless war to solving some of our own urgent problems at home. We would, at last, have the opportunity to heal the profound divisions the war has opened within our own Nation.

A publicly announced timetable will permit the American people to comprehend that there can be no guarantee that Saigon will prevail while we withdraw. It will enable the people to perceive that short of an indefinite American military presence, there can be no certainty of preserving the status quo in Vietnam. It makes it clearly understood that the ability of South Vietnam to defend itself must ultimately depend on the willingness of its own army to fight and of its own government to reform.

A public plan will certainly generate controversy. This, however, is preferable by far to tranquility based on illusion. Under any conceivable plan for disengagement, there are manifest problems and dangers facing South Vietnam. It is better that the American people become aware of these dangers than that they be lulled into happy euphoria, only to suffer a rude awakening—as they did in 1968 after Tet—and a loss of confidence in this government and its institutions.

Notice to the South Vietnamese Government that we are withdrawing all our forces within a specified period will create a powerful incentive for that regime to mobilize its forces more effectively and to seek the genuine political strength of a broadened popular base.

As a foreign intruder, we have polarized the political situation in the South and driven many nationalist elements toward the NLF. Our withdrawal could help foster a depolarization that would create a more favorable environment for negotiations and a genuine political settlement.

THE GUAM DOCTRINE

In his Guam doctrine, President Nixon redefined the role of the United States in Asian affairs. He established the principle that Asian nations to which we are allied must bear primary responsibility for

their own defense, especially with respect to their internal security. I am strongly in accord with his Guam doctrine and I commend the President for his statement.

Had this principle been applied in 1963, as it should have been, we would never have become ensnared in a land war in Vietnam to preserve an existing government against an essentially internal threat.

Mr. Chairman, I respectfully suggest that the Guam doctrine is a sound doctrine that should now be applied in Vietnam in the same manner as the President proposes to apply it to Southeast Asia generally. Applying the Guam principle to Vietnam would mean proceeding with complete disengagement, not merely with troop reduction.

PRESIDENT'S "BLOODBATH" ARGUMENT

In his November 3 speech, the President contended that a fixed withdrawal timetable would enable the enemy "simply to wait until our forces have withdrawn and then move in." And he warned the public of the bloodbath that would result.

This line of argument seems at odds with the President's own theory of Vietnamization.

The South Vietnamese Army has over a million men under arms. North Vietnamese and Vietcong forces in the South total only about one-fifth this number. American withdrawal may require the South Vietnamese Army to adopt a more defensive strategy aimed at protecting populous areas—and to abandon its objectives of controlling the entire countryside. To suppose, however, that such a large force, operating in a defensive role, could simply be destroyed by a relatively ill-armed and much smaller enemy assumes profound debilities in the South Vietnamese Army—and this assumption, in turn, would mean that the President's own plan to train the South Vietnamese forces to take over the burden of the fighting would have little or no chance for success in the foreseeable future.

It is difficult to judge whether the Communists would engage in mass reprisals if they were to take control of Vietnam. Communist cadres did so when they seized Hue in 1968—under circumstances of long seige and bloody combat activity. No "blood bath" of Catholics or other anti-Communists was reported following the Communist assumption of power in the north in 1954. The land reform program implemented in the north during the next 2 years did involve bloodshed, but the targets were among the peasantry in rural areas, including many who had fought the French. It is of interest to note that from 1955 to 1961, the French and the Diem regime submitted only 43 complaints to the International Control Commission alleging political reprisals by the Communists in North Vietnam.

A hypothesis has been advanced by a number of Asian scholars that even if the Communists won complete control of South Vietnam they might well find it contrary to their self-interest to initiate large-scale violence against the civilian population. Such action, they suggest, would diminish the Communists' ability to unite the widely disparate elements of South Vietnamese society. Yet there is no way of dispelling great uncertainty about the course of events, and our departure would not end the political violence on both sides that has been going on in Vietnam for the past 25 years.

Moreover in arguing this topic, it is essential to remember that the biggest "blood bath" of all is occurring as a direct result of the war. To date, more than 1 million men, women, and children have died as a result of hostilities in Vietnam. Since our Government began its program of Vietnamization last year, more than 150,000 soldiers on both sides have died. If the war continues for 5 years more, another million people will die.

SELF-DETERMINATION FOR SOUTH VIETNAM

The Administration has spoken a great deal about "self-determination" for the South Vietnamese people. The need to preserve "self-determination" is a primary reason cited by the Administration for delaying the American withdrawal. Thus, in a letter dated December 4, 1969, addressed to this committee, H. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations, states in commenting on my bill:

> Our fundamental, long-standing, and widely accepted goal in Vietnam (is) the assurance of self-determination for the South Vietnamese people. We obviously cannot maintain that goal and at the same time commit ourselves before hand to the total withdrawal of our troops by a certain date regardless of whether or not that goal has been achieved.

"Self-determination" in this context is a plain deception.

The overriding interest of a clear majority of the South Vietnamese people is peace—to stop the killing, to stop the destruction of the cities, villages, and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is war.

It is the war that is the basis of the junta's virtually absolute rule and its (largely corrupt) income. It is the war that gives the narrow clique undergirding the regime an artificially high standard of living based on war profits and commodity imports.

We have long ago made the choice of government for the South Vietnamese people. We have done so by supporting with our armies and with enormous sums of money a military regime which is totally dependent on that support, and which suppresses all political opposition. As long as such a narrowly based government remains in power, there can be no real "self-determination" for the silenced majority in South Vietnam.

S. 3000

Mr. Chairman, of the various proposals before you, mine is the only one with any operative effect on the Vietnam war.

My proposal is a bill, not a resolution. It is more than a mere request that the President take a specified course of action. It has the force of law. If enacted, it would accomplish its stated purpose of disengaging the Nation from this terrible war.

The bill accomplishes its purposes by cutting off funds for the maintenance of American military personnel after the proposed termination date. This is a proper exercise of Congress' power under the Constitution to control the expenditure of tax money. In principle, it operates no differently than would a bill cutting off or restricting the expenditure of foreign aid moneys in a given country.

The Constitution vests in Congress the power to declare war. Surely Congress should share with the President the responsibility for undeclaring a war that never was declared in the first place.

The bill itself would not preclude the United States from continuing to provide South Vietnam with the military supplies, equipment, and aid funds that are necessary to match Soviet military assistance to North Vietnam. That is a separate decision to be made by Congress and the President.

The bill would preserve the President's constitutional prerogative as Commander in Chief to determine the manner of combat operations and the method of completing the withdrawal of American troops by the termination date.

Our major role in the war began when Congress adopted the Gulf of Tonkin Resolution, and President Johnson interpreted the resolution in a manner that deprived Congress of its responsibilities in the field of foreign affairs.

Last year, Congress took some initial steps in reclaiming these responsibilities by adopting the commitments resolution and barring the deployment of combat troops in Laos and Thailand. The enactment of this bill would restore to Congress its proper foreign affairs role.

BURDEN OF ENDING VIETNAM WAR SHOULD BE SHARED

There is yet another reason why Congress must cease being merely a bystander in this conflict, and assume a partnership with the President in disengaging the Nation from Vietnam.

The ending of a major war inevitably involves extremely controversial and sensitive issues—and this is especially true of a war we have not won. If one man—the President, but also the leader of a political party—bears the responsibility of making these decisions alone, there is great danger that division and partisan recrimination will ensue. If this man shares the responsibility with the Members of Congress, who represent both parties and a wide spectrum of opinion, the chances of a solution which will command the confidence of the people are much improved.

President Roosevelt at Yalta took upon himself virtually the entire burden of deciding the peace settlement after World War II. The suspicion, bitterness, and partisan bickering that followed—typified by the Joseph McCarthy movement in the 1950's—is a matter of history. This time, since the issues are still more delicate, let us be sure the burden is shared.

PUBLIC SHOULD BE INFORMED OF VIETNAM POLICY

Mr. Chairman, President Nixon opened his November 3 speech on Vietnam by saying:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

I agree with this statement. I agree that the American people should know the truth about our Vietnam policy.

The people do not know the policy now. They deserve to know it.

Secrecy about our real intentions will ultimately confuse ourselves more than it will confuse the enemy.

Secrecy breeds the twin evils of suspicion and illusion.

Secrecy will leave the public totally unprepared if events in Vietnam do not develop as we hope.

Let us seek to inform the public, not to mollify it.

Let us seek a majority that is not merely silent but comprehending. Let us seek a majority that understands more than that described by Nicolo Machiavelli 500 years ago when he said:

> For the great majority of mankind are satisfied with appearances as though they were realities, and are often more influenced by the things that seem, than by those that are.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Goodell. I think that is a very thoughtful and a very courageous statement, and deserves the most serious consideration.

U.S. INITIATIVES IN NEGOTIATIONS

I know the members of the committee would like to proceed to question you, but there are just one or two subjects I would like to raise. One in particular grows out of a letter in the New York Times on Sunday, although I have seen the letter before, by a former official in the Pentagon, Dr. Leslie Gelb. You said that Hanoi decides whether there should be movement in the Paris talks, as if we had nothing to do with it.

You don't mean to say that we could not take some initiative in Paris if we chose to do so and if we chose to examine the alternatives as Dr. Gelb presented them in the newspaper on Sunday. He stated his belief that it is quite clear that Hanoi has changed and modified its former requirements for a negotiated peace. Formerly it had insisted upon both the complete withdrawal of all our troops and a coalition government. Now, Dr. Gelb says he believes, based on recent statements, that they insist upon a commitment to withdraw all the troops at some reasonable time, but they no longer insist upon a coalition government. This leaves the impression that the way in which some transitional government may be created is a matter for negotiation.

If the United States wished to take the initiative, don't you think they could?

Senator GOODELL. I certainly do, and I did not mean to leave the implication there that it was entirely a matter of Hanoi's responsibility for failure of progress in Paris.

I indicated in that statement that under the present policy of our Government toward any negotiations in Paris they require Hanoi to make decisions for progress in the negotiations.

In the subsequent paragraph to the one you quoted I pointed out that moreover by retaining our close identification with the military government of South Vietnam and by refusing to commit ourselves unequivocally in the negotiations to the principle of complete withdrawal of all American troops we have created no inducement for a more flexible Communist negotiating position in the future.

The CHAIRMAN. Under those circumstances there just can't be any negotiation?

Senator GOODELL. That would be my view.

U.S. ANTIWITHDRAWAL ELEMENTS

The CHAIRMAN. I can see that you have thought very deeply about this subject. Has it ever occurred to you that perhaps there are very important elements in our society who don't wish to withdraw from Vietnam?

Senator GOODELL. It has occurred to me, Mr. Chairman, but I would not wish to impute such motives to anyone in our society. I think overwhelmingly the American people want peace and they want withdrawal. I believe they are confused about the situation in Vietnam. There are some who feel that we should have a marked escalation militarily, a small minority now of a much larger group some years ago; but overwhelmingly the American people want peace. I believe the people support the President's policy in Vietnam at the moment because they believe the President is going to bring them peace, because they hope that he will bring them peace. If it develops that the President's plan cannot bring them peace, I think the public opinion will repudiate the present policies.

The CHAIRMAN. Thank you very much.

Senator Sparkman?

Senator SPARKMAN. Thank you, Mr. Chairman.

First, Mr. Chairman, I want to commend you for the very fine statement that you gave at the opening of these hearings.

The CHAIRMAN. Thank you very much.

Senator SPARKMAN. I don't mean that I agree with every single thing in it, but I think it was a very fine, statesmanlike statement.

DATE FOR COMPLETE WITHDRAWAL

Senator Goodell, I shall ask you a very few questions. Refresh my recollection. What is the date that you set in your bill for the complete termination?

Senator GOODELL. I introduced my bill in September of 1969, and the date was December 1 of 1970.

Senator SPARKMAN. Does this still stand?

Senator GOODELL. That still is in my bill, yes. But as I said in my statement, I think it would be tragic for us to lose sight of the objective because of disagreement over setting the date a few months earlier or later. I think the critical thing is a public declaration that we are going to have complete withdrawal by a specific time within a reasonable time period.

PARIS NEGOTIATIONS

Senator SPARKMAN. Do you support and believe in the negotiations in Paris?

Senator GOODELL. Well, I believe we should make every effort to negotiate. I do not believe that there is any possibility under the present circumstances with the approach taken by our Government to the negotiations. I think there will have to be an entirely different approach to those negotiations and I would emphasize again that I think one of the most salutary things that could be done to influence those negotiations would be a public declaration that we are going to get out completely by a specified date. After all, that is one of the major conditions laid down by North Vietnam and the Vietcong in the negotiations.

VIETNAMIZATION PROGRAM

Senator SPARKMAN. In your statement you indicate that you do not believe the Vietnamization program is a success except from the public relations standpoint. In other words, you don't feel that it is a cure for the problems in South Vietnam?

Senator GOODELL. That is correct.

Senator SPARKMAN. Do you believe we should carry on a Vietnamization program of some kind?

Senator GOODELL. I believe, Mr. Chairman, Senator Sparkman, that we should make the commitment to get out, which would be shock treatment for the Saigon government. Then they will have to make the decisions necessary to their survival, to broaden their popular base among the population, and to revise their military strategy.

I believe it would be perfectly proper under those circumstances, for us to continue to send military equipment and aid to match the Russian aid going and the Chinese aid going to the enemy. I do not believe we should remain there indefinitely to train the South Vietnamese or we should have any residual forces there whatsoever.

Senator SPARKMAN. After the termination date?

Senator GOODELL. After the termination date; that is correct.

Senator SPARKMAN. I assume you would continue the residual force on a decreasing basis until that time.

Senator GOODELL. I would leave it to the President to set a schedule for orderly withdrawal that would protect our troops and to the maximum degree, give the South Vietnamese the opportunity to move in and take over the functions our troops had been performing.

WITHDRAWAL IN FACE OF INCREASED NORTH VIETNAMESE ACTIVITY

Senator SPARKMAN. Suppose as we withdraw the North Vietnamese step up their support and operations. Would you still continue to withdraw on the schedule you set?

Senator GOODELL. I certainly would. I think it is critical we adopt a policy that does not give Hanoi a veto over our withdrawal. I think, however, Senator Sparkman, it would be very unlikely that the enemy would attack us under those circumstances. They might attack the South Vietnamese, but if we made the commitment to get out completely by a specified date I would think the enemy would do everything possible to encourage us to fulfill that commitment.

I might say that I think present policy gives just the opposite inducement to the enemy. The Vietnamizing process—with an apparent commitment to stay there for an extended period of years supporting the South Vietnamese with air cover, helicopters, heavy artillery, logistical support—creates an inducement for the enemy to attack. A complete commitment to get out entirely would have the opposite inducement on the enemy.

U.S. TROOP WITHDRAWAL

Senator SPARKMAN. I wonder if you could give us offhand the number of troops we are supposed to have withdrawn by April 1?

Senator GOODELL. 115,000 by April 1.

Senator SPARKMAN. When did we start withdrawing troops?

Senator GOODELL. We started withdrawing troops with President Nixon's announcement midyear last year. Up to that point we were escalating.

Senator SPARKMAN. We have continued withdrawing on a set schedule which you feel is not fast enough. Or do you feel that its principal weakness is that there is no definite date for complete withdrawal?

Senator GOODELL. I believe that both are criticisms—plus other criticisms which I made in my statement. I think there should be a faster withdrawal. I think there should be a public commitment that we are going to get them out entirely by a specified date. I think this would then obviate the difficulties and the great dangers of the present plan. There would be no option in the hands of either Hanoi or Saigon to interrupt our plans or defer it. There would be great incentive on the part of Hanoi to ease off and to negotiate to get a political settlement. There would be great incentive on the military government of General Thieu to broaden its base and to negotiate on a realistic basis knowing we are not going to stay there propping up for years and years ahead.

I would emphasize again, Senator Sparkman, your committee staff came back with some very, very strong and, I think, impressive evidence of what is going on in South Vietnam now.

One basic fact is that a vast majority of the South Vietnamese people want peace; that the Thieu government wants war, and in that sense I characterize the South Vietnamese people as the "silenced majority."

EFFECT OF S. 3000 ON NORTH VIETNAM'S INCENTIVE TO NEGOTIATE

Senator SPARKMAN. Senator Goodell, when your bill was first introduced and at other times since then, I have heard the criticism made that it would destroy any incentive whatsoever for the North Vietnamese to negotiate with us. What would be your answer to that?

Senator GOODELL. My answer to that is it is based on the false concept that led us into the difficulty we are in. It is based on the concept that the only way you can get a negotiated settlement with the Communists is to be tough with them, to punish them, to beat them, and President Johnson for 6 years employed that policy. Every time he wanted to get negotiations underway he would bomb another area or put in more troops. It didn't work. I don't believe that approach will work, unless we are willing to stay there for 5, 10, 15 more years fighting. I don't think this country is willing to stay there fighting for that period of time. Therefore, I think the way to approach it is to commit ourselves to complete withdrawal which should loosen the situation for real negotiations.

Senator SPARKMAN. Thank you.

I think you have made a very fine statement. I commend you upon it. I suppose we will have a great deal of testimony in the court of these hearings. We will try, I presume, to make some kind of a report. This is a good start.

Thank you very much, Senator Goodell.

Senator GOODELL. Thank you.

The CHAIRMAN. Senator Aiken?

SCHEDULE AND LOCATION OF TROOP WITHDRAWALS

Senator AIKEN. Mr. Chairman, I have two or three clarifying questions.

Your bill would require that all American military personnel, including air, land, and sea forces, be withdrawn from Vietnam on or before December 1, 1970.

Senator GOODELL. All military forces.

Senator AIKEN. Would that requirement apply also to the 40,000 troops who are now in Thailand?

Senator GOODELL. My bill does not apply to Thailand. If you ask my view I think we should withdraw our troops from Thailand, but I think there is enough burden trying to get this through with reference to Vietnam without attaching Thailand, Cambodia, and Laos to it.

Senator AIKEN. Would you apply it to the 50,000 American troops in South Korea, which are kept there so that South Korea can send 50,000 troops to South Vietnam?

Senator GOODELL. Yes, I would. The bill does not apply to South Korea, but I think South Korea is able to defend itself at this point.

Senator AIKEN. You would apply it to our troops in South Korea?

Senator GOODELL. Yes, a similar principle should apply to South Korea.

Senator AIKEN. Without Thailand that makes 500,000 troops. You wouldn't apply it to the Philippines, Taiwan, Japan, Okinawa, however. Where would you place the withdrawn troops?

Senator GOODELL. Well, this would be a decision up to the Commander in Chief, and the military. We would want to retain some troops in the area in the event of an overt invasion involving our vital national interests so that we could respond. I don't believe the small number of troops we have in some of these countries, such as Thailand and Korea, would be significant in responding to that kind of a major challenge. Perhaps the Philippines, perhaps Okinawa, wherever they could work this out.

Senator AIKEN. You wouldn't apply this requirement to any place except South Vietnam, Thailand, and South Korea at the present time?

Senator GOODELL. I want to make it clear, Senator Aiken, that my bill, I would not apply it to anything but Vietnam. I would have no objections if we could carry the burden of passing the bill to include the other nations you mentioned but I think the crucial issue here is Vietnam, and I don't want to overburden what appears to be a very controversial proposal already.

Senator AIKEN. You are satisfied we could withdraw the 470,000 military personnel plus the others by December 1st?

Senator GOODELL. Yes, I am. Now, I am not an expert in this field, Senator Aiken, and I think there is no magic in a specific date. December 1 or another fixed date a few months either way would be suitable.

I have been told by the military that if they wanted to do it on an emergency basis they could get all our troops out in anywhere from 90 days to 9 months, but certainly in a year it could be done in an orderly fashion.

CONTINUATION OF VIETNAM WAR AFTER U.S. WITHDRAWAL

Senator AIKEN. Since we have many witnesses waiting, I will only ask one other question. You say we should give clear notice to the Government of South Vietnam that following December 1, 1970, it must assume the burden of fighting. What evidence have you that the fighting will continue after all the American troops have been withdrawn? According to Mr. Ky sending in American troops got the war underway in the first place. Yet you say they assured us the Government of South Vietnam should assume the burden of the fighting. Do you know whether they wouldn't get together with the Vietcong or perhaps other neighbors and decide to stop the fighting?

Senator GOODELL. I certainly think if we gave such a notice the chances that the fighting would continue after a year would be substantially reduced. I think there would be real incentive for the South Vietnamese to reform themselves and take a new approach to negotiations and it would be a matter for them to settle with the Vietcong and the North Vietnamese.

Senator AIKEN. I hope that the fighting stops. I am a bit skeptical however. That is all, Mr. Chairman.

Senator GOODELL. Thank you, Senator Aiken.

The CHAIRMAN. Senator Church.

PREPARATION OF THE PUBLIC FOR RESULTS OF VIETNAMIZATION

Senator CHURCH. Senator Goodell, the force of your opening statement struck me: "We have not Vietnamized the war; we have cosmetized it. We have painted a happy scene where Saigon prevails while we withdraw. Behind the facade of this Potemkin village, the facts of Vietnam remain as ugly as ever."

I share your skepticism that the President's policy of Vietnamization will work. I find it hard to believe that a government which was unable to win a civil war with the aid of half a million American troops will be able to win a war without them.

It seems to me that the people of the United States have been lulled into a false sense of confidence that the policy will work. Yet, as long as the American troops are carrying the main burden of the war, there will not be the opportunity for the policy to be tested fully.

Isn't this situation, then, a time bomb? If the major part of American ground combat troops are removed by the end of the year, the burden of the war will shift to the Vietnamese. The fuse on the time bomb, thus, could well be about 12 months long. Would you agree with that?

Senator GOODELL. I think it is difficult to say how long the fuse is, but I would agree it is a time bomb.

Senator CHURCH. It is a time bomb.

Senator GOODELL. I would, in this connection, refer you to the scenario that was laid out by George Ball, and I cited in my statement that the enemy could wait until our withdrawal plans had gained momentum and then attack. This would put us in an agonizing position and the President in the most painful position of all.

Senator CHURCH. Do you think the President is preparing the American people for the possible explosion of this time bomb?

Senator GOODELL. Well, the President has said a great many things on Vietnam, and I don't believe the President can be or is certain that his policy or his plan will work. I don't think he has told the American people that beyond any question it is going to work. He has laid out the possibility of eventualities, for instance, forcing him to take stronger action. So I would not be wholly critical in that sense. I just think the policy is unrealistic in terms of getting peace there in a reasonable period of time and inducing both South Vietnam and North Vietnam to negotiate on a realistic basis.

Senator CHURCH. If the President were to say to the American people "We, as a country, have done everything that can be done for South Vietnam. We have poured in enormous quantities of materiel, munitions, foodstuffs, and money at a ratio which is 10 times as great as all of the outside assistance that has been given to the North Vietnamese and the Vietcong. We have even gone so far as to equip and finance the enlargement of the Vietnamese Army to the point where it now enjoys a 5-to-1 advantage over its adversaries. Furthermore, we have supplied half a million American troops, and for 5 years these troops have been fighting the war to give the Saigon government an opportunity to build its military strength and to develop a widespread political base. When we went to Vietnam, we did not promise to make it the 51st State of the United States. We didn't send American troops to the 17th parallel permanently, regarding it as though it were a permanent American frontier.

"The time has come when the Vietnamese Government must stand on its own. We are commencing a withdrawal, committing U.S. forces to a complete disengagement from Vietnam in an orderly fashion. We are leaving the Vietnamese in a situation of strength. If the leaders in Saigon can inspire the army to fight, their government will survive. If they cannot there is no way that we can save the Government for them."

Don't you think the American people would have regarded this as an eminently sensible position?

Senator GOODELL. I certainly do. This was essentially what was embodied in my bill, S. 3000, and I noted that the initial reaction to my bill last fall showed 57 percent of the American people for it, and something like 33 percent opposed it, almost two to one. It is very comparable and related in many ways to the suggestions made by a very wise man sitting behind the desk with you up there, Senator Aiken, when he said a couple of years ago "We ought to say we have won and get out."

Senator AIKEN. Yes, but we only had 300,000 troops there then.

Senator GOODELL. We only had 300,000 and now it is even more imperative that we pull out.

U.S. RESIDUAL FORCE IN VIETNAM

Senator CHURCH. Do you agree that if the rate of withdrawing 115,000 men in the first year is followed, it would mean American troops would be involved in the Vietnam war for another 5 years? Isn't that right?

Senator GOODELL. Yes, but I don't think it serves much purpose simply to talk about the continuation of the rate, the present rate projected,

because that rate can be changed very quickly. I do think it is the President's plan to retain a substantial force, residual force, in Vietnam for an extended period of time, and I believe it is his plan a year from now we will have a contingent of 300,000 American men still there even if everything goes right and, as I tried to point out in my statement, it is very likely that everything will not go right so that this plan may be interrupted.

Senator CHURCH. As far as we can tell, even if the plan is successful, a residual American force will remain indefinitely. The final numbers are in some dispute, ranging, as you mentioned, from 30,000 to 200,000.

Don't you regard maintaining a permanent American military base in Vietnam as a grave mistake?

Senator GOODELL. I do.

U.S. SHOULD WITHDRAW FROM ASIAN MAINLAND

Senator CHURCH. I concur. I also concur with your position that it is no longer necessary nor desirable for the United States to maintain military bases of this character on the mainland of Asia. In line with the objective of the President's declaration at Guam, we should commence the withdrawal of American military forces from the mainland of Asia and establish our own military position beyond the shoreline of Asia in the western Pacific. This position conforms with the essential character of American military power—naval and air. We should end the policy of attempting to impose American solutions by using American military forces on the Asian mainland where all of the manpower advantage lies with the Asians themselves.

Your position is strategically sound. It is in accord with the general thrust of the President's own Guam declaration. I hope that the first step toward its realization will be a national commitment to a policy of complete disengagement from Vietnam plus a much more accelerated rate of withdrawal of American troops.

SENATE RESOLUTION 270

In that connection, Mr. Chairman, Senator Hatfield of Oregon and I have introduced a resolution, cosponsored by 18 other Senators, closely related to the position taken by Senator Goodell. We called for a complete American disengagement from the war in Vietnam, withdrawing our troops at an accelerated rate. I would like to ask consent at this point that the text of this resolution appear in the record.

The CHAIRMAN. Without objection so ordered.

Senator CHURCH. That is all.

(The material referred to appears on p. 10.)

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

Senator, this is a fine statement. You have for months, I think, held the attention and respect of the American people for the way in which you have, first among your peers, sharpened the question, defining it in a way that makes it possible for all of us to get a handle on it.

There are just two or three major questions I would like to ask you.

The chairman stated in his opening remarks that it was still important to decide whether we should have gone into Vietnam in the first place. What is your conception of why we are there?

Senator GOODELL. Why we went in?

Senator CASE. Yes. Did it make any sense? Was it an entirely foolish gesture or action?

Senator GOODELL. First I want to thank you for your remarks.

Let me put it in this context. I do not think we should have gone into Vietnam with ground forces in the first place. It appears as we went in virtually everybody was saying this country should not get involved in a ground war in Asia. Churchill said it some years back, President Eisenhower said it and, as a matter of fact, the officials of the Administration from President Kennedy and President Johnson were saying it while we were putting troops in supposedly to protect the troops we had there to train the South Vietnamese. I do not believe our vital interests were ever involved in this civil war in South Vietnam.

There were very few North Vietnamese troops in South Vietnam when we began sending our troops in large numbers to South Vietnam, and it was after that that the major involvement with North Vietnam came about. This was a civil war.

I would make a second statement that if in the future we determine that our vital national interests were involved in a given situation, as they were not involved in Vietnam, then I think we should go in quickly and decisively, not with nuclear weapons, with limited weapons but using the power we have.

I feel this would be in a very limited number of situations, certainly nothing like what was happening in Vietnam.

Senator CASE. Assuming we shouldn't have gone in, does the fact we did go in and went in with substantial troops and force change the situation? In other words, if it were wrong to go in, is it right just to pull out of that place? Or have additional factors entered into the situation just because we did go in?

Senator GOODELL. I think it is important in this debate, in this discussion, about our Vietnam policy that we not, any of us, oversimplify. I do think it is different once we put in our troops, and it is obviously different when we committed a large number of troops.

What I have tried to do is analyze now the alternatives available for our country for removing ourselves from this war and I believe the best alternative available is the plan I have suggested to give them notice that we are getting out and they are going to have to take it over.

Senator CASE. I want to thank you for that statement, and my questions were directed to making it possible for you to make that point—with which I thoroughly agree. And I think it is therefore a question of the very greatest importance whether we can get out, and how we can best get out, without harm or with the least harm.

TIME PERIOD FOR U.S. WITHDRAWAL

Now, to that end, you will remember, I think, that Professor Reischauer, who was formerly our Ambassador to Japan, in one of our television programs enunciated a program for accomplishing the objective substantially similar to yours with a major exception. He agreed we should set a definite time schedule after which all of our troops should be withdrawn but he felt we should not set so short a time that we could be subject to the charge in the world that we were pulling the rug out from underneath our allies, in particular the South Vietnamese regime in Saigon. I think he also suggested, although this was not as firm as your adherence to the general proposition, that a time of about 2 years and a half from that day, that is to say, the end of 1971, would be a fair time.

I raise this point because I think what you have done in setting a time is to make very important the question of whether withdrawal is possible within that time, either because of our logistical problem of removing a vast number of troops and apparatus that we have established there over a long period or because—and this was Dr. Reischauer's view—this might be considered pulling the rug out from underneath people whom we have caused to rely upon our help. This might have dangerous and important consequences, and that is why I press you on the question of setting a time so short as that which you have suggested.

Senator GOODELL. Well, as I said in my statement, I would not get hung up about whether the deadline should be set a few months earlier or later.

Senator CASE. I think the Senator said a couple of months one way or the other would not matter.

Senator GOODELL. That is correct.

Senator CASE. But that is not what we are talking about.

Senator GOODELL. Yes, I would think 2½ years are too long but I would say as far as the context of pulling the rug is concerned we have been there for 6½ years and we have carried the major burden of the fighting and I think we must set a time now that is in a very limited span for them to take it over, and I think that this must be measured in terms of the future sacrifice of our men and of our country that will be entailed in going in for a longer period of time.

Let me also make it clear that I think the evidence is overwhelming that the Nixon plan is not the Reischauer plan; it is not committed to a complete withdrawal in 2½ years.

Senator CASE. That leads me to this question and I don't mean to interrupt you. Please don't let me.

Senator GOODELL. No, no.

RESULTS OF U.S. WITHDRAWAL

Senator CASE. You mentioned in your statement, President Thieu's statement, that it would be a much longer time than next year before they could take this job on. I read that as I think most of us did, with a good deal of anger because it indicated the view that he had us where we have no choice but to follow his lead in this matter.

Then one of my staff pointed out that this was not a fair judgement about what he said; he was describing a factual situation. As

matters stood it would be utterly impossible for the South Vietnamese to take this job on by themselves, and that the reason this was so was that we had corrupted their tactics. We had caused them to rely upon our heavy western style warfare with all the equipment with all the cannon and the aircraft and all the rest of it, something that was utterly unsuited to the terrain and to their ability. Thus it was to be impossible for them ever, perhaps, to get hold of the strategy and the tactical apparatus that we have been using, with greater or less success, let alone to achieve a complete destruction of the enemy.

Have you any comment on this?

Senator GOODELL. I think, first of all, I would say President Thieu doubtless believes that.

Senator CASE. Do you think they can take on this war in the time that you suggest?

Senator GOODELL. I think they can if they make the kinds of changes and reforms in their government that will get the support of their people. If they move, I really think the alternative would not be an extended war if we decided to get out. I think then suddenly the Thieu government would have to change its policy of war and wanting more war to a realistic policy of negotiating for peace, and I think would get peace for the Vietnamese much faster with our withdrawal as well as peace for the United States. I think we all should be concerned about the Vietnamese dying in that war as well as the Americans.

It seems to me Vietnamization entails the probability of an extended war, with the Vietnamese fighting each other for decades if it succeeds.

Senator CASE. I think you have made exactly the right observation and I think we come back to the question of a definite time for our withdrawal. I talked of this 2 years ago, of setting a schedule for completing the war. I said that without making this clear and credibly so to Saigon, aSigon would never come to grips with its responsibilities but would leave us indefinitely, and I mean indefinitely, carrying on the burden of war.

So I think this proposition is right and the only question really is, I think, the question of time. You do, however, differ with the Administration position, as you understand it and as I do, about how much of a residual force will be left and for how long after this withdrawal of combat troops.

U.S. RESIDUAL FORCE IN VIETNAM

Now, I would like to put one other question: It has been suggested that we ought not to be so definite about when we are going to withdraw our residual forces because they might be a very important factor—the fear that they would be left—in inducing Hanoi to come to the bargaining table, not only to come but to make a reasonable settlement. The thought is that we ought to keep one of the few counters we have in dealing with Hanoi, and not give it away but hold it as a means by which we may persuade Hanoi to be reasonable. I don't happen to think, I know you do not, that all virtue resides in North Vietnam and none in Saigon. These are people fighting for control of a nation, and we have no view about this except as it may affect the question of world peace and, therefore, our national interests.

But is it wise to throw away this possibility which may be a very important factor, this uncertainty, so far as Hanoi goes, which may be one of the few inducements we may be able to hold out for their taking a reasonable posture as opposed to taking a posture which, I must say up to now, has been utterly unreasonable in Paris?

Senator GOODELL. Well, I think the value of withholding the possibility of residual force of 30,000 or 70,000 or whatever else, is nowhere near as great as the value of making the commitment we are going to get out completely, in terms of the negotiation process. But more than that, I think if we make the determination to keep a residual force there, this is a commitment to continue to put our own prestige on the line in South Vietnam.

I go back to President Johnson's decision in 1965 when he was told that a much smaller force, as I recall, 23,000 American men were there, was jeopardized, and we had to send in troops to protect them. I am afraid that scenario might be repeated all over again.

I think the principle is far more important that we are going to get out entirely, and I think it would be likely to be shock treatment to the South Vietnamese. It is necessary to make them change their policies, their approach toward negotiation, their approach toward their own people. It likewise would offer a new opportunity for North Vietnam and the Vietcong to negotiate on a realistic basis.

The big hangup for North Vietnam and the Vietcong is the Thieu government, and a commitment for a residual force is likely to mean, to be interpreted as, a commitment that we will continue to prop up the Thieu government.

EFFECT OF U.S. WITHDRAWAL ON THIEU GOVERNMENT

Senator CASE. Senator, I don't disagree with your view of the Thieu government and yet I do have always a good deal of caution when I come to the question of passing judgment upon the government of another country. I recall what I think was one of our greatest mistakes here in this whole Vietnam business, the matter of forcing—well, whatever we did, but in any event we were involved—the elimination of Diem. By that involvement we assumed a measure of responsibility that was very serious, and I just think that we have to be extremely cautious in any action we take based upon our decision that some other government than the present one would be a more desirable government for another country.

Senator GOODELL. I agree with that and that is why I would like to emphasize my proposal would not make that decision for them. My proposal would simply notify them we are getting out and telling them "you will make the decision"; it would be for them to decide whether they are going to broaden their base if that is necessary for survival.

TIMING OF COMPLETE U.S. WITHDRAWAL

Senator CASE. Mr. Chairman, I will finish with this. The only sense in which your proposal would affect such a decision would be if the time were so unreasonably short that no government, even if it were composed of the best men in the world, could possibly meet the conditions. That is the only question.

Senator GOODELL. I understand and I think you have posed a very, very important point here, and I would reiterate that I think it is extremely important we make a public declaration of complete withdrawal at a specified time.

Senator CASE. I agree.

Senator GOODELL. And I think it should be shorter than 2½ years, considerably shorter. And I believe this must be viewed in the context of our having fought there 6½ years, in the context that the Thieu government has a million men under arms, five times as many as the enemy. When you look at it in that context, it raises very serious questions about whether we really are pulling the rug out from under them, and it raises very serious questions about the nature of the Thieu government and its support by the Vietnamese people.

Senator CASE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Symington?

Senator SYMINGTON. Thank you, Mr. Chairman.

First, Senator, I would thank you for an interesting and thought-provoking statement.

Senator GOODELL. Thank you.

AGREEMENT WITH CHAIRMAN'S STATEMENTS

Senator SYMINGTON. Two comments by the chairman in his statement are especially appealing. The first is, "I for one have been puzzled by comments to the effect that the war is no longer an issue in American politics. Some writers have suggested that the American people have lost interest in the war and are now preoccupied with inflation. Aside from the fact that the war and the inflation are closely related, the cost of the war being a major spur to rapidly rising prices, the war remains a critical issue in its own right. As long as American soldiers are fighting or dying in a distant conflict that conflict, even though slightly scaled down, must remain a major concern of the American people and their elected representatives. For that reason this committee can and must ask in what exact way have the prospects for peace improved? And how and when may we expect the prospect of peace to become the reality of peace?

Then a sentence later on, "We must continue to reevaluate the past because the wisdom or lack of it in what we have already done has everything to do with the wisdom or lack of it in what we are now doing and with what we now ought to do."

I would say "amen" to those statements. They summarize a great deal of my own thinking with respect to the tragedy of this war.

CAN SAIGON GOVERNMENT SURVIVE UNDER VIETNAMIZATION?

As I remember it, we had about 550,000 of our own people in Vietnam at the height of our engagement, 70,000 in the 7th Fleet, 50,000 roughly in Thailand. Then we had tens of thousands of Koreans in Vietnam, brave fighters who have been fighting for us there; and we have a total of tens of thousands of Americans in such countries as Japan and the Philippines combined. If we add them all up at the height of the commitment it would come pretty close to some 800,000 Americans working to enforce our will on the North Vietnamese and the Vietcong.

The President is deescalating the war, solid policy, in my opinion, but he appears to be hanging the hat of his basic policy planning on the peg of Vietnamization.

My question: If these hundreds of thousands of brave, well led, well fed, relatively well trained young military, backed up by all the latest weaponry that can be produced by the greatest industrial complex in world history, cannot achieve a decision in this now wasted country of South Vietnam, what chance of success would the present Thieu-Ky government or their successor have under this proposed Vietnamization program which we know will cost the American people many additional billions of dollars?

Senator GOODELL. Well, I don't think anybody knows the answer. I think the facts that you cite and that Senator Church cited and that I cited in my statement, cast some real doubt on whether the Thieu government, as it is now constituted, could survive.

But I think that goes to the very heart of the matter. I think our intrusion changed the nature of this conflict. We have propped up an unrepresentative government. I don't mean this merely in the sense that they have to have elections like ours, but the Thieu government is a small military clique unresponsive to the needs of its people generally, and it doesn't have the support of the population in this war.

All the estimates that we get, and your committee staff has implied this in its report, are that probably 80 percent of the people in South Vietnam want peace. I think if we made the commitment to get out, it would suddenly transform this situation. The Thieu government could no longer have the expectation that we would prop it up for 5 or 6 or 8 years. You would see that many of those now imprisoned who are articulate spokesmen for peace and for negotiation would be brought back into the picture. At least this is a potential scenario. If that occurred, I think the Saigon government reconstituted might survive.

I don't think simply Vietnamizing a force that is controlled by the Thieu government is likely to be successful. I don't think they will be able to take this burden over, and under the present conditions, as the government is constituted, without our 500,000 or 800,000 backup men we have given them for the last few years, made available to them.

Senator SYMINGTON. If I follow your thinking you believe that Vietnamization plus a coalition government might work?

Senator GOODELL. Well, I think, I would say, Vietnamization is not going to work as it is understood, because Vietnamization is the term used by the Administration for training those armed forces under Thieu. I would say that it is quite conceivable if the Thieu government were replaced by another government or if it expanded its base and approached realistically the negotiations with the Vietcong to let the Vietcong participate in the government, that if the Vietcong refused to negotiate under those circumstances it might survive. I think then it would have a far greater support in the population, and in this kind of war, the support of the population is critical.

Senator SYMINGTON. Thank you.

ESCALATION OF AIR WAR IN LAOS

According to press reports datelined from Vientiane, the capital of Laos, and from U Dorn, where we are heavily involved in northern Thailand, at the same time we have been deescalating the ground war in Vietnam we have been escalating the air war over Laos.

If that is true, what is your reaction to that development?

Senator GOODELL. Well, I think it indicates the contradiction of our present policy.

Our colleague, Senator Goldwater, was in Vietnam for several weeks and returned and gave a report to the American people in a speech in the Senate. His view was that we had to escalate militarily, that he didn't put it in quite these terms, but my interpretation would be that Vietnamization is not working and won't work.

His view is that we not only must retain our forces there, but we must bomb the passes where there is a heavy infiltration taking place. That bombing that you are referring to in Laos is essentially the same idea. It is to try to slow down the infiltration rate of the North Vietnamese, as I understand it.

Senator SYMINGTON. That is the way you understand it?

Senator GOODELL. I have heard no other interpretation of it, but perhaps there is one.

Senator SYMINGTON. Well, according to the press yesterday morning there was heavy bombing a long way away, hundreds of miles away from the Ho Chi Minh trails. This was in an article in the New York Times yesterday morning, with a dateline out in that part of the world, bombing up fairly close to the Chinese border.

What is the rationale, if these press reports are true, of deescalating the ground war in Vietnam, but heavily escalating the air war over Laos; and I am not talking about the Ho Chi Minh trails?

Senator GOODELL. Well, let me say, I find no justification for that. I think it is a contradiction, but I would reiterate that just because the bombing is not at the Ho Chi Minh trail itself does not mean that it is not related to trying to cut down on the infiltration. I am not a military expert. I would defer to you as a former Secretary of Air Force who knows more about this, but the justification I have heard from our officials is that it is related to the infiltration rate from China and from North Vietnam.

Senator SYMINGTON. Could you identify the officials?

Senator GOODELL. No, I don't think I should do that but I think Senator Goldwater made it very clear that from his viewpoint that was the justification and why he was advocating even further bombing.

Senator SYMINGTON. Of Laos?

Senator GOODELL. Of the passes involving Laos, but I wouldn't want to put words in Senator Goldwater's mouth. That was my understanding of what he had in mind.

Senator SYMINGTON. Thank you, Senator. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cooper?

Senator COOPER. Senator Goodell, you have made a clear and able presentation of your proposal.

Senator GOODELL. Thank you, Senator Cooper.

IS ADMINISTRATION POLICY IRREVERSIBLE?

Senator COOPER. My questions do not imply my support or my nonsupport at this time. I simply want to find out, if I can, the implications of your proposal.

Now, President Nixon has announced a policy of withdrawal of American troops, and American troops have been withdrawn, and according to his statement of policy over 100,000 will be withdrawn by April 1. Concurrently, he has proposed the Nixon doctrine which, if followed, and I believe it will be, would mean no new Vietnams, no new introduction of ground troops, combat troops upon the land mass of Asia, and that the principal responsibility for fighting will lie with the people of the Asian countries.

Secretary Rogers has declared this an irreversible policy. Do you believe it is irreversible, including the withdrawal of troops?

Senator GOODELL. Well, I think President Nixon in his press conference somewhat clarified the term irreversible. I think he indicated that his plan as such was irreversible but that there was no irreversible momentum to the rate of withdrawal of the troops.

I do not call it a withdrawal policy because that would confuse it with complete withdrawal. I think the President's policy is a reduction of troops, and the timing, the quantity, the nature of the reduction, I think, the President still holds flexible.

Senator COOPER. You do agree it is a change in policy, don't you?

Senator GOODELL. Very definitely. And I highly commend the fact that it does, at least, abandon the old policy of escalation.

DIFFERENCES BETWEEN ADMINISTRATION POLICY AND S. 3000

Senator COOPER. Analyzing your proposal against what President Nixon has said and what he has done, two differences stick out. One is the date, and second, the question of whether a residual force will be left in Vietnam. Do you agree those are the prime differences?

Senator GOODELL. Yes, and the other major difference is that I think it would be an extremely salutary thing if the President announced publicly complete withdrawal by the specific date because I think then the situation that is now frozen in terms of negotiation would be unfrozen. But that is essentially the major difference, plus the fact that included in that difference is, as I tried to analyze it in my presentation, the great danger that the President will be unable to follow a timetable of continuing withdrawals and reduction of forces because of the veto power the policy gives to Hanoi and Saigon.

Senator COOPER. Of course, there are always these dangers. But, I say that I agree that the policy President Nixon has announced is irreversible. I believe he means that there will be continuing withdrawals of our forces. The very fact that it has commenced and that public opinion supports it, along with the Guam doctrine, in my judgment, makes it an irreversible policy.

Senator GOODELL. I hope the Senator is right. I would only note that there are several passages in what the President has said that sound ominously like potential escalation if certain things developed that interfered with his withdrawal.

Senator COOPER. I will not spend a great deal of time on history but we must recall that for years economic assistance was given to South Vietnam, military assistance gradually increased, and finally combat assistance.

During that time, even with great loss of life and limb and defeat of South Vietnam and an inability to win the war, there was no great protest from the people of our country or from the Congress. In fact, the Congress supported the policies of the last administration, until we were deeply involved in not only Vietnam, but in Laos and Thailand. Do you consider your plan compared to the President's plan—with the shortness of time your plan involves—a precipitate withdrawal? It would have to be precipitate. Anyone who has been in the Army knows that a 12 months' limit means a precipitate withdrawal.

Senator GOODELL. I want to make it clear I was in the Navy and Air Force, but that is all right.

Senator COOPER. One can withdraw more quickly in the Air Force. Taking into account the policies of the past administration, the support of the Congress, and nonprotest of the American people until our inability to win and deaths and casualties became apparent, and now involvement with three countries, which plan do you think would be best, the President's or yours, to bring about a solution for the whole area?

Senator GOODELL. Well, I obviously believe my plan would be the best. It is a matter of very deep conviction with me. I believe it would dramatically underscribe the Nixon doctrine, the Guam doctrine, if you will, that we made a mistake and got involved in a civil war, a kind of conflict in which we are not going to get involved in in the future under the Nixon doctrine. It would be notice in dramatic terms to all powers throughout the world that we are not going to get ourselves in that kind of a conflict again, that we are not just withdrawing immediately, and I have had this out with many of those who hop up and down saying "Out now, peace now." It would give South Vietnam notice, it would change the entire context of negotiation, and I believe it would open the doors to peace in all of Southeast Asia.

EFFORTS TO SECURE NEGOTIATIONS

Senator COOPER. A matter of concern to me in both respects is this lack of emphasis on negotiation.

Now, do you propose the United States should precipitately leave this area unsettled without a full effort to find a way to negotiate the position of the countries of Southeast Asia? Are we to leave immediately and have continued fighting—you say a million people have been killed—are we going to leave without trying to find a way to negotiate? Is that a responsible and humanitarian viewpoint?

Senator GOODELL. Senator, I think that is what Vietnamization amounts to. They are going to go on fighting, but we are not going to fight for them. We hope we can withdraw over a period of a few years and we will go on supporting them and they will fight and fight and fight.

Senator COOPER. It is a matter of concern to me that so little interest by the peace movement, the withdrawal movement, has been placed on continuing efforts to secure negotiations, and to end the war. I assume

President Nixon's position is that with development of a strong force in South Vietnam it may prevent fighting after we have gone.

I note that in your statement you say we ought to have a reasonable time to prepare the South Vietnamese, to see they have intensive military training. How does that differ from President Nixon's policy?

Senator GOODELL. I believe that is what President Nixon has in mind that he hopes will result. I don't think realistically it is likely to result. The price of that policy is very, very high, which I tried to outline in my statement here. I think the minimum price of that policy is another 5,000 American men dead, not to mention many times that of the Vietnamese. I think the minimum price is $40 billion over the next 3 years, and I think it does involve the likelihood of a continued large-scale warfare among the Vietnamese over a prolonged period of time. I think a proposal such as mine, with a public declaration that we are going to get out by a fixed date completely would open up negotiations, and the very definite possibility of complete peace in that area, negotiated by the parties themselves.

Senator COOPER. I was one of those who pleaded urgently from 1965 that we stop the bombing of North Vietnam. I think I was correct. The bombing was stopped, but we hoped that negotiations would follow. We have had the form of negotiations, but there have been no negotiations. What the Communists, what the North Vietnamese have demanded all the time, whether in four points, six points, eight points, or 10 points, is the immediate withdrawal of American troops and that then we can negotiate. Is this your proposal?

Senator GOODELL. I think the Communists since made it very clear to us that they would accept a declaration that we will get a complete withdrawal by a specified date within their term of immediate withdrawal. At that point things would start coming unfrozen in both South and North Vietnam, and I think you would see that many of the elements that now support the Vietcong in South Vietnam would no longer support the Vietcong, non-Communist elements, the Buddhists primarily, but many others, and when that happens there would be a great possibility for a broadening of the South Vietnamese Government and stimulating realistic negotiations with the North Vietnamese and the Vietcong. That is the scenario I suggest could take place as a result of S. 3000 being passed or the President's proclaiming it as his policy.

ADMINISTRATION'S WITHDRAWAL POLICY

Senator COOPER. I think you have made a very able presentation. But I do disagree with you on this point of President Nixon's policy because I think it is irreversible. Whatever happens we are on the way out of Vietnam, and earlier than the doubts that you have expressed. That is my own judgment based upon my own talks with him.

Senator GOODELL. I hope you are right, and I would only say that I think there is a minimum price we pay even if it is irreversible and I don't think we ought to pay that price.

The CHAIRMAN. Mr. Javits.

COMMENDATION OF WITNESS

Senator JAVITS. Thank you, Mr. Chairman.

First, I would like to say to my colleagues what I said to my friend Senator Goodell the day he introduced this bill last September. I think it is a most refreshing, important, historic initiative which certainly opened a door through which historic development will come that will bring the Vietnamese struggle to a sooner conclusion. And I think this is a signal service. The Chair, and practically every Member, has recognized it, and I take great pride in my colleague's initiative in this regard.

Senator GOODELL. Thank you.

LEGISLATIVE PROCEDURE TOWARD ENDING VIETNAM WAR

Senator JAVITS. Now, I do have certain disquiets about this, and it would be unlike me and unlike my colleague from New York if we didn't bring them out.

There are three distinctions which the Senator has emphasized properly in his presentation: One, this is a bill. Second, it is a public declaration with its fixed public date. Third, it is complete withdrawal.

Now, the two latter points have been very fully covered—the public declaration and the complete withdrawal. But the bill aspect has not been referred to, and this worries me.

The Senator says in his statement that the Congress would thereby be sharing with the President the responsibility for pulling out of Vietnam. But suppose the President vetoes the bill, as he is very likely to do? Then the Congress has either to pass it over his veto, in which case Congress takes the full responsibility and practically denudes the Executive of foreign policy authority. If it does not override a veto, then it confirms a policy which could then become more warlike than is dictated by the true sentiment of the country.

What does the Senator say about that difficulty, if it is a bill? As a bill it requires the President's signature. It is not an exercise of our constitutional role of advice and consent.

Senator GOODELL. My answer to that is that although I have advocated we share the responsibility obviously if the President doesn't wish to share that responsibility with us in accord with the proposal I have made, Congress is the only agency under the Constitution of the United States that has the power to declare war. The President does not have that power. We have it, we alone, and I think we can assert the power to undeclare the war which was never declared in the first place.

Senator JAVITS. Wouldn't that same purpose be better served by a repeal of the Tonkin Gulf resolution? That resolution contains within its terms the right of both Houses to terminate on any given date that they wish without Presidential concurrence, unless the President terminates it sooner. That would not involve a stark and all at once constitutional confrontation between the Congress and the President on foreign policy.

Senator GOODELL. It would not involve the constitutional confrontation simply because it would not prevent the President from continuing to fight in Vietnam. I think at this point I would favor repeal

of the Gulf of Tonkin resolution, but I don't think it will accomplish the purpose of getting us out of Vietnam. The President could go right ahead with the war without the Gulf of Tonkin resolution.

Senator JAVITS. Well, he could go right ahead if we give him the money. But wouldn't the Congress be in a much stronger position then to deny the money, the resolution having terminated, than to have the constitutional confrontation of passing the bill preventing him from exercising his powers in the foreign policy field and then having to override his veto?

Senator GOODELL. You would reach the point of overriding the President somewhat later than I would by the same device because mine would deny him the money 1 year hence.

Senator JAVITS. I think that that presents a very real problem because he is the President. He does have to carry on the foreign policy of the Nation in the eyes of the world, and I think that is a grave question. That is why I raised it.

RESULTS OF PUBLIC DECLARATION OF WITHDRAWAL

There is another matter I wish to raise. I have just been in Vietnam. We are still in there with over 400,000 troops. Two things, it seems to me, are concerning us on that score: One is that there are many in Vietnam who state if we should give a public declaration of a pullout by passing this bill, that the whole thing could collapse in complete anarchy, and we might find ourselves fighting our way out of Vietnam so anarchic would the situation become.

I am not asking the Senator to assess it for us, we will have to do that ourselves, but I do ask the Senator whether that is not a pertinent factor which this committee would have to consider in deciding whether to report out so decisive a bill as the Senator has proposed.

Wouldn't we have to consider that very seriously?

Senator GOODELL. I certainly think you should consider that. I don't believe that would be the eventuality. There are those who have been over there in a military capacity at very high levels, including General Shoup, who do not believe that this would happen, who believe that it can be done on an orderly basis.

I think there would be changes in the South Vietnamese Government and they would be likely to be salutary changes. I do not see any incentives for the North Vietnamese and the Vietcong to undertake an intensive all out battle with American forces at a time when we have committed ourselves to get out—and thereby run the risk of reversing that decision which they so desperately want.

Senator JAVITS. That brings me to my last point. They could decide that.

Senator GOODELL. They can decide to do that under present circumstances.

Senator JAVITS. They could decide to do that. In other words, they could decide to attack very vigorously and complicate our withdrawal.

CONSEQUENCES OF "PRECIPITATE WITHDRAWAL" FOR UNITED STATES

The President in his speeches has made quite a point of saying that a precipitate withdrawal, as he called it, would represent the acceptance of a defeat by the United States, with incalculable consequences to

the psychology of Americans and with incalculable consequences to the standing of the United States in the world.

I think it would be very valuable, because the Senator has been so very thoughtful about this, to have his view as to the implications of that proposition. The President has made that a very big point. I think statements in that regard have had a profound influence on the kind of majority which the Gallup Poll has seemed to give the President for his policy. I was so pleased when my colleague also found a very important majority for his proposal. Could the Senator give us his view on that question?

Senator GOODELL. Yes.

Let me say, first of all, with reference to the majorities, I think the reason for the rather substantial overlap of those who favor the President's plan and favor my plan is that there is confusion about what the President's plan is and a great many Americans think his plan will get us out, and I must say that the President's first reaction to my plan was that it was defeatist, that he hoped to get out sooner. So there is some reason for the confusion in the American people with reference to this point.

But my plan was clearly enunciated to the public. It was a bill that Congress should pass on its own to get out by a fixed date completely. That is what they were registering their opinion on with mine.

With reference to the President they were expressing their opinion on a much vaguer plan they cannot understand in all its details.

Now, with reference to the major point raised by my colleague, I don't think this would be an American defeat. I think it would be a recognition openly, honestly that we made a mistake, that we shouldn't have gotten involved in an internal conflict in Vietnam. And it would be a program giving the South Vietnamese a specific period of time for withdrawal to enable them to make the changes necessary to their survival as a government.

I do not think that the consequences of our withdrawing would be as serious as some have indicated.

I think it has been very clear in the past that governments that withdrew from mistaken commitments ended up being stronger. I think this was true with the French in Algeria, and I think it was true in a number of other instances in history.

I don't think any country in the world is going to doubt the power of the United States in the future. That power is so clear and, as a matter of fact, our power would be far greater if we withdrew.

VIETNAM COMMITMENT LIMITS UNITED STATES

If I were sitting in the Kremlin making decisions as a Communist I think I would be very happy with the American commitment in Vietnam. We are losing our men, we are dividing our society, we have spent over $100 billion.

The Soviets, the Chinese are losing no men, their societies are not divided by that war, and they are spending probably at this time at a rate of less than a billion dollars a year to support that kind of a war. I don't think this commitment gives us greater power in the world. If we get out of this commitment, withdraw our forces, we would be in a far better situation to meet other crises that may arise,

in the Middle East, in Africa, in Latin America, or anywhere else where our vital interests are truly involved.

Senator JAVITS. May I say to my colleague that that has been pretty much my own view, but I must say that the fact that the Kremlin may get satisfaction out of it does not convince me. It is my view anyhow whether they get satisfaction out of it or not.

Senator GOODELL. It doesn't influence me either but I think it is a point that should be made clear to those who raise this question of our power, because our being tied down in the way we are in the commitment of resources and men that we have given to Southeast Asia certainly is not strengthening our power worldwide and I think the Kremlin understands that as well as we do.

Senator JAVITS. There are obviously many arguments with respect to the effect of our being in Vietnam and other parts of Asia. But I certainly believe that we have to get out and really the question is how, under what conditions and how best to do it.

Senator GOODELL. I might say to my senior colleague who said some nice things about me, I should say that the senior Senator from New York has provided very important leadership over the years to get us out of Vietnam.

Senator JAVITS. I think what the Senator has done, as I say, got us started on this very, very important discussion, and I hope the Senator has understood that my desire is to strengthen rather than weaken the argument by revealing all of its facets.

Senator GOODELL. I do understand that and appreciate it.

CLARIFICATION OF REFERENCE TO COMMITTEE STAFF REPORT

Senator JAVITS. One other thing which I think is important in foreign policy terms. Did I understand the Senator to say that the staff who reported to us said that the people want peace and only Thieu wants war or is that the Senator's own judgment and conclusion?

Senator GOODELL. Well, I will see if I can find the quote.

Senator JAVITS. I can help the Senator with that.

Senator GOODELL. I certainly don't want to misquote your staff. It was not quite in those simple terms. It was my conclusion based upon the facts they reported.

Senator JAVITS. That is fine, good. I think that is important, because the staff have no spokesmen except one of us. They point out that what they did say at the bottom of page 14 related to what was said to them by certain Buddhists clerics, which had that implication.

Senator GOODELL. The basis for my statement was not only page 14 but the bottom of page 12 and I quote:

> While many believe that Thieu has the support of no more than 20 percent of the population (Communist support is put at about 15 percent), it is felt that as long as he can count on American support and use the governmental machinery at his disposal he will not attempt to involve other non-Communist political elements in governing the country.

Senator JAVITS. I think the Senator has made that very clear by saying he stands as authority for that.

Senator GOODELL. I would not involve the staff in conclusions made by me.

Senator JAVITS. Thank you very much, Mr. Chairman.

VIETNAM WAR UNDERMINES U.S. PRESTIGE

The CHAIRMAN. Senator Goodell, I just wish to express complete agreement with you as to this being not a defeat but a recognition of a mistake and as to our prestige, not only with regard to physical strength, which you have mentioned, but the continuation of such incidents as Mylai. One that comes to my mind, of even greater barbarism is the Daniel Lang account in the *New Yorker* of the famous U.S. patrol in Vietnam. A continuation of these incidents would certainly seriously undermine the prestige of this country, if it isn't already very far gone. It certainly is a sad, tragic thing to see a great country like this, with the traditions of humanity which it formerly had, being destroyed in the eyes of all civilized people, at least, by the continuation of this war.

I think you are absolutely right that the price we pay is far beyond the material things you mentioned. I think you are quite right about that.

Senator, there are many other things. I had questions, but you have been very patient. We have been 2 hours now.

ADMINISTRATION WITHDRAWAL POLICY

I think you have posed a great many questions. There is one, for example, that was raised a moment ago. We keep hearing this word irreversible but what is it that is irreversible? Certainly the President has never said positively he is going to withdraw. The Vietnamization may be irreversible and will continue, but there is no foreseeable end. When pressed most vigorously by this committee both the Secretary of State and the Secretary of Defense declined to even venture an estimate of a timetable, whether one year or 20 years or forever. This is a matter which is quite indefinite. There are many questions which can be raised, but I think it is too late now for me to pursue them.

Senator GOODELL. Well, if I may say, Mr. Chairman, just briefly there, it may in a certain sense be irreversible, but it clearly is the policy of the President and of the Secretary of State and the Secretary of Defense and others that they should not declare specifically whatever timetable they have in mind, and I happen to believe that this would be a very important contribution to negotiations and peace if they would make such a declaration.

Senator COOPER. Will the Senator yield? Were you referring to the questions I asked?

The CHAIRMAN. It has been in the papers.

Senator COOPER. I am the only one who spoke of irreversible policy today.

The CHAIRMAN. The Senator from Kentucky did not originate the term. The Secretary of State has used this on several public occasions.

Senator COOPER. I know.

The CHAIRMAN. I wasn't referring to the Senator from Kentucky's statement at all.

Senator COOPER. All I want to say is I am the only one in these hearings who mentioned that Secretary Rogers had said that the withdrawal of American troops and the President's policy was ir-

reversible. I said that I believe it is irreversible and a definite change of policy. Once started, I do not believe it will change.

The CHAIRMAN. It may be as to combat troops, but I believe they have been very clear in always using the words "combat troops." This would leave a very large residual force.

The Secretary of Defense went into some detail about a residual force and when this was taken seriously he changed it to transitional. I don't know what the distinction could be, but I have never believed that the Secretary of Defense meant to say that we intended to withdraw all of our troops, even under the Vietnamization policy. Is that your understanding?

Senator GOODELL. Well, the President in a speech to the United Nations said we would accept the principle of complete withdrawal but I don't believe anyone, the Secretary of Defense, the Secretary of State or the President, has indicated that this would occur under any circumstances, that it is irreversible that we are going to completely withdraw regardless of what happens over there. That would be my view now. I hope they are going to continue to do that.

The CHAIRMAN. You yourself spoke of the well-publicized statements in the President's televised program, that if there is an increase in Communist activities while we are reducing our forces, we will retaliate and punish them.

Senator GOODELL. Exactly.

The CHAIRMAN. You quoted these passages yourself. What do they mean?

Senator GOODELL. I used, in responding to the Senator from Kentucky, the statement that it raised ominous portent that there might be some escalation if things went bad. That certainly would not be in line with the view of irreversible withdrawal if he went in stronger than he ever had before.

The CHAIRMAN. With all deference, I think you will find that if the policy is irreversible, it applies to combat troops. It does not apply to all troops, or to civilians or to all of our hundreds and hundreds of administrative officers, who, for all practical purposes today, administer the country.

The President certainly did not make irreversible withdrawal applicable to them. I think it applies only to the combat troops.

Senator GOODELL. Well, Mr. Chairman, I would not even go along with that. I must say that I have to read this phrase to include combat troops, when he says, "Then we have the means—and I would be prepared to use those means strongly—to deal with that situation more strongly than we have dealt with it in the past." I would presume that would probably involve combat troops.

The CHAIRMAN. Well, of course. Thank you very much.

CHANGE IN WITNESS SCHEDULE

I want to announce that because of the lateness of the time, Senator Mathias has agreed to appear on Thursday morning, as we will only have time today for the next witnesses.

Senator GOODELL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Goodell. I think you made a very great contribution, and I think you started a very important examination of our policy.

Senator GOODELL. Thank you.

The CHAIRMAN. The next witnesses are Senator Hughes, Senator Eagleton, and Senator Cranston, who will appear together. It is my understanding that the first statement will be made by Senator Hughes who, I take it, is the principal sponsor of the Senate Resolution 268.

STATEMENT OF HON. HAROLD E. HUGHES, U.S. SENATOR FROM IOWA

Senator HUGHES. Mr. Chairman, would it be the pleasure of the committee that we each make our statements, which are, I hope, not too lengthy, and in either case before the committee proceeds to questions?

The CHAIRMAN. We would be very interested in hearing whatever all of you wish to offer. You may proceed as you see fit.

Senator HUGHES. Mr. Chairman, I am grateful to you and the other distinguished members of the Foreign Relations Committee for the opportunity to testify on behalf of the Hughes-Eagleton resolution on Vietnam. It is a matter of pride to me to be joined in this testimony by my esteemed colleagues and cosponsors, Senator Eagleton of Missouri and Senator Cranston of California.

EXPLANATION OF SENATE RESOLUTION 268

In opening this testimony, I would like to explain Senate Resolution 268 and then set it in the context of my general views of the present status of our involvement in the war in South Vietnam.

The Hughes-Eagleton resolution was introduced in the Senate on October 8, 1969, at a time when the Nation's concern about our continuing involvement in this unwanted and seemingly endless war had reached its highest pitch to date.

This was one of a spate of resolutions offered at that time, most of which dealt with plans for deescalation and schedules for troop withdrawal.

The thrust of this resolution was not to deny the need for these other measures, but to point out that the core of the problem was to achieve a political settlement that would make it possible to end the fighting and to implement a total U.S. disengagement.

It is my conviction that our aim should be to end the war, not simply to reduce the casualties and the troop commitment and at the same time perpetuate the military occupation.

I firmly believe this is what the American people want.

I believe that when Mr. Nixon, in his campaign, said he would get us out of Vietnam, the American people believed he meant just that—total disengagement.

To achieve peace and U.S. disengagement requires political negotiation, as I see it.

Our resolution was directed toward opening up what may be the central bottleneck to meaningful negotiations with Hanoi by changing the character and composition of the Saigon government.

It may seem immoral that we are expending American lives in Southeast Asia in support of a military junta-type government that imposes censorship, throws its political opponents in jail, represses op-

posing political parties and refuses to make its political institutions representatives of a majority of the people.

But bluntly, we are not talking at this point about moral issues, but about the fact that the Saigon Government—in its present unrepresentative, repressive form—is an obstacle to meaningful negotiation for peace.

It is my conviction that a change in the character and composition of the present South Vietnam Government would create a completely new climate for fruitful negotiation.

If the Thieu-Ky government cannot stand these reasonable, democratic reforms, it would seem logical that our Government should reassess what our long-range national interests are in supporting such a regime.

In brief, the Hughes-Eagleton resolution would express the sense of the Senate that, within 60 days, the present regime in South Vietnam should end press censorship, release political prisoners, allow political organizations to operate without interference, and create a new cabinet broadly representative of the main non-Communist political, ethnic, and religious groups of South Vietnam.

The language of this fourth point was revised from the original version of the resolution to make it clear that we were referring to non-Communist political groups.

The resolution further provides that if each of these conditions is not satisfied, in whole or in substantial part, the President of the United States should declare officially that our commitment to the present Government of South Vietnam is ended, and we should terminate, with all reasonable haste, our military, political, and economic assistance to that Government.

The truth is that in South Vietnam the majority of the people are not behind the Government we are supporting in its present form.

The Thieu-Ky regime does not come close to representing a majority of the non-Communist South Vietnamese. Only the massive American military presence has kept it in power.

Despite this fact, our relationship with the Thieu-Ky regime has been so rigid that we are virtually prisoners of the government we are so lavishly helping.

The four-point proposal contained in the Hughes-Eagleton resolution could provide the Nixon administration with the kind of mandate it needs to get free of the Thieu-Ky regime's dominating partnership, so that the United States could maneuver more effectively for peace.

May I say to you distinguished committee members, who are far more knowledgeable in foreign relations than I am, that we who have sponsored this resolution are not anchored to its specific provisions.

We simply believe that the central thrust of the resolution was right in October and is right now. We believe that it gets at the bottleneck of the problem. We would be gratified if the committee would improve any of the provisions of the resolution and, hopefully, approve the resolution.

I would like to conclude, Mr. Chairman, with a few more general remarks about the direction of our present foreign policy in Vietnam.

Let me say that, in my view, these hearings on the various Vietnam resolutions are especially timely and will be exceedingly valuable.

Four months ago, as you well know, the peace movement in this country was at its crest. Today, criticism of the Administration policy in Vietnam is virtually out of sight, out of mind. Some opinion holds that the peace movement is now dead.

As the current issue of Newsweek puts it:

> In one astonishing year, Richard Nixon has taken the war off the front page and tucked it into the back of most American minds. Although there still are many doubting Thomases, the President has convinced most of his countrymen that, through a program tactfully described as "Vietnamization," he intends to liquidate his Nation's most pressing problems—even in the total absence of progress at the Paris peace talks.

Mr. Chairman, speaking as one deeply concerned American, I am profoundly apprehensive about the national euphoria over Vietnam.

We all commend the President for withdrawing some troops from Vietnam and for whatever part he has had in reducing the level of combat.

But bluntly, the term "Vietnamization" as an objective is a semantic hoax—what it denotes is simply an extension of the Johnson foreign policy, in my opinion.

It will not get us out of Vietnam. Rather, it will perpetuate our involvement.

Frankly, I am not only concerned about the national euphoria, but about the way it was created.

First you pistol whip the mass media, and then you comandeer it for political purposes.

When we accept this, we have gone a long way toward surrendering one of our most basic freedoms—the freedom of expression.

If a President feels that his programs are thwarted by an opposition Congress, I believe he has every right to take his case to the people.

But I also believe that the people have an equal right to hear the other side of the case from other elected representatives.

I submit to you that if we were to conduct a public opinion poll today with the question: "Do you support the President's Vietnamization policy?" the answer would be overwhelmingly affirmative, as we already know.

But then follow this by asking the question: "Do you believe that the Thieu-Ky regime can, in the foreseeable future, get to the stage where it can fight the war and win the peace without the massive American military presence?"

I don't know how the poll would read, but I have asked the question many times myself and have yet to find a believer.

Mr. Chairman, I for one believe we are on the wrong course, the same course, the collision course in Vietnam.

I believe we should renew our determination to achieve a negotiated political settlement and do everything within our power to create a climate in which a fair, negotiated peace can be obtained.

Then I believe we should get out—and I mean get out, as far as military intervention is concerned.

We have pressing problems affecting our national security at home.

Mr. Chairman, that concludes my own prepared statement. Both Senator Cranston and Senator Eagleton have their own statements, in addition.

The CHAIRMAN. Senator Hughes, I think that is a very positive statement. I have no difficulty in understanding your objective. Perhaps we should take the other statements before going to questions.

Senator Eagleton.

STATEMENT OF HON. THOMAS F. EAGLETON, U.S. SENATOR FROM MISSOURI

Senator EAGLETON. Thank you, Mr. Chairman.

I am cosponsor, along with Senator Hughes, of Senate Resolution 268 because I believe it to be in America's self-interest.

I believe that in order for peace and stability to come to South Vietnam, the Government there must be so responsive to the nationalist aspiration of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and thus discourage any who might wish to impose a foreign ideology on their people.

These words are, this reasoning is, not some new liberal radical or dovish philosophy. It is, verbatim, the standard set forth by President Eisenhower as the prerequisite for economic assistance to the government of Ngo Dinh Diem on September 23, 1954.

GOVERNMENT OF SOUTH VIETNAM RELIES ON UNITED STATES

Unfortunately for the American people, who have footed an enormous bill, and for the Vietnamese people, who have paid a terrible price in human suffering, such a government has never existed in South Vietnam, except on occasions in the minds of those forced to justify the American disaster there.

If one thread has tied together the successive regimes of Diem, Minh, Tho, Khanh, Huong, Oanh, Quat, Ky, and now Thieu it is that they have not been sufficiently responsive, sufficiently enlightened in purpose, or sufficiently effective in performance to discourage their adversary in the least.

To compensate for their own shortcomings, these regimes have increasingly relied on American might and assistance. We have been all too ready to back each successive government, regardless of performance, as the only alternative to a Communist victory.

For two decades the United States has provided economic and military assistance in excess of $110 billion and a half million men, not only to fight off the North Vietnamese and Vietcong but to support unrepresentative and unstable governments in South Vietnam.

It has paid the concomitant domestic costs of economic and social disruption. Today, 45,000 American boys lie dead, another 250,000 have been wounded, and the Vietnamese people have endured unmeasurable suffering.

Regime after regime has failed to meet the legitimate needs of the Vietnamese people. They have failed to provide outlets for the nationalism of many of the non-Communist groups that do not share the political views of those regimes.

Assured American support has made adequate performance unnecessary. Now we are told that American troop withdrawals are dependent on the "Vietnamization" of the war—on the ability and the will of the Vietnamese to fight for their own country.

As a practical matter, we cannot continue to pin American hopes for a free Vietnam on the restricted political base of President Thieu. We cannot expect the many non-Communists to give their all for their nation if they are excluded from its government. We cannot continue to hope for a negotiated settlement when the Thieu-Ky government is unwilling to make concessions necessary to end the war—when, indeed, its political vulnerability gives it a vested interested in prolonging American support.

REFORM AS ALTERNATIVE TO SPEEDY U.S. WITHDRAWAL

I believe it is time to make clear that Americans will not be in Vietnam forever—that South Vietnamese must defend their own country, and that political repression by Saigon must end.

Senate Resolution 268, the Hughes-Eagleton resolution, makes this clear.

It states that if the present Government of South Vietnam, after a reasonable amount of time has elapsed, refuses to take the necessary steps toward reform and accommodation—refuses to give representation to the unrepresented—continues to be controlled by a military and social elite for the betterment of that elite, then the United States should withdraw with all possible speed, consistent, of course, with the safety of American troops.

For until there is a government which can command broad popular support, South Vietnam will be incapable either of negotiating a peace at Paris or winning a peace through Vietnamization.

To send additional thousands of American boys to their deaths and thousands more to be maimed in the cause of protecting the present regime is unconscionable.

And to wait for a regime so constituted and so confident of American support to undertake such reforms voluntarily is unrealistic.

Senate Resolution 268 calls for a Vietnamization of the South Vietnamese Government to give Vietnamization of the war a chance to succeed.

The CHAIRMAN. Thank you very much, Senator Eagleton. I think that is a very fine statement.

Senator Cranston.

STATEMENT OF HON. ALAN CRANSTON, U.S. SENATOR FROM CALIFORNIA

Senator CRANSTON. Mr. Chairman and distinguished members of the Foreign Relations Committee, there are many resolutions regarding Vietnam before you. I have cosponsored two of them myself, Senator Hughes' resolution and Senator McGovern's.

I was attracted to Senator Hughes' resolution because it stresses one aspect of this conflict which is deeply distressing to most Americans—that is, of course, the undemocratic and repressive nature of the Government of South Vietnam. It is one thing to defend a people threatened by invasion and subversion. It is quite another thing to be defending one repressive regime in one part of a country against another repressive regime from another part of the country. I agree with Senator Hughes that our support of the South Vietnamese Government should be ended if it doesn't promptly begin to broaden its political base.

AMENDMENTS TO SENATE JOINT RESOLUTION 166

A Republican Senator, Charles Mathias, has offered what I think is a resolution which, with a few revisions, has the best chance of passing of all the resolutions before you. It is cosponsored by Senators Mansfield and Montoya.

I believe that two amendments would greatly strengthen the significance of the Mathias resolution, and I would like to offer them at this point in my testimony, without going into detail about them. One of them concerns the area touched upon or covered by the Hughes resolution. The Mathias resolution itself goes into many other aspects of the Vietnam war and our commitments elsewhere in the world.

The CHAIRMAN. Do you have them written or do you wish to offer them?

Senator CRANSTON. Yes; I will submit them at this point.

The CHAIRMAN. All right, they will be received as part of the record.

(The information referred to follows:)

[S.J. Res. 166, 91st Cong., second sess.]

AMENDMENT Intended to be proposed by Mr. Cranston to S.J. Res. 166, a joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes, viz: Beginning with line 22, page 4, strike out all to and including line 12, page 5, and insert in lieu thereof the following:

SEC. 3. The Congress hereby declares its support of the President's decision not to seek a military victory in Vietnam, and of his decision to seek the accelerated withdrawal of all United States forces from South Vietnam. It is the sense of the Congress that every effort be made to speed up the pace of the American withdrawal and the Congress strongly urges that, in carrying out such plans, the President take appropriate action to seek the creation of an international peacekeeping force under United Nations or other appropriate international auspices to prevent further hostilities in South Vietnam and to insure the security of all elements of the population during the period following the withdrawal of United States forces and pending the formation of a provisional government in South Vietnam.

SEC. 4. The Congress hereby declares that it believes it essential that the people of South Vietnam be accorded freedom of speech and press without fear of the censorship or intimidation now so prevalent in that country, and that the usual forces of accommodation and compromise be allowed to function without the threat of repression or imprisonment. The Congress further urges the Saigon government to take prompt measures to facilitate serious discussions among all political, religious, and ethnic groups leading to the creation of a government capable of gaining popular support and sustaining a durable political order, without which no peace could be secure.

SENATE ACTION TOWARD PEACE IN VIETNAM

Senator CRANSTON. The number of Vietnam resolutions reflects the concern and the frustration all of us feel over our Vietnam involvement, a frustration shared by the public as well as by the Congress.

This distinguished committee has a unique opportunity to end this confusion and to refocus the efforts of those of us who want to end our involvement in Vietnam quickly and to lay out a course for our disengagement with more precision than the Nixon administration has. The committee can do this by reporting one clear, precise, and unequivocal resolution to the floor of the Senate which calls for a definite end to our Vietnam involvement.

President Nixon has said that everything is negotiable in Vietnam except the right of the South Vietnamese to determine their own future. This being the case, it is my hope that this committee reports a resolution to the Senate which provides a fresh impetus to the Paris peace talks.

Mr. Chairman, you referred during Senator Goodell's excellent testimony to the views recently expressed by Leslie Gelb, former Acting Assistant Secretary of Defense for Policy Planning and Arms Control, and I would like to comment briefly on one aspect of this as it relates to the Vietnam situation. In a letter to the New York Times last Sunday, Mr. Gelb notes that there was an apparent shift in Hanoi's position at the Paris talks last September and suggests a possible American course of action to take advantage of this shift.

Mr. Gelb's analysis differs markedly from the administration's position which was outlined in President Nixon's November 3d speech in which he characterized Hanoi's position on negotiations as one of unconditional acceptance of its own terms.

Senator Muskie pointed out some time ago the apparent change in Hanoi's position signaled in Ho Chi Minh's August 30 letter to President Nixon. Mr. Gelb's analysis seems to confirm a change in Hanoi's approach to the talks.

The key seems to be an announcement by us that we plan to withdraw all our troops from Vietnam. A Senate resolution which embodies the principle of complete withdrawal of American troops could possibly unglue the Paris talks. It would be a sensible step toward peace. If the Administration is not prepared to take such sensible steps toward peace, then perhaps the Senate should.

I should like to ask that Mr. Gelb's letter, and the New York Times editorial on his approach, be included, Mr. Chairman, in the record at this point.

The CHAIRMAN. Without objection it is included.

(The information referred to follows:)

[From the New York Times, Feb. 1, 1970]

HANOI'S TERMS AT PARIS PEACE TALKS

To the Editor:

Since last May, two "legitimate demands" have constituted the core of Hanoi's terms for settling the war: (1) The "total and unconditional" withdrawal of all U.S. and allied forces, and (2) the formation of a provisional coalition government made possible, in effect, by U.S.-North Vietnamese negotiations at Paris. In sum, we were supposed both to make a commitment to get out and to dump the Thieu-Ky regime.

In September, Hanoi hinted at a shift. Their negotiators stated in Paris that acceleration of U.S. withdrawals would be "taken into account," and when quizzed about the reduced level of military activity in South Vietnam, they said that "it speaks for itself." At about this same time, U.S. officials observed that North Vietnamese infiltration declined, resulting in a reduction of forces approximately equal to U.S. withdrawals.

On Dec. 18, Ha Van Lau said:

"If the United States declares the total and unconditional withdrawal from South Vietnam of its troops and those of the other foreign countries in the U.S. camp within a six-month period, the parties will discuss the timetable of the withdrawal of these troops and the question of insuring the safety for such troop withdrawal."

In this same statement, he said that once the above requirement is fulfilled, the various forces for peace in Vietnam "will enter into talks to set up a provisional coalition government. . . ." Seemingly Hanoi expects the latter to happen; it does not have to be negotiated at Paris.

What might all this mean?

1. For the first time Hanoi has told us how to meet the "total and unconditional withdrawal" requirement—by announcing it publicly.

2. The key to the announcement is the certainty that by a specified date all of our troops will be withdrawn.

3. While Hanoi says six months, this could be read as a bargaining gambit. Xuan Thuy said that the U.S. "must accept the principle of withdrawal, then put it into practice," and that some U.S. forces could remain in South Vietnam even as late as the elections to be conducted by the provisional coalition government.

4. Hanoi's "total and unconditional" phrase remains, raising the question as to what we might get in return for our withdrawal announcement. Hanoi backed away from this same phrase in October 1968. When we stopped the bombing, Hanoi accepted the condition that the Government of South Vietnam be seated in Paris along with the National Liberation Front as part of a your-side-our-side arrangement. We also assumed and had reason to believe that Hanoi understood that it should "not take advantage" of our bombing cessation by shelling major cities and by abusing the DMZ. To a degree, Hanoi has lived up to our assumption of "no advantage."

This past experience is suggestive of what we could ask from Hanoi now. Politically, we might extract the condition that Hanoi and the N.L.F. agree to talk with the Government of Vietnam about political settlement. Militarily, we could give Hanoi to understand that we expect its forces in the South to be reduced accordingly, the level of military activity to decline, and require the return of all American POW's.

This proposal is not inconsistent with President Nixon's speech of May: "Peace on paper is not as important as peace in fact."

We should not consider the Paris peace talks a forgotten chapter of the war. President Nixon's objective of free self-determination and Hanoi's objective of full U.S. withdrawal are not mutually exclusive.

LESLIE H. GELB.

ALEXANDRIA, VA. *January 22, 1970.*

[From the New York Times, Feb. 1, 1970]

PARIS PEACE OPENING

A high Pentagon official of the Johnson and early Nixon Administrations, who worked on the secret Paris negotiations on Vietnam, believes the North Vietnamese may now be trying to tell the United States how to break the deadlock in the peace talks.

The shift in Hanoi's position described in today's letter to the editor from Leslie H. Gelb, former Acting Deputy Assistant Secretary of Defense for Policy Planning and Arms Control, seems to provide an opportunity for the United States to employ again a device similar to that used in 1968 to get the negotiations going in the first place. Mr. Gelb's suggestion is that the United States inform Hanoi and Moscow privately that it will publicly announce a terminal date for withdrawal of all its troops if it can also announce that it assumes and has reason to believe the other side will comply with two conditions. These are: first that Hanoi and the National Liberation Front will promptly enter into negotiations with the Saigon Government for a political settlement and second, that North Vietnam will withdraw its forces from the South at the same rate as the U.S., further reduce the level of military activity and return all American POW's.

President Nixon last May said: "If North Vietnam wants to insist that it has no forces in South Vietnam, we will no longer debate the point—provided that its forces cease to be there, and that we have reliable assurance that they will not return."

But, while asking questions about some of Hanoi's shifts of position, the Nixon Administration has refused to make any new proposals. It insists that it has already made so many concessions that the next offer must come from the other side.

If Mr. Gelb is right, North Vietnam has now conceded several points. The return of Politburo member Le Duc Tho to Paris from Hanoi Friday makes this a strategic moment to attempt to revitalize the negotiations. Hanoi's reaction to the Gelb proposal, if it were now advanced in Paris, would quickly reveal whether this can be done.

Senator CRANSTON. One final thought—after all this time, I believe the American people have a right to expect that critics of this bitter, divisive, and nasty war begin to act together—firmly, politely but forcefully to bring it to a conclusion.

A Senate vote on a well-drafted resolution from this committee would be a clear test of strength between those who advocate more of the same in Vietnam and those of us who want to end this disgrace, and end it now.

We look to this committee and its distinguished chairman to lead us in this fight.

I thank you.

The CHAIRMAN. Thank you, Senator Cranston.

Senator SYMINGTON. Mr. Chairman, do we plan to come back this afternoon?

The CHAIRMAN. It is 12:30 now. I thought we might run until 1:30, if the witnesses are willing, and perhaps finish by 1:30. If you have to go I will yield to you now for questions.

Senator SYMINGTON. I will stay for a few minutes, but then I have to go.

Senator HUGHES. Mr. Chairman, Senator Cranston has an amendment on the floor of the Senate at this moment, and the morning hour has ended and he has to leave.

The CHAIRMAN. We will excuse him. He made his position quite clear.

U.S. COMMITMENT TO SOUTH VIETNAMESE GOVERNMENT

Senator Hughes, your resolution is a Senate resolution, is it not?

Senator HUGHES. Yes, it is a sense of the Senate resolution.

The CHAIRMAN. If I have it correctly, it says that the United States declares that the commitment to the present Government of South Vietnam is ended if certain conditions are not fulfilled within 60 days.

How would you describe the nature and extent of our commitment to South Vietnam? Is it limited, open ended or conditional?

Senator HUGHES. Are you asking about our commitment to the Government of South Vietnam or the people, Mr. Chairman, or both?

The CHAIRMAN. The words of your resolution are, "The present Government of South Vietnam." What is our commitment to the present Government of South Vietnam?

Senator HUGHES. Our commitment to the present Government of South Vietnam right now seems to be open ended, if I can give just my opinion on it, Mr. Chairman. My opinion is that the commitment to the present Government of South Vietnam is to support their forces with American combat troops, armaments and supplies, Navy and Air Force tactical firepower until some distant point in the future when there can be reached some sort of political solution, under which the South Vietnamese people themselves can make a self-determination as to their own Government.

The CHAIRMAN. What criteria should we use in determining that this commitment has been fulfilled?

Senator HUGHES. Well, I have long felt, Mr. Chairman, that hardly anyone—of course, our sense of commitment and the reasons for it in Vietnam have altered, in my opinion, over the years—but I cannot imagine that anyone could conceive that we have not kept what seemed to be our original commitment to the people in Vietnam.

We entered in an advisory capacity and proceeded to commit over a half million troops to Vietnam. We fought a war, over a course of years to a point now of stability of military forces. The pacification programs are proceeding. Whatever commitment might have been inferred would certainly be ended.

SUPPRESSIVE POLICIES OF SAIGON GOVERNMENT

The CHAIRMAN. If you were in the Vietcong's shoes today, would you view the actions of the present Saigon government in closing down the newspapers and suppressing political dissent as a sign of weakness or of strength?

Senator HUGHES. I would view it as a sign of weakness.

The CHAIRMAN. Isn't it a fact that it has been their practice for some time now?

Senator HUGHES. According to all the information I have obtained; yes. We received a briefing by representatives of the Department of State yesterday on what was happening as far as political prisoners were concerned. Their information was rather vague, so I asked them if they could supply us with information by this morning.

They seemed rather uncertain about how many newspapers had been closed down. This morning, in a telephone call, I was told that there was no exact figure, but at least 14 newspapers have been closed in the last year for varying periods of time, and that a few have since been reopened.

I might also add that they said that they did not have any information leading them to believe that there were any substantial numbers of political prisoners in South Vietnam.

The CHAIRMAN. Who told you this?

Senator HUGHES. Well, it was Mr. Rosenthal who had participated in briefing us with Mr. Torbert, Acting Assistant Secretary for Congressional Relations.

In this morning's paper, if it is accurate, United Press International reported that President Thieu announced that 1,324 political prisoners would be freed in an amnesty on the occasion of Tet.

The Secretary of State's office reported to us—and Senator Eagleton was there yesterday—that they had no knowledge of any political prisoners in South Vietnam other than one or two.

The CHAIRMAN. There appears to be some discrepancy in the information of Mr. Thieu and the State Department, doesn't there?

Senator HUGHES. Well, there appears to be a great deal of discrepancy over that and the numerous other reports. We asked about the Drinan Report—what they felt about its disclosure of political prisoners. Again, I am reluctant to want to put words in their mouths. They certainly can relate their own opinions of it, but I would take it from their comments that they felt the report was unreliable and that the prisoners being held were criminals.

CLOSING OF SAIGON NEWSPAPERS AND STUDENT ARRESTS

The CHAIRMAN. I will put in the record an article datelined Saigon, December 30, 1969, entitled "Two Saigon Papers Closed. Fifteen Student Leaders Seized."

I suppose you can call anyone who opposes the government a criminal, if that is the way the State Department wishes to look at it; can't you?

Senator HUGHES. Well, that is apparently the circumstance. Could I ask the date of the closing of those two newspapers?

The CHAIRMAN. This is datelined December 30, 1969. That was the end of December. The article is datelined Saigon, special to the New York Times. Down at the bottom it says:

The closing of the two newspapers left Saigon with 37 daily and weekly newspapers, 10 in Chinese, 2 in English, 2 in French, and 23 in Vietnamese.

Senator HUGHES. Thank you, sir.

The reason I asked was that they also reported there had been none closed so far in 1970, and I just wondered perhaps if that was the issue——

The CHAIRMAN. This was the last day of December. I guess they were the last ones who ventured a dissent.

(The information referred to follows:)

[From the New York Times, Dec. 30, 1969]

TWO SAIGON PAPERS CLOSED; 15 STUDENT LEADERS SEIZED

(By Terence Smith)

SAIGON, SOUTH VIETNAM, Dec. 29—The Government has arrested 15 student leaders at Saigon University and closed two newspapers in the last 48 hours in an apparent crackdown on opposition elements.

The students were accused of singing antiwar songs and convening a meeting without permission. The newspapers were charged with advocating neutralism and undermining the morale of the armed forces.

Press censorship was formally abolished 20 months ago, but 39 daily newspapers have been suspended for specific periods or closed down altogether since then.

The new suspensions and arrests come at a time when the Government is trying to persuade the House of Repesentatives, or lower house, of the National Assembly to purge three members whom President Nguyen Van Thieu has accused of having Communist affiliations. A special session of the lower house to consider the charges is scheduled for tomorrow.

THIEU DRIVE DISCERNED

In recent weeks President Thieu seems to have embarked on a campaign to subdue his opposition and discourage proposals of a neutral foreign policy for South Vietnam. Such proposals have been made recently by Senator Tran Van Don and Gen. Duong Van Minh, who are regarded as Mr. Thieu's principal political rivals.

Tieng Noi Dan Toc (Voice of the People), the larger of the two papers suspended today, was accused by the Government of "advocating neutralism and praising Communist activities."

The paper is edited by Ly Qui Chung, an articulate young opposition member of the lower house, who recently wrote an article in the French daily Le Monde urging a national referendum in South Vietnam to authorize an immedate ceasefire and a special commission to negotiate a peace settlement.

His paper, with one of the largest circulations in Saigon, was closed twice in 1963 and once earlier this year for having published a photograph of Ho Chi Minh and an open letter to the President of North Vietnam.

In an editorial in the last edition before the closing, Mr. Chung disputed President Thieu's allegations of Communist affiliation against Pham The Truc, one of the three members of the lower house whose cases will be considered tomorrow. It was apparently this editorial that prompted the indefinite suspension of the paper.

Twelve opposition members of the lower house accused President Thieu on Dec. 22 of being responsible for a demonstration against Mr. Truc and the two other deputies, Tran Ngoc Chau and Hoang Ho, in the house. A crowd had swarmed into the chamber to urge the ouster of the three deputies, smashing doors and taking over the deputies' benches.

The second paper closed today was Song Con, (Survival), an ostensibly pro-Government daily that began publication just last week. Its publisher is the secretary general of the lower house, Pham Duy Tue, a leader of the pro-Thieu bloc.

Despite this connection, the paper was closed for having published a series of articles describing rampant corruption in the South Vietnamese Army. One article said that promotions up to the rank of colonel could be bought by bribes to higher officers of up to two million piasters, or about $17,000.

The closing was seen here as a warning to other papers not to criticize the army, which is the principal source of Mr. Thieu's political strength.

CORRUPTION ARTICLES

The arrested students, who are being held for trial, include Nguyen Van Quy, the chairman of the Saigon Students' Association, which has long been critical of the Government.

They were seized by the police Saturday night after a meeting of about 500 students at the association's headquarters at Saigon University. At the meeting, described as an "arts and letters" exhibition, the students sang antiwar songs calling for peace in South Vietnam, including compositions of Trinh Cong Son, a popular folk singer, that had been banned by the Government.

The students' association issued a statement today denouncing the arrests as a violation of university autonomy and "a repressive act against all students."

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37 PAPERS LEFT IN SAIGON

SAIGON, December 29 (AP)—The closing of the two newspapers left Saigon with 37 daily and weekly newspapers—10 in Chinese, 2 in English, 2 in French and 23 in Vietnamese.

WOMEN'S MAGAZINES CLOSED

SAIGON, December 29 (Reuters)—The Information Ministry suspended six weekly women's magazines today for 15 days for publishing pornographic articles "obscenely exciting sexual desires," a spokesman said.

The CHAIRMAN. Senator Church.

SAIGON GOVERNMENT REFORM DOUBTED

Senator CHURCH. First, I want to express my appreciation for the fine statements that have been made by all three Senators. I am in full sympathy with the objective they would like to achieve in Vietnam.

It would be accurate to characterize the resolution they present as a shape-up or we ship-out kind of resolution. It would give the Thieu-Ky government 60 days in which to shape up. However, I do not really believe the reforms proposed in the resolution would be adopted by Saigon.

I have some basis for my skepticism. I hold here an old Congressional Record that has been taken off a dusty shelf.

Way back in 1963, I introduced in the Senate a resolution that 22 Senators cosponsored. It was done with the full approval of the Kennedy administration. You will recall that President Kennedy was interested in popular reform for the purpose of achieving a wide-spread base of support for the Saigon Government. The resolution stated:

> Resolved, it is the sense of the Senate that unless the Government of South Vietnam abandons programs of repression against its own people and makes a determined and effective effort to regain their support, military and economic assistance to that government should not be continued.

The date was September 12, 1963.

In 1963 our aid was running at $1 million a day and we had no combat troops committed to the battle. It is now 7 years later, the war is costing us $75 to $100 million a day, we have had more than half a million troops engaged in the battle, and we are still talking about furnishing Saigon additional time to shape up.

I think the whole history of the Vietnam war, including the character of the Saigon Government, demonstrates that these broad-gaged internal reforms will not be undertaken. Therefore, my quarrel with the resolution is that it still is a contingent commitment.

I personally believe the time is long past for this. We must now determine and explicitly declare our own national interest. If our own national interest is to remain in Vietnam, then that should be the policy.

But if, as I believe, our own national interest is to withdraw from Vietnam, let us not now attach further contingencies, particularly those the record reveals give no real hope or expectation that they can possibly be fulfilled.

This is the nature of my reservation concerning your resolution. I am in full sympathy with your objective. If Saigon reformed itself, we would all have reason to rejoice. However, I seriously doubt this will happen. Would you care to respond?

REFORM NECESSARY TO POLITICAL SETTLEMENT

Senator HUGHES. First, I would like to say that I did not borrow the Senator's resolution from 1963. I had not been aware of it. I smiled when I heard it, because of the similarity between the two. But I point out if there is to be a political settlement in Vietnam at all, that political settlement is going to have to be negotiated by such a broadly based government as we have suggested here.

I would also point out that Secretary General U Thant in his year-end news conference stated that elections were impossible under present conditions in Vietnam, that a broad government representing all factions should be the first step.

I think this has been repeated time and time again. I would include what I interpret the report of your committee staff on their recent visit to Vietnam to say—that they feel it may be impossible to broaden the present government, but they think this is the way probably that a political solution might be found.

I deem it worthy of a trial in an interim period while we try to disengage. Obviously, even if the commitment were made today to dis-

engage from Vietnam and get all the troops out, we could not do it within the next calendar year. It would be a physical impossibility to do it.

We all understand that, but in the interim period, I believe, a significant broadening of the government should be undertaken.

Senator Eagleton.

Senator EAGLETON. I would like to underscore the statement of Senator Hughes. In my view, the Hughes-Eagleton resolution would enhance the possibility of a political settlement being negotiated in Paris, not defeat that purpose, but enlarge upon it and enhance it.

As I read portions of Senate Foreign Relations staff report, it is somewhat negative in its viewpoint as to whether such a more broadly based regime can, in fact, be brought about. I believe that this apprehension stems from the fact that the present Thieu-Ky regime, buttressed by enormous American military and economic support, has no interest or compelling motivation in broadening its popular base. Further, the dissident non-Communist neutralists, for example the Buddhists, do not have any interest in joining such a regime if they are not to share in the power or the authority, but would be included only as figureheads or on a token basis. There could well be considerably less opposition to joining the Thieu-Ky regime if, in fact, the United States made it clear that (*a*) our days in Vietnam were numbered and (*b*) the United States demanded that a much more broadly representative government be created and not on a figurehead or token basis.

I repeat that a more responsive and broadly based government would be in a much stronger position to bargain effectively at Paris than the present government which has little reason or motivation to so do.

REQUIRING REFORM COULD FURTHER COMMIT UNITED STATES

Senator CHURCH. I fully agree with the objectives of your resolution and mine of 1963, but I have now come to the view that laying the kind of conditions down which we prescribed would embroil us in much further difficulty.

First of all, do we really know what conditions to lay down? Are the conditions that we think right necessarily the conditions that the Vietnamese themselves would view as right? Secondly, how do we determine whether or not these conditions have been complied with? Do we not run the risk of having the Saigon government undertake, in a public relations way, the pursuit of these reforms, and then plead with us for more time to accomplish them, thus embroiling us still further?

These are questions that, in the light of the record, I think are fair to ask, and this is the reason I find some difficulty with the resolution at such a late stage.

Thank you very much.

The CHAIRMAN. Senator Case.

Senator CASE. Thank you, Mr. Chairman.

I share the general feeling of the chairman and the Senator from Idaho and, of course, I completely agree with you in your espousal of these desirable results.

The Senator from Arkansas, by implication, at least, raised the question that if the Saigon government met the conditions we would be hung right in there. By his question of what our commitments were he, I think, intended very clearly to bring out the point that is implicit in this resolution, I think, that if Saigon shapes up our commitment is going to be robust and completely cashable so far as South Vietnam goes.

REFORM NECESSARY TO POLITICAL SOLUTION

Senator HUGHES. That was not my interpretation of the resolution at all, Senator.

My belief is this—that the President has embarked on what he calls a Vietnamization of the war; he has embarked on a program of withdrawal of the combat troops; but we are on a course that is going to continue for years into the future. I cannot see any early termination of this conflict as a result of Vietnamization of the war. I personally believe that it will not succeed.

I believe that even though we continue a modest withdrawal of the troops, the support troops remaining there are going to be vast in numbers.

I have read, I think, most of the speculations, and many assume that it is going to involve in excess of 200,000 men for an interminable number of years into the future. If this is what Vietnamization means, I believe that it is wrong.

My hopes, by this resolution, were of reaching a political solution by persuading the government of Saigon to reflect such a broad base of political support that they would be in a position to make credible offers and demands in the peace negotiations at Paris.

Senator CASE. I do not think there is any difference between you and your colleague on that side of the table and any people on the committee. Certainly there is none between you and me individually on that objective and on that purpose. Our only questions really are whether this sort of resolution or some other action by the Congress, could be most effective to bring about that result; that is the only question.

Senator HUGHES. I think this resolution, or parts of it, ought to be incorporated in whatever resolutions the Senate might consider. I have no particular pride in this particular resolution, other than the fact that I personally felt this was part of what must be done to work our way through to a political settlement.

Senator CASE. I think it is most useful that you have raised it and raised these specific issues. They are certainly high on the list of desiderata as far as any South Vietnam regime is concerned.

The CHAIRMAN. Could I ask, just as a matter of information, whether you meant that such a regime, with these reforms, is much more likely to engage in significant discussions at Paris for a settlement than the present regime? Is that not about what you had in mind?

Senator HUGHES. Absolutely.

Senator EAGLETON. Precisely.

The CHAIRMAN. The present regime has no strength of its own other than our military strength, and it does not wish to negotiate at all. I think President Thieu made that fairly clear. The statement of his which I read was a very positive statement. He is not interested in any other kind of government. A new government could negotiate with the Vietcong, and possibly reach a settlement.

Senator Pell.

U.S. COMMITMENT TO SOUTH VIETNAM

Senator PELL. Thank you, Mr. Chairman.

I congratulate the Senator from Iowa on taking a position on this long before it was chic or politically acceptable. I agree with the general thrust of his resolution.

I think the points made by the Senator from Idaho are correct, that we should not have any contingencies. We should be guided by specific commitments and our national interests. In this case we know what our national interest is, which is to get out. As far as commitments go, I would like to explore this a little bit. What commitment do you think we have to the Government of South Vietnam? We certainly have a commitment to many of the people in South Vietnam, no matter whether they sided with the United States because of cupidity or patriotism, people who would have their throats cut if we withdrew our forces. We have to consider that, and Senator Javits and I will focus on that problem tomorrow in these hearings. But I submit we have no commitment to the government, and I was wondering what commitment you have in mind.

Senator HUGHES. This committee has available to it far more information than I have available to me, Senator Pell, as to the establishment of this particular government in South Vietnam and arrangements that we made with it.

I have limited knowledge of those things. My own personal opinion is that we have no commitment to this government, except to the extent that it is a vehicle to achieve for the people of South Vietnam a freedom to select their own form of government. If we have other commitments to it, I have no knowledge of them.

Senator PELL. I think basically the commitments seem to run back to the SEATO Treaty (Southeast Asia Collective Defense Treaty), and we have explored this in other hearings.

When you examine that document you realize that we have gone far beyond the fulfillment of those commitments. Other nations whose standard of honor is just as high as our own, Great Britain and France, for example, are also cosignators, and they interpret the SEATO Treaty from the viewpoint of their commitments and honor, and from the viewpoint of their own interests. I think that we overestimate the commitment that we have to the Government in South Vietnam. Our commitment is to the people.

COULD BROAD-BASED SOUTH VIETNAMESE GOVERNMENT BE ANTI-COMMUNIST?

Now, another question here is with regard to a broader government. I agree with you that when the view was advanced a couple of years

ago, an analogy was made to placing a fox in the chicken coop. You believe that you can have a regime that is both anti-Communist and also broadly based?

Senator HUGHES. I think that is entirely possible, yes. I am assuming that most of the Vietnamese who have advocated a swift peace or neutrality in Vietnam are anti-Communist. From what I have read they are. So I believe you can bring about a general broadening of the Government to represent the vast majority of the people, without including the Communist segments in it.

As I understand it, only about 15 percent of the people of South Vietnam are in support of the Vietcong.

Senator PELL. You remember President Eisenhower said if a straight vote were taken, I think his figure was 80 percent would have voted for Ho Chi Minh.

Senator HUGHES. It has been a long time past since President Eisenhower said that. I do not know whether those statements would still be true, or what he was basing them on.

Senator PELL. And Ho was the one symbol, I think, of nationalism in that country. He is gone, and I think we are probably in a worse position when it comes to working out a treaty than we were before his death.

Thank you and congratulations on your resolution.

The CHAIRMAN. Senator Cooper.

INTENT OF SENATE RESOLUTION 268 REGARDING SAIGON GOVERNMENT

Senator COOPER. I will be brief.

I think your testimony has been of particular value. I will leave out the date because I am not so certain about any dates.

But in emphasizing the kind of reform that could take place in South Vietnam, I do not know how much influence we have in bringing about these reforms. When I have talked to the people of the State Department or former Ambassador Lodge or others, they have told me the United States is always urging reforms.

It is true, though, is it not, that the North Vietnamese have said flatly they would not negotiate with the existing regime in South Vietnam?

Senator HUGHES. As I understand it that is true, yes, Senator.

Senator COOPER. Then your resolution probably intends more than it says, that you would expect a different regime.

Senator HUGHES. Well, I would expect, Senator Cooper, that when they say they will not do certain things in the process of negotiation, and when South Vietnam says they will not do certain things in the process of negotiation, both of those statements, themselves, are negotiable. We are always reading with great interest the various speeches by leaders in Vietnam, in North Vietnam. There was one reported in the press just this morning that apparently represented some confirmation that they would reconsider an earlier stance.

I am assuming that, in the process of hard negotiations, any statement of original position is subject to change.

IMPORTANCE OF POLITICAL SOLUTION IN VIETNAM

Senator COOPER. I will just make a statement I made a while ago in a colloquy with Senator Goodell, that I think it is important, as you have emphasized in your resolution, to keep up the effort toward a political settlement through negotiations, if possible.

Senator HUGHES. I agree with the Senator. I believe there has to be a political resolution of the difficulties, and we have been relying too much on a military resolution.

Senator COOPER. Thank you.

INFLUENCE OF VIETNAMIZATION ON NORTH VIETNAMESE NEGOTIATING CONDITIONS

The CHAIRMAN. There are just one or two further comments really about your statement, Senator Hughes. In particular, you emphasized that disengagement requires a political negotiation. If there is any value at all in Vietnamization, aside from the important fact that it has deescalated the casualties, it is that it might persuade the North Vietnamese to change their conditions, even though it does not itself end the war.

Do you think it might possibly have that effect?

Senator HUGHES The Vietnamization?

The CHAIRMAN. Yes. Senator Cranston referred to the Gelb letter which was in the New York Times on Sunday. Mr. Gelb is a very knowledgeable man, presently at Brookings, and formerly in the Department of Defense. He has thought very deeply about these matters. He did not put it the way I am putting it.

He simply said that he believed there is very convincing evidence that North Vietnam has changed its conditions for negotiation. I think you are absolutely right in your interest in negotiation. I do not think there is any other way to obtain a reasonable settlement.

I wonder if you had thought whether Vietnamization may affect North Vietnam's negotiating conditions?

Senator HUGHES. Yes, Mr. Chairman, I have thought about that. Some time ago, it became prevailing opinion in this country that the Vietnamese people should share a greater part of the burden of fighting the war, so we began to provide them with the military supplies and to train the manpower that will make it possible for them to assume the added burden.

But that, in my opinion, is not enough to achieve a stable government in South Vietnam.

If there is ever to be a stable government that can stand alone, without our military presence there, it will have to be by consent of the Vietnamese people and not by control of the military. When that fact becomes prevailing opinion in this country, we will be on the road to a solution of the Vietnam dilemma.

On the point you raised, Mr. Chairman, it seems to me that if the North Vietnamese recognized that a stable government was being established in Saigon—one that had the support of the Vietnamese people as well as its own military capability—they would certainly modify their approach to the negotiations.

The CHAIRMAN. I had hoped that could be the effect. Of course, the difficulty about that is the length of time that it may take to bring it to fruition.

I believe with you, and I agree with you and the other sponsors, as to the urgency of the matter because it is causing such havoc in our own country, as is evident every day from the continued inflation and the disruption of many of our basic industries.

There is a large contingent of people in town right now from the savings and loan business, who are very interested, of course, in the housing industry. Many of them are desperately unhappy because of interest rates, and I think, as was said in the beginning, this is directly attributable to the continuation of the war.

The hearings will continue tomorrow morning in this room at 10 o'clock with other resolutions and the witnesses I have already announced.

I thank you very much, Senator Hughes and Senator Eagleton. I think you have made a real contribution to the discussion of this matter.

Senator HUGHES. Thank you, Mr. Chairman.

(Thereupon, at 1 p.m. the committee adjourned, to reconvene Wednesday, February 4, 1970, at 10 a.m.)

VIETNAM POLICY PROPOSALS

WEDNESDAY, FEBRUARY 4, 1970

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10:00 a.m., in the Caucus Room, Old Senate Office Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Gore, Church, Symington, Pell, McGee, Aiken, Case, Cooper, and Javits.

The CHAIRMAN. The committee will come to order.

The committee is meeting this morning to continue its hearings on policy proposals relating to Vietnam.

We will hear testimony this morning from the distinguished Senator from Pennsylvania, Senator Scott. Following, if the program keeps on schedule, will be Senator Javits, Senator Pell, Senator Hartke, and Senator McGovern.

Tomorrow the hearings will consist of Senator Mathias, Senator Dole, and Senator Young of Ohio.

Senator Scott, we are very pleased to have you this morning. You have a prepared statement, I believe.

STATEMENT OF HON. HUGH SCOTT, U.S. SENATOR FROM PENNSYLVANIA

Senator SCOTT. I have a prepared statement, Mr. Chairman and members of the committee, and I believe it is before you. I am testifying with reference to Senate Resolution 280, introduced by myself and 45 other cosponsors, the first of which is the distinguished majority leader, Senator Mansfield. In conversation subsequent to introduction of the resolution, Senator Mansfield indicated he also was prepared to testify at the convenience of the committee on the same resolution.

SUMMARY OF SENATE RESOLUTION 280

I will not read the resolution in full since it is before the committee, but basically it is an affirmation of support for the President in his efforts to negotiate a just peace in Vietnam, approval and support of the principles enunciated by the President, assertion of the right of the people of South Vietnam to choose their own government by means of free elections open to all South Vietnamese, the willingness of the United States to abide by such results, requesting the President to

call upon the government of North Vietnam to join in a proclamation of a mutual cease-fire, a willingness to honor such elections and abide by the results in the hope of peaceful resolution of the controversy.

I am pleased to have the opportunity to testify before this committee on the resolution affirming the support of the Senate for the President's efforts to negotiate a just peace in Vietnam.

PRESIDENT'S STEPS TOWARD PEACE SETTLEMENT

The President has during the past year taken important steps toward such a negotiated settlement. He has made a number of concrete proposals which could lead to a peace settlement which would allow the South Vietnamese people to determine their own future.

The President has taken the following steps:

He has proposed free elections in South Vietnam under international supervision.

He has stated that we will accept the results of the free choice of the South Vietnamese people.

He has proposed the withdrawal of all non-South Vietnamese forces over a period of 12 months.

He has made clear that we will settle for the de facto removal of North Vietnamese forces so long as there are guarantees against their return.

He has declared that we seek no military bases and insist on no military ties.

He has offered to negotiate supervised cease-fires under international supervision to facilitate the process of mutual withdrawal.

He has made clear that we are prepared to discuss the proposals made by all parties and are quite willing to consider other approaches consistent with our principles.

He has proposed the earliest possible release of prisoners of war.

I may add, he has frequently asserted that no feature of his proposals to the other side is nonnegotiable except the principle of free elections and the abiding by the results thereof.

Continuing, these actions and proposals are intended to provide the framework within which the people of South Vietnam can freely choose. They call for free elections under international supervision and for the withdrawal of all non-South Vietnamese forces, both of which are clearly conditions for self-determination.

The President has also taken steps to reduce the U.S. military commitment in Vietnam. He has already reduced the authorization for American troops in Vietnam by 115,500 men. This is a significant step toward reducing the cost of the war in American lives and treasure. It is also a step toward peace. It underlines our readiness to withdraw our forces when they are no longer needed.

NORTH VIETNAMESE ATTITUDE TOWARD NEGOTIATIONS

Unfortunately, the Government of North Vietnam has taken a negative attitude toward the President's efforts. It has refused even to discuss our negotiating proposals. Instead, it has asserted that we must accept its proposals. It has also refused to deal with the Republic of

Vietnam although we have indicated our readiness to deal with all the parties to the conflict.

The Government of North Vietnam has also to date given no indication that it is prepared to negotiate a cease-fire or to honor the results of elections in South Vietnam.

EFFECT OF SENATE RESOLUTION 280

It is in response to this situation, in which the President with the support of the Government of South Vietnam has put forward reasonable proposals to bring a just peace to Vietnam, only to meet with rejection by Hanoi, that I have put forward this resolution. Its passage will show that the American people firmly support the President's efforts to end the war through a settlement which will enable the South Vietnamese people to choose their own government. It will strengthen the President's hand at the Paris talks and will also show the determination of the American people to stand by their commitment to the people of South Vietnam.

This should help the President in his effort to end the conflict. It will demonstrate to Hanoi that it cannot count on disunity between the President and the people to serve its own purposes.

My own position with respect to ending the war in Vietnam is well known to this committee.

On May 3, 1969, I called for "the withdrawal of a substantial number of American troops from Vietnam," and hoped that "the White House would announce such a move in the near future."

One month later, President Nixon did announce the beginning of troop withdrawals, and I commended the President for his bold initiative. This process of troop withdrawal, and subsequent replacement by the South Vietnamese, is a process that has steadily gained momentum. It is irreversible. More importantly, it is the right way to achieve a real and lasting peace in Vietnam.

Mr. Chairman, nearly half of the members of the Senate, including the distinguished Majority Leader Senator Mike Mansfield, as I have stated, are cosponsors of this resolution. A look at the names of those senators will reveal philosophies running the gamut of the political spectrum. We have taken a nonpartisan approach to peace.

Senate approval of this resolution will show the world that we are united in our search for peace.

The President and the Nation, in my judgment, deserve no less.

I thank the committee.

ADMINISTRATION'S WITHDRAWAL POLICY

The CHAIRMAN. Thank you, Senator Scott.

You say in your statement that this withdrawal of troops is irreversible. The matter of what this means came up yesterday.

Do you mean complete withdrawal of all American forces in Vietnam or just the combat troops?

Senator SCOTT. I mean that it is the intention of the Government of the United States to continue the process of withdrawal until situations arise which will permit the total withdrawal of the American presence in Vietnam. I did not speak in terms of any time references because that is certainly beyond my scope.

The CHAIRMAN. I am not clear, and neither were the committee members yesterday, as to the significance of saying it is irreversible. The President quite clearly said if the other side did not respect this withdrawal and increased the violence, that he would take very strong measures. Would this be consistent with its being irreversible, if he escalated the violence in response to greater violence by the other side?

Senator SCOTT. In my judgment if, in the course of the progressive withdrawal of American forces, and therefore a deescalation of the war, this process and the process of Vietnamization were endangered by unwanted and marked increase in the aggressiveness of the other side, the President, not for the purpose of reversing the trend, but for the purpose of protecting the entire process, would, as Commander in Chief, unquestionably take such actions as would seem to him proper at that time, and he has indicated that he might resort to the use of such American power as is necessary to protect the withdrawal process and the Vietnamization of the war.

The CHAIRMAN. I am trying to understand what this means.

If this is not the proper interpretation, I hope you will correct me.

Does it mean that if the North Vietnamese and the Vietcong accept our withdrawal and also the permanence or relative permanence of the existing government in South Vietnam, that then the process of withdrawal will be completed? If they do not wish to accept that, then it will not.

Is that a fair statement?

Senator SCOTT. Mr. Chairman, I am having some difficulty in understanding because of the background noises. Could you repeat it?

The CHAIRMAN. I am only seeking to understand what this really means. We had some difficulty, and you say you cannot give us any time schedule. I believe you said that is beyond your competence.

Senator SCOTT. Beyond my scope.

The CHAIRMAN. I have difficulty, as I think some of my colleagues do, in really understanding exactly what the policy of so-called Vietnamization amounts to. There seems to be a difference of opinion as to whether the withdrawal relates only to combat troops. There is this item of residual troops the Secretary of Defense has talked about on various occasions, leaving the impression that they stand aside from the withdrawal program. This is the only reason that I am trying to elicit from you, as minority leader and sponsor of this resolution, as precise a clarification as possible of what the President's policy is.

You, I think, will have to admit there have been some slight variations of what it means from different spokesmen. Now I think would be the appropriate time to try to clarify what it means.

If I understood you correctly, when you say irreversible, you contemplate the withdrawal of all forces, provided that the other side does not take advantage of this withdrawal and do things which would provoke some retaliation or would, I assume, cast some doubt upon the stability of the South Vietnamese Government as it now exists. To put it another way, if the North Vietnamese and the Vietcong are quite content to accept Mr. Thieu and Mr. Ky and to be nice about it and not cause any trouble, then we will withdraw.

Is that an accurate way to describe it? If not, I wish you would correct it and state it more accurately.

Senator SCOTT. Mr. Chairman, those are not my words.

The CHAIRMAN. I know they are not. I am just trying to elicit from you in your own words a more precise statement.

Senator SCOTT. This Administration, as I am sure with any Administration, once engaged in the process of bringing an end to a war, would undoubtedly wish to bring total end to that war. Circumstances beyond the control of the Government of the United States might lengthen that process. Nevertheless, as we have seen in South Korea, the Government of South Korea has assumed the major responsibility and an increasing responsibility in maintaining the stability of that country. It has taken a long time.

I would hope it would not take so long a time in this instance, and I cannot, of course, give you an estimate of the time frame involved here since it depends upon the intentions and the conduct of the enemy. But I am convinced that this President means to end this war at the earliest possible moment with the withdrawal of all forces when conditions in Vietnam permit, and as rapidly as they permit up to the final objective of removing the American presence from South Vietnam.

SOUTH VIETNAMESE SELF-DETERMINATION

The CHAIRMAN. Your statement points out that passage of S. Res. 280 will show that the American people firmly support the President's effort to end the war through a settlement which will enable the South Vietnamese people to choose their own government.

We have been told for some time that the present government was chosen by the South Vietnamese people. Are you saying it was not chosen by them? What does this mean?

Senator SCOTT. No, Mr. Chairman, I am not saying that. From time to time in this country, we choose our own government and from time to time in South Vietnam they will choose their own government. They did so this time through the course of elections. You and I might not have voted for the same candidates in our election, but they were so chosen.

It is my hope that there will be further instances of free elections, and that this government of ours ought to do everything it can to facilitate that process. We ought not, however, seek to change the constitution of the government of South Vietnam against their will.

The CHAIRMAN. Therefore, we should not seek to make any changes in the present constitution of South Vietnam?

Senator SCOTT. Against their will.

The CHAIRMAN. This is reported to be one of the principal reasons why we could not negotiate in the past. The other side is adamant about not accepting the existing constitution which, of course, prohibits the participation of any Communist or, I think, neutralist in the government. Does it not?

Senator SCOTT. Well, I am not an expert on the South Vietnamese constitution. But there are presently no Communists in the government, which I happen to believe is a consummation devoutly to be wished but not an essential condition of a government.

NORTH VIETNAMESE ATTITUDE TOWARD NEGOTIATION

The CHAIRMAN. One last question: What is your view as to why the other side, who obviously are suffering and have suffered great losses and great injury to their country for so long, are so adamant about not negotiating? Many of these offers of the President, which you outline in your statement, seem eminently reasonable to me. Why it is, in your view, that they refuse to carry on meaningful negotiations?

Senator SCOTT. In my view, Mr. Chairman, because they indulge themselves in the delusion that the people and the Congress of America are divided in their support of this war.

The CHAIRMAN. For the last 3 months there has been an almost total absence of any criticism of any kind.

Have you noticed any move on the part of the North Vietnamese toward negotiation?

Senator SCOTT. Well, I think it is a tribute to the President that the voices of criticism have been substantially muted when he demonstrates to the people of this country that he is doing the right thing.

As you know, Mr. Chairman, it is the temper of the Communist negotiators to appear to give no indication whatever of any change in their attitude, and if and when it comes, it comes with startling and often lightninglike suddenness. Therefore, a point may be reached at which the North Vietnamese negotiators conclude that it is no longer possible, no longer profitable, to defer the ending of this war. That day will come soon if this current muting or cessation of criticism continues, in my opinion.

The CHAIRMAN. So you subscribe to the view that those who disapprove of the war are primarily responsible for the continuation of the war?

Senator SCOTT. No, Mr. Chairman, I did not say that. I said that Hanoi labors under the delusion that the country and the Congress are divided over the attitudes and the position of the American Government over what posture the American Government should take. I call that a delusion.

The CHAIRMAN. By that you mean it is not true that there is a division of view?

Senator SCOTT. No, by that I mean it is true that Americans generally are patriotic and generally wish an end to the war; that Hanoi does not understand the true nature of the American position and the determination not to risk unnecessary sacrifices by an overly precipitate deescalation of the war.

The CHAIRMAN. Senator Sparkman.

Senator SPARKMAN. Thank you, Mr. Chairman.

Senator Scott, I was very interested in your statement and in your resolution. It seems to me to make a lot of sense, and I feel that I am one of the supporters of the resolution, but I do want to ask you just a very few questions.

PRESIDENT'S POWERS UNDER SENATE RESOLUTION 280

I know we shall hear the statement from time to time that under the Tonkin Gulf resolution, which I suppose all of us voted for—the vote was almost unanimous in the Senate, as you will recall—we gave,

unwittingly perhaps, to the President unlimited power to carry on the war in South Vietnam and against Communist aggression generally.

Can that same criticism be successfully raised against this resolution?

Are there any extraordinary powers or unlimited powers granted to the President? I noted the question of the chairman with reference to whether or not the Administration's policy is irreversible and under what conditions these proposals might not necessarily go through. Are there any provisions, as you see it, of which we should be wary?

Senator SCOTT. Well, Senator, Senator Sparkman, I appreciate your indication of approval of the purpose of the resolution. I see nothing here which operates as a grant of power, a further grant of power, to the Executive. It is, rather, an affirmation of support for the President in his conduct of the proceedings surrounding the efforts for peace.

This resolution, unlike the Tonkin Gulf resolution, does not attempt to transfer any legislative powers, or any of the powers of the legislature or of the people, to the President which he does not already have, so I do not think there is any danger there.

We all have the benefit of the same hindsight here on the Tonkin Gulf resolution. We were all in support of it at the time. I think generally we all feel that it was too broad a grant of authority.

Senator SPARKMAN. Of course, what you really do, is pick up the statement that the President has already made as to what his program is and will be in South Vietnam. Yet, is it not subject to change, according to conditions?

I am just probing this in view of the criticism that has arisen on the Tonkin Gulf resolution.

Senator SCOTT. I understand. I do not think there is here hidden any sort of conferring a power. I think it is an affirmation by the Congress of, in this case, a Senate resolution. It is, I should say, an affirmation by the Senate, of the hope by the Senate, that what the President is doing will succeed, that it is an affirmation that he is broadly engaged in the right pursuits in certain specific and limited areas.

Those areas are the search for peace, the overtures to the Government of North Vietnam, the proposal for free elections and a proclamation of a mutual cease-fire.

Now all of these are executive actions which the President already has the power to do. I do not believe that any of them require legislation, hence the form of the resolution.

I would be wary myself of extending additional, let us say, war-making powers to the Executive.

DEFINITE SCHEDULE FOR WITHDRAWAL

Senator SPARKMAN. Of course, you are not setting any time schedule. I take it that you do not feel that the proposal of Senator Goodell setting a definite schedule, upon which he testified yesterday, is a good proposal?

Senator SCOTT. I would rather restrict my answer to my own views. My own views are that an attempt to look over the Persident's shoulder and to tell him on which calendar dates he shall exercise his executive responsibility, and his responsibility as Commander in Chief, as-

sumes on the part of those who look over the President's shoulder that they know more about the way to withdraw and deescalate a war than he does. I cannot subscribe to that opinion.

Senator SPARKMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Javits.

Senator JAVITS. Senator Scott, I think it is extremely desirable, and I think it shows a very high order of responsibility, that the minority leader has been willing to submit himself to cross examination on his own and Administration policy on Vietnam. With so many sponsors of the resolution, the Senator could have exercised the privilege of a Senator and just stood aside. I think it is most commendable that the Senator has exposed himself and his points of view in this way.

Senator SCOTT. I thank the Senator very much.

PURPOSE OF INTRODUCING SENATE RESOLUTION 280

Senator JAVITS. I just have two questions.

One, it is very interesting to me that the Administration and the leadership, felt that it had to put in a resolution. This is a significant fact as this committee considers the matter, and the fundamental desirability of a new resolution.

Was that judgment dictated by the fact that other resolutions had been introduced and that perhaps the committee would act? It seems to me the leadership could have simply opposed any resolution. Or, was it dictated by either some juridical lack which the leadership and the Administration saw, or some policy vacuum which they wished to fill so that some resolution will be desirable from this committee?

Senator SCOTT. I can say that the resolution does not imply that the Administration felt that or saw any juridical reason for the introduction of a resolution.

The Administration did not suggest the introduction of this resolution to me. What position they may have taken in the other body may well have been different, for all I know, because there the Administration seems to have been at least favorably disposed to the action taken by the House.

In my case, this resolution was my own idea and was then taken by me to Senator Mansfield. We agreed upon the language with no difficulty of negotiation over the words, but simply jointly agreed. He made some suggestions; I accepted them.

We then agreed to notify the Senate by introducing the resolution, by asking for cosponsors and, therefore, this resolution is for my part a sui sponte action.

DESIRABILITY OF RESOLUTION ON VIETNAM POLICY

Senator JAVITS. Does the Senator feel that it is desirable for the Senate to adopt any resolution on this subject, including his own?

Senator SCOTT. I would think that it would be desirable to advise Hanoi that the Senate of the United States supports the President of the United States in the steps which he is taking in accord with the highest democratic principles, namely, those of pursuit of peace, advocacy of free elections, and withdrawal from the territory of other nations by all entities which would interfere with the peaceful condition of the people of that area.

Senator JAVITS. If that is all that we are going to show—to wit, solidarity—isn't there the risk that there will be a divided vote, that it will show a division, with some Senators against? Is there a resulting possibility that this may be considered some loyalty test?

Senator SCOTT. I would say that even Hanoi knows that we are operating here under the rules of a federated republic, that we are not monolithic, as are many Communist states, that if we were to have a degree of dissent, this would be in keeping with our system.

I would, however, be of the opinion that if such a resolution were to be narrowly passed, its import would be more counterproductive than desirable. If it were to be passed by a very strong majority, the nature of the dissent being relatively minimal, that this would be another means of showing Hanoi how a democracy works.

Senator JAVITS. Within the same context, therefore, the Senator does not feel that it would represent any unusual disadvantage to those Senators who voted no?

Senator SCOTT. I do not believe it would. I think the debate would show the reasons why Senators might dissent. The reasons would be worthy and honorable and within the traditions of the Senate and, therefore, I would not have any concern on that part.

ADVICE AND CONSENT WITHOUT ADMINISTRATION'S PLAN

Senator JAVITS. I thank my colleague.

I have just one other question, Mr. Chairman, if I may.

I note with great interest that in the letter of the Department of State referring to my resolution, but pertinent to this question, the following words are used:

> The administration hopes to withdraw U.S. combat troops from Vietnam as quickly as possible, and has a plan for accomplishing this objective.

"And has a plan for accomplishing this objective."

Would the Senator care to comment as to whether we really can exercise our advise and consent function unless we are apprised of that plan?

Senator SCOTT. I would say, yes, we can exercise our advise and consent function, because the exercise of that function does not require that the Senate know the innermost intelligence planning of the Office of the Commander in Chief and of its agencies.

The President has made it clear to the public, he has made it clear to me in conversation, that he does have a plan, and that he has always qualified it, as the Senator knows, by saying that some aspects of that plan are conditioned on three criteria he has often enunciated.

I think if the plan were made known to the Senate, a risk would have to be taken that it would be made known to the public, therefore to Hanoi and, therefore, if Hanoi were aware of our timetable, it would be in an excellent position to counter every move we make that is designed to produce a peaceful result.

Senator JAVITS. I think the Senator may be right about that. But does it not lead to the necessary conclusion, therefore, that should we adopt the resolution of the leadership, that represents a straight vote of confidence in the Administration on the handling of the war policy respecting Vietnam, really, with no questions asked?

Senator SCOTT. I do not think it does, Senator, for the reason that this resolution stresses certain areas in which the Senate would wish to be heard, its desire that progress would be made in the pursuit of free and, as my statement elaborates, supervised elections.

It also has, to my mind, the important feature of requesting the President to call for a mutual cease-fire.

The Senator knows there was an occasion on which I went further and could have used more allies, I guess, but, in any event, at that time I suggested possibly a unilateral cease-fire on the assumption that a unilateral cease-fire either becomes a mutual cease-fire, if promptly observed, or it ceases to be unilateral.

Therefore, I thought I had a formula, but it is obvious that the formula was not acceptable.

I think here in this resolution the urging of both the President and the Government of North Vietnam to join in a proclamation of a mutual cease-fire would have the effect of telling all the world that the Senate of the United States would like very much to see that cease-fire occur at the earliest possible date. Therefore, what I think this kind of resolution does is to emphasize and underscore the mind and the temper of the American people as expressed through their representatives.

Senator JAVITS. I thank my colleague. I conceive of this hearing as seeking to elucidate rather than to debate, and we will have plenty of time for that. Thank you.

Senator SCOTT. Thank you, Senator.

The CHAIRMAN. Senator Church.

IS SENATE RESOLUTION 280 A BLANK CHECK?

Senator CHURCH. Senator Scott, is your resolution a general endorsement of the President's plan for Vietnam?

Senator SCOTT. I think it would be fair to say, Senator Church, that this resolution which is cosponsored by the majority leader and others, represents rather a seeking to emphasize certain aspects of the Executive functions which are now being exercised by him. It does not undertake to be a blanket endorsement of everything this or previous Administrations have done by any means.

It does say that protruding from the present situation are certain peaks, visible peaks, which we would like to stress. They are the desirability of free elections, the desirability of another call for a mutual cease-fire, the desirability of both sides announcing that they will abide by the results of the free elections and will honor the cease-fire.

So that I think of the resolution not as an attempt to say that everything this or any other President has done meets with the full approval of the Congress. We reserve our opinions on that. But that certain things which are being done are good and the Senate hopes that not only will they continue being done, but that there will be renewed emphasis and renewed efforts on the part of the Executive.

Senator CHURCH. The reason I ask that question is that the last time that the Congress passed a policy resolution that was acted upon for the purpose of strengthening the President's hand, it was used, as you are well aware, as a blank check to wage general war in Southeast Asia, contrary to the intent of many of us who had voted for the resolution.

If your resolution were passed, what is to prevent President Nixon from using it to justify whatever he chooses to do in Vietnam?

Senator SCOTT. I think the bounds of the resolution prevent that.

The Tonkin Gulf resolution was broad. In effect, its import was to give advance approval of the use of our Armed Forces to counter military actions. It was not limited, as a conveyance, in advance, of authority to an Executive.

All this resolution does, per contra, is to confine itself not to war but to peace. I think it is exactly the opposite type of thing. It says: "Get on with the peace, get on with free elections, get on with the mutual cease-fire," and in these areas the Congress is just as anxious to see a peace brought about as is the Executive and, therefore, it represents an opportunity for the Congress or the Senate, at least, to share in these ongoing efforts by an expression of approval. There is no grant of authority here, express or implied.

Senator CHURCH. If the battlefield pressures were increased by the Vietcong and the North Vietnamese, and if the President, in retaliation, were to decide to escalate our own military involvement, you would not feel that this resolution would constitute an endorsement for such a decision?

Senator SCOTT. No, indeed, I would not. But I would use a different word rather than retaliation. I would say that if battlefield pressures increased and it were necessary to prevent American soldiers or allied soldiers from being killed, and the President of the United States took certain military action, he would not do it pursuant to this resolution nor could he cite this resolution as any grant of authority for that purpose.

Nevertheless, he might well feel he might have to do it and, in my judgment, he might well be supported by the American people.

FREE ELECTIONS IN SOUTH VIETNAM

Senator CHURCH. Then you see your resolution limited to the three points that are expressly mentioned in it. I would like to quote from one of the points which expresses the approval of the Senate and the support of the Senate for "the principles enunciated by the President that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and that the United States is willing to abide by the results of such elections."

Have not such elections already taken place?

Senator SCOTT. The elections have indeed taken place and future elections presumably will take place. This refers to elections to be held in the future. It does not deny that elections have been held in the past.

Senator CHURCH. Were the elections held in the past open to all South Vietnamese?

Senator SCOTT. I am certainly no expert on that. I would say that, having been a poll watcher in America, generally speaking, the elections were about as open as some I have seen in Philadelphia in my youthful days.

Senator CHURCH. Under the present constitution of the Saigon government, do you think it is possible to conduct elections that would be open to all South Vietnamese?

Senator Scott. I think if the present South Vietnamese Government gave assurances, and such elections were supervised, in my own view, by either internal agreement as to who the supervisors should be, either internally chosen or externally chosen, that under such conditions you ought to be able to have a free election.

Senator Church. Article 4 of the Constitution of South Vietnam reads as follows:

> The Republic of Vietnam opposes communism in all forms. Every activity designed to propagate or implement communism is prohibited.

Do you see any inconsistency between that restriction and the avowed policy of the President in favor of elections open to all, or his statement that we will abide by the results, even if the Communists are elected?

Given the provisions of the present constitution which I have just recited, how can that happen?

Senator Scott. I think, under the terms of that constitution, the Government would have to go to its parliament and ask for a revision of that provision. Or it would have to secure action, I do not know whether that constitution permits it, by the executive or by the executive and the legislative bodies, but it would have to secure such authorization as to permit a seating of any persons regardless of their ideological views.

We have had a number of Supreme Court decisions and executive regulations holding that members of the Communist Party in this country, if they advocate revolution or violent overthrow of the Government, are ineligible for public office.

And yet I suspect that if a Communist were elected to the Congress of the United States, he would be seated under another provision of our Constitution.

Senator Church. I think the political conditions in South Vietnam are not really comparable to the political conditions in this country.

Senator Scott. I am not an authority on that, I am only an authority on Philadelphia. [Laughter.]

Senator Church. Even neutralists are barred from elections under the present electoral law in Vietnam.

Mr. Chairman, there is a clear contradiction between the present laws, constitution, and political practices in South Vietnam and the avowed American purpose of achieving free elections open to all, which will be accepted, according to the President, whatever the result, even if the Communists were to win.

I find it difficult to reconcile our declared position with the reality of the laws, constitution, and political restrictions which presently exist under the Saigon regime.

Senator Scott. I would hope that the Senator finds the same difficulty in reconciling the reality of the attitude of a Communist government as to permitting anyone else to be elected.

SOUTH VIETNAMESE CONTRADICTION OF UNITED STATES FREE ELECTION POLICY

Senator Church. I have no illusions about elections in North Vietnam. The issue here is American policy directed toward the achievement of elections in South Vietnam, open to all, and presumably the re-

sult of which we will abide by, even if the Communists win. I find the proposition, which has been seriously put forward by the President as an object of American policy, contradicted by the existing electoral laws, the constitutional provisions, and political conditions which exist in South Vietnam today. This contradiction has to be reconciled in some way if we are to take seriously the objective which the President says is our own in that country.

Senator SCOTT. I would say if the contradiction exists, let the situation be changed so that it does not exist by whatever constitutional or juridical means are necessary within the Government of South Vietnam. That would establish a procedure in democratic fashion and would be a further dramatic contrast to the attitude of the Communist countries which do not tolerate any dissidence at all.

Senator CHURCH. Do you know whether the United States is presently undertaking to press for any changes in the electoral laws, the constitution, or the political conditions in South Vietnam which would permit open elections of the kind we advocate?

Senator SCOTT. The United States is pressing for free elections open to all South Vietnamese. The South Vietnamese Government is well aware of the position of the United States. I cannot pass on the condition of the Government of South Vietnam except that I suspect that we would not be pressing this particular feature unless the Government of South Vietnam were well aware that this might well require them to consider the fact that such elections would elect people who would not be personally those whom the present Government of South Vietnam would welcome within the governmental structure.

Senator CHURCH. I can only say, from what I know of the situation, that we are not pressing for these constitutional or legal reforms; that we have accepted the present regime, and——

Senator SCOTT. Maybe they have a supreme court which would be obliging. [Laughter.]

Senator CHURCH. That would be surprising.

Senator SCOTT. Well, we do.

Senator CHURCH. Although it would be a highly welcome development for Vietnam, it is not one to be anticipated.

Senator SCOTT. Ours reads the election returns.

Senator CHURCH. Well, I just find it difficult to believe that the kind of elections we advocate are possible in South Vietnam under the present regime. Nor do I think that genuine self-determination will occur while the country is occupied by so large a foreign presence as that which now exists there. I hope that reforms take place. Yet I do not see us pressing for them. I think there is a basic conflict between our avowed purpose and the realities of the South Vietnam situation today.

That is all I have, Mr. Chairman.

Senator SCOTT. Well, I have no authority to change the Government of South Vietnam.

The CHAIRMAN. The Senator referred twice to elections in Philadelphia. Is there anything wrong with the elections in Philadelphia? [Laughter.] Do you not allow Democrats to vote there?

Senator SCOTT. Not so much nowadays, but I have seen people denied the right to vote at the polls in Philadelphia in the bad old days. Things are improving. I might have cited Chicago as a more viable and visible illustration of current malfeasance, misfeasance, and non-

feasance, but I think the American scene has certainly presented many evidences where people were denied the right to vote. It is just as wrong here as it is if it occurs in South Vietnam.

The CHAIRMAN. I had heard about Chicago but never Philadelphia. I thought it was as pure as the driven snow there. [Laughter.]

Senator Case?

PRESIDENT'S POWER UNDER SENATE RESOLUTION 280

Senator CASE. Thank you, Mr. Chairman.

Senator Scott, I do not think anybody objects to the sentiment of this resolution. We all support the President; we all are glad that he has moved, as he has, to turn the course of events from escalation to deescalation of American participation. The question is whether the adoption of this or any resolution is going to be a useful thing or whether we are going to get into a little bit more trouble and add a little bit of ambiguity to the matter.

May I ask you first a general question? Do you believe that this resolution is intended to or would add anything to the powers of the President under the numerous resolutions that have already been adopted?

Senator SCOTT. I do not so intend, and I do not read the resolution as in any way adding to the powers of the President since the words used here are an affirmation of efforts to secure a peace, a just peace, a calling attention to peaceful overtures, in other words. The verbs are not verbs of authorization or command. An expression of the right of the people of South Vietnam to choose a government, a willingness to abide—I am referring to the semantics here—and a request to the President to join with the Government of North Vietnam in a cease-fire. Therefore, the resolution contains no grants of authority, no expansion of the Executive powers. The President does have the power to pursue peace. He does have the power to call for a cease-fire, a mutual cease-fire. He does have the power to say under what terms he would accept a peaceful settlement.

This resolution does not follow the Tonkin Gulf type of precedent whatever. It rather follows an injunction which is to be found in the Bible, although I cannot cite chapter and verse, which says—the phrase is to follow after the ways that lead to peace, and that is about all it attempts to do, to assert the sentiment of the Senate that this is a good thing to do, and we are glad he is doing it, and we wish him to step it up if he can.

Senator CASE. Well, I am very glad to have you confirm what had been my understanding because I think the last thing in the world we need now is the adoption of another bit of rhetoric which can later be turned back upon us as evidence that we abdicated our authority in some particular, and the President stopped the Senate from performing its constitutional duties in the future.

Senator SCOTT. I would be against that too.

U.S. POLICY REGARDING ELECTIONS IN SOUTH VIETNAM

Senator CASE. Just one other point, Mr. Chairman and Senator, if I may. I have been puzzled about a seeming inconsistency or paradox, whatever you will, from a slightly different angle, different from that

raised by the Senator from Idaho, in connection with this matter of free elections.

It has seemed to me, and I think it would probably be sounder by far for us to state our position, that we will accept a determination by the people of South Vietnam made freely and representing, so far as in the realm of human affairs it is possible to do, their real desire in regard to the government that should have authority there, but that we are not going to go after this as policemen; we are not going to impose it on them.

I think the distinction between accepting the results so far as even a Communist regime there or any other kind of regime, and withdrawing in deference to their decision, is quite different from saying that we are going to pursue this thing until they have achieved a free election.

Do you get my point, Senator?

Senator SCOTT. I do.

Senator CASE. Do you agree that the former rather than the latter is the basic position, as you understand it, of the President?

Senator SCOTT. Yes, I agree. I do not think we should impose the will of the United States on South Vietnam. I do not believe this resolution does that. It simply supports the principles that the people of South Vietnam are—themselves—entitled to choose their own government by means of free elections open to all South Vietnamese. The word is "entitled." It is their entitlement to do it.

Senator CASE. As a general proposition, no one can disagree with the idea that a person should be given as much freedom in the determination of his own lot as is possible, and, of course, we will accept that. But it is a quite different thing to say we are going to stay there come what may until there is a free election in South Vietnam.

Now, you do not regard this as either American policy or the purport of your resolution, do you?

Senator SCOTT. I do not regard it as the purport of my resolution. I would hope and I would believe that it is not American policy.

Senator CASE. But rather that the free determination by the people of South Vietnam of their own government, the government they will accept to govern them, is a condition upon which we will withdraw and accept their determination, that is your understanding of it.

Senator SCOTT. That would be my understanding, that we do not in any sense impose or direct the conditions upon which they do this or the limitations of our actions are dependent on whether we like the way they do it or not, so long as at some point the government of Vietnam is accepted as representative of the people of Vietnam. That may be true in the minds of many people today. It may not be true in the minds of other people until they have had an election.

Senator CASE. Well, I am not sure yet, Senator, that I have made my point quite as clear as I would like to, and let me try just once more.

The distinction that I am trying to make is between our acceptance of the determination by the South Vietnamese, upon which we will withdraw from the field, which we will accept, and an objective on our part as American policy affirmatively to stay until such a determination has been reached.

Do you understand what I mean?

Senator SCOTT. I understand.

Senator CASE. Are we going to impose a free election?

Senator SCOTT. In my judgment, we are not, and in my judgment we should not.

Senator CASE. Thank you very much; thank you, Mr. Chairman.

The CHAIRMAN. Senator Symington?

Senator SYMINGTON. Mr. Chairman, I just came in from a hearing of the Preparedness Subcommittee, and I welcome the minority leader. I have no questions at this time.

The CHAIRMAN. Senator Cooper?

PRESIDENT'S STEPS TOWARD PEACE

Senator COOPER. Senator Scott, reading your resolution, which is one of the shortest, I see that its first purpose is to emphasize the support of the Congress or the Senate for the steps the President has already taken toward settlement of the war and peace. I assume you mean the first reduction of troops, continuing reduction of troops, and another element which has not been mentioned in this hearing—that the search and destroy military tactics or strategy has been changed. Is that your information?

Senator SCOTT. That is my information.

PROCLAMATION OF MUTUAL CEASE-FIRE

Senator COOPER. You have been asked if there is any new element in your resolution which you believe would support the President, and support his effort toward ending the war. I note the language, "requests the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire." Isn't that a new element?

Senator SCOTT. I think to some extent it is a new element since it is wording agreed upon by the distinguished majority leader, Senator Mansfield, and myself, that we perhaps should at least highlight the desirability of a present call, a call occurring following our expression of our views, on the Government of North Vietnam by our President, for such a proclamation. To that extent it is new since we propose that this is the time to do this, and if it has been done, then this is the time to do it again.

Senator COOPER. Well, there might be a slight distinction, one between the statement of the President that he would be willing to negotiate a supervised cease-fire, and your language, requesting the President to call upon the Government of North Vietnam to join in a proclamation of a mutual cease-fire. That would seem to have more immediacy than the proposals of the President. Do you consider that to be a correct statement?

Senator SCOTT. That was part of our thought, that we wanted to stress the immediacy, the desirability of an immediate and joint declaration, and it arose, Senator, from an earlier suggestion of mine regarding the possible unilateral cease-fire which I had been quick to point out would not be effective unless it almost automatically became mutual. If it were not mutual, it would also cease to be a cease-fire on our side. And I thought that by expressing our willingness to be the

first to stop any shooting, we might convey that thought to the opposite side, but that did not get anywhere, and then I gave some thought to this idea of joining with North Vietnam in a declaration, mutual declaration, of cease-fire.

FREE ELECTIONS IN SOUTH VIETNAM

Senator Cooper. Going to the subject of free elections, as I recall the President's statement, he said unequivocally "free elections." I assume he means that an opportunity would be provided for all of South Vietnam to vote. Do you believe that is correct?

Senator Scott. Yes, I agree with that.

Senator Cooper. I think it is correct that the South Vietnam Constitution—and it takes about 3 or 4 hours to read it—and I read it one night—does not provide the opportunity for groups in South Vietnam to vote. I place faith in the President's statement that he contemplates at some point, if he can secure a cease-fire, or if he can secure a political settlement, that there would be opportunity, full opportunity, for everyone to vote.

Senator Scott. That is my understanding, Senator.

Senator Cooper. Do you have any doubt that if such a free opportunity should be given and a vote were taken and the people vote for a Communist government, that he intended to abide by that result?

Senator Scott. No doubt that the Government of the United States would abide by the results even though Communists were elected to the parliament.

Senator Cooper. I hope there would not be a pro-Communist vote, but there is that possibility. I recall that before the constitution was adopted, there were local elections all over South Vietnam and the Communists asked their party members not to vote in those elections.

Senator Scott. I have been told in the last 24 hours that the present Thieu government has broadened the democratic aspects of its administration throughout the villages and that within those villages under the supervision or jurisdiction of the South Vietnamese Government now about—I believe the figure is better than 90 percent have had free elections, either 85 or 90 some percent have had free elections for the choice of their village administrators.

Senator Cooper. I do not believe free elections could be held under the present constitution, not, I believe, that a free election would not support the Communists.

Senator Scott. Perhaps I am wrong in using the word "free." They held elections and elected the people to be the village administrators.

Senator Cooper. As I say, I conceive if there is an opportunity given for everyone to vote, that is the essence of free elections. As you have stated, there has not always been such a full opportunity in this country.

Senator Scott. That is true. There has not always been the full opportunity in this country even in presidential elections.

Senator Cooper. And there are other constitutions—of other countries—which have prohibitions. I recall that in India that after an election is held the central Government can set aside an election and place in power a centrally supervised government and it has been done in several States.

Senator SCOTT. This Senate has twice set aside elections in this century, of elections of Members.

Senator COOPER. I join you in your statement. I believe that when the President made his statements, he intended them to be understood in the terms in which he stated them without any equivocation. Is that your view?

Senator SCOTT. I did not hear the first part.

Senator COOPER. I ask is it your view, as you understand the resolution, that when the President made the statements which you have incorporated in your resolution about free elections, he intended that they would be carried out in those terms?

Senator SCOTT. I am satisfied that that is the case and that there must have been, and I am satisfied there has been, a full exploration with the Thieu goverment as to exactly what the import of the U.S. suggestion is, and I do not think we would continually be renewing it unless the Thieu government recognized that whatever needs to be done to secure those free elections will have to be assured by their government as a part of the preconditions to peace.

Senator COOPER. These hearings are very valuable, and I am glad the chairman has called them, but I would join with my colleagues, Senator Case and others, in saying that I do not know whether we can agree on any resolution which will be of any help to the real objective of bringing the war to a close either by negotiation or through the President's Vietnamization plan.

Senator SCOTT. Thank you, Senator.

DIFFICULTY OF FREE ELECTIONS IN SOUTH VIETNAM

Senator CHURCH. Mr. Chairman, to underline the difficulty of achieving genuinely free elections under the present South Vietnam Government's Constitution and laws, I would like to offer for the record, at this point, some articles which recently appeared in the Washington Post and the New York Times. The captions read: "Thieu Urges Law Aimed at Barring Election of Leftists," "Thieu Contradicts Nixon's Statement on Viet Elections." The articles detail actual problems which today exist in South Vietnam regarding free elections.

I should also like to offer several other articles dealing with President Thieu's policies.

The CHAIRMAN. Without objection, they will be inserted.

(The information referred to follows:)

[From the Washington Post, Jan. 27, 1970]

THIEU URGES LAW AIMED AT BARRING ELECTION OF LEFTISTS

(By David Hoffman)

SAIGON, Jan. 26.—Unruffled, uncompromising and hawkish to a feather, President Thieu tonight called for legal measures—probably a constitutional amendment—to prevent capture of the presidency by a minority party sponsored by Communists.

South Vietnam's 46-year-old President simultaneously intensified his opposition to the open participation by a Communist party in his nation's postwar political life. Addressing the Vietnamese Newspaper Editors Association, Thieu said:

"Some people say there are Communist parties and coalition governments in a number of countries and it does not matter. But I say that a Communist party

cannot be accepted in the Republic of Vietnam because of our location . . . and the historically painful experiences we have suffered."

Nowhere in the "unofficial translation" which Independence Palace provided of Thieu's remarks was the stricture against Communist parties mentioned. The comment apparently was improvised as Thieu addressed the editors in Vietnamese.

Showing his pique at Americans, the President said that "there are naive people who asked why Mr. Thieu got elected with only 37 per cent of the total votes."

He suggested that such critics fail to appreciate that 11 slates of candidates fought for the presidency, and that Thieu's ticket got double the number of votes the runnerup slate got.

Thieu nevertheless recognized the ease with which a cohesive Communist party, or Communist-backed party, might exploit the traditional fractiousness of Vietnamese.

"To apply rules in effect in other countries," he said, "I think that we need to have a new law stipulating that after the first ballot—if there is no ticket with a majority of the votes—we should have a second ballot between the two tickets with the most votes."

South Vietnamese politicians, intellectuals and lawyers seemed to be unanimous in judging that what Thieu advocated would require a constitutional amendment. The President stopped short of using those words, recommending only new measures or laws.

Never before has Thieu recommended amending the American-style constitution accepted in 1967 by South Vietnam.

Thieu sat stage center at the speakers' table. The only Occidental who shared it with him was U.S. Ambassador Ellsworth Bunker, who occupied a chair far away, way down in the diplomatic pecking order. Against that backdrop, the President said:

"Right at this moment, when Vietnam needs allied support, the government of the Republic of Vietnam is not submissive. Neither will it one day follow the Americans' policy if it is seen that such policy, or the timing of it, is not in accordance with our national interests."

Thieu then cited South Vietnam's temporary boycott, in October and November of 1968, of the Paris peace talks. The President is understood to feel that that brief boycott, besides increasing his personal popularity immeasurably here, was responsible for President Nixon's victory over Hubert H. Humphrey. As a result, Thieu is said to reason that he has a degree of independence from Washington underwritten by Washington's debt to him.

Non-Vietnamese journalists were encouraged to attend the fund-raising dinner—to which Thieu was an hour late—by being told that only by coming and paying 4,000 piasters (about $34) could they obtain an English translation of Thieu's speech. This gambit apparently enhanced the President's popularity with South Vietnam's rough and tumble press corps, which paid little or nothing to listen to Thieu.

Thieu's favorite theme in recent months has entailed heaping invective on so-called neutralists in political society here. He backtracked tonight, without diluting his condemnation of neutralism. He denied attacking the neutralists but continued his assault against what U.N. Secretary General U Thant, South Vietnamese Senator Tran Van Don and the militant An Quang Buddhists have said they advocate.

Given the proximity of Red China, given left-leaning Cambodia to the west and impotent Laos above it, Thieu said, "the Republic of Vietnam cannot be a neutralist nation."

It was not a remark made casually. The theme, even the words, appear again and again throughout his 32-page presentation.

Much of Thieu's talk was devoted to the premise that although South Vietnam is a democracy its democratic institutions are circumscribed now by the fact of war—just as American institutions were during the Civil War and World Wars I and II.

The government, meanwhile, denied published reports quoting South Vietnamese Information Minister Ngo Khac Tinh as saying Saigon would be willing to turn over one or two cabinet seats to the Communists. Saigon papers said Tinh delivered the remarks in a speech to local information officers on Saturday in a Mekong River Delta village.

[From the Washington Evening Star, Sept. 27, 1969]

THIEU CONTRADICTS NIXON'S STATEMENT ON VIET ELECTIONS

The president of South Vietnam took indirect issue with President Nixon today over conditions for ending the war and for withdrawing American troops.

President Nguyen Van Thieu said his country "will not stop short of victory, no matter what happens in Washington." He defined victory as "no Communist domination and no coalition with the Communists."

Nixon told a news conference yesterday that the United States favors internationally supervised elections in South Vietnam. "We will accept the result of those elections and the South Vietnamese will as well, even if it is a Communist government," Nixon said.

Thieu's apparent denial of this was quoted by United Press International from a news conference he held at Vung Tau, a coastal resort where he spoke to village official trainees.

WITHDRAWAL PLAN

Thieu said he was "promoting national reconciliation (with the Communists) through free elections." But his remarks indicated that he was not prepared to accept a pre-election coalition with the Communists or an election result favoring them.

The South Vietnamese president also outlined what he expects from the United States as it withdraws troops.

If Washington tells him how many troops it wants to withdraw in 1970, he will submit a plan saying what he needs to cover that, Thieu said.

"It's very reasonable to replace the bulk of your infantry if you provide us equipment, enough funds, and material to achieve the strengthening and modernization of Vietnamese troops, at the same rate and same speed," he went on.

"If you help me adequately, all right," he added.

The discussion involves only U.S. infantrymen. Both Thieu and the Nixon administration seem to assume that American soldiers will remain in Vietnam to provide logistical, artillery and air power support for South Vietnamese foot soldiers.

In Washington yesterday, high South Vietnamese sources said that Saigon planning is based on the assumption that these U.S. support forces will remain at least through the end of 1972, should the war last that long.

At his news conference today, Thieu did not specify figures. His vice president, Nguyen Cao Ky, said last week 150,000 to 200,000 American troops could be withdrawn by the end of 1970.

After the currently planned reduction of 35,000 men by December 15, there will be 484,000 American troops authorized for Vietnam. Ky's figures suggested some 300,000 might still be there at the end of next year, and Thieu's comments seemed to support this.

Thieu said he "has no wish" to replace all American forces in 1970. "What we're asking for is a reasonable time for us to provide training and leadership," he said.

NIXON'S HOPE

Nixon has said he hopes to beat the timetable set by former Defense Secretary Clark M. Clifford, who has urged that all American ground combat troops be pulled out of Vietnam by the end of 1970.

Defense Secretary Melvin R. Laird has said that an all-volunteer force to serve in Vietnam would not be possible until the American troop level had dropped to no more than 250,000. He has denied, however, that the administration plans to create such a force and to go on fighting indefinitely.

South Vietnamese sources here echoed Nixon's belief that the only way now to end the war is to convince Hanoi that it has nothing to gain by waiting for further concessions from the allied side.

The South Vietnamese now have a military force of about 863,000 men. This includes army, navy, marine, air force and airborne units as well as regional and popular forces. It does not include about 182,500 in the national police and other paramilitary units nor more than a million villagers organized in self-defense units.

Present plans call for raising the 863,000 figure by 90,000—to 953,000—by the end of 1972, the sources said.

[From the Christian Science Monitor, Feb. 3, 1970]

Thieu Talks Tough—Warns Communists Could Win "The Political War"

(By Daniel Southerland)

Saigon.—President Thieu has laid down an extremely hard line in what some diplomats consider the most comprehensive statement yet of his political beliefs.

There is little comfort in his remarks for those who would like to see the South Vietnamese President soften his line, "broaden the base" of his government, and move towards accomodation with his opponents.

Diplomats and other observers have come to this conclusion after studying the text of a lengthy speech Mr. Thieu gave Jan. 26 to a Vietnamese editors' association.

With the exception of one point, there was nothing strikingly new in the speech. But as one diplomat put it: "It is about the most complete political credo we've had from President Thieu."

It seems to confirm that Mr. Thieu intends to stick to the tough line he has adopted in his recent denunciations of "neutralists" and his attacks on three National Assembly deputies accused of having "relations with the Communists."

CONFIDENCE EXPRESSED—AND CONCERN

In the speech, President Thieu expressed confidence in the military situation but voiced concern that the Communists still could win "the political war."

It was a speech devoid of any talk of negotiations, a political solution to the war, or any kind of compromise with the Communists. Instead, President Thieu called for "ultimate victory."

"I shall always remain one of those who oppose the Communists to the bitter end . . .," he said. "Even if the free world lets us down, we will fight."

One diplomat noted that President Thieu repeatedly used the language of the cold war, a strident vocabulary which has been largely discarded by many Western governments. Communism is a monolith in Mr. Thieu's view, with the war in Vietnam being waged by the "international Communist bloc."

DIM VIEW TAKEN OF NEGOTIATIONS

Those close to the President say he now considers the prospect for negotiations "utterly hopeless."

As for the political development of South Vietnam, President Thieu obviously feels he has been treated unfairly by critics applying the standards of Western countries in a peacetime situation to an Asian country at war.

He stressed in his speech that there must be limits on individual rights in a wartime situation; that "the spirit of Oriental democracy is not the same as that of Occidental democracy," and that "survival" must come before all else.

In answer to those who have urged him to bring more political party figures into his Cabinet, President Thieu argued that South Vietnam's non-Communist political parties have "no real strength and support" behind them.

The speech was in line with a tendency on "Mr. Thieu's part to turn to the countryside for support and away from Saigon with its squabbling politicians, unruly National Assembly, and protesting students and journalists.

VILLAGE, HAMLET OFFICIALS TRAINED

He said the world had ignored the importance of the village and hamlet elections that have taking place in South Vietnam's countryside. The President has addressed some 14,500 village and hamlet officials attending training courses at the resort town of Vung Tau over the past year.

If Mr. Thieu decides to run for president again, these local officials clearly offer him considerable vote-mobilizing potential in addition to that of the military and administrative forces already at his disposal.

The only really new element in Mr. Thieu's speech dealt with the presidential election, which is scheduled for September, 1971.

He proposed that the National Assembly amend current electoral procedures to provide a runoff election in case no single candidate gets a majority vote on the first ballot. This would prevent a situation similar to that of 1967 when there

was a field of 11 presidential candidates, and Mr. Thieu was elected with only 37 percent of the vote.

Some Vietnamese politicians and newsmen professed to see in this proposal the opening salvo in a campaign by Mr. Thieu to prepare for the presidential election now 19 months away.

[From the New York Times, Sept. 23, 1969]

THIEU TAKING A TOUGHER LINE ON PEACE NEGOTIATIONS AND THE WAR

(By Terence Smith)

SAIGON, SOUTH VIETNAM, Sept. 22.—In private conversations and public statements during the last two weeks, President Nguyen Van Thieu, has hardened his Government's position on both the conduct of the war and the peace negotiations in Paris.

Such a stand has also been evident in statements by Premier Tran Thien Khiem and Vice President Nguyen Cao Ky. Taken together, their remarks seem to signal a general shift to the right by the Government—a shift that is currently being scrutinized by Western diplomats and observers here.

President Thieu has been uncompromising in his views on the war both in public and in private sessions he has held recently with a variety of visiting groups. The members of a British parliamentary delegation that spent an hour with him in the Presidential Palace last week came away startled by his position on the Vietcong.

Mr. Thieu is reported to have told the delegation that he was implacably opposed to any direct Communist participation in South Vietnam's political future. He is said to have added that in his view it will be 20 to 30 years before the Vietnamese Communists modify their brand of politics into a form acceptable to the South Vietnamese Government.

Mr. Thieu took a similar line in public Friday when he appeared as the guest on a newly inaugurated Vietnamese television version of "Meet the Press" entitled "People Want to Know."

During the course of 40 minutes of carefully prepared questions and and answers, Mr. Thieu dismissed the concept of a standstill cease-fire as "unrealistic," pledged never to cede "so much as a hamlet" to the Vietcong and promised that he would make no further concessions in the Paris talks.

"Not only do I not have any further peace initiative in mind," he said in answer to a question, "I cannot foresee how the Paris talks could last much longer. We cannot sit at the conference table for one or two years saying nothing."

This, he said, is not an ultimatum to the enemy but a personal prediction that the Paris talks will eventually dissolve unless the other side modifies its stance.

Finally, Mr. Thieu assured his audience that his Government would never accept the existence "in any way" of a Communist party in South Vietnam.

All in all, it was the President's toughest public performance to date, and one that presented a sharp contrast to his rhetoric of last summer. Only last July the emphasis was on compromise and Mr. Thieu was assuring the other side that everything would be negotiable once private bargaining began.

Opinion among observers is divided on the reasons for Mr. Thieu's apparently deliberate shift to the right. Some feel he is taking advantage of the stalemate in Paris to bolster his domestic political stature and improve his relations with the generally hawkish South Vietnamese National Assembly.

Others believe that Mr. Thieu's message is directed more toward the United States. They see it as a warning to the Nixon Administration not to expect any further concessions before the end of the year.

The observers and diplomats who tend to this view believe that Mr. Thieu is proceeding according to a private time-table designed to insure that the next South Vietnamese presidential elections are held as scheduled in 1974 and that he is the Government candidate.

They point to a speech Mr. Thieu made in July at the coastal resort of Vungtau in which he predicted that it would be at least two years before the next nationwide elections were held.

Mr. Thieu said then that it would take a year to bring about the mutual withdrawal of most of the allied and North Vietnamese troops from the country, six months more to arrange an election and select the international organization to supervise it, and another six months for the election campaign.

"That's Thieu schedule, and he plans to stick to it," a senior diplomat said here recently, recalling the Vungtau speech. "He'll consider it a victory so long as the elections are held near or on schedule and he is a candidate for re-election."

[From the Washington Post, Sept. 12, 1969]

THIEU DEFIES U.S. AND MAKES IT PAY

(News Analysis By Robert G. Kaiser)

SAIGON, Sept. 11.—This week, not for the first time in the Vietnam war, Saigon and Washington went in opposite directions on an important policy question. The incident reveals a great deal about the relationship between these two allies.

By ignoring the enemy's 72-hour cease-fire—or ignoring it as best it could without American combat support—Saigon demonstrated again that despite its physical dependence on the United States it can still act independently on crucial issues of war and peace.

South Vietnam displayed this independence boldly last November, when President Thieu refused to join the Paris peace talks in the crucial days between the Nov. 1 halt in the bombing of North Vietnam and election day in the United States. Thieu and his closest aides feel this gesture elected Richard Nixon president.

The latest divergence between Washington and Saigon was not as important as November's—unless the United States did plan a major peace initiative this week, which seems unlikely in view of the uncertain situation in Hanoi. But events of the last few days may portend serious difficulties.

What seems to have happened is that the United States persuaded Thieu to make a conciliatory statement hinting at a de facto recognition of the enemy's cease-fire. Then, Thieu ignored his own statement.

Persuasion is one of the United States' best tools with Thieu. The South Vietnamese President reportedly regards President Nixon as a friend and thinks Mr. Nixon is grateful for the help he gave him last November. He understands how the President of South Vietnam can make Mr. Nixon's troubles greater or smaller.

So on Monday, when Gen. Creighton W. Abrams and Deputy Ambassador Samuel D. Berger apparently asked Thieu to join the United States in a conciliatory statement on the cease-fire, Thieu probably felt that he had to—or should—agree.

The joint statement was issued. It said the allies did not want to discuss any specific cease-fire, but that their military operations would be influenced by the other side's operations. The unavoidable implication was that if the Communists deescalated the war, the allies would, too.

The statement contradicted one made a day earlier by Thieu without the concurrence of the United States. On Sunday, Thieu's office announced that South Vietnamese offensive operations would continue as usual during the cease-fire.

The Monday statement left the impression that Thieu had been compelled by the Americans to change his mind. But apparently, all he changed were his words. Spokesman for the South Vietnamese army soon made it clear that their offensive operations were continuing.

The lesson seems to be that although the U.S. retains the power of persuasion. Thieu retains freedom of action, even after he has been persuaded. Once Thieu had decided to run offensive operations as usual, despite Monday's statement, there was little the U.S. could do about it.

The Americans limited the effectiveness of those operations by withholding air and other combat support, but the real effectiveness of those operations was as propaganda. They made very clear the difference of opinion between Washington and Saigon.

It would be similarly easy for Thieu to sabotage a major American effort to reach a compromise with the enemy. As this week's events have again reminded the Communists, they have two separate adversaries. As long as Thieu is in power, the Americans cannot by their own words or deeds offer the Communists a bargain that Hanoi can reasonably be expected to accept.

So it becomes extremely important to know what kinds of compromises Thieu might accept. He has offered "free elections" to the National Liberation Front,

and he may also be willing to offer a cease-fire at some time. But the basis of such offers is the assumption that the Communists would not accept them.

One fact seems certain: The Communists will never agree to a settlement that does not give them a share of real power in Saigon. But by all accounts this is the one compromise Thieu will not make. He may go so far as to offer the Communists a really fair contest for power, assuming they would lose. It is difficult, however, to imagine him ignoring all his pledges, public and private, never to give any power to his enemy.

Hanoi's leaders seem to realize this. Their realization may well explain their insistence on the removal of the "Thieu-Ky-Huong clique"—now the "Thieu-Ky Khiem" clique—as a prelude to any settlement.

And that, it seems from here, is the crux of the current American dilemma. Unless the United States expresses a willingness to dump Thieu, Hanoi will have to continue to take his words and gestures seriously.

But a willingness to dump Thieu could open the door to chaos in Vietnam that might result in a humiliating American defeat.

Stability now, it appears, depends on President Thieu. If the price of Communist cooperation in serious negotiations is political chaos in Vietnam, the price may be too high.

[From the Washington Post, July 23, 1969]

THIEU SEES 2-YEAR LAPSE

SAIGON, July 23 (Wednesday) (AP)—President Thieu has been quoted as saying it will take two years to set up machinery for holding elections in South Vietnam—after the Vietcong agree to participate in such voting.

Saigon newspapers reported today that the president made that statement in a speech Monday at the seaside resort of Vungtau, where he spoke before a graduation class of pacification workers. No official text of Thieu's speech was made available.

The newspaper quoted Thieu as saying South Vietnam is "now strong and steadily growing stronger."

"The National Liberation Front realizes that once they agree to participate, it will take two years to set up the machinery so elections can actually take place," he said.

"By that time, we will be so strong that the Communist army of North Vietnam will have to withdraw completely."

Thieu was reported to have added that under those circumstances "the NLF would not dare stump openly as Communists because the elections will be under the watchful eyes of foreign observers."

In his recent peace proposals, Thieu suggested that an international body be set up to oversee elections in South Vietnam. The next regularly scheduled elections for a President are to be held in 1971. There have, however, been suggestions that the voting could be moved up if the Communists agreed to take part and abide by the results.

[From the New York Times, July 14, 1969]

THIEU'S OFFER: FIRST MOVE OF STRATEGY

ACCORD ON FORMULA FOR ELECTIONS IS THE ALLIED AIM

(By Terence Smith)

SAIGON, SOUTH VIETNAM, July 13.—The Vietcong's prompt and categorical rejection over the weekend of President Nguyen Van Thieu's offer of supervised and guaranteed elections evoked neither surprise nor dismay here.

Any other response, in fact, would have come as a shock to South Vietnamese officials and Western diplomats here. The essential point of the President's proposal—the offer of a joint electoral commission and supervision by an international body—had leaked out in advance of his speech on Friday, and no one seriously expected it to break the logjam in the Paris peace talks. Even the people involved realized that the offer fell far short of what would be required to lure the Communists into substantive negotiations.

OFFER IS PART OF STRATEGY

Despite this, the proposal set into motion the so-called "election strategy" that President Nixon and President Thieu agreed at Midway to pursue in Paris. Simply put, the strategy is to persuade the other side to agree to some sort of election formula as a method of determining who shall control the political power in the South. By making his offer, President Thieu formally placed the whole question of elections on the negotiating table.

President Thieu's speech also represented an attempt to refurbish the Saigon Government's reputation abroad, particularly in the United States where it is frequently denounced as obstructive and recalcitrant. It was also hoped that the inevitable rejection of the offer by the Vietcong, or National Liberation Front, would emphasize the negative character of the enemy's position at Paris.

But beyond these limited gains, none of the President's leading advisers expected the offer to provide a breakthrough. In fact, even before the President made his speech, some of his advisers were already discussing the next step in the negotiations minuet. On the assumption that the offer would be rejected, they had already begun to think about the next move in the elections strategy.

NEW OFFER IS EXPECTED

The details are still vague, but the assumption in official circles is that some months from now Mr. Thieu will make another public offer, in which he will unveil a more detailed and, officials hope, more attractive proposal for elections.

This might involve a strengthening of the proposed joint electoral commission, perhaps elevating it to the status of an "elections ministry," which would have the major responsibility for organizing the elections and in which the Front would hold some important posts.

In addition, there is talk of giving the Vietcong a voice in provincial and district governments in areas where they are strong. It is thought that this might provide a face-saving element for the Vietcong, who could maintain that their participation in the electoral ministry and the rural administration constituted a coalition of sorts.

All of these ideas are still in the most preliminary stage, but they are being discussed seriously by the President's aides.

The South Vietnamese have reportedly been exchanging ideas along these lines with United States representatives here as well. Nonetheless, no further initiative on President Thieu's part is expected for several months.

Limited and ambiguous as it was, the offer President Thieu set forth drew some irate criticism from the more conservative members of the National Assembly.

Nguyen Van Chuc, chairman of the Senate's Justice Committee, charged that by inviting the Front to participate in elections, President Thieu had "by-passed the Constitution, torn it into pieces and compromised the constitutionality of our regime."

Apparently in an attempt to quiet the criticism from the right, Foreign Minister Tran Chanh Thanh held a news conference yesterday—a day after the President's speech—in which he "explained" some of the points in the President's offer.

TOUGH STAND DOUBTED

He promised that Communists "as such" would never be permitted to stand for election in South Vietnam and that special elections, "while negotiable", would still have to be organized by the Saigon Government.

His remarks seemed to reduce the scope of Mr. Thieu's offer, but few diplomats were inclined to take the Foreign Minister seriously. Most felt that his statements were designed almost exclusively for domestic consumption, and that President Thieu's offer remained the official Government position.

The exercise appeared to be a classic example of the South Vietnamese technique of coupling two steps forward with an apparent step backward in order to reassure jittery South Vietnamese that they are not being sold.

[From the New York Times, June 10, 1969]

THIEU, IN REPORT AT HOME, HINTS FLEXIBILITY ON VOTE

(By B. Drummond Ayres, Jr.)

SAIGON, SOUTH VIETNAM, June 9—President Nguyen Van Thieu returned to Saigon tonight from Midway Island, still adamantly opposed to a coalition government with the Vietcong but hinting flexibility about letting them participate in early national elections.

Mr. Thieu reported to the nation in a televised news conference just minutes after his chartered jet brought him home from a six-hour meeting with President Nixon.

He said that if the enemy would "talk seriously and show goodwill for peace," he would be willing to discuss "when and how" new elections might be held.

"Everything," he added, "can be discussed at the negotiating table."

In the over-all context of his statement, it appeared that by "everything" Mr. Thieu was referring only to matters related to elections.

Under the South Vietnamese Constitution, national elections are scheduled for 1971. Asked if the Constitution could be amended so that voting could take place sooner, Mr. Thieu repeated that everything was negotiable as long as the Vietcong showed goodwill.

MORE ADAMANT

The 46-year-old chief executive, who looked tired after his twenty-eight-hour trip, said he and President Nixon had not discussed elections at Midway.

"President Nixon did not want to interfere in the political decisions of the South Vietnamese people," he told several hundred newsmen gathered in the ballroom of the Presidential Palace.

Before Mr. Thieu's departure yesterday, Government officials were saying that he intended to feel out Mr. Nixon to determine the United States leader's view on the form of future governments in South Vietnam.

The communique issued on Midway Island said: "The two Presidents . . . reiterated their common resolve to reject any attempt to impose upon the Republic of Vietnam any system or program or any particular form of government, such as coalition, without regard to the will of the people of South Vietnam."

By tonight, President Thieu seemed to have become more adamant. He sounded as tough as he had before his departure for Midway, when his cry was "never coalition."

Pounding his fist on the table at which he was sitting, he looked into the television news cameras and said:

"I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government. I cannot tolerate a minority of people who spread such rumors. I cannot sacrifice the lives of 17 million Vietnamese people because I have to uphold the Constitution. I will do my duty to the end."

NEWSMEN CAUTIONED

Mr. Thieu also called on the press to "heighten" the morale of the nation and the armed forces by refraining from the use of "detrimental" expressions. He warned that newsmen who fall out of line would be subjected to "measures that may not please."

Specifically, the President referred to the Midway announcement that 25,000 American troops would be shipped home.

"I wish to stress," he said, "that this is replacement, not withdrawal. 'Withdrawal' is a defeatist and misleading term."

The decision to withdraw 25,000 United States soldiers produced a variety of reactions in Saigon.

The initial response by the average American serviceman was a quick prayer that he would be among the chosen.

Many South Vietnamese politicians saw the move as a "goodwill" gesture toward the enemy. They felt Government troops could fill the gap. But they made clear they expected reciprocal moves by the enemy.

REACTIONS DIFFER

The Vietnamese man in the street was sometimes happy, sometimes sad, sometimes puzzling.

For example, a newspaper vender whose main income is derived from selling English-language publications to Americans reacted with a loud "whoopee."

Tran Van Don, a retired general who is now a Senator, saw the withdrawal as a "most welcome" decision that "will satisfy the public opinion in the United States."

"The ball is in the hand of the other side," he added. "Now it is their turn to play."

A word of caution came from Representative Tran Quy Phong, one of the most militant anti-Communists in the South Vietnamese House of Representatives. He said:

"This act of goodwill must be met by an equivalent act by the other side. I think that if the response of the Communists is to step up their war efforts instead of de-escalating them, then we will have committed a mistake. I think in the latter case no more United States troops should be withdrawn."

MORALE CAUSES CONCERN

Phan Xuan Huy, a Representative who is regarded as "dovish," saw the withdrawal of 25,000 men as "an insignificant number."

Some United States officers were worried about morale problems the pullout might cause among units or men left in South Vietnam.

Other officers speculated that men might be withdrawn on the basis of how long they had been in Vietnam. Withdrawal of individuals would pose the additional problem of breaking up small units.

Every indication was that the United States plan did not include immediate withdrawal of helicopters and artillery.

"We all expect those to be the last to go," a United States major said. He added:

"Without them, the South Vietnamese are dead."

U.S. LONG-TERM COMMITMENT IN VIETNAM

Senator PELL. Senator Scott, would it not be perfectly fair to say that your resolution is an expression of general encouragement and support of the Administration to continue in the direction that it is going?

Senator SCOTT. I think it would be fair to say that, sir.

Senator PELL. To my mind, I see a certain analogy here between soccer football where a year ago the ball was going against us. Not all, but many of us kicked it pretty hard the other way. Now the President is moving along in a general direction we would like to see, with fewer deaths and a lower level of violence. Our troops are coming home more slowly than we would like, but at least they are coming home. Now it is more a question of dribbling the ball and this, as I interpret your resolution, is your intention. Personally I would like to see it dribble faster.

The watershed is going to come, and this is what I do not think your resolution faces up to. About a year from now we will find ourselves faced with whether we keep a long-term commitment there as we have in Korea, only substantially larger, a quarter of a million people, perhaps, and a good many millions of dollars a year, or whether we continue pulling out. Do you believe that your resolution faces up to this watershed?

Senator SCOTT. I do not. It is not intended that it should.

Senator PELL. Thank you.

Senator SCOTT. Just a second. May I finish? It was not intended to meet that particular problem which has not yet arisen. I said it is the intention of any President to end the war and to remove the American presence, and that is a desirable goal.

I would like to say that I may not have been always consistent except that I have been consistently in support of our several Presidents since we have been in this war, and that I did support many of the actions of President Johnson as Commander in Chief as to which I would have wished that I had been free not to support, and to that extent it would put me in support of actions taken which actually escalated the war for which I would assume the responsibility of supporting. But when it came time to deescalate the war, I may say my enthusiasm for the support has increased.

Senator PELL. Thank you.

The CHAIRMAN. Senator Aiken?

Senator AIKEN. Mr. Chairman, I guess I should apologize for my absence from the meeting up to this time, but I have been attending a meeting of the Senate Agriculture Committee considering matters pertaining to the feeding of schoolchildren and needy people here in the United States. I guess it was a matter of minor importance because we had no police at the door at all. [Laughter.] Maybe we were not far enough from home to attract attention. I do not know. But I have no questions for Senator Scott.

The CHAIRMAN. Senator McGee?

EFFECT OF THE PRESIDENCY

Senator MCGEE. Thank you, Mr. Chairman.

Senator Scott, I have two lines of questions I would like to pursue. The first really zeros in on the position of the President of the United States, not of President Nixon or President Johnson but the Presidency itself.

During the last campaign in 1968 candidate Richard Nixon talked about a plan that he had if he were elected President. Is it conceivable, without revealing what was meant, that that plan has been fluid and has changed since?

Senator SCOTT. Oh, I think, Senator McGee, that no plan having to do with the war would be worth anything if it did not have built within it a sufficient degree of flexibility to meet the perhaps unanticipated moves of the other side, moves that one is not capable of anticipating.

The President, as candidate, said during the campaign he had a plan to end the war. Subsequent to his inauguration, the question was properly asked, "Where is that plan?" I replied then and I repeat now that what you see is the plan in operation moving as well, as consistently and, I think, moving quite well indeed in view of the total intractability and utter intransigence of an enemy. Nevertheless, the plan is in operation. Whether it was precisely the plan he enunciated in the mind of the candidate would be impossible to say, but broadly his plan was to end the war, and he is indeed deescalating that war.

Senator MCGEE. I would think that what it might highlight is that the plan of candidate Nixon, or of any candidate or would-be candidate in 1968, conceivably would be a bit different from the plan of

President Nixon. The responsibility of the office of President has a way of requiring a deeper sense of responsibility than a candidate is required to sustain on the campaign trail.

Senator SCOTT. I would agree with that. I think once you are on the operating side of the fence and after you have taken an oath of office, achievements become more realistically difficult than they appear to be when one has not assumed the office.

Senator MCGEE. I would suppose that the objective of all of the candidates or even the contenders at the convention would have been to end the war. No President wants to conduct a war. It has occurred to me that had the successful candidate been Lyndon B. Johnson, Hubert Humphrey or, with due respect to my colleagues, George McGovern or Eugene McCarthy, the policy being pursued right now would be very much the same.

I hesitate to carry it so far as to include the candidate from Alabama, but I think the office of President calls forth a sense of responsibility to which those who succeed to it seem capable of rising. This is the setting, I would think, for President Nixon's present direction in seeking to achieve disengagement in Southeast Asia.

Is that kind of philosophical approach acceptable in your concept?

Senator SCOTT. Yes, Senator. I accept the philosophy. I am willing to concede that even the candidate from Alabama might have become more responsive to a perhaps minimal degree. And I would assume that if President Johnson had been reelected, that the responsibilities of the office would have impelled him to do more than all the time to try to end the war, and I am sure he would have done whatever Sam Houston Johnson suggested along those lines.

Senator MCGEE. At least Sam would have reported what the President was thinking at that time.

Senator SCOTT. Sam is the best second guesser in the business, Senator.

Senator MCGEE. That is the sort of turnaround which had already begun, and this was the burden of the Clifford report to the preceding President. This was a major portion of the thrust of the President's decision not to run. In a limited war or undeclared war, however you want to describe this circumstance in Southeast Asia, there has to be a turnaround point. We are not waging total war as we did in World War II. There has to be a point reached where such a decision is made and such a decision was made. I think it is to the credit of President Nixon that as President he did not yield to a political temptation to do something very drastic and precipitous and say, "Well, the Democrats did it." It seems to me this was a mark of considerable responsibility.

Senator SCOTT. I am very glad you feel that way. Those are my views, too, Senator, and the President made it clear at times that he could have taken what might have been the easier course and simply declared the war over and he would have been cheered for it. But I think our credibility in the world would have been drastically affected for the worse.

U.S. POLICY IN A CHANGING WORLD

Senator MCGEE. The problem, which I think this committee has focused on very effectively, comes now in the aftermath of an accumulation of events. We sometimes yield to the temptation to pretend

nothing happened in the last 10 years and let us do it now the way we ought to do it.

Senator SCOTT. There is a little of Sam Houston Johnson in all of us, Senator.

Senator MCGEE. You said that.

Senator SCOTT. I said that.

Senator MCGEE. As I recall that interval, we were torn with the tortures of a nuclear age and its horrendous implications. Those of us who at least thought we were the liberals in the field seriously groped for some way between instant retaliation in Mr. Dulles' day and fortress America. It seemed that the closest you could come to some kind of risk policy was the limited war or the undeclared war on the periphery or out on the fringe, if necessary.

In the light of the events of the last 10 years, I have to confess to very serious doubts whether a free society such as ours can again risk a limited war or an undeclared war, however you want to describe it. It leaves us with this horrible dilemma of how to live up to the responsibilities of world power, of world leadership. I wish I had answers to that. I think this is the dilemma in which a President, this President, any President, finds himself right now. Because of all of the problems that have attended it, that have made it very difficult, how do we gracefully get out of this circumstance and still protect our basic interest in a world that is growing smaller all the time.

Senator SCOTT. I agree. I think the analogy might be that of a net made of fishhooks all pointing in a certain direction, and that you might well enter that net without feeling the abrasiveness of the fishhooks, but in extricating oneself you have to unhook each of the fishhooks one by one to get out, and this is the process we are going through now.

U.S. DISENGAGEMENT FROM VIETNAM

Senator MCGEE. I joined you in your resolution, even though it was not totally the kind of resolution I would have preferred. We can never arrive at that, but I thought its thrust was in the right direction. In the first part of your resolution, Senator Scott, you underscore the directions for seeking responsible peace. To me this is the key. A precipitous act could bring a feeling of peace for a short time because of the absence of casualties and cannon going off, but could precipitate something much worse. I consider this to be the main thrust of the resolution, that we have to make sure we do not set the stage for something worse in our eagerness or our haste in total disengagement.

Do I overdraw the first part of your resolution?

Senator SCOTT. No, I do not think so, Senator. I suspect, with some reason to say it, that both the President on his visit and the Vice President on his visit received the views of Asian leaders which would be pretty much along those lines. The Nixon doctrine, the Guam doctrine is a desirable thing to be welcomed but that a precipitate withdrawal from Vietnam would be extremely damaging to American credibility, and I think, if I may make a statement so generally, that that is what the Asian leaders were saying.

Senator MCGEE. It is conceivable that what we do in another circumstance like this could be entirely different even though we might

be very slow in unhooking one fishhook at a time. Beginning where we are now is a much more tortuous process than addressing ourselves on this committee or elsewhere in the Congress to a new policy position in the event of another crisis in other parts of the world. I think it is important with reference to your resolution that we separate Vietnam from the expectations of a different kind of senatorial or Foreign Relations Committee participation in future policy positions. The resolution does not do that, but I would hope, if we accept this resolution, that that is a part of the setting from which our acceptance evolves.

Senator SCOTT. I would hope so, too. I hope it is proper to note that, first, I take pride that the Senator from Wyoming has approved and joined in as a sponsor on the resolution. He is a historian. The majority leader who joined in is a historian and, I believe, a former professor of Far Eastern history. I have some minor claims to being a historian as I have written something on the history of China and I have lectured something on the history of Britain and the United States, so I think that here are three historians at least who are aware of the fact that history is looking down its nose at us and asking us to do better than we have done.

FREE ELECTIONS IN SOUTH VIETNAM

Senator MCGEE. I think we have all learned a great deal from this affair in Southeast Asia. I do think that sometimes our judgments on this matter have tended to divorce themselves from a sense of history or a sense of perspective. In a sense the second part of your resolution is partly guilt of that. If I had to take exception to your resolution at all, it would be to the portion in which you spell out your approach to free elections. The reason I have some serious misgiving about that portion of the resolution is that I wonder whose free elections and what kind of freedom we have a right to talk about in someone else's country. I think that we have overreached ourselves very badly in trying to expect some kind of American imagery in an area that was denied for many generations any kind of relevant experience in self-government. For us to think that there will be our concept of free elections there for a very long time to come, I think, is to strain the point very badly.

I remember the comment of one of the unsuccessful candidates in Saigon after the last elections when he was asked if, in his judgment, the elections were free. He said, "No, they weren't really free elections, but they were the freest elections we have ever known in South Vietnam."

In other words, they were working their way up the scale of achievements toward some kind of relevant government. It may be that totally free elections would not be possible in this century at the national level. I think at a local level it is another matter, but it seems to me that we get into all kinds of difficulties in trying to inject an American experience and an American concept into the innards of Vietamese politics. I think we not only are asking for more trouble when we do that, but it could even worsen or complicate the whole endeavor in that part of the world. Therefore, I wanted to voice those misgivings about the way in which your resolution spells out the expectations of free elections.

Senator SCOTT. That is the reason I used the verb "entitle." It does not follow necessarily that their methods of setting up a structure of an election are as free as an election we might have in Leander Perez' section of Louisiana or Mayor Daley of Chicago or elsewhere, but it does follow that they are entitled to try, and we hope they will.

Senator MCGEE. Yes.

Overexpectation, I suppose, is the way to describe some of our views in regard to Vietnam. It suggests the lack of a historical perspective. The Vietnamese have been independent or relatively independent for a decade and we are demanding free elections. We worked at this in the United States for 200 years, and, as you rightly point out, there are a few areas here where we have to dip our eyes and look the other way if we are looking for free elections. We expect the South Vietnamese to produce them in one or two decades. I think we are totally unrealistic when we assume free elections will work best in a part of the world where they have an entirely different set of values, customs or traditions. I think we go pretty far in trying to read an American riot act into the Constitution and political processes in Saigon, or in the villages. The problems are so different.

I have always argued on this whole question that we would have a far more meaningful dialog on American policy in Eastern Asia if we could abolish the use of the word "Communists" or "communism," They mean too many different things to different people. You can never speak the same language, and I think the other elements present are much larger.

Communism in Hanoi or in North Korea, I think, is more a coincidence than the substance of the problem. Therefore, it tends to clutter up the dialog.

U.S. RESIDUAL PRESENCE IN VIETNAM

Is it conceivable, Senator, that there will be some modest American presence in Vietnam for an indefinite time, as has been intimated critically by some members of the committee this morning, and by others? I am speaking now of the noncombat type of personnel.

Senator SCOTT. It is possible. If it becomes a feature of the necessity to avoid or having to do again what we are so anxious to stop doing, the analogy exists with South Korea. I have no knowledge—I am not speaking for the Administration here, but in South Korea a peace has been maintained since the early 1950's. There are American forces there, and they are progressively being withdrawn or reduced. More of that I suppose may occur in the future.

I would hope, as I say, there would be ultimately a total absence of the American presence in South Vietnam. But I have heard very little criticism from any source of the existence of American forces in South Korea, because it happens to accord with a certain knee-jerk doctrine that presence in South Korea is quite moral. But the same knee-jerk doctrine does not accept presence in South Vietnam as just as moral. The analogy is one which I fail to understand.

Senator MCGEE. I agree with you on that. I wish we had no troops anywhere in any form, but to wish that is not to face the realities of our position in the kind of world in which we live. There are worse

things, I suppose, than having an American presence. One of those would be a world that fell in on you.

Senator SCOTT. I have not heard any representative in Congress from a constituency with a large German-American vote who is demanding that we withdraw from Berlin. When that happens, the millennium will have arrived on Jenkins Hill.

Senator MCGEE. Is it your judgment that public opinion, which is a very real factor and one of the complications in all of our Southeast Asian policy, would be willing to go along with some kind of an American presence if in the judgment of all concerned this would make a difference in the kind of orderliness in Eastern Asia that would result?

Senator SCOTT. I think if the American presence contributed to peace rather than remained as a spur or a goad toward instability, that you could trust the good judgment of the American people to surmount the hysteria of a limited number of critics. Maybe it is a harsh way of putting it, but that is the way I feel.

The Japanese illustration is a good one. Sentiment has gradually swung around to a withdrawal from Okinawa. All four of the Japanese political parties favor withdrawal; they have different time elements. I favored that. It was not my recommendation but many, many people favored it. But we are doing it. We are getting out. We are doing it without creating a great national furor. It is time to work this out as soon as we can work it out.

Senator MCGEE. It is a matter then of timing, which is conditioned by other events not totally under the control of Republicans and Democrats in the United States.

Senator SCOTT. I agree.

Senator MCGEE. Therefore, it seems to me it is questionable wisdom in any resolution to put a time certain on someone's calendar to do a specific thing. It would be difficult enough if the Senate were in command of the events of the world. The Senate has enough difficulty with its own schedule.

Senator SCOTT. Well, in a wartime situation I don't see how you can impose a time schedule on a commander in chief. In a peacetime situation such as Okinawa, it is the President who negotiates as he would with any other treaty the conditions and times under which sovereignty will be restored to a nation which has been highly restive under occupation status.

PRESIDENT SHOULD BE ALLOWED TIME TO IMPLEMENT VIETNAM POLICY

Senator MCGEE. I will conclude this with a comment on the Senate Foreign Relations Committee's recently issued document, which I read very carefully. I haven't had a chance yet to read the longer version as it reposes in the committee, but what I read makes a very helpful set of disclosures.

I saw a similar report from Vietnam by a group that concluded oppositely. What this says to me is that the glass of water is either half empty or half full depending upon how you go into the problem. I look upon the substance of the report as saying to me that there has been rather substantial headway made. Much of it is very fragile,

but the glass is beginning to fill up. There are those whom I respect who would want to know why the glass wasn't running over yesterday, but the whole course of events in that part of the world is tortuous at best, and this report makes that clear. I inject this note only for the reason that I hope we will be a little more tolerant and understanding in allowing the President time.

I think that he has demonstrated enough genuine shift in the whole focus of efforts in Southeast Asia. This committee ought not to be caught precipitating a series of events that might obstruct the efforts, and I don't think we will. I think that the questions that are being asked here will help to focus on the importance of the responsible disengagement which the President has undertaken.

Senator SCOTT. Our national objective is clearly to get out more so that we can stay in less.

Senator MCGEE. Those are all the questions I have, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Scott. You have been very patient. I apologize for the length of time we have kept a very busy man before this committee.

Senator SCOTT. Not at all, Senator, I appreciate the courtesy of the chairman and the committee in having me.

The CHAIRMAN. I will say to the committee we have scheduled four other Senators this morning and I don't know whether we can finish. You are next on the agenda Senator Javits and Senator Pell. You appear together.

Senator SCOTT. I am sorry that my appearance has delayed you.

STATEMENT OF HON. JACOB K. JAVITS, U.S. SENATOR FROM NEW YORK

Senator JAVITS. Mr. Chairman, Senator Pell and I appear in support of a resolution which we have introduced together, Senate Concurrent Resolution 40. I ask unanimous consent that the statement in support of this resolution which I have prepared may be made part of the record. I shall very briefly summarize it and then yield to Senator Pell who has a statement and then we will be ready for any questions.

TIME FRAME FOR U.S. COMBAT WITHDRAWAL

Mr. Chairman, the key issue in Vietnam today is the time frame for the withdrawal of the U.S. forces from the primary combat responsibility. I have been reinforced in my conviction that a Senate resolution is desirable, in order to establish that time frame, by my visit to Vietnam from the 22d to the 25th of January, inclusive. I found there that the concept of the U.S. withdrawal from combat, or "Vietnamization" as it is called, is widely accepted by the Government of Vietnam and by the American military and civilian leaders in Vietnam as well. But there are major differences as to the time frame, and the conditions, under which Vietnamization will be carried through.

At some point the United States must draw the line, and we believe that the time has come to draw that line at December 31, 1970, for the end of the U.S. combat responsibility. After this deadline we would continue to supply logistical support, arms, economic assistance, and

advice on a diminishing scale as warranted by the performance of the South Vietnamese on their own behalf.

The second element of the resolution calls for full withdrawal as soon as possible thereafter but without fixing a specific date.

EFFECT OF SENATE CONCURRENT RESOLUTION 40

The resolution also terminates the authority given to the President by Congress in the Tonkin Gulf resolution to engage U.S. forces in combat in Vietnam after the end of 1970. It seems clear that, to form the basis for any new such resolution on Vietnam such as we propose, the record must be cleared of the Gulf of Tonkin resolution. This can be done under its terms by vote of both Houses of Congress and without Presidential signature.

The powers of the President and the Congress would revert to their status prior to the Tonkin Gulf resolution, with the President remaining as the foreign policy spokesman of the United States and Commander in Chief of the Armed Forces. The Congress would regain its power to declare war, advise and consent, and authorize and appropriate money for the disposition of our forces and the conduct of our foreign policy.

On this basis, a statement by the Congress as to the conduct of policy and the disposition of our forces regarding Vietnam becomes a proper exercise of the advise and consent and authorization powers.

I draw from Senator Scott's testimony this morning, which essentially states the Administration position, the very clear conclusion that if the Congress is to ask the President and ask of the country something different from what the Administration desires then it must fix a date for phasing out of a combat responsibility. Obviously the policy of the President is to leave that question open. Whether he has a date in mind in the plan which he is supposed to have, but which has not been in any way communicated to us or to the country, we don't know. It is therefore immaterial in view of the fact that there is no commitment to it by us.

Therefore, if we want a cutoff period in respect of combat we have to do it ourselves, and the vehicle by which to do it is this resolution.

It has also been suggested to us that a more drastic step be taken, such as cutting off the money for the support of the Armed Forces unless the President complies with the will of Congress. I think that inadvisable, as I indicated yesterday in discussing it with my own New York colleague. Inadvisable, I feel, because it would deprive the President summarily of his position as foreign policy spokesman and Commander in Chief, and I think that would undermine his ability to conduct a policy, the foreign policy, of the United States throughout the world. The medicine could prove to be too drastic for the malady at this stage.

Based upon my visit to Vietnam, Mr. Chairman, I am convinced that the important moment of truth has not yet been faced with respect to the Administration's policy of Vietnamization and U.S. troop withdrawal. The withdrawals so far have not significantly diminished the U.S. combat capabilities in Vietnam; they have not yet cut into the bone. So far, they have just been hauling in slack rope.

The Army of the Republic of Vietnam forces, that is the South Vietnamese forces, are just beginning to take over what essentially remain, so far, peripheral combat responsibilities. The United States has yet to get down to a point of withdrawal where it makes a material difference. That is, the point at which there will be the real crunch and which will be the moment of truth for the President and the Government of South Vietnam. We have no assurance as to what he will do at that time. By a resolution, such as our own, we are telling the President what we want him to do. I think this is a necessary exercise of our advise and consent authority.

PRESENT SITUATION IN VIETNAM FAVORS SELF-RELIANCE

Mr. Chairman, I found the situation in Vietnam to be much more favorable than ever before in recent years to a new assumption of responsibility and self-reliance by the Government of Vietnam and by the ARVN forces.

I base that upon a number of considerations. The facts are set forth very well, indeed, in the staff report of the committee. We went over the same ground, my assistant, Mr. Lakeland, and I. I think the facts in the report are really very solid, and can form a basis for our action here.

The reason I say that this is a propitious time to put the responsibility on the Government of South Vietnam is that the security situation has improved appreciably. There is no question about that, as the staff report brings out. I won't take the trouble to go over them again.

Second, the economic situation of both urban and rural consumer has improved tangibly. This goes for Saigon and its goes for the countryside as well.

Third, the Government of Vietnam has taken a major gamble reflecting confidence in the people themselves, because President Thieu has determined to arm a very large part of the over 3 million Popular Self-Defense Forces which have now been organized and trained. Indeed, we saw them everywhere. President Thieu is arming them with rather sophisticated weapons, the M–16 rifle. In view of the past history of the antagonism of the country, of the people in the countryside, to the central government in Saigon, this represents quite a commitment on the part of President Thieu in respect of confidence in the population and the correlative necessity for keeping the armed population loyal to the South Vietnamese Government.

To me, this is a very important consideration in respect of the time when we can be ready to relinquish the major combat responsibility.

U.S. INTERESTS REQUIRE COMBAT WITHDRAWAL

But the main consideration must be the interest of the United States. There again I think the case is very strong that the time has come to declare a date by which we are out of the combat responsibility.

Now, I would be the last to say that there is no risk. There is a very great risk. The committee staff report points out the great risks and uncertainties involved even in the withdrawal policy of the President. But these risks must be balanced against the interests of the United States. The risk, of course, is that something very untold will happen

to the South Vietnam Government if we pull out of the combat. I think we must run that risk.

Sometime, somewhere, somehow that risk must be run. Mr. Chairman, I believe that we will never know what the South Vietnamese Government is capable of, what the South Vietnamese Army is capable of, until they have the responsibility. That is a gamble which we must take. We must take it because I believe that our compelling national interests now require it. We have discussed here all these reasons in committee time and time again.

REPEAL OF TONKIN GULF RESOLUTION

Finally, Mr. Chairman, we urge repeal of the Tonkin Gulf resolution. Now, the State Department is opposed to that, but I wish to point out that even Secretary Rogers said on December 23 in his press conference:

> We have not relied on the Tonkin Gulf resolution particularly. . . . We were faced with a situation when we came in office on Vietnam, and I am not sure the legalities are all that important.

I would interpret the Secretary's remarks to mean that present policy and operations in Southeast Asia ought to be able to be justified on their own merits and should not be continued or defended on the basis of the events leading to and immediately flowing from the Tonkin Gulf resolution which is by now certainly obsolescent. I believe, therefore, that a termination of that authority is essential.

Mr. Chairman, it seems to me that if we are going to pass any other resolution, and there seems to be general agreement that we should pass a resolution, then the Tonkin Gulf resolution obviously has to be cleared of the record in order, as it were, to revoke the blank check, stop payment on it at the bank, and issue a new one, whatever it may be, whatever new terms the Congress may choose to write.

(Senator Javits' full statement follows:)

STATEMENT OF HON. JACOB K. JAVITS, U.S. SENATOR FROM NEW YORK

The key issue in Vietnam is the time-frame for the withdrawal of U.S. forces from the primary combat responsibility in Vietnam. This conviction was strongly reinforced by my January 22–25, 1970 visit to Vietnam, in preparation for this testimony before the Senate Foreign Relations Committee. I found that the concept of U.S. withdrawal from combat—or "Vietnamization"—is widely accepted by GVN (Government of South Vietnam) leaders, and the American military and civilian leaders in Vietnam.

But the key question—the time-frame for completion of the U.S. withdrawal from the combat responsibility—is very much a live issue. It was clear to me that the GVN, as well as some U.S. military commanders, are thinking of a much more gradual U.S. combat disengagement, over a much longer time-frame, than I believe should be acceptable to the American people and the United States Congress.

At some point the United States must draw the line. I believe the time has come to draw the line at December 31, 1970 for the end of the U.S. combat responsibility. After this deadline we would continue to supply logistical support, arms, economic assistance and advice on a diminishing scale as warranted by the performance of the South Vietnamese on their own behalf.

EFFECT OF S. CON. RES. 40

The resolution I have introduced with Senator Pell—S. Con. Res. 40—is designed to give legislative effect to the key issue: the withdrawal of U.S. combat forces by the prescribed date of December 31, 1970. The Javits-Pell resolu-

tion terminates the authority given to the President by Congress in the Tonkin Gulf resolution to engage U.S. forces in combat in Vietnam after the end of 1970. It is essential in order to form the basis for any new resolution on Vietnam to clear the record of the Gulf of Tonkin resolution so that it is clear that the power of the President and the Congress revert to the status prior to that resolution, with the President acting as foreign policy spokesman and Commander-in-Chief and the Congress retaining the power to declare war and appropriate money.

On this basis, a statement by the Congress as to the conduct of policy and disposition of our forces regarding Vietnam, becomes a proper exercise of the advice-and-consent power. Such a drastic step as to cut off money for the support of the Armed Forces unless the President complies with the will of the Congress would deprive the President summarily of his position as foreign policy spokesman and Commander-in-Chief. This would undermine the President's ability to conduct the foreign policy of the United States throughout the world.

The important "moments of truth" have not yet been faced with respect to President Nixon's policy of Vietnamization and U.S. troop withdrawals. So far, the President has been pulling in slack rope. The large number of American troops still in Vietnam is conspicuously apparent to the observer. Moreover, U.S. and Vietnamese leaders concede that the withdrawals so far have not significantly diminished U.S. combat capabilities in Vietnam. ARVN (South Vietnamese) forces are just beginning to take over what so far remain essentially peripheral combat responsibilities.

Throughout the period of continual escalation in President Johnson's administration, the argument was repeatedly advanced that "just one more" increase in U.S. troop strength would decisively tip the balance of the war. Now that President Nixon has begun the reverse process of U.S. troop withdrawal, there is a real prospect that a similar argument will be advanced to delay withdrawal—"give us just six more months, or a year, and we can win."

If U.S. policy succumbs to such a line of argument, American troops are likely still to be heavily involved in combat in 1975—a decade after the key decision of President Johnson to send in U.S. combat troops on a large scale in April 1965.

In returning the legal situation to the *status quo* before Tonkin Gulf, the Javits-Pell resolution would not change or hinder the continued provision of assistance, training and logistical support to the South Vietnamese forces.

ASSUMPTION OF COMBAT RESPONSIBILITY BY SOUTH VIETNAM

In my judgment, the requirement that the ARVN assume the combat responsibility by the end of this year is essential from the viewpoint of U.S. national interest, and could be most beneficial to the South Vietnamese themselves.

I consider the situation as I found it in South Vietnam to be favorable to a dramatic new assumption of responsibility and self-reliance by the GVN. All the moot questions in Vietnam are related to this—most importantly the question of the authority and support of the Thieu government among the people of South Vietnam. The authority and support of the GVN can only be tested and established if the GVN comes out from behind the massive shadow of the U.S. presence in South Vietnam. Until the GVN's authority and support is tested and established, nothing can be considered to have been lastingly achieved by the U.S. effort over the past five years.

According to all reports, the security situation has improved appreciably throughout South Vietnam and especially in the crucial Delta area which has been a Vietcong stronghold for more than twenty years. The Tet offensive of February 1968 is described as a psychological turning point in South Vietnam, in that much of the urban and rural population, previously equally indifferent to the GVN and the NLF, was alienated by excesses of violence intruding on their lives brought on by the Vietcong Tet offensive. Moreover, U.S. military commanders are firmly of the view that the fighting during and after the Tet offensive resulted in a significant setback for the Vietcong and North Vietnamese forces who sustained very high casualties.

On the basis of visual evidence in Saigon as well as the villages I visited in the Delta, the economic situation of both urban and rural consumers has improved tangibly. Nonetheless, it remains true that this improved standard of living is almost wholly attributable to U.S. expenditures and has not yet achieved

anything like a self-sustaining base. In 1969 38% of South Vietnam's commodity imports were directly funded by the U.S. And, in the words of the U.S. AID Director: "Because of foreign exchange earnings derived largely from the spending of allied military forces, the GVN was able to pay for 62% of the total of all goods imported in 1969."

President Thieu has taken a very important risk in his decision to arm more than a million members of the newly-organized Peoples' Self-Defense Forces. A very sophisticated weapon, the M–16 rifle, is being placed in the hands of village home guard forces—about as fast as these weapons come off the assembly line in the United States. Arming the South Vietnamese peasants on this scale is clearly a major risk, especially in view of past animosity toward the Saigon government in many rural areas. It has for that reason, important bearing on the U.S. decision regarding combat troop withdrawal.

It seems to me that if President Thieu is willing to make such an important and self-confident gamble with respect to the South Vietnamese rural population—he ought to be ready to take the risk that the ARVN will be able to meet the communist forces on even terms.

The argument will always be made that the ARVN is not quite ready to take on the job—military leaders always insist they need more of everything, including time. But even from the South Vietnamese perspective, I believe the time has come for the South Vietnamese to stand on their own in combat.

U.S. NATIONAL INTEREST REQUIRES COMBAT WITHDRAWAL

In my judgment, however, the main consideration must be the U.S. national interest. From this overriding perspective, it is essential to bring U.S. combat involvement in Vietnam to an end by the conclusion of 1970. America's agenda in the 1970's will not permit a continuation of the improvident diversion from the essential tasks of our nation which Vietnam represented throughout the 1960's. We have already paid a fearful price in blood and treasure to redeem what was at most a peripheral commitment to prevent the establishment of a communist regime in Saigon by force of arms. We have perhaps paid an even greater price as a nation for Vietnam in the essential things we have been unable to manage at home and elsewhere in the world.

DEPARTMENT OF STATE'S VIEWS ON SENATE CONCURRENT RESOLUTION 40

As the Committee knows, the State Department, in Ambassador Torbert's letter, has expressed its opposition to S. Con. Res. 40, and its opposition to repeal of the Tonkin Gulf Resolution. I believe this to be a deplorable and backward-looking posture. But I do find a hint of a more enlightened and forward-looking perspective in Secretary Rogers December 23 press conference remarks when he said:

"We have not relied on the Tonkin Gulf Resolution, particularly. . . . We were faced with a situation when we came in office on Vietnam, and I am not sure the legalities are all that important."

I would interpret Secretary Rogers' remarks to mean that present policy and operations in Southeast Asia ought to be able to be justified on their own merits, and should not be continued or defended on the basis of the events leading to and immediately flowing from the Tonkin Gulf Resolution. I would agree with this view and I believe that S. Con. Res. 40—the Javits-Pell resolution—would bring about a situation wherein U.S. policy in Southeast Asia is reviewed and decided on the basis of current and future realities and interests.

The CHAIRMAN. Senator Pell.

STATEMENT OF HON. CLAIBORNE PELL, U.S. SENATOR FROM RHODE ISLAND

Senator PELL. Mr. Chairman, and colleagues, many resolutions and many ideas are being presented to you for distillation, analysis, and action, and I am very glad to be cosponsoring this resolution introduced by Senator Javits.

U.S. POLICY SHIFT TOWARD VIETNAM

As one who opposed our war in Vietnam long before it was chic or even politically acceptable, I am particularly glad to be here. In fact, I believe it was you, Chairman Fulbright, and our committee, in its hearings of a few years ago, which produced the climate that led to the turnaround of our policy in Vietnam and to the change in political climate that produced President Johnson's abdication speech.

What turned me off then was the open ended projection that our commitment of troops to Southeast Asia could go on and up and up indefinitely. I know that is what turned me off.

Why? Because our opposition there is open ended, too. My reply to those who say "Bring back the coonskin cap" or "don't let our men fight with one hand tied behind their back" is that the manpower against us is virtually infinite in that Mainland China is ready and anxious to fill any manpower vacuum that should occur.

It was your hearings and the terrible burden of the draft on our young people that produced the shift in public opinion, that made us realize that peace and appeasement are not synonymous. This change in draft regulations is one those of us who are politicians should be particularly conscious of, because until the regulations were changed, the poor and the intelligent were carrying the main load. Those who were poor and uneducated would not pass the intelligence tests; those who were rich and not so bright would find some little haven where they could repose until they were exempt. But the change in those regulations at about that time and your hearings are really what alerted people to the wrongfulness of this war. Its moral basis was just as wrong 4 or 5 years before, but these two factors are what I think produced this change in feelings.

RECOMMENDATIONS OF SENATE CONCURRENT RESOLUTION 40

As do some of the other resolutions, our resolution recommends the termination of the Gulf of Tonkin resolution, the withdrawal of all American combat troops by the end of this year, and that the remaining forces should be withdrawn "in a reasonable time thereafter," which is a phrase sufficiently euphemistic to leave our President with a certain leeway in getting them out. But, it must be made a clear indication of our policy that American troops are not to be left in Vietnam for any long term or permanent period, as in Korea.

U.S. RESPONSIBILITY FOR SOUTH VIETNAMESE ALLIES

A new concept in the resolution is the thought that the United States has a responsibility to provide asylum for those citizens of South Vietnam whose lives might be endangered by our withdrawal.

This concept has not been sufficiently considered. It is not important whether the individual Vietnamese sided and publicly identified themselves with the United States for reasons of patriotism or cupidity. The important fact is that, if we withdrew and they were left, their throats would be slit and this is where I believe the United States has its real and in fact its only commitment—a commitment to

those citizens of South Vietnam who would be slaughtered after our withdrawal because of their loyalty to and identification with the United States.

I believe we have no commitment to the corrupt, inept, and unrepresentative government of President Thieu and Premier Ky. A close reading of our SEATO Treaty obligations will show that we have gone far beyond our original commitments under that document. We see for example the response, or rather nonresponse, of such cosignatory and equally honorable powers as France and Great Britain.

If we carry out our commitment to those South Vietnamese who would be harmed by our withdrawal, by affording them the opportunity of asylum, then I believe we could hold our heads high.

RESETTLEMENT OF SOUTH VIETNAMESE REFUGEES

The idea makes sense, too, not only from a moral and ethical view, but from the viewpoint of economy, from the viewpoint of our burdened taxpayers. I submit that it would cost far less to resettle the several hundred thousands of Vietnamese who would be in danger of slaughter than it would to continue the war as we are going.

Resettlements of far greater scope have occurred in our recent past. Already about 500,000 Cubans have left Castro's Cuba for the United States. After World War I, a million and a half Greeks left Turkey and settled in Greece, and one-half million Turks left Greece and settled in Turkey.

Finally, if difficulties arose concerning their transfer to the United States or France or some other Western country, a good argument could be that the Vietnamese could be resettled somewhere in their own part of the world. For instance a suggested place could be the Malaysian portion of Borneo. This is an area which the Malaysians are seeking to populate in order that the present near vacuum there will not cause it to be overrun by the Indonesians. It would also give the present Malaysian Government a further strength and wider population support. Moreover, the climate and conditions are very similar to those in Vietnam and geographically it is almost its closest neighbor.

From a cost viewpoint resettlement operations—presuming it would cost $10,000 to settle each refugee (and speaking as a former vice president of the International Rescue Committee, I can assure you that this is probably the most generous resettlement proposal there has ever been) and there were 250,000 citizens that wanted to be moved—the total cost would be $2½ billion or the cost of running the war for 1 month.

Finally, I do not believe we should take this step alone, but should do so "in cooperation with the United Nations or other international organizations," which is just what we say in our resolution. Thank you.

LACK OF JUSTIFICATION FOR CONTINUING VIETNAM WAR

The CHAIRMAN. Thank you, gentlemen. I think this is a very interesting proposal. All three points that you make you have developed very well indeed. Some other resolutions, as you know, incorporate

aspects of your resolution. I have no doubt that the essence of your resolution will be given the most serious consideration.

You have described it so thoroughly I am not sure that there is much for me to ask you about it.

I might address one question to you since both of you have lived with this a long time. What can possibly be won by continuing the war that would justify its cost? The Senator from New York especially ought to be familiar with the war's effect on our economy. He represents the source of most of the wealth of this country, and he is conscious of the markets and interest rates.

Leaving aside the humanitarian aspects for the moment, because we are all aware of the terrible human tragedies that arise out of the continued mutilation and death of people, would you give a very brief estimate of what can be achieved relative to the price we pay by continuing the war indefinitely?

Senator JAVITS. Well, I think that ever since the constituent assembly and the President were elected in Vietnam, notwithstanding the difficulties and disadvantages and objections to the election, there had been some kind of self-determination and the United States had every incentive and justification to begin phasing out. I said so at the time. Instead, the Johnson administration continued a policy of escalation. Everything from then on has just gotten to be too costly. We have had an enormous inflation, balance-of-payments troubles, and an overheated economy. Our problems at home with the tremendous division and difficulty in this country, particularly in our cities and the alienation of the young people, are related directly to the obsession about Vietnam. The costs and the inflation it produced have hamstrung other programs. It has taken us essentially off Europe, off Latin America, off the Middle East and off Africa, with very dangerous potentialities and we are mighty lucky that something much worse hasn't happened to us up to now than already has, considering this obsession.

So it seems to me that the case for ending this, without arguing the antecedents, is really as strong as it possibly can be. If the President isn't going to do it that way, then we have to try to do it. That is, I think, the essential element that we introduce in this resolution.

The CHAIRMAN. Do you want to add anything?

Senator PELL. No, I think Senator Javits has answered the question very well.

The CHAIRMAN. Senator Church?

U.S. VITAL INTERESTS ARE NOT INVOLVED IN VIETNAM

Senator CHURCH. You gentlemen know that I share your sentiments on Vietnam.

Senator PELL. You were nonchic on this issue earlier also. In fact you were one of the leaders in questioning our Vietnam policy.

Senator CHURCH. Well, I just want you to know that I generally favor the objective you seek in this resolution.

In the course of the argument that some of us have had with our Vietnam policy since late 1964, I think the kernel of my own objection has been that the United States ought not to draft young men to fight in a distant foreign war unless the vital interests of the United States require it. By vital interests, I mean the safety of the American people and the preservation of freedom in the United States.

Over the past half a dozen years, we have been given many reasons for our involvement in Vietnam by the men responsible for the policy. We have been told that we went to Vietnam out of necessity to contain communism, that if we failed to do this, all the countries in Southeast Asia would fall like dominoes, and ultimately the world would cave in upon us. However, this reasoning is no longer used as the justification for our policy.

We have been told that we went into Vietnam to uphold treaty obligations we had solemnly undertaken. That, too, is no longer said to be the basis for our policy.

We are now told that anything is negotiable except the right of self-determination for the Vietnamese people. If this is the case, then we have finally confessed that our vital interests are not at stake. If the safety and security of the American people depended upon the outcome of elections in Vietnam, we would certainly not leave them for others to decide. Therefore, we have really confessed our vital interests are not at stake.

If this is the case, then I am unable to justify the continued involvement of American troops over an extended period of time.

U.S. COMBAT TROOP WITHDRAWAL DOES NOT END VIETNAM INVOLVEMENT

The only question I would ask about your resolution is this: You set a deadline, December 31, 1970, in your resolution for the withdrawal of American combat troops. That would leave, as I understand it, a large contingent of artillery, combat engineers, and Air Force personnel in a support role for the Vietnamese Army. Isn't that support role a combat role? Aren't we merely talking about a different form of combat? In other words, your deadline doesn't end the involvement of large numbers of American troops in a combat role in Vietnam. Is that not so?

Senator PELL. I would like to refer to the analogy I made earlier when I suggested it was like soccer or football. The ball was moving against us. You were really one of the leaders in reversing this, Senator Church. Senator Fulbright and you kicked the ball back the other way. It is now going the way we want. I think that, as was said yesterday in one of these hearings, the issue is going to the back burner.

I don't think there is much we can do until we reach the watershed and the watershed will come when we have a quarter million of troops left in Vietnam, not to protect the South Vietnamese, because presumably they will be protecting our supply troops, although I am sure it will work out differently. Then we are going to see what happens, particularly if the North Vietnamese step up their own military activities. At that time the President will be faced with a choice of escalating the war himself or of pulling out rather precipitously. I think that is the time when we will face up to this problem and not before.

Senator CHURCH. This resolution does not undertake to pass judgment on that situation; is that correct?

Senator PELL. That is my understanding of it.

Senator JAVITS. That is correct, Senator Church, for this reason: Having established the proposition that we have the authority, that it is desirable for us to fix a date—these are the big issues with respect to the resolutions for the withdrawal from the primary combat responsibility—I think we then have recourse to that same authority if

we are dissatisfied with what ensues. Considering the tight box we are in, and we are, and the very security of the American troops themselves, whatever number there are, we ought to allow a reasonable flexibility in that regard. Having asserted our power, we can then follow up, if we are dissatisfied, with yet another date. I though that we shouldn't lock it in to a date for total withdrawal at this stage.

ENDORSEMENT OF COMPLETE DISENGAGEMENT FROM VIETNAM

Senator CHURCH. I can go along with that argument. However, I hope that any resolution this committee reports out makes it very clear that we endorse the principle of full and complete disengagement from Vietnam, as opposed to the present argument now being pressed that residual forces will remain there for an indefinite length of time.

Senator PELL. Right.

We are condemned to Korea for life, I think for infinity practically, but it is a militarily defensible position with a narrow peninsula that we can control and with access from the seas. But in Vietnam we are not in that position, and I, as one individual, believe we should have no land commitment in which we serve as a hostage on the main land of Asia when we have gotten over this ill-fated adventure.

Senator CHURCH. I think such a principle should be incorporated in any resolution that this committee reports out.

Senator PELL. But the time has to be left to the President and he is going in the direction we want.

Senator CHURCH. I have no more questions.

The CHAIRMAN. Senator Case.

REASONS FOR FIXED DATE FOR U.S. COMBAT DISENGAGEMENT

Senator CASE. Thank you, Mr. Chairman.

First, I want to say that I have for a long time believed and said that, for many reasons, we should establish a definite date after which our participation in this combat would end. I am sure you will agree with some of the reasons, although you have not stated them, in justification of your resolution along the general line of making it clear to the South Vietnamese Government that they are going to be obliged to take this full responsibility on themselves, and that within a measured and fixed time they would have to put themselves, if they hope to survive, into a position both in relation to their own people and their military capacity, so far as it is possible for them to do it, to carry on the burden themselves.

Senator JAVITS. Senator Case, would you mind an observation at that point? I thought I did emphasize the fact that we never will know what they are capable of——

Senator CASE. You said those words.

Senator JAVITS. Until they have that responsibility but the Senator has added another dimension which I would like very quickly and speedily to incorporate in our understanding of the case. It is said we should give a date. We should give a public date. The whole thesis of the President rests upon the fact that he has a plan that he shouldn't tell us or anybody else about, and it is an open secret he hasn't told us in secret any more than he has told us in public.

Now, you are dealing with millions of people. You are dealing with 200 million Americans, and you are dealing with a vast number of South Vietnamese. President Thieu has now organized 3,200,000 people in Popular Self-Defense Forces. All these people have to be motivated. How do you get them motivated? How do they know that their nation's fate, their fate, is finally up to them unless you tell them? Some secret in some chancery is not going to get that across. I think this is a very deep question which we are doing to have to wrestle with in our committee. Senator Pell and I feel you have to fix a date and I think we have done it in about the most practical way by only applying it to the primary combat role, considering all of the questions of our security and their security which are involved.

Senator CASE. On this matter of fixing a definite time and the importance of doing it from the standpoint of giving the South Vietnamese Government time to shape up and requiring them to shape up, using that somewhat slang term in its broadest sense of making itself a government supported by the people. This is very important from the point of view of requiring it to make such accommodation with dissident elements and such agreement with the Vietcong if that is necessary so that it will be viable after we leave. This is a very important part in your judgment, I take it, as it is in mine, of transferring the authority and power and the responsibility to the South Vietnamese, and putting an end to our involvement.

Senator JAVITS. That is exactly right.

Senator CASE. I think, as a matter of fact, it is the most important part, because I have always felt that unless the South Vietnamese were—unless Hanoi felt that the South Vietnamese regime was going to be—a formidable opponent, Hanoi would never come to any kind of an agreement in Paris but rather wait for us to tire of an endless burden and then take over entirely.

Senator JAVITS. Exactly.

DEFINITION OF COMBAT FORCES

Senator CASE. So my feeling about your resolution is one of deep sympathy with its broad objectives and its underlying thesis. I have certain questions. I don't know whether they are such that we should go very far into them today. I had questions along the line asked by Senator Church as to what are combat forces and what are noncombat forces, and is it desirable to attempt to make this distinction. I am mindful of the fact until President Johnson came in what was it we had, only 17,000?

Senator JAVITS. 21,000 so-called observers, or advisers.

Senator CASE. Observers?

Senator JAVITS. Advisers. Combat advisers.

Senator CASE. But those people constituted people who were flying warships into battle zones and were in fact involved and did defend themselves by military means. So it is difficult to say they were not combat in that sense, but I take it you would exclude them as combat forces within the meaning of your resolution.

Senator JAVITS. May I try to define it?

Senator CASE. I wish you would because I am not sure but that this is a very important element of our uncertainty.

Senator JAVITS. It is a very important element. I ran into it in Vietnam. I think it should be left intentionally on the level not of absolute categories but rather with orders of magnitude. It really means we are going to relinquish the primary combat responsibility. It does not mean that we are immediately going to pull out with logistical back up. Now, that does involve you in security for logistical backup and this could involve you in some fighting. It does not involve you, necessarily, in artillery and air strikes. But as a practical matter I would doubt very much that even if we adopted this resolution all artillery and air will be drawn out. It could be somewhat justified on the ground that it is needed for the security of the remaining forces which we have there. This would have to be monitored rigorously by us to see that it wasn't just an open hunting license.

I would say that I don't mind that. What we are dealing with is an order of magnitude. In my own judgment, subject to Senator Pell's agreement, I would say if this resolution were adopted the President would have to take half or more of our total forces out of Vietnam, which would mean reducing the commitment there down to around 200,000 to 250,000 by the end of 1970. That is what we really have in mind, and the broad category of combat forces will accomplish that. I do not think that we ought to try to second-guess all the problems of security and phasing out which would necessarily result from such action within this year. It is necessary and quite possible for the President to do it, in my judgment.

Senator PELL. Perhaps I might add a thought. An idea came to me as Senator Javits was talking, that a suitable definition might be those men whose first mission is to kill. If that is their mission then they are combat troops, and they would be withdrawn. I find that somewhat analogous to the situation that has been created in the past where we referred to a body count. I think it is a dreadful term and it reminds me of a British squire on the moors as he counts the grouse that have been shot, but it is an analogy to be used. I think the men whose first mission is to enlarge the body count would be basically those who would be called combat troops. Those whose basic mission is supporting them would be support troops.

Senator CASE. What about helicopter pilots who fly into battle?

Senator PELL. If their job is to rescue they wouldn't be combat troops.

Senator CASE. I am talking about people who fly troops into battle in the response to the call from the ground.

Senator PELL. I would think those would be combat troops, but I would stand corrected by my colleagues in my interpretation.

Senator JAVITS. I would not say that. I would say even there you have to deal with a problem of the security for our own logistical support. You might have to fly American troops, if the South Vietnamese fell down, for example, in the defense of a perimeter of a base. That is why I say you cannot make it that categorized. But you can deal with an order of magnitude, and I think Senator Pell broadly is absolutely right.

Where the fundamental objective of a given troop strength is to destroy the enemy, then that is a combat operation. Where the fundamental objective is logistical support and the security for that logis-

tical support, then I would say you are not dealing with primarily combat responsibilities.

Senator CASE. I think I understand in a general way your intention. You would not permit the American troops after the time that you had specified to be used in regular transportation of Vietnamese troops into battle.

Senator JAVITS. That is correct.

UNITED STATES TRAINING OF SOUTH VIETNAMESE FORCES

Senator CASE. You state in one of your whereas clauses something that troubles me a little bit. I would like to adopt it as a fact. "Whereas the Army of the Republic of Vietnam is being trained and equipped to take over from the United States forces in Vietnam." I have had the feeling that one of our great failures here was our failure to train South Vietnamese forces in the kind of battle that they ought to be trained for, as opposed to, when we train them at all, training them in modern Western European fighting, using all the equipment and heavy machinery and all the rest of it.

I don't know what the facts are yet about this. Have you personally any knowledge that would justify your standing sponsor for this statement?

Senator JAVITS. I have just seen it actually in operation. I don't want to be technical as a lawyer, but the words "is being," when the resolution was adopted, would probably be accurate. It has taken us 5 years, but I think we have learned, and now this is happening.

Another very interesting thing I ran into is the idea that the reason they haven't been trained and equipped for all this time, they say, is that when President Johnson began to load the heavy troop strength in there, beginning in 1965, the Vietnamese were practically asked to stand aside and to leave the combat to us. They say this was also true during the conferences at Honolulu and Manila in 1966 and that no serious effort was made to train them or to equip them until after the Tet offensive in February 1968. Maybe really it was not until President Nixon got to the job with his fundamental idea that he had to begin to pull out and turn it over to the Vietnamese.

Senator CASE. This is my understanding and that is why I wanted to get from you your own factual background for making this statement.

Senator JAVITS. You are exactly right.

SOUNDNESS OF DECEMBER 31, 1970, COMBAT WITHDRAWAL DATE

Senator CASE. And may I just ask one other question: What is your present judgment as to the soundness of this December 31, 1970 date? What can you give us as factual on that?

Senator JAVITS. I believe the date is feasible especially with the flexibility which is introduced by our definition of the word "combat."

I think that before the committee would act on that kind of a fixed date it would satisfy itself as to its feasibility. But the order of magnitude of a year, this year, it still being very early in the year, that kind of time frame, I think, is entirely practical, with the definition we have supplied.

Senator CASE. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, gentlemen.

Since you are both members of this committee, we no doubt will have the benefit of your counsel in the future when we consider these resolutions.

ACCOMPLISHMENTS OF VIETNAM WAR ARE FINISHED

Senator JAVITS. Mr. Chairman, may I just say one other word as a witness before I quit? I don't think it should be argued that nothing has been accomplished by Vietnam. Many men have died, many have been wounded, and much treasury has been spent. But some things have been accomplished. They are arguable, whether it is about Indonesia or Malaysia or South and Southeast Asia generally or the evolution of Communist China's policy. They are all arguable, but I certainly wouldn't wish to testify that nothing has been accomplished. The price to our Nation is certainly deeply questionable. But I would like to revert to what Senator Church has said. Whatever could be accomplished is finished, and from now on it is all on the minus side.

The CHAIRMAN. I can assure you the record isn't closed on the war yet. Thank you very much.

Senator Hartke, come forward please, sir. We are very pleased to have you with us this morning. I am sorry we have been so long in getting to you.

STATEMENT OF HON. VANCE HARTKE, U.S. SENATOR FROM INDIANA

Senator HARTKE. You have been very busy, sir.

Mr. Chairman and members of the committee, on February 6 another Tet holiday will usher in the year of the dog. Most of us acknowledge that the Tet holiday of 2 years previous was a psychological turning point in our involvement in Vietnam. For even the most optimistic supporters of the United States-Vietnam policy, basic assumptions and beliefs became highly questionable. The growing doubt about Vietnam was felt amidst the snows of New Hampshire and carried from primary to primary, with the avowed opponents of the Vietnam policy gaining the majority of votes.

UNITED STATES' VIETNAM POLICY NEVER ADEQUATELY DEBATED

In the general election, although the issue was not squarely met, it was obvious that neither of the two major presidential candidates was eager to undertake a vigorous defense of our previous actions and policy in Vietnam. The Democratic candidate, Hubert Humphrey, finally broke from the established policy of his administration; and Richard Nixon, the Republican candidate, talked of a plan to end the war which he could not at that time disclose. In short, it was an election that did not so much illuminate and elaborate the issue but rather responded to the felt desires of the people.

I am not going to discuss the many reasons why I had always opposed our policy in Vietnam and why I felt constrained to disagree publicly with the only major national political figure who supported me in 1958

when I was a much younger and much more optimistic man. The reasons why I feel our Vietnam war is militarily inept, politically stupid, and morally wrong have been thoroughly discussed and, I must confess, have failed to persuade many responsible and sane men—and this despite the fact that the policies of support for the Vietnam war have caused not only the death of over 40,000 young men, the crippling and mangling of thousands more, but also a discontent that threatens the very fabric of our society. These earlier policies are now mocked by our present policy, which for the most part is generally supported. For those who like World War II analogies, we did not start withdrawing in 1944 because our allies were becoming stronger.

I think one of the reasons why debate on our Vietnam policy has never been adequately joined is because support for Vietnam has always been bipartisan. The ultimate accountability for any policy lies, of course, with the incumbent Administration; but I can remember just a few years ago being chided on the Senate floor by the then distinguished minority leader for not supporting our President. I felt that this was a rather narrow view of the issue. My concern for Vietnam has always transcended partisan politics. Such was my position under a Democratic administration; so it remains today under a Republican administration. I think allegations to the contrary demonstrate only an astonishing and appalling moral blindness in the speaker.

IMPROVEMENTS SHOULD NOT LESSEN OPPOSITION TO VIETNAM WAR

Since the beginning of last year there has been some improvement, passions have abated at home and troops have been withdrawn abroad. But with these improvements come chilling reminders of the years of 1965 and 1966. These were years of mounting involvement abroad but general indifference at home. Recently in talking with an Indiana county chairman, I asked him what the general feeling in his county was about Vietnam and he replied that the county has been for the most part spared and, therefore, there was little concern about Vietnam. I thank the Lord for this county's deliverance, but what about the other 91 counties in Indiana?

I am not a pacifist. I did not oppose this war because it is too costly, deadly, or messy, but because it is a war fought at the wrong time in the wrong place. I remember driving in my automobile in early 1965 to deliver an address against the war and hearing over the car radio about a massacre of American troops. Seven Americans died in that massacre. Today we are told that we should be satisfied because we have reached the miraculously low number of only 70 or 75 Americans killed a week. Has the recent decade of death so blinded us with blood and numbed us by horror that we no longer appreciate that these losses are unforgiveable? Of course, the political defusing of Vietnam is quite an achievement. The reduction in American casualties and the reductions and changes in the draft are withdrawing Vietnam from the daily lives of most Americans.

But what of those who remain? What of those who are affected? Should I congratulate myself that they are now no longer a majority of the voters? I believe that there are issues so pressing and of such moral import that public silence is a retreat from public duty.

ADMINISTRATION'S VIETNAMIZATION POLICY

The policy of the present Administration has been given the code name "Vietnamization." What it appears to involve is an attempt to achieve a military victory by a shift in the balance of forces on our side. American combat troops are to be replaced gradually—very gradually—by South Vietnamese troops. And we are to remain unalterably committed to the preservation of the present regime in Saigon.

If this policy is successful, according to Administration strategists—and I need not remind anyone here how pathetically improbable it is that the South Vietnamese Army can perform the crucial task we are assigning it—if this policy is successful, we can look forward to some 200,000 to 300,000 American support troops remaining in Vietnam for 2 or 3 more years at a cost of perhaps $15 to $17 billion annually. And all the while the possibility of reescalation will remain ominously with us as we hazard our strategic fortunes on the forces of General Thieu.

Let me say flatly that I do not believe that we should ever permit our destiny to rest upon the success of foreign arms. But that is the position in which we are in the process of placing ourselves today. And that is not the very worst indictment that can be made of this policy which is being offered to us with honeyed words.

POLITICAL RESOLUTION OF VIETNAM WAR

What we do desperately need instead is a policy not of military Vietnamization but of political Vietnaminzation. For the ultimate resolution of the Vietnam conflict can only be political, not military.

Accordingly, we should proceed at once to encourage a cease-fire. If the war is worth fighting at all, it should be worth winning but President Nixon has said that the war cannot be won—not at the kind of price that rational men would be willing to pay. So let the fighting stop. Let the killing and the maiming stop. Let a cease-fire come into effect that will give both sides an opportunity to work out a political compromise that both can live with.

President Thieu and Vice President Ky will amost certainly not be elements in the new government that will arise in Saigon. But other patriotic South Vietnamese will be—many of them languishing today in prison for the "crime" of having advocated a negotiated settlement of the war.

Following the establishment of a politically viable government and the bringing home—in peace—of all American forces, we can then turn our great resources to a demonstration of this Nation's concern for the destiny of South Vietnam—that is, to lend our assistance to its economic recovery from the devastation of war. We should make a special effort to ease the burdens of Vietnamese refugees. It is this other war in that unhappy country that deserves the attention of the United States.

No one can safely predict what the future will bring to Vietnam after the last contingent of American troops will have left the country. Dr. Howard Zinn addressed himself to the unforeseeable in the conclusion of his book, "Vietnam: The Logic of Withdrawal." He observed:

We may see a period of turmoil and conflict in Vietnam. But this was true before we arrived. That is the nature of the world. It is hard to imagine, however, any conflict that will be more destructive than what is going on now. Our departure will inevitably diminish the fighting. It may end it.

U.S. VIETNAM POLICY IS SELF-DESTRUCTIVE

The statement, written in 1967, is more compelling today than it was then. Now more than ever, it is clear that the price of war becomes harder to bear with each month. While we continue to follow the unwise policy of spending good money to save a bad investment, the true ills of our country go uncared for, the forgotten citizens remain unnoticed, the violence in our streets increases. And in an effort to contradict commonsense, we are told that it is more important to save face than save lives.

The American people in my opinion would be well advised to ask what perversion of the national purpose allowed the energies of this country to become so committed to the destiny of Vietnam and why the United States finds itself unable to detach itself from the conflict. The answer lies, to a degree, in the psychology created by our form of government. George Kennan wrote in "Russia and the West Under Lenin and Stalin":

There is . . . nothing in nature more egocentrical than the embattled democracy. It soon becomes the victim of its own war propaganda. It then tends to attach to its own cause an absolute value which distorts its own vision on everything else. Its enemy becomes the embodiment of all evil. Its own side, on the other hand, is the center of all virtue. The contest comes to be viewed as having a final, apocalyptic quality. If we lose, all is lost; life will no longer be worth living; there will be nothing to be salvaged. If we win, then everything will be possible; all problems will become soluble; the once great source of evil—our enemy—will have been crushed; the forces of good will then sweep forward unimpeded; all worthy aspirations will be satisfied.

Those are the words of George Kennan.

LESSONS TO BE LEARNED FROM VIETNAM

If there is anything that we can take from the bitter experience of Vietnam, let it be a more sophisticated appreciation of our role in world affairs. The tragedy of the war should finally disenthrall this Nation from the tired myths and dogma that have invited our ill-considered reaction to international politics.

We should test the assumptions developed during the hysteria of the 1950's against the realities that confront us as we enter the 1970's.

Above all, we should take from Vietnam a new awareness of the potential and limitations of American might. We are the most powerful nation in the world, but we are not all-powerful. Misfortune can come from the failure to exercise with caution and restraint the strength that is this Nation's inheritance.

EXECUTIVE HAS POWER OVER VIETNAM WAR

I would like to make just one statement about the resolutions. Many of these resolutions which are going to be presented here and which have been presented in the past probably expressed my own thoughts and probably offer very satisfactory ideas as to what could be done. But I hate to see us become involved in a battle of resolutions. After all

the real power here, and I hope the Senate realizes its own limitation, to continue this war, to escalate this war, to deescalate it or end it is in the White House, and we ought to recognize that.

The CHAIRMAN. Thank you, Senator Hartke. You have made a very interesting and informative statement. Nearly everything you said is very pertinent.

Any questions?

HUMAN COSTS OF VIETNAM WAR

Senator CHURCH. Mr. Chairman, I have no questions, but I would like to commend Senator Hartke for pointing out the human side of this issue, which I think is all too often forgotten, particularly in hearings that are held in palatial surroundings like these. It was President Nixon who observed not long ago that, in the past 28 years, we have been 14 years at war—half the time. We have thus engaged in more warfare than any other major power since the end of the Second World War. This marathon war dance has had a brutalizing effect upon the American conscience. You just can't feature war by technicolor in the living rooms of every American family, you just can't pick up the papers every morning and read the daily death counts, without coming in due course to accept violence as the ordinary companion of normalcy. That is what has happened to us in this country. I wish that the cameras weren't here. They ought to be out at Walter Reed Hospital focusing on the young men who have had to pay for a war that even the President implicitly admits no longer entails the vital interests of our country. Focusing attention upon us is wrong, for we are not the ones who pay. The young men at Walter Reed, the 46,000 who are already dead, the 250,000 who have been wounded—these are the men who pay.

The CHAIRMAN. What about the million Vietnamese?

Senator CHURCH. Yes, the Vietnamese are, in some ways, the most helpless victims of all. Most of them care nothing for Saigon or Hanoi; they just want peace. The Senator has focused on the human element which is so frequently and so callously cast aside in the routine reporting of events that take place up here on Capitol Hill.

Senator HARTKE. I thank Senator Church for his comments.

Let me say as I look upon this at the present time, the battle is alined in this fashion. There are about 700 or 600 casualties a week, deaths, plus people who are taken out of the mainstream of society ending probably any usefulness for themselves and probably in many cases for society. In other words it is young Americans on one side and President Thieu and a military junta on the other. Which is more important to America, those 700 or 800 people every week or the military junta of President Thieu and Vice President Ky? For me, I choose the American young men. And let me say on the brutalization of American minds, I just know that 30 years ago if you had seen blood spurt out, real blood, as we do on the camera and the horror of war as we see it now in color, and we were at our dining room table with our family we would have been so revulsed that you couldn't have finished the meal, you probably would have gone to the bathroom and left it in that kind of shape.

Today, it is nothing more than sort of the beginning of the night's entertainment and the continuation of what is to come with "Gun-

smoke" in the fantasy of life. I don't know the depth of that danger and the depth of that defeat for what has been considered as the last great country in the world and the last hope of mankind. I don't think we are prepared to answer where it is going to end, but I will say the longer this war goes on the more difficult it will be to end that tragedy for the American spirit.

Senator CHURCH. This side of the Vietnam war is seldom talked about, yet it may well be the most important side of all—the brutalization of American society. We must find a way to put an end to all of this.

Senator HARTKE. That is why I don't want to enter into the battle of resolutions really. I will vote for some of the resolutions or against them, but ultimately this decision and this choice lies with the man in the White House.

The CHAIRMAN. Thank you very much, Senator Hartke.

Our next witness is Senator George McGovern. Senator McGovern, I believe you have a statement.

STATEMENT OF HON. GEORGE S. McGOVERN, U.S. SENATOR FROM SOUTH DAKOTA

DESCRIPTION OF SENATE CONCURRENT RESOLUTION 39

Senator MCGOVERN. Yes, I do, Mr. Chairman.

Mr. Chairman, and members of the committee, the resolution that I have submitted with the cosponsorship of Senators Church, Cranston, Goodell, Hughes, McCarthy, Moss, Nelson, Ribicoff, and Young of Ohio calls for the withdrawal from Vietnam of all U.S. forces, the pace to be limited only by these three considerations: The safety of our troops during the withdrawal process, the mutual release of prisoners of war, and arrangements for asylum in friendly countries for any Vietnamese who might feel endangered by our disengagement. (I have recently been advised by the Department of Defense that the 484,000 men we now have in Vietnam could be transported to the United States at a total cost of $144,519,621.)

This process of orderly withdrawal could be completed, I believe, in less than a year's time.

U.S. SUPPORT OF SAIGON REGIME IS MAJOR BARRIER TO PEACE

Such a policy of purposeful disengagement is the only appropriate response to the blunt truth that there will be no resolution of the war so long as we cling to the Thieu-Ky regime. That government has no dependable political base other than the American military presence and it will never be accepted either by its challengers in South Vietnam or in Hanoi.

We can continue to pour our blood and substance into a never-ending effort to support the Saigon hierarchy or we can have peace, but we cannot have both General Thieu and an end to the war.

Our continued military embrace of the Saigon regime is the major barrier, both to peace in Southeast Asia and to the healing of our own society. It assures that the South Vietnamese generals will take no

action to build a truly representative government which can either compete with the NLF or negotiate a settlement of the war. It deadlocks the Paris negotiations and prevents the scheduling of serious discussions on the release and exchange of prisoners of war. It diverts our energies and resources from critical domestic needs. It sends young Americans to be maimed or killed in a war that we cannot win and that will not end so long as our forces are there in support of General Thieu.

I have long believed that there can be no settlement of the Vietnam struggle until some kind of provisional coalition government assumes control in Saigon. But this is precisely what General Thieu will never consider. After the Midway conference last June he said, "I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government."

Although President Nixon has placed General Thieu as one of the two or three greatest statesmen of our age, Thieu has brushed off the suggestion that he broaden his government and has denounced those who advocate or suggest a negotiated peace as pro-Communist racketeers and traitors. A coalition government means death, he has said.

Mr. Chairman, let us not delude ourselves. This is a clear prescription for an endless war, and changing its name to Vietnamization still leaves us tied to a regime that cannot successfully wage war or make peace.

When administration officials expressed the view that American combat forces might be out of Vietnam by the end of 1970, General Thieu called a press conference last month and insisted that this was an "impossible and impractical goal" and that instead withdrawal "will take many years."

U.S. VIETNAMIZATION POLICY

And yet there is wide currency to the view that America's course in Southeast Asia is no longer an issue, that the policy of Vietnamization promises an early end of hostilities. That is a false hope emphatically contradicted not only by our ally in Saigon but by the tragic lessons of the past decade.

As I understand the proposal, Vietnamization directs the withdrawal of American troops only as the Saigon armed forces demonstrate their ability to take over the war. Yet a preponderance of evidence indicates that the Vietnamese people do not feel the Saigon regime is worth fighting for. Without local support, "Vietnamization" become a plan for the permanent deployment of American combat troops, and not a strategy for disengagement. The President has created a fourth branch of the American Government by giving Saigon a veto over American foreign policy.

If we follow our present policy in Vietnam, there will still be an American Army in my opinion, of 250,000 or 300,000 men in Southeast Asia 15 or 20 years hence or perhaps indefinitely. Meanwhile American firepower and bombardment will have killed more tens of thousands of Vietnamese who want nothing other than an end of the war. All this to save a corrupt, unrepresentative regime in Saigon.

Any military escalation by Hanoi or the Vietcong would pose a challenge to American forces which would require heavier American military action and, therefore, heavier American casualties, or we would be faced with the possibility of a costly, forced withdrawal.

The Vietnamization policy is based on the same false premises which have doomed to failure our previous military efforts in Vietnam. It assumes that the Thieu-Ky regime in Saigon stands for freedom and a popularly backed regime. Actually, the Saigon regime is an oppressive dictatorship which jails its critics and blocks the development of a broadly based government. Last June 20, the Saigon minister for liaison for parliament, Von Huu Thu confirmed, that 34,540 political prisoners were being held and that many of those people were non-Communists who were guilty of nothing more than advocating a neutral peaceful future for their country. In proportion to population the political prisoners held by Saigon would be the equivalent of a half million political prisoners in the United States.

The Thieu-Ky regime is no closer to American ideals than its challenger, the National Liberation Front. Indeed self-determination and independence are probably far stronger among the Vietnamese guerrillas and their supporters than within the Saigon Government camp.

I have never felt that American interests and ideals were represented by the Saigon generals or their corrupt predecessors. We should cease our embrace of this regime now and cease telling the American people that it stands for freedom.

OPPOSITION TO U.S. VIETNAMIZATION POLICY

I should like to make clear that I am opposed to both the principle and the practice of the policy of Vietnamization. I am opposed to the policy, whether it works by the standard of its proponents or does not work. I oppose as immoral and self-defeating a policy which gives either American arms or American blood to perpetuate a corrupt and unrepresentative foreign regime. It is not in the interests of either the American or the Vietnamese people to maintain such a government.

I find it morally and politically repugnant for us to create a client group of Vietnamese generals in Saigon and then give them murderous military technology to turn against their own people.

Vietnamization is basically an effort to tranquilize the conscience of the American people while our Government wages a cruel and needless war by proxy.

An enlightened American foreign policy would cease trying to dictate the outcome of an essentially local struggle involving various groups of Vietnamese. If we are concerned about a future threat to Southeast Asia from China, let us have the commonsense to recognize that a strong independent regime even though organized by the National Liberation Front and Hanoi would provide a more dependable barrier to Chinese imperialism than the weak puppet regime we have kept in power at the cost of 40,000 American lives and hundreds of thousands of Vietnamese lives.

Even if we could remove most of our forces from Vietnam, how could we justify before God and man the use of our massive firepower

to continue a slaughter that neither serves our interests nor the interests of the Vietnamese.

The policy of Vietnamization is a cruel hoax designed to screen from the American people the bankruptcy of a needless military involvement in the affairs of the Vietnamese people. Instead of Vietnamizing the war let us encourage the Vietnamization of the government in South Vietnam. We can do that by removing the embrace that now prevents other political groups from assuming a leadership role in Saigon, groups that are capable of expressing the desire for peace of the Vietnamese people.

ADMINISTRATION'S MANIPULATION OF PUBLIC OPINION TOWARD VIETNAM POLICY

I strongly support the thrust of the pending resolutions which call for our early disengagement from their struggle although I fully agree, Mr. Chairman, with the observation of Senator Hartke that in the last analysis this is a decision that must be made by the President of the United States.

Let me add that the most ironic aspect of the entire matter is this: Our leaders seem more sensitive to the wishes of a corrupt military junta in Saigon than to the concerns of this committee and of those Americans who have been trying for years to call our country away from the blunders of Vietnam. My major concern about the present Administration is that by the skillful use of national television and the politics of manipulation it has isolated and intimidated American critics of the war while identifying American interests with a regime in Saigon that is despised by its own people.

Those of us who have opposed our Vietnam involvement under the previous Administration, as under this Administration, will have to admit that the Nixon administration has temporarily carried American public opinion with them. Our task as dissenters is more difficult now, but the day will surely come when the American people will realize that they have been misled by the skillful political manipulation of the Administration.

I have recently experienced one minor aspect of the strategy of manipulation and intimidation. The Pentagon has dispatched one of its officers, a Maj. James Rowe, to attack me and other Senators, including the chairman of this committee and the distinguished majority leader of the Senate, for criticizing the Vietnam policy.

After a visit with the President at the White House, the major undertook a series of radio and television programs in which he has questioned my loyalty to the American flag.

News accounts now indicate that he has gone back to Vietnam to gather material for a book in which he intends to extend his attacks on Senate critics of the Vietnam policy. Although I question the propriety of an Army officer using his post to attack the foreign policy views of elected representatives, what disturbs me more is the assumption that anyone who disagrees with him or the President is disloyal to the American flag. Indeed the major and his political sponsors in the Pentagon and elsewhere are guilty of unpatriotic and un-American actions when they engage in these below-the-belt tactics against their fellow Americans.

If the Pentagon and the White House assume that by falling into the hands of the enemy who held him captive for several years Major Rowe or any other officer earned the right to speak with unchallenged wisdom about American foreign policy, that is their prerogative. But to suggest that the major's imprisonment entitles him to question the patriotism of those who have a different view of American foreign policy makes one question whether he or his political sponsors know what American democracy is all about.

Perhaps it explains why they feel more compatible with General Thieu's dictatorship than they do with America's traditions of dissent and debate. But despite such tactics and despite appeals to public opinion polls seeking to register the views of an alleged "silent majority," there is little hope for an end to the Vietnam war except through the kind of critical examination of policy which forums like this provide.

Mr. Chairman, had it not been for a courageous and thoughtful minority, including the chairman and the members of this committee who are gathered around the table, we would doubtless be escalating toward world war III in Southeast Asia. Instead we can be thankful that we have sufficiently exposed the folly of Vietnam so that the debate now centers on how to get out of this regrettable venture.

So let no one assume that either our leaders always know best or that silence in the face of madness is a public virtue.

The CHAIRMAN. Senator McGovern, that is a very powerful and a very pungent statement. It is characteristic of many statements you have made on the war in the past. You were one of the first to question the validity of this conflict on the floor of the Senate.

Senator MCGOVERN. Thank you, Mr. Chairman.

POLITICAL PRISONERS IN SOUTH VIETNAM

The CHAIRMAN. I think you have rendered a great service.

I have two or three questions. You stated that there were 34,540 political prisoners in Vietnam. Is that correct?

Senator MCGOVERN. Yes, that was the public statement of the South Vietnamese Minister of Liaison with Parliament as of last June 20 and that figure was verified substantially by an eight-member team of Americans who were in Vietnam at approximately that time.

The CHAIRMAN. I think I have a copy and I will ask the reporter to insert it in the record.

(The information referred to follows:)

U.S. STUDY TEAM ON RELIGIOUS AND POLITICAL FREEDOM IN VIETNAM
REPORT ON FINDINGS ON TRIP TO VIETNAM, MAY 25–JUNE 10, 1969

I. LIMITATIONS ON FREEDOM IN SOUTH VIETNAM

An eight-member U.S. Study Team, joined by a British observer, was in South Vietnam, May 29 to June 5, studying religious and political freedom, prison conditions and the classification, detention and treatment of political prisoners.

The Team met with President Thieu, Minister of Interior Tran Thien Khiem and members of his staff, Ambassador Ellsworth Bunker and members of his staff, national religious leaders, lawmakers, intellectuals, attorneys, students, a variety of persons of different political persuasions and talked with scores of political prisoners. It visited prisons at Thu Duc, Chi Hao, and on Con Son Island, as well as the National Police Headquarters. The Government of South

Vietnam was helpful in providing data, in permitting Team members to visit prisons, and in making accessible certain prisoners.

In the original press release announcing the Team's departure for Saigon (May 25, 1969), it was stated that the Team would meet with persons "not connected with the N.L.F. or the Thieu-Ky Government." It proved both necessary and helpful to meet with many government officials. To our knowledge the Team had no conversations with representatives of the National Liberation Front while in Vietnam. It should be noted that many authorities on Vietnam doubt the possibility of a truly representative government without the inclusion of the N.L.F.

Three things are readily apparent in South Vietnam: (1) A state of war exists and any meaningful study of freedom must be done against that background; (2) South Vietnam is miserably poor and is unable to provide from its own resources institutional facilities and forms of care which are taken for granted in the Western world; and, (3) whereas the United States of America has lived under the guarantee of its present Constitution for nearly two hundred years, South Vietnam does not have a tradition of political liberty and its Constitution is only two years old. Notwithstanding this, in a message cabled directly to President Nixon from Saigon, the Study Team said:

"Speaking for peace or in any other way opposing the government (in South Vietnam) easily brings the charge of communist sympathy and subsequent arrest . . . There must be no illusion that this climate of religious and political suppression is compatible with either a representative or a stable government."

Many persons interviewed argued that President Thieu's government is less repressive than the ten years of brutal intimidation under Ngo Dinh Diem. Others, while agreeing that repression is not as obvious and violent, argued that it is equally pervasive though more subtle today. (Some of the following documentation will indicate that there is still unsubtle, violent intimidation.)

Three celebrated cases of political arrest have claimed international attention in recent months. They are the cases of Thich Thien Minh, one of the most influential Buddhist monks in South Vietnam; Truong Dinh Dzu, runner-up in the Presidential Election of 1967; and Nguyen Lau, wealthy publisher of the *Saigon Daily News*.

Thich Thien Minh was arrested on February 23, 1969, at the Buddhist Youth Center and charged with "harboring rebels, concealing weapons and illegal documents . . . harboring deserters and supporting draft dodgers". After appearing before a military field tribunal, he was sentenced to serve terms of ten and five years at hard labor, the sentences to run concurrently. Last month, his sentence was reduced to three years.

It is assumed by many that Thich Thien Minh was arrested not because of the specific crimes with which he was charged but for his public criticism of the Thieu-Ky government and his strong advocacy of peace.

In February, he was summoned to the Ministry of the Interior and warned to tone down his sermons which were said to be disrespectful to the government of President Thieu. He had earlier said that the people of South Vietnam could accept neither the "terrorist regime" of North Vietnam nor the "corrupt government" in Saigon. Replying to Thien Minh, President Thieu said, "My government can die because of those pacifists, but before we die, they will have to die first."

The Study Team visited both Thich Thien Minh and Quang Duc Buddhist Youth Center. The Youth Center, closed at the time of Thich Thien Minh's arrest (20 other Buddhists were arrested at the same time), was handed back by the Government and re-opened during the Team's stay in Saigon. Team members saw Thich Thien Minh's room, as well as the many hallways, rooms and stairways that separated him from the tiny room and wooden closet with the false back that were said to be the hiding place of the V.C. agent and a cache of small arms. Seeing the distances and buildings involved, it is not difficult to believe the monk's assertion that he had no personal knowledge of a V.C. agent's presence in that hidden room.

The Team talked with Thich Thien Minh, who has been held in military custody. They interviewed him in a small house, a part of a larger complex of carefully guarded government buildings. The Team observed the office of a U.S. Advisor two doors removed. At one point, three government officials pointedly left the room that the discussion might be private. However, it had been determined during the conversations that there was a government agent only four feet from the Venerable, behind a thin wall. Thus, the interview was

necessarily inhibited. Thich Thien Minh had been moved four times since his arrest and was kept under the strictest security. Though badly injured by a hand grenade, said to have been thrown by a V.C. in 1966, he said his health was good. He added, "My only offense is that I believe in peace."

On May 1, 1968 Truong Dinh Dzu was arrested "on charges of urging the formation of a coalition government as a step toward peace." In August, he was sentenced to five years of forced labor. Although the N.L.F. is now participating in the Paris peace talks and a coalition government is being widely discussed by responsible government officials in the United States, Mr. Dzu has not yet been released.

In a national election that denied certain candidates the right to run [1] because they were peace advocates, and that heavily favored the Thieu-Ky regime because of its domination of the military and political structures of South Vietnam and because of the well-known support of the American "presence" in Vietnam, Mr. Dzu ran second, polling 18 percent of the vote. He wisely did not announce his "white dove" platform until after his candidacy had been approved. (It is interesting to note that in the election, the Thieu-Ky ticket gained only 35 percent of the vote. In March 1968, Vice-President Ky told an Italian journalist, "Our last elections were a loss of time and money, a mockery.") Dzu has never been accused of being pro-communist and is, as President Thieu openly acknowledged, a "political prisoner." The fact that, running as a peace candidate and freely talking of a coalition government, he ran second only to the President, accounts more than anything else for his imprisonment. Mr. Dzu was moved from Con Son Prison Island to Chi Hoa Prison in Saigon during the last week in May, 1969. U.S. Study Team members saw him in his cell in Chi Hoa. Suffering from a heart condition, he looked well and various kinds of medicines were in evidence. He said he wanted to serve his country as a nationalist. On June 5, President Thieu told the Team that support for a coalition government cannot be tolerated.

On April 16, 1969, Nguyen Lau, publisher and owner of the *Saigon Daily News* was arrested for "having maintained private contacts with a Vietcong political agent." The agent, a boyhood friend of Lau, returned to Saigon in 1964 from North Vietnam. He talked with Lau many times during the past five years and had, at one time, asked him to supply information for the V.C. According to both Lau and Tran Ngoc Hiem, the agent, Lau had refused to supply information.

In discussing Lau's case with a member of the Team, one of Saigon's most highly regarded foreign correspondents explained its background. In Vietnam, a culture influenced immeasurably by Confucianism, family ties and friendship are revered. Mr. Lau, in a press conference held by government officials at National Police Headquarters, made no attempt to deny his associations with Hiem. He said that Communism was poisoning the minds of many, but that Vietnam would surely survive Communism. He added, "Even today, sitting before you, I keep wondering if as a publisher and as a Vietnamese intellectual, I should denounce a friend who I have known since boyhood."

Mr. Lau was educated at Oxford and the Sorbonne. As a member of an old and important family of wealth he has no respect for war profiteers and little sympathy for corruption in government. As a respected journalist and an avowed anti-Communist, he considered it part of his responsibility to be open to every facet of Vietnamese life. He once said, "If people are free to walk the streets, they are free to talk to me."

He insisted upon his right to criticize. On March 24, 1969, the *New York Times* quoted him as saying, "Diem said bluntly that he was not going to tolerate freedom of the press. There were no illusions then. We are living a lie now. People say they are giving you freedom and someone without experience in journalism may be innocent enough to believe that this is paradise. Now you may be carried away by your illusions and land in trouble." Less than a month later Nguyen Lau was arrested.

Members of the Study Team visited the National Police Headquarters. There, Lt. Col. Nguyen Mau, Chief of Special Branch, told them about the government's case against the publisher. The only "evidence" he produced was the photostat of a press card, allegedly issued by Mr. Lau to one Tan That Dong, the alleged V.C. alias of Tran Ngoc Hiem. Such "evidence", however, raises serious questions. Two days following Lau's arrest, police brought a "so-called Vietcong" to the

[1] General "Big" Minh was kept in exile in Bangkok and Au Truong Thanh, the other leading contender was refused candidate status because of his alleged "neutralism". The Study Team talked with Au Truong Thanh in exile in Paris.

Lau home. In Mrs. Lau's absence, they proceeded to take pictures of him in various positions around the house. When her two sons (aged 10 and 14) protested, they were handcuffed while the picture-taking continued. When told of the incident, Mrs. Lau courageously went to the authorities. A senior police official did admit that police had visited the house with a V.C. agent and camera to gather "evidence".

Members of the Study Team were not permitted to see Mr. Lau, still being held without sentence. Nor were they permitted to see thirteen other prisoners they had made specific requests to visit.

These three cases have not been isolated because they are more important than others, but because they are more well known. They are symptomatic of a climate of intellectual, religious and political repression that has led to the imprisonment, exile or silencing of thousands of loyal Vietnamese nationalists, persons who are not pro-Communist, but who are critical of the Thieu-Ky government and who insist upon the right to think for themselves.

The government's sensitivity at this point is revealed in its attitudes toward dissidents, so-called "militant Buddhists", students and intellectuals, strenuous political opposition and the press.

The religious picture in South Vietnam is confused. About one-tenth of the nation's population is Roman Catholic. Yet, from the time of Diem and the Nhu's on, Catholicism has played a dominant role in Vietnamese political life. (Actually, this goes back to the 18th Century French missionary-priest Pigneau de Behaine, and the continuing influence of French Catholicism during colonial days.) President Thieu reminded the Study Team that, though he had trouble with Buddhists, Catholics had supported his administration. The former editor of a Catholic magazine, a friend and confidante of Archbishop Nguyen Van Binh, agrees that fewer than 10 percent of the Catholics in South Vietnam are critical of the war and of Thieu's government. It must be remembered that about 1,000,000 of South Vietnam's Catholics were born in what is now North Vietnam and came south following 1954. They are, for the most part, vigorous anti-Communists.

However, there are Catholics who want a closer tie with Buddhists and who are seeking what some call, a "third solution". They are trying to find answers between Communism and corrupt militarism. Father Hoang Quynh, an active leader of the All-Religion Citizen's Front, has worked with Buddhists in trying to prevent further friction between the Buddhist and Catholic communities. He has said, "Catholic faithful must learn to live a responsible political life." Other Catholics, like Father Lan and attorney Nguyen Van Huyen seem close to the Pope's views on meaningful negotiations and peace. They have won the confidence of Buddhist leaders.

When, in January 1968, all of the bishops of South Vietnam released a four-page statement supporting Pope Paul's message on Vietnam and calling for a bombing halt in North Vietnam, it seemed that there had been a breakthrough. However, and without exception, those with whom Study Team members spoke indicated that the hierarchy in South Vietnam had confined themselves to what the Pope had said with no desire or inclination to supplement or further interpret the Vatican's plea concerning peace. There continues to be sharp feeling between Buddhists and Catholics. As one Buddhist complained, "When Catholics talk about peace, the Thieu government hears it one way. When we use the word, it is supposed to mean something else." Many Buddhists feel, and justifiably so, that they have been discriminated against by a succession of governments in Saigon.

There are two major Buddhist factions in South Vietnam; the "moderate" government-authorized faction of Thich Tam Chau, and the "activist"[2] faction of Thich Tri Quang and the An Quang Pagoda. However, the Unified Buddhist Church of the An Quang Pagoda is made up of both Mahayana (northern) and Therevada (southern) Buddhists. Early in 1967, the government sought to fragment the Buddhists, withdrawing its charter from the Unified Church and recognizing the "moderate" wing of Thich Tam Chau. However, the An Quang Pagoda continues to be a major factor in the religious and political life of the country. On the Buddha's 2513th birthday, celebrated May 30, at the An Quang Pagoda, former Chief of State, Phan Khac Suu, Tran Ngoc Chau, General Secretary of the House of Representatives, other deputies and senators, Father

[2] The term "militant" is usually applied to the An Quang Pagoda faction. However, Buddhists are committed to nonviolence. In French, "militant" means an "active supporter or worker in a political group."

Quynh, as well as Cao Dai and Hoa Hao leaders were present, indicating a broad base of popular support among disparate groups.

During the ceremonies, white doves of peace were released as a crowd of more than 3,000 people looked on, and Thich Tinh Khiet, Supreme Patriarch of the Unified Buddhist Congregation said, "Every hostile tendency of the world has jostled its way into the Vietnam war in order to exploit it and seek for victory, whereas all the Vietnamese people—either on this side or on the other side of the 17th Parallel—are mere victims of this atrocious war. Our nation is thus forced to accept ready-made decisions without having any right to make our own choice." President Thieu and pro-government supporters may insist that such peace talk is "political." If so, it is an obvious expression of that freedom essential to an emerging democracy. And it is no more political than the forms of protection and support offered innumerable Catholic priests and parishes; no more political than a sleek caravan of government-owned cars driving Thich Tam Chau to the Saigon Airport on June 5, to meet the Nepalese delegation to a World Buddhist Conference on Social Welfare; no more political than the imprisonment of hundreds of Buddhist monks.

Often the Buddhists who protest government policy are students. Following the government-controlled elections of 1967, Buddhist students joined by some of their professors were promptly singled out by the government for retaliatory acts. A professor of law said, "Van Hanh University (Buddhist) was the chief target for attack. . . . If students go to meetings, the police follow them and they can be arrested any time. Many times, they are drafted before the legal age or before their deferments as students expire."

As a result of a peace meeting held in September 1968, in Saigon University, the Student Union was closed by police. Students, professors, deputies from the Lower House and some Buddhist monks had participated in the meeting. Thirty persons, mostly students, were arrested. More arrests followed.

At about the same time, a student in the Medical School was murdered. He had been kidnapped by the N.L.F. and later rescued by American troops. He was accused of having "leftist tendencies". He was found dead with his hands tied behind his back, having been pushed from a third floor window. The police called it "probable suicide" and made no investigation.

Student resistance continued. On Christmas Eve, responding to the Pope's plea for peace, 2,000 students, many of them Catholic, held a peace procession. In the aftermath, hundreds were arrested.

In spite of set-back and discouragement, the spirit of the student peace movement remains unbroken. A Buddhist student stepped out of a sullen mass of prisoners at Camp No. 7 on Con Son Island and addressed members of the Team. The government translator said, "He is here because he refuses to be drafted. He says he doesn't want to serve the United States. As a Vietnamese citizen he will go into the Army only when we have independence." A student, recently released from Con Son, reacting to the devastation visited on his country by modern instruments of war, said much the same thing: "I will not serve a country that has done so much to my own."

Students, intellectuals and Buddhist monks do not comprise the only opponents who threaten President Thieu's government.

There is a growing mood of independence in the Lower House. It is only found in a few deputies, but they are voicing increasing opposition to the policies and practices of the Thieu-Ky government. There have been criticisms of Operation Phoenix in the National Assembly. Two members of the Lower House raised serious questions about prison policies early in May. The president's tax program has been challenged. Constitutional questions challenging the prerogatives of the executive branch are frequently raised.

President Thieu proudly points to the "new alliance" of political parties in South Vietnam as an indication of the breadth of his support. This alliance includes the Greater Union Force, the political arm of militant Roman Catholic refugees, the Social Humanist Party, a rebirth of Ngo Dinh Nhu's Cam Lao party, the Dai Vet, an erstwhile grouping of anti-French nationalists, a faction of the Hoa Hao sect based in the Delta and the Viet Kuomintang, a pro-government bloc formed after the Tet offensive in 1968. All of these parties together, combined with the Thieu-Ky vote, failed to capture half of the popular vote in the 1967 elections.[3]

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[3] The United States sent election "observers" to Vietnam to report on election procedures. As one cynical Vietnamese put it: "We are planning to send twenty-two Vietnamese observers who don't speak English to the United States . . . for four days to see if your elections are fair."

While there is genuine political opposition, most of it has been driven underground. Members of the Study Team met with leaders of five old-line political parties no longer permitted to function as recognized entities. These men had all been active in the resistance movement against the French and were ardent nationalists. Their parties have been outlawed, their requests to publish a newspaper have gone unanswered and their voices have been muted. These men, and they reflect a vast middle-position in South Vietnam, struggled against the French and consider the Americans their new colonial masters. Over the past twenty-five years, they have known imprisonment and sacrifice. (A retired general present had been in prison eleven times.) They are opposed to Communism. But, they argue that unity and independence cannot be achieved under present circumstances. One of them said, "We know the American government is anti-Communist and they help us fight Communism. But when they look at Viet Communists, they think of them as western Communists. That is a bad mistake." It is the conviction of the Study Team that there will be no truly representative government in South Vietnam until voices such as these can be legitimatized and participate in the democratic processes of the republic.

One further evidence of political oppression is the government's attitude toward the press. Although it seems reasonably tolerant of foreign correspondents, and they are permitted to function without too many instances of censorship, the government's relationship to the Vietnamese press is far more direct and inhibiting. Twelve months ago, censorship was officially eliminated in South Vietnam. Since then, at least twenty-five newspapers and two magazines have been suspended. Mr. Lau's *Daily News* has been suspended for thirty days for hinting that Thich Thien Minh's trial might have been unfair. *Tin Sang* was closed when it suggested that Prime Minister Huong (one of the most highly regarded members of the Thieu government and a former political prisoner himself) once yielded to pressure in a cabinet appointment.[4] Nguyen Thanh Tai, a UPI combat photographer, was arrested in May, 1968, for taking pictures "detrimental" to South Vietnam.

One of the most credible and influential anti-government nationalist leaders with whom we talked prepared a three-page position paper for the Team. The English translation was his own. In part, he said:

"The range of political expression as legally exists here is narrow indeed . . . .

"Let us imagine for a moment that those people *are given* a chance. What would they do?

"They would firstly negotiate with the Government of the United States an agreement on the Allied Forces Establishment in Viet Nam which would provide for progressive withdrawals when the situation warrants it. Of course, they would bear in mind the security and the honor of the Allied troops who came here to protect ourselves and prevent a Communist domination.

"They would secondly invite the Vietnamese people to actively participate in national affairs and take their share of responsibility. Democratic freedom would be enforced without restrictions, how adventurous this might first look. Live forces such as students, intellectuals, religious leaders and workers' unions would be given an authorized say. Unjust treatment would be redeemed. One cannot fight for freedom without ensuring freedom at home . . ."

Although many of the nationalist leaders with whom the Study Team talked believed that continuing American presence in South Vietnam is an unfortunate necessity until the political situation can be stabilized and made more representative, one student leader who had been imprisoned twice by the Thieu government for his activities on behalf of peace argued that no *truly* representative democracy can come into being as long as U.S. troops are present and U.S. policy is being enforced. He said, "By now, we should have learned the irony of having any Vietnamese government that is embraced by U.S. power. The Americans must depart leaving us to decide our own future." He spoke those words with anguish, obviously knowing the problems that Vietnamese nationalism and many of its long-suffering advocates would face in dealing with the N.L.F. in the wake of an American withdrawal. Yet, he bitterly insisted that after many years of American military presence and American good intentions, there was no other way.

At the luncheon given the Team by members of the Lower House, Deputy Duong Minh Kinh talked about the vast expenditures poured into North Vietnam by the Soviet Union and China, and into South Vietnam by America. He said, "We are beggars from all of the people in the world in order to destroy ourselves. That is the greatest tragedy of all."

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[4] See: *New York Times*, March 24, 1969.

II. DETENTION AND IMPRISONMENT

The large majority of those imprisoned in South Vietnam are held because they oppose the government; they are "political prisoners". Undoubtedly, a great many of these are, as the government classifies them, "Viet Cong". Legally speaking, they are properly prisoners of war—though they are kept in a separate category from military prisoners. Undoubtedly, a number are "civilians related to Communist activities;" i.e. V.C. agents, and accurately classified as such. Yet it is clear that a great many people, many of them detained without hearing or trial, should be seen in two other categories. Some have been picked up in a sweep and are innocent of anything save being present in an area of military operations. Others are political prisoners. They are nationalists and not Communists—though seen by the government as inimical to its continuing control. In the official statistics, these categories are kept very low and thus their existence is all but denied. As the following examples of official estimates show, the practice is to classify almost everyone held as either "Communist" or "criminal" (though this division omits the large numbers of "detainees" held without hearing or trial).

The classification of prisoners in 41 Correctional Centers as given by Col. Nguyen Psu Sanh, Director of Correctional Institutions is:

	Percent
Criminals	16.98
Communists	64.25
Civilians related to Communist Activities	4.16
Military	11.91
Political activities harmful to national interest	.21
War prisoners temporarily in correctional centers	2.49

Warden Pham Van Lien of Chi Hoa prison reported to Team members on June 3, 1969, a classification in Chi Hoa as follows:

	Percent
Criminals	45.0
Communists	40.0
Civilians condemned by military court	4.0
Military	10.0
Political—non-Communist	.6

Prison Governor Minh, of Thu Duc prison, classified the 1,126 prisoners held by him on June 3, 1969 as follows:

Criminal offenders	265
Communists	843
Civilians condemned by military courts	15
Military prisoners	3
Political prisoners	0
Prisoners of war	0

The Warden of Con Son Island prison reported that there were 7,021 men and boys in Con Son:

Soldiers who committed political offenses (helped or sympathized with the V.C.)	984
Civilians who had worked directly with the V.C.	2,700
Soldiers who committed criminal offenses	769
Civilians who committed criminal offenses	252
Detainees, never tried or sentenced	2,316

(Note that only the Warden of Con Son Island prison separately identified unsentenced detainees in his statistics. The rest of the breakdowns presumably distribute the detainees among the classifications according to file, or dossier, information.)

There are no figures available on the religious affiliation of prisoners. Warden Lien reported that there were about 120 Buddhist monks in Chi Hoa prison on June 3 when Team members visited.

Colonal Sanh said that there are 35,000 prisoners in 41 Correctional Centers. The Senior American advisor to Col. Sanh, Mr. Don Bordenkercher, estimated that, in addition, there are 10,000 held in interrogation centers. He reported that the number had gone up gradually since the Tet offensive of 1968 when the jump was precipitate. Ambassador Colby, General Abrams' Deputy for Pacification, said that the number of prisoners had gone up and will continue to go up as the pacification program (Civil Operations and Revolutionary Development Support) develops.

The national police in Saigon and in the provinces are the official organ for making arrests. In addition, there appear to be many other arrest and deten-

tion agencies.[1] It is clear that those arrested are taken to a variety of detention centers for interrogation and that many are held in these centers for considerable periods of time. According to the U.S. Mission, American advisors are involved only with cases of Viet Cong or suspected Viet Cong sympathizers and with persons apprehended during military operations (*e.g.*, "Operation Phoenix"—the 18-month-old program which pools information from half a dozen U.S. and South Vietnamese intelligence and security agencies with the purpose of identifying and capturing Viet Cong political agents).

Of course, estimates of the total number of political prisoners in South Vietnam—including those held as prisoners of war, by intelligence agencies and in military prisons, as well as in the correctional institutions and by the various arresting agencies to which we have referred—run much higher than the official statistics and estimates we have recited. The methods of reporting and keeping such statistics are such that we doubt any one knows whether any of such estimates approach accuracy. That the number exceeds the official statistics, and that it is rising, are the only conclusions that can be accepted as reliable.

In addition to the 37 (officially listed) provincial Correctional Centers, there are four large prisons for essentially civilian prisoners. These are Chi Hoa in Saigon, Thu Duc in Gia Dinh (for female prisoners), Tan Hiep near Bien Hoa, and Con Son on an island off the southeastern coast. Team members were enabled by the Ministry of the Interior to visit Chi Hoa, Thu Duc, and Con Son Island Prison. They were also shown through the interrogation center at National Police Headquarters.

Thu Duc (Women's Prison)

Members of the Study Team spent several hours at the Women's Prison, where the staff, headed by Prison Governor Minh, gave full explanations of the prison's operation and enabled members to see everything they requested. The administration of the prison is evidently efficient in most respects, and the large compound contains many elements normally found in such establishments.

There was overcrowding of the cells. This was especially hard on nursing mothers and those with small children. In the cell where babies were shown to the Team, it was confirmed that fifty people lived in a room 40′ by 30′. Primitive sanitation was severely inadequate. The medical provisions of the camp, if used as it was claimed, could ameliorate the situation, but there was evidence that some prisoners had not had recent medical attention, and skin ailments among little children pointed to low standards. Of particular concern are: the length of sentences; the youth of some classified as Communists; the large numbers of unconvicted prisoners; and the looseness and generality of charges and classifications. Governor Minh told us that there were 50 children from birth to 14 years in the prison; 40 were classified as young offenders (13–17 years); presumably the remainder were in prison solely because one or both parents were there.

The Team members found reason to conclude that recent adjustments in classification had taken place. To judge from both interviews and official explanations, the circumstances of many classified as "communists" did not justify this classification. Governor Minh asserted that "hard-core communists" served life imprisonment, though those whose "communist" activities had resulted from coercion would be released on record of good behavior and "repentance." Two students who were so classified were found by the Team members to be unsentenced detainees. On examination of the dossiers, it was found that they were being held simply because they had exhibited "leftist tendencies". On inquiry put to all of the prisoners in another cell block, twenty percent responded that they had not been tried or sentenced. The Team members concluded that the "evidence" against those classified "communist" was often weak and that many deserved the designation "political" prisoners.

Chi Hoa

Chi Hoa is often referred to as the "showcase prison." Since 1963 American funds have been available for the improvement of facilities, and American advisors have helped set up rehabilitation programs. The Team was given an attractive brochure with pictures of prisoners in classes; at worship; enjoying recreational activities. The brochure states that "the present Vietnamese system of corrections is . . . based on the principles of humanity, charity and equality."

[1] A future thorough investigation should check carefully into the number and types of arrest and detention agencies; this was impossible for the present team with limited time and staff.

The Warden said that there were about 5,500 men and boys now in the prison of whom 40% were Communist and only .6% were non-Communist political prisoners. Each prisoner wore a colored badge indicating his classification. The Warden estimated that 40% of the inmates had not been yet tried or sentenced. He said someone from the Ministry checked the lists every month and an effort was made to have those prisoners who had been in longer than six months brought to trial and sentenced.

The Team members were taken on a tour of the prison. Wherever the group went, they found the halls and cells clean. They were shown the vocational classes in which about 300 prisoners were enrolled and met daily over a six-month period.

Team members saw the Catholic Chapel, a Buddhist shrine and a Buddhist pagoda. In the pagoda, they talked with several monks who are in prison for resisting the draft. These monks were the only prisoners in any of the institutions who did not stand at rigid attention. Sometimes prisoners shouted ear-splitting anti-Communist slogans when Team members stopped to see them.

The Warden estimated that there were 200 children from 10 to 14 years of age and 200 from 14 to 18 in the prison not yet sentenced. All children, he said, were in a separate section and given education. Team members asked to see the children's section and were shown two cells. In one room, about 40 feet by 25, there were 47 children *under 8 years of age*. One child, 4 years old, said he was in prison because he had been caught stealing a necklace. The children were squatting in one end of the room eating when the Team members entered. They live in a bare room, with sanitary facilities at one end. No materials for play or study were in evidence. The food was rice with vegetables and fish. It looked adequate. The children seemed to be well physically. Immediately when the Team members entered they left their bowls of food and assembled in lines without any order from the adult in the room or from the Warden. They all, even the 4-year old, stood at attention and did not move or speak; only their eyes followed the visitors' moves. In the next cell, similar in size, there were 67 children slightly older but under 10 years. The situation was the same in all respects.

The Team members saw three cells in the men's section. They were about the same size as the cells for children. There were about 50 men in each of the rooms viewed. Some of the men were preparing over tiny burners various kinds of food which had been brought by friends or relatives. None of the men in these three cells had been sentenced.

Upon asking to see the disciplinary cells, the Team members were shown a room with iron rings for shackling prisoners, which, we were told, were seldom used. The iron looked rusty. Team members did not get to see any of the 100 prisoners who the Warden said were in solitary.

The prison is in the form of a hexagon, four stories high facing inside. The wedge-shaped area in front of each of the six sections contains water tanks for bathing and washing clothes and an open space. The Warden said that after 5 p.m. the inmates are allowed here for sports and bathing. Since there is an average of about 1000 inmates in each section, it is obvious that only a very small proportion of the inmates could play soccer, volley ball, bathe or wash clothes at one time.

Con Son Island Prison

Con Son Island Prison, an escape-proof prison about 50 miles off the southeast coast is said by officials to contain 7021 prisoners, most of them "political." In many of the barracks, the majority of the prisoners were "political" prisoners who had been "tried" before a Military Field Court, usually without legal representation. They wore red tags which identified them as either V.C. or V.C. sympathizers. Those with yellow badges (detainees) presented another kind of problem. A show of hands, taken in a number of barracks, revealed that many detainees had been imprisoned as long as a year and a half with little hope of being released unless, conceivably, a place was required for new prisoners. It was explained that frequently the means or records necessary to determine whether charges should be brought were unavailable. The failure to observe even a minimum amount of due process in the overwhelming majority of cases is a fair conclusion since the same circumstances were repeatedly recited by the prisoners; namely, they were either being held on charges of sympathizing with or aiding the enemy, or they had been rounded up after a military confrontation with the Viet Cong in their village and were simply held from that point on. Others were students who had indicated their support for peace.

The tour had been carefully arranged. The only time the Team members deviated from the prepared pattern, successfully demanding to see Camp No. 4 instead of the camp that the prison authorities had scheduled, they saw something of significance. There were large dark dormitory cells (three out of about ten such cells were inspected) in which there were from 70 to 90 prisoners each, all of whom (as determined by a show of hands) were condemned to life in prison. None had had lawyers or any trial other than a judgment by a military tribunal.

The prison authorities denied the existence of "tiger cages", reputed small barred cells in which prisoners being disciplined were chained to the floor in a prone position. Although recently released prisoners referred to this practice from actual experience, the Team members were unable to elicit any more from the prison officials than that the "tiger cages" were no longer in existence. (At first any knowledge of such things was denied.) One prisoner, however, speaking surreptitiously to the Team members said, in answer to a question, "Yes, the 'tiger cages' are here, behind Camp No. 2 and Camp No. 3. You looked in the wrong place." The Team members had looked behind Camp No. 4.

Taking into consideration the conditions under which such a prison had to operate, it seemed that an attempt was being made by the prison officials to conduct as clean and sanitary an operation as they could. There was a 1.3 million dollar expansion underway, which would provide 72 additional barracks.

Pursuing further the question of how prisoners were disciplined, the Team members were told that only ten out of the 7,021 prisoners were under discipline. On request, the visitors were shown two of these ten. They had been in solitary for six months because of their refusal to salute the flag. One said he would never salute it. His legs were deeply marked, the Colonel in charge explaining this was the result of a past disease. Questioned directly, the prisoner said it was the result of a long period in leg irons.

Although Team members observed no brutality, they felt that to have no disciplinary barracks other than a small number of maximum security cells was highly unusual. The Team members noted the fearful reaction of the inmates whenever prison officials appeared, surmising that there must exist a high degree of punitive regimentation.

The most disturbing aspect of the prison situation in Vietnam is torture. Its existence, though minimized by many, is widely admitted by most of those outside the Vietnamese government itself who are knowledgable about the arrest and detention system. U.S. officials, advisory to the Vietnamese prison system agree that there is torture, but insist that it does not take place in the correctional centers themselves but in the interrogation and detention centers where the prisoners are taken first. They point out that brutality could not exist in the correctional centers because the ratio of prisoners to staff (48 to 1) is so great. In at least one instance, however, the Team was advised that "trustees" were used to administer brutal punishment and such an explanation would be consistent with the high degree of fear and regimentation seen in the response of the prisoners. Many non-government Vietnamese interviewed, including a number of ex-prisoners, supported the conclusion that there was relatively little torture in the correctional centers.

Accounts by ex-prisoners, many of them persons of integrity, agree that most prisoners in the detention and interrogation centers are tortured. This is done to extract information—the most obvious kind being the names of companions, friends and acquaintances. (It appeared that sometimes innocent persons were named in order to seem to cooperate with the interrogator.) It is also done as a matter of general procedure, being rationalized as necessary for interrogation of V.C. and their sympathizers.

One of the difficulties in appraising first-hand accounts of torture is that intellectuals, those who by definition are the ones who can most readily speak about it to outsiders, are seldom tortured except in what is called mild forms (usually simply beatings). Of course they are oppressed by conditions of overcrowding, with many prisoners stuffed into small cells which do not allow for lying down or, sometimes, even for sitting; and this, when it is steaming hot, when excrement accumulates, and when the prisoners are seldom released for exercise, is torture indeed. But as "favored" people, they do not appear to receive the normative interrogation treatment.

Beating is the most common form of abuse. It is done with wooden sticks and clubs. ("Metal" was mentioned by one observer.) The blows are applied to the back and to the bony parts of the legs, to the hands, and, in a particularly painful

form, to the elevated soles of the feet when the body is in a prone position. Beating of the genitals also occurs. A number of commentators also described the immersion of prisoners into tanks of water which are then beaten with a stick on the outside. The pain is said to be particularly intense and the resultant injuries are internal.

Another type of water torture in which a soaked cloth is placed over the nose and mouth of a prisoner tied back-down to a bench is said to be very common. The cloth is removed at the last moment before the victim chokes to death, and then is reapplied. In a related form, water is pumped into the nose.

Frequently, the interrogation center at the National Police Headquarters in Saigon was mentioned as a scene of torture. The most common procedure is said to be the elevation of the victim on a rope bound to his hands which are crossed behind his back. One witness described a "bicycle torture" used in this center. For about a week the prisoner is forced to maintain a squat position with an iron bar locking his wrists to his ankles; "afterwards he cannot walk or even straighten up," it was said.

An intellectual who was arrested in 1966 and spent the first six months of his two and one-half years term in an interrogation center described what he called the "typical case" of a woman law student in a nearby cell. (Not "typical" in one respect because she was an intellectual.) She had been in the interrogation center for six months when he arrived and stayed for the next six months during his own imprisonment there. Throughout this year, she was tortured, mostly by beating. When she was finally called before a tribunal to hear the charges, she had to be carried by two fellow prisoners. The tribunal, apparently because of her status, heard her case carefully and determined that it was a case of misidentification. Someone in Zone D had reported a V.C. returnee or spy who looked like her.

The same informant said, as a number of others did, that sexual torture was common. Though apparently it was not used on this woman student, it is used on many women. Frequently coke and beer bottles were prodded into the vagina. Also, there were a number of accounts of electrical wires applied to the genitals of males and females, as well as to other sensitive parts of the body. Another informant told of the torture by electricity of an eight-year old girl for the purpose of finding her father: "She said her father was dead and they just kept torturing her . . . They tortured her mother too." This was said to have occurred in the National Police Interrogation Center (Saigon) during 1968. Several ex-prisoners testified that it is not unusual to torture family members, including children, before the eyes of the prisoner. "Then," explained a woman teacher who had been imprisoned twice, "the prisoner will tell anything."

Although Team members were allowed to visit the National Police Headquarters in Saigon, it was an arranged visit. There was no evidence of the forms of torture here described. Col. Mau said that modern interrogation techniques ruled out the need for physical violence. Team members saw the interrogation rooms but no prisoners were being questioned. The Team's evidence for the tortures described come from interviews with ex-prisoners testifying to what they had endured and seen, together with the statements of doctors and others who had treated the victims. While the testimony of prison officials and the appearances of the National Police Headquarters cannot be lightly dismissed, the sheer weight of witnesses' statements seemed overwhelming and conclusive to Team members.

All informants agreed that the types and extent of torture administered in many of the detention centers in the provinces were far worse than in the National Police Interrogation Center in Saigon.

III. LEGAL STANDARDS AND PROCEDURES

(1) Standards and Procedures

The heart of the problem of assessing the conditions of political imprisonment in South Vietnam lies in the matters of standards and procedures. The key questions are: who is subject to arrest and imprisonment; and, how in each case is this determination made? If either the standards for determining who is subject to arrest, or the procedures for making the determination is loose, then enormous potential for official capriciousness exists and the freedoms of those subject to such caprice are ephemeral.

The Study Team found both the standards and the procedures to be loose by any measure—even by the most generous measure of allowance for the

exigencies of civil and guerilla warfare. The evidence is more than adequate to sustain the conviction of the Study Team that this looseness is used deliberately to suppress political dissent and to oppress some religious groups. In particular, loyal nationalists who are in basic disagreement with the government fear retaliation for expressing their views and do so with good reason.

Naturally, the exigencies of the particular kind of war being waged in South Vietnam bear upon the judgments of the Team. Government of Vietnam officials quite properly see an analogy between the civilians arrested for guerilla war activities—sabotage, espionage and organization and support of National Liberation Front military cadres—and soldiers taken as prisoners in more conventional war. The validity of the analogy should be granted; we cannot class as suppression of political freedoms the imprisonment of those actively engaged in conducting war against the government. Moreover, we must concede the need for procedures sufficiently expeditious to permit such imprisonments to take place speedily and without exposure of the government to the risk of further war-like activity by the arrested person—either by release on bail pending determination or by early termination of the period of imprisonment.

It is humbling for Americans to be reminded that their own history is replete with invasions of individual rights made in the name of wartime emergency—the suspension of the writ of habeas corpus during the Civil War in the United States, for instance, and the evacuation of persons of Japanese ancestry from the West Coast during World War II. An American cannot presume to sit with wholly clean hands in judgment upon the Government of South Vietnam. But both the principles of justice to which their constitutions commit the United States and the Republic of Vietnam, and the pragmatic concern for winning popular support for democratic principles compels this Team to confine the restrictions on freedom made in the name of wartime exigency to those actually necessitated by war.

But the loose standards and procedures above cited do not represent concessions to those wartime exigencies. Minimization or risk of war-like activities against the government is not achieved by the imprisonment, for instance, of loyal nationalists for advocacy of reconstituting the government by forming a coalition with N.L.F. representatives. Nor does minimization of such risks require imprisonment of powerless people who scurry to avoid exposure to the demands of both N.L.F. and government forces, in so-called "insecure" areas, and are arrested on suspicion with the expectation that brutal interrogation may yield a confession of some conduct which will warrant detention.[1]

In fact, imprisonments of this kind create unnecessary risks of alienating loyalties—a hazard made doubly severe by the highly political character of the war in Vietnam. The seriousness of this hazard is underscored by the statement to the Team by one young man, a resident of a rural province, that probably a majority of the men his age who reside in "secure" areas (under Government of So. Vietnam control) of that province have experienced arrest and detention at least once during their lives. The evidence available to the Team, moreover, all suggests that the numbers of such arrests is steadily and continuously increasing.

The limits of the "war exigencies" justification are well illustrated by Article 29 of the Republic of Vietnam Constitution which clearly contemplates the existence of exceptional circumstances such as war. It provides:

"Any restriction upon the basic rights of the citizens must be prescribed by law and the time and place within which such a restriction is in force must be clearly specified. In any event the essence of all basic freedoms cannot be violated."

A. Standards.—Authority for imprisonment of non-conventional criminals is found in the State of War Law, Law No. 10/68, adopted by the National Assembly and promulgated by the President on November 5, 1968. It amends the State of War Decree promulgated prior to the present Constitution, on June 24, 1965, and as amended authorizes, among other things:

"* * *

—"The search of private houses, both by day and night;

—"Fixing the place of residence of those elements judged dangerous to national security;

* * * * * * *

[1] Credible testimony of instances of arrests fitting both these examples was given the Study Team from many sources.

—"Prohibition of all demonstrations or gatherings harmful to public security and order;
—"Prohibition of the distribution of all printed matter harmful to national security;

* * * * * * *

—"Control and restriction of communications and travel, consonant with security requirements; . . ."

In particular, the euphemistic language of the second paragraph quoted requires elaboration. Under it, numbers of persons are "assigned residence" in one or another of the provincial or national prisons by action of a Provincial Security Committee for specified but renewable terms, not exceeding two years, because they are "judged" to be "elements . . . dangerous to national security." Such a standard patently abdicates to the judging body the determination of who is to be subject to such imprisonments, almost totally without guidance from the legislature. In fact, it was determined that students with nothing more than the notation in their files that they exhibited "left-wing tendencies" were being incarcerated in national prisons whose administrator classified them in his census as "communists"; *i.e.*, in the same category with individuals found to have assumed leadership roles in organizing war-like activity for the N.L.F. Others claimed to the Team that they had been detained for no other reason than that local officials responsible for their arrest expected to extort a bribe as a condition for their release.

Under the heading of "prohibition of . . . gatherings", the Team learned of a Saigon political leader who was sentenced by a military field court to imprisonment for one year because he called a press conference without proper advance clearance from Republic of Vietnam authorities. (In this man's case, a known requirement appeared to have been deliberately violated, but the sentence suggests that the State of War Law is being used for more than minimization of military risks to national security.)

The standards just quoted should be read in conjunction with Article 4 of the Constitution which provides:

"Article 4. (1) The Republic of Vietnam opposes Communism in any form. (2) Every activity designed to publicize or carry out Communism is prohibited."

The looseness of the prohibition against activity designed to "publicize or carry out" Communism parallels that inherent in the other standards we have discussed. Under it, President Thieu, in an interview he generously afforded the members of the Team, justified the detention of Truong Dinh Dzu as a "political prisoner" on the ground that he had allegedly advocated the formation of a coalition government in which the N.L.F. would participate. This would violate Article 4, President Thieu reasoned, since such advocacy is *ipso facto* prohibited by that article. It may be unnecessary to point out, in response to this reasoning, that the Constitution also provides machinery for its own amendment, a process hardly likely to be completed without someone having first advocated a result barred by the language of the provisions being amended.

B. Procedure.—1. Arrest, detention and interrogation: Because of the long periods for which individuals are often held and interrogated prior to any disposition, often for six months or more—the procedures for determining who is to be arrested and for how long he is to be detained and interrogated take on a special importance. Moreover, the frequent and serious physical abuses about which the Team heard occur during this period. Although they seem to be employed as "aids" to interrogation, they are forms of cruel and barbarous punishment against which the citizen needs every conceivable procedural protection.

In fact, procedural protections are essentially non-existent at the arrest and interrogation stage. Arrests are made by a wide variety of local and national officials—by district police, special security forces, military forces and intelligence units—each exercising a relatively unfettered discretion. The arrest may occur for no other reason than that the arrestee was found near the scene of a guerilla raid. Unless the arrested person is of exceptional importance, he will usually be detained by the arresting unit or by the district or security police in the district or province where arrested, and subjected to whatever interrogation methods authorities in that unit choose to apply. As we have stated, such detention for interrogation frequently continues for many months and it is at this stage that the bestial brutality we have encountered occurs.

Despite the constitutional provision that:

"(6) A defendant has the right to a defense lawyer for counsel in every phase of interrogation, including the preliminary investigation."

the Team was unequivocally assured by Lt. Col. Mau, Chief of the Special Branch of the National Police Forces, that no one within his knowledge ever saw a lawyer at this stage—certainly never when detained at the Interrogation Center of the National Directorate of Police in Saigon. All of the Team's information tended to confirm that this generalization applied to other places of interrogation, both in Saigon and in the provinces.

Not only is the arrestee denied a right to counsel at this stage, he is frequently denied all contact with outsiders, including members of his family. Often families are not notified of the arrest, and they may go for days or months in ignorance of any fact save that their loved-one has disappeared. In one instance, when occasional visits were permitted to an eighteen year old arrestee, the visits were stopped after several weeks on the ground that they interfered with the interrogation. Isolation itself may be used as an interrogation "aid" or technique.

2. "Assigned residence" by Provincial Security Councils: An unknown proportion of the persons held in the correctional system—the four national and thirty-seven provincial prisons of the system—are assigned there by action of Provincial Security Councils rather than by the judgment and sentence of any court. An official of one province reported that 50 percent of the 1,400 occupants of the local provincial prison were assigned there by the action of the Provincial Security Council.

When Prime Minister Huong took office in May, 1968, the Team was told he made a major effort to improve the functioning of these bodies, enlarging them to include an elected official (in the provinces where elections have been held) and causing them to pare their backlogs of undisposed of business. As a result, it may be assumed that dispositions in some provinces show a greater sensitivity to local opinion and that the periods of preliminary detentions—to the extent they exceed the length of interrogation desired—have been reduced.

One of the Prime Minister Huong's first acts was to initiate a spectacular admission of wrongdoing on the part of the Thieu government in the release and commutation of the sentences of a number of political prisoners whose total has been variously estimated from 2,000 to 6,000.

On another occasion Deputy Prime Minister Khiem commendably acknowledged in response to questions raised in the National Assembly the arbitrary nature of the arrest and interrogation procedures and the official fear of repercussions which could result from the conditions of brutality.

But these steps only sweeten a system that is intolerable beyond capacity for amelioration. No society can pretend to be free that permits "administrative" detentions of the kind handled by Provincial Security Councils. One Team member was privileged to visit the members of one such Council as its regular weekly session was being concluded. Members of the Council each possessed a typewritten list of the names of the individuals whose cases were being considered; approximately 100 names were on the list for a single afternoon's consideration. He was told that on heavy business days the Council sometimes continued to meet into the evening. An officer brought the relevant files to the meeting and read to the Council the information required for consideration. Without notice to the arrested person, without his presence or that of witnesses to the facts relevant for determination, without confrontation or opportunity for rebuttal, to say nothing of rights of counsel or to appeal, the liberty of each of the 100 persons listed was summarily determined in this manner and detentions in prison were ordered for periods—renewable by like procedure—of up to two years. No wartime exigency, nor any other justification, can be offered to reconcile such a procedure with the democracy which is claimed to be the object of the Constitution of the Republic of Vietnam. Undoubtedly, the system succeeds in detaining some people for whom a real connection with the activities of the N.L.F. has been shown, although the Team was told that all serious wartime offenses are referred to a Military Field Court for disposition. But no other purpose than convenience to the interests of local or national officials which are adverse to those of the detainees—whether to suppress political opposition or otherwise—can really be served by this mechanism.

(2) Military Field Tribunals

The Study Team has reached the conclusion that the Thieu-Ky Government has, through the extensive and increasing use of the extra-constitutional Military Field Courts, imprisoned thousands of persons without the most fundamental elements of a fair hearing and, in a shocking number of instances, without even

apprising the imprisoned persons of the charges against them. This extraordinary development has had such a devastating effect on the people of South Vietnam and such a chilling impact on all political activities that it seems important to chronicle in some detail the process by which the present Saigon Government, in the name of a wartime emergency, can deny persons arrested for political "offenses" all of the guarantees which Vietnamese constitutional and statutory law gives to persons accused of crime.

The Constitution of the Republic of Vietnam, promulgated on April 1, 1967, confers in Article 7 a series of guarantees upon those accused of crime which are among the most generous and progressive of any democracy in the world. Because these rights have been denied to probably 65 to 75 percent of all of the persons committed to prisons in South Vietnam, it is important to set them forth in some detail. Article 7 reads as follows:

"(1) The State respects and protects the security of each individual and the right of every citizen to plead his case before a court of law.

"(2) No one can be arrested or detained without a legal order issued by an agency with judicial powers conferred upon it by law, except in case of flagrant violation of the law.

"(3) The accused and his next of kin must be informed of the accusation against him within the time limit prescribed by law. Detentions must be controlled by an agency of the judiciary.

"(4) No citizen can be tortured, threatened or forced to confess. A confession obtained by torture, threat or coercion will not be considered as valid evidence.

"(5) A defendant is entitled to a speedy and public trial.

"(6) A defendant has the right to a defense lawyer for counsel in every phase of the interrogation, including the preliminary investigation.

"(7) Any person accused of a minor offense who does not have a record of more than three months' imprisonment for an intentional crime may be released pending trial, provided that he or she is employed and has a fixed residence. Women pregnant more than three months accused of minor offenses who are employed and have fixed residence can be released pending trial.

"(8) Accused persons will be considered innocent until sentence recognizing their guilt is handed down. In event of doubt, the court will rule in favor of the accused.

"(9) If unjustly detained, a person has the right to demand compensation for damages from the State after he has been pronounced innocent, in accordance with the provisions of law."

All of these carefully spelled-out guarantees were nullified for political offenders by Law No. 10/68 of November 5, 1968, which we have earlier described. This law amends and revitalizes a pre-constitutional decree issued June 24, 1965. By its legitimation of the Military Field Courts, this law, in effect, amended the Constitution although none of the Articles of the Constitution related to amending the document (Nos. 103–107) were complied with.

The November 5, 1968 law, in addition to authorizing the invasions of individual rights previously recited, authorizes local proclamations of martial law and in its Article 2 declares that—

"All violations of the law related to national security fall within the Military Field Courts which will try them in accordance with emergency procedures."

The creation of these "Military Field Courts" is nowhere authorized in Article 76 through Article 87 of the Constitution, which provide in detail for the structure of Vietnam's judiciary. Nor is the "Military Field Court" related to military tribunals which exist in the armed forces of South Vietnam for the prosecution of offenses committed by military personnel. *The "Military Field Courts" are not really courts at all.*

The Study Team is convinced that the number of arrests and imprisonments continues to grow larger under the law of November 5, 1968. Moreover, it is clear that the 1968 law, unlike the 1965 decree, abrogates and amends the 1967 Constitution of South Vietnam in an illegal way. Indeed, the 1968 law eviscerates that Constitution and suggests that the President and the National Assembly disregard the Constitution in several respects and, relying on "a state of war," undertook to legitimize the Military Field Courts which imprison persons in proceedings having few if any of the features of a real trial. No matter how favorably they are viewed, these courts serve as the instrument by which the Thieu government imprisons and thereby silences its critics.

The inadequacies of the Military Field Courts are many. Among their more glaring defects are the following:

(1) These courts violate Article 77 of the Constitution which stipulates that every court should be composed of "an element that judges and an element that prosecutes, both of which are professionally qualified." In the Military Field Court, the judge is a military official not necessarily trained in law.

(2) The offenses triable by the Military Field Courts are non-bailable and convictions in these courts are non-appealable. The denial of these basic rights violates the Vietnam Constitution as well as the practices which have become customary in most of the judicial processes in the civilized world.

(3) The Military Field Courts also violate Article 9 of the Universal Declaration of Human Rights which states that, "No one shall be subjected to arbitrary arrest or detention." This statement is now incorporated in the draft Covenant on Civil and Political Rights and is broadened to read as follows:

"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

These provisions are being violated in South Vietnam. Their violation is thus a violation of the Constitution of South Vietnam which states in Article 5 that "the Republic of Vietnam will comply with the provisions of international law which are not contrary to its national sovereignty and the principle of equality between nations."

Signed:

JAMES ARMSTRONG,
Bishop, United Methodist Church.
ANNE M. BENNETT
(Mrs. John C.).
ALLAN BRICK,
Director of National Program, Fellowship of Reconciliation.
JOHN CONYERS, Jr.,
Member of Congress.
ROBERT DRINAN, S.J.,
Dean, Boston College Law School.
PETER W. JENKINS,
Pastor, Congregational Church, Wimbledon, England.
JOHN DE J. PEMBERTON,
Executive Director, American Civil Liberties Union.
SEYMOUR SIEGEL,
Rabbi, Professor of Theology, Jewish Theological Seminary.
ARNOLD E. TRUE,
Rear Admiral, U.S.N. (Ret.).

Organizational associations listed for purposes of identification only.
June 9, 1969.

SOUTH VIETNAMESE POLITICAL PRISONERS

The CHAIRMAN. I do it particularly because of yesterday's exchange with Senator Hughes. I will read the exchange. When he intimated there were no political prisoners, I said "Who told you this?"

Senator HUGHES. Well, it was Mr. Rosenthal, who had participated in briefing us with Mr. Torbert, Acting Assistant Secretary for Congressional Relations.

In this morning's paper, if it is accurate, United Press International reported that President Thieu announced that 1,324 political prisoners would be freed in an amnesty on the occasion of Tet.

The Secretary of State's office reported to us—and Senator Eagleton was there yesterday—that they had no knowledge of any political prisoners in South Vietnam other than one or two.

I thought we ought to clear it up. It was apparently a misunderstanding.

Senator MCGOVERN. Mr. Chairman, that simply underscores the lack of knowledge on the part of the State Department and other agencies of the Government that has plagued us right from the beginning of our involvement in Vietnam. All of us know there are

substantial numbers of political prisoners who are in Vietnam, including the runner-up candidate for the Presidency in the last election. He has a 5-year jail term because he advocates what I advocate, which is a peaceful and neutral settlement of this war.

The CHAIRMAN. The fact that you are here able to speak and so am I is one evidence that we haven't gone that far along the road.

PENTAGON PROPAGANDA EFFORTS

Another matter that interests me very much is your reference to Major Rowe. I made some statements on the Senate floor giving some of the background of the present effort of the Pentagon to propagandize the American people. It is a very major effort. I read a little about Major Rowe in the press, although I did not know he had made these personal attacks upon you. It is ironic that he should attack especially you who served in the Air Force in the last war in a bomber.

I also call attention to the fact that this kind of activity is going on in my own State. I put in the Congressional Record yesterday, on page S. 1099, excerpts from meetings in my own State at Mountain Home and Heber Springs, which are very small towns in the Ozark Mountains.

This is from a newspaper article which is accurate. According to the Information Office of the Army Field Artillery Center at Fort Sill, Okla., Sfc. Carroll V. Dewees, now assigned to Fort Sill's Field Artillery Training Center, speaks to audiences in Oklahoma, Arkansas, and Texas, "as an Army national speaker on Vietnam." I won't read it all, but it goes on to give the account of his message which is much more like former Secretary Rusk in his justification of the Vietnam war than it is the present Administration. It does accept self-determination as one of our objectives, but it goes much further. The Army hasn't brought its present line of justification current with this Administration. They are still using the script from the previous Administration as to why we are fighting in Vietnam, so that the fact that the State Department doesn't know there are any political prisoners in Vietnam is not surprising. I thoroughly disapprove of the way the military establishment, with its almost unlimited funds, can support a system of trying to destroy the character and prestige of men such as yourself and other members of this body or anyone else who takes issue with the current policy of the Government. This has all the aspects of a totalitarian system. If allowed to proceed to its ultimate end, it could, of course, destroy our democracy. It has the background, of course, of the threat recently voiced by the Vice President of the United States to the news media.

This reminds me of another matter which I don't think I will take up at the moment. I may refer to it at the end of the hearing, but I wish to give my colleagues a better opportunity to ask you questions with regard to the effect upon the press and its interpretation of activities of this committee.

ACTIVITIES OF MAJ. JAMES N. ROWE

Senator McGovern. Mr. Chairman, before we get into that, I wonder if I could ask that the committee include at the end of my statement an article detailing Major Rowe's activities that appeared in the November 23 Washington Post over the byline of Bernard Nossiter. I quite agree with the chairman that the attacks on Members of the Senate are serious, particularly when the person's patriotism is questioned. But as Mr. Nossiter brings out, the major doesn't confine his attacks to Members of the Senate. Let me just read one paragraph from this news article:

He regularly charges the Washington Post, the New York Times, the Associated Press, United Press International, Newsweek, Time, Look and Life with supplying material that breaks the morale of American prisoners. He repeatedly accuses the media of spreading misinformation about the war in Vietnam and of playing down the views of militant Senators.

Then the article goes on to say that these activities are carried out with the full knowledge of the Army Chief of Staff, General Westmoreland, that the Armed Services Committee in the House had arranged for a 25-minute interview at the White House between the President and Major Rowe, and details the rest of his activities, but I do think that ought to be part of the hearing record.

The Chairman. I think it should.

(The information referred to follows:)

[From The Washington Post, Nov. 23, 1969]

MAJOR HELD FIVE YEARS BY VIETCONG WAGES FIGHT ON DOVES IN CONGRESS

(By Bernard D. Nossiter)

With the sponsorship of hawkish congressmen and the knowledge of the Pentagon an Army major who is a Vietnam hero is attacking antiwar legislators and certain newspapers and magazines.

In the last two weeks, Major James N. Rowe has filmed at least 20 television interviews and cut six radio tapes with as many representatives. These are then sent to the home stations of the congressmen or used in Army "information" programs.

In addition, the major has filmed a 30-minute show for the Republican National Congressional Committee which is being offered to legislators from both parties. This performance, however, is more muted.

The personable and articulate Rowe, who spent five years as a captive of the Vietcong, repeats essentially the same theme in all his appearances.

On several shows, he has questioned the patriotism of Sen. George McGovern (D-S.D.). Rowe has also said that his captors exploited the statements of Sens. J. W. Fulbright (D-Ark.), Mike Mansfield (D-Mont.) and former Sen. Wayne Morse (D-Ore.).

He regularly charges The Washington Post, The New York Times, the Associated Press, United Press International, Newsweek, Time, Look and Life with supplying material that breaks the morale of American prisoners. He repeatedly accuses the media of spreading misinformation about the war in Vietnam and of playing down the views of militant senators.

The outspoken major, who is on temporary duty in Washington while making his broadcasts, also airs his views of some of the larger issues involved in the war.

He warns that a quick withdrawal would lead to a "blood bath" in Vietnam and enable Communists to take over other Asian nations.

According to Col. Lloyd L. Burke, an Army legislative liaison officer and Rowe's immediate sponsor, the Army's Chief of Staff, Gen. William Westmoreland, "knows of all his (Rowe's) activity on the Hill and approves of it."

Westmoreland had a private, 15-minute interview with Rowe after the major was brought here from Ft. Sill, Okla.

The House Armed Services Committee was impressed with the major's story and arranged a meeting at the White House between Rowe and President Nixon on Nov. 12. They were closeted for 25 minutes.

Rowe said he told the President of his experiences and of "the support of all my colleagues at Ft. Sill for his stand on Vietnam."

Although Col. Burke and other officers helping Rowe are somewhat uneasy about whether the major is breaching the historic separation of the military from politics, Rowe professes no concern on this point.

"We are entering into an ideological conflict," he said in an interview last week, "where the political and the military are married into one."

"If somebody says you can't speak and stay in the military, I would resign . . . The thing is, you're going to have to choose sides."

When pressed as to the propriety of a uniformed officer, on active duty, criticizing elected officials, Rowe replies:

"It really doesn't matter to me. If someone is speaking under a Vietcong flag, he's on a different political side and that's it. It's hard for the military not to take sides when a Vietcong flag is flying."

Major Rowe poses in reverse the problem raised by servicemen who sign antiwar ads and march in peace parades. One central difference, however, is the high-level sponsorship Rowe enjoys.

The trim, slight, blue-eyed major is 31 and comes from McAllen, Tex. He graduated from West Point in 1960.

IN ADVISER ROLE

He went to Vietnam in July 1963 as a Special Forces officer, a Green Beret, and served as an adviser to a company of irregulars in the Mekong Delta.

In October, his unit was ambushed and he was taken captive. On his fourth try, last Dec. 31, he made his escape and was rescued by an Army helicopter.

A man with a mission, he is eager, intense and concerned. In each filmed interview with a congressman, all in color, he describes the rigors of his captivity and how his captors attempted to turn him against the war.

Until late 1967, the Vietcong political cadre used propaganda from Hanoi and this he says, was "not really effective."

QUOTED FROM PRESS

In one characteristic tape with Rep. Edgar Foreman (R-N.M.), the major said that "the most devastating thing to my morale" came when his captors switched to American sources.

He goes on to say that they quoted from the AP, UPI, Time, Newsweek, Life, Look, The Washington Post and New York Times about racial problems, war protests, riots and draft card burners in the United States.

Later in the interview, Rowe says of his return to the United States:

"There is so much misinformation . . . very few accurate reports of what is going on in Vietnam . . . I believe in what we are doing . . . People in the United States are prejudiced as to what's going on in Vietnam."

The major was more specific in another color show he filmed with Reps. Thomas D. Downing (D-Va.) and G. William Whitehurst (R-Va.).

"If you take a broad look at the news coverage in the United States . . . it is the most biased I have ever seen."

He complains that criticism of the war is on the front page but Sen. John Stennis (D-Miss.) and John Tower (R-Texas), both prominent hawks, "will get three lines on page nine."

For Rep. Mark Andrews (R-N. Dak.), Rowe describes his feelings about last week's antiwar march. He says he saw many people who have never been to Vietnam, "coming from a relatively sterile environment, protesting about something they didn't understand."

VC FLAGS AT MONUMENT

He notes that Vietcong flags were flying around the Washington Monument and says "I had friends of mine who died in Vietnam fighting that flag."

"One thing that stood out," he goes on, was Sen. McGovern's remark at the rally that the protesters "cherish the flag."

"I wondered what flag did he cherish," Rowe says. "What flag do they cherish?"

With Rep. Larry Winn (R-Kan.), Rowe says:

"It was really something to come back to the United States and see what the VC cadre told us was true . . . to see the VC flag . . . to see the American flag with the peace symbol on it . . . to see Sen. McGovern say we cherish our flag . . . I qustion what flag . . . Our flag was degraded."

For Rep. Sam Steiger (R-Ariz.), Rowe had to be prompted to name the legislators his captives had quoted to him. In that interview, he cites Fulbright, Mansfield and Morse as well as McGovern and says, "I heard them more than the others . . . I didn't believe people in our government could say things like that."

ON BROADER THEMES

"Then I began to wonder," he continues: "The one thing a POW can't do is wonder . . . Faith in a country . . . they can attack . . . that's their most effective weapon."

On broader political themes, the major has this to say:

To Rep. Page Belcher (R-Okla.), asking if the Paris talks were stalled because of a belief that Americans will yield:

"Concessions are a sign of weakness."

To Rep. Foreman:

"Precipitate withdrawal . . . would mean total victory for the Communists . . . it would be a slaughter of the troops left behind."

Thailand, Laos, the Philippines and Indonesia would all be threatened, he says. "If we don't stop them there, where will we stop them?"

The Army is understandably proud of Rowe who withstood great physical hardship and mental pressure to make a daring escape. But it is also, at least for public consumption, of two minds about the role he is playing.

Col. Burke, the legislative liaison officer, says "we slipped on one show, I think," in mentioning by name legislators whom Rowe dislikes. "It's a tactical error," the colonel says.

Brig. Gen. Winant Sidle, Army Chief of Information, says that soldiers returning from Vietnam and speaking in public "must restrict themselves to what they know of their personal knowledge."

"They are not supposed to speak on foreign policy or the implications of the U.S. involvement in Vietnam."

The Army has no policy, he says, about criticism of media but is firmly against criticism of individuals, "especially members of Congress."

He declines to say whether Major Rowe has breached these guidelines.

Rowe says he talked with Gen. Westmoreland "in general terms" about his attacks. "I think I mentioned that antiwar politicians had a devastating effect," on prisoners, he says.

Westmoreland, he adds, wants him to make his first priority the book Rowe is planning to write about the Vietcong.

The more militant members of the House Armed Services Committee have no hesitations about the major and his public performance. One member, Rep. William Dickinson (R-Ala.), is credited with bringing Rowe to Washington.

Rep. Foreman, another Armed Services member, concluded his 30-minute tape with Rowe by telling him:

"We appreciate your kind of American . . . we want you to take your message to the people of the United States."

The CHAIRMAN. I read some but not all of that. It is perfectly natural in our system that other members of civilian life, whether they are in politics or in private life, may disagree with Senators. However, I think it is intolerable that we now have created a military establishment with $80 billion, 3½ million soliders and another million civilians financed by public funds to engage in this program.

You speak of this criticism of the media. Yet the Army at the same time pays for and supports five television crews in Vietnam who portray aspects of the war favorable to the Army's and the administration's points of view. This direct management of the news, the creation of it by the Army and the denigration of anyone who disapproves of U.S. policy is an outrageous procedure.

Senator Church?

COMMENDATION OF THE WITNESS

Senator CHURCH. Thank you, Mr. Chairman.

Senator MCGOVERN. I have admired your courage for the past 6 years. No one has been longer engaged nor spoken with greater clarity or candor in his opposition to the war than you have, and I commend you for it.

I also want to compliment you on focusing on the character of the regime we support in Vietnam. I suppose that nothing has been so repellent to the sensibilities, or insulting to the intelligence of young people in this country, than the persistent effort that our officials have made to portray the government in Saigon as a pillar of freedom. I think your testimony today helps to illustrate the contradiction between our avowed objective of self-determination for the South Vietnamese people, and the realities of political life in South Vietnam under the present regime.

PURPOSE OF VIETNAMIZATION

There was one other aspect of your statement I would like to comment on. You share my skepticism that Vietnamization may not in reality be a program for disengaging the United States completely from South Vietnam; rather that it may be a program to reduce the visibility of our participation, while we continue to persevere in Vietnam.

Why do I say this? I say this soberly, mindful of our whole experience since the end of the Second World War. I am unable to think of a frontier in the world where we have gone with our troops from which we have since withdrawn.

At the end of the Second World War, our troops had advanced to the middle of Europe. They are still there. Our Navy left our home waters to patrol the oceans of the world. It still does, from the Mediterranean to the China Sea.

We have gone so far as to send our soldiers onto the mainland of Asia, both in Korea and in Vietnam, and they are still there.

You can call this immense military grip what you will, but it has the dimensions of empire. Our troops stand upon the frontiers of that empire, encompassing a goodly part of the globe.

In the light of this experience, don't you think there is reason to question whether Vietnamization is really pointed toward disengaging the United States from Vietnam? Don't you think we have some reason to ask if it may not be our real purpose to try and retain a military foothold in South Vietnam?

Senator MCGOVERN. First of all, let me thank the Senator for his generous comments about what I have said here today. I read the excellent article by the Senator from Idaho that appeared, I believe, in the Washington Monthly recently and also Senator Fulbright's speech in St. Louis recently. There is nothing I have said here today that wasn't said better in those two sources and those analyses about our policy.

With reference to the question the Senator raises I not only think that the great danger, one of the great dangers of Vietnamization

is that it will serve as a screen for an eternal American involvement in South Vietnam, but I think it will defeat the very purpose that we state as the objective of that policy, which is to provide for a process of self-determination.

One of the greatest hypocrisies about our whole public stance in Vietnam is that we say we are there to encourage a process of self-determination for the people of South Vietnam. We are there for precisely the opposite reason. Anyone who has studied this issue thoughtfully and carefully knows that if it had not been for the American presence there the people of South Vietnam would have taken quite a difference course, left to there own devices.

We stay there because we are afraid if we leave the political group that we have brought to power in Saigon will fall of its own weight, because it is unpopular. It doesn't have the support of its own people. So it seems to me that far from advancing our stated objective of self-determination, so long as we cling to General Thieu and, in effect, give him a veto over American policy we frustrate the whole process of self-determination. Senator Goodell put it very well yesterday when he said our presence there, in effect, is forcing the people of South Vietnam to continue a war they don't want and to support a political regime they don't want to support.

But I think the Senator's question draws the issue very sharply.

SURVIVAL OF SAIGON REGIME DEPENDS ON U.S. WITHDRAWAL

Senator CHURCH. If this political regime has any chance of winning public support, it probably depends upon our leaving, does it not? As long as we are there—it is obvious to everyone that the regime depends upon foreign money and foreign manpower—it is reduced, is it not, to the contemptible position of puppetry in the eyes of its own people.

Senator MCGOVERN. That is my view, and I think the same consideration extends even to the supplying of arms. I know that some of our colleagues who favor American disengagement in terms of troops nevertheless favor the indefinite supplying of American air power, back-up support, aerial bombardment, artillery, and all the modern technology, so that even after we leave the Saigon regime might be able to continue the war by proxy.

I wouldn't favor that policy. I don't think that that regime has indicated the kind of indigenous support or devotion to the ideals that we would like to advance in the world to become entitled to that kind of military back-up support.

U.S. INTERVENTION IN VIETNAM WAS AN ERROR

Senator CHURCH. A careful reading of the history of Vietnam illustrates that in recent years the Vietnamese people have been engaged in a long agony to achieve the kind of independence and self-determination present circumstances in the world now make possible.

The objective of the Vietnamese has been to drive the foreigner out of their land. For 7 years they fought to drive out the French. Certainly, the motivation, which makes it possible for the Vietcong and the North Vietnamese to fight with such conspicuous gallantry, compared to what we ourselves confess to be the poor performance of our

own allies, must have something to do with their determination to drive out the latest foreigner to occupy Vietnam, which now happens to be the United States. Would you agree to that?

Senator McGovern. I fully agree with the Senator. The central tragedy about Vietnam is that if we had never intervened in that part of the world the result would one day have been about like it is going to be in any event. In other words, we have tried in a sense to frustrate what is inevitable some day and that is that the local political forces there that do have the backing of the people and that do have the staying power will eventually determine the political future of both North and South Vietnam.

Had we not intervened unquestionably Ho Chi Minh would have united North and South Vietnam. It would have been a strong government and, in my opinion, an independent government that would have walked an independent course. It would not have been a puppet of Peking or Moscow, and in that sense as a unified government with strong indigenous support it would have been a much better barrier against possible imperialism from the outside than the kind of chaos that we have been responsible for introducing over the last 15 years.

Senator Church. I agree completely with the Senator's position. Had we not committed this folly, we would today be maintaining relations with Vietnam as satisfactory to the interests of the United States as the diplomatic relations that we currently enjoy with Yugoslavia.

Senator McGovern. What is wrong, if I can say to the Senator, with the concept of Vietnamization is that it doesn't recognize that fundamental mistake. It assumes what we were trying to do there was right all along and we have just been using the wrong technique. If we can just change the mixture a little bit and get General Thieu and his people to fight a little harder that somehow we will achieve our objective.

Well, our objective was wrong so why try to achieve something that was wrong? That is the basic quarrel I have with Vietnamization, and these other schemes that are developed from time to time to try to make an unworkable policy work. Even if the policy worked it would not be in our interests because we would be after the wrong objective.

Senator Church. I suppose it is too much to hope that we will ever confess error. It is not in the nature of governments to do this. Where foreign adventures are concerned, they are often supported for reasons that reverse reality. It was on this basis that the European powers justified their empires throughout the 19th and much of the 20th centuries.

An American military base permanently established in South Vietnam, just as an American military presence permanently preserved in South Korea, runs against the currents of Asian history. It won't work, and eventually we are going to have to recognize it. The day will come when China's power will emerge on a sufficient scale to force our withdrawal from countries adjacent to China. We could avoid much future trouble if we had the foresight to recognize and make adjustments in our policy which conform to the apparent currents of history in Asia today. I know that is what the Senator favors.

Senator McGovern. I agree with the Senator.

The Chairman. Senator Case.

PARTISANSHIP IN OPPOSITION TO VIETNAM WAR

Senator CASE. Mr. Chairman, Senator, for a Republican to be in this position is a little strain, even on one who in many matters agrees with the fundamental position of my chairman, my colleagues on the Democratic side on the committee and you, sir, because there is always an overtone or an undertone of partisanship. There is nothing wrong with this, but I just note that it exists. People are still running for President and they should, and the present incumbent should have opposition of the best kind that the opposite party can muster in these dolorous times.

Senator MCGOVERN. Would the Senator yield?

My position hasn't changed in the last eight or ten years on this point.

Senator CASE. It has been a very consistent position and you are one of the few who have held it. Others have seen the light somewhat more lately and would rather forget they were quiet during the period in which the majority of the American people and the majority of both parties, supported a different course. But it has been the great good fortune of the Senator from South Dakota to have seen clearly all the time what was wrong.

Senator MCGOVERN. I didn't want to boast about that, Senator.

Senator CASE. No, I am not——

Senator MCGOVERN. Just to make the point I don't criticize President Nixon any more than I did his predecessor. That was the point I was trying to make.

Senator CASE. President Johnson or President Kennedy, you criticized all of them.

Senator MCGOVERN. Yes.

Senator CASE. And somewhat more loudly now, perhaps, but then that is your job, and that is all right. I only mean to say, we have just got to come back a little bit more to keeping our mind on the problem we have today.

U.S. INVOLVEMENT IN SOUTHEAST ASIA

Now, you relate your view as to the wrongness of our whole position from the beginning to the question of the wisdom of Vietnamization. That is a very interesting point. But I am not sure that we were wrong all along in what we tried to do. I think that perhaps you were right in the narrow context of the Indochinese peninsula; I think you may have been right about this. But when you put it on the broad grounds that we should not have any involvement in that part of the world or shouldn't have attempted to use our strength to maintain some kind of a balance in a time when the balance in that part of the world was destroyed by the destruction of Japan, by the elimination of the power of Britain and the other colonial powers in that area, by the troubles in Indonesia and India, and the rest, I am not sure that I would want to say that I would agree with you. I think the fact that the people generally supported our efforts, as I think they did, during all these Administrations suggests there was not complete absence of their sensing what we were trying to do. I am not trying to defend President Kennedy or President Johnson or anybody else.

U.S. WITHDRAWAL SHOULD NOT DESTROY GOOD WITH BAD IN SOUTH VIETNAM

Now, specifically, our two staff people just came back from South Vietnam with a report that is extremely interesting and deals with many questions that have troubled many of us for a long time—and, as you know, I am one of those who have been much troubled by this. Among other things they state some people over there think there isn't more than 20 percent support among the people for the Saigon regime of President Thieu. And that about 15 percent may support the Vietcong. And it goes on to say that through American support, the present regime is in control.

I am not sure I would agree with a policy that throws away the 20 percent, even if it is only 20 percent, that may be on the non-Communist side, and I do think that the suggestion for precipitate withdrawal, and you don't boggle on that word, you are for it——

Senator McGovern. As I say, I think it could be accomplished in a year's time.

Senator Case. Well, you mean to say you are thinking only though about the logistic problems and the safety of our forces?

Senator McGovern. That is correct.

Senator Case. And so you mean to pull out regardless of what happens in South Vietnam, pulling out of there to throw away something and to create a situation which can only be chaotic when you don't have to do it. That is not the wisest course to take. Why not support one or another of these other proposals which make it at least within the ballpark for an orderly transition to the kind of a better government over there that will not destroy all the forces now in control of this government. They are not all bad. Many of them are very bad, but they are not all bad. We have an organized system, bad as it is. Why destroy it in the hope that no chaos but almost somewhat miraculously a better result will follow? This is what I wanted you to speak to, if you would.

Senator McGovern. Well, Senator, of course, I don't know what would happen if we were to disengage and take our forces out, but I would ask you to keep in mind that we have been there for a very long time, and that during that time we have built up and equipped a South Vietnamese military force that I guess is around a million men. We have put a lot of time training and developing that army.

U.S. TRAINING OF SOUTH VIETNAMESE

Senator Case. There is a great question, you know, about that—whether we have really done anything at all until the last few months.

Senator McGovern. I think the Senator would agree we certainly have done more for our side than the other outside powers have done for their side. We have——

Senator Case. I don't know about that. I raise the question about whether if we had taken the South Vietnamese and given them the same kind of training the Vietcong have had in the kind of warfare adaptable and useful in that terrain we wouldn't have been a darned sight better off.

PURPOSE OF ACCELERATED U.S. WITHDRAWAL

Senator McGovern. Let me come at the Senator this way: Our ambassador over there, and I guess most of the American officials over there for years, have been trying to get the government in Saigon to broaden its base. I understand that Ambassador Bunker has come to that view, that at this late date there has to be a broadening of the base if that government is going to stand.

Now, what are we to say when General Thieu comes back and says he will have nothing to do with that kind of talk, that he is not going to let anybody enter that government and that this kind of talk is pro-Communist. He won't even talk about a government of reconciliation, to use his phrase. He says a coalition means death. I think he is going to hold to that view until it becomes clear to him that he no longer has a veto over American policy, and that we, in fact, are moving out. I can only tell the Senator my view, which is that we are not moving out on the kind of a scale that is going to impress General Thieu with the urgency. President Nixon says that he hopes we will have our combat forces out of there by the end of 1970 and General Thieu promptly shoots it down by saying that it is unrealistic, it is going to take years. What I am suggesting here, and I don't care whether we follow particularly the formula in my resolution or whether we take Senator Goodell's or Senator Hughes' or Senator Eagleton's, the basis of all of which is that we must accelerate our withdrawal from Vietnam and put some clear limits on the length of time that we are going to stay there.

U.S. WITHDRAWAL SHOULD NOT DESTROY SAIGON GOVERNMENT

Senator Case. I don't want there to be any misunderstanding in this colloquy about the position I have taken over the years. I agree fully with this but what we are talking about is the question of what is a reasonable time. And you dismiss the whole question of the importance of doing anything to save any part of the present regime or the ordered structure in South Vietnam by saying it is wrong to do so, that it is a lousy regime, it is corrupt, it ought in effect to be destroyed. This goes over the line as far as I am concerned to the frame of mind and to the attitude that we took, for instance, when we supported the downfall and the assassination of Diem. We were acting as God there. This is none of our business. I agree that we should take a position in regard to withdrawal that it should be based upon a definite pullout in a reasonable time in order that the South Vietnamese regime will have a reasonable chance, but no more, to show whether it can shape up or not. But I don't agree that we ought to do it in such a fashion as to guarantee the chaos that would follow from immediate withdrawal.

Senator McGovern. I think the Senator and I are fairly close on this position then because it is really a question of how we bring about the kind of change in the South Vietnamese Government that would save it or that would replace it with a government that could inspire the confidence of the Vietnamese people.

I think it is really a question of tactics as far as the difference between the Senator and me is concerned.

Senator CASE. I agree. I just wanted to be sure to bring it out.

Senator MCGOVERN. I have no particular desire to bring down the Thieu-Ky regime, but what I do have a desire to do is stop wasting American lives and resources on that regime.

I think it can possibly save itself yet if it would carry out the kind of broadening of its political base and some of the reforms we have been talking about over there for many years. It is conceivable that that South Vietnamese regime could stay on for quite a while, and become a part of a coalition embracing other political elements. I don't have any special desires simply to shoot down Generals Thieu and Ky.

Senator CASE. I welcome that and I think your statement does demonstrate that our positions are very close.

Thank you very much.

The CHAIRMAN. Senator Cooper.

EFFECT OF FIXED WITHDRAWAL ON FUTURE OF SOUTH VIETNAM

Senator COOPER. As Senator McGovern knows, I have always had the very highest respect for his views and the positions he has taken. I know him to be a very conscientious man and one who speaks the truth as he determines it.

I question this theory, this thesis, that we are in Southeast Asia to assure the self-determination of the peoples. I will not go deeply into history, but we know what our policies were after World War II all over the world—to contain Communist countries for our security. Nobody objected to it, or at least very few. Resolution after resolution was passed by the Senate and the Congress, with no opposition, or at most nominal opposition. Amendments to provide that troops should not be sent to other countries without congressional approval were disregarded. I agree with Senator Case that we have to talk about the situation that exists today. It is unhappy but it seems to me that if we adopt your theory, there is no great opportunity for the people of South Vietnam. They would have a choice of what you term the repressive government of Thieu or a choice of a repressive Communist government. Is that correct?

Senator MCGOVERN. I am not sure, Senator Cooper. I don't think we really have the ability to foresee the character of the kind of government that might come to power in South Vietnam if we were to leave.

You know it is assumed by a good many people that the Communists would just automatically take over, and it would be an all Communist government. There may be some grounds for believing that it would be a considerably broader government than that, embracing some of the Buddhist elements that are very significant, even some of the more progressive army elements, some of the tribal groups, and I should think it would serve even the self-interest of the National Liberation Front to try to build a base somewhat broader than simply Communist cadres.

I read an interesting statistic here the other day from Douglas Pike, who as the Senator knows was in the information service out there for a period of time and has written a definitive book on the Vietcong. He estimates at the time he was there, out of some 300,000 active members in the National Liberation Front, only 35,000 of them were Communists.

So I think that the future might not be quite as dark as the Senator has painted as a choice either between General Thieu or a repressive Communist government.

Senator COOPER. It might be, but it is speculation from either side. You don't know and I don't know.

Senator MCGOVERN. Yes, it is not really our responsibility to decide.

NECESSITY OF A POLITICAL SETTLEMENT IN VIETNAM

Senator COOPER. Now, I will go into some speculation about what would happen to the South Vietnamese people under your proposal—which I assume is an immediate and continued withdrawal. Fighting would continue between the peoples of North and South Vietnam, and Vietcong. A bloodbath could take place. It seems to me this possibility should come to the minds of the people who are concerned about the morality of our fighting in Vietnam. An immediate withdrawal would reduce the losses of our forces—and this we want, but they don't think about the morality of continued fighting if we leave without a political settlement. This is one reason I have always believed, and still believe, that the best possible solution in Vietnam is a political settlement. I believe you would agree.

Senator MCGOVERN. Yes, I do.

Senator COOPER. They ignore this question of continued fighting. If one is immoral, the other is immoral too.

Senator MCGOVERN. Yes.

I would hope that during the withdrawal stage that we could follow the formula that Senator Fulbright and others have suggested of negotiating an agreement with the other side for some kind of an interim or provisional government that would have the capacity to hold elections in the country. I don't know whether that is possible but it is a reasonable goal, one that we ought to try to carry out. I don't think you are going to be able to set that kind of a process in motion as long as our forces are there in great numbers because General Thieu says he just won't cooperate with an interim or coalition plan.

Beyond that though, I would hope we would try to negotiate an arrangement for amnesty in the South. If that is not possible then to go to the course that I have suggested as a three point minimum which would include arrangements for asylum in other friendly countries. I think Senator Pell recommended a similar formula earlier today. But I am concerned, as the Senator is, about doing what we can within the limits of our power there to provide safe asylum for those Vietnamese that we have encouraged to stick their necks out for us, and to try to make arrangements for their safety.

Senator COOPER. I would guess that we would not secure any agreement on the mutual release of prisoners of war unless we have negotiations. They will deny the release of these prisoners of war.

Senator MCGOVERN. Yes, I believe they would.

Senator COOPER. They would deny the release of the prisoners of war.

Senator MCGOVERN. We are certainly not going to get the release of these prisoners so long as the war continues. I would hope when we agree to get out we would release these prisoners but that would be one of the conditions of withdrawal.

Senator COOPER. This is my last comment on your statement. I take exception to certain statements in what you have said, what other Senators have said, including witnesses of my party, which characterize the President's effort to change the past policy so as to bring the war to a close as a hoax, based on false premises, as an illusion. I don't think this is proper; I don't think it is correct. I think it improper and incorrect when you consider the only change in policy has been provided by President Nixon. I give weight to your views and arguments always but I must take exception to your statement, and other statements that have been made that we would be in South Vietnam 15 or 20 years. I don't think that is true at all.

Senator MCGOVERN. Well, I hope the Senator is right.

Senator COOPER. Why is it a hoax, why is it based on false premises? You might argue the premises, but why is it a hoax and why is it an illusion, why is it deceit?

Senator MCGOVERN. The basic thrust in my argument there, Senator, is that, if I understand the policy properly, the American disengagement depends on the capacity and the willingness of the Government of Saigon to take over the direction of the war, and the thrust of my statement is that they don't have the capacity to do that because the people of South Vietnam have never had confidence in that government, and the preponderance of evidence is that they aren't interested in continuing the war.

Senator COOPER. Well, if they cannot do it, and if they cannot be armed and if they cannot be trained sufficiently to take over even the fighting, and if they do not have popular support, I don't believe you can argue that this Administration intends that we should stay there for 15, 20 years. The thrust of the President's position so far is that he has started on a course which, I will repeat, the Secretary of State has said is irreversible. Its logic is that the reduction of forces will continue and as combat forces are brought back you—as a former member of the Armed Services—know a great number of supply forces, great logistical arrangements will not be needed. The logic of President Nixon's position is that we are getting out. He has not stated any timetable, but I think it is synonymous with getting out and I just can't understand the word deceit.

Senator MCGOVERN. Does the Senator know what the President means by his statement though that we will respond to whatever is necessary in the event the military activity begins going against us. It seems to me that is the same formula—

Senator COOPER. You can speculate on that as I can. You yourself in your statement place three conditions upon your own proposition.

Senator MCGOVERN. That is correct.

Senator COOPER. One of them is the safety of our troops and, as former members of the Armed Forces, we know the first duty of a commander is to protect his troops. If they are attacked and their security is in danger I assume the President will take action to protect them. I don't think there is anything in his statement that implies that we are going to go back to the Johnson policy of escalating or even stalemate. I may be wholly wrong, and if it turns around, and I am wrong, then my position will change. But I say at this point I

don't think you have any ground to speculate that the United States is going to escalate the war and is not going to get out.

Senator McGovern. Well, I certainly hope the Senator is right. He knows that I am not anxious to be proven right in my fears about the war. I hope the policy will go much better than I think it will.

One of the purposes of these hearings, I presume, is to try to clarify what our policy is. I think it has been difficult really to know what the new Administration is trying to do. I listened to the President's statement but it has been very hard for me to see a clear pattern to it. I do want to give the President credit for deescalating our involvement. Some forces have been brought home. I want to give President Johnson credit for stopping the bombing of the North and halting the build-up over there.

Senator Cooper. I do too.

Senator McGovern. I don't want to be entirely negative here. I think some progress has been made. As I said at the outset of my statement at least we are not escalating towards World War III. We are debating now how best to get out.

Senator Cooper. That is all I have.

PURPOSE OF INQUIRY INTO PRESIDENT'S VIETNAM POLICY

Senator Church. May I just say, Mr. Chairman, that these questions are prompted not out of any belief that the President is acting in bad faith. Certainly that is not my feeling. But we have had extensive hearings behind closed doors trying to clarify Vietnamization and have been unable to find out its meaning. We have tried to get answers to our questions, but our inquiries remain unanswered. It is true that the President has said his objective is to remove our combat ground forces, and hopefully that could be accomplished by the end of this year. But beyond this, even the President's own spokesmen become very vague concerning what happens afterwards. Neither the President nor his advisers have committed the Administration to complete disengagement in Vietnam. No one knows for sure what the size of the residual force will be; Administration spokesmen shuffle the figures from 30,000 to 200,000 men, but no one has been able to say how long it is contemplated that those men will stay.

These vagaries are the reasons why some of us have looked to the whole American military experience since the Second World War and noted that wherever we have taken our armies and established a foothold, there we have stayed. This experience, coupled with the ambiguities in the Administration's own explanation of its policy, have led us to question whether the end objective is to come out of Vietnam completely or to leave a residual American military force there indefinitely. I think it is a legitimate question. It has nothing to do with a lack of faith in the integrity of the President of the United States.

The Chairman. In my statement I tried to pay tribute to the fact that the President has started the deescalation process. It is just that it looks as if it is going to go on too long and that the objective of continuing it just isn't worth the price we are paying. Therefore, it isn't that we are trying to be critical. Naturally, when we have hear-

ings and ask questions, there is an assumption that we are being critical.

We would like, I think, to assist the President in bringing the war to a termination sooner than seems likely. We are still puzzled about how long a time is contemplated. The committee asked very vigorously of both the Secretary of Defense and the Secretary of State how long a time they contemplated and we received no answer at all. We are not so much critical of the Administration as questioning. There is a feeling of urgency that something has to be done. That urgency arises to a great extent not only as to Vietnam but as to the very serious disruption of our own economy and conditions here at home. People are more and more conscious of the deterioration of our own society. I don't think anyone can deny the very close connection between what does and doesn't happen in Vietnam with what happens here. This is what causes the urgency.

PURPOSE OF COMMITTEE HEARINGS

These hearings are not intended as a criticism of the Administration. They are intended to examine U.S. policy, to test its validity and to see if there is some way of hastening the end of the war with the objective of saving as much as we can of the deteriorating situation in the United States.

After all, our major concern isn't South Vietnam or Mr. Thieu's health and prosperity. It is the prosperity and health of this country. The war is the principal obstacle to doing something useful about our own country. That is why I think everyone is concerned. I really don't think anyone should be at all defensive about hearings with that objective. I think what the Senator said this morning made a great contribution to at least an effort to clarify what we are up against and to underline the urgency of doing something to bring this war to a close. It has been going on long enough and it is costing us enough.

Senator COOPER. Will the Senator yield? I have no differences in objectives and upon our concern. I think we are all concerned, we are concerned about the continued loss of American lives. We are concerned about the problems here at home. We are trying to find out in these hearings, I assume, whether there is a better way to assist in bringing about a close of the war and in that sense we are examining the President's policy. We are looking to see if it is the correct policy. It is inevitable, and I was just questioning the broad estimates which are attacking the President's policy. Of course, that is a legitimate right in this investigation to bring out more clearly whether or not his policy is right or wrong, to question the grounds upon which these very broad generalizations are made.

The CHAIRMAN. The attacks are not leveled solely at this Administration.

Senator COOPER. I understand that.

The CHAIRMAN. Granted the newspaper headlines say the committee attacks the President's policy. If you read the fine print, it is more accurate. These hearings are not designed to attack the President's policy. Everyone knows, and I as one Democrat certainly know, that the preceding Administration bears a much greater responsibility for this situation than the present Administration.

Senator COOPER. I am not questioning that.

The CHAIRMAN. No one is trying to avoid that. What all of this finally adds up to is whether there is any way to shorten the process of disengagement in order to do something useful to prevent the further deterioration of the United States of America. That is what really interests us.

Senator CASE. Mr. Chairman, may I just say a word, and that is because I guess I perhaps started this protest. I think our common objective would be facilitated by the elimination from the vocabulary, at least in this room, of such words as euphoria and hoax and the rest of this stuff because this is the language of polemics rather than the language of logic. I hope we will do this.

The CHAIRMAN. With that benediction, thank you very much.

(Whereupon at 1:50 p.m., the committee adjourned, to reconvene Thursday, February 5, 1970, at 10 a.m.)

VIETNAM POLICY PROPOSALS

THURSDAY, FEBRUARY 5, 1970

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in the caucus room, Old Senate Office Building, Senator J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Mansfield, Aiken, and Cooper.

The CHAIRMAN. The committee will come to order.

We are very pleased this morning to have the distinguished Senator from Maryland, Senator Mathias, who has introduced one of the most interesting resolutions, Senate Joint Resolution 166. Supporting and accompanying him is the distinguished majority leader. We are very honored to have both you gentlemen here this morning. Would you like to say anything, Mr. Majority Leader, before we call on Senator Mathias?

Senator MANSFIELD. No, Mr. Chairman, and gentlemen of the committee. I am only here in support of the Mathias resolution in which I fully believe. I believe it is the most propitious proposal of all before this committee and one which I think offers a way out of a difficulty in which we find ourselves. It calls for a review of outmoded and outdated resolutions which have been agreed to by the Senate and the Congress in the past. It also calls for a review of the extraordinary war powers which the President has had since the end of the Korean war and still has.

The CHAIRMAN. I think that is entirely right. Senator Mathias has had the talent to bring together in his resolution a number of important matters, all of which deserve serious consideration. Will you proceed, Senator Mathias?

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., U.S. SENATOR FROM MARYLAND

Senator MATHIAS. Thank you very much, Mr. Chairman.

First of all I want to thank you and the committee for this opportunity to testify, and to express my appreciation to Senator Mansfield for his interest and support. I appreciate this encouragement a great deal.

The CHAIRMAN. I think it is especially noteworthy that we have the majority leader today. We had the minority leader the other day which gives emphasis to the fact that this is not a partisan, but strictly a bipartisan, effort to reexamine our policy. I don't recall having quite these circumstances before on a matter as important as this.

Proceed, please.

Senator MATHIAS. I think these hearings do promise both to illuminate the problem of extrication from Vietnam and to follow up the splendid work which produced the national commitments resolution.

SENATE JOINT RESOLUTION 166 COMPLEMENTS NATIONAL COMMITMENTS RESOLUTION

The first section of this resolution, in fact, is directly complementary to that earlier enactment, and I think it becomes more meaningful if it is taken in conjunction with it.

The Senate Resolution 85 defines a national commitment as the foreign use, or the contingent promise of foreign use, of U.S. Armed Forces and declares that specific congressional approval is essential to a national commitment.

Now, this resolution would rescind previous legislation which seemingly authorizes such commitments on the basis of contingencies long past and without further congressional approval.

Clearing the congressional ledger of the debris of briefly considered and broadly permissive cold war postures, this proposal would prepare the Congress to face the demands and opportunities of this new decade. In the words of Abraham Lincoln, delivered during an earlier period of national crisis, "We must disenthrall ourselves," and I would add that in disenthralling ourselves we can set the stage for more contemporary foreign policy enactments—to be worked out cooperatively between the President and Congress, fulfilling the respective constitutional responsibilities of each, as well as our Nation's responsibilities in a changing world.

RESOLUTIONS TO BE REPEALED BY SENATE JOINT RESOLUTION 166

The resolution contains five sections: Section 1 would repeal four foreign policy support resolutions, relating to use of U.S. military forces respectively in Formosa, the Middle East, Cuba and Southeast Asia. All are joint resolutions, enacted by Congress since 1955, signed by the President, and repealable through joint resolution of Congress. All are technically still in effect and have been interpreted as affording the President broad powers to intervene with American military forces in the specified areas. Of the four resolutions, only the Middle East resolution, adopted in 1957, was subjected to extended debate. In apparently providing for use of American troops abroad without further congressional action, the resolutions differ from treaty commitments that permit intervention only in accord with constitutional processes.

The resolutions to be repealed are the following: I have listed them chronologically at this point, Mr. Chairman. I will submit copies of each of the resolutions for the record.

The CHAIRMAN. They will be received.

(The information referred to follows:)

RESOLUTIONS TO BE REPEALED BY SENATE JOINT RESOLUTION 166

THE FORMOSA RESOLUTION

Public Law 84-4, approved January 29, 1955

JOINT RESOLUTION Authorizing the President to employ the Armed Forces of the United States for protecting the security of Formosa, the Pescadores and related positions and territories of that area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and

Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores; and

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and

Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

The resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

MIDDLE EAST RESOLUTION, AS AMENDED

Public Law 85–7, approved March 9, 1957, as amended by the Foreign Assistance Act of 1961, Public Law 87–195, approved September 4, 1961

JOINT RESOLUTION To promote peace and stability in the Middle East

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be and hereby is authorized to cooperate with and assist any nation or group of nations in the general area of the Middle East desiring such assistance in the development of economic strength dedicated to the maintenance of national independence.

SEC. 2. The President is authorized to undertake, in the general area of the Middle East, military assistance programs with any nation or group of nations of that area desiring such assistance. Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Constitution of the United States.

SEC. 3. The President is hereby authorized to use during the balance of fiscal year 1957 for economic and military assistance under this joint resolution not to exceed $200,000,000 from any appropriation now available for carrying out the provisions of the Mutual Security Act of 1954, as amended, in accord with the provisions of such Act: *Provided*, That, whenever the President determines it to be important to the security of the United States such use may be under the authority of section 401(a) of the Mutual Security Act of 1954, as amended (except that the provisions of section 105(a) thereof shall not be waived), and without regard to the provisions of section 105 of the Mutual Security Appropriation Act, 1957: *Provided further*, That obligations incurred in carrying out the purposes of the first sentence of section 2 of this joint resolution shall be paid only out of appropriations for military assistance, and obligations incurred in carrying out the purposes of the first section of this joint resolution shall be paid only out of appropriations other than those for military assistance. This authorization is in addition to other existing authorizations with respect to the

use of such appropriations. None of the additional authorizations contained in this section shall be used until fifteen days after the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives and, when military assistance is involved, the Committees on Armed Services of the Senate and the House of Representatives have been furnished a report showing the object of the proposed use, the country for the benefit of which such use is intended, and the particular appropriation or appropriations for carrying out the provisions of the Mutual Security Act of 1954, as amended, from which the funds are proposed to be derived: *Provided*, That funds available under this section during the balance of fiscal year 1957 shall, in the case of any such report submitted during the last fifteen days of the fiscal year, remain available for use under this section for the purposes stated in such report for a period of twenty days following the date of submission of such report. Nothing contained in this joint resolution shall be construed as itself authorizing the appropriation of additional funds for the purpose of carrying out the provisions of the first section or of the first sentence of section 2 of this joint resolution.

SEC. 4. The President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East, with a view to maintaining the truce in that region.

SEC. 5. The President shall whenever appropriate report to the Congress his action hereunder.

SEC. 6. This joint resolution shall expire when the President shall determine that the peace and security of the nations in the general area of the Middle East are reasonably assured by international conditions created by action of the United Nations or otherwise except that it may be terminated earlier by a concurrent resolution of the two Houses of Congress.

CUBAN RESOLUTION

Public Law 87–733, approved October 3, 1962

JOINT RESOLUTION Expressing the determination of the United States with respect to the situation in Cuba

Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers "to extend their system to any portion of this hemisphere as dangerous to our peace and safety"; and

Whereas in the Rio Treaty of 1947 the parties agreed that "an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations"; and

Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: "The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union"; and

Whereas the international Communist movement has increasingly extended into Cuba its political, economic, and military sphere of influence: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States is determined—

(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere;

(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.

VIETNAM RESOLUTION (TONKIN GULF RESOLUTION)

Public Law 88–408, approved August 10, 1964

JOINT RESOLUTION To promote the maintenance of international peace and security in southeast Asia

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

THE FORMOSA RESOLUTION

Senator MATHIAS. The first is for protecting the security of Formosa, the Pescadores, and related positions and territories of that area. The resolution declares that retention of Formosa and the Pescadores in the hands of "friendly governments" is "essential to the vital interests of the United States and all friendly nations" in the Pacific. The President is authorized to "employ the Armed Forces of the United States as he deems necessary" for protection of these islands against armed attack. The resolution was introduced in both Houses on January 24, 1955, in response to a Presidential request on that day, and was enacted within the next 4 days. It was approved by President Eisenhower on January 29, 1955, and is terminable either by joint resolution or by Presidential declaration that the peace and security of the area is reasonably assured.

THE MIDDLE EAST RESOLUTION

The second resolution is entitled "To Promote Peace and Stability in the Middle East." Considered the legislative embodiment of the "Eisenhower doctrine," this resolution provides for extension of military and economic aid to Mideastern countries. Section 2 declares that "if the President determines the necessity" the United States "is prepared to use Armed Forces to assist" any Mideast nation requesting aid against armed aggression from a "country controlled by international

communism." Although the resolution stipulated that armed assistance be in keeping with the treaty obligations and Constitution of the United States, the President did not seek further authority when he intervened in Lebanon. The President was directed to report to Congress twice yearly on his actions under the enactment and I might say parenthetically it might be useful also for the committee to look into the question of these reports.

This resolution was passed by the House on January 30, 1957, 5 days after it was introduced, but the Senate subjected it to extensive hearings and debate before passage on March 7. President Eisenhower signed it on March 9. It is terminable either by concurrent resolution or by Presidential declaration.

THE CUBAN RESOLUTION

The third resolution is entitled "Expressing the Determination of the United States With Respect to the Situation in Cuba." Specifically the resolution declares U.S. determination to use armed force to prevent "Marxist-Leninist" Cuba from extending its aggressive or subversive activities into the rest of the hemisphere. It also asserts the United States resolve forcibly to prevent establishment in Cuba of an externally supported military capability endangering the United States.

This resolution was not requested by President Kennedy, who believed his "inherent powers" would suffice to authorize any needed military action against Cuba. But it was prompted by his statement of September 13, 1962, expressing a similar national determination. The resolution was introduced on September 19 and approved by the President on October 3. Nonetheless, a month later, when the President announced the discovery of Soviet offensive missile emplacements in Cuba, he did not refer to the resolution as authority for his action establishing a naval quarantine.

The resolution on Cuba is the only one of the four resolutions included in the repealer that lacks explicit provision for termination, either by Congress or the President.

THE GULF OF TONKIN RESOLUTION

The fourth resolution is for promoting the maintenance of international peace and security in Southeast Asia. It is, of course, known as the Gulf of Tonkin resolution. This enactment asserts that North Vietnamese naval units "deliberately and repeatedly attacked U.S. naval vessels lawfully present in international waters." It "approves and supports the determination of the President, as Commander in Chief, to take all necessary measures * * * to prevent further aggression." And it states that the United States is prepared, "as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This resolution was requested by President Johnson on August 5, 1964. It was introduced in both Houses on the same day and subjected to hearings the next day in executive sessions of the relevant committees. A day later it was enacted after limited debate. It was approved by the President on August 10. It expires either by Presidential declaration or by concurrent resolution.

Later investigation by this committee has cast grave doubt on the stated premises of this resolution. It transpired in hearings that the allegedly "deliberate and repeated attacks" on U.S. vessels "lawfully present in international waters" in fact were haphazard or even nonexistent attacks. The U.S. vessels, moreover, were apparently engaged in provocative military missions within what North Vietnam regards as its 12-mile limit.

Unlike the other resolutions included in the repealer, the Tonkin Gulf enactment has been repeatedly cited as authority for intensive and far-reaching military action, involving air, sea, and land forces; and it was later represented by former Under Secretary of State Nicholas Katzenbach to be "the statutory equivalent to a declaration of war." I don't know whether Mr. Katzenbach in his prior role as Attorney General would have come to the same conclusions or not, but I can testify from personal experience, both public and private, that the resolution was used as this, as a justification for war powers.

EFFECT OF REPEAL OF AREA RESOLUTIONS

Each of these resolutions served a purpose—to demonstrate congressional support for Presidential firmness and perhaps to authorize use of American military forces in a specific international crisis. And the Tonkin Gulf resolution served its purpose all too well. Now these resolutions should be repealed by the Congress, which takes seriously its continuing role in shaping American foreign policy in a changing world.

For the resolutions do not take into consideration the substantial changes that have occurred in each of the applicable areas. And they seem to embody a misinterpretation of the constitutional role of Congress in international affairs. Repeal of these enactments, it should be understood, would in no way affect existing treaty commitments or prejudge American policy for the future.

I would expect that the President might wish for more contemporary expressions of congressional determination in some of these areas. Any proposed new resolutions, responsive to current conditions in the Middle East and elsewhere, can be considered rationally in the time before the repealer takes effect at the end of the 91st Congress.

The repealer, however, would symbolically remove the mortmain of the past from the present posture of the Congress. And I would hope it would signal a new determination by Congress to exercise fully its powers on the vital questions of war and peace. For the resolutions to some extent reflect a lapse of congressional powers in this realm.

USE OF AMERICAN TROOPS ABROAD

In the future American troops should not be used abroad without specific congressional authorization. This principle is inherent in the constitutional reservation to Congress of the authority to declare wars and to raise armies and establish rules for their use. This principle is explicit in the national commitments resolution.

Mr. Chairman, I submit that it is gravely compromised in the resolutions which this resolution would repeal.

Although they have been interpreted as authorizing the use of American troops without further congressional action—and though previous Presidents have cited them as such authority—in fact the four resolu-

tions do not specifically authorize military intervention. Rather they affirm that the United States "is prepared" or "is determined" to intervene under certain circumstances. In anticipating military action without specifically authorizing it, the resolutions seem to be based on a constitutional misinterpretation. They appear to concede, incorrectly, that the President has inherent powers to prosecute military campaigns without specific congressional consent.

Thus these resolutions implicitly would contravene the crucial constitutional principle reaffirmed in the national commitments resolution. In repealing them we reassert the constitutional doctrine that without specific congressional authority, the President can use American forces only to repel attack on the United States or on a country with which the United States has a treaty requiring immediate military response.

In these extreme circumstances the President may act if necessary before seeking congressional authority. But even then, in accord with the "constitutional processes" cited in our treaty enactments, the President must seek congressional consent. It should be made clear that the President cannot legitimately conduct extended military operations under any circumstances without specific congressional action and Congress cannot legitimately delegate its powers to the President except for specific and limited contingencies. This crucial constitutional principle, vitiated in these resolutions, will be reaffirmed by repealing them.

EXECUTIVE EMERGENCY POWERS

Section 2 of Senate Joint Resolution 166 relates to another area of nebulously accumulated Executive powers deriving from the crises of the cold war and in this case even earlier contingencies. On March 9, 1933, at the urgent request of President Roosevelt, Congress passed the Emergency Banking Act ratifying the President's Bank Holiday proclamation and amending the Trading With The Enemy Act of 1917. The 1933 amendment to the 1917 act permitted the President, by declaring a state of national emergency, to invoke in peacetime his extraordinary "war" power as Commander in Chief under section 5(b).

Since that day in 1933, the country has gone through several vicissitudes of war and peace. But Executive powers have continually been at "war." Not once since the peacetime emergency concept was established has the Executive allowed his full range of emergency powers to lapse. And that one emergency law of 1933 has since been joined by more than 200 others technically in effect today as a result of President Truman's Korean emergency proclamation of December 16, 1950.

(The information referred to follows:)

EXISTENCE OF A NATIONAL EMERGENCY: PROCLAMATION 2914 BY PRESIDENT TRUMAN, DECEMBER 16, 1950

Whereas recent events in Korea and elsewhere constitute a grave threat to the peace of the world and imperil the efforts of this country and those of the United Nations to prevent aggression and armed conflict; and

Whereas world conquest by communist imperialism is the goal of the forces of aggression that have been loosed upon the world; and

Whereas, if the goal of communist imperialism were to be achieved, the people of this country would no longer enjoy the full and rich life they have with God's help built for themselves and their children; they would no longer enjoy the blessings of the freedom of worshipping as they severally choose, the free-

dom of reading and listening to what they choose, the right of free speech including the right to criticize their Government, the right to choose those who conduct their Government, the right to engage freely in collective bargaining, the right to engage freely in their own business enterprises, and the many other freedoms and rights which are a part of our way of life; and

Whereas the increasing menace of the forces of communist aggression requires that the national defense of the United States be strengthened as speedily as possible:

Now, therefore, I, Harry S. Truman, President of the United States of America, do proclaim the existence of a national emergency, which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made through the United Nations and otherwise to bring about lasting peace.

I summon all citizens to make a united effort for the security and well-being of our beloved country and to place its needs foremost in thought and action that the full moral and material strength of the Nation may be readied for the dangers which threaten us.

I summon our farmers, our workers in industry, and our businessmen to make a mighty production effort to meet the defense requirements of the Nation and to this end to eliminate all waste and inefficiency and to subordinate all lesser interests to the common good.

I summon every person and every community to make, with a spirit of neighborliness, whatever sacrifices are necessary for the welfare of the Nation.

I summon all State and local leaders and officials to cooperate fully with the military and civilian defense agencies of the United States in the national defense program.

I summon all citizens to be loyal to the principles upon which our Nation is founded, to keep faith with our friends and allies, and to be firm in our devotion to the peaceful purposes for which the United Nations was founded.

I am confident that we will meet the dangers that confront us with courage and determination, strong in the faith that we can thereby "secure the Blessings of Liberty to ourselves and our Posterity."

In witness whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington this 16th day of December (10:20 a.m.) in
[SEAL] the year of our Lord nineteen hundred and fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN.

By the President:
DEAN ACHESON,
Secretary of State.

[F.R. Doc. 50-12013; Filed, Dec. 16, 1950; 12:46 p.m.]

EMERGENCY POWERS OF THE EXECUTIVE

The most important recent invocation of these Korean emergency powers occurred on January 1, 1968, in response to the continuing deficit in the U.S. balance of payments. Under President Johnson's Executive Order 11387 "Governing Certain Transfers Abroad," the Department of Commerce issued Foreign Direct Investment Regulations (FDIR). These regulations restricted the amounts of capital American investors could transfer to or accumulate in foreign affiliates and compelled repatriation of short term liquid balances such as foreign bank deposits. Directly encroaching on congressional prerogatives, this far-reaching order could not have been made without invocation of emergency powers entirely unrelated to the balance-of-payments crisis at hand. Still largely in effect, the order strikingly illustrates the dangers of allowing a state of emergency to became a permanent state of affairs.

Among the more than 200 other emergency laws, let me mention a few representative examples: In an emergency he alone proclaims, the President may sell stocks of strategic materials, revoke leases on real and personal property, suspend rules and regulations applicable to radio stations, detain enlisted troops beyond the term of their enlistments, detail military men to the governments of other countries, regulate transactions in foreign exchange, and exercise control over consumer credit. Among hundreds of local properties eligible for confiscation, the President may take over parts of Howard University, and in my own State of Maryland, he may close Fort McHenry—the birthplace of "The Star Spangled Banner"—and he may "use it for such period thereafter as public needs may require."

Some of these special powers probably should be granted to the President as a matter of policy; some have been effectively abrogated through conflicting legislation. But all of them should be reviewed; and the entire concept of national emergencies declarable by the President in peacetime without termination dates should be reappraised and clarified. Emergency powers should be available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

To that end, section 2 of Senate Joint Resolution 166 would create a special joint committee comprising six members of each body of Congress, including three each from the Senate Foreign Relations and House Foreign Affairs Committees. The special committee would confer and consult with the President on the matter of termination of the state of emergency proclamation and it would determine which "emergency" powers actually are justified by current foreign policy exigencies and should be legislatively authorized. The committee would report back to the Congress before the end of the 91st Congress. I recognize that this section of the resolution does not entirely fall within the jurisdiction of the Foreign Relations Committee and it might have to be referred to another panel, but I respectfully submit the question to this committee and invite recommendations as to the approaches that should be made.

NEW CONGRESSIONAL ENACTMENT FOR SOUTHEAST ASIAN POLICY

The last three sections of this resolution are designed to replace the open-ended authorization conceded in the Tonkin Gulf resolution with a new congressional enactment for Southeast Asian policy.

Section 3 would declare support for the President's determination to pursue a political rather than a military solution in Vietnam and would endorse his plan for the withdrawal of all American forces from South Vietnam as soon as possible.

This section also urges the President to seek creation of an international peace-keeping force under United Nations or other appropriate international auspices. I have urged creation of such a force since 1962.

I think it is needed now to prevent reprisals against any of the South Vietnamese people after the departure of American troops. It has been said that without the aid of U.S. forces the Thieu-Ky government could not prevent massacres from occurring.

Section 4 is designed to promote the development of a political order embracing all groups in South Vietnam and capable of surviving and

keeping order after the departure of American troops. Under the resolution, Congress would urge leaders from all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed eventually to produce a new broadly based government. Needless to say, in order for meaningful political discussions to occur, the Thieu-Ky regime would have to release from prison those leading political figures incarcerated essentially for advocating or attempting such discussion. This process is not to be considered as an alternative to elections but as a contribution to the conditions of minimal consensus necessary for a meaningful balloting.

Section 5 is designed in part to provide additional incentives for the success of the Paris negotiations, and in part to fulfill the humanitarian mandate of the American world role. This section would urge the President to invite other nations to participate with the United States in the formulation of a multilateral plan for the reconstruction of war-ravaged areas in Southeast Asia. It also asks the President to submit to Congress as soon as possible any legislation needed to carry out the plan.

CONGRESSIONAL RESPONSIBILITY IN FOREIGN POLICY

It is not the intent of the resolution to place unjustified constraints on Presidential leadership in foreign affairs. It is rather to reestablish for the legislative branch our joint responsibility for the ways in which foreign policy is carried out, and to provide the President with a clear sense of congressional thinking. Indeed, by clearing outdated and open-ended commitments from the record and enacting more relevant legislation, we may even help the President in his efforts to control the executive branch and those tendencies in our massive bureaucracy that helped produce our cumulative involvements in Vietnam and elsewhere.

If the United States is to develop foreign policies suitable for the seventies, worthy of the support of those who have been estranged from our policies in the sixties, we must clear away the legislative and conceptual debris of the fifties. And if this process of modernizing our policies is to be durable and democratic, immune to sudden reversal in a crisis under the pressure of an aroused and uninformed public opinion, the Congress must play a key role in preparing itself and its constituencies. Congress must share with the President the educational leadership burdens in foreign affairs.

The fundamental question involved in this resolution can be bluntly stated: Is Congress, is the Senate—with its constitutional responsibilities in this realm—either obsolete or optional in the making of American foreign and defense policies? The question may seem impertinent, particularly at a time when the Senate is moving to play a larger role in this field. But despite the recent assertions of congressional authority on national commitments and other matters, an influential school of academic and governmental opinion continues to believe that international relations are too technical, complicated, and machiavellian to be understood or responsibly managed by nonprofessionals.

Many of our international activities, it is said, must actually be conducted in secret, and sometimes no elected official, not even the President himself, is apprised in detail. In the nuclear age, this argu-

ment goes, foreign and defense policies are matters of neurosurgical delicacy—affecting the very survival of mankind; they must be managed by specialists, insulated as much as possible from the buffeting of public sentiment. The axiom that politics ends at the water's edge is interpreted as gravely limiting congressional scrutiny and debate on our activities overseas.

This attitude, which, Mr. Chairman, I have only very slightly caricatured, has been buttressed by the long period of congressional inaction, just now ending, in these areas of policy. I need not reiterate here the details of years of congressional deference in foreign and defense matters, or the effective usurpation of war powers by the President. In the decisions launching the United States into its last two major conflicts, Congress played no significant role. Our entry into Korea was essentially a Presidential initiative; and in relation to Vietnam, Congress acted only to abdicate.

Congressional powers were continuously exercised during this period, particularly in appropriations. But the presumptions and priorities of the Congress were often in disarray and on the most important questions, Congress tended to accept technocratic predominance in foreign policy. The foreign aid bill was exhaustively scrutinized while the defense budget until this past year was relatively unexplored and the major dimensions of our foreign policies were determined by the Executive. The practical effect of congressional review was often to lend inert momentum to executive policy.

Until the country must be mobilized for war, our defense and diplomacy thus have been shrouded in a mystique of statesmanship and technocracy. When war erupts, our policies have been suffused by a melodrama of emergency. It has only rarely happened in the years since World War II that Congress asserted itself to assume a responsible, deliberate role in deciding the life-and-death issues of the international realm.

It will not surprise you that I oppose this attitude toward the role of Congress and especially of the Senate. This resolution is based on the proposition that American foreign policy does not—and should not—begin beyond the 3-mile limit. I believe, in fact, that our foreign policy in recent years has tended too much to remain at sea with the Executive. I do not accept the theory that either the invention of nuclear weapons or the intrigue of counterinsurgency has rendered Congress obsolete or optional in international affairs.

The basic problem with the elitist and technocratic notion of foreign policy is that it is ultimately unacceptable to the American people. Foreign policy can be made for long periods without congressional scrutiny or participation. But when a setback occurs—or some major and controversial change is made—Congress is politically impelled to respond. The issue then becomes not whether but how congressional power will be exercised.

CONSTITUTIONAL RESPONSIBILITIES IN FOREIGN POLICY

There is no doubt that its power is legitimate. Although the Executive is constitutionally authorized to conduct our foreign relations—and serve as Commander in Chief of our Armed Forces—Congress was assigned an equally important role by the framers of our Constitution. In fact, I might contend that the constitutional responsibilities

of the Congress in foreign policy are ultimately greater than those of the President. Congress holds unique powers in taxation, appropriation, foreign commerce, conscription, regulation of the military, and declaration of war that embrace the whole range of our foreign relations. The Senate has special powers—and a long tradition—relating to treaties, appointments, and general consultation. I think that it is more important than ever for Congress to exercise its powers today.

CONGRESSIONAL POLICY IN A NEW WORLD

Alexis de Tocqueville once said, "The most important time in the life of a country is the coming out of a war." The final stages of the Korean war were marked by bitterness and recriminations. I believe that today we are emerging from the Vietnam war into a new world—a world very different from the one in which we were brought up, very different even from the one in which our Vietnam engagement began.

Nationalism is increasing in clamor, while world economic and technological forces—organized in great multinational corporations—treat national boundaries as irrelevant. The cold war is ending in Europe, won by the new capitalists, and the Communist states look wistfully west for new markets, new products, and old economic ideas. The north-south division of the world—the realm of affluence and the realm of underdevelopment—arises as the crucial arena of ideological conflict and a key arena for new congressional policy. In this arena the President's proposal for trade preferences for the products of underdeveloped countries—a new incentive for private enterprise in them—is likely to be incomparably more important as an ideological initiative than anything we could achieve with our military in Vietnam.

And this is just a beginning. In the next few years we are going to need a complete reordering of our approaches toward the Southern Hemisphere—indeed toward the whole world economy. This year we created a new international money, unglamourously designated special drawing rights. We are now considering how to channel this new money into the underdeveloped world through the international development authority of the World Bank. Soon we will have to develop a new currency of ideas to capture the imaginations, stimulate the economies, and expand the trade of the less developed countries—let them transcend their own exclusionist nationalisms and participate in the growth of the north.

The United States remains the world's most developing country, partly because it is continental in scope and open to the products and ideas of the world. The Nixon Administration, I believe, is also to a great extent open to these new forces and movements in the world. So are a great many Members of Congress, particularly in the Senate. But I am afraid that unless the Congress as a body, both Houses, prepare now to deal with these and other new issues—unless it engages the future confidently and responsibly now—the period of transition as we move from Vietnam may be marked with bitterness. I fear that, as in the period after World War I and after Korea, the Executive may encounter dangerous obstruction from a legislative branch suddenly burdened with the urgent business untended during a period of conflict. And I believe that postwar readjustment—so imperative

for the avoidance of future wars and for the establishment of a lasting peace—may be impossible to accomplish smoothly unless it is undertaken now. It is in this spirit that I introduced the resolution, that I present it to the committee today, and that I seek the help of the committee in its consideration, refinement, improvement, and submission to the Senate.

CURRENT POLITICAL CONTEXT OF SENATE JOINT RESOLUTION 166

Until now, Mr. Chairman, I have tried to deal in terms of history, constitutional law, and congressional tradition. Even in matters of high politics, however, the political quotient must be considered. In conclusion I submit that it is not unbecoming to make a few remarks placing my resolution in its current political context.

I said at the outset that this resolution is a natural extension and complement of the national commitments resolution. But because they assert congressional authority, no one should assume that these resolutions necessarily conflict with Executive policy. In fact, President Eisenhower insisted on the primacy of Congress in these matters, while it was Congress—conditioned by the different attitudes of his predecessors—which was skeptical of its powers and refused to assert them fully.

Now President Nixon has an opportunity to reassert the position of President Eisenhower, demonstrate his own statesmanlike recognition of constitutional properties, and at the same time secure explicit congressional support for the stated aims of Administration foreign policy. President Nixon himself in Guam and Manila affirmed that future American policy in Asia would be designed, and I quote his words "to exclude the kind of support which would involve the use of troops." Moreover, he has renounced a military solution in Vietnam and has asserted a determination to remove all American troops.

This resolution, in fact, can be considered as a legislative combination of the Nixon plan for total withdrawal of American forces from Vietnam with the Nixon doctrine to limit American military commitments abroad. By supporting it, the President would reassure the country and the Congress of the depth of his commitment to these goals and would dissipate some of the anxieties and misconceptions prevailing in the land.

So in making this proposal to the Congress—and in offering this testimony—I also issue an invitation to the President to participate with us in an historic undertaking. And in bringing these two branches of Government together to reappraise American foreign policy for the seventies, I hope we can make a significant step toward bringing the American people together in the pursuit of peace.

ADMINISTRATION'S VIEWS ON SENATE JOINT RESOLUTION 166

The CHAIRMAN. Senator Mathias, I congratulate you on a very thoughtful and a very profound statement. I think all of your observations on the various parts of your resolution are extremely appropriate. Your invitation to the administration to support it is very timely.

The committee, as you know, did send your resolution to the administration for their comment, but I believe as of yesterday, we had not received a reply. I still hope that they respond to your request.

Senator MATHIAS. Let's hope, Mr. Chairman, in this case that silence is golden.

The CHAIRMAN. I hope so. At least they have not rejected it. I think after they consider it further, they will see its virtue.

1950 PRESIDENTIAL PROCLAMATION OF EMERGENCY POWERS

In order to fill out one of your very important points for the record. I will ask the reporter to insert the Presidential proclamation of emergency powers of 1950 in the place where you discussed it. I think it will be very informative.

(The material referred to appears on page 164.)

The CHAIRMAN. You raised so many interesting questions that it is a little difficult to begin.

Senator Mansfield, before we begin questioning, do you wish to make any further comment about the resolution?

STATEMENT OF HON. MIKE MANSFIELD, U.S. SENATOR FROM MONTANA

Senator MANSFIELD. Well, Mr. Chairman, and gentlemen of the committee, there is very little, if anything, which could be added to the thorough case made by the distinguished Senator from Maryland, Mr. Mathias, the initiator and the originator of the resolution now before the committee.

I had the good fortune to be on the floor when the resolution was introduced and when Senator Mathias made his statement in support of it. I was so impressed at that time that I felt compelled to make a few remarks and to ask the Senator if he would allow me to become a cosponsor.

What Senator Mathias is recommending would be complementary to the national commitments resolution which overwhelmingly passed the Senate and was reported out, I believe, nearly unanimously by the Foreign Relations Committee.

It seems to me also that it would reinforce the Nixon doctrine, as Senator Mathias has pointed out, and would give vibrancy and substance to that long overdue departure from an outmoded foreign policy as it involves the whole world, not Asia alone.

I think also it is time for the Senate perhaps to adopt strict constructionism as far as the Constitution is concerned, with foreign relations and the Senate's rights, obligations, and responsibilities. Maybe by going back and being a strict constructionist in the sense that Senator Mathias has indicated, we might bring some rejuvenation to the institution in which we serve. Our thinking has become outmoded with the passage of time because we have let time outpace us.

Maybe we can become one with the upcoming generation if we will put aside some of these policies which have been the bane of this Nation's existence for all too many years because, as Senator Mathias has indicated, they remain in effect long after they have outlived their usefulness. Maybe we need to take a fresh look at the Cuban resolution,

the Formosan resolution, the Mid-East resolution, the Tonkin Gulf resolution and the transfer of war powers to a President. I didn't know, for example, that some of those powers went back to 1917 until it was brought out in Senator Mathias' statement to this committee.

I think it is about time for us to look at our hole card and face up to our responsibilities, get up on our hind legs, work with the President and see if we can't bring some well-based hope for peace to our people rather than go on with old outworn policies which no longer are valid.

If any of these resolutions and actions of the past are valid, there is no reason why they can't remain on the books. If they are not they should be taken off.

So all I can say, Mr. Chairman, and gentlemen of the committee, in conclusion, is that I feel myself fortunate to be allowed to cosponsor the Mathias resolution. I think it does offer some light at the end of the tunnel, and I join Senator Mathias and the chairman of the committee in hoping that the President will look on the Mathias resolution with kindness and consideration because I think it will be a strengthening factor as far as he is concerned, and certainly a stabilizing factor as far as relations between the Senate and the Administration are concerned.

The CHAIRMAN. Thank you, Senator Mansfield.

DEPARTMENT OF STATE COMMENTS ON SENATE JOINT RESOLUTION 166

The staff has just told me that there is an interim report of February 2 from the Acting Assistant Secretary of State for Congressional Relations. It states that they are giving consideration to the resolution but are not prepared to give a final recommendation. Put it in the record, Mr. Reporter.

(The information referred to follows:)

INTERIM LETTER FROM DEPARTMENT OF STATE ON SENATE JOINT RESOLUTION 166

DEPARTMENT OF STATE,
Washington, D.C., February 2, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate.

DEAR MR. CHAIRMAN: I have further reference to your letter of December 11, 1969 requesting a report on S.J. Res. 166 "to repeal legislation relating to the use of the armed forces of the United States in certain areas outside of the United States, and to express the sense of Congress on certain matters relating to the war in Vietnam and for other purposes," which we acknowledged on December 16.

We have been actively working on such a report since the date of my letter. In doing so, it has been necessary to consider, among other things, the possible legal effect of repealing the resolutions referred to in section 1, the implications of such repeal for our relations with other countries, and the complex questions raised by possible termination of the present state of national emergency. For this reason, an additional period of time will be required to give the Congress a full and well-balanced view of the possible effects of S.J. Res. 166.

Please be assured of our continuing desire to work closely with your Committee in this and other efforts to resolve complex foreign policy matters.

Sincerely yours,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

(The following information was subsequently received by the committee:)

DEPARTMENT OF STATE,
Washington, D.C., March 12, 1970.

Hon. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with your letter of December 11, 1969, the Department of State has carefully reviewed Senate Joint Resolution 166 and is pleased to comment upon it.

Section 1 of Senate Joint Resolution 166 would repeal the Formosa Resolution (69 Stat. 7), the Resolution on the Middle East (71 Stat. 5), the Cuba Resolution (65 Stat. 697), and the Tonkin Gulf Resolution (78 Stat. 384). Section 2 would establish a joint committee of the Congress to study termination of the national emergency proclaimed by the President on December 16, 1950. Sections 3, 4 and 5 would express the sense of the Congress on certain matters relating to Viet-Nam and reconstruction of war-ravaged areas in Southeast Asia.

For reasons discussed in detail below, the Department believes that repeal of the Resolutions specified in Section 1 is a matter within the discretion of the Congress. We neither advocate nor oppose Congressional action. Similarly, the Department has no objection to a study of the consequences of terminating the 1950 proclamation of a state of national emergency, although we consider it would be unwise for the proposed joint committee to work with a pre-ordained position. Finally, while the Department agrees with certain of the principles stated in Sections 3, 4, and 5 and considers that they reflect a sound view of Viet-Nam policy and reconstruction in Southeast Asia, we believe that other parts of those sections would have unfortunate implications.

SECTION 1.—THE CONTINUING SIGNIFICANCE OF THE JOINT RESOLUTIONS

Each of the Resolutions specified in Section 1 was passed in the response to a crisis situation in the affected area. Thus, the Formosa Straits Resolution dealt with a direct military threat against the off-shore islands; the Mid-East Resolution arose from the threat of Soviet expansionism in the area and the situation following the 1956 Suez/Sinai war; the Cuba Resolution was passed in the context of adventuristic Soviet military policies directly threatening our security; and the Tonkin Gulf Resolution responded to an assault upon our naval forces in international waters.

In these moments of crisis, the use of these Resolutions as a highly visible means of executive-legislative consultation was instrumental in demonstrating unified support for our policies to the world and the American public and in indicating Congressional approval for the possible employment of United States military forces in support of these policies.

The crisis circumstances giving rise to these Resolutions have long since passed. As indicated by the specific analyses below, the Administration is not depending on any of these Resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans.

Equally important, the Administration does not consider the continued existence of these Resolutions as evidence of Congressional authorization for or acquiescence in any new military efforts or as a substitute for the policy of appropriate and timely Congressional consultation to which the Administration is firmly committed.

Should a situation arise calling into play our treaty commitments or otherwise seriously and immediately affecting vital United States interests in the areas affected by these Resolutions, we would wish to see Congress at that time fulfill its proper role under the Constitution in the decision-making process. We would keep the appropriate committees and the Congressional leadership fully informed and would cooperate to the maximum in Congress' fulfillment of its responsibilities. Should circumstances warrant, and after consultation with appropriate committees and the Congressional leadership, we might indeed seek further Resolutions in fresh crises.

In short, as a functional matter, these Resolutions have no continuing significance in the foreign policy formulation process, and it is for Congress to determine whether they should be terminated or simply allowed to fade away.

At the same time, the Department would call to the Committee's attention that these Resolutions contain significant recitals of basic principles of our policies in the affected areas. Repeal of these Resolutions would raise questions about current United States policy in the areas concerned and thus inevitably would entail certain adverse political consequences abroad. On the other hand, we believe the Administration has stated its policy clearly with respect to the questions dealt with by those Resolutions. As the President made clear in his recent State of the Union message and on numerous prior occasions, the United States intends to keep its defense commitments. Thus, to foreclose any possible misunderstanding, we analyze below the current legal significance of the Resolutions involved in Section 1 and we restate the relation between the policy principles stated in these Resolutions and the policies of this Administration as spelled out by the President and the Secretary of State.

THE CUBAN RESOLUTION

The Cuban Resolution of October 3, 1962, was above all a statement of United States policy toward Cuba. It was not intended to add to the President's powers or to authorize any particular action he might take in the future. Consequently, we do not consider that the Cuban Resolution in any way affects the powers of the Executive and Legislative Branches. It has never been relied upon by the Executive as the legal basis for any action. President Kennedy's 1962 order for the interdiction of the delivery of offensive missiles to Cuba cited as authority only the Constitution and statutes of the United States, while adding that the President was acting "in accordance" with the Cuban Resolution as well as the resolutions of the Organization of American States on the subject.

The Cuban Resolution does, however, reflect United States policy toward Cuba. That policy conforms to the hemisphere-wide policy adopted by the Organization of American States. It expresses the United States determination to prevent the Castro regime from extending its aggressive or subversive activities to any part of the Western Hemisphere. It states that the United States is determined to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States. Finally, it expresses United States determination to work in support of self-determination for the Cuban people. This policy remains the policy of this Administration. We believe the success of this policy will be enhanced by the success of the broad program of Action for Progress for the Americas, which the President set forth in his address before the Inter-American Press Association on October 31, 1969. In that address the President also said:

"I would stress one other point. We cannot have a peaceful community of nations if one nation sponsors armed subversion in another's territory. The Ninth Meeting of American Foreign Ministers clearly enunciated this principle. The export of revolution is an intervention which our system cannot condone, and a nation like Cuba which seeks to practice it can hardly expect to share in the benefits of this community."

THE FORMOSA RESOLUTION

The Formosa Resolution of January 29, 1955, expressed Congressional approval for the President "to employ the Armed Forces of the United States as he determines necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

This Resolution is now 15 years old. In the event of a new crisis in the Formosa Strait, this Administration would not view the continued existence of the Formosa Resolution as a source of Congressional authority.

Our defense commitment to the Republic of China is clearly set forth in our Mutual Defense Treaty, which entered into force several months after the Resolution was adopted. Repeal of the Resolution would not affect our commitment to the defense of the treaty area or our ability to meet it.

THE MIDDLE EAST RESOLUTION

Much of the Middle East Resolution of March 9, 1957, is no longer relevant. That portion of Section 2 of the Resolution giving Congressional approval for the

President to undertake military assistance programs has now been overtaken by the Foreign Assistance Act. Similarly, Section 3 of the Resolution, authorizing the President to expend funds during fiscal year 1957 is no longer relevant. Section 4, authorizing the President to furnish assistance to the United Nations Emergency Force, has no current applicability since UNEF no longer exists.

The Resolution's statement, in Section 2, that "the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism" plays a role in United States bilateral agreements with Iran, Pakistan and Turkey. Article 1 of those agreements, which is common to all three of them, says that "in cases of aggression against [Iran/Pakistan/Turkey], the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to promote peace and stability in the Middle East, in order to assist the Government of [Iran/Pakistan/Turkey] at its request." Repeal of the Resolution would in no way affect the continuing validity of these bilateral agreements. On the other hand, if the Resolution is not repealed, the Administration would not construe it as a source of authority for any decisions which might involve the United States in a conflict in that area.

Perhaps the most important statement of the Middle East Resolution is the sentence in Section 2 which states that ". . . the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East." The policy expressed by this statement has continued, throughout the years, to be the cornerstone of United States policy in the Middle East. It remains the policy of this Administration. Repeal of the Middle East Resolution would not affect our continued commitment to the preservation of independence and integrity of the nations in that area.

THE TONKIN GULF RESOLUTION

As noted above, this Administration has not relied on or referred to the Tonkin Gulf Resolution of August 10, 1964 as support for its Viet-Nam policy.

Repeal at this time, however, may well create the wrong impression abroad about U.S. policy.

The President has made our policy on Viet-Nam clear on numerous occasions. We seek a negotiated settlement and are proceeding with efforts to bring the war to an end even if such negotiated settlement proves unobtainable. The Congress could, of course, draft and adopt a new Resolution to complement and support that policy.

TERMINATION OF THE NATIONAL EMERGENCY—SECTION 2

Section 2 of Senate Joint Resolution 166 would establish a "Joint Committee on the Termination of the National Emergency." The Department has no objection to the creation of such a study committee and would be pleased to cooperate in any way possible with the committee's work. However, we should like to suggest that if such a study is to be undertaken its conclusion, ought not be prejudged either by the title of the committee or by its terms of reference.

The first specific function of the Committee would be to "consult and confer with the President and his advisers regarding the most effective method of terminating such national emergency;" this language assumes that the national emergency should be terminated and that the only question is how. In fact, the Proclamation of 1950 makes operative some 170 statutes that provide a set of authority the continuation of which is important under present world conditions. If the national emergency were to be terminated we believe that substantially similar authority would have to be provided in its stead. Thus, the first question which the Committee might study is not how the national emergency should be terminated but what purposes it serves. With respect to those purposes it found to be substantial, it could then ask whether these were best provided for by continuation of the present Proclamation or by some other means.

VIETNAM SETTLEMENT—SECTION 3

We welcome the expression of support in this Section for the President's efforts to achieve a political solution in Viet-Nam. Section 3 goes on to support the President's plan for withdrawal of U.S. forces and urges the creation of an inter-

national peacekeeping force for Viet-Nam, a proposal that is consistent with the President's call for international supervision of a ceasefire. For the sake of accuracy Section 3 might be revised to state our fundamental objective of self-determination for the South Vietnamese people and to avoid the possible implication that the continued implementation of the program of troop withdrawals will result in a situation in which the people of South Viet-Nam will be dependent on an outside force to assure their security or protect them from reprisals.

FORMATION OF A NEW GOVERNMENT IN SOUTH VIETNAM—SECTION 4

Section 4 of the Senate Joint Resolution 166 urges South Vietnamese leaders of "all political, religious and ethnic groups in South Vietnam to initiate serious discussions designed to lead to the creation of a government capable of gaining popular support and sustaining a durable political order after the departure of U.S. forces." It is the policy of this Administration to support and encourage as broadly representative a government as possible in South Vietnam.

Unfortunately, the language of Section 4 is misleading in its implication that the present government is incapable of "gaining public support and sustaining a durable political order." In addition, the language of Section 4 may connote an American effort to impose a coalition government on South Vietnam. The President has indicated that he would not favor any political settlement imposed on South Vietnam from outside, the form and composition of their government being a matter for the South Vietnamese to decide.

SOUTHEAST ASIA RECONSTRUCTION—SECTION 5

The Department concurs in the aims of Section 5 of the Mathias Resolution; that is, multilateral cooperation in the reconstruction of the areas in Southeast Asia damaged by the war. The Administration intends to submit to the Congress its recommendation for post-war reconstruction and development and to request appropriate actions for a U.S. contribution to a multilateral effort at an appropriate time.

In light of the above comments, the Department of State is prepared to cooperate fully with the Committee on Foreign Relations in examining the questions raised by the draft Resolution.

Sincerely,

H. G. TORBERT, Jr.,
Acting Assistant Secretary
for Congressional Relations.

BREAKING THE PATTERN OF U.S. FOREIGN POLICY

The CHAIRMAN. Senator Mathias, you have raised some extremely important questions and some of them prompt my own memory.

You do well to refer again to Abraham Lincoln's great and most pertinent statement that we must disenthrall ourselves. I don't know of a more pertinent and appropriate place for it.

It strikes me that many of our troubles today, particularly with those who have served and continue to serve in the bureaucracy and in the Senate, stem from the repetition of a number of ideas relating to the Vietnam war. The repetition has been so persistent over the years that it is almost impossible for our policymakers to disenthrall themselves. The reaction to the repetition of words about defeat, and the first defeat in our history, or about victories and about coalition governments demonstrates the validity of Pavlov's ideas. We react almost instinctively and simply continue to pursue the policies of the previous Administration. It seems impossible to break the pattern.

Your statement and Senator Goodell's statements in the hearings Tuesday when he said we should not look at withdrawal as a defeat of the United States but merely as a recognition of a very tragic mistake, seem to me much more appropriate in describing the situation in Vietnam. I think your reference to that is excellent.

Coming to these specific resolutions, you mention four of them. Why did the Middle East resolution precipitate debate in the Senate while the others did not? You have evidently researched this matter. Do you recall why there was a debate and the nature of the debate?

Senator MATHIAS. No, Mr. Chairman, I have not had an opportunity to go into all the background of that debate. I did discuss it with some of the people in the executive branch who were on the ground at the time, and who had long memories, and apparently it was President Eisenhower's desire to have this congressional ratification of what he felt was the proper policy at the time. But why the Congress should on that occasion have held back I am not entirely clear.

The CHAIRMAN. As I recall, not only was there a considerable debate but there was a substantial vote against it when it finally was put to a vote. Do you remember that? The others were adopted more or less by acclamation, with perhaps one or two dissents.

Senator MATHIAS. I think the questions raised had to do with the internal situation in Lebanon, but the resolution was enacted several months before the intervention there.

ENACTMENT OF FORMOSA AND GULF OF TONKIN RESOLUTIONS

The CHAIRMAN. I think it will be interesting to pursue that. I can recall that the same appeal was made for the Formosa resolution and the Tonkin Gulf resolution. It was a question of upholding the hand of the President vis-a-vis this monolithic, international Communist conspiracy, and the only way to insure that it would be impressive upon the Communist conspiracy was immediate unanimity. Every effort was made by the then majority leader, Lyndon Johnson, and the chairman of the Foreign Relations Committee, Senator Walter George. It was very similar to the appeal for the Tonkin Gulf resolution. The debate was looked upon as being almost unpatriotic, and you very correctly state that the Senate itself is guilty of having allowed its legitimate role to be eroded by the acceptance of this procedure. That was true certainly in the Formosa and the Tonkin Gulf resolutions.

The Tonkin Gulf resolution was a terrible mistake on the part of the Congress.

Senator MATHIAS. Mr. Chairman, may I accept, I accept my share of the responsibility for that. I think we did make a mistake.

The CHAIRMAN. I, of course, have many times confessed my shame at the role I played or the role I didn't play by simply accepting the word of the Administration.

I am bound to say in justification, for whatever it is worth, that I do not recall, in the case of the Formosa, Middle East, or Cuban resolution, that there was a degree of deception in connection with the presentation of the facts, which I am thoroughly convinced was the case with the Tonkin Gulf resolution. There the emotions of the Congress and the Senate were aroused by a recitation of statements of events that didn't occur, designed to arouse the emotional patriotism of all Members. It was stated that there had been unprovoked attacks upon our ships on the high seas, which simply wasn't so, as you have said. They were neither unprovoked nor really substantial. I doubt very seriously that the second attack took place at all. If it did it was of

such trivial consequence that it could not possibly justify the statements made by our highest officials, the Secretaries of Defense and State, to the Senate. But that is another incident of history which can be debated at the proper time.

LEGISLATIVE BACKGROUND OF MIDDLE EAST RESOLUTION

In order to complete the record and give access conveniently to persons interested in these matters, I will ask that excerpts from the legislative history of the Middle East resolution be put in the record. They are relatively short and give some idea of the attitude of the Senate at that time. I don't quite remember why it was that the Senate took a much more intelligent and enlightened attitude toward that resolution, subjected it to debate and voted the way it did.

(The information referred to follows:)

LEGISLATIVE HISTORY

THE MIDDLE EAST RESOLUTION [1]

Background

When the 85th Congress convened in January 1957 it was immediately confronted with the serious situation existing in the Middle East. Since the seizure of the Suez Canal by Egyptian President Nasser in July 1956, tension in the Middle East had increased. The climax was reached in October, when British, French, and Israeli forces attacked Egypt. After a United Nations emergency force (UNEF) was formed and stationed in the area, these troops were withdrawn. UNEF, however, maintained a very tenuous peace. Soviet influence was increasing and the economies of virtually all countries in the area and the press in Europe were shaken because of the closure of the Suez Canal. The general atmosphere was one of fear, crisis, and instability.

On December 27, 1956, the press reported that President Eisenhower was considering a request for congressional authority to use United States troops if necessary to maintain peace in the Middle East. Both he and Secretary of State Dulles had indicated that "basic United States policy should now find expression in joint action by the Congress and the Executive."

Secretary Dulles appeared before the committee on the last day of the 84th Congress—January 2, 1957—and discussed the critical situation in the Middle East. On January 5, 1957, President Eisenhower addressed a joint session of Congress and requested authority to extend economic and military assistance to Middle Eastern nations and to employ "the Armed Forces of the United States to secure and protect the territorial integrity and political independence of such nations requesting such aid, against overt armed aggression from any nation controlled by international communism."

Committee action

On January 9, 1957, Senator Green, for himself and Senator Wiley, introduced the President's proposal as Senate Joint Resolution 19. This resolution, and subsequently House Joint Resolution 117, which was passed by the House of Representatives on January 30, 1957, by a vote of 355 to 61, were by unanimous consent referred to the Committee on Foreign Relations and the Committee on Armed Services jointly.

The joint committee, which was presided over by Senator Green, began consideration of the joint resolution with public hearings on January 14, 15, 24, and 25 at which Secretary of State John Foster Dulles was the principal witness. He was accompanied by Adm. Arthur W. Radford, Chairman, Joint Chiefs of Staff, and John B. Hollister, Director, International Cooperation Administration. On January 28 and February 1, Secretary Dulles returned for further examination in executive session. Admiral Radford testified and was questioned in executive sessions on January 29 and 30.

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[1] Legislative History of the Committee on Foreign Relations, 85th Cong., S. Doc. 85–128, pp. 20–24.

Nongovernment witnesses who had asked to testify were heard by the joint committee in public session on February 4. These included a number of private individuals and also representatives from the American Legion, the American Veterans Committee, the American Association for the United Nations, the Friends Committee on National Legislation, Americans for Democratic Action, the Women's International League for Peace and Freedom, the Committee for Security and Justice in the Middle East, the American Zionist Committee for Public Affairs, and the United States Arab-Asian Institute, Inc., Charles J. Kersten and Hamilton Fish, former Members of Congress, also testified.

They were followed by present and former officials of the United States Government who had been invited by the joint committee to present their views in executive session. Herbert Hoover, Jr., former Under Secretary of State appeared on February 5; George Wadsworth, United States Ambassador to Saudi Arabia, and Joseph C. Green, former United States Ambassador to Jordan, on February 6; Henry A. Byroade, United States Ambassador to the Union of South Africa and former Ambassador to Egypt, on February 7; Jefferson Caffery, former United States Ambassador to Egypt, on February 8; and James G. McDonald, former United States Ambassador to Israel, on February 8 and 11.

Also on February 11, in public session, the joint committee heard Senator Joseph C. O'Mahoney and received statements from Senator William A. Purtell and Senator John A. Carroll.

The hearings of the joint committee in executive sessions were edited in order to delete security information and were printed in two volumes for the use of the Senate together with the public testimony.

On February 12 and 13 the joint committee met in executive session to consider the joint resolution. It had referred to it in addition to Senate Joint Resolution 19 and House Joint Resolution 117, the following resolutions: Senate Joint Resolution 42, by Senator Morse, to promote peace and stability in the Middle East; Senate Joint Resolution 45, by Senator Mansfield, relative to the use of Armed Forces by the President to preserve the independence and territorial integrity of the nations of the Middle East, and for other purposes; and Senate Resolution 80, by Senator Fulbright, to express the attitude of the Senate as to the policy of the United States in the achievement of international peace and security in the Middle East.

The joint committee decided to take action on Senate Joint Resolution 19 and on February 13, 1957, by a vote of 20 to 8, voted to report it favorably with an amendment in the nature of a substitute to the Senate.

During its extensive consideration of the matter, the committee was concerned with all aspects of the situation in the general area of the Middle East and with the whole range of United States policy toward the area. Particular attention was devoted to these questions:

1. How the resolution fit into overall United States policy;
2. The wisdom of increasing the President's discretionary authority for use of mutual security funds to the extent requested; and
3. The Constitutional problems involved in the President's request for authority to use the Armed Forces.

On the first point, the committee viewed the resolution as an emergency stopgap. The committee report said: "It is idle to suppose that the actions taken under the authority of this resolution will in themselves bring about peace, security, and stability in the Middle East and the President recognized this fact in his message to Congress of January 5. But the authority granted by this resolution is essential to provide an atmosphere in which other measures can be brought to bear and to provide time for those other measures to be effective.

"The joint committee is concerned that other measures be taken, that they be taken promptly, and that they be adequate to the task. The joint committee expects to be consulted as these measures are developed and applied."

On the second point, the committee approved substantially the discretionary authority requested for military and economic assistance, but imposed the following limitations:

1. The additional authority granted the President was only for the balance of the then current fiscal year—a matter of approximately 4 months.

2. The additional authority could not be used until after the appropriate committees of Congress had been given 15 days notice of the amount of money it was proposed to spend, the country for which it was proposed to be spent, and the specific fund from which it was to be drawn. This would give the appropriate committees of Congress an opportunity to scrutinize in advance each proposed

action and to take whatever action seemed warranted. The committees to which this notice was required were the Foreign Relations Committee of the Senate, the Foreign Affairs Committee of the House, the 2 Appropriations Committees, and in the case of military assistance, the 2 Armed Services Committees.

3. It was expressly provided that the authority could not be used to transfer funds between military and economic assistance appropriations. In other words, where the President's new authority was used to extend military assistance, the funds involved must be taken from military assistance appropriations and when the new authority was used for economic assistance, the funds must be taken from economic assistance appropriation.

4. Finally, it was made perfectly clear that the joint resolution itself did not constitute an authorization for additional appropriations. Such additional appropriations as might have become necessary for assistance to the Middle East would have to go through the regular authorizing and appropriating process as in the case with mutual security funds generally.

With regard to the third point, the joint committee was sharply divided as to the proper constitutional processes, although it was not divided as to the substantive policy. After much consideration, the committee agreed to this language:

"Furthermore, the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East. To this end, if the President determines the necessity thereof, the United States is prepared to use armed forces to assist any nation or group of nations requesting assistance against armed aggression from any country controlled by international communism: *Provided*, That such employment shall be consonant with the treaty obligations of the United States and with the Charter of the United Nations."

As stated in the committee report:

"This language has the virtue of remaining silent on the question of the relationship between the Congress and the President with respect to the use of the Armed Forces for the objective stated in the resolution.

"At the same time this formulation makes clear the importance which the United States attaches to the Middle East and the determination of the United States to use armed force to resist Communist aggression in the area should any nation request such assistance."

The joint committee also by a vote of 30 to 0, on January 29 directed the Secretary of State to provide a chronological statement of all the events that contributed to the situation in the Middle East, with particular reference to the period beginning January 1946.

The chairman of the joint committee appointed a subcommittee, consisting of Senators Fulbright (chairman), Mansfield, Wiley, Knowland, Byrd,[1] and Saltonstall, to consult from time to time with appropriate officials of the Department of State as to how the committee's request for information could be met reasonably, both as to extent and as to time.

Senate action

Debate in the Senate revolved around the same issues as were considered by the committee. The debate lasted from February 19 to March 5, 1957, and a number of amendments were offered. The Senate agreed to four of these: (1) An extensively modified amendment by Senator Douglas which made the granting of military, economic, and technical assistance subject to the limitations of section 105(a) of the Mutual Security Act of 1954, as amended, which specified that equipment must be furnished only to maintain the internal security and legitimate self-defense of the recipient nation and must not be used to undertake any act of aggression against another nation (voice vote); (2) an amendment of Senator O'Mahoney which provided that the employment of armed forces under the joint resolution should be consonant with the Constitution (82–2); (3) a modified amendment by Senator Mansfield providing that the President should continue to furnish facilities and military assistance, within the provisions of applicable law and established policies, to the United Nations Emergency Force in the Middle East (48–43); and (4) an amendment by Senator Case of South Dakota, to make it clear that the nations referred to in all parts of the resolution are those in the general area of the Middle East (voice vote).

The Senate rejected the following seven amendments: (1) an amendment by Senator Mansfield providing that the President should seek to bring about effec-

[1] Harry F. Byrd, Sr., of Virginia.

tive control over the introduction of military "volunteers" (voice vote); (2) a substitute by Senator Russell which would have omitted the economic and military assistance provisions (28–58); (3) an amendment by Senator Curtis providing that the resolution should expire on February 1, 1961, or earlier as provided for in the committee amendment (30–58); an amendment by Senator Barrett for himself and Senators Dworshak and Case of South Dakota, which provided that $100 million of the authorized assistance should be in the form of loans (voice vote); (5) an amendment by Senator Morse providing for prior notice if possible to the Congress before armed forces are employed (28–64); (6) an amendment by Senator McCarthy[1] striking out the language relating to funds without regard to the provisions of the Mutual Security Act (division); and (7) another amendment by Senator McCarthy striking out reference to the United Nations in the termination clause (division).

On March 5, the committee amendment, as amended, was agreed to by the Senate. The Senate then discharged the Committee on Foreign Relations from further consideration of House Joint Resolution 117 (the House companion resolution), amended it by striking out all after the enacting clause and inserting the text of Senate Joint Resolution 19, as amended, and then passed House Joint Resolution 117 by a vote of 72–19.

The Senate amendment was agreed to by the House of Representatives on March 7, 1957, and on March 9, it was approved by the President.

Dates	*Documents*
Address by the President of the United States, January 5, 1957.	House Document 46.
Introduced by Representative Gordon in the House, January 5, 1957.	House Joint Resolution 117.
Introduced by Senator Green (for himself and Senator Wiley), January 9, 1957.	Senate Joint Resolution 19.
Hearings before the House Committee on Foreign Affairs, January 7, 8, 9, 10, 15, 16, 17, and 22, 1957.	Printed hearings.
Hearings before the Senate Foreign Relations Committee, January 14, 15, 24, 25, 28, 29, 30, February 1, 4, 5, 6, 7, 8 and 11, 1957.	Printed hearings.
House Joint Resolution 117 reported to House January 25, 1957.	House Report 2.
House Joint Resolution 117, passed House, 355 to 61, January 30, 1957.	Congressional Record, same date.
House Joint Resolution 117 referred to Senate Committees on Foreign Relations and Armed Services jointly, February 1, 1957.	Congressional Record, same date.
Senate Joint Resolution 19 reported to Senate with an amendment in the nature of a substitute, 20 to 8, February 14, 1957.	Senate Report 70.
Committee amendment, as amended, agreed to by Senate; committee discharged from further consideration of House Joint Resolution 117; amended by striking out all after the enacting clause and inserting the text of Senate Joint Resolution 19, as amended, and passed, 72 to 19, March 5, 1957.	Congressional Record, February 19, 20, 21, 25, 26, 27, 28, March 1, 2, 4, and 5, 1957.

TRANSFER OF POWER FROM LEGISLATURE TO THE EXECUTIVE

Senator MATHIAS. Mr. Chairman, if I could observe just at this point. I think one of the most dangerous things about these resolu-

[1] Joseph R. McCarthy, of Wisconsin.

tions is the shadowy character that they have. There is among lawyers a discussion as to their legal force; but certainly they have been used, as I said—I know this from personal experience—they have been used to give the color of law to executive actions, and very forcefully; and yet they are so shadowy. There are people in very high places today who are either unaware of the existence of these powers or uncertain about them, and I think it is time to clarify these very ambiguous situations.

The CHAIRMAN. By your very thoughtful presentation of these matters, you have suggested that something very profound has been taking place which, to a degree, is a departure by the Members of the Congress from the fundamental concepts of our democracy. To put it another way, it is the transfer of power to the Executive without any legal or constitutional basis.

This always takes place in time of war. Lincoln didn't hesitate to suspend certain well-established principles when he was in the midst of the Civil War. To a greater or lesser degree the executive in any country which started with a democratic base takes over powers which normally are exercised by the legislature. I think we have suffered that. All around the world today most people are governed by autocratic dictators. We are one of the few countries which still tries to operate a democratic system, but we have also suffered from this enhancement of the Executive. I think you experience it now in the almost adulation of the Executive.

There is even now in this country a feeling that in some way it is unpatriotic to raise questions about executive action. The Chief of State, who in a sort of instinctive way represents the head of the tribe who used to lead us in the days of the cavemen, still has access to all of the people through the media. No Member of Congress, or the body as a whole, has prestige comparable to that of the Chief of State.

This enhancement of the role of the Chief Executive is a great danger to the survival of democracy. All you need to do is look about this hemisphere or the world to see that this is true.

I think what you are suggesting here, aside from the specific measures, is that we return more closely to the concepts of the democratic system in which the Members of the Congress play a role. I would say you are asserting that with all our limitations the collective wisdom of the Congress, and the Senate especially, may have something of use to contribute in the making of national policy. I think that is what I read into your statement.

Senator MATHIAS. That is what I hoped you would read.

CONSTITUTIONAL IMPLICATIONS OF AREA RESOLUTIONS

The CHAIRMAN. In your statement you say, "And that they seem to embody a misinterpretation of the constitutional role of Congress in international affairs."

You go on to elaborate that to some extent, but I wondered if you would care to take this opportunity to further elaborate the misinterpretation. The passages in your statement are very good, but I wondered if you cared to elaborate because this seems to me the central thrust of your resolution and your statement.

Senator MATHIAS. If you will look at the exact words of the various subject resolutions you will find questionable constitutional implications again and again. For instance, specifically the Formosa resolution authorizes the President to "employ the Armed Forces of the United States as he deems necessary" for the protection of Quemoy and Matsu.

Well now, that has been in effect for, since 1955. That is open-ended authority for the President which, I think, is really in conflict with the intent of the Constitution to vest the power of making war in the Congress, and you couldn't have a more specific example, and the fact that it is open-ended, the fact that it has existed since 1955 is, I think, an indictment of our own alertness in this area.

IS REPEAL OF AREA RESOLUTIONS ISOLATIONIST?

The CHAIRMAN. You suggest a question which I predict may arise. If we do undertake to repeal these resolutions, the opposition to this movement I am quite sure will say that this will be evidence around the world that the United States is turning isolationist and that they can no longer be counted upon to live up to their commitments.

What is your answer to that? I am quite sure that will be a charge leveled at us.

Senator MATHIAS. I am sure it will. It has already been raised as a question. But also in my statement, I think, I hope I made it clear that repeal of these enactments would in no way affect existing treaty commitments or prejudge American policy for the future.

I feel that this is primarily a domestic rearrangement of our affairs. This is a reordering of how we, within the country are going to execute and discharge the responsibilities that we have in the world, and I don't think that any foreign power, viewing congressional action taken along the lines that I have proposed, would, or at least should, read into it any withdrawal from any legitimate responsibilities that we have beyond our own borders.

Senator MANSFIELD. Mr. Chairman, if I may interpolate there, that is getting to be a well-worn and outworn cliché. Every time you want to bring about a change in policy the cry is raised that we are going isolationist, and that those of us who advocate some changes are at best neoisolationists.

As a matter of fact, there is no validity to such a cliché because with the shape of the world, the size of the world, the speed of communication and transportation, the closeness with which people live with one another, getting closer all the time, it is an impossibility for any nation to remain apart from any other nation. Perhaps China is an exception where there is a difference between our two nations, but that is a voluntary disassociation. These people who raise the cry of isolationism haven't got much in the way of argument to back up what they say. In my opinion, many of them are afraid to make a move to change in tune with the times. They like to cling to outworn vested policies which may have been valid a decade, two decades ago. They are the ones, I think, who are isolated—in their thinking. Those, like Senator Mathias, who come up with new ideas are the ones who are the forward looking exponents of a new, sound and more valid American foreign policy—one in which the Congress and the Administration can work together in harmony.

The CHAIRMAN. I certainly agree with those sentiments. This is one of those old clichés that I had in mind when I spoke earlier about our ideas with regard to the war in Vietnam. We seem to be prisoners of the repetition of certain ideas over the years, and this is one of them.

I raise the point because I think we should be aware that isolationism will be one of the things that will be changed.

THIEU-KY REGIME'S ACTION AGAINST TRAN NGOC CHAU

One last question before I call on the Senator from Kentucky. You suggested in your statement that "the Thieu-Ky regime would have to release from prison those leading political figures incarcerated for advocating or attempting such discussion." You will note in this morning's paper a reference that Mr. Thieu has induced the Assembly in Saigon to lift the immunity of two members, one of them a Mr. Chau, if I pronounce it correctly. This is a very ominous development. Members of our staff met this man when they were recently in Vietnam. He is a well-known figure who has cooperated with the Americans, and heretofore with the South Vietnamese Government, but because he has developed differences of view primarily over the question of whether or not they should seek a negotiated settlement rather than continue to fight, he is now threatened with extinction. I don't know whether they will kill him or just put him in jail for life. We don't know, but they are very ruthless. They have lifted his immunity and apparently are proceeding to dispose of him, which again demonstrates the character of the regime for which we are fighting and our boys are dying. It is an extremely frustrating matter.

I wanted to call it to your attention because it only developed yesterday. I am told this young man, who is only 46, I think, is probably one of their ablest men and one of the type of men who, if there is to be an alternative to the continuation of the fighting to the bitter end in support of Thieu, would be the type of man who could bring about a government in South Vietnam which could bring about a negotiated peace.

Senator Cooper, do you have some questions?

CONGRESSIONAL AUTHORIZATION FOR U.S. TROOP COMMITMENTS ABROAD

Senator COOPER. I was on the Senate floor the day Senator Mathias introduced his resolution. He made a very eloquent and compelling speech.

I think yours and Senator Mansfield's resolution in its scope, concept and imagination—and I say this without any derogation of others—is the most comprehensive which has been presented before this committee.

The national commitments resolution, as I think we would interpret it, was chiefly prospective in character. It declared that the promise of troops to another country or the use of troops in another country would not be considered a national commitment without the consent or approval of the Congress. Any future engagement of our troops or promise to use them would require the President to come to Congress.

In fact, all of the resolutions which were adopted by the Congress, with few exceptions such as the Formosa and Cuba resolutions, provide that action taken should be consonant with the Constitution. The difficulty is what the President and the Congress consider their constitutional powers.

Your resolution refers to the use of troops. Does it extend to the commitment of troops abroad when there is no war? I am sure you mean that Congress shall give its approval to send troops into war. But what of the situations where we have gradually gotten into war, as in Vietnam, and in Laos. We placed troops in those countries when there was no war except local wars, and gradually we became deeply involved.

Would your resolution extend to securing the consent of the Congress before our troops were placed on foreign soil?

Senator MANSFIELD. May I say, Senator Cooper, that, as you know, I introduced the Cooper resolution to prevent the use of U.S. combat troops in Laos and Thailand in the closing months of the last session. That resolution was discussed in executive session. Some questions arose and the resolution itself was amended and strengthened by Senator Church. That was agreed to, I believe, unanimously or almost unanimously by the Senate.

I think the Cooper resolution, the Cooper-Church resolution in that respect would fit in with our thinking, and that we would state that the resolution as passed would be dominant as a congressional expression and as a part of the law as far as that is concerned.

U.S. TROOPS IN WESTERN EUROPE

If you are referring to the situation in Western Europe, I would say, speaking personally, that while it might be all right for some troops to remain there, that in my opinion the regimental combat team in Berlin would be just as much an earnest of our intent to observe our affiliation with the North Atlantic Treaty as would the five divisions plus dependents who are in Western Germany at the present time.

That is a matter which I think the President should use discretion on, but I cannot see 600,000 U.S. troops and dependents in Western Europe 25 years after the second war is over. Smaller contingents, yes; a gradual withdrawal, most certainly. But there are too many there, they are too expensive, they impose too much of a drain on the economy and the financial well-being of this country, and troop installations of that kind are always subject to difficulties no matter where they may be.

UPDATING OF PROCEDURES FOR U.S. TROOP COMMITMENTS

Getting down to the nub of your question, at least I think I am, I would point out that at the present time we have on the order of 1,750,000 U.S. troops, dependents, and indigenous workers in 40 countries of the world, and they are maintained there at a cost of around $4.8 billion a year. Many of those are located without any knowledge or awareness on the part of the Congress. I would think that what Senator Mathias is endeavoring to do is to bring about order out of chaos, some stability out of an outmoded policy, and a

change in procedures which have been in effect. Because they were good 20 or 25 years ago, supposedly on that basis, and on that basis alone, they are good today. The same would apply to these resolutions.

Senator MATHIAS. I think Senator Mansfield has very accurately stated the thrust of this resolution. I think that the answer to your question really lies in the language of the national commitments resolution, which addresses itself to this area.

What we are attempting to do here is to remove any ambiguity which may exist because we have not only now the national commitments resolution but we have all their prior enactments which are in conflict with the national commitments resolution, and if we are going to make it clear to the country and to the Executive and to ourselves, I think we have to take this further step.

CONGRESSIONAL APPROVAL OF U.S. TROOP COMMITMENTS

The CHAIRMAN. I wonder if the Senator will allow me to read one section of the resolution on troops to Europe, which I think is very pertinent to this discussion, particularly with regard to Senator Mansfield's comments. It is very brief. This is section 6 of Senate Resolution 99 of April 4, 1951. It reads as follows:

> It is the sense of the Senate that, in the interests of sound constitutional processes, and of national unity and understanding, congressional approval should be obtained of any policy requiring the assignment of American troops abroad when such assignment is in implementation of article 3 of the North Atlantic Treaty; and the Senate hereby approves the present plans of the President and the Joint Chiefs of Staff to send four additional divisions of ground forces to Western Europe, but it is the sense of the Senate that no ground troops in addition to such four divisions should be sent to Western Europe in implementation of article 3 of the North Atlantic Treaty without further congressional approval.

It is very explicit there about congressional approval.

CONGRESSIONAL COOPERATION WITH PRESIDENT IN REVIEW OF FOREIGN POLICY

Senator MANSFIELD. Mr. Chairman, if I may interpolate there again, I would assume on the basis of the Nixon doctrine, which I approve of thoroughly and which Senator Mathias has emphasized during the course of his outstanding statement, that it calls for eventual withdrawal of U.S. troops, not only from Southeast Asia but, as I understand the President's later additional comments, the Nixon doctrine applies to the world as well. I would assume that there would be further withdrawals. There would be a reduction in bases. There would be a reduction in the armed services, as Secretary Laird and the President are seeking to bring about and are doing fairly successfully so far. If we bring—if we place our trust in this new policy, which is at least a decade, probably 15 years overdue, then I think we will bring about a reorientation, a shift, in the placement of our people, dependents, overseas. We will be doing something more in line with the doctrine itself and with the national commitments resolution. I think we can work closely together with the President and try to bring a new stance, a new look, a new outlook to American foreign policy as a whole.

Senator COOPER. I think that is correct, as I read the resolution and the statements of Senator Mathias and Senator Mansfield. It looks at

a group of resolutions at a time to determine whether they are still needed, and if not to repeal them. You do not try to cover the whole world with your resolution.

I think there are treaties and resolutions covering about 40 countries, some of them multilateral, some of them bilateral. Before going on, I wish to correct a mistake. Earlier I said that I thought all of them called for constitutional processes except the Formosa and Cuban resolutions. The Rio Treaty with South American countries does not specify that the President shall come to Congress, and neither does the Berlin Resolution. The Berlin Resolution states, in effect, that we will meet force with force immediately.

The preceding Administration stated that the Tonkin Gulf resolution fulfilled the constitutional process provided in the SEATO Treaty; that Congress had given the President the authority under the resolution to carry out its obligation under the SEATO Treaty.

SELECTION OF RESOLUTIONS TO BE REPEALED

I understand why you selected the Tonkin Bay, but why do you select the Formosan and the Cuban resolutions? The Cuban resolution states that we would prevent the establishment of any force in Cuba which would threaten the security of the United States. I receive letters even now stating that the Soviets still have missiles in Cuba.

Why do you select the Cuban resolution?

Senator MATHIAS. I might say that these are the four major foreign policy resolutions that are joint resolutions. They have been voted on by both Houses of Congress, they have been accepted by the President then in office. These are the ones that seem to me most likely to get us into trouble in the future, and they are not mere declarations of a passing sentiment. They have some force. Now, the force may be debated, but we offer them, and I think Senator Mansfield was in accord with this thought as we offered them to this committee for your study and consideration, as being major motivating enactments that are in conflict with the new thrust of both congressional and executive thinking in the area of foreign policy.

Senator COOPER. If a situation should arise in Cuba which threatened the security of this country, would you consider that the President has authority to protect the country?

Senator MATHIAS. Certainly.

Senator COOPER. He doesn't have to invoke the Cuban resolution?

Senator MATHIAS. I think we made it clear in our initial statement there couldn't be any question about that. The question is the peripheral kind of situation.

U.S. COMMITMENT UNDER MIDDLE EAST RESOLUTION

Senator COOPER. Turning to the Middle East, a very dangerous area now, as all would agree, with continued fighting, attacks by Arab guerrillas and attacks by Egypt and Jordanian forces and very penetrating attacks by Israel upon its Arab neighbors. It is a very dangerous situation.

Do you consider that the Middle East Resolution provides a commitment?

Senator MANSFIELD. Mr. Chairman, if I could answer that question, the Middle East Resolution, as I recall it, applies only to coming to the defense of people who are attacked by communist countries or countries controlled by international communism. That would be a fine point to draw because how would you define it?

The CHAIRMAN. It was not intended as simply an alliance with Israel. It was a general statement directed against, as the Senator from Montana has said, countries dominated by international communism.

Senator MANSFIELD. Lebanon was the principal country involved at the time.

Senator MATHIAS. The resolution reads "If the President determines the necessity" the United States "is prepared to use Armed Forces to assist" any Mideast nation requesting aid against armed aggression from, and this is a quote from the resolution, "any country controlled by international communism."

Now, the resolution did stipulate that the armed assistance be in keeping with treaty obligations and the Constitution, and that it be granted only for self-defense and not for aggression.

I think that by its very terms, by the lapse of time since it was enacted, some further congressional action would be required in any event, and that, therefore, its repeal would clear the air without materially altering our situation in the Middle East.

Senator COOPER. It specifically provides that any action should be in accord with the Constitution.

Senator MATHIAS. Right.

Senator COOPER. Isn't a great difficulty that we have due to different ideas of the President and the Congress as to their constitutional responsibilities?

Senator MATHIAS. This is our opportunity to remove a large part of our difficulty by saying right now we are going to take this ambiguous language out of the situation and we can replace it with such language as may be needed as the situation develops.

Senator COOPER. I think that a correct position. It was the purpose of the commitments resolution.

CONSTITUTIONAL POWERS OF PRESIDENT FOR U.S. SECURITY

I have one other statement: Any action that the Congress takes or the repeal of any resolution cannot limit the true constitutional authority of the President of the United States to act for the security of this country or to protect the lives of citizens—to protect the Armed Forces of this country, to protect this country and to protect its security. We cannot limit these powers?

Senator MATHIAS. The Senator from Kentucky is absolutely correct. The Constitution speaks forth that the powers that it delegates and it assigns to the President are not subject to any diminution by the action of the Congress. But what this resolution goes to are actually the responsibilities delegated to the Congress which we have from time to time either allowed to be leached away or have specifically granted and never recovered, and which now sort of rest in limbo and we are trying to get them out of limbo and put them back where they belong.

Senator COOPER. You and Senator Mansfield have made very compelling and persuasive statements.

Thank you.

THIEU-KY REGIME'S ACTIONS AGAINST TRAN NGOC CHAU

The CHAIRMAN. In connection with my comments about the matter of Mr. Chau, which I regard as very serious, I wish the reporter to insert this more detailed statement, together with the attached articles.

(The information referred to follows:)

STATEMENT: "THE STORY OF TRAN NGOC CHAU," BY SENATOR J. W. FULBRIGHT

In this morning's *Washington Post*, Joseph Kraft tells us the story of Tran Ngoc Chau. It is a story that does not reflect credit on the United States or on the South Vietnamese regime of President Nguyen Van Thieu. I have known about the story for several months, and I know that the facts that Mr. Kraft recites are accurate. There are, of course, many other facts that have not been reported in the press.

To set the story in context, as Mr. Kraft writes, Chau is an old friend of President Thieu and once shared quarters with him when both were junior officers. From 1960 to 1966 he was Province Chief in Kien Hoa and Mayor of Danang. In both positions, he had an outstanding record. In 1966 he was nominated by CIA to be head of the cadre training program at the Vungtau Training Center where he obviously worked closely with the CIA as that agency had the responsibility for the Center. In the 1967 National Assembly elections, he was elected a deputy from Kien Hoa with the second highest plurality in the country. He then became head of the opposition bloc and was elected Secretary-General of the Assembly.

In 1965, Chau was contacted by his brother, Tran Ngoc Hien, a North Vietnamese intelligence agent. By Chau's own admission, he did not report these contacts to the South Vietnamese government. Kraft says that whether he reported these contacts to the CIA is in dispute. Chau says that he did, as Keyes Beech reported in the *Washington Evening Star* on February 2. I know for a fact, from private sources, that he did report his contacts with his brother to a number of U.S. officials in Vietnam, including CIA officers with whom he had daily contact. I should add that I also know for a fact that he had, and still has, many close friends in the American official community.

At any rate, to return to the story told by Mr. Kraft, Chau began last year to advocate a cease-fire and direct negotiations between the South Vietnamese government and the NLF. He also began to attack Nguyen Cao Thang, a rich Saigon pharmacist and member of President Thieu's inner clique, who is described by Kraft as President Thieu's "political bag man."

Chau's brother was arrested in April and interrogated in July. No charges were lodged against Chau at the time of his brother's arrest and interrogation. I am told, in fact, that relations between Chau and Thieu were not broken until some weeks or months thereafter. It appears that Thieu's open attacks on Chau began only after Chau denounced the pharmacist Thang.

Thus it appears that the real reason for Thieu's attack on Chau was not his contact with the communists but rather Chau's growing power as an opposition figure and as a critic of Thieu's attempts to pressure and corrupt the Assembly as evidenced by the activities of Thang.

Thieu began his campaign against Chau by denouncing him publicly on a number of occasions. According to the Saigon press, in a speech on December 10 at the Vungtau Training Center, Thieu said that if the Assembly would not see justice done to Chau, and to two other accused deputies, "the people in the armed forces will cut off the heads of these deputies" and he added: "Our duty is to beat such dogs to death." Thieu organized demonstrations, including a march on Parliament, in connection with his efforts to lift Chau's parliamentary immunity. Failing to secure the votes of three-quarters of the members of the Assembly necessary to lift Chau's immunity, Thieu resorted to the legally questionable tactic of having a petition lifting Chau's immunity circulated among Assembly members. According to a report in this morning's *Washington Post* by Robert Kaiser from Saigon, the 102 necessary signatures on the petition have now been obtained, and President Thieu is free to prosecute Chau.

I know that the U.S. Mission in Saigon did not expect Thieu to obtain the necessary number of votes to lift Chau's immunity. But they obviously underestimated Thieu's determination and his ability to obtain the result he desires through threats and bribery. I have very persuasive evidence on this point.

Mr. Kraft tells us that Ambassador Bunker was directed to intervene with President Thieu on Chau's behalf but that "the Embassy has not bestirred itself." Given the attitude of certain high Mission officials toward Chau, and their unwillingness to incur President Thieu's displeasure, I am not surprised. Nor am I surprised that Chau is disenchanted with Americans because of their refusal to intervene, as Keyes Beech reported after his interview with Chau.

Chau is now in hiding. I hope for his sake that he will be able to escape Thieu's persecution. But even if he does, the story of Tran Ngoc Chau will not have a happy ending. The South Vietnamese Assembly has been intimidated, while the U.S. Government has shrugged its shoulders. And those in Vietnam who favor negotiation and compromise, or who dispute President Thieu, will speak at their peril from now on. Perhaps the story of Tran Ngoc Chau will prove to be the last chapter in the history of representative government in Vietnam.

[From the Washington Post, Feb. 5, 1970]

THIEU LINE BLOCKS SPEEDY WAR EXIT

You don't need a program, much less the elaborate reports on infiltration and pacification now being collected by the White House, to find out what's happening in Vietnam.

It is enough to follow the adventures of Tran Ngoc Chau, a South Vietnamese deputy who has been the subject of savage persecution by the Saigon government, and of confused intrigue involving, among many others, the White House, the Central Intelligence Agency, and the American embassy.

Chau is a 46-year-old soldier and politico with great energy, acute intelligence and the kind of past that can only be accumulated in Vietnam. He was born in Hue, followed his older brother into the ranks of the Communist Vietminh in their fight against the French, and then, in 1950, went over to the nationalist side.

Under the regime of President Ngo Dinh Diem, Chau rose rapidly as a sturdy anti-Communist, adept at the techniques of political action. At the military school in Dalat he became friendly with the commandant, General Nguyen Van Thieu, whose wife he once rescued in a fire. From 1960 to 1963, he served as province chief in Kienhoa, a Communist stronghold in the Mekong Delta where he initiated with the financial support from the Central Intelligence Agency some of the pioneer population control techniques. When the Buddhists began their anti-Diem campaign in the spring of 1964, Chau was sent to restore order as Mayor of Danang, the main trouble spot.

Because of his identification with the old regime, Chau was in trouble immediately after the coup that toppled Diem. He returned to Kienhoa as province chief, and with CIA help again, he began the pilot program that resulted in the training of revolutionary development cadres for administering villages and hamlets.

In 1966 the Saigon government accepted a CIA recommendation and made Chau head of the whole cadre program. In the elections of 1967, Chau was chosen deputy from Kienhoa with something like 45 per cent of the vote—the second-highest plurality in the country. Once in the Assembly, he became head of an opposition bloc and was elected secretary general of the lower house. Not a few American officials began to think of him as a prospective prime minister or president.

They held this view though they knew Chau had been contacted back in 1965 by a top Vietcong agent—his brother Tran Ngoc Hien who had stayed with the Communists. Indeed, some American officials regarded the contact as an asset and arranged for Chau to report to them regularly. The CIA knew of the contact. But Chau refused to serve as an agent and resisted overtures to have his brother defect. And whether he reported his contacts to the agency is in dispute.

When the Paris negotiations stalled last year, Chau emerged as a prominent advocate of compromise. He called for "a total cease-fire" and "direct negotiations" between the Communists and the Saigon regime. He began going after the power base of his old buddy, President Thieu. He attacked Nguyen Cao Thang, a rich Saigon pharmacist widely believed to serve Thieu as a political bag man. And he stressed the role of the political parties and religious sects as against the army.

Three months later, Chau's Communist brother was arrested, and President Thieu had the weapon he needed. The President used the story of the contacts to set in motion a furious campaign against Chau. He personally denounced Chau as a Communist and traitor. His men applied threats and cajolery to lift Chau's parliamentary immunity. Screaming rioters, demanding vengeance on Chau, were organized to march on the parliament building.

In physical danger from his own people, Chau turned to the Americans. At one point he hid out with a helicopter and auto loaned by an American official. At another he vainly sought asylum in this country. At still another, the White House directed the State Department to ask Ambassador Ellsworth Bunker to intervene with President Thieu on Chau's behalf. But the embassy has not bestirred itself. And it is touch and go as to whether Chau will survive the terror campaign.

And what does it all mean? Well, President Thieu is plainly seizing the moment to establish dictatorial authority by squashing all opposition. In the process General Thieu cuts down the truest patriots—the men who can best serve Vietnamese independence in the long run. While these actions run counter to Washington's express policy, Washington's views are discounted by American officials in Saigon who operate on the premise of see it through with Nguyen Van Thieu. And their indiscriminate support of the Thieu regime closes off the one quick exit from Vietnam—the exit that lies through a negotiated settlement with the other side.

[From the Washington Evening Star, Feb. 2, 1970]

Viet Fugitive Criticizes CIA, Cites Offer on Political Party

(By Keyes Beech)

Saigon.—A South Vietnamese legislator accused of pro-Communist sympathies said today the U.S. Central Intelligence Agency offered him money to finance a political party but the deal fell through because the CIA wanted him to support President Nguyen Van Thieu.

Tran Ngoc Chau, 46-year-old national assemblyman, said two CIA men approached him more than a year ago and told him they would supply the funds if he would launch his own party.

Chau, who formerly had close ties with the CIA, said he considered the proposal but failed to reach agreement because of his stand that the Saigon government should open negotiations with the National Liberation Front, the political arm of the Viet Cong.

Officially at least, Thieu is bitterly opposed to negotiations with the NLF. He has accused Chau of being a "tool of communism" because the latter did not denounce his brother, a convicted Communist spy. Chau and Thieu were once close friends and as newly married young officers shared a house.

Chau declined to name the two CIA men who came to see him "because they were my friends and I don't want to hurt anybody."

But Chau is disenchanted with the Americans, especially the CIA, because, he says, they have refused to intervene in his behalf to clear him of Thieu's charges that he is a Communist. Chau swears he told CIA friends about his meetings with his brother in the mid-1960s. U.S. intelligence sources denied this.

"If this is a sample of the way the Americans treat their Vietnamese friends," Chau said, "I wonder about the future of thousands of other Vietnamese who have co-operated with the Americans."

Chau, who has been on the run for several weeks out of fear of arrest or assassination, was interviewed in a secret hideout outside Saigon.

No formal charges have been brought against Chau. However, he has been under heavy pressure since Thieu's forces sought a three-fourths vote in the assembly to strip him and two other legislators of their parliamentary immunity so they can be tried for alleged Communist leanings.

Chau is a former province chief and once was in charge of all revolutionary development cadres in South Vietnam. The revolutionary development program was backed by CIA.

After first adopting a "hands off" attitude, Ambassador Ellsworth C. Bunker reportedly asked Thieu to soften his campaign against Chau because it was hurting the president's political image in the United States.

[From the Washington Post, Feb. 5, 1970]

THIEU AUTHORIZED TO TRY TWO DEPUTIES FOR LINKS TO REDS

(By Robert G. Kaiser)

SAIGON, Feb. 4.—South Vietnam's House of Representatives has authorized President Thieu to prosecute two legislators whom he has accused of consorting illegally with Communists.

One hundred and two of the House's 135 members have signed a petition empowering the government to prosecute their two colleagues, who would normally have a Vietnamese version of congressional immunity. There is some dispute about the legality of the petition, but it seems virtually certain that the government will use it to bring the legislators to trial.

The Vienamese constitution stipulates that no member of the National Assembly can be prosecuted unless three-fourths of his peers approve. One hundred two is exactly three fourths of the House membership.

The number was reached on Sunday, according to Phan Thong, chairman of the special House committee that had investigated and upheld an accusation by Thieu that three legislators were guilty of helping the Communists. Thong held a press conference today to announce successful completion of his petition campaign.

Thong's committee—and later the House membership, but only by a simple majority—already had found that all three men accused by Thieu were guilty. But today's petition only applies to two of them.

The third, Pham The Truc, escaped because four of the 102 petition signers refused to include him. The point is of marginal significance, however, because Truc is voluntarily exiled in Paris, while the other two are in Vietnam and now subject to prosecution and, possibly, arrest before their trial.

They are Tran Ngoc Chau, a well-known figure whose brother recently confessed to being a Communist spy in South Vietnam, and Hoang Ho, an obscure legislator whose name came up in a recent espionage trial here.

Chau could not be located today, and there were unconfirmed rumors that he had been arrested. Reached at her home by telephone, Mrs. Ho said her husband had not been arrested, and was "wandering around the city."

There is likely to be a controversy over the use of a petition to get three-fourths of the House to approve prosecution of Chau and Ho.

Today, the president of the Senate, the other house of the National Assembly, said he thought a petition was illegal. He said the House should meet, debate and vote on the question. Several lawyers have taken the same position.

One, Tran Van Tuyen, a well known man in political circles, said that if this petition is allowed to stand, House members in future may as well stay home, sending in their votes on important matters in writing.

The constitution is not explicit on this question, however, and it is a rule of thumb in Vietnam that when there is any doubt about a constitutional question the presidential view will prevail.

And President Thieu has made a major issue of the legislators he accused of helping the enemy. He apparently ordered several "spontaneous rallies" around the country to try to pressure the House to strip the three of their immunity. The army radio station, controlled by the government, also campaigned vigorously for House action.

Many House members believed Thieu was conducting a campaign against them. When the House debated the guilt or innocence of the three accused five weeks ago, many members refused to vote that they were guilty because they objected to Thieu's tactics.

But, in a display of Vietnamese flexibility, many of those who complained the loudest turned up on the list of signatories of the new petition that was released today.

Senator MATHIAS. Of course, this is the very kind of thing which we do need, I think, to bring all the influence to bear that we can, because without it no structure of a civilized society can exist.

The CHAIRMAN. I agree. It is utterly indefensible for us to be supporting a regime that will do what apparently it is about to do, if I understand these news stories correctly, and I see no reason to

doubt them. I mean there is no doubt that Mr. Thieu lifted the immunity yesterday.

Anyway, I don't wish to pursue it any longer although it is a very important matter with regard to the war in Vietnam.

FURTHER COMMITTEE HEARINGS

Senator MATHIAS. Mr. Chairman——

The CHAIRMAN. Do you have anything further?

Senator MATHIAS. Just on behalf of Senator Mansfield and myself we want to thank the committee and its distinguished chairman for this very generous opportunity to discuss this resolution.

The CHAIRMAN. I think you have done a magnificent job. This, of course, won't be the end. This is just the opening gun on these matters and we will certainly have further hearings on various aspects of your resolution. I am quite confident it will receive the most serious attention of the entire committee.

Thank you, very much.

Do you want to ask any questions?

Senator AIKEN. I have no questions.

The CHAIRMAN. Thank you very much, Senator Mansfield.

Our next witness is Senator Dole, of Kansas. Is he here?

Will you please come up.

OAS ATTITUDE TOWARD CUBA

Mr. Reporter, before I proceed, I overlooked mentioning one item for the record with reference to Senator Cooper's last remark about the Cuban resolution.

I just want to note that there was an item in the morning paper, which states that at a recent meeting in Caracas, I believe, the representative of Trinidad, Mr. Eric Williams, the Prime Minister, and President Rafael Caldera of Venezuela, recommended that the Organization of American States reconsider their attitude toward Cuba and look toward trying to find some more normal relations with Cuba.

I only mention it in regard to the statement by the Senator from Kentucky.

(The information referred to follows:)

END CUBA BOYCOTT, OAS TOLD

(By Lewis H. Diuguid)

Leaders of Venezuela and Trinidad told a hemispheric meeting in Caracas yesterday that Cuba should be reintegrated into the inter-American system.

The statements were highly conditional, but were another step toward reconsideration of the present boycott of Cuba. That policy, fostered by the United States, prevents all diplomatic and economic contacts with Communist Cuba. Mexico has never agreed to this, and Chile has been reconsidering.

Prime Minister Eric Williams of Trinidad-Tobago, calling for "economic reintegration of Cuba," said:

"In the 1970s we should have learned the lesson that economic boycott is not the most realistic nor indeed the most productive attitude to be adopted toward a country whose economic and social system we do not share."

He added that the condition for reintegration was "the strict adherence on the part of that country to a basic tenet of the Organization of American States—namely, nonintervention in the internal affairs of any other country."

That is one of the two main U.S. conditions on the resumption of contacts. The other is that Cuba should end its military dependency on the Soviet Union.

A State Department spokesman said there had been no change in that policy, although Assistant Secretary of State Charles A. Meyer apparently did not mention the second condition in an interview in Caracas yesterday.

TWO LATIN LEADERS TELL OAS MEETING TRADE BOYCOTT OF CUBA NOT REALISTIC

Venezuelan President Rafael Caldera, host of the Inter-American Economic and Social Council meeting, told the opening session:

"The desire which Prime Minister Williams has manifested, all of us share. More than an economic matter . . . the reintegration of this people into our organization is a political matter."

He said, "It is not possible that any of us fail to feel the absence of Cuba strongly in our family."

The OAS expelled Cuba from active membership in 1962. Two years later the organization adopted the policy of ending all relations with the island.

A major factor in both moves was complaints by Venezuela that Cuba had intervened by aiding guerrilla forces trying to overthrow the Caracas government.

Since Caldera became president last year he has attempted to accommodate the guerrillas as well as the left wing of his own Christian socialist party.

Inter-American Development Bank President Felipe Herrera said at today's meeting that the statements by Williams and Caldera were "just a matter of political expediency."

A leader in the effort at reconsideration of the Cuba policy is Chilean Foreign Minister Gabriel Valdes. The ruling Christian Democratic Party of Chile has called for ties with Cuba.

Cuba has responded publicly to all initiatives by saying that it would not rejoin the hemispheric system until the end of alleged domination of the OAS and the individual governments by the United States.

There have been some hints of Cuban interest in trade contacts, however.

The Economic and Social Council meeting also received a message from President Nixon, who listed U.S. aid to Latin America proposed in his budget.

Of $556 million in suggested aid funds—20 per cent more than Congress appropriated for 1970—he listed these new programs: assistance for developing securities markets ($30 million), tourism ($20 million), science and technology support ($20 million) and trade expansion ($15 million).

Most of the other funds would go for development loans. Another $206 million is for the Inter-American Bank. The budget also contains a contingency account of $540 million, of which Mr. Nixon said:

"A very substantial part . . . is to be available to respond to new proposals for replenishment of the funds of the Inter-American Development Bank."

The Caracas meeting is an attempt to match U.S. proposals for economic assistance to Latin American countries' stated needs.

The CHAIRMAN. Well, Senator Dole, we are very pleased to have you this morning. You have a prepared statement, I believe?

Senator DOLE. Yes, sir.

The CHAIRMAN. Will you proceed? This is on Senate Resolution 271.

STATEMENT OF HON. BOB DOLE, U.S. SENATOR FROM KANSAS

Senator DOLE. Let me say, first of all, Mr. Chairman, this is my first appearance before this committee as a freshman member of the U.S. Senate.

I appear here with no special credentials, only as an American and a Member of the Senate. I am not expert in the field of foreign affairs, but Senate Resolution 271 is sponsored by 36 of my colleagues, including Senator Mathias, who just finished testifying, and one member of this committee, Senator McGee.

I appreciate this opportunity to appear here in support of Senate Resolution 271.

DESCRIPTION OF SENATE RESOLUTION 271

Last fall I reviewed the then existing legislative proposals directed at bringing the Vietnam war to an end. I noticed the common thread running through them was a call for change of United States and South Vietnamese policy. It was apparent the conduct of North Vietnam and the National Liberation Front at the Paris peace talks and in international law had been overlooked or ignored. I concluded that a meaningful contribution toward obtaining a just and lasting peace would be to stimulate somehow the North Vietnamese and Vietcong toward negotiating seriously in Paris.

Senate Resolution 271 urges the Government of North Vietnam and the National Liberation Front to take the following steps:

1. Acknowledge that a just and mutually agreed settlement is the best hope for lasting peace;

2. Show at the Paris peace talks the same flexibility and desire for compromise which the allies have clearly demonstrated over the past year;

3. Agree to direct negotiations between representatives of the NLF and of the Government of the Republic of Vietnam, as proposed by the latter;

4. Withdraw their insistence on allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam, as proposed by the latter;

5. And I think very importantly, provide information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

Mr. Chairman, the sponsors of Senate Resolution 271 believe it correctly states that the United States' fundamental goal is to assure peace with self-determination for the South Vietnamese people and clearly places on the North Vietnamese and Vietcong the burden for coming forward in good faith to achieve a negotiated peace.

The sponsors of this resolution believe North Vietnam and the National Liberation Front remain inflexible toward a negotiated peace in the mistaken belief that domestic pressures in this country will force us to forsake our fundamental goal and commitments. We believe, the sponsors of this resolution believe, this resolution, if endorsed by the Senate, will contribute significantly to an early and honorable settlement by highlighting to North Vietnam and the National Liberation Front the firm support of the Senate and the majority of Americans for our Government's efforts to reach an honorable, negotiated solution to the war.

PARIS PEACE NEGOTIATIONS

Mr. Chairman, since January 1969, the U.S. Government has used the Paris peace talks on Vietnam to pursue an extensive program for peace. This program provides for a mutual withdrawal of all non-South Vietnamese forces; an internationally supervised ceasefire; free, internationally supervised elections where all of South Vietnam's political parties would be fairly represented; and early release of prisoners on both sides.

Our Government's quest for peace in Vietnam has placed heavy emphasis on meaningful negotiation and compromise in Paris, but President Nixon emphasized on May 14, 1969:

> In pursuing our limited objective, we insist on no rigid diplomatic formula. Peace could be achieved by a formal negotiated settlement. Peace could be achieved by an informal understanding, provided that the understanding is clear, and that there were adequate assurances that it would be observed. Peace on paper is not as important as peace in fact.

Peace in fact is, indeed, our national goal; and the program of Vietnamization away from the conference table, which, I believe, is working successfully, underscores our resolve to explore all avenues and alternative courses. Senate Resolution 271, however, addresses itself to the Paris negotiations, because its sponsors have abiding faith in the sincerity of our President and dedication of his negotiators, and because we are convinced of the long-range desirability of a formal settlement between the parties.

I shall not catalog the extensive initiatives the United States has taken in Paris and throughout the world to stimulate negotiations. The President and others have established a clear record in this regard. Let us, rather, turn our attention to the activities, statements, and attitudes of the North Vietnamese Government and the National Liberation Front in light of the specific points raised in Senate Resolution 271.

ATTITUDE OF HANOI AND VIETCONG TOWARD NEGOTIATED SETTLEMENT

Hanoi and the Vietcong have displayed an unwavering negative attitude toward achieving any negotiated settlement, or even the desirability of such an understanding to assure lasting peace.

A June 6, 1969, statement in the Communist Party of North Vietnam's theoretical journal, Hoc Tap, gave an accurate portrayal of their attitude toward negotiations with the United States and the Republic of Vietnam:

> The total solution to negotiations of the NLF expresses the iron-like determination of our people to fight on (militarily) until the United States gets out, the puppets (Saigon Government) collapse, and South Vietnam is completely liberated.

A further illustration of Hanoi's intentions comes from a captured directive, recently declassified, defining the present goals of North Vietnamese and Vietcong forces in South Vietnam. I would point out that this document was issued by the Central Office South Vietnam (COSVN), which is Hanoi's headquarters office for directing and coordinating National Liberation Front operations in South Vietnam.

The document, COSVN Resolution No. 9, reads:

> Our immediate mission is: To motivate the entire party, army and people to make outstanding efforts in developing the success already gained; . . . to vigorously push forward the General Offensive and Uprising with the three-pronged attack to the highest point in coordination with the diplomatic offensive . . . to defeat the enemy's clear-and-hold strategy, pacification policy and other defense setups; and defeat his scheme to de-Americanize the war. We should fight to force the Americans to withdraw troops, cause the collapse of the puppets and gain the decisive victory. . . .

These examples provide sufficient justification to assert the insincerity of the North Vietnamese and Vietcong in seeking a mutual agreement for settlement of the conflict.

Senate Resolution 271 calls for a reversal of this attitude; a simple acknowledgement of the value of a jointly reached settlement.

The North Vietnamese and Vietcong have been adamant in insisting on their unilateral, nonnegotiable demands. They refuse to discuss United States and South Vietnamese proposals; out-of-hand rejection is the rule.

For the record, Mr. Chairman, at this point I wish to have inserted in my testimony five-point and 10-point "solutions" proposed by the National Liberation Front in October 1968 and May 1969.

The CHAIRMAN. Without objection, it is so ordered.

(The information referred to follows:)

NLF FIVE POINTS

1. South Viet-Nam is resolved to struggle for the materialization of its sacred rights; namely independence, democracy, peace, neutrality, prosperity, and ultimate peaceful reunification of the fatherland.

2. The U.S. imperialists must put an end to their war of aggression against Viet-Nam, withdraw all their troops and troops of their satellites and all war means from South Viet-Nam, and liquidate all U.S. military bases in South Viet-Nam.

3. *The internal affairs of the South Vietnamese people must be settled by the South Vietnamese people themselves in accordance with the political program of the NFLSV, without foreign interference.* The NFLSV advocates the formation of a broad national and democratic coalition government and holding of free general elections in South Viet-Nam.

4. The reunification of Viet-Nam will be decided by the people in the two zones of Viet-Nam, step by step, by peaceful means and on the basis of consultations and agreements between the two zones, without foreign interference.

5. South Viet-Nam will pursue a foreign policy of peace and neutrality: No military alliance in any form with foreign countries, and establishment of friendly relations with all countries of the *five principles of peaceful coexistence.* Good neighborly relations will be set up with the Kingdom of Cambodia on the basis of respect for its independence, sovereignty, neutrality, and territorial integrity within its present borders, and with Laos on the basis of respect for the 1962 Geneva agreements concerning that country.

NLF 10 POINTS

(Presented at 16th Plenary Session of the Paris Meetings, May 8, 1969.)

The South Vietnam National Front for Liberation sets forth the principles and main content of an overall solution to the South Vietnam problem to help restore peace in Vietnam as follows:

1. To respect the Vietnamese people's fundamental national rights, i.e., independence, sovereignty, unity and territorial integrity, as recognized by the 1954 Geneva agreements on Vietnam.

2. The U.S. Government must withdraw from South Vietnam all U.S. troops, military personnel, arms and war materiel, and all troops, military personnel, arms and war materiel of the other foreign countries of the U.S. *camp without posing any condition whatsoever;* liquidate all U.S. military bases in South Vietnam; renounce all encroachments on the sovereignty, territory and security of South Vietnam and the Democratic Republic of Vietnam.

3. The Vietnamese people's right to fight for the defence of their fatherland is the sacred, inalienable right to self-defence of all peoples. *The question of the Vietnamese armed forces in South Vietnam shall be resolved by the Vietnamese parties among themselves.*

4. The people of South Vietnam settle themselves their own affairs without foreign interference. They decide themselves the political regime of South Vietnam through free and democratic general elections. Through free and democratic general elections, a constituent assembly will be set up, a constitution

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Source: Department of State: The NFLSV Central Committee statement as broadcast by Hanoi VNA International Service in English 1522 GMT November 3, 1968.

worked out, *and a coalition government of South Vietnam installed*, reflecting national concord and the broad union of all social strata.

5. During the period intervening between the restoration of peace and the holding of general elections, neither party shall impose its political regime on the people of South Vietnam. The political forces representing the various social strata and political tendencies in South Vietnam that stand for peace, independence and neutrality, including those persons who, for political reasons, have to live abroad, will enter into talks to set up a provisional coalition government based on the principle of equality, democracy and mutual respect with a view to achieving a peaceful, independent, democratic and neutral South Vietnam. The provisional coalition government is to have the following tasks:

(a) To implement the agreements to be concluded on the withdrawal of the troops of the United States and the other foreign countries of the American camp, etc.

(b) To achieve national concord, and a broad union of all social strata, political forces, nationalities, religious communities, and all persons, no matter what their political belief and their past may be, provided they stand for peace, independence and neutrality.

(c) To achieve broad democratic freedoms—freedom of speech, freedom of the press, freedom of gathering, freedom of belief, freedom to form political parties and organizations, freedom to demonstrate, etc.; to set free those persons jailed on political grounds; to prohibit all acts of terror, reprisal and discrimination.

(d) To heal the war wounds, restore and develop the economy, to restore the normal life of the people and to improve the living conditions of the laboring people.

(e) To hold free and democratic general elections in the whole of South Vietnam with a view to achieving the South Vietnam people's right to self-determination, in accordance with the content of point 4 mentioned above.

6. South Vietnam will carry out a foreign policy of peace and neutrality:

To carry out a policy of good neighborly relations with the Kingdom of Cambodia on the basis of respect for her independence, sovereignty, neutrality and territorial integrity within her present borders; to carry out a policy of good neighborly relations with the Kingdom of Laos on the basis of respect for the 1962 Geneva agreements on Laos. To establish diplomatic, economic and cultural relations with all countries, irrespective of political and social regime, including the United States, in accordance with the five principles of peaceful coexistence: mutual respect for the independence, sovereignty and territorial integrity, non-aggression, non-interference in the internal affairs, equality and mutual benefit, peaceful coexistence; to accept economic and technical aid with no political conditions attached from any country.

7. The reunification of Vietnam will be achieved step by step, by peaceful means, through discussions and agreement between the two zones, without foreign interference. No international supervision.

Pending the peaceful reunification of Vietnam, the two zones reestablish normal relations in all fields on the basis of mutual respect.

The military demarcation line between the two zones at the 17th parallel, as provided for by the 1954 Geneva agreements, is only of a provisional character and does not constitute in any way a political or territorial boundary.

The two zones reach agreement on the statute of the demilitarized zone, and work out modalities for movements across the provisional military demarcation line.

8. As provided for in the 1954 Geneva agreements on Vietnam, pending the peaceful reunification of Vietnam, the two zones north and south of Vietnam undertake to refrain from joining any military alliance with foreign countries, not to allow any foreign country to maintain military bases, troops and military personnel on their respective soil, and not to recognize the protection of any country or military alliance or bloc.

9. To resolve the aftermath of the war:

(a) The parties will negotiate the release of the army men captured in war after U.S. withdrawal and the creation of a provisional coalition government.

(b) The U.S. Government must bear full responsibility for the losses and devastations it has caused to the Vietnamese people in both zones.

10. The parties shall reach agreement on an international supervision about the withdrawal from South Vietnam of the troops, military personnel, arms and war materiel of the United States and the other foreign countries of the American camp. Nothing said about NVA withdrawal.

Source: Department of State.

COALITION GOVERNMENT IN SOUTH VIETNAM

Senator DOLE. With reference to these two documents, I quote from the opening statement of Xuan Thuy, chief of the North Vietnamese delegation, at the 41st session of the Paris negotiations on November 6, 1969:

> The United States must stop its aggression, totally withdraw from South Vietnam U.S. troops and those of the other foreign countries in the U.S. camp, without posing any condition—the question of Vietnamese armed forces in South Vietnam shall be settled by the Vietnamese parties among themselves. It must also set up a provisional coalition government in South Vietnam, and let this government organize genuinely free and democratic elections in South Vietnam.

We know the bitter experience of "coalition governments" in Hungary and other Eastern European countries after World War II and the fate of the 1946 "lien hiep"—that is, coalition—experiment in Vietnam itself. The total inflexibility of the North Vietnamese and Vietcong exemplifies the complete absence of any intent to achieve a compromise between their demands and our proposals. In contrast, I would point out that the United States, through the President and our negotiators, has repeatedly emphasized that, as far as we are concerned, everything is negotiable except the South Vietnamese people's right to self-determination.

Senate Resolution 271 only asks that our gestures be returned in kind. No special concessions are sought or expected.

NEGOTIATIONS BETWEEN THE NLF AND SOUTH VIETNAM

A continuing impediment to any progress in negotiations has been the National Liberation Front's refusal to negotiate with the Government of South Vietnam on any substantive basis whatsoever.

The NLF refuses even to accept items for the agenda in Paris and refers to the South Vietnamese Government only as "puppets" and "the Thieu-Ky clique," and pursues the systematic liquidation of South Vietnamese Nationalist Party members in satisfaction of so-called blood debts.

There can be no hope for agreement on even the smallest details when one party claims sole legitimacy and is completely unwilling to engage in viable political processes.

Senate Resolution 271 does not call for surrender of the Vietcong's principles or other stipulations. It asks simply that they talk to the South Vietnamese Government as a political entity.

SAIGON GOVERNMENT'S EXISTENCE AND THE HOLDING OF ELECTIONS

The North Vietnamese and Vietcong have continued to hold out the overthrow of the South Vietnamese Government as a condition precedent to conducting free elections. This demand is accompanied by insistence that a "provisional coalition government" be established to rule South Vietnam until elections can be conducted.

There is neither necessity nor reason that the Saigon Government be destroyed before the people of both Vietnams are allowed to make their choice of governments. The Government of South Vietnam has repeatedly made public its willingness to work for the participation

of all orderly, democratic parties and to abide by the results of free and internationally supervised elections. President Thieu has been most explicit on this subject.

The United States does not seek to impose our idea of what the Government of South Vietnam should be, nor will we permit the North Vietnamese or Vietcong to dictate a "coalition" or other form of government. It is for the South Vietnamese people alone, and in free exercise of democratic processes, to decide the forms of their institutions. Senate Resolution 271 calls for reasonable recognition of these facts by North Vietnam and the Vietcong.

TREATMENT OF PRISONERS OF WAR

As a broader and perhaps more telling indication of Hanoi's and the Vietcong's intentions and predispositions, I would cite their treatment of American prisoners of war. Both North Vietnam and the NLF have persistently and callously violated the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. Notwithstanding ratification and the clear language of the conventions, Hanoi and the Vietcong engaged in the following calculated violations:

Refusal to provide proper nourishment and humane treatment for all American prisoners of war, information on their detention camps and access by neutral observers;

Refusal to identify all American prisoners of war;

Denial to American prisoners of war the right to communicate regularly by mail with their families;

Continued detention of the seriously ill and wounded.

These barbarous violations of the fundamental law of nations have not gone unnoticed by the body chiefly concerned with the application of the Geneva Conventions. In a letter dated June 11, 1965, the vice president of the International Committee of the Red Cross, Jacques Freymond, told Secretary of State Dean Rusk:

> All Parties to the conflict, the Republic of Vietnam, the Democratic Republic of Viet Nam and the United States of America are bound by the four Geneva Conventions of August 12, 1949, for the protection of victims of war, having ratified them and having adhered thereto. The National Liberation Front too is bound by the undertakings signed by Vietnam.

On September 13, 1969, the XXI International Conference of the Red Cross clearly delineated the responsibilities of nations in their treatment of prisoners of war. The resolution unanimously adopted at the Istanbul Conference reads in pertinent part:

> * * * even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provisions of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals.

Senate Resolution 271 puts the North Vietnamese and Vietcong on notice that their unlawful treatment of American prisoners is fully recognized and that we call upon them before the community of nations to comply with the obligations solemnly undertaken by them and imposed upon them by international law.

OBJECTIVES OF SENATE RESOLUTION 271

In conclusion, Mr. Chairman, I trust my remarks, on behalf of the sponsors of Senate Resolution 271, have provided some insight into the broad significance of this resolution. It strikes at the heart of Hanoi's calculated negativism at Paris and in the world community. All the articles relate directly to the strategy Hanoi and the NLF are utilizing to forestall a negotiated settlement at Paris and to evade their international responsibilities.

It is clear at the present time that Hanoi and the NLF totally lack resolve to approach a negotiated settlement of the war. This resolution seeks to provide the incentive for them to develop a constructive approach to the Paris negotiations.

The sponsors of Senate Resolution 271 sincerely hope a just and lasting peace can be achieved through a formal negotiated agreement. We believe the time is long overdue for Hanoi and the Vietcong to bargain in earnest and cease pressing to impose their philosophy and form of government through military subjugation of South Vietnam.

We further believe passage of this resolution would rebut a serious illusion in Hanoi by showing that the majority of Americans, and, I might add, the U.S. Senate, and their representatives in Washington do support our Government's efforts to end the war through negotiation.

Senate Resolution 271 is a positive statement to Hanoi and the Vietcong that peace and self-determination are American goals for all of Vietnam, both North and South.

The CHAIRMAN. Thank you, Senator Dole.

Certainly, I think, all of us could join in the objectives of your resolution to achieve a peace by negotiation. I would hope that these efforts would be persuasive upon the North Vietnamese authorities, both as to negotiation and as to prisoners.

This is not the same resolution which passed the House of Representatives with regard to prisoners, is it?

Senator DOLE. No. That was House Resolution 613, which passed the House by a vote of 333 to 55. It is similar, in some respects.

The CHAIRMAN. Similar in some respects.

Senator DOLE. Yes.

SOURCE OF COSVN RESOLUTION NO. 9

The CHAIRMAN. There are one or two questions for my own information. Where did the captured document come from? What is the source of that?

Senator DOLE. It is a State Department release COSVN Resolution No. 9.

The CHAIRMAN. What does that COSVN mean?

Senator DOLE. Central Office of South Vietnam; that is the coordinating office, it is Hanoi's headquarters office for directing and coordinating National Liberation Front operations in South Vietnam.

The CHAIRMAN. Do you know who captured the document?

Senator DOLE. I do not know. I assume the American or ARVN Forces. I have it here and it is referred to as Resolution No. 9. I also

have an excerpt from Resolution No. 9 and ask it be made a part of the record at this point.

(The information referred to follows:)

COSVN—RESOLUTION NO. 9, JULY 1969

[Absolute Secret [VC] Copy No. 16]

RESOLUTION ISSUED BY THE 9TH CONFERENCE OF COSVN, (JULY 1969)

The General Offensive and Uprising of our army and people has been going on for more than one year and has scored extremely glorious successes. At present our people are facing a new situation which is infinitely favorable for us.

In order to carry out the Resolution of C, the 9th Conference of COSVN, held in early July 1969, reviewed all aspects of the situation in our war theater in the recent past, especially since the issuance of Resolution No. 8 of COSVN, and set forth the mission, direction and major operations designed to advance the General Offensive and Uprising of our army and people toward the glorious fulfillment of our immediate mission: *the winning of a decisive victory, which is the very fundamental condition** for progress toward the realization of the objectives of the Resolution in the South, namely independence, democracy, peace and neutrality, as a step toward the reunification of our country.

PART I. EVALUATION OF THE SITUATION

1. The 9th Conference of COSVN fully agreed with the Resolution of C, which assessed the extremely great successes by our people and the *historic turn* of our people's anti-U.S. resistance war on national salvation since the launching of the General Offensive and Uprising.

As the year 1968 began, while the U.S. imperialists' limited war was at its peak, our army and people, on the impetus of their successes and with a firm hold of the expenditures; however, in order for the puppet troops to grow stronger, the Americans have to prolong the war, and if the war is prolonged, U.S. war casualties and expenditures cannot be reduced, and the U.S. failures and difficulties will reach an unbearable level.

d. If the Americans cannot withdraw troops, internal conflicts between the U.S. rulers and between the American people and their rulers will increase. But if U.S. troops are pulled out, the puppet army and administration will face a greater danger of collapse and contradictions between the Americans and the puppets as well as internal contradictions among the puppets will become more acute.

These contradictions lead to a critical impasse in the U.S. strategy as the Americans are seeking a way out of the limited war which has reached the highest level and still sees the Americans suffering heavy defeats and facing difficulties in all fields. This is the *greatest weak point* of the Americans at this time. These contradictions also accentuate the basic weaknesses of the enemy, namely the demoralization, the political isolation, the decay and ineffectiveness of the puppet army and administration, and of their passive defense strategy; and bring out new gaps and weaknesses; in particular, the puppets' ideological and political situation faces a greater danger of *sudden collapse* provided we know how to step up our military, political and proselyting activities.

The COSVN Conference fully agrees with the conclusion of the Resolution of C affirming that although the enemy still has some relative strong points such as a large force, strong firepower and good mobility, the occupation of important strategic positions, and the possession of latent economic and military power, due to his defeated position and his de-escalation, his weaknesses are developing and his relative strong points cannot be utilized. *The enemy wanted to de-escalate in an active position but due to repeated defeats he was compelled to de-escalate in a passive position. The enemy wanted to de-escalate step by step but if he suffers heavy defeats and has no other way out, there is the possibility that he will be compelled to de-escalate by sudden leaps.*

On the impetus of our victories and with our all-out offensive picking up momentum, we will certainly defeat the enemy's new strategic scheme; we are *determined to inflict a heavy defeat on the enemy, force him to de-escalate quickly and prevent him from prolonging his aggressive war.*

*Italic throughout is as in original document.

II. OUR IMMEDIATE MISSIONS

The General Offensive and Uprising which has been in progress for more than a year has achieved *an important victorious step and is now entering a decisive phase.* Our army and people are facing *a great opportunity* to march forward on the impetus of our victories, step up our all out and continuous offensive, *make a new and most fundamental step forward,* defeat the U.S. imperialists' aggressive will, force them to withdraw troops, bring about the collapse of the puppets, and win a decisive victory, which is the basic condition for the achievement of the revolution's objectives in South Viet-Nam.

Based on the Resolution of C and the situation of our war theater,

1. *Our immediate mission is: To motivate the entire Party, army and people to make outstanding efforts in developing the success already gained; resolutely overcome shortcomings and weak points; seize opportunities to vigorously push forward the General Offensive and Uprising with the three-pronged attack to the highest point in coordination with the diplomatic offensive; quickly build up onr military and political forces; develop our all-out offensive in a vigorous and continuous way in the three strategic areas in order to defeat the enemy's clear-and-hold strategy, pacification policy and other defense set-ups and defeat his scheme to end the war in a strong position and his plan to de-Americanize the war. We should fight to force the Americans to withdraw troops, cause the collapse of the puppets and gain the decisive victory,* which is a very basic condition for achieving independence, democracy, peace, neutrality for South Viet-Nam and progressing toward national reunification; at the same time, we should be determined to fight and defeat the enemy if he prolongs the war.

The essence of our decisive victory, as defined by Instruction 11–68 [poss. Nov. 1968] of C is as follows: That the Americans must withdraw all troops from South Viet-Nam, that our military and political forces must be stronger than the remaining forces of the puppet army and administration, that our military and political forces must be master of the major part of the rural area, the important strategic areas, the areas bordering the cities, and some parts of the cities, principally at the basic level, and that [we be in a position to] achieve the immediate objectives of the Revolution in the South.

2. Based on our immediate mission and the essence of decisive victory as described above, we must strive to achieve the following *strategic objectives* prescribed by the Resolution of C of April 1969:

a. *Fiercely attack American troops,* inflict very heavy losses on them, cause them increasing difficulties in all fields, and prevent them from carrying out their "clear and hold" strategy and their plan of de-escalating step by step and prolonging the war in order to secure a strong position. We must fight to force the Americans to withdraw troops. The strong attacks launched against the Americans at this time have an important significance: they crush the U.S. imperialists' aggressive will.

b. *Strongly strike the puppet army, annihilate the most obdurate elements of the puppet army and administration, paralyze and disintegrate the remaining elements,* and cut off the source of personnel replenishment of the puppet army, thus preventing the latter from fulfilling its mission in the "clear and hold" strategy, and reinforcing itself in order to replace the Americans. *We must fight to force the collapse of the puppet army.*

c. *Strive to build up our military and political forces and deploy them on an increasingly strong strategic offensive position. We must defeat the enemy's rural pacification campaign,* dominate the major part of the rural area, and control the important strategic positions in the jungle-and-mountain area and on strategic communication lines, and especially in areas bordering the cities and some parts right in the cities, particularly at the basic level.

d. Continue to destroy and weaken the puppet administration at various levels; *especially, defeat the enemy's pacification plan; wipe out the major part of the puppet administration and its control grip at the infrastructure level;* at the same time we must *establish and strongly consolidate the people's revolutionary administration at various levels, especially at the infrastructure level, and promote the role of the Provisional Revolutionary Government.*

e. On this basis, *smash the Americans' will of aggression; force them to give up their intention of ending the war in a strong position, and to end the war quickly and withdraw troops* while the puppet army and administration are still too weak to take over the responsibiilty of the Americans; *force the Americans*

to accept a political solution, and recognize an independent, democratic peaceful and neutral South Viet-Nam with a national, democratic coalition government working toward reunifying Viet-Nam.

3. Our immediate task and requirements are large in scope and urgent in nature; the situation may evolve rapidly. For this reason, more than ever, *the problem of improving our subjective leadership at various levels has a direct and decisive significance*. First of all, we must improve our understanding of the lines, precepts and basic problems related to the General Offensive and Uprising and apply them to the reality of the fierce and decisive struggle against the enemy; we must do this in our ideological perception, and in our leadership and implementation of policies.

In particular, we must firmly grasp the following basic matters:

One: We are facing a great opportunity; therefore, more than ever, we must *highly concentrate our efforts to win a decisive victory within a relatively short period of time*. We must, on the basis of firmly grasping the precept of protractedness and the policy of pushing back the enemy step by step, and winning victory bit by bit, *strive to build up our military, political, economic and financial strength, unceasingly improve the application of precepts and methods in a flexible way which is fitting to the practical reality* and through this, to ensure that we are able *to fight vigorously and for a sustained period of time, to become stronger as we fight and to win greater victories as we fight.*

We must firmly grasp the rule of winning victory, which is a process of developing the strategic offensive, attacking the enemy with resolution, and attacking in all fields with continuity and vigor in order to win victory step by step while at the same time *seizing the opportunity with creativeness in order to accompilsh leaps forward*. At present, the enemy is being forced to de-escalate in a passive position, the combat efficiency of the U.S. and puppet troops has diminished, and their ideological and political motivation is collapsing; therefore, the above-mentioned rule will exert a strong influence on the development of the Americans' and puppets' political and military situation, driving the latter into a grave all-sided crisis from which they have no way out. For this reason, we must accelerate activities in all fields with creativeness so that when the opportunity comes, we may rush forward quickly, and in a timely manner, to win greater victories.

The above principle and guidance are not only very necessary, but also fully consistent with our war theater. Due to the decisive and complex nature of our war theater, we cannot afford to be simplistic, impatient, or rigid, especially in the application of struggle and force building precepts and methods. However, we should clearly see another important aspect of our war theater which is the place where enemy contradictions are most concentrated and where a great majority of our revolutionary masses are gathered, both in cities and in rural areas; therefore, our leadership at various levels must have a high sense of responsibility in *seizing, creating and taking advantage of opportunities in order to produce leaps forward.*

Two: In order to develop our offensive strategy to a high point in the coming period, we must make outstanding efforts to *bring to the highest point of development the combined strength of our three-pronged attack, coordinated with a diplomatic offensive, in the three strategic areas, including the cities, rural low lands and jungle-and-mountain areas.*

a. At present our people's revolutionary war has reached its highest stage. For this reason, *more than ever, we must improve military leadership* to ensure that our military offensives meet the highest requirements in destroying the enemy, defeating enemy defense strategies and tactics, coordinating with political struggle and military proselyting activities and contributing to the popular uprising in the cities and rural areas. In joint action with the [popular] uprising, we must fight to force the withdrawal of U.S. troops and the collapse of the puppets.

Parallel to improving our military leadership, we must make great efforts to *bring the political struggle to a high point*. Similar to the military struggle, the political struggle should be firmly conducted according to the principles and guidance mentioned above. We must realize that the political opportunity at the present time is a great one, therefore our political struggle should be waged in *accordance with the opportunity* and coordinated with the military offensive, military proselyting and the diplomatic offensive. *We must develop the [political] offensive vigorously from the lower level to the upper level and from partial uprising in the cities and rural areas to the general uprising.*

b. We should firmly grasp the position of and interrelationship between *the three strategic areas comprising the cities, rural lowland and jungle-and-mountain area in the new phase* in order to provide corresponding and appropriate guidance. As concerns our battlefield, we must firmly grasp the strategic position of, and close relationship between, the *three battlefield areas:* Saigon and major cities, the eastern battlefield running from the area surrounding Saigon to Region 6, and the Mekong delta area.

We must see clearly that the urban front is, generally speaking, *an important strategic area.* We must specially concentrate and strengthen our leadership in the Saigon area which is our major battlefield for the whole of South Viet-Nam. We must resolutely maintain and develop the continuous attacks against, and siege of, Saigon and other cities, using both military and political means. We must resolutely prevent the enemy from breaking out of our encirclement and defeat his pacification work around the cities. Depending on the balance of forces in each time and place, we should set forth appropriate steps of action, requirements, precepts, methods aimed at winning the highest success and creating conditions for coordinating military offensive with popular armed uprising to win great victories when the opportunity comes.

The rural area is for us *an extremely important strategic area at the present time and in the future;* therefore we must strengthen our leadership in the rural area, especially in the Mekong delta. The enemy is striving to pacify the sensitive populous rural areas, especially the areas surrounding the cities, and to invade the areas which we have just liberated. However, in these areas the enemy is basically weak and shows many deficiencies. Therefore, while we perseveringly attack and encircle the cities we must also resolutely wage a vigorous military and political offensive in the rural area, liberate and control the major part of the rural area, liberate entire zones in a number of battlefields including a number of towns and municipalities, and build the liberated areas into perfect revolutionary bases to serve as the firm, direct rear of the resistance.

The jungle-and-mountain area has always occupied an *important strategic position* because it is our stable base linking us to the great rear [i.e. North Viet-Nam]. At the same time it is the effective operation ground of our main force units. For this reason we must strive to develop and strengthen our liberated jungle-and-mountain areas and build them into solid bases capable of meeting our immediate and long-range requirements.

Three: In order to ensure progress in the reception and application of the Party's lines and precepts, we must *urgently improve the working procedure* and *strengthen the leadership in the implementation of* [Party] policies. Our most important requirements are:

To ensure that the Party's lines, policies, resolutions, instructions be thoroughly understood by all echelons, especially those directly in charge of implementation, and by the masses.

To promote aggressiveness, creativeness, willingness to work closely with the people in order to ensure that the methods and measures adopted for implementing the Party's policies and missions are positive and suitable to the reality of the locality concerned.

To pay attention to heightening the sense of organization and discipline, to correctly observe the Party's procedures concerning the submission of reports and requests for instructions and the inspection and prodding [of personnel].

To consolidate and strengthen the weak links in the leadership machinery, especially the Party Chapter operation, the civilian proselyting operation, the organization and implementation of plans, the understanding and assessment of the situation, and the task to ensure normal activities for personnel at various levels, etc. . . . [sic].

1946 LIEN HIEP COALITION EXPERIMENT

The CHAIRMAN. In your statement you refer to a matter about which I had not heretofore heard. You say the fate of the 1946 lien hiep coalition experiment. What was the lien hiep? I never heard of that before.

Senator DOLE. I had not either until we received the matter.

The CHAIRMAN. 1946?

Senator DOLE. That is correct.

The CHAIRMAN. To what does that refer?

Senator DOLE. The fate of the 1946 lien hiep, which I understand is the Vietnamese word for "coalition," is described in some detail in a 7-page research summary, but it indicates what happened to those who went along with a coalition government at that time.

It began with the electoral agreement between the Communists and Nationalist factions in 1945, and the agreement was reached on December 22, 1945, where they agreed to give the Nationalists, I think, 90 seats in the assembly, and the Communist Party was nominally dissolved at that time as a gesture to national unity. But in the long run it did not work in that fashion, and we have emerging then the Government of Ho Chi Minh and a consolidation of the Communist dictatorship in North Vietnam in 1954 and 1956, with numerous purges, mass arrests and exterminations, but I do not have any precise numbers.

The CHAIRMAN. That is all right.

Senator DOLE. As a matter of information, if it is agreeable with the chairman, I would like to have this research summary included in the record. It might be of interest.

The CHAIRMAN. All right. It will be interesting.

Senator DOLE. It is not particularly long.

(The information referred to follows:)

COALITION EXPERIENCES IN VIETNAM

Vietnamese opposition to coalition with Communist forces is based on bitter experience. The fate of the 1946 "lien hiep" (coalition) experiment and the 1954–1956 purges conducted throughout North Vietnam during the consolidation of Ho Chi Minh's dictatorship are described below.

A. The 1946 "Coalition"

1. Selig S. Harrison (Brookings Institution); "Vietnam Had a Coalition Once," *The Washington Post;* April 7, 1968, p. B2:

"The Coalition began with an electoral agreement between the Communist and Nationalist factions . . . reached December 22, 1945 giving the Nationalists a pre-packaged allotment of 70 seats. The Communist Party was nominally dissolved 'as a gesture to national unity.' . . . General Giap and another Communist stepped down from their key posts as Defense and Interior Ministers to make way for neutral non-Party personalities who were supposedly to serve as a balance wheel between precariously arrayed factions. The Nationalists held four places in the 12 member cabinet in their own right (the Vice Presidency, and the Ministries of Foreign Affairs, Economic Affairs, and Health) as against three for the Viet Minh (Ho as President and the Ministries of Finance and Education) and three others for Communist sympathizers (the Ministries of Justice, Agriculture, and Public Works). . . . When the new cabinet took office on March 2, the neutralist and Nationalist Front ministers soon found themselves closely fenced in. Neutralist Interior Minister Huynh Thuc Khang for example discovered that Giap had set up his own Viet Minh security service and that the provincial governments were laced with Viet Minh stalwarts who sabotaged his efforts to install new non-Communist police machinery. The National Front leaders made greater headway but their ministries were relatively unimportant."

2. Bernard Fall: *The Viet Minh Regime;* Cornell University; 1956, p. 10:

"The election results (of January 6, 1946), though acclaimed a 'brilliant success' by Viet-Minh sources, fail to show an overwhelming Viet-Minh majority. According to official statements of the Democratic Republic of Vietnam, the results were as follows, the figures apparently being incomplete:

	Seats
"Marxists	10
Socialists	27
Democrats	15
Dong Minh Hoi	22
VNQDD	26
Viet-Minh	82
Nationalist Independents	90

"However, there are certain other points in which those elections proved to be unique. First of all, the National Assembly with its 'elected' members convened *six weeks before* the election results were officially known and confirmed. Indeed, the Assembly met for the first time on March 2, 1946, while the official election results were published in the *Official Journal* on April 13. In view of the distances involved, the delegates from South and southern Central Vietnam who were present at the opening session of the National Assembly must have left their constituencies at the same time that the election ballots did. Furthermore, an even cursory inspection of the published election lists shows that the northern provinces which were under nationalist domination and where no elections had taken place (such as Vinh Yen, Viet Tri, Yen Bay, Lang Son, Dap Cau, and others) were nonetheless represented in the National Assembly by members or affiliates of the Viet-Minh. And lastly, while the approximately 17 million people of North and Central Vietnam were represented by 356 Assembly members, the 5½ million of South Vietnam were able to nominate only 18 delegates."

3. In June 1946, while Ho Chi Minh was in Paris negotiating terms permitting the return of the French, his lieutenants Vo Nguyen Giap and Truong Chinh moved to liquidate the coalition and to destroy areas of nationalist strength in the provinces. Their two principal nationalist rivals, the Viet Nam Quoc Dan Dang (VNQDD) and the Dong Minh Hoi were their special targets. Lists of arrested nationalists appeared daily in the Hanoi newspapers, especially after July 11, when Giap initiated a special two-day terror operation of mass arrests.

4. Bernard Fall, *The Viet Minh Regime;* op cit.; p. 13:

"When the National Assembly of the Democratic Republic reconvened for its second session on October 28, 1946, the last it would hold until December 1953, its former membership of 444 delegates had shrunk to a total of 291 present at the opening session. According to neutral observers, only 37 members of opposition parties were present on October 30, and upon a question by one of these, Cu Huy Can, the Viet-Minh Minister of Agriculture, answered that 33 opposition delegates had been arrested . . . 'with the approval of the Permanent Committee, for common law crimes . . .' The purges continued while the Assembly was in session, with the result that on November 8, 1946, date of the vote on the new Constitution, only *two* opposition members were left while the number of pro-Government delegates had diminished to 240."

"Mass arrest had become commonplace enough to be openly admitted by even the quasi-official newspaper of the Republican Government. Thus, *Cu'u Quoc* ('National Salvation') of November 1, 1946, reported: 'On October 29, our Security Services have, in the course of a raid, arrested more than 300 persons. After screening, the majority has remained in custody to be transferred to concentration camps.'"

5. Joseph Buttinger, *Vietnam: A Dragon Embattled;* Praeger; 1967 p. 408:

"The elimination of their opponents was one of the most common means the Communists used to establish Vietminh control over the entire nationalist movement. Against people whose interests or political convictions made them incorrigible enemies of the Vietminh, the Communists practiced a policy of physical extermination from the very beginning of the revolution. One of their first victims was Bui Quang Chieu, the founder of the Constitutionalist Party. . . .

"During the first few weeks of the revolution, scores of nationalists whom the Communists regarded as dangerous competitors for leadership were simply murdered. Others were tried by 'people's courts,' formally condemned as traitors or collaborators, and executed. Even a pro-Communist Vietnamese writer like Le Thanh Khoi is forced to admit the 'mass liquidations' of opponents. 'Whatever represented political opposition,' he writes, 'was eliminated without mercy.' The pro-Communist French author Jean Chesneaux explains that this was necessary in the interest of independence and of 'democracy in the broadest sense.'"

"But these political murders were not confined to the first chaotic weeks of the revolution, and they were not restricted to old enemies, collaborators, and 'reactionaries.' Anyone who achieved popularity outside the Vietminh was in danger of being eliminated. To be a young and vigorous revolutionary with an independent political mind was more dangerous in 1946 than being a 'reactionary' had been in August, 1945."

B. The Consolidation of Communist Dictatorship in North Vietnam 1954–1956

The mass liquidation policies of Hanoi's Communist regime and the anti-Communists revolts in North Vietnam in the period following the Geneva Accords of 1954 are described in great detail in Hoang Van Chi's, *From Colonialism to Com-*

munism, Praeger, 1964; in Bernard Fall's *The Two Vietnams*, Praeger, 1963; and in Joseph Buttinger's *Vietnam: A Dragon Embattled*, Praeger, 1967.

1. General Vo Nguyen Giap, in official Hanoi newspaper *Nhan Dan*, October 31, 1956 described the Communist dictatorship in North Vietnam (cited in Chi. *op cit*, pp. 209–210):

". . . We made too many deviations and executed too many honest people. We attacked on too large a front and, seeing enemies everywhere, resorted to terror, which became far too widespread. Whilst carrying out our Land Reform program we failed to respect the principles of freedom of faith and worship in many areas. In regions inhabited by minority tribes we have attacked tribal chiefs too strongly, thus injuring, instead of respecting, local customs and manners. When reorganizing the party, we paid too much importance to the notion of social class instead of adhering firmly to political qualifications alone. Instead of recognizing education to be the first essential, we resorted exclusively to organizational measures such as disciplinary punishments, expulsion from the party, executions, dissolution of party branches and cells. Worse still, torture came to be regarded as a normal practice during party reorganization."

2. Bernard Fall; *The Two Vietnams;* Praeger; 1963; p. 101:

"The non-Communist elements within the Viet Minh were either completely taken over, or reduced to the role of insubstantial puppets, which they still play today—for North Viet-Nam, like East Germany, is not a 'single-party' state. There exist tiny Socialist and Democratic parties without the slightest shred of power but with carefully selected candidates who stand for reelection and are voted their seats in the rubber-stamp parliament at comfortable majorities of 83–93 per cent of the votes (Communist Party candidates, of course, are elected with 99.8 per cent of the votes)."

C. Directive of Hanoi's Central Office for South Vietnam (COSVN) on Coalition in South Vietnam

U.S. military units on October 10, 1967 captured a document prepared in September 1967 explaining the COSVN position on coalition government in South Vietnam as follows:

Policy.—"A general uprising requires extended time. It is essential that it take place in one area after another. In the process of this general uprising, there may be a coalition government. The U.S. troops must withdraw. The coalition government may include a non-revolutionary element as President. But he basically must follow the line of action of the Front. . . ."

Questions.—"What are our long-range and immediate objectives? Why has our party set them?

"Will the U.S. and her Allies pull out at once or step by step?"

These must be considered as problems to be solved: "Why not carry out the people's democratic revolution directly instead of by a coalition government? If a coalition government is formed and the chairman is not one of our comrades, will that fact affect us?"

Ideas put forth.—"The Front will be the core element."

"The immediate objectives set forth by the Party at this time are suitable, because the Americans are being defeated and the puppet forces are deteriorating. But we are not strong enough to deal them a lethal blow."

"What is important is that we must have tight control over the government, the workers and peasants. It does not matter if there are a few (non-party) notables at the top. The Front's political program must be followed."

Long range objectives of the revolution.—"A national, democratic and popular revolution. Immediate objective is not separate from long range objective because the immediate objective is a neutral, independent, national, democratic regime progressing toward socialism. So, there is no contradiction."

"Relations drawn between our forces and the enemy forces: We are on the winning side, whereas the Americans are on the losing one and are encountering many difficulties, even in the U.S. Consequently we must take advantage of every opportunity to accelerate our victory. The sooner victory comes, the less blood will be shed. Anyway, we will certainly reach our ultimate goal."

"To all appearances, it will be a coalition government but the real powers will lie in on our hands, and we will follow the Front's political program, the revolutionary line."

"When the uprising is touched off to seize power and establish a coalition government, the Americans will not be totally withdrawn. We will (word illegible). We don't have to wait until the Americans completely pull out to form the coalition government."

D. Communist Directive to Eliminate Members of the Nationalist Party VNQQD

In April 1968 U.S. forces captured a document bearing a Communist directive "On the Strong Repression of Nationalist Party Members." The following quotes from this document reveal an old pattern, one followed in the mass liquidations in North Vietnam in the late 40's and 50's and during the North Vietnamese occupation of Hue in the 1968 Tet offensive.

"Targets for elimination are members of the (Nationalist) party committees at province and district levels, the senior party members and the secretaries of village party committees. . . ."

"The destruction of Nationalist Party reactionaries is not a one-shot affair. It is a continuous process. We must destroy them by every means available. . . We must do this in such a way that by June 1968 the Nationalist Party committee members at district and village levels will be frightened into abandoning their activities, their offices and their party. . . ."

"We must seek out and arrest all Nationalist Party members. . . ."

E. Vietnam Coalition—An East European View

Ferenc Nagy, Prime Minister in Hungary's ill-fated 1946–47 coalition with the Communists, wrote of the pitfalls of a Vietnam coalition in an Associated Press article of February 24, 1966.

"The first thing to know is that if a coalition in an ideologically troubled country is established with the assistance of outside power or powers, then the strength and endurance of the participating parties or groups is not dependent at all on domestic popular support but on the help of the outside great powers which are behind them politically. . . .

"I would not say that a coalition government could not be a temporary solution for Vietnam, but I would like to call the attention to those who are dealing with this ideal to certain basic rules that should be followed very carefully.

"First of all, the goal, the composition and the time of the service of the coalition government must be made clear to the last details. . . .

"There must be a detailed plan for the disarmament of the fighting forces. . . .

"The main thing is that those who would like to see the neutrality and independence of Vietnam through a coalition government should not be too tired to fight for a clear agreement in the last details, and should be determined to protect even the seemingly important points of the agreement.

"Otherwise the coalition will be just a transition for a Communist takeover or the hotbed of another military conflict."

ATTITUDE OF NORTH VIETNAMESE AND NLF

The CHAIRMAN. I would like to put in the record, Mr. Reporter, an article, "Hanoi View of Nixon Speech", from the St. Louis Post Dispatch of November 23, 1969. This discusses the attitude of the North Vietnamese and NLF toward negotiation and toward Mr. Nixon's speech.

I would also like to insert several other articles, together with a letter I received from Prof. Joseph R. Starobin of the department of political science at York University.

(The information referred to follows:)

[From St. Louis Post-Dispatch, Nov. 23, 1969]

NEWS INTERPRETATION—HANOI VIEW OF NIXON SPEECH

Richard J. Barnet, who served with the United States Arms Control and Disarmament Agency and the Department of State in the Kennedy Administration, wrote the following article, after interviewing in North Vietnam Prime Minister Pham Van Dong and other Hanoi and National Liberation Front officials.

(By Richard J. Barnet)

HANOI, North Vietnam, Nov. 22.—North Vietnamese leaders interpret President Richard M. Nixon's Nov. 3 speech as the toughest statement yet on continuing American involvement and a less than subtle pledge to win the war.

In a series of interviews, North Vietnamese and National Liberation Front officials continually raised two principal points: The United States is not really interested in negotiations, and the Nixon policy is a direct continuation of the Lyndon B. Johnson policy with the objective of permanent American domination of South Vietnam policies.

"Your President is foxy, but I don't think he really knows what he is going to do tomorrow," a Cabinet minister commented. Said another: "The Americans are stronger than the French, but they are not as clever."

North Vietnam leaders are convinced that Mr. Nixon has no interest in the Paris talks. Some of the most highly placed sources in Hanoi assured me that there have been no substantive negotiations at all, either public or private. They pointed to the Nov. 3 speech as a clear signal that the United States is not interested in changing the nature or the substance of the Paris talks.

NIXON'S "BRAZEN CHALLENGE"

Prime Minister Pham Van Dong, a rare interview, said in referring to Mr. Nixon's speech: "The Vietnamese people have taken note of this brazen challenge."

This "challenge" of Mr. Nixon's is viewed by North Vietnamese as an American strategy of maintaining steady pressure on the Viet Cong and North Vietnamese regulars. Mr. Nixon's goal, the officials were sure, remains a military victory through a war of attrition.

Mr. Nixon's political goal, Hanoi leaders believe, is to force them and the National Liberation Front to submit to an election organized by the Thieu regime. And they repeatedly assured me that this they would never accept.

An election under Thieu's direction is seen by North Vietnamese leaders as an American-controlled election. Even if someone other than Thieu should win in an election managed by the present Saigon leadership he, too, officials said, would be sure to be an American agent. As one high official put it: "The marionettes may change but the play remains the same. Uncle Sam continues to pull the strings."

In North Vietnamese eyes, a Saigon-directed election would abandon everything that the North Vietnamese leaders have been fighting for for the last 25 years. It would legitimatize a permanent South Vietnamese state. It would legitimatize the present constitution, which makes it illegal for Communists or neutralists to hold office.

"JOHNSON CONSTITUTION"

And, by legitimatizing what the North Vietnamese continually refer to as the "Johnson Constitution," the election would legitimatize the American presence in Vietnam, while insuring its continuation. National Liberation Front participation in the Thieu-sponsored election, they say, removes none of these objections.

Only with a new structure for elections, developed by a "very broad coalition," leaders told me, is there a chance that the outcome would be truly representative. And, they contend, there is nothing to suggest in the last Thieu election that he has any conception of a free election.

They say that in 1966 Thieu scratched one formidable opponent from the ballot while jailing another. They say that battalions of troops were sent to villages to vote for their commander in chief. They say that frequently these troops voted several times. North Vietnamese officials maintain that all this is so obvious to observers in the United States that Mr. Nixon's insistence on Thieu-style free elections shows that the President has no real interest in a compromise solution.

The North Vietnamese analysis of the Nov. 3 speech points up what they consider the real issue: Mr. Nixon's credibility. Does he really intend to get out of Vietnam? At this moment, they are firmly convinced that the answer is no.

"Nixon's Vietnamization is Johnson's de-Americanization all over again," one official said. "How can it work?" North Vietnamese leaders see Vietnamization as a strategy designed to enable the President to fight a war of attrition indefinitely—at a level acceptable to a majority of the American people.

AIR AND ARTILLERY POWER

Although North Vietnamese officials believe that Mr. Nixon will continue to withdraw combat troops, they see him relying more heavily on air power and heavy artillery. Even if the entire force of 300,000 combat troops is pulled out,

Hanoi officials say, there would still remain 200,000 support troops in Vietnam itself—backed up by almost 500,000 U.S. troops elsewhere in the Pacific.

North Vietnamese officials see Mr. Nixon returning to the "special war" of the Kennedy era, 1960 through 1965, when American "advisers" did the planning, training and supplying, but the Vietnamese did most of the fighting. That strategy, North Vietnamese claim, led to the rout of the South Vietnamese army in the spring of 1965, a defeat stemmed only by a rapid and massive introduction of U.S. troops.

Today the National Liberation Front and North Vietnamese forces insist that they are far stronger than they were in 1965, and assert that the forces of the Saigon regime are weaker—politically, militarily and economically. And, they say, the National Liberation Front has already demonstrated that it can withstand far greater punishment than what is currently facing them. They said that in 1965–66, for example, the U.S. launched an offensive with 80,000 troops and failed. And, by the end of 1967, with 500,000 U.S. troops in Vietnam, the Americans were no longer able to carry out a strategic offensive, Hanoi officials say.

REDS SEARCH AND DESTROY

North Vietnam officials say it is their troops who must now go looking for the enemy. The U.S. has curtailed its "search and destroy" missions to minimize casualties, while stationing the bulk of its forces in defensive positions around Saigon, Hue and Da Nang.

North Vietnamese believe that the 1968 Tet offensive was primarily responsible for Johnson's first move towards de-escalation. Although they say they are increasingly impressed by the American antiwar movement, they continue to put their primary faith in their own efforts on the battlefield.

All of the foregoing changes in U.S. strategy convinced Hanoi officials that the U.S. has lost the war of attrition—but they are under no illusions that they have yet won. They are preparing for a long war.

Mr. Nixon's threat to take "strong and effective measures" did not go unnoticed in Hanoi. They believe that the Vietnamization policy implies a distinct possibility of a re-escalation, including the resumption of the bombing of the North.

Most of the children are back in Hanoi from the evacuation centers in the country; but the new Polytechnical Institute, the only really modern building in the city, stands empty. Factories are still dispersed in hundreds of caves and grottos through the countryside. The shelters one sees every few feet along each street of Hanoi are kept in readiness. Little has been done to repair the considerable damage to the residential areas of the capital.

"We are very much on the alert," an elderly former mandarin, now a deputy in the National Assembly, told me.

North Vietnamese leaders believe that no one, even Mr. Nixon, takes seriously the prospect of South Vietnamese completely taking over the fighting. They point out that in the first week of November the National Liberation Front launched a series of attacks, as many as 68 on a single day, against positions held by the South Vienamese forces. In a number of such engagements, such as at Dar Lac, they overran the South Vietnamese positions and caused other units to flee, the North Vietnamese say.

SAIGON WOULD FALL

Mr. Nixon must know, they reason, that if he really withdraws the U.S. combat units, the Saigon regime would fall. Therefore, they suspect that he is merely attempting to set an elaborate stage for some sort of re-escalation when the failure of the present strategy becomes evident. North Vietnam leaders see Mr. Nixon as attempting to gain public support for intensifying the war by cutting down the draft and moving toward a professional army, by emphasizing Hanoi's alleged intransigence at the negotiating table, and by fanning the flames of nationalism in the United States. This Mr. Nixon will do, Hanoi officials believe, by continuing to evoke the prospect of mass reprisals if the U.S. would leave Vietnam and by making emotional appeals to preserve the national honor.

If Mr. Nixon's present strategy is premised on National Liberation Front restraint on the battlefield, it is bound to fail, these officials say. There is no lull on the battlefield even now, officials contend. Nor is there any understanding for a future lull.

A Viet Cong leader explained, "The battlefield has a rhythm of its own."

Reduction of military activity at one time or another are temporary. They have not renounced the initiative on the battlefield, nor do they lack the capacity, Pham Van Dong told me, to step up the war if necessary. Their analysis of Mr. Nixon's speech has convinced them that it may be necessary.

[From the St. Louis Post-Dispatch, Nov. 24, 1969]

U.S. Defeat Is Evident, Hanoi Is Convinced

(By Richard J. Barnet)

Hanoi, North Vietnam, Nov. 24.—I went to North Vietnam sure that its leaders would seek to convince me of their unshakable determination to carry on the war if their minimum political objections were not met. The United States and all other foreigners must be out of Vietnam, bag and baggage. Not only must the troops go, but more important, the foreign political control which those troops represent must be ended.

In the course of my recent talks with high officials in Hanoi, including Premier Pham Van Dong, these minimum objections were emphasized again and again. North Vietnamese leaders told me that they were eager for a political settlement along these lines but were prepared to fight indefinitely if the United States would not agree.

"Our will is stronger than ever," Dong stated with quiet assurance.

The determination of Vietnamese leadership to resist American military pressure is, of course, their principal weapon. In a war of attrition, staying power makes the crucial difference. I therefore expected to hear expressions of self-confidence. What I was completely unprepared for was the depth and obvious sincerity of their conviction that they are winning.

"The United States defeat is already evident," Dong declared in the course of an interview. They are certain that they will drive the foreigners from their land and they hold this belief with all the tenacity of a religious faith.

No American can comprehend Vietnamese thinking on the war unless he tries to see their history and tradition as they do.

Vietnamese officials gently remind American visitors that they have arrived in the middle of the play. Again and again the high officials to whom I talked spoke of the 2000-year history of Vietnam, its single culture, its one language.

Many of these leaders, including Premier Dong, were born in the South (just as South Vietnamese Vice President Nguyen Cao Ky was born in the north).

They see their national history as a 2000-year successful struggle to keep their land free from successive waves of foreign invaders, all far more powerful than themselves—Chinese warlords in the eleventh century, the Ming Dynasty in the fifteenth century, the Sungs in the eighteenth century, and the French in this century.

The U.S. efforts that began in 1954 to create and maintain a separate state in South Vietnam is for them merely one more such effort. It is a brief interlude in the long history of a united Vietnam.

North Vietnamese leaders are not prepared to let the United States dismiss the Geneva settlement as ancient history. The state created below the Seventeenth Parallel under Ngo Dinh Diem after the Geneva Conference of 1954 they see as nothing more than a U.S. political device for keeping a foothold in Southeast Asia.

The meaning of the Geneva settlement, they say again and again, is that Vietnam is one country. It will take a long time, they admit, to achieve reunification, but the fundamental right of the Vietnamese themselves to bring this about by peaceful means must be recognized.

The Seventeenth Parallel, according to the Geneva settlement, was "a temporary military demarcation line" and not a political boundary.

"The United States began to sabotage that settlement the day it was signed," a Cabinet minister who had been a delegate at Geneva told me. The passionate belief that they have law and history on their side goes far to explain their extraordinary determination to win their minimum demands.

What do they believe will enable them to carry on the fight against the world's strongest power "for another twenty-five years or more, if necessary."

First, they know that in the severe trials to which they have been subject they have shown that they can take punishment and even thrive on it.

One high official pointed out that North and South Vietnam had received the equivalent of one-megaton hydrogen bomb apiece. More than 600 sections of dikes have been bombed, they say, and they have been able to contain the floods. (They showed me a number of pictures in corroboration.)

The wide use of defoliants and toxic gases has caused some chemical change in the soil, but the rice crop is up. I saw entire towns where as many as 40,000 had lived with nothing left but a dozen fragments of charred wall, but the survivors do not appear intimidated.

North Vietnamese officials concede that more horrors may lie ahead for them. Some fully expect it. But they feel that they have been tested and that they have emerged from the trial with greater strength than ever.

Second, there is abundant evident of economic growth in the years of escalation, they assert. There are 20,000 more university students this year than in 1965. The yield per acre in the rice crop, despite periodic setbacks, has almost doubled. Under the pressure of war, age-old public health problems have been solved. Malaria, plague, cholera and yellow fever have been virtually eliminated.

Each year new dispensaries and hospitals are built in villages and districts. Since 1965, an entire new industrial network has been established. Hundreds of small workshops, machine tool factories and light industry have been built into the sides of mountains and in grottos. I saw one workshop inside an enlarged cave where men and women were huddled over simple lathes turning out pistons for trucks and other spare parts.

Under the pressure of war the Vietnamese have decentralized their education, medical services, agriculture, as well as industrial production. The administrative head of a province emphasized that the radical reforms the Vietnamese had carried out under the bombings should more accurately be characterized as "divided responsibility" rather than "decentralization." Their economy, he pointed out, is still centrally managed. Whatever the term, there is no doubt that the changes are popular and have raised morale.

The third source of strength is the increasing sense of unity of the people. For this, Vietnamese leaders give the U.S. Air Force much of the credit.

"When the first wave of planes came over the North," one of the country's leading intellectuals told me, "some Catholic priests openly applauded." These long-time foes of North Vietnam's Communist government led their flocks into the local churches certain that they would be the last places the Americans would bomb. But Catholic churches have been bombed in great number. The official count is 465. (I counted more than 10 in a short visit to a single province.)

The result has been to unite dissident elements in the society in the common struggle against the outside attacker.

Commenting on Gen. Curtis E. LeMay's famous strategy to bring their country to its knees by "bombing it into the Stone Age," a high party official remarked: "If you get a chance to see the general when you return to your country, tell him that it's all right with us if he wants to go back to the Stone Age. As for us, we are going forward."

I kept asking everyone from a high school student to the Premier to explain the extraordinary spirit of determination and even lightheartedness I saw wherever I went.

While they are quite ready to concede that there is a special toughness to the Vietnamese, a product of history and culture, they point out that other countries have also found added strength in adversity. The classic case is Britain during the bombing of London.

"Your country, too," a top Hanoi official observed, "experienced an extraordinary growth in the Second World War."

But perhaps the crucial source of strength of the Vietnamese, as they see it, is their very backwardness. I was shown movies of the Viet Cong at work, navigating streams in rafts, obtaining food, shelter and protection from the forest.

"Look how little we need for fighting," was the message constantly impressed upon me. It is clearly a message they believe themselves.

Another point they make is symbolized by the giant bomb craters I saw scarring the countryside in Thanh Hoa province. They seemed irrelevant. At their edge new huts had been built or a new rice crop planted.

Although province officials were concerned that the craters were becoming breeding grounds for mosquitoes, the bombings had not disrupted the social system. Many had been killed and wounded, but life went on much as it always has. Vietnam appears to be one of the countries in the world least vulnerable to massive air bombardment.

While conceding that the advanced Chinese and Soviet military equipment I saw on the highway had something to do with their survival, Vietnamese officials constantly repeated, "We are a primitive country." They said it triumphantly. "Our people don't need much to eat. We can get along on rice, fish and a little meat, if it is available. Ten meters of cloth and one pair of shoes a year is more than enough.

The kind of house to which most of the population is accustomed can be put together in short order with a minimum of easily available materials.

One of the most important exhibits in the Museum of the Revolution in Hanoi shows Ho Chi Minh's small straw suitcase with his sandals and tunic, the total possessions he carried with him in the long months of World War II. It is a pointed symbol of the national capacity for making do.

[From the St. Louis Post-Dispatch, Nov. 5, 1969]

TIME ON THEIR SIDE, HANOI LEADERS BELIEVE

(By Richard J. Barnett)

HANOI, NORTH VIETNAM, Nov. 25.—The top leadership in Hanoi believes that time is on their side. "Mr. Nixon is in no hurry to withdraw the troops. He thinks he has plenty of time, but he doesn't," one of Hanoi's most authoritative political figures told me in an extended discussion. "As for us, time is something we have in great supply."

I questioned the North Vietnamese and National Liberation Front officials closely on two factors which, according to United States military sources, are seriously weakening their capacity to continue the war: The supposedly serious decline in morale in the North, and the unacceptably high casualty rate in the South. When I asked Premier Pham Van Dong about morale, he replied, "After the death of our president, Ho Chi Minh, we are closing ranks." He was referring specifically to speculation about rivalry among the leadership, and he spoke with the authority of a man in charge.

When I asked whether the bombing halt had not produced a psychological letdown in the North, another speculation popular in Washington, I received this answer: "The country is still at war and the people still feel part of the struggle. I understood these words better when I heard a class of kindergarten children singing songs about shooting down American planes.

Wherever I turned, I saw small groups of Vietnamese preparing for the long war they see ahead. In the early morning, I walked alone in Hanoi's Unity Park and watched classes of young women assembling rifles among neatly planted flower beds. Several mornings at 4 o'clock I heard the clatter of militia marching in shouted cadence below my bedroom window.

When I questioned National Liberation Front leaders about the crippling losses the U.S. Army claims to have inflicted on the Viet Cong, they said that after reading the U.S. figures they did not understand how they themselves could still be alive. They produced a complete list of the annual estimates of U.S. military leaders on the demise of the Viet Cong dated back to 1965, then noted their offensive operations that followed these premature death notices. The Viet Cong do not deny that they have suffered heavy casualties but, as a National Liberation Front official just back from the front told me: "We are now operating far more effectively in the cities than ever before. The National Liberation Front has a major military headquarters operating within the city limits of Saigon itself."

Every high official with whom I talked spoke with contempt about the United States' Vietnamization program. "It is Nixon's grand design," said one top political figure, "but it will turn out to be a nightmare for him." There is no assurance, they insist, that any temporary lull will continue. They were visibly angry at what they regard as the Nixon Administration's attempt to use their restraint on the battlefield as a political weapon against them. Another top leader said, "Mr. Nixon wants to tell the American public, 'I have succeeded in doing this. I am able to do that. Give me your confidence. Don't bother me. Leave me alone.' When he has to request more appropriations he will say something different."

Although the Hanoi leaders believe that they are more than holding their own on the battlefield, they see two favorable political trends.

The rising opposition to the war in the United States has plainly surprised them, but they have a realistic estimate of its strength. Above all, they rely on their own will and strength. They believe that U.S. policy will eventually change enough to permit a negotiated settlement because the United States is willing to accept considerably fewer losses to protect a distant imperial outpost than they themselves are prepared to accept to rid Vietnam of foreign domination. "Some day the United States must come to see its own interest," said one Hanoi official.

The trend to which they attach considerable importance is the deterioration of political strength of the Saigon government. (President Nguyen Van) "Thieu,

(Vice President Nguyen Cao) Ky, and Premier Tran Thien Khiem are in a very bad way," a Cabinet minister told me. "And there is no way out for them." Another official suggested, "They have their bags packed." Hanoi officials believe that it is highly significant that Gen. Duong Van Ming and Gen. Tran Van Don are now willing to oppose Thieu openly.

Much attention is being paid to the economic crisis in Saigon. One of the ministers in charge of economic matters, reading from the Saigon press, analyzed what he called the runaway inflation in the South. The steep rise in the cost of living over the last several months has encouraged a mounting tide of opposition to Thieu's Minister of Economics. "Members of the middle class are co-operating more and more and more with the National Liberation Front," he said, "because of the Saigon government's failure to manage the economy."

Although impressed with signs of political movement independent from the Thieu-Ky government in Saigon, top Hanoi officials are wary of what will happen. "Everything depends on Washington," one minister declared. "In the old days the Americans could change horses in midstream. Although the situation is now more difficult for them, perhaps even now they are readying a new horse."

Their over-all conclusion about developments in Saigon is highly optimistic. A high level official noted: "The situation in Saigon is developing in our favor. It is an irreversible process. It is quite possible that this process will take place under extremely favorable conditions, and rapidly."

Top Hanoi officials are convinced that the day is not too far off when the people in the South will demand a "government of peace" to talk seriously with the National Liberation Front with a view to "setting up a very broad coalition government." The central question, as they see it, is: When will the United States permit this inevitable revolution to take place? When Washington is ready to accept such a development, North Vietnamese leaders indicate, the road to serious negotiations will be open.

"There are many things in our 10-point program," a leading Hanoi political figure told me, "if people will only look."

[New York Review of Books, Jan. 29, 1970]

How Hanoi Sees Nixon

(By Richard J. Barnet)

I

Five days after President Nixon's November 3 speech I arrived in Hanoi for a series of discussions on the war, including a long interview with Premier Pham Van Dong. Several days after my return I met with the main Vietnam advisors of the U.S. Government, including Henry Kissinger. After my talks with the strategists on both sides it became clear to me that Hanoi and Washington are not fighting the same war.

The analysis of the enemy is completely different in the two capitals. The North Vietnamese do not judge how well or how badly they are doing by counting bodies or comparing this month's statistics with those of last month. They look at trends on the battlefield and always concentrate on their long-term political consequences. They note that from 1965 to the present the U.S. Government tried to win a military victory with 500,000 troops, that it failed, and that it had to move its forces into defensive positions and to begin withdrawing them. The leaders of the Nixon Administration are optimistic because after the continual aerial pounding of Viet Cong positions it is now possible to drive safely in parts of South Vietnam where formerly it was risky.

The North Vietnamese do not use travel but the ability to govern as a criterion of political success. They admit that they have taken serious losses in the South. In a recent captured document distributed to the State Department they allude to the higher desertion rate by conceding that "a number of Party members have gone so far as to surrender to the enemy and betray the nation." In North Vietnam itself there is evidence of hardship brought by the bombing, including shortages of power, fuel, and, above all, housing.

Nevertheless, I was struck by the mood of confidence in the North Vietnamese capital. The leader of the NLF in Hanoi told me, "We are gaining in the cities." It is now possible, they say, to obtain NLF literature anywhere in Saigon. More and more members of the middle class are making accommodations with the

NLF. Officials of the Front also told me that they have a large military headquarters in Saigon itself. It is true that, under sustained B–52 attacks, the NLF had to withdraw from areas long under its control. But this development hardly bears out the optimistic prediction of a "secure" Vietnam by 1972 now being made in Washington by Sir Robert Thompson and other pacification experts. Even the most optimistic reports do not claim that the Thieu regime is now able to establish a legitimate order in former Viet Cong areas or to attract the loyalty of the people. The North Vietnamese are convinced that a pacification program which depends upon sustained American bombing is a strategy for prolonging the war rather than ending it. They know that the bombing further alienates the people from the Americans and they believe that when enough US troops withdraw, "the puppet government and army will collapse."

The political and military analysis of U.S. strategy I heard in Hanoi was in almost every case subsequently confirmed by some of the highest officials of our government. The Vietnamese are avid readers of *U.S. News and World Report* and *The New York Times*. They make it their business to know the current Washington analysis of the war and they try to understand the popular mood. Washington's political intelligence on North Vietnam, on the other hand, seemed of a much lower order. While State Department and CIA analysts are handicapped by the lack of published sources and personal contacts in Hanoi, U.S. officials compound their problem by failing to read carefully what the North Vietnamese do publish. What the Vietnamese say in their official communication is subjected to a variety of tortured interpretations. Washington analysts appear to pay more attention to Alsopian readings of captured documents, diplomatic gossip, and historical analogy than to what the other side is actually saying.

II

I had a long talk about the war with Pham Van Dong. The North Vietnamese Premier has seen many American visitors, but I was the first to meet with him since the death of Ho Chi Minh. When I asked him what would be the effect of this loss on morale, he said that the sense of duty everyone felt toward "Uncle Ho" would cause the population to "close ranks." As he talked he seemed patient, one might almost say serene, but extraordinarily tough. From time to time he raised his voice in anger when talking about President Nixon. Occasionally he would smile with contempt at the wiles of his "foxy" antagonist, but the dominant tone was one of sadness. I saw nothing in my brief stay to confirm or deny the speculations of Hanoi-ologists that there is a struggle for leadership. Pham Van Dong looked and acted very much like the man in charge.

The premier told me what he has told many visitors before. The North Vietnamese and the NLF have one principal political objective. The United States must withdraw politically and militarily from Vietnam and permit a political evolution among the Vietnamese without outside interference. They have no interest in humiliating the United States. Indeed, they are prepared to go to great lengths to make the United States as happy about the settlement as possible, not because they feel any obligation to make life easy for a country that has dropped 2.5 million tons of bombs on their country, but because they do not want the United States to return.

North Vietnamese officials are aware that if Nixon "cuts and runs," without a diplomatic resolution of the war, someone like George Wallace will cry for revenge, and the Vietnamese may still have to keep paying for the madness of American politics. It would in their view be far more desirable if the US could leave with a pretense of dignity and under a firm obligation never to return. One Hanoi official noted that when the Vietnamese threw out the Sung invaders in the seventeenth century, they waited a decent interval and then, when it would no longer look like tribute, presented the Sung king with an elephant. "We'll be happy to give Nixon an elephant too," he said.

The NLF delegation in Paris includes a former captain in the Saigon army who defected in 1960. The final humiliation that brought him to the point of joining the resistance, he said, occurred when Diem ordered a statute of General O'Daniel, the chief American military advisor, erected on the parade ground of the base where he was stationed. The background of other Front officials I met in Hanoi was equally "middle class." Before joining the resistance most of them had no communist connections or even Marxist sympathies. Their analysis of the war is much the same as that of DRV officials, but at points their emphasis differed. For example, they seemed even more open to working with prominent non-communist South Vietnamese politicians like General Duong

Van Minh and Senator Tran Van Don than did senior Hanoi officials, who expressed "interest" in such men but showed some concern that "Uncle Sam is pulling the strings."

"In the old days," one cabinet minister said to me, "they could change horses in midstream. The present situation is much more difficult for that, but perhaps even now they are readying a new horse." On a number of specific questions affecting the future of South Vietnam Hanoi officials would make a point of deferring to the Front. "That is a matter to discuss with our comrades from the south."

Both DRV and NLF officials are unshakeable in their basic war aim, which is national independence and freedom from US presence or control of every inch of Vietnamese territory. On the other hand, they are reasonably flexible as to the choice of means for achieving these objectives. The United States delegate in Paris, Henry Cabot Lodge, has consistently misstated two of their chief demands. Contrary to repeated assertions by American officials, the North Vietnamese do not insist and have not insisted for many months that all US troops be withdrawn *in advance* of political negotiations on the political future of South Vietnam. But they do insist that the US make a credible commitment to leave. Such a commitment would include a pledge to withdraw *all* troops, not just combat troops, and the removal of 100,000 at once as a sign of seriousness.

Credibility is the key issue. Nixon's withdrawal plan is seen in Hanoi as evidence of an intention to stay, not leave. The North Vietnamese have made their position on this point clear not only to me but in interviews with Harrison Salisbury, Joseph Starobin, and others. Negotiators from the Johnson Administration now confirm that the North Vietnamese were saying the same thing over a year ago. It is evident that Hanoi's flexibility on this point is a message which the Nixon Administration does not wish to receive.

The other false characterization of the Vietnamese negotiating position is the official US assertion that Hanoi is demanding the "overthrow" of the South Vietnamese government as a precondition of negotiations. In view of the nature and history of the Saigon regime, that demand would not be particularly unreasonable, but Hanoi has not made it. The North Vietnamese are asking for the appointment of a "peace cabinet" in Saigon on the grounds that they find it less than promising to deal with a group of generals who look upon such negotiations as treason.

Several officials in Washington asked me, straight-faced, why the North Vietnamese refuse to negotiate with Thieu. With an equally straight face I repeated the obvious: Hanoi has no incentive to negotiate with a politician who has said publicly again and again that he will never accept a coalition government with the communists. Such negotiations would be a ratification of a defeat on the battlefield, and event which has not happened and seems most unlikely to happen. Nor are they enticed by the prospect that "something interesting might develop" in the course of such negotiations. As they see it, Thieu's only interest is to block negotiations, and so long as he is in control, that is precisely what he will do. The mere act of negotiating with Thieu would help to prop up the regime at a moment when more and more and more Vietnamese moderates and nationalists are publicly challenging its legitimacy.

For the men in Hanoi the litmus test of a South Vietnamese politician is whether he has a political base independent of the Americans. If he does not, they correctly assume that he is a "puppet" whose only function is to preserve American influence in Vietnam. Several NLF leaders told me that there are men "in the present Saigon administration" who would be acceptable to them as members of a "peace cabinet" to arrange elections and coalition government. Contrary to what the Nixon Administration asserts, Hanoi is not seeking a weaker government in Saigon with which to negotiate but a stronger one. They are willing to accept a government composed of men they consider authentic Vietnamese patriots even if they are anticommunist. (The capture document called "Resolution 9" circulated by the State Department strongly suggests that the NLF expects coalitions to be formed.)

The Hanoi officials I spoke to indicated that such men as Tran Van Don, Duong Van Minh, Tran Ngoc Lien, whom Ky refused to let run as candidate for Vice President with Minh in the last election, and Au Truong Thanh, Ky's former economics minister now in exile, would be acceptable leaders of a "peace cabinet," provided they did not agree to become stand-ins for the U.S.

The officials in Hanoi attached considerable significance to the fact that such Saigon figures as Minh and Don have launched open attacks on Thieu. They sug-

gested that Thieu's recent hesitation to repress such opponents, which he has not displayed in the past, shows not only that he is losing ground but that he is hedging his bets. "He has his bags packed," a cabinet minister said, as if reporting the obvious.

Pham Van Dong calls "Vietnamization" America's "Grand Design" to win the war. The strategy, as he sees it, is calculated to convince Hanoi that the U.S. is prepared to outlast them in a long war of attrition. In his view, Nixon is giving the following signal: "I will reduce U.S. froces in Vietnam to a level which the American people will accept and these forces will be used to keep the present South Vietnamese regime in power for years to come." When I related this to a high State Department official, he replied, "Well, they got the message."

In Hanoi the Premier and others had listed the basic elements of the Nixon program that were supposed to put Nixon in a position to avoid changing Johnson's policy. Combat troops will be withdrawn over a two-year period. Fewer draftees and more volunteers will be used. The negotiating process will be downgraded. Popular support will be solicited by appeals to preserve America's honor and by the specter of a bloodbath if the U.S. troops leave. On the battlefield U.S. ground forces will move into defensive enclaves, but offensive operations against the VC will be stepped up by B–52 attacks using napalm, magnesium, cluster bombs, and other indiscriminate anti-personnel weapons.

The Nixon Administration's fundamental war aim, as Hanoi officials see it, is to establish a subservient, stable regime in South Vietnam that can permanently maintain itself with no more than 50,000 or 100,000 American "advisors." The "victory scenario" modeled on the Greek intervention of 1948–9 having eluded them when the Viet Cong refused to fade away as predicted, the war managers are now hoping for a "Korean solution," i.e., a political victory based on a military stalemate.

The North Vietnamese are certain that the Vietnamization strategy cannot work. When enough U.S. combat troops leave, the NLF will rout the South Vietnamese army just as it did before the U.S. troops arrived. In spite of heavy losses, which they admit, the North Vietnamese seem convinced that the general trend of political and military events favors their cause. Nixon has been forced to start withdrawing troops and to abandon military victory. Hundreds of thousands of troops are on alert in the north, ready to replace losses in the south. I saw long lines of soldiers, trucks, and artillery moving toward the 17th parallel.

But the leaders in Hanoi pin most of their hopes on political developments. They note that Thieu has been unable to obtain the support of moderate elements in Saigon and that his government now has a narrower political base than it had a year ago. The censorship, the jailing of political opponents, and the strident right-wing rhetoric that characterize his regime are signs of weakness, not of strength. Thieu, they believe, is foolishly counting on the U.S. Embassy to guarantee him a political victory at the very moment when American forces are beginning to disengage themselves. Meanwhile, they point out, every shipload of troops that sets sail for San Francisco is a signal to the growing peace forces in Saigon that Thieu's days are numbered.

Hanoi officials allude to the deposits of almost 2 billion dollars in European banks from South Vietnamese sources, much of it in recent weeks (as Allessandro Cassella of *Die Weltwoche* in Zurich has independently reported). They are convinced that more nominal supporters of the regime will leave. Others will grow bolder in condemning Thieu and demanding peace. Still others may launch a coup. NLF officials hinted to me, as they have in the past, that some of their secret members now hold high posts in the Saigon government. According to a captured document distributed by the State Department, "In the event of a coup d'etat or revolt" an attack on Saigon is planned. When U.S. troops in large numbers actually do go home, the North Vietnamese believe that the political troubles of the Saigon regime will be insurmountable.

Pham Van Dong is quite prepared, therefore, for re-escalation of the war by the U.S. when the Vietnamization strategy produces a political crisis in Saigon, as he thinks it inevitably will. Other officials in Hanoi predict that Nixon will resume the bombing. Some suggested to me that the November 3 speech was an elaborate stage setting for a final victory push. One official even tried his hand at drafting the Nixon speech announcing re-escalation: "We have tried restraint. Look how they have repaid us. Therefore with regret . . ."

The Hanoi officials are well aware that while Nixon is publicly threatening "strong and effective measures" if the Vietnamese step up the battle, he is also quietly spreading the word in Washington that NLF military restraint is a sign

that the Viet Cong is "out of breath." It was made very clear to me while I was in Hanoi that the NLF and North Vietnam will go to great lengths to prove to the world and particularly to the U.S. public that they have considerable breath left. They have already stepped up the infiltration rate and have concentrated attacks on military positions which have been "Vietnamized." There will be major new offensives.

III

How did the President, only a year after his predecessor had been turned out of office, become wedded to Johnson's war aims and Johnson's strategy? Nixon has of course a long history as a Vietnam hawk. There is a picture of him in the Hanoi museum taken in 1953 when as Vice President he came to Hanoi to advise General Navarre on how to win the war. In 1953, speaking in the East Room of the White House, Nixon urged sending a U.S. expeditionary force to help the French. There is some evidence that he was sympathetic to Admiral Radford's final solution to the Dienbienphu problem, the dropping of "tactical" nuclear weapons. His analysis of US war aims in the November 3 speech was not dramatically different from his *Reader's Digest* articles on the subject written in the late Fifties and early Sixties.

When he appointed as top negotiators in Saigon and Paris the two men of the Johnson Administration most committed to victory in Vietnam, Ellsworth Bunker and Henry Cabot Lodge, Washington optimists concluded that such appointments were a clever cover for a change of policy. The optimists are making the same sort of analysis now. "Nixon is talking tough," one of the more astute liberal Congressmen told me, "but he is sneaking out the back door. Let's give him a chance." There are many people in Washington who believe that the President has a "secret timetable" to pull out all troops. They think he plans to prop up the Saigon regime long enough after the bulk of US forces leave so that Thieu and Ky, rather than the Nixon Administration, will bear the blame for their inevitable defeat.

The Nixon Administration has encouraged such thinking. Secretary of Defense Melvin Laird, who is becoming known in Washington as the Administration's "secret dove," gives comforting assurances about withdrawal to Senate critics like Mike Mansfield and George Aiken who want the US out of Vietnam. But this is only part of Nixon's public relations campaign to make it appear that the war is fading away. Administration spokesmen have different things to say to other constituencies. More hawkish critics are told that the President's plan brilliantly "preserves the options." The US can move in a number of directions, depending upon the other side. Henry Kissenger has been telling members of the press that he expects Hanoi to accept our negotiating position before long.

Other White House officials, campaigning with charts and statistics, are attempting to convince skeptics that Operation Phoenix, the CIA assassination program to pick off Viet Cong cadre, has "yielded such impressive results" that the NLF may soon decide to call off the fight. Others are once again selling a new, improved pacification effort. But nobody explains how these murder programs are supposed to achieve America's war aims so long as the Thieu regime is unable to govern effectively and Hanoi is willing to commit more forces to the struggle.

There is official silence on the real options Nixon is likely to face if he carries out his announced withdrawal program. Suppose that when there remain no more than 150,000 US troops in well-protected enclaves, the North Vietnamese launch another Tet offensive. It is highly probable that these forces will overrun the South Vietnamese Army. The US commander in Vietnam will then have the following choices. He can either defend his troops in the enclaves while the allies they are supposed to be protecting are decimated, or he can execute a costly and humilitating Dunkirk-like evacuation. There is nothing in Nixon's personal history or character to suggest that he will accept a military debacle when he has refused political extrication.

However, high Pentagon officials from the last administration pointed out to me that the President's repeated threat to take "strong and effective measures" would have little credibility in such a situation. The Air Force "escalation shopping list" includes dropping more bombs on the South, resumption of the bombing of the North, and the mining of Haiphong. The opinion of US military experts with whom I have spoken confirms what seems obvious. None of these measures would stop a full scale attack in the South. Nor would the Marine-Army plan to launch an amphibious invasion of North Vietnam [illegible]

thing but hasten an American defeat. If US commanders complain about conducting a war in South Vietnam where many of the people are secret members of the enemy's fighting forces, they can hardly expect to do better in North Vietnam where literally everybody is a member of the People's Army.

No, there is only one escalation measure which has credibility and that is the use of nuclear weapons. It is not hard to imagine the Joint Chiefs of Staff exerting enormous pressure on the President to authorize the use of a small nuclear weapon to relieve the pressure on the American garrisons of a full scale Viet Cong and North Vietnamese attack. During the siege of Khe Sanh three years ago there was considerable support among the military for such a step. There is a Republican view of history, which Nixon appears to believe, that Eisenhower ended the Korean war by threatening to use the atomic bomb. If nuclear weapons are used, "we are in an entirely new war," to use General MacArthur's characterization of the Korean conflict the day after the Chinese Army crossed the Yalu in force. The North Vietnamese have hinted that they have agreements with the Soviets and the Chinese that in the event nuclear weapons are used by the US, "it will no longer be a Vietnamese war." The war in Vietnam is not dribbling to an end. It is moving steadily toward its most dangerous crisis.

[From the Progressive Magazine, February 1970]

VIETNAM: THE OTHER SIDE IS RESPONDING

(By Joseph W. Elder)

During the past year the Vietnamese we are fighting offered President Nixon a handle which, if grasped, might provide the means to end the war. But so far he has apparently rejected—and possibly not even seriously explored—this opportunity for peace.

Meanwhile, thousands of Americans and Vietnamese have died, while U.S. spokesmen contend that the war goes on because the other side will not respond to any of our peace proposals and will make none of its own.

But the other side *has* responded, as I had a chance to observe first hand on two visits to Hanoi. However, this response, which I helped convey to the President's foreign policy advisers twice, has been ignored by the Administration.

I first visited Hanoi for one week last June on behalf of the American Friends Service Committee (AFSC) to discuss Quaker assistance to civilians in North Vietnam (AFSC was already assisting civilians in both Saigon-controlled and NLF-controlled portions of South Vietnam.) While in Hanoi, I conferred with North Vietnam's foreign minister, Nguyen Duy Trinh. During our conversation, I mentioned that I was part of an AFSC committee scheduled to meet with President Nixon's foreign policy advisers in July. "Are there particular points," I asked, "you would like me to stress on your behalf during the meeting?"

The foreign minister paused a moment. Then he said, "Tell President Nixon's advisers that if the United States is seriously interested in holding elections in South Vietnam, it should recognize the importance of the Provisional Revolutionary Government in South Vietnam."

I had first heard of the Provisional Revolutionary Government (PRG) when its formation was proclaimed only five days earlier at a Hanoi press conference. Facing a bank of lights and movie cameras, Nguyen Van Tien, the National Liberation Front (NLF) Party's representative to Hanoi, had announced that eighty-eight delegates and seventy-two guests, representing a range of anti-Thieu-Ky viewpoints, had met in a conference June 6–8 "somewhere in South Vietnam." The conference had been convened jointly by the NLF and the VNANDPF (the Vietnam Alliance of National, Democratic, and Peace Forces, an urban-based anti-Thieu-Ky party formed during the 1968 Tet offensive). From the June 6–8 conference emerged what was proclaimed to be a new government in South Vietnam—the Provisional Revolutionary Government of the Republic of South Vietnam, headed by the prime minister of an eleven-member cabinet.

The newly formed Provisional Revolutionary Government was a coalition of the NLF Party, the VNANDPF, the Vietnam People's Revolutionary Party (Communist), the Democratic Party (a national party dating back to the 1930s), and representatives from trade unions and youth, professional, national minorities, armed forces, religious, women's and other groups.

One of the Provisional Revolutionary Government's acts had been to endorse the NLF's ten-point proposal of May, 1969, for restoring peace in Vietnam. The PRG had also retained the NLF's foreign policy (and flag) and elevated the NLF's chief negotiator in Paris, Madame Nguyen Thi Binh, to the post of foreign minister.

In the domestic arena, the PRG announced it was "prepared to enter into consultations with political forces representing various social sections and political tendencies in South Vietnam that stand for peace, independence, and neutrality . . . with a view to setting up a provisional coalition government. . . . The provisional coalition government will organize general elections in order to elect a Constituent Assembly, work out a democratic constitution . . . and form a coalition government symbolizng national concord and the broad unity of all social segments."

The Vietnamese at the Hanoi press conference I attended had been visibly excited, as were representatives of much of the non-Western world who were present. Within the next week, more than twenty nations had officially recognized the Provisional Revolutionary Government—including several non-Communist-bloc countries.

Foreign Minister Nguyen Duy Trinh of North Vietnam expanded his initial comment for my benefit. The month before, in May, 1969, both the NLF's ten-point proposal and President Nixon's eight-point proposal had called for elections in South Vietnam as a way of ending the war. Now Nguyen Duy Trinh focused on the differences between the two proposals.

"President Nixon's eight points allow Thieu, Ky, and their armies to remain in control during the elections. But Thieu and Ky jail those candidates who disagree with them. I'm afraid we know how 'free' the elections would be if they were held according to the Nixon formula," grimaced Nguyen Duy Trinh.

The foreign minister then turned to the NLF's ten points. The elections they called for would be run by a temporary coalition government. The PRG had already announced *it was not* that temporary coalition government. It was the government *preceding* the temporary coalition government. It was prepared to consult with other South Vietnamese political forces standing for "peace, independence, and neutrality" in *establishing* the temporary coalition government to organize the general elections. Once the elections had been held, the temporary government would dissolve, and the duly elected government would take over. This election plan paralleled a Buddhist South Vietnamese plan I had discussed in Paris with Thieh Nat Hanh of the United Buddhist Church.

"President Nixon says he is looking for 'some sign from the other side' in response to his eight points," declared Nguyen Duy Trinh. "We have given him a sign. He has failed to see it."

The foreign minister then went on to elaborate how the PRG was a logical extension of the broadening opposition in South Vietnam to the Thieu-Ky government. The NLF was formally established December 20, 1960, as a coalition party that came to include non-Communist parties such as the Democratic Party, the Radical Socialist Party, the Patriotic and Democratic Journalists' Association, the Patriotic Buddhist Believers' Association, and the Cao Dai religous sect as well as the Communist People's Revolutionary Party. Numerically, the Communists comprised only a fraction of the NLF membership. Douglas Pike, for six years a U.S. Information Agency officer in Vietnam, estimates that in 1962 the Communist PRP formed only 35,000 of a total NLF membership of 300,000—less than one in eight.

In 1967 the South Vietnamese Catholic Bishops' statement against the war reflected official Catholic opposition to the policies of Thieu and Ky. Their statement was especially significant since the Catholic population in South Vietnam has traditionally been so strongly anti-Communist. In 1968, at the time of the Tet offensive, a new, broad-based party was formed: the Vietnam Alliance of National, Democratic, and Peace Forces. The party drew from city dwellers and intellectuals disaffected by the Thieu-Ky government and fearful of further imprisonments or harassments. When the Alliance Party was announced, a number of prominent South Vietnamese urban citizens dropped out of sight—only to surface later in sections of South Vietnam not controlled by Saigon.

Within this context, the newly established Provisional Revolutionary Government was a coalition of coalitions—with some Communist, but much more non-Communist, participation. "The PRG is now ready to form an even larger coalition with any South Vietnamese who want peace, independence, and neutrality," the foreign minister told me. "It is a significant next step toward an election, re-

conciliation among the South Vietnamese people, and an end to the war. Please try to make this clear to your nation's leaders."

Four days later, in Hong Kong, I reported my Hanoi discussion to two State Department officers in the U.S. Consulate. Their response was blunt: "The PRG is the same as the NLF. They've just shifted titles around and called themselves a government rather than a party."

In Saigon, eleven days later, I told Ambassador Ellsworth Bunker of the foreign minister's statement. He and his aide also maintained that the PRG was the same set of people as the NLF, with a few changes in titles. The ambassador was unhappy with the "intransigent" position the NLF and Hanoi were taking. "They have lost half a million dead during the war—half of those killed last year. And they are being killed at the same rate this year. They *must* be hurting. Why don't they negotiate more reasonably?" He said nothing more about the PRG.

Only in Paris did I find a positive response to Hanoi's message—from Philippe Devillers, one of France's leading Vietnam specialists (author of *Histoire du Viet-Nam de 1940 a 1952* and co-author with Jean Lacouture of *La Fin d'une Guerre: Indochine 1954*). For years Devillers has maintained that the NLF is fundamentally an indigenous southern force driven into being by the oppression of Premier Ngo Dinh Diem and subsequent Saigon rulers.

"Because your country *still* accepts John Foster Dulles' image of world Communism," said Devillers, "it has failed to respond to the many non-Communist elements in the NLF and now the PRG. Take Huynh Tan Phat, the president of the Provisional Revolutionary Government. Phat is a Saigon architect by profession. His basic political affiliation is with the Democratic Party, of which he is general secretary.

"Phat was forced underground in 1958," Devillers continued, "when President Ngo Dinh Diem began suppressing opposition parties. Retaining his position in the Democratic Party, Phat joined the NLF coalition when it was formed in 1960, and he has served on the NLF Central Committee. Phat's economic strategy differs in important ways from that in North Vietnam. He includes more room for competition and market economics. He is not for a hasty reunion of South and North Vietnam. At point he was even opposed to having any Northern troops come into the South. Since the establishment of the PRG, I have watched Phat's forces here in Paris. They have become increasingly influential in the South Vietnamese delegation."

Devillers went on to describe other men and women making up the eleven-member cabinet of the PRG. Almost all were middle-of-the-roaders. *The New York Times* correspondent in Hong Kong had thought he identified one member of the cabinet who had People's Revolutionary Party (Communist) connections—Tran Nam Trung, minister of defense. However, both the *Times* correspondent in Paris and *Le Monde* had stated that none of the leading members of the PRG was known to be a Communist.

At least three of the eleven cabinet members were from the recently formed VNANDPF Party: Nguyen Doa, vice-president; Dr. (Mme) Duong Quynh Hoa, minister of public health and social affairs; and Professor Nguyen Van Kiet, minister of education and youth. Ironically, Luu Huu Phuoc, minister of information and culture, is the composer of South Vietnam's national anthem; he was a prominent South Vietnamese musician before he was driven underground by the Saigon government.

Devillers also described the thirteen-member Advisory Council established as a consultative body for the PRG. If anything, the Advisory Council's representative spectrum was even wider than that of the PRG cabinet. The Council's president was lawyer Nguyen Huu Tho of the NLF. Lawyer Trinh Dinh Thao of the VNANDPF was vice-president; during the Japanese occupation in 1945, Trinh Dinh Thao had acted as minister of justice. Other members of the Advisory Council included Superior Bonze Thich Don Hau, leader of the militant Buddhists in Hue; Pham Ngoc Hung of the Patriotic Catholics of South Vietnam; Huynh Van Tri of the Hoa Hao Buddhists; Ibih Aleo of the Movement for the Autonomy of the Nationalities in the High Plateaux; Huynh Cuong of the Khmer Nationals; and Professor (Mme) Nguyen Dinh Chi of the Saigon-Cholon Revolutionary Committee.

"Within the present context of South Vietnam, the PRG is a moderate—even conciliatory—group with which your side could work to end the war," Devillers told me. "Furthermore, the establishment of the PRG means that the Communist world—including Hanoi—has accepted the existence of a separate Republic of

South Vietnam.' More than twenty countries, including the Soviet Union and China, have formally recognized the PRG.

"Both now and in the immediate future," Devillers added, "there is no question of North Vietnam annexing or incorporating South Vietnam. Hanoi's formal acceptance of the PRG suggests it is not in any rush to reunite the two sections of Vietnam. The PRG itself is opposed to immediate reunification. It has stated the reunification of Vietnam will be achieved step by step, by peaceful means, through agreement between the two zones. Both governments are committed to reunification, but both are willing to work out the details over time. Americans should not underestimate how important *this* development is."

Devillers then went on to outline his own suggestions on how to end the war in Vietnam. They included:

A clear statement of U.S. intentions to withdraw all its troops from Vietnam (withdrawal would not have to be precipitous, but the intent and a clearly outlined withdrawal timetable would be necessary).

A *de facto* cease-fire along with the phased withdrawal of U.S. troops.

The establishment of a broadly based coalition government in which all sides had confidence.

Elections throughout South Vietnam supervised by the coalition government, with the simultaneous stepping down of Thieu and Ky and their replacement by the elected government.

"The establishment of the Provisional Revolutionary Government is the first step toward this solution," concluded Devillers.

Back in Washington, in July, our Quaker committee met with President Nixon's foreign policy advisers. I described my conversation with the foreign minister in Hanoi, stressing his concern that the United States take seriously the establishment of the Provisional Revolutionary Government in South Vietnam. I mentioned that the Foreign minister felt the PRG was a conciliatory step toward the middle—a step which, if matched by the United States, would speed election day in South Vietnam.

The advisers listened like professors to a seminar report—critical, interested, searching for flaws. When I had finished, one of them wrote for several moments on the yellow pad beside him, commenting that this was something they would have to look into. It was not the enthusiastic response of Philippe Devillers. But neither was it the swift rejection by the State Department officials I conferred with in Hong Kong and Saigon.

My work for the American Friends Service Committee took me to Hanoi again in October, 1969, to deliver open-heart surgical supplies for civilians. For a second time I met Foreign Minister Nguyen Duy Trinh. I described to him the State Department's negative reactions in Hong Kong and Saigon and the noncommittal reaction in Washington to his request that the PRG be taken seriously. I concluded by saying I would probably see President Nixon's advisers again when I returned to the United States. In light of the response, did the foreign minister have any further points he would like me to stress?

Nguyen Duy Trinh repeated almost exactly what he had said four months earlier. He noted that apparently President Nixon was looking for a way to end the war without hurting America's prestige. The best way to do this would be to have general elections in all of South Vietnam. But the elections would have to be fair he insisted. Thieu and Ky could not run a fair election. The best group to run such an election, he continued, would be a temporary coalition government composed of people acceptable to all factions. The PRG was the first step toward such a government. It would cooperate with any segment of the Saigon government—except Thieu and Ky. They could not be included because they represented a foreign power, the United States.

Nguyen Duy Trinh concluded: "Urge the White House to study the possibilities of a fair election in South Vietnam. Urge the White House also to recognize the significance of the Provisional Revolutionary Government for holding those elections."

Within a few days after my return to the United States, three of us from the Quaker committee met in Washington with a White House foreign policy aide. The aide opened the dialog. President Nixon, he said, has two approaches in Vietnam. The first—the preferable one—involves free elections in South Vietnam and the establishment of a broadly based government. "But this requires cooperation from the other side. And they have not budged an inch."

The second approach—less preferable but "better than no approach at all"—is the "Vietnamization" of the war and the gradual withdrawal of major segments of American troops.

The three of us on the Quaker committee observed that "Vietnamization" of the war was an unacceptable policy—morally and militarily. Morally, it made others do our killing. Militarily, it invited a catastrophe when some future attack, comparable to the 1968 Tet offensive, caught, say, 200,000 U.S. troops abandoned by unwilling Saigon armies—with the crisis demanding precipitous withdrawal or equally precipitous escalation.

"But 'Vietnamization' is the policy being forced on us," asserted the President's aide "Hanoi and the NFL take any concession we give and never make any concessions in response."

One of my Quaker colleagues was quick to correct the record. On at least two occasions, he pointed out, the Hanoi government had reversed its position. Early in the war it had announced it would not talk until the United States agreed to unilateral troop withdrawals. Then it modified its position and announced it would not talk until the Americans stopped bombing unconditionally. Finally it modified its position still further and agreed to talk even with only a conditional halt to the bombing.

Then it was my turn. I stressed how ironical it was that although the creation of the Provisional Revolutionary Government was a response, Washington had failed to recognize its significance. Twice Hanoi's foreign minister had chosen it and the elections it could implement as the point he wanted me to stress to the White House.

The aide replied, "But they're requiring us to abandon Thieu and Ky as preconditions for the elections. This we just cannot do. Thieu and Ky are the only viable political force the United States has been able to build in South Vietnam."

I pointed out that the PRG had said Thieu and Ky could not supervise the elections. Whether or not they could run as candidates might be open to negotiation in Paris or anywhere else.

"Do you think they'd let them run?" asked the White House aide.

"I don't know, but I imagine it could be discussed," I replied.

"What about a ceasefire before the elections? Who would supervise it? And would all U.S. forces need to be out of Vietnam before the elections?"

"I'm not the one to ask," I replied. "These are the sorts of things our diplomats and their diplomats should be discussing in quiet corners in Paris, or in small committees in Geneva, or any place else where bargaining can be done away from the glare of publicity and the need for all sides to strike postures."

The aide raised a series of further questions—skeptical but probing. In the end, he promised to convey the substance of our conversation to the White House.

That was in October. On November 3, President Nixon delivered a major address on Vietnam. In it he repeated Lyndon Johnson's justification for the war in Vietnam—justifications that have since been repudiated by many of their original architects.

The President called on "the moral courage and stamina" of Americans, so that they would not allow the "last hopes for peace and freedom of millions of people to be suffocated by the forces of totalitarianism"—words that ring hollow when one has seen the "peace and freedom" that exist in South Vietnam today. More than a score of newspapers have been silenced since May, 1968 (including the prominent English-language *Saigon Daily News*). Truong Dinh Dzu, who ran second, as a peace candidate, in the 1967 presidential elections, has been imprisoned as have scores of writers, publishers, university professors, lawyers, and doctors, hundreds of Buddhist monks, and thousands of ordinary citizens whose only "crime" might have been incurring the displeasure of Thieu or Ky or their local officials.

President Nixon presented no plan for ending the war in Vietnam through elections. Instead, he described his program for "Vietnamizing" the war.

What has happened to the elections President Nixon proposed in May? It is hard to believe that the Chief Executive does not realize the PRG really is willing to hold elections in South Vietnam. Is he afraid that if elections are held in South Vietnam, Thieu and Ky will be repudiated by the electorate, thereby ending "the only viable political force in South Vietnam"? Is he so concerned that Thieu and Ky remain in office that he has abandoned any thoughts of an election? If so, the price we are paying to support Thieu and Ky is—and will continue to be—too high.

An election was a key part of the 1954 Geneva Agreement designed to bring peace to Vietnam. An election helped end the struggle between Algeria and France in 1962. An election could help resolve the war in South Vietnam today. The "other side" has offered a handle to President Nixon which he could use

to end the war. The handle is the Provisional Revolutionary Government and the possibility of a broadly based election. The White House cannot truthfully continue to say it is waiting for the other side to respond. The other side has responded. Now it is our turn.

YORK UNIVERSITY,
FACULTY OF ARTS AND SCIENCE,
Toronto 12, Ontario, Canada, November 6, 1969.

Senator J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: I hereby submit to you as full an account as I can give of the proposals made by Xuan Thuy, the North Vietnamese ambassador to the Paris talks, to Dr. Henry Kissinger, the special adviser to the President.

I am responding to your request of October 28, 1969 which came in answer to my own letter of October 15, including enclosures of several clippings, one from the N.Y. Times and another from the N.Y. Post which had elements of this episode. Forgive me for having delayed this submission, since like everyone else I was awaiting President Nixon's policy address of Tuesday last.

I enclose also a copy of the memorandum which was sent to Dr. Kissinger at his request on what I believed to be the situation in Hanoi following Ho Chi Minh's death; this memorandum, while strictly analytical, also contains in its closing passages something of my own views on the problem of negotiating an end to this war. I should add that the memorandum was acknowledged by Dr. Kissinger, with thanks.

The proposals by Xuan Thuy were made to me on September 1st, at his headquarters in Paris, at Choisy-Le-Roi, in the presence of his interpreter and his private secretary both of whom had taken extensive notes of our discussion which lasted for several hours. The proposals were made in the knowledge that I was planning to see Dr. Kissinger within a week; I had made this arrangement following an earlier interview with Dr. Kissinger on August 12th at San Clemente; that interview followed in turn a still earlier discussion with Xuan Thuy which took place in Paris on July 26th. Thus Dr. Kissinger knew that I was in intimate discussions with the North Vietnamese and he invited me after I gave him an initial report on August 12th to be in touch with him if I had anything further to report upon his return from the West. I was able to see Kissinger at the White House on September 10, two days before the comprehensive review of Vietnam policy that week.

Thus, everyone was aware on both sides that an attempt was being made to find a new negotiating formula. This formula has been before Kissinger and I would assume the President, as well, since September 10th.

In my second encounter with Xuan Thuy I had argued that there was a genuine desire for extrication from this war not only among wide and diverse sections of the American public but also among important policy-makers and I had argued that it was in the common interests of both sides to find some formula which would break the deadlock at Paris and set in motion the process of peace. It was at this encounter with Xuan Thuy that he gave to me understanding that Ho Chi Minh was dying although the actual news did not become public until two days later. I had alluded to the well-known flexibility and farsightedness of Ho Chi Minh (whom I had met in the jungles of north Vietnam in 1953) as an argument in favor of a similar flexibility on North Vietnam's part in the present deadlock. I also had stressed to Xuan Thuy that the United States was placing itself in a position to negotiate seriously with both the Soviet Union and Communist China and hence the era of trying to take advantage of the Sino-Soviet rift was coming to a close; it therefore seemed to me that it was in North Vietnam's interest to find a way of negotiating directly with the United States and not to allow their negotiations to become part of the great-power rivalry or the great-power settlement, as had happened in 1954. I had, of course, summarized for Xuan Thuy the essential elements of my conversations with Kissinger at San Clemente two weeks earlier and given him my own impressions of Kissinger as a person and a thinker. Basically, it was my view that Kissinger wanted very much to get out of the war, and above all wanted to save President Nixon's political career for 1972 but was trying to get out of the war cheaply, paying a minimum price and was convinced it was possible to do so while retaining control of the situation in Saigon, avoiding either the sharing of power with the Viet Cong or a coup from the "Right" or from independent forces which might lead to a coalition to the exclusion of an American role in the matter. You will find my views in this

regard in my memorandum to Kissinger himself but I emphasize this in order to make clear the context of the discussion from Xuan Thuy in which his proposals were made.

After a long, heated exchange of views within the framework, of course, of our long-term relationship, Xuan Thuy declared: "Very well, let us assume, as you say, that Mr. Kissinger does want peace . . . The United States side has for a long time been asking for private talks with our side. We are willing to have such private talks provided that the United States accepts the principle of a complete and total withdrawal and shows its good faith by withdrawing 100,000 troops. On this basis, we are prepared for private talks either among ourselves, the Provisional Revolutionary Government (the Viet Cong) and the United States, or pending the possibility that the United States will not wish to talk with us in the presence of the PRG, we are prepared for talks between ourselves and the United States. In those talks, he continued, we propose to examine the various points which have been advanced by both sides. It is not true that we reject everything that the United States may propose. On the crucial question of who will organize the elections we do not mean that the PRG proposes only a provisional government headed by itself. We have in mind a provisional coalition government that will include others who stand for peace, independence, democracy and neutrality including some members of the present Saigon administration.

He then concluded that the PRG, that is, the Viet Cong governing body is prepared a) either for a settlement that is reached, rapidly, peacefully, logically and reasonably or b) that the war will drag on, or c) be expanded.

I realized that Xuan Thuy was herewith saying something very substantive and at this point left the room, and returned to ask him whether he would restate what he had just said since it seemed to me of great importance. He re-formulated the same propositions, asking his interpreter to check what he had said a moment before.

That something new was being said was underlined the next day, when Xuan Thuy spoke to the newspapermen of Paris who had come to the September 2 anniversary celebrations. It was at this occasion that he repeated Hanoi's flexibility: if the United States would accept the principle of complete withdrawal and actually withdraw 100,000 troops, North Vietnam "would take this into consideration." This was quoted in Le Monde and the Paris Herald-Tribune the next day but it was noted in the State Department which was quoted that next day as saying that the proposal was "ambiguous" and required further clarification. President Nixon's address to the United Nations General Assembly also noted Xuan Thuy's statement and maintained that the U.S. had in fact met this proposal and did in fact accept the principle of withdrawal, but Mr. Nixon argued that the withdrawal of of 35,000 troops was in fact enough. It should be noted that the remainder of what Xuan Thuy proposed—namely, private talks and a readiness for flexibility on the make-up of a provisional coalition government was not made public. This was left to me for transmission to Dr. Kissinger.

To summarize this crucial point: early in September, as part of a cross-discussion in which I was twice an intermediary, the North Vietnamese indicated that they would accept the principle of complete withdrawal instead of total and prior withdrawal as the condition which could open the way to private talks with the United States; they also indicated a readiness to talk without the presence of the Viet Cong (at least as of September 1st) and thirdly, they indicated they would not be adamant on a provisional coalition government defined by their side but were ready to bargain for something between their conceptions and the American conceptions, making "room for some members of the present Saigon administration." And they also indicated strongly their readiness for a reasonable, logical and speedy end of the war, using the phrase "within four or five months."

All of this, plus much more of the background of both my conversations with Kuan Thuy—in July and in September—were communicated by me to Dr. Kissinger, the second time upon his invitation. I would not have made any part of this public were it not for the fact that toward the end of September an inspired story in the Knight papers gave the impression that negotiations were going on when in fact they were not, and when the terms for starting them had not, as I knew, been fulfilled. I have made parts of all this public only because to remain silent would have been a tacit complicity with the Administration's unwillingness to negotiate except on its own terms. I do not believe negotiations are possible except as both sides indicate flexibility. On our side, it is now clear from the President's address, the attempt is being made to give the impression that

the other side will not be flexible, which is untrue, and to cling to the Thieu regime as the only legitimate regime and to hold the card of further troop withdrawals as a bargaining counter.

My own opinion is that the Administration is trying to do something which most poker-playing Americans would recognize as untenable in their own daily lives: the war has been played with poor cards and has not been a winning proposition but the Administration is trying to walk away from the game not only refusing to pay any price, but wanting to keep the chips in the center of the table at the same time!

I am at your disposal with any further data you may wish on the whole exchange of July 26, August 12, September 1 and September 16 but this would require a much more elaborate memorandum since it involves establishing the context of each meeting with each side and also involves disclosing the detailed exchanges and the assumptions between all the interlocutors. Since much of this has a confidential character, and may not be essential to the main point—namely that there was a serious and flexible proposal from Hanoi's side—I am reluctant to do so, except with your encouragement.

I am, of course, prepared to testify under oath on all these matters contained herewith if you should consider this necessary, and I have privately taped, after each interview, my best recollection of what was said by me and by the people with whom I spoke, tapes made immediately after each conversation. This was done for my personal record.

I trust all this will be helpful, and I remain,

Sincerely yours,

JOSEPH R. STAROBIN,
Assistant Professor.

SEPTEMBER 18, 1969.

MR. HENRY KISSINGER,
Special Assistant to the President, The White House, Washington, D.C.

DEAR MR. KISSINGER: You asked me on September 10th, little more than a week ago, for my views on the new situation resulting from the death of Ho Chi Minh and my judgement of how this event bears on the probable outlook of his associates and successors in Hanoi.

Let me begin by stressing some obvious facts with respect to the personality and position of Ho himself both within the Hanoi hierarchy and throughout the international Communist movement. As you know, I spent several weeks in the jungles of north Vietnam in February–March, 1953, one of the few foreigners to do so, and at that time had several extended conversations with Ho alone and also in the company of his chief aide at that time, now the premier, Pham Von Dong. I was present at the funeral ceremony for Joseph Stalin in the forests during which Ho Chi Minh delivered the euology, and thus my view of him derives from the period both before and after Stalin's death, therefore a period of a drastic change in the world communist movement and also of the perspectives for the North Vietnamese at that time. In some ways the present period resembles that one. In my extensive conversations with Xuan Thuy, the Hanoi ambassador to the Paris peace talks on September 1st, 1969 the essence of which I have already recounted to you (the earlier conversation was on July 26th) it was evident that Xuan Thuy was taking into account the news he already had that Ho Chi Minh was dying. Thus the judgment of Xuan Thuy's proposals to the United States for private talks while the Paris conference goes on in public must take into account that this offer was made in the knowledge that Ho was passing. Xuan Thuy two days later left for Hanoi and I am writing in the effort to judge the calculations and the possible upshot of the decisions which will be taken in these days by Ho's successors and which will govern Xuan Thuy's subsequent conduct.

Ho Chi Minh was, of course, not merely the best known Vietnamese revolutionary leader but his life has certain specific features which all those who were brought up in his spirit and shadow are bound to take into account. He was the patriarch, the man who went out into the wider world but returned to do what he saw as service to his people. He was the worldly figure, with a vast experience in French life, in the Soviet Union of the early Comintern days, in China both during the 1924–27 events and from 1941 to 1945, and finally the man who had a brief contact with the United States and also, by virtue of his operations in Singapore and Hongkong had a contact with British life. No other Vietnamese figure had this experience. Most of his associates had part of this experience. But by contrast with him they are "provincials". In their eyes, Ho had a par-

ticular charisma. His latest testament stresses strong pride that the Vietnamese are the only small people who have succeeded in doing real damage to two big powers, France and the United States. It also expresses dismay over the crisis which has wracked the communist world, especially over the differences between the Soviet Union and China. Both considerations—the injunction to unify the country and to overcome the Sino-Soviet rivalry—are likely to weigh heavily with Ho's successors since in both matters their vital interests are involved. Ho Chi Minh's "image" also evokes a peculiarly ascetic, self-sacrificing quality—qualities which have deep roots in the Oriental as well as communist traditions—and this image is also likely to weigh heavily with his associates and successors. It should be noted finally that over the past five years, Ho Chi Minh had become a world-figure. It is no small matter that in widely separated parts of the globe and among young and old of very different cultures Ho Chi Minh had become revered, especially on the part of the "new Left." He was in fact the only communist figure in our day to have retained great prestige, a prestige which grew whereas all other figures connected with this war suffered a drastic decline of influence. This fact is also likely to influence the men in Hanoi who must now make decisions on their own.

It would be entirely shortsighted to view these aspects of Ho's legacy with cynicism or to dismiss the moral force they exert. Whatever may be thought of all this by his opponents, these matters exercise genuine historical power. Ho Chi Minh was the last of the "old Bolsheviks" and probably the most remarkable since Lenin. If there is in our tradition the song about John Brown whose "soul goes marching on" it should take not much imagination to appreciate, without arrogance and with understanding, that this must be the same for Ho in his world and beyond it.

It is easy enough to believe, based on historical experience in other communist countries, that the north Vietnamese will now face a crisis of succession. The experts have long divined important differences between Truong Chinh, for example, and General Vo Nguyen Giap and have long speculated on the personality and origins (as a southerner) of Le Duan, the secretary of the Lao Dong Party. A case can be made that Ho Chi Minh himself had problems in his lifetime with rivals, especially in the south, and the most meticulous observers, such as Ellen Hammer or I. Milton Sacks, have chronicled these matters. I would not off-hand deny that the Vietnamese will not be immune to the succession problems of other communists in our time. Yet a case can also be made with equal force that Ho had built a peculiarly tight team of younger men, over a long period of time and that he had the opportunity of learning from the experience of other communists; and finally that in view of the strong probability that Ho had been sinking since the last spring, the succession crisis will be avoided or delayed. It is altogether probable that for some period of time, the men who now share power had come to important decisions and their line of conduct for some time had been based on the prospect of Ho's disappearance from the scene.

Thus, from the viewpoint of American policy-decisions, it may be entirely self-deceiving to assume that the succession crisis in Hanoi is now taking place or is about to take place. It is also just as possible and more probable that it has already taken place and that the conduct of Hanoi since the spring represents this decision. I call attention to the fact that during my last conversation with Xuan Thuy, on September 1st, he himself broached the point that Ho was dying and specifically stressed the collegial character of Ho's leadership and the fact that over a quarter of a century the men around him had made decisions on their own while Ho was absent from the country, decisions which he subsequently ratified. It can be reasoned that Xuan Thuy's desire to dismiss the factor of elite-conflict in Hanoi suggests a very fear of such conflict. But it can also be reasoned that his warning—and he knew I would be voicing his views in Washington within a week—should be taken literally. I would add on my own that from the inception of this war, important policy-makers, notably of the previous Administration, entirely misjudged the behavior in Hanoi. It was assumed by Mr. Walt W. Rostow, by Dean Rusk, by policy-planners such as Prof. Zbigniew Brzezinski that the latest contradictions between north and south, the divergent interests of the "new Left" such as the Viet Cong really are and the "old Left" in Hanoi could be utilized by American policy. I have a very vivid recollection of the arguments early in 1965 by many important and influential men that Ho Chi Minh would never risk the serious damage to the north which American bombardment might inflict and would opt to defend his urgent interests by abandoning the Viet Cong. This calculation has led the United States into much of the dilemma which the war represents. I would question the wisdom of con-

tinuing a policy of gambling on profound policy-differences in the north Vietnamese communist hierarchy. Differences as there must be, it is more logical to assume that at a critical moment in the war and the peace negotiations which are part of the war, these differences will be muted. It is highly unlikely that until the peace is more nearly secure policy differences will break out.

It would be prudent for serious American policy-makers to try to make a sober and comprehensive judgement of the North Vietnamese problem as it is being seen and discussed in Hanoi at this moment.

In my view, the men in Hanoi have since late spring been governed by a variety of guidelines:

(*a*) they must take advantage of the present period for the most rapid reconstruction and consolidation in the north, now free of bombardment, while seeking to arrive at a settlement with the United States which gives the southern communists as likely a chance of political power at some early date as at all possible. While utilizing their armed forces at one or another level, the chief direction of Hanoi's politics consists of trying to extract a peace that the north can live with and gives the southerners a chance to realize a long-range political position. It will be noticed that I proceed from the assumption that the basic aims of the Vietnamese communists remain what they have always been—to consolidate their own regime in the north, to shatter the opposing south Vietnamese political structure, to lay the basis by stages for a government in the south that they can live with and with which they can ultimately transact the difficult business of unification.

(*b*) to conduct both war and peace simultaneously or successively in such a way as to maintain maximum material support from both the Soviet Union and China but avoiding if at all possible a dependence on these two powers. Concretely, the men in Hanoi must be expected to try to avoid allowing the peace negotiations which they have advanced so skillfully with the United States over the past 18 months from becoming involved with the negotiations that both Moscow and Peking have undertaken or are contemplating with Washington. Although the men in Hanoi have much to gain from any development which decreases or minimizes the Sino-Soviet antagonism and although they must be expected to try to maintain maximum freedom of action and decision vis a vis both their powerful allies, they must also be expected to try to avoid allowing their negotiations to become counters or factors in the negotiations which they know both their allies are capable of carrying out with the United States. They make a serious calculation that the United States has now entered a phase of basic bargaining with both Russia and China and indeed with the eastern European states. When I underlined this reality in my talk with Xuan Thuy in July he listened most carefully and did not dispute the point. But what Hanoi must try to avoid is what happened in 1954, when it accepted half a loaf from the French under the persuasive pressure of both Khrushchev's advance to full power in Moscow and Mao Tse-tung's "Bandeung" gambit.

(*c*) Hanoi must be expected to make those moves in Laos which concert with its basic problems in south Vietnam and in the peninsula as a whole. The north Vietnamese communists may separate the Laos problem militarily and politically if it suits them, or include it within the bargaining over stages. But it is reasonable to assume and unwise to forget that the situation in Laos constitutes for them a vital interest. They have a large population astride the frontiers of old Indo-China: they have historical grievances and fears as regards Thailand's politics; they know better than our experts the historic problems with Cambodia as Prince Sihanouk periodically reminds them. The Laotian problem is quite central to them. In any serious negotiation for a settlement the United States will find that Laos is unsettled until it becomes part of a Vietnam solution—whether in the immediate bargaining or at a later stage. I would bear in mind that throughout this spring and summer, significant military changes have been going on in Laos and the same political chess is being played there as in south Vietnam, even if at a stage once removed. It should be noted that both Sihanouk and Souvanna Phouma, came to Ho's funeral. This was not only a gesture of courtesy to an all-Indochina figure, but expresses concrete political realities and awareness of them on all sides.

(*d*) the fourth and final guideline which I believe forms part of Hanoi's frame of reference involves longterm economic considerations. They must reconstruct the north rapidly; they must reckon with an evolution in the south in which their political influence will also be a function of their economic strength. They must satisfy the fact that the entire social structure both north and south has

changed under the impact of the war. Vietnam is bound to be one of the most dynamic and economically-most-ripe for development countries of southeast Asia. Millions of people have learned the use of machinery thanks to the experience of war and the traditional barriers to development have been broken down. In order to capitalize on this situation, to meet its challenges and to dovetail economic with military power and thus achieve appropriate political power, the Vietnamese communists must have a perspective of economic assistance. They are undoubtedly making such demands on both Russia and China as well as on all the eastern European countries. But the character of this help is qualitatively different from asking for ammunition, weapons or food. Vietnam's demands and needs are bound to be a strain on its ideological allies even granting their willingness to assist—a willingness which is circumscribed by their own needs and priorities and decreases in urgency as the peace is achieved. The north Vietnamese are therefore trying to calculate what role other capitalist countries can play in this regard, and they are watching very carefully what the line of thought is in Washington. Again, when I mentioned to Xuan Thuy in my overall review of July 26th, not having seen him in 16 years but proceeding from a certain common ideological heritage, that in the long run the ultimate form of American reparations might be serious American assistance in the upbuilding of the entire Mekong area, he listened very carefully. I would call attention to the fact that when the French journalist-photographer, Marc Riboud, visited Hanoi last autumn (see *Look* magazine for the early winter, 1968–69) the one question that Pham Von Dong listened to most carefully without pronouncing himself was the possibility of American aid. Notice also that in the first week of September, a north Vietnamese economic mission visited Sweden and I think also other Scandinavian countries studying economic assistance prospects. One should not be surprised at more such developments in *re* France, western Europe generally and Japan. What the United States has to offer in this respect will weigh heavily in Hanoi, and President Nixon's reference in his address to the United Nations last Thursday could not have escaped Hanoi's scrutiny.

Bearing these guidelines in mind, what should be said of the immediate situation as of mid-September, 1969?

The Hanoi leadership has offered "private talks" to the United States while the public meetings in Paris go on, if the United States will make a demonstrative gesture with respect to troop withdrawals on the order of 100,000 men and will accept "the principle" of troop withdrawals and move toward a rapid resolution of the issue, in something like one to five months.

This was the essence of the proposal made to me on September 1st for transmission to Dr. Kissinger and it was followed one day later by breaking the matter to the press (as President Nixon noted in his UN speech) save for the idea of private talks. I believe, as I stated at the outset and as I noted in a taped recording of all my conversations both in Paris, San Clemente and Washington this summer (taped for my private reference) this move for private talks and the apparent concessions involved in the acceptance of the "principle" of troop withdrawals instead of absolute and unconditional total withdrawal was a calculated move and it was timed with Ho's death but it would have been made in any case. It was timed with the resumption of post-summer U.S. political life, with the parleys at the United Nations, with the Sino-Soviet situation and with the latent crisis in Saigon.

The North Vietnamese objective seems fairly obvious: it is to advance the negotiations another stage and to make maximum use of them for the overall political objective.

With respect to American troop withdrawals, it is very interesting that Hanoi is no longer—at least in private—emphasizing the total and unconditional withdrawal of American forces, but only the American commitment to such a withdrawal as the price of private talks. This is not to say that Hanoi does not appreciate the demand within American life for complete and unilateral withdrawal. Nor is this to deny that in the long run the issue of a complete American withdrawal is not important, since in the eyes of Hanoi the sovereign of the country involves the removal of a foreign military presence. But in the shorter run, what is important to Hanoi is not that all U.S. troops leave before anything can be negotiated but that enough troops leave so that negotiations can be justified and the political process be advanced. I mean by this that in the eyes of Hanoi the process of American withdrawal is all-important and the continued presence of American troops is not necessarily a handicap from their viewpoint. For what they are calculating, in my judgment, is that in the process of withdrawal the already-fragile and fundamentally weakened position of the

Thiey-Ky government will be further weakened. At the same time the continued presence of U.S. troops provides a political rallying point for what they hope will be the ultimate constellation of a government capable of replacing the Thieu-Ky regime. Nothing will be as useful for the rallying of all nationalist elements in the South once there has been a political crack-up in Saigon as the presence of U.S. troops: the process of political victory and the consolidation of a regime they can live with will be fostered, in the eyes of Hanoi, if U.S. troops are confined to enclaves and asked to withdraw by a government of national coalition in which the South Vietnamese communists play an important, if not a leading role. Moreover, it must be assumed that Hanoi has by no means invested all its strategic reserves, nor has the Viet Cong in the south used up its fighting power. In a war of this kind, it is vital for both the north and south Vietnamese communists to husband their manpower, to improve its fighting skills and, as the U.S. military position changes with increasing withdrawal strategic forces must be available to confront the armed forces of the Saigon authorities and both to defeat them on the field and ultimately to absorb them into the armed forces of a government of national coalition.

Thus, what interests Hanoi is that the process of withdrawal shall have begun, but it does not necessarily have to be completed, and there are many advantages to a series of stages in which the issue remains alive and serves as a rallying point for accelerating the crack-up of the Saigon regime and basically weakening both the military and political position of the United States.

Based on this line of reasoning, the proposal of September 1st for private talks while public conferences go on—a proposal floated to the press the next day without spelling it out in so many words—must be taken very seriously. It makes serious sense once the political stage of the conflict is understood.

On the other hand, this proposal has the merit, in the eyes of Hanoi, that it engages the United States essentially in bilateral negotiations. By this act, it serves as a declaration to both Moscow and Peking that Hanoi is capable of handling its own negotiations and does not want the Vietnam issue mixed in with U.S.-Soviet and U.S.-Chinese relations. Hanoi is hoping that if the United States will negotiate seriously a rapid evolution of the situation is possible. Generally speaking, Hanoi has plenty of time and it would not ordinarily be averse to dragging out the peace negotiation so that the war becomes an issue in the next U.S. congressional elections, and even the next presidential elections. But in the new circumstances, arising from serious prospects of general U.S. negotiations with the major communist powers, Hanoi must be expected to try to separate its problems from those of its allies; this is essential if only to enhance its own bargaining position with them. If Moscow and/or Peking want to use the Vietnam situation as counters in their relations with Washington, Hanoi must be sure that a) it has either completed the negotiation with the U.S., or b) is on the verge of doing so or c) gets a *quid pro quo* from its "allies" of very real substance, basically significant economic aid as well as continued military supplies.

Since, once the position in Vietnam is no longer critical, the tendency in Moscow and Peking is to do less for Hanoi, the only way to balance this is to enhance Hanoi's independent position. Concretely this requires getting negotiations started. If Hanoi were unable to do this on its own, its position vis a vis its allied powers would be weaker.

This line of reasoning is not too dissimilar from that of Dr. Kissinger in last winter's Foreign Affairs piece in the sense that he, too, stresses all the new issues for the Soviet Union, mainly in Europe as a result of Czechoslovakia, which make the Vietnam issue recede. It is because the issue is receding within the "socialist camp" but not only because of the Soviet Union's European stakes but also because of the Sino-Soviet conflict as well as the possibilities of serious results with the Nixon administration that the men in Hanoi must be decided that the process of negotiating must be advanced and advanced now.

It will be noticed that from Hanoi's point of view, the readiness not to press for complete and immediate U.S. withdrawal, and the desire for rapid negotiations represents at one and the same time a compromise to make the process of negotiation easier for the United States and on the other hand a move which accelerates the weakening of the Saigon structure and facilitates a compromise government of some kind between the Provisional Revolutionary Government and those elements both inside and outside the present Saigon structure that will be inclined to become more willing to deal with the PRG as the negotiation progresses. For one of the most obvious gambits which Hanoi is pursuing is to

place as intense a strain as possible on the present Saigon structure and if possible cause it to crack-up from within. The mere fact that the United States was obliged to admit the Viet Cong to the negotiating table alongside of the Saigon authorities placed them under strain; the fact that the United States accepts the principle of withdrawal increases this strain. In my discussions with Xuan Thuy on September 1st it was perfectly clear that they understand—as indeed I argued—that once "private talks" get started this very action undermines the Saigon structure and if a discreet leak is made of the fact that such talks are going on, there may very well be panic in Saigon. This is confirmed within the last ten days by General Ky's open admission that he is thinking of a military coup: the first victim of such a coup would, of course, be General Thieu and his friend, premier Kiem. But the centrifugal forces generated by such a coup would turn other Saigon politicians seriously toward negotiation with the PRG. The attractiveness of such a prospect simply underlines the seriousness of the proposal for "private talks" since there can only be a political gain from them. Whereas Hanoi undoubtedly has the consent of the PRG to engage in bi-lateral talks as Xuan Thuy has now proposed, it is a question whether the United States can enforce a discipline upon the Saigonese authorities without an intense strain between Washington and Saigon—of which there is already much evidence—leading to a rupture within the Saigon structure.

It would be at the point of such a prospect, if it materializes, that both the north and south Vietnamese Communists would be expected to use their strategic military reserves while at the same time offering the United States a compromise politically, a compromise that the United States would have to measure against its alternatives at that moment.

Unquestionably part of such a compromise would involve the stabilization of Laos and some agreement for long-range economic assistance from the United States; for it would be in Hanoi's interest to involve the United States to the utmost in economic reconstruction and in supporting the economic situation in the south. That Hanoi takes this seriously was clear in my own conversations with Xuan Thuy of July 26th. When President Nixon broached this as a real prospect in his address to the United Nations it could only have had a significant impact in Hanoi.

It is not, of course, the purpose of this paper to discuss the alternatives facing the United States in the light of what I have outlined above.

The American position is a difficult one, and it has been a difficult one from the outset and for someone like myself who believed at the outset that this was not only a wrong war, an unjust war but also a war that could not be won, it would not be fitting to try to work out policy-choices for U.S. policy-makers.

I do not believe there is any cheap and easy way out of this war. I believe it is an illusion for the policy-makers of the present Administration to try to find a cheaper and easier way out of the war which was inherited from the Johnson administration by repeating the basic mistakes of that Administration. There is no point in trying to impose on Hanoi and the south Vietnamese communists a due-bill which properly should be debited to the previous American administration. The United States has for five years been trying to play poker whereas the Vietnamese have been playing chess—which is another kind of game. It follows from my outline of their probable moves that their chess-position is superior to the position of the Nixon administration and this superiority will NOT be reduced by trying to play poker—which is in any case another game.

The essential feature of chess is that the player tries to place his opponent in a posture wherein, no matter what moves he makes, he runs into "check"—and loses.

The essential feature of poker is that if you do not have a good enough hand, you do not raise your bets and you are prepared to "pass". It does not work to overturn the table and reach for your gun. That makes for a shooting match but it does not solve the problem of a weak hand.

Whether the Vietnam situation is conceived as chess, or as poker, the United States position is not a strong one.

The United States has now been offered "private talks" and I do not see how it can refuse. But once it enters such talks I do not see how its position is going to be strengthened. Its real choice is to engage in these talks and try to reach a compromise, using its economic power to gain time for as graceful an exit from the political and military situation as possible, which in any case cannot be accomplished without a considerable price.

The United States could, by delay, stretch out the process of negotiations and ultimate withdrawal. And it could by trying on its part to include Vietnam in negotiations with Moscow and Peking perhaps oblige Hanoi to make concessions. But I would judge from the behavior of foreign minister, Andrei Gromyko, that the Soviet Union is not going to prove very accommodating, and I doubt that Chou En-lai will either.

It may therefore be in the American interest to negotiate seriously with Hanoi in private and to be prepared to pay the price of a war which could not be won. The price may turn out to be cheaper than has been anticipated, depending on the speed and earnestness of the negotiation. But there will be a price. Any other position is a continuation of the illusions which animated earlier policy-makers. Since they dumped the problem on the new Administration without making anything but a tacit self-criticism, the present Administration would do best in my judgment to accept the reality, to make the best of a difficult inheritance and avoid being placed in the posture of the Johnson administration.

If, as Lord Acton's famous phrase had it, absolute power corrupts absolutely, it is also true that statesmen who do not have adequate power should avoid the ultimate corruption of trying to use inadequate power unwisely.

JOSEPH R. STAROBIN,
Professor of Political Science.

NORTH VIETNAMESE ATTITUDE TOWARD NEGOTIATIONS

The CHAIRMAN. Recently, Senator, a man named Mr. Leslie Gelb, who used to be the Deputy Assistant Secretary of Defense for Policy Planning, wrote a letter to the New York Times on February 1, entitled, "Hanoi's Terms at Paris Peace Talks."

The thrust of the letter is that Hanoi has changed its conditions and attitudes toward negotiations. Did you happen to see that?

Senaor DOLE. I saw a reference to it in a statement by Senator Javits, but have not seen the article.

The CHAIRMAN. It is in the record.

(The information referred to appears on p. 55.)

I would like to place in the record at this point an article by Mr. Joseph Kraft, entitled, "A Channel to Hanoi; A French Expert Says the North Vietnamese Are Quite Willing to Bargain With the U.S."

(The information referred to follows:)

[From the Washington (D.C.) Post, Nov. 9, 1969]

A CHANNEL TO HANOI—A FRENCH EXPERT SAYS THE NORTH VIETNAMESE ARE QUITE WILLING TO BARGAIN WITH U.S.

(By Joseph Kraft)

It is passing strange that so many people have made up their minds so quickly about the President's speech on Vietnam. For at the core of Mr. Nixon's argument, there is a mystery—the mystery of why negotiations have gone sour.

The President's claim, of course, is that the intransigence of the other side is to blame. But the evidence he offered argues the opposite. And so does the view of a truly weighty figure used by the President as counselor and go-between—the former French High Commissioner in Vietnam, Jean Sainteny.

The issue of negotiations is central because the President offered the country an absolute choice between immediate withdrawal and his plan for Vietnamization. Since hardly anybody favors a bugout, the tendency is to go with the President, but only if there were no other alternatives available. And in theory, at least, one obvious alternative is negotiated settlement.

It is not only an obvious alternative, but a very promising one. For negotiation offers a genuine answer to two problems usually raised sophistically by persons whose public reputation or sense of the dramatic requires that the war go on.

Through negotiations, it is possible to avoid—by an international guarantee of personal safety—the bloodbath so widely feared if the Communists gained the

upper hand. Through negotiations for a neutral Southeast Asia, it would also be possible to guarantee the small states in the area against Communist domination—to prop up the dominoes.

The uses of negotiation were plainly not lost on Mr. Nixon and his chief foreign policy adviser, Henry Kissinger. Even before they took office, they had opened a line of communication to the late President of North Vietnam, Ho Chi Minh. And subsequently, they pushed negotiations through the Russians and in secret meetings in Paris.

So what went wrong? The President said in his speech that "the obstacle is the other side's absolute refusal to show the least willingness to join in seeking peace." As evidence, he released an exchange of letters with Ho Chi Minh. But Ho's letter, dated three days before his death on Sept. 2, does nothing to justify the President's staggering denunciation.

The tone is conciliatory. The text refers to the need for "good will on both sides." It speaks of an American withdrawal, but without the usual demand that it be either immediate or unconditional. It mentions the 10-point program of the National Liberation Front not as the only basis for settlement, in the manner of past demands, but more modestly, as "a logical and reasonable basis for the settlement of the Vietnamese problem."

Many American officials past and present—including the Johnson administration's chief negotiator in the Paris talks, Ambassador Averell Harriman—find Ho's letter a flexible document full of openings for negotiation. But the Nixon speech didn't say anything about making reply to the letter. Apparently it went unanswered. Why?

At this point, Sainteny becomes relevant. He was an old friend to Ho Chi Minh. He slipped into Washington this summer under somewhat mysterious circumstances, and may have been the means of passing Mr. Nixon's letter of July 15 on to the other side. Previously, Mr. Nixon had sought his counsel on Vietnam even to the point of once searching him out for a chat when Sainteny was off sailing on the Mediterranean.

I saw Sainteny at the end of September, just after his return from the funeral of Ho Chi Minh in Hanoi. He had had a long talk with Premier Pham Van Dong. He was persuaded that the other side was prepared to accept a settlement that would include an independent and noncommunist South Vietnam set in a neutralist Southeast Asia.

The obstacle to agreement, in his view, was that Hanoi did not have any faith in Mr. Nixon's claim that he wanted agreement. On the contrary, the North Vietnamese thought the United States was still trying to impose in Saigon, by military means, a pro-American government hostile to Hanoi.

Sainteny felt—and his feelings were made known to the President—that the United States could dispel Hanoi's doubts in two ways. One would be a formal statement that the United States recognized the principle of total withdrawal of American troops from South Vietnam at some unstipulated date. The other would be by broadening the present regime in Saigon to include some political figures who were not diehard anticommunists.

If these views are correct, then the responsibility for blocking negotiations does not lie only with Hanoi. Washington is to blame for not making considerable concessions, for wanting to shove the Saigon regime down the throat of Hanoi.

Maybe Mr. Nixon's plan for Vietnamization can succeed. Maybe the South Vietnamese will prove able to undertake their own defense with an American contribution so low as to be no cause for internal strife in this country. But I have looked upon the South Vietnamese government and upon its army, and I have my doubts.

In any case, the price being paid for Mr. Nixon's policy should be clear. The other side has now been confirmed in its worst suspicions of the United States. Negotiations are much more difficult than ever before—if possible at all. A long and bitter struggle, almost certain to intensify at some point, looms ahead. That struggle is, by no mere rhetorical touch, Nixon's war.

The CHAIRMAN. I raise these items in reference to your statements, for which I think there has certainly been some support, particularly in the past. Recently, several of these observers seem to believe there has been a change in the attitude of the North Vietnamese as to their willingness to negotiate in Paris.

Senator DOLE. There may be some evidence of that not only in what he said but in their military operations, or lack of military operations in South Vietnam at this time. They have not taken advantage of the current dry spell for troop buildup, and there does not seem to be any major threat during the Tet holiday which started this morning. This may be another indication of a willingness to negotiate.

The CHAIRMAN. There may be, according to these people, a change in attitude.

U.S. ARMY'S DENIAL OF PRESS ACCESS TO RELEASED AMERICAN PRISONERS

One other thing I thought perhaps you could comment on. Why do you think the Army, just within the last week I think, has issued an order denying press access to American prisoners-of-war who have returned to U.S. custody?

Senator DOLE. I would not know why. I have not seen the statement.

The CHAIRMAN. It was in the press. I just wondered if you had any information as to the reason for that.

Senator DOLE. I have no indication of the reason but, generally, would not see any reason for such an order.

RADIO OF FREE ASIA

The CHAIRMAN. Last week I think I saw a letter from you relative to the Radio of Free Asia, and I was curious about it. This does not directly concern your resolution, but since you are here, I just thought I might elicit some information about it. I had not heard about it before I saw your letter soliciting funds.

Could you tell me a bit about that organization and what its purpose is?

Senator DOLE. It is patterned after Radio Free Europe in many aspects, and it is an effort, through the free flow of information, to at least have some impact on communism in Asia. That is the basic purpose.

The CHAIRMAN. Is it financed by the CIA, as Radio Free Europe has been?

Senator DOLE. As far as I know, it is not. It is financed by private contributions, although again I would not take an oath that it was not financed by some agency.

The CHAIRMAN. The literature says it is a part of some Korean organization, does it not? Is it sponsored primarily by Koreans?

Senator DOLE. My contacts have been solely with Americans who are interested. I have the material in the office.

The CHAIRMAN. Was that letter that I saw genuinely from you or was it from somebody else with your name?

Senator DOLE. It was from me, yes.

The CHAIRMAN. Were they using your name unbeknownst to you?

Senator DOLE. No.

The CHAIRMAN. It was sent by you?

Senator DOLE. It was signed by me.

The CHAIRMAN. Senator Aiken.

Senator AIKEN. No; I have no questions.

The CHAIRMAN. Senator Cooper.

NECESSITY OF NEGOTIATION

Senator COOPER. Senator Dole made a very forthright statement, buttressed by documents.

I think it important that he made his statement because of the great interest and desire of the people of this country for peace. I think there has been very little said, very little said in other statements, about the responsibility of North Vietnam.

I commend you very much because your statement emphasizes the necessity for negotiation, which is the only way we will ever get a stable situation even for a short time.

You have pointed out very clearly, which is true, that the North Vietnamese just simply refused to negotiate except on their terms. That is correct, is it not?

Senator DOLE. Yes.

Let me say to the distinguished Senator from Kentucky that I recognize that action by the U.S. Senate, or the Congress would have little, if any, direct impact on what North Vietnam might do, but Senate Resolution 271 does indicate again a feeling by representatives of the American people of our strong desire for peace through negotiations. That is the primary thrust of our resolution, and we hope, again, to demonstrate to the enemy that we do have a resolve in America that we are united for peace.

We may have different views on how it should be achieved, different timetables, but the resolve is there. It is in the U.S. Senate and throughout America.

ADMINISTRATION POLICY FOR PEACE IN VIETNAM

Senator COOPER. I would make another comment.

These hearings were called to consider these resolutions and to find out if there is anything that this committee can do, or the Senate can do, that would assist in bringing about negotiations or an end to the war. That is the purpose, and I think a proper one.

Most of the testimony heard, other than one or two exceptions, has been implicit in its criticism of the present administration policy. There may be a better policy. It may be that the present policy might fail, but I think it important that someone indicate the steps the President has taken, and they are important steps, toward a reversal of policy of the Johnson administration as being definitely a new departure. I think you have done that, and I think that is very important.

Senator DOLE. Well, I have attempted to do so because I feel very strongly the President's policy is working.

I do not share the views expressed by some who have been before this committee this week. It has been termed a "political hoax" by one, but in my opinion it is a meaningful policy. The President has a strategy for peace, he is on the right path. There are some problems in Vietnamization, but thus far the plan is on schedule.

We will be down to 434,000 troops in Vietnam by April 15. The casualties are lower, not as low as we would like, but there is a completely new direction in Vietnam. Our present policy there is working and this is why 65 to 70 percent of the American people support that policy.

Senator COOPER. You never know about the polls. I have known them to change from time to time.

Senator DOLE. I should have said according to recent polls.

Senator COOPER. I do not think the poll is the best measure, but I agree, and I said yesterday I thought the statements of certain witnesses—and they have been both on the minority and the majority side, while they were submitting plans which I am sure in their conscience and judgment they think are better than the President's plan—that I thought it was very unfair and very untrue to characterize efforts that President Nixon had made as deceitful, a deception, a hoax, and I wanted to say that.

I think you will agree with me on it?

Senator DOLE. I certainly do. In fact, I would emphasize what you have said. I cannot do it as well as the Senator from Kentucky has stated it, but I have read all of the statements. I certainly do not question the motives of any Senator. They are all men of honor who desire a quick and lasting peace, but it seems a disservice is done to our cause in Vietnam when they so categorize the President's efforts.

There is progress. I had a briefing just before coming here this morning. It was a status briefing, on Vietnam. The ARVN units are participating more and more. They are taking over the role, and we are taking over more of a pacification role now. As far as I am concerned, this is real and meaningful progress initiated by the President, and brought about successfully, because the American people and those in Congress support him, because we want peace in Vietnam, because we believe he has embarked on a policy to bring about that peace.

PUBLICATION OF COMMITTEE HEARINGS

Senator COOPER. Mr. Chairman, I believe these hearings will be printed and made public?

The CHAIRMAN. These are public hearings.

Senator COOPER. I know, but I mean the whole text of the hearings?

The CHAIRMAN. Yes, sir. Except what you wish to mark out of your own remarks by way of correction. Certainly, they will be published in the usual manner.

Senator COOPER. I do not want to mark out anything I have said.

EXECUTIVE BRANCH STATEMENTS ON VIETNAM POLICY

I would like to have placed in the record six statements of President Nixon and three statements of Secretary Rogers concerning our policy in Vietnam.

The CHAIRMAN. Certainly.

Senator COOPER. To which I referred previously, statements in which Secretary Rogers said withdrawal of our forces is irreversible.

The CHAIRMAN. I would be very pleased to do so.

(The information referred to follows:)

THE WHITE HOUSE,
May 14, 1969.

REMARKS OF THE PRESIDENT ON VIETNAM ON NATIONWIDE RADIO AND TELEVISION

Good evening, my fellow Americans, I have asked for this television time tonight to report to you on our most difficult and urgent problem—the war in Vietnam.

Since I took office four months ago, nothing has taken so much of my time and energy as the search for a way to bring lasting peace to Vietnam. I know that some believe I should have ended the war immediately after the inauguration by simply ordering our forces home from Vietnam.

This would have been the easy thing to do. It might have been a popular move. But I would have betrayed my solemn responsibility as President of the United States if I had done so.

I want to end this war. The American people want to end this war. The people of South Vietnam want to end this war. But we want to end it permanently so that the younger brothers of our soldiers in Vietnam will not have to fight in the future in another Vietnam someplace else in the world.

The fact that there is no easy way to end the war does not mean that we have no choice but to let the war drag on with no end in sight.

For four years American boys have been fighting and dying in Vietnam. For 12 months our negotiators have been talking with the other side in Paris. And yet the fighting goes on. The destruction continues. Brave men still die.

The time has come for some new initiatives. Repeating the old formulas and the tired rhetoric of the past is not enough. When Americans are risking their lives in war, it is the responsibility of their leaders to take some risks for peace.

I would like to report to you tonight on some of the things we have been doing in the past four months to bring true peace, and then I would like to make some concrete proposals to speed that day.

Our first step began before inauguration. This was to launch an intensive review of every aspect of the Nation's Vietnam policy. We accepted nothing on faith, we challenged every assumption and every statistic. We made a systematic, serious examination of all the alternatives open to us. We carefully considered recommendations offered both by critics and supporters of past policies.

From the review, it became clear at once that the new Administration faced a set of immediate operational problems.

—The other side was preparing for a new offensive.

—There was a wide gulf of distrust between Washington and Saigon.

—In eight months of talks in Paris, there had been no negotiations directly concerned with a final settlement.

Therefore, we moved on several fronts at once.

We frustrated the attack which was launched in late February. As a result the North Vietnamese and the Viet Cong failed to achieve their military objectives.

We restored a close working relationship with Saigon. In the resulting atmosphere of mutual confidence President Thieu and his Government have taken important initiatives in the search for a settlement.

We speeded up the strengthening of the South Vietnamese forces. I am glad to report tonight, that as a result, General Abrams told me on Monday that progress in the training program had been excellent, and that apart from any developments that may occur in the negotiations in Paris, that time is approaching when South Vietnamese forces will be able to take over some of the fighting fronts now being manned by Americans.

In weighing alternate courses, we have had to recognize that the situation as it exists today is far different from what it was two years ago or four years ago or ten years ago.

One difference is that we no longer have the choice of not intervening. We have crossed that bridge. There are now more than a half million American troops in Vietnam and 35,000 Americans have lost their lives.

We can have honest debate about whether we should have entered the war in Vietnam. We can have honest debate about how the war has been conducted. But the urgent question today is what to do now that we are there.

Against that background, let me discuss first what we have rejected, and second, what we are prepared to accept.

We have ruled out attempting to impose a purely military solution on the battlefield.

We have also ruled out either a one-sided withdrawal from Vietnam, or the acceptance in Paris of terms that would amount to a disguised American defeat.

When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

Abandoning the South Vietnamese people, however, would jeopardize more than lives in South Vietnam. It would threaten our long-term hopes for peace in the world. A great nation cannot renege on its pledges. A great nation must be worthy of trust.

When it comes to maintaining peace, "prestige" is not an empty word. I am not speaking of false pride or bravado—they should have no place in our policies. I speak, rather, of the respect that one nation has for another's integrity in defending its principles and meeting its obligations.

If we simply abandoned our effort in Vietnam, the cause of peace might not survive the damage that would be done to other nations' confidence in our reliability.

Another reason for not withdrawing unilaterally stems from debates within the Communist world between those who argue for a policy of containment or confrontation with the United States, and those who argue against it.

If Hanoi were to succeed in taking over South Vietnam by force—even after the power of the United States had been engaged—it would greatly strengthen those leaders who scorn negotiation, who advocate aggression, who minimize the risks of confrontation with the United States. It would bring peace now but it would enormously increase the danger of a bigger war later.

If we are to move successfully from an era of confrontation to an era of negotiation, then we have to demonstrate—at the point at which confrontation is being tested—that confrontation with the United States is costly and unrewarding.

Almost without exception, the leaders of non-Communist Asia have told me that they would consider a one-sided American withdrawal from Vietnam to be a threat to the security of their own nations.

In determining what choices would be acceptable, we have to understand our essential objective in Vietnam: What we want is very little, but very fundamental. We seek the opportunity for the South Vietnamese people to determine their own political future without outside interference.

Let me put it plainly: What the United States wants for South Vietnam is not the important thing. What North Vietnam wants for South Vietnam is not the important thing. What is important is what the people of South Vietnam want for South Vietnam.

The United States has suffered over a million casualties in four wars in this century. Whatever faults we may have as a nation, we have asked nothing for ourselves in return for those sacrifies. We have been generous toward those whom we have fought. We have helped our former foes as well as our friends in the task of reconstruction. We are proud of this record, and we bring the same attitude in our search for a settlement in Vietnam.

In this spirit, let me be explicit about several points:

—We seek no bases in Vietnam.

—We seek no military ties.

—We are willing to agree to neutrality for South Vietnam if that is what the South Vietnamese people freely choose.

—We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without the use of force or intimidation.

—We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

—We have no intention of imposing any form of government upon the people of South Vietnam, nor will we be a party to such coercion.

—We have no objection to reunification, if that turns out to be what the people of North Vietnam and the people of South Vietnam want: we ask only that the decision reflect the free choice of the people concerned.

At this point, I would like to add a personal word based on many visits to South Vietnam over the past five years. This is the most difficult war in America's history, fought against a ruthless enemy. I am proud of our men who have carried the terrible burden of this war with dignity and courage, despite the division and opposition to the war in the United States. History will record that never have America's fighting men fought more bravely for more unselfish goals than our men in Vietnam. It is our responsibility to see that they have not fought in vain.

In pursuing our limited objective, we insist on no rigid diplomatic formula. Peace could be achieved by a formal negotiated settlement. Peace could be

achieved by an informal understanding, provided that the understanding is clear, and that there were adequate assurances that it would be observed. Peace on paper is not as important as peace in fact.

This brings us to the matter of negotiations.

We must recognize that peace in Vietnam cannot be achieved overnight. A war that has raged for many years will require detailed negotiations and cannot be settled by a single stroke.

What kind of a settlement will permit the South Vietnamese people to determine freely their own political future? Such a settlement will require the withdrawal of all non-South Vietnamese forces, including our own, from South Vietnam, and procedures for political choice that give each significant group in South Vietnam a real opportunity to participate in the political life of the nation.

To implement these principles, I reaffirm now our willingness to withdraw our forces on a specified timetable. We ask only that North Vietnam withdraw its forces from South Vietnam, Cambodia and Laos into North Vietnam, also in accordance with a timetable.

We include Cambodia and Laos to insure that these countries would not be used as bases for a renewed war. Our offer provides for a simultaneous start on withdrawal by both sides; for agreement on a mutually acceptable timetable; and for the withdrawal to be accomplished quickly.

The North Vietnamese delegates have been saying in Paris that political issues should be discussed along with military issues, and there must be a political settlement in the South. We do not dispute this, but the military withdrawal involves outside forces, and can, therefore, be properly negotiated by North Vietnam and the United States, with the concurrence of its allies.

The political settlement is an internal matter which ought to be decided among the South Vietnamese themselves, and not imposed by outsiders. However, if our presence at these political negotiations would be helpful, and if the South Vietnamese concerned agreed, we would be willing to participate, along with the representatives of Hanoi, if that also were desired.

Recent statements by President Thieu have gone far toward opening the way to a political settlement. He has publicly declared his government's willingness to discuss a political solution with the National Liberation Front, and has offered free elections. This was a dramatic step forward, a reasonable offer that could lead to a settlement. The South Vietnamese Government has offered to talk without preconditions. I believe the other side should also be willing to talk without preconditions.

The South Vietnamese government recognizes, as we do, that a settlement must permit all persons and groups that are prepared to renounce the use of force to participate freely in the political life of South Vietnam. To be effective, such a settlement would require two things: First, a process that would allow the South Vietnamese people to express their choice; and, second, a guarantee that this process would be a fair one.

We do not insist on a particular form of guarantee. The important thing is that the guarantees should have the confidence of the South Vietnamese people, and that they should be broad enough and strong enough to protect the interests of all major South Vietnamese groups.

This, then, is the outline of the settlement that we seek to negotiate in Paris. Its basic terms are very simple: Mutual withdrawal of non-South Vietnamese forces from South Vietnam, and free choice for the people of South Vietnam. I believe that the long-term interests of peace require that we insist on no less, and that the realities of the situation require that we seek no more.

And now, to make very concrete what I have said, I propose the following specific measures, which seem to me consistent with the principles of all parties. These proposals are made on the basis of full consultation with President Thieu.

—As soon as agreement can be reached, all non-South Vietnamese forces would begin withdrawals from South Vietnam.

—Over a period of twelve months, by agreed-upon stages, the major portions of all U.S., Allied, and other non-South Vietnamese forces would be withdrawn. At the end of this twelve month period, the remaining U.S., Allied and other non-South Vietnamese forces would move into designated base areas and would not engage in combat operations.

—The remaining U.S. and Allied forces would complete their withdrawals as the remaining North Vietnamese forces were withdrawn and return to North Vietnam.

—An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

—This international body would begin operating in accordance with an agreed timetable and would participate in arranging supervised cease fires in Vietnam.

—As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

—Arrangements would be made for the release of prisoners of war on both sides at the earliest possible time.

—All parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962.

I believe this proposal for peace is realistic, and takes account of the legitimate interests of all concerned. It is consistent with President Thieu's six points. It can accommodate the various programs put forth by the other side. We and the Government of South Vietnam are prepared to discuss its details with the other side.

Secretary Rogers is now in Saigon and he will be discussing with President Thieu how, together, we may put forward these proposed measures most usefully in Paris. He will, as well, be consulting with our other Asian allies on these measures while on his Asian trip. However, I would stress that these proposals are not offered on a take-it-or-leave-it basis. We are quite willing to consider other approaches consistent with our principles.

We are willing to talk about anybody's program—Hanoi's four points, the NLF's 10 points—provided it can be made consistent with the very few basic principles I have set forth here.

Despite our disagreement with several of its points, we welcome the fact that the NLF has put forward its first comprehensive program. We are studying that program carefully. However, we cannot ignore the fact that immediately after the offer, the scale of enemy attacks stepped up and American casualties in Vietnam increased.

Let me make one point clear. If the enemy wants peace with the United States, that is not the way to get it.

I have set forth a peace program tonight which is generous in its terms. I have indicated our willingness to consider other proposals. But no greater mistake could be made than to confuse flexibility with weakness or of being reasonable with lack of resolution. I must also make clear, in all candor, that if the needless suffering continues, this will affect other decisions. Nobody has anything to gain by delay.

Reports from Hanoi indicate that the enemy has given up hope for a military victory in South Vietnam, but is counting on a collapse of American will in the United States. There could be no greater error in judgment.

Let me be quite blunt. Our fighting men are not going to be worn down; our mediators are not going to be talked down; and or allies are not going to be let down.

My fellow Americans, I have seen the ugly face of war in Vietnam. I have seen the wounded in field hospitals—American boys, South Vietnamese boys, North Vietnamese boys. They were different in many ways—the color of their skins, their religions, their races, some were enemies; some were friends.

But the differences were small, compared with how they were alike. They were brave men, and they were so young. Their lives—their dreams for the future—had been shattered by a war over which they had no control.

With all the moral authority of the office which I hold, I say that America could have no greater and prouder role than to help to end this war in a way which will bring nearer that day in which we can have a world order in which people can live together in peace and friendship.

I do not criticize those who disagree with me on the conduct of our peace negotiations. And I do not ask unlimited patience from a people whose hopes for peace have too often been raised and then cruelly dashed over the past four years.

I have tried to present the facts about Vietnam with complete honesty, and I shall continue to do so in my reports to the American people.

Tonight, all I ask is that you consider these facts, and, whatever our differences, that you support a program which can lead to a peace we can live with and a peace we can be proud of. Nothing could have a greater effect in con-

vincing the enemy that he should negotiate in good faith than to see the American people united behind a generous and reasonable peace offer.

In my campaign for the Presidency, I pledged to end this war in a way that would increase our chances to win true and lasting peace in Vietnam, in the Pacific, and in the world. I am determined to keep that pledge. If I fail to do so, I expect the American people to hold me accountable for that failure.

But while I will never raise false expectations, my deepest hope, as I speak to you tonight, is that we shall be able to look back on this day, at this critical turning point when American initiative moved us off dead center and forward to the time when this war would be brought to an end and when we shall be able to devote the unlimited energies and dedication of the American people to the exciting challenges of peace.

Thank you, and good night.

[From the New York Times, July 26, 1969]

Excerpts From Unofficial Account of President Nixon's Meeting With Reporters at Guam

(Note.—Excerpts from an unofficial account of President Nixon's informal news conference today during his stopover on Guam. Mr. Nixon spoke for publication but stipulated that he not be quoted directly.)

Manila, July 25.—The President said he had seen some speculation about changes in his itinerary and added that he had no present plans to go to Vietnam. But, he said, Ambassador Ellsworth Bunker will be coming to Bangkok along with the ambassadors from the other Asian countries that he will not be visiting, and he intends to have a conversation with him there, which will be apart from the conversation he will have with the other ambassadors.

There is also a possibility that Gen. Creighton W. Abrams will be able to go with the Ambassador Bunker to Bangkok for that meeting, Mr. Nixon said.

Now, insofar as this phase of the trip was concerned, and he said he would speak first to the Asian phase and then later and briefly to the Rumanian phase, he thought that the backgrounders and the general statements that have been made from the State Department had covered it pretty well. He thought what would be of greatest interest before questions is to give the perspective that he has with regard to Asia and America's role in Asia.

VISIT OF 1953 NOTED

He said his background here goes back a few years. It was in 1953 that he first visited this area. That trip was very, very extensive, with the usual four days in each country, a so-called state visit in each country. It provided an opportunity to meet the leaders, but more than that to know the countries in a very effective way.

In the 16 years that have passed, however, since that time, the changes have been very dramatic. He has returned to Asia on a number of occasions since then, and particularly to the countries that he will be visiting on this trip. Consequently, he has kept up with later developments and also, with the exception of President Agha Mohammed Yahya Khan in Pakistan, he knows each of the Asian leaders that he will be meeting and will be able to speak to them from that background.

Insofar as the general purpose of a trip like this is concerned, the President said he can understand some of the speculation to the effect that "why does a President of the United States think he learns anything by spending one day each in an Asian country?" Or, for that matter, as he did earlier, in a European country.

The answer is, and he might indicate what will be his general policy for the balance of his service in the White House, that he thinks a one-day trip is just as valuable as four days. In other words, if you take a one-day trip, and concentrate, as he does, on very little protocol, and a great deal of face-to-face conversation, an individual, in meeting the leader of the other country, will gain as much as if he stretched it out over a period of four days. He has been through both experiences and, therefore, is somewhat knowledgeable in that respect, Mr. Nixon said.

SHORT PERIOD OF TIME

He feels, too, that when one considers the time that is available to a President in these periods, it is essential in order to cover all the ground that needs to be covered to limit, first, the amount of travel and the amount of time that is taken for each one of the stops. He mentioned that only as some of the reasoning that has gone into his decision with regard to covering a great deal of ground in a very short period of time: In this case, going around the world and, in the space of about eight days, after the moon shot, covering a number of countries.

Now, insofar as the individuals are concerned, having met all of these leaders previously, Mr. Nixon supposed the question could be raised, and with good reason, that once you know a leader, the contact with ambassadors would be sufficient. However, he has found in previous travels in Asia and in Europe as well, that as the situations change, it is vitally important to have a renewed contact with the leader in each of the countries involved, a renewed contact because his attitudes may change and in that way when the President reads, as he reads day after day, the cables that come in from all over the world, he can have a much better understanding of what those cables mean—the nuances—if he has more recently had a direct contact, face-to-face with the individual involved, the individual leader involved.

That is one of the reasons why he is a great believer in visits of this sort, where they are consistent with and can be taken at a time that will fit in with other very demanding parts of his schedule.

Now, a word about what is a very consuming interest in Asia, the President continued, a consuming interest because it is one he has had for a number of years, and one that now, as he looks at the perspective of history, is even more imperative.

ROLE IN ASIA

The United States is going to be facing, he hoped before too long—no one can say how long, but before too long—a major decision. What will be its role in Asia and in the Pacific after the end of the war in Vietnam? We will be facing that decision, but also the Asian nations will be wondering about what that decision is, Mr. Nixon said.

When he talked to Prime Minister John G. Gorton, for example, he indicated that in the conversations he had with a number of Asian leaders, they all wondered whether the United States, because of its frustration over the war in Vietnam, because of its earlier frustration over the war in Korea—whether the United States would continue to play a significant role in Asia or whether the United States, like the French before, and then the British, and, of course, the Dutch—whether it would withdraw from the Pacific and play a minor role.

This is a decision that will have to be made, of course, as the war comes to an end. But the time to develop the thinking that will go into that decision is now. Mr. Nixon said he thinks that one of the weaknesses in American foreign policy is that too often we react rather precipitously to events as they occur. We fail to have the perspective and the long range view that is essential for a policy that will be viable.

As he sees it, even though the war in Vietnam has been, as we all know, a terribly frustrating one, and, as a result of that frustration, even though there would be a tendency for many Americans to say, "After we are through with that, let's not become involved in Asia," he is convinced that the way to avoid becoming involved in another war in Asia is for the United States to continue to play a significant role, the President said.

UNITED STATES A PACIFIC POWER

He said that whether we like it or not, geography makes us a Pacific power and when we consider, for example, that Indonesia and its closest point is only 14 miles from the Philippines, when we consider that Guam, where he was presently standing, of course, is in the heart of Asia, when we consider the interests of the whole Pacific as they relate to Alaska and Hawaii, we can all realize this.

Also, as we look over the historical perspective, while World War II began in Europe, for the United States it begin in the Pacific. It came from Asia. The Korean War came from Asia. The Vietnamese war came from Asia.

So, as we consider our past history, Mr. Nixon said, the United States involvement in war so often has been tied to Pacific policy or lack of Pacific policy, as the case might be.

As we look at Asia today, the President observed, we see that the major world power that adopts a very aggressive attitude and a belligerent attitude in its foreign policy, Communist China, of course, is in Asia, and we find that the two minor world powers—minor, although they do have significant strength as we have learned—that most greatly threaten the peace of the world, that adopt the most belligerent foreign policy, are in Asia—North Korea and, of course, North Vietnam.

When we consider those factors, we realize that if we are thinking down the road, down the long road—not just four years or five years, but 10, 15 or 20—that if we are going to have peace in the world, that potentially the greatest threat to that peace will be in the Pacific, the President said.

OTHER THREATS TO PEACE

He did not mean to suggest that the Mideast is not a potential threat to the peace of the world and that there are not problems in Latin America that concern us, or in Africa and, of course, over it all, we see the great potential conflict between the United States and the Soviet Union, the East-West conflict between the two superpowers.

But as far as those other areas are concerned, he said, the possibility of finding some kind of solution is potentially greater than it was in the Asian area.

Pursing that line of reasoning a bit further, he said he would like to put it in a more positive sense: When he looked at the problems in Asia, he said the threat to peace presented by the growing power of Communist China, the belligerence of North Korea and North Vietnam, should not obscure the great promise that was here.

Mr. Nixon declared that the fastest rate of growth in the world is occurring in non-Communist Asia, Japan, in the last ten years, had tripled its G.N.P., South Korea had doubled its G.N.P., Taiwan had doubled its G.N.P., Thailand had doubled its G.N.P. The same was true of Singapore and of Malaysia.

The record in some of the other countries was not as impressive. But consider the Philippines, he said. The Philippines in 1953 was a major importer of rice. Today, as a result of miracle rice, it no longer had to import it. Some progress was being made in areas like that.

INDIA AND PAKISTAN CITED

The President mentioned India and Pakistan and the terribly difficult and traumatic experience they have had. Because of their conflict with each other, more than with the problems they have had from the outsider, that picture tends to be rather black.

But India's rate of growth as a result of two good crop years, and a reasonably good one this year, has been at 6 per cent, he said.

As far as Pakistan is concerned, Mr. Nixon said, they are emphasizing growth in manufacturing. They are growing at the rate of 10 percent per year in manufacturing and from 1965 to 1970, their agricultural production will go up 21 percent.

The poverty in these two countries, he said, strikes one with tremendous impact. But having seen what it was in 1953 and seeing what it was again in 1957, the amount of progress that has taken place, even in those countries where the rate has not been as high as others, was a very, very formidable thing to see, he asserted.

ASIA'S THREAT AND HOPE

So, what he is trying to suggest is this, the President said: Look at Asia. It poses, in his view, over the long haul, looking down to the end of the century, the greatest threat to peace of the world, and, for that reason, the United States should continue to play a significant role.

It also poses, he said, the greatest hope for progress in the world because of the ability, the resources, the ability of the people, the resources physically that are available in this part of the world, and for these reasons, we need policies that will see that we play a part and a part that is appropriate to the condition that we will find.

One other point he made very briefly was that in terms of this situation we must recognize that there are two great new factors which you will see, incidentally, particularly, when you arrive in the Philippines—something you will see there that we didn't see in 1953, to show you how quickly things change—a very great growth of nationalism, nationalism even in the Philippines, vis-a-vis the United States, as well as other countries in the world. And, also, at the same time that national pride is becoming a major factor, regional pride is becoming a major factor.

The second factor, he went on, is one that is going to have a major impact on the future of Asia, and it is something that we must take into account. Asians will say in every country that we visit that they do not want to be dictated from the outside. Asia for Asians. And that is what we want and that is the role we should play. We should assist it, but we should not dictate.

At this time, he said, the political and economic plans that they are gradually developing are very hopeful, we will give assistance to those plans. We, of course, will keep the treaty commitments we have.

VISIT TO RUMANIA

But as far as our role is concerned, he said we must avoid that kind of policy that will make countries in Asia so dependent upon us that we are dragged into conflicts such as the one that we have in Vietnam.

This is going to be a difficult line to follow. It is one, however, that he thinks, with proper planning, we can develop, he went on.

He said he would just answer some of the speculation about Rumania by pointing out that this trip to Rumania is not directed toward the Chinese or toward the Russians, but toward the Rumanians, Mr. Nixon said.

He said he did not believe that the President of the United States should be able to accept an invitation to visit a Western European country, but should automatically have to decline an invitation to visit an Eastern European country.

Mr. Nixon said that this was an era of negotiation rather than confrontation. It would be more difficult, of course, to develop the communication with Eastern European Communist countries than with Western European countries, but he thought it was time that a beginning be made.

He said he would have discussions of bilateral issues with President Nicolae Ceausescu, the problems of Europe, East-West relations.

But this trip under no circumstances, he said, should be interpreted as an affront to the Soviet Union or as a move toward China.

The President said he hoped that if the trip worked out it would set the stage for more openings of this type with countries in Eastern Europe where it would be mutually beneficial to the United States and the other countries involved.

The President was asked, on the question of United States military relationships in Asia, a hypothetical question: If a leader of one of the countries with which we have had close military relationships, either through SEATO or in Vietnam, should say, "Well, you are pulling out of Vietnam with your troops. We can read the newspapers. How can we know you will remain to play a significant role as you say you wish to do in the security arrangements in Europe"? What kind of approach would he take to that question?

The President replied that he had indicated that the answer to that question was not an easy one—not easy because we would be greatly tempted when that question is put to us to indicate that if any nation desires the assistance of the United States militarily in order to meet an internal or external threat we will provide it.

ON COMMITMENTS, TWO POINTS

However, he said he believed that the time had come when the United States, in its relations with all of its Asian friends, should be quite emphatic on two points: one, that we would keep our treaty commitments; our treaty commitments, for example, with Thailand under SEATO. And, two, that as far as the problems of international security are concerned, as far as the problems of military defense, except for the threat of a major power involving nuclear weapons, that the United States was going to encourage and had a right to expect that this problem would be increasingly handled by, and the responsibility for it taken by, the Asian nations themselves.

He said he believed, from his preliminary conversations with several Asian leaders over the last few months, that they were going to be willing to undertake this responsibility. He said it would not be easy. But if the United States

just continued down the road of responding to requests for assistance, of assuming the primary responsibility for defending these countries when they have international problems or external problems, they were never going to take care of themselves.

He added that, when he talked about collective security for Asia, he realized that at this time it looks like a weak reed. It actually was. But looking down the road—he said he was speaking now of five years from now, 10 years from now—he thought collective security, insofar as it deals with internal threats to any one of the countries, or insofar as it deals with a threat other than that posed by a nuclear power, was an objective that free Asian nations could see and which the United States should support.

The President was asked whether, when speaking of internal threats, he included threats internally assisted by a country from the outside, such as we have in Vietnam?

INTERNAL THREAT IN THAILAND

The President replied, that generally speaking, it was the kind of internal threat that we do have in the Asian countries. For example, in Thailand the threat was one that was indigenous to a certain extent to the northeast and the north, but that would not be too serious if it were not getting the assistance that it was from the outside. The same was true in several of the other Asian countries, he said.

The President was reminded of his hope that his meetings in Rumania would open the way to other meetings involving Eastern Europe. Was it his hope that he would eventually be invited to Moscow to talk with the Russians, perhaps within the next six months or so?

The President replied that as far as any meeting with the Soviet Union was concerned, summit meeting, he had stated his position previously. He thought it would be well to restate it.

He did not believe that any summit meeting with the Soviet Union was useful unless a subject of major interest to both powers was to be discussed with some promise of finding a solution or at least making progress on that particular problem.

He said he believed, for example, as he looked over the history of summitry with the Soviet Union, that while, in all administrations, we had had the best of intentions, summitry had not been particularly helpful. He said this with regard to the spirit of Geneva, the spirit of Camp David, the spirit of Vienna and the spirit of Glassboro.

MEETINGS WITH SOVIET UNION

He felt that where the Soviet Union was concerned, for example today, there were three major areas where a summit meeting could be useful. If, for example, the time had come when we could make a breakthrough in the Mideast, and a summit meeting with the Soviet Union would play a significant part, he thought that could be considered.

The second area, Mr. Nixon said, is in the field of arms control. He said he had a long discussion with Mr. Smith just few days ago, just before leaving, the day before leaving. As far as arms controls are concerned, at this time, the place and the forum in which the discussion should take place is at the ambassador level. There may come a time when a summit meeting may be the device that will make the breakthrough that we need to make in arms control.

Then at the top of the list he placed the problem of Vietnam where, if a summit meeting would serve a useful purpose insofar as Vietnam is concerned, naturally we would welcome that opportunity. That poses, however, Mr. Nixon said, a very significant problem because, whether the Soviet Union can be of assistance in Vietnam is somewhat dependent on its evaluation of whether such assistance should be so publicly provided as a summit, of course, would indicate.

The President was asked, as a background to his thinking on Vietnam, even though it is not to be a major subject of discussion, whether he could tell what sort of reports he had received from Gen. Earle G. Wheeler about the prospects for additional replacement of American troops, and on the question of whether the fighting had eased to the point where we can make some de-escalation move ourselves.

The President replied that he would rather not comment on that at this time. If, after his conversations with Ambassador Bunker and possibly with General Abrams, he feels that some comment would be appropriate, he will make it then.

But he should correct one impression that he should not have left, and that is that Vietnam will not be a major topic for discussion. In each of the Asian countries he is going to raise with the Asian leaders the question of the extent to which they would be willing to participate in the international supervisory bodies for elections in South Vietnam and for the policing of ceasefires, provided we are able to get any kind of acceptance on the part of the North Vietnamese and the Vietcong on his proposal of May 14.

He believes, for example, Mr. Nixon said, that the international supervisory bodies, which Mr. Thieu has also agreed to, should primarily be made up of and come from Asian nations and the Asian nations that he visits will all be interested in this subject. He wants to get their views on that.

ISSUE OF WITHDRAWAL

The President was asked whether he anticipates in that connection that during his talks with the Asian leaders he is going to have to spend any significant amount of time perhaps convincing them that his plan for withdrawal of American forces from Vietnam will pose no threat to their security.

The President replied that one of the reasons for this trip is to leave no doubt in the minds of the leaders of non-Communist Asia that the United States is committed to a policy in the Pacific—a policy not of intervention but one that certainly rules out withdrawal, and regardless of what happens in Vietnam that we intend to continue to play a role in Asia to the extent that Asian nations, bilaterally and collectively, desire us to play a role.

He said he thought that some reassurance was needed because Vietnam is on the minds of all the Asian leaders. He believes, incidentally, that he will not have difficulty in providing that reassurance because, from the report that he did get from General Wheeler, he was told that the troop withdrawals have been accepted by the Thieu government and by the military in South Vietnam with not only very good grace, but that they have responded very effectively in meeting their own requirements, in handling their own defense. He thinks that he can give some reassuring comments to those Asian leaders who might raise the question, Mr. Nixon said.

DECLINES TO SPECULATE

The President was reminded that he mentioned that he felt that perhaps five years or ten years from now the Asian nations could collectively take care of their national security problems. What is our policy to be in the meantime, he was asked, if a Vietnam type situation does occur?

The President replied that he would rather not speculate about one occurring. Each of these countries poses an entirely different question. He would simply say we are going to handle each country on a case-by-case basis.

But attempting to avoid that creeping involvement that eventually simply submerges you, he knows that we can learn from past experience and we must avoid that kind of involvement in the future.

The President said he could put it this way: he recalled in 1964 some advice that he got from Mohammad Ayub Khan, who was then the President of Pakistan. This was before the United States had any significant troop commitment in Vietnam. Mr. Nixon asked him what his view was as to what our role should be. He said: "Well, the role of the United States in Vietnam or the Philippines, or Thailand or any of these countries which have internal subversion, is to help them fight the war but not fight the war for them." That, of course, is a good general principle, one which we would hope would be our policy generally throughout the world, the President said.

The President was reminded that the last time he met with reporters he mentioned that it was his hope that we might be able to withdraw all our combat troops, ground combat troops, in South Vietnam by the end of next year. In the light of that, he was asked if he had any plans for withdrawing the troops that we now have, or some percentage of them, from Thailand, and could he tell what he is going to tell the Thais about that?

WILL TELL THAIS FIRST

The President replied that he would tell the Thais first. But it is, of course, a proper question, he said.

He is reviewing not only our civilian personnel abroad, where he announced a cut a few weeks ago, but our military personnel abroad, including Thailand.

This is a matter, however, which will be discussed with the Thais, but it would not be appropriate to make any announcement as to what we were going to do until we have discussed it.

The President was asked whether in looking at the situation in post-Vietnam, and in countries other than Vietnam, it seemed to him that in terms of our military strength, the military men that we put into these other countries to help them, or military assistance or economic assistance, that in Asia, generally, we would have more or less of this type of assistance and aid in the years down the road than we have now.

The President replied less, if he got the question correctly, would there be more or less of military type of assistance?

He was asked about both in military and nonmilitary, since there are really two parts to this assistance problem, the economic part and the military part. Did he see us having a greater expenditure and a greater involvement in those respects or a lessened involvement as we look down the road?

The President replied that the military involvement, the military assistance, the military aid program and the rest, and particularly the commitments of military personnel, that that type of program would recede.

ECONOMIC AID STRESSED

However, as far as economic programs are concerned, and particularly those of a multilateral character—and here he had some new ideas that he will be expanding on in the months ahead—he would say that the level of United States activity would be adequate to meet the challenge as it develops, because it is very much in our interest in terms of economic assistance, economic assistance through loans and other programs, to help build the economies of free Asia, Mr. Nixon said.

For example, the President pointed to what has happened to South Korea, what has happened to Taiwan, what has happened to Thailand, what has happened to Japan. All of them now, or virtually all, are on their own feet, at least from an economic standpoint and are very good customers of ours.

PACT WITH THAILAND

The President was asked about quite a bit of speculation in the papers lately—both here and in Washington and in Thailand—as to whether or not there exists some sort of secret defense arrangement between the United States and Thailand.

Could he shed any light on the existence or nonexistence of such a thing and whether we have any similar arrangements with any other countries that might commit us beyond what his hopes might be?

The President replied that there is no secret defense agreement with Thailand. We, of course, have the SEATO treaty. We will keep our commitments under that treaty. We had the Rusk-Thanat communiqué, which simply spelled out the treaty.

We will, of course, keep our commitments set forth there as well, Mr. Nixon said.

But as far as any secret commitments are concerned, we not only have none in any of these nations, he will make none—and incidentally, he told Senator J. W. Fulbright that the other day, too.

The President was asked to give an evaluation of Red China's economic-political capability of inspiring further wars of liberation in the Asian nations. Are they able to continue that?

The President replied that Red China's capacity in this respect is much less than it was five years ago, even ten years ago. Because of its internal problems. Red China is not nearly as effective in exporting revolution as it was then. He thinks a pretty good indication of that is the minimal role that Red China is playing in Vietnam as compared with the Soviet Union, the President remarked.

Three years ago, Red China was furnishing over 50 per cent of the military equipment, the hardware, for the North Vietnamese. Now it is approximately 80–20 the other way around, he said.

PROBLEMS WITHIN CHINA

There may be other reasons for that coming about, and part of it is that Red China has enough problems within.

Another point he would make in that respect that bears on this: How things have changed since 1953, in country after country that he visited—and he was in every one that we are visiting here and all the others as well. The ones that Secretary William P. Rogers is going to visit on his trip—among most of the

intellectual leaders and among many Government leaders, there was real question as to what was the best path for progress, a question as to whether Communism, as it was developing in Red China, a Communist system was a better way to progress, or whether a non-Communist system was the better way.

Now, Mr. Nixon said, one of the significant developments that has occurred over these last 16 years, with all the bad things that have occurred, including the war in Vietnam, has been that that situation has reversed itself. The appeal of the Communist philosophy, for example, in Pakistan, in India, in Indonesia, is less today than it was 16 years ago, 10 years ago, 5 years ago.

On the other hand, he would have to say that the effectiveness of subversive activities in many of these countries has not abated to the same extent: It can be on the upsurge. But as we look at the whole of Asia today, it is significant to note that what we have going for us more than anything else is this enormous rate of growth in non-Communist Asia as compared to Communist Asia. You compare Hong Kong with Communist China, you compare Taiwan with Communist China, you look at Japan with 100 million people, with a greater G.N.P. than China with 700 million people. Looking clear around the perimeter, from Japan through India, we find that free Asia's record of growth is a very significant factor in affecting the thinking of those who have to make the determination as to which path they are going to take, Mr. Nixon said.

NO MORE VIETNAMS?

The President was asked, when he said that the United States was going to continue to play a major role in Asia and that this was one message that he intended to take with him on this trip, whether another message was that there would be no more Vietnams.

The President replied that certainly the objective of any American administration would be to avoid another war like Vietnam any place in the world. He recalled he had said it and so had his opponent, Mr. Humphrey, during the campaign—that we should develop a policy that would avoid other Vietnams.

Mr. Nixon said it was very easy to say that. But he said that to develop the policies to avoid that was taking an enormous amount of his time and that of his associates.

But what he said he could do was to learn from the mistakes of the past. He believed that we have, if we examine what happened in Vietnam, how we became so deeply involved—that we have a good chance of avoiding that kind of involvement in the future, he said.

TROOP WITHDRAWALS DISCUSSED

Mr. Nixon was asked whether he intended to make it clear to the Asian leaders that if the lull in Vietnam continues, he would announce a substantial withdrawal of United States forces in August.

The President replied that he would not make any announcement, and no decision on, troop withdrawals on this trip, and, of course, he would not make any disclosures of plans in that respect to Asian leaders prior to the time that he had discussed it with the government of South Vietnam and then made the announcement jointly.

That is one of the matters, he said, that he still had under study, under consideration, that he would be discussing with Ambassador Bunker, that he did discuss with General Wheeler and that he might discuss with General Abrams.

TACTICS IN VIETNAM

The President was asked whether there is also a pending question as to whether his administration will change its policy of maintaining maximum military pressure on the enemy in Vietnam?

The President replied that he had been re-examining, since the time his administration came into office, our military tactics in Vietnam, and one of the subjects that he has discussed at great length with General Wheeler and General Abrams has been the character of our commitment and the tactics that should be used. He defers, naturally, to military men as to the conduct of a war because they are more expert than he is in this field, he said.

However, when we are in the process of negotiations, then military tactics become part of the negotiations and, therefore, we are re-evaluating our tactics

in Vietnam, having in mind the fact that we have a parallel section going along in the negotiating field, the President said.

If we have any changes in this respect, he will, of course, announce them, he added.

THE WHITE HOUSE,
September 16, 1969.

STATEMENT BY THE PRESIDENT

After careful consideration with my senior civilian and military advisors and in full consultation with the Government of Vietnam, I have decided to reduce the authorized troop ceiling in Vietnam to 484,000 by December 15. This compares with the ceiling of 549,500 which existed when this Administration took office. Under the newly authorized troop ceiling, a minimum of 60,000 troops will have been withdrawn from Vietnam by December 15.*

Since coming into office, my Administration has made major efforts to bring an end to the war:

—We have renounced an imposed military solution.

—We have proposed free elections organized by Joint Commissions under international supervision.

—We have offered the withdrawal of U.S. and allied forces over a 12-month period.

—We have declared that we would retain no military bases.

—We have offered to negotiate supervised cease-fires under international supervision to facilitate the process of mutual withdrawal.

—We have made clear that we would settle for the *de facto* removal of North Vietnamese forces so long as there are guarantees against their return.

—We and the Government of South Vietnam have announced that we are prepared to accept any political outcome which is arrived at through free elections.

—We are prepared to discuss the 10-point program of the other side together with plans put forward by the other parties.

—In short, the only item which is not negotiable is the right of the people of South Vietnam to determine their own future free of outside interference.

I reiterate all these proposals today.

The withdrawal of 60,000 troops is a significant step.

The time for meaningful negotiations has therefore arrived.

I realize that it is difficult to communicate across the gulf of five years of war. But the time has come to end this war. Let history record that at this critical moment, both sides turned their faces toward peace rather than toward conflict and war.

ADDRESS BY PRESIDENT NIXON BEFORE THE 24TH SESSION OF THE U.N. GENERAL ASSEMBLY AT THE UNITED NATIONS, NEW YORK, SEPTEMBER 18, 1969

TOWARD AN OPEN WORLD

Madam President, Mr. Secretary General, distinguished Foreign Ministers, Prime Ministers, delegates, my fellow citizens of the world community: I first wish to express my deep appreciation for the honor of addressing this organization for the first time and also to take this opportunity to welcome all of those from 126 countries who are here at the United Nations General Assembly session.

Particularly, on a personal note, I appreciate the opportunity to have been welcomed today by the Secretary General. It is hard to realize, as we were reminiscing, that just 16 years ago he welcomed me to Burma when he was Chief of Protocol and I was Vice President. Since then, we have both come up in the world to a certain extent.

I think we would all agree that there is no nobler destiny, nor any greater gift that one age could make to the ages that follow, than to forge the key to a lasting peace.

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*Actually, the total reduction in authorized ceiling strength amounts to 65,500. But within the authorized ceiling, all units are shown at 100% strength. In actual practice, most units are slightly below full strength, so that actual strength normally is less than the authorized ceiling by one or two percent.

In this great Assembly the desirability of peace needs no affirmation. The methods of achieving it are what so greatly challenge our courage, our intelligence, our discernment.

Surely, if one lesson above all rings resoundingly among the many shattered hopes in this world, it is that good words are not a substitute for hard deeds and noble rhetoric is no guarantee of noble results.

We might describe peace as a process embodied in a structure.

For centuries, peace was the absence of war; stability was the absence of change.

But in today's world, there can be no stability without change—so that peace becomes a continuing process of creative evolution. It is no longer enough to restrain war. Peace must also embrace progress—both in satisfying man's material needs and in fulfilling his spiritual needs.

The test of the structure of peace is that it ensure for the people of each nation the integrity of their borders, their right to develop in peace and safety, and their right to determine their own destiny without outside interference.

As long as we live with the threat of aggression, we need physical restraints to contain it.

But the truest peace is based on self-restraint—on the voluntary acceptance of those basic rules of behavior that are rooted in mutual respect and demonstrated in mutual forbearance.

The more closely the world community adheres to a single standard in judging international behavior, the less likely that standard is to be violated.

WORLD ROLE OF THE UNITED STATES

I am well aware that many nations have questions about the world role of the United States in the years ahead—about the nature and extent of our future contribution to the structure of peace.

Let me address those doubts and address them quite candidly before this organization.

In recent years there has been mounting criticism here in the United States of the scope and the results of our international commitments.

This trend, however, has not been confined to the United States alone. In many countries we find a tendency to withdraw from responsibilities, to leave the world's often frustrating problems to the other fellow and just to hope for the best.

As for the United States, I can state here today without qualification: We have not turned away from the world.

We know that with power goes responsibility.

We are neither boastful of our power nor apologetic about it. We recognize that it exists, and that as well as conferring certain advantages it also imposes upon us certain obligations.

As the world changes, the pattern of those obligations and responsibilities changes.

At the end of World War II, the United States for the first time in history assumed the major responsibility for world peace.

We were left in 1945 as the one nation with sufficient strength to contain the new threats of aggression and with sufficient wealth to help the injured nations back to their feet.

For much of the world, those first difficult postwar years were a time of dependency.

The next step was toward independence, as new nations were born and old nations revived.

Now we are maturing together into a new pattern of interdependence.

It is against this background that we have been urging other nations to assume a greater share of responsibility for their own security, both individually and together with their neighbors. The great challenge now is to enlist the cooperation of many nations in preserving peace and enriching life. This cannot be done by American edict or by the edict of any other nation. It must reflect the concepts and the wishes of the people of those nations themselves.

The history of the postwar period teaches that nationalism can be dangerously disruptive—or powerfully creative.

Our aim is to encourage the creative forms of nationalism; to join as partners where our partnership is appropriate and where it is wanted, but not to let a U.S. presence substitute for independent national effort or infringe on national dignity and national pride.

It is not my belief that the way to peace is by giving up our friends or letting down our allies. On the contrary, our aim is to place America's international commitments on a sustainable long-term basis to encourage local and regional initiatives, to foster national independence and self-sufficiency, and by so doing to strengthen the total fabric of peace.

It would be dishonest, particularly before this sophisticated audience, to pretend that the United States has no national interests of its own or no special concern for its own interests.

However, our most fundamental national interest is in maintaining that structure of international stability on which peace depends and which makes orderly progress possible.

TOWARD PEACE IN VIET-NAM

Since I took office as President, no single question has occupied so much of my time and energy as the search for an end to the war in Viet-Nam: and end fair to the people of South Viet-Nam, fair to the people of North Viet-Nam, and fair to those others who would be affected by the outcome.

We in the United States want to end this war, and we are ready to take every reasonable step to achieve that goal. But let there be no question on this one fundamental point: In good conscience we cannot—in the long-term interests of peace we will not—accept a settlement that would arbitrarily dictate the political future of South Viet-Nam and deny to the people of South Viet-Nam the basic right to determine their own future free of any outside interference.

As I put it in my address to the American people last May: "What the United States wants for South Viet-Nam is not the important thing. What North Viet-Nam wants for South Viet-Nam is not the important thing. What is important is what the people of South Viet-Nam want for South Viet-Nam."

To secure this right, and to secure this principle, is our one limited but fundamental objective.

Both in public and at the Paris talks, we have offered a number of proposals which would bring peace and provide self-determination. We are ready to consider any other proposals that have the same objective. The missing ingredient so far has been the willingness of the other side to talk on any terms other than those that would predetermine the result and deny the right of self-determination to the people of South Viet-Nam. Once that willingness exists and once there is a genuine willingness by the other side to reach agreement, the practical solutions can readily be found.

This makes it urgent that the U.N. members, those in this room, who have long taken an active interest in peace in Vietnam, now take an active hand in achieving it.

Many urged that if only we halted our bombing of the North, peace would follow. Nearly a year has passed since the bombing of the North was halted.

Three months have passed since we began the process of troop replacement, signaling both our own genuine desire for a settlement and the increased readiness of the South Vietnamese to manage their own defense.

As I announced on Tuesday, by December 15 our troop strength in Viet-Nam will have been reduced by a minimum of 60,000 men.

On September 2, 1969, North Viet-Nam's chief negotiator in Paris said that if the United States committed itself to the principle of totally withdrawing its forces from South Viet-Nam and if it withdrew a significant number of troops, Hanoi would take this into account.

I repeat here today what I said in my speech of May 14—that we are prepared to withdraw all of our forces from South Viet-Nam. And the replacement of 60,000 troops is a significant step.

The time has come for the other side to respond to these initiatives. The time has come for peace.

And in the name of peace, I urge all of you here—representing 126 nations—to use your best diplomatic efforts to persuade Hanoi to move seriously into the negotiations which could end this war. The steps we have taken have been responsive to views expressed in this room. And we hope that views from this organization may also be influential in Hanoi. If these efforts are successful, this war can end.

The people of Viet-Nam, North and South alike, have demonstrated heroism enough to last a century. And I speak from personal observation. I have been to North Viet-Nam, to Hanoi in 1953, and all over South Viet-Nam. I have seen the people of the North and the people of the South. The people of Viet-Nam,

North and South, have endured an unspeakable weight of suffering for a generation. And they deserve a better future.

When the war ends, the United States will stand ready to help the people of Viet-Nam—all of them—in their tasks of renewal and reconstruction. And when peace comes at last to Viet-Nam, it can truly come "with healing in its wings."

AN ERA OF NEGOTIATION

In relations between the United States and the various Communist powers, I have said that we move from an era of confrontation to an era of negotiation.

I believe our relations with the Soviet Union can be conducted in a spirit of mutual respect, recognizing our differences and also our right to differ, recognizing our divergent interests and also our common interests, recognizing the interests of our respective allies as well as our own.

Now, it would be idle to pretend that there are not major problems between us, and conflicting interests. The tensions of the past 30 years have not been caused by mere personal misunderstandings. This is why we have indicated the need for extended negotiations on a broad front of issues.

Already, as you know, we have had extensive consultations with the Soviet Union as well as with others about the Middle East, where events of the past few days point up anew the urgency of a stable peace.

The United States continues to believe that the U.N. cease-fire resolutions define the minimal conditions that must prevail on the ground if settlement is to be achieved in the Middle East. We believe the Security Council resolution of November 1967 charts the way to that settlement.

A peace, to be lasting, must leave no seeds of a future war. It must rest on a settlement which both sides have a vested interest in maintaining.

We seek a settlement based on respect for the sovereign right of each nation in the area to exist within secure and recognized boundaries. We are convinced that peace cannot be achieved on the basis of substantial alterations in the map of the Middle East. And we are equally convinced that peace cannot be achieved on the basis of anything less than a binding, irrevocable commitment by the parties to live together in peace.

Failing a settlement, an agreement on the limitation of the shipment of arms to the Middle East might help to stabilize the situation. We have indicated to the Soviet Union, without result, our willingness to enter such discussions.

STRATEGIC ARMS LIMITATION TALKS

In addition to our talks on the Middle East, we hope soon to begin talks with the Soviet Union on the limitation of strategic arms. There is no more important task before us.

The date we proposed for the opening of talks has passed for lack of response. We remain ready to enter negotiations.

Since the United States first proposed strategic arms talks 3 years ago, the task of devising an effective agreement has become more difficult. The Soviet Union has been vigorously expanding its strategic forces; weapons themselves have become more sophisticated, more destructive. But as the difficulty of the talks increases, so, too, does their importance.

Though the issues are complex, we are prepared to deal with them seriously, concretely, and purposefully—and to make a determined effort not only to limit the buildup of strategic arms but to reverse it.

Meanwhile, I want to affirm our support for arms control proposals which we hope the Geneva Conference will place before this Assembly with regard to the seabed and chemical and bacteriological weapons. We hope also that the Nuclear Nonproliferation Treaty will soon enter into force.

We should be under no illusion, however, that arms control will itself bring peace. Wars are fought by soldiers, but they are declared by politicians. Peace also requires progress on those stubbornly persistent political questions—questions that are considered in this room—questions that still divide the world. And it requires other exchanges, not only of words but of deeds, that can gradually weave a fabric of mutual trust among the nations and the peoples of the world.

We intend to conduct our negotiations with the Soviet Union soberly and seriously, neither encumbered by prejudice nor blinded by sentimentality, seeking to reach agreements rather than to make propaganda.

Whenever the leaders of Communist China choose to abandon their self-imposed isolation, we are ready to talk with them in the same frank and serious spirit.

BUILDING THE PEACE

For nearly a quarter of a century, the U.N. has struggled with the often thankless task of peacekeeping. As we look to the future, however, keeping the peace is only part of our task. We also must concentrate on building the peace.

Let us be candid. There are many differences—among the great powers and among others—which as realists we know cannot be resolved quickly, cannot be resolved even by this organization. But we also know that there are at least five areas in particular of great concern to everyone here with regard to which there should be no national differences, in which our interests are common, and on which there should be unanimity. They are these:

Securing the safety of international air travel.
Encouraging international volunteer services.
Fostering economic development and population control.
Protecting our threatened environment.
Exploring the frontiers of space.

By any standards, aircraft hijackings are morally, politically, and legally indefensible. The Tokyo Convention has now been brought into force, providing for prompt release of passengers, crew, and aircraft. Along with other nations, we also are working on a new convention for the punishment of hijackers. But neither of these conventions can be fully effective without cooperation; sky piracy cannot be ended as long as the pirates receive asylum.

Consequently, I urge the United Nations to give high priority to this matter. This is an issue which transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air passenger, and the integrity of that structure of order on which a world community depends.

CORPS OF VOLUNTEERS

The creative, dynamic kind of peace I have spoken of, of course, requires more than such basic protections as the one I have just described.

To build this kind of peace, we must join together in building our societies—in raising a great cathedral of the spirit, which celebrates the infinite possibilities of man himself.

Such a peace requires a fuller enlistment not only of government resources and of private enterprise resources but also of the dedication and skill of those thousands of people all over the world who are ready to volunteer in the cause of human achievement. Our own Peace Corps has helped in many countries. And I especially welcome the consideration of the U.N. itself, which it is now giving to establishment of an international volunteer corps. We stand ready to give this exciting new venture our full and enthusiastic cooperation.

U.N. SECOND DEVELOPMENT DECADE

As the U.N. looks toward the beginning of its Second Development Decade, it faces a time of enormous challenge but enormous opportunity.

We can only guess at the new scientific discoveries that the seventies may bring. But we can see with chilling clarity the gap that already exists between the developed economies and the economies of the developing countries and the urgent need for international cooperation in spurring economic development.

If in the course of that Second Development Decade, we can make both significant gains in food production and significant reductions in the rate of population growth, we shall have opened the way to a new era of splendid prosperity. If we do only one without the other, we shall be standing still; and if we fail in both, great areas of the world will face human disaster.

Increasingly, the task of protecting man's environment is a matter of international concern. Pollution of air and water, upsetting the balance of nature—these are not only local problems, and not only national problems, but matters that affect the basic relationships of man to his planet.

The United Nations already is planning a conference on the environment in 1972. I pledge the strongest support of the United States for that effort. I hope that even before then we can launch new national and international initiatives toward restoring the balance of nature and maintaining our world as a healthy and hospitable place for man.

SHARING BENEFITS OF SPACE TECHNOLOGY

Of all of man's great enterprises, none lends itself more logically or more compellingly to international cooperation than the venture into space. Here, truly, mankind is one: as fellow creatures from the planet earth exploring the heavens that all of us enjoy.

The journey of Apollo 11 to the moon and back was not an end, but the beginning.

There will be new journeys of discovery. Beyond this, we are just beginning to comprehend the benefits that space technology can yield here on earth. And the potential is enormous.

For example, we now are developing earth resource survey satellites, with the first experimental satellite to be launched sometime early in the decade of the seventies.

Present indications are that these satellites should be capable of yielding data which could assist in as widely varied tasks as these: the location of schools of fish in the oceans, the location of mineral deposits on land, and the health of agricultural crops.

I feel it is only right that we should share both the adventures and the benefits of space. As an example of our plans, we have determined to take actions with regard to earth resource satellites as this program proceeds and fulfills its promise.

The purpose of those actions is that this program will be dedicated to produce information not only for the United States but also for the world community. We shall be putting several proposals in this respect before the United Nations.

These are among the positive, concrete steps we intend to take toward internationalizing man's epic venture into space—an adventure that belongs not to one nation but to all mankind and one that should be marked not by rivalry but by the same spirit of fraternal cooperation that has so long been the hallmark of the international community of science.

MANDATE FROM THE PEOPLE

And now, Madam President, Mr. Secretary General, if I could speak a personal word to the representatives gathered in this room:

I recognize that those here are dedicating their lives to the cause of peace and that in this room, what is done here, will have an enormous effect on the future of peace.

I have had the great privilege over the past 23 years to travel to most of the countries represented in this room. I have met most of the leaders of the nations represented in this room. And I have seen literally thousands of people in most of the countries represented in this room.

There are differences between the nations and differences between the leaders and differences between the peoples in this world. But based on my own experience, of this one thing I am sure: The people of the world, wherever they are, want peace. And those of us who have the responsibilities for leadership in the world have an overwhelming world mandate from the people of the nations we represent to bring peace, to keep the peace, and to build the peace.

Now, I realize that a survey of history might discourage those who seek to establish peace. But we have entered a new age, different not only in degree but in kind from any that has ever gone before.

For the first time ever, we have truly become a single world community.

For the first time ever, we have seen the staggering fury of the power of the universe unleashed; and we know that we hold that power in a very precarious balance.

For the first time ever, technological advance has brought within reach what once was only a poignant dream for hundreds of millions—freedom from hunger and freedom from want; want and hunger that I have personally seen in nation after nation all over this world.

For the first time ever, we have seen changes in a single lifetime—in our lifetime—that dwarf the achievements of centuries before; and those changes continue to accelerate.

For the first time ever, man has stepped beyond his planet and revealed us to ourselves as "riders on the earth together," bound inseparably on this one bright, beautiful speck in the heavens, so tiny in the universe and so incomparably welcoming as a home for man.

In this new age of "firsts," even the goal of a just and lasting peace is a "first" we can dare to strive for. We must achieve it. And I believe we can achieve it.

In that spirit, then, let us press toward an open world—a world of open doors, open hearts, open minds; a world open to the exchange of ideas and of people and open to the reach of the human spirit; a world open in the search for truth and unconcerned with the fate of old dogmas and old isms; a world open at last to the light of justice and the light of reason and to the achievement of that true peace which the people of every land carry in their hearts and celebrate in their hopes.

THE WHITE HOUSE, *November 3, 1969.*

REMARKS OF THE PRESIDENT ON VIETNAM, DELIVERED TO NATIONAL TELEVISION AND RADIO AUDIENCES FROM THE WHITE HOUSE

Good evening, my fellow Americans: Tonight I want to talk to you on a subject of deep concern to all Americans and to many people in all parts of the world—the war in Vietnam.

I believe that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their government has told them about our policy. The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

Tonight, therefore, I would like to answer some of the questions that I know are on the minds of many of you listening to me.

How and why did America get involved in Vietnam in the first place?

How has this Administration changed the policy of the previous Administration?

What has really happened in the negotiations in Paris and on the battlefront in Vietnam?

What choices do we have if we are to end the war?

What are the prospects for peace?

Let me begin by describing the situation I found when I was inaugurated on January 20.

The war had been going on for four years.

31,000 Americans had been killed in action.

The training program for the South Vietnamese was behind schedule.

540,000 Americans were in Vietnam with no plans to reduce the number.

No progress had been made at the negotiations in Paris and the United States had not put forth a comprehensive peace proposal.

The war was causing deep division at home and criticism from many of our friends as well as our enemies abroad.

In view of these circumstances there were some who urged I end the war at once by ordering the immediate withdrawal of all American forces.

From a political standpoint this would have been a popular and easy course to follow. After all, we became involved in the war while my predecessor was in office. I could blame the defeat which would be the result of my action on him and come out as the peacemaker. Some put it quite bluntly: This was the only way to avoid allowing Johnson's war to become Nixon's war.

But I had a greater obligation than to think only of the years of my Administration and the next election. I had to think of the effect of my decision on the next generation and on the future of peace and freedom in America and in the world.

Let us all understand that the question before us is not whether some Americans are for peace and some Americans are against peace. The question at issue is not whether Johnson's war becomes Nixon's war.

The great question is: How can we win America's peace?

Let us turn now to the fundamental issue. Why and how did the United States become involved in Vietnam in the first place?

Fifteen years ago North Vietnam, with the logistical support of Communist China and the Soviet Union, launched a campaign to impose a Communist government on South Vietnam by instigating and supporting a revolution.

In response to the request of the government of South Vietnam, President Eisenhower sent economic aid and military equipment to assist the people of South Vietnam in their efforts to prevent a Communist takeover. Seven years ago, President Kennedy sent 16,000 military personnel to Vietnam as combat

advisors. Four years ago, President Johnson sent American combat forces to South Vietnam.

Now, many believe that President Johnson's decision to send American combat forces to South Vietnam was wrong. And many others—I among them—have been strongly critical of the way the war has been conducted.

But the question facing us today is—now that we are in the war, what is the best way to end it?

In January I could only conclude that the precipitate withdrawal of American forces from Vietnam would be a disaster not only for South Vietnam but for the United States and for the cause of peace.

For the South Vietnamese, our precipitate withdrawal would inevitably allow the Communists to repeat the massacres which followed their takeover in the North 15 years before.

They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps.

We saw a prelude of what would happen in South Vietnam when the Communists entered the City of Hue last year. During their brief rule, there was a bloody reign of terror in which 3,000 civilians were clubbed, shot to death, and buried in mass graves.

With the sudden collapse of our support, these atrocities of Hue would become the nightmare of the entire nation—and particularly for the million and a half Catholic refugees who fled to South Vietnam when the Communists took over in the North.

For the United States, this first defeat in our nation's history would result in a collapse of confidence in American leadership, not only in Asia but throughout the world.

Three American Presidents have recognized the great stakes involved in Vietnam and understood what had to be done.

In 1963, President Kennedy, with his characteristic eloquence and clarity, said, "we want to see a stable government there carrying on the struggle to maintain its national independence. We believe strongly in that. We're not going to withdraw from that effort. In my opinion for us to withdraw from that effort would mean a collapse not only of South Vietnam, but Southeast Asia, so we're going to stay there."

President Eisenhower and President Johnson expressed the same conclusion during their terms of office.

For the future of peace, precipitate withdrawal would thus be a disaster of immense magnitude.

A nation cannot remain great if it betrays its allies and lets down its friends.

Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest.

This would spark violence wherever our commitments help maintain peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere.

Ultimately, this would cost more lives.

It would not bring peace but more war.

For these reasons, I rejected the recommendation that I should end the war by immediately withdrawing all our forces. I chose instead to change American policy on both the negotiating front and the battlefront.

In order to end a war fought on many fronts, I initiated a pursuit for peace on many fronts.

In a television speech on May 14, in a speech before the United Nations, and on a number of other occasions I set forth our peace proposals in great detail.

We have offered the complete withdrawal of all outside forces within one year.

We have proposed a cease-fire under international supervision.

We have offered free elections under international supervision with the Communists participating in the organization and conduct of the elections as an organized political force. The Saigon Government has pledged to accept the result of the elections.

We have not put forth our proposals on a take-it-or-leave-it basis. We have indicated that we are willing to discuss the proposals that have been put forth by the other side. We have declared that anything is negotiable except the right of the people of South Vietnam to determine their own future. At the Paris peace conference, Ambassador Lodge has demonstrated our flexibility and good faith in 40 public meetings.

Hanoi has refused even to discuss our proposals. They demand our unconditional acceptance of their terms, which are that we withdraw all American forces immediately and unconditionally and that we overthrow the government of South Vietnam as we leave.

We have not limited our peace initiatives to public forums and public statements. I recognized, in January, that a long and bitter war like this usually cannot be settled in a public forum. That is why in addition to the public statements and negotiations I have explored every possible private avenue that might lead to a settlement.

Tonight I am taking the unprecedented step of disclosing to you some of our other initiatives for peace—initiatives we undertook privately and secretly because we thought that we thereby might open a door which publicly would be closed.

I did not wait for my inauguration to begin my quest for peace.

Soon after my election through an individual who is directly in contact on a personal basis with the leaders of North Vietnam I made two private offers for a rapid, comprehensive settlement. Hanoi's replies called in effect for our surrender before negotiations.

Since the Soviet Union furnishes most of the military equipment for North Vietnam, Secretary of State Rogers, my Assistant for National Security Affairs, Dr. Kissinger, Ambassador Lodge, and I, personally, have met on a number of occasions with representatives of the Soviet Government to enlist their assistance in getting meaningful negotiations started. In addition we have had extended discussions directed toward that same end with representatives of other governments which have diplomatic relations with North Vietnam. None of these initiatives have to date produced results.

In mid-July, I became convinced that it was necessary to make a major move to break the deadlock in Paris talks. I spoke directly in this office, where I am now sitting, with an individual who had known Ho Chi Minh on a personal basis for 25 years. Through him I sent a letter to Ho Chi Minh.

I did this outside of the usual diplomatic channels with the hope that with the necessity of making statements for propaganda removed, there might be constructive progress toward bringing the war to an end. Let me read from that letter:

"Dear Mr. President: I realize that it is difficult to communicate meaningfully across the gulf of four years of war. But precisely because of this gulf, I wanted to take this opportunity to reaffirm in all solemnity my desire to work for a just peace. I deeply believe that the war in Vietnam has gone on too long and delay in bringing it to an end can benefit no one—least of all the people of Vietnam. . . .

* * * * *

"The time has come to move forward at the conference table toward an early resolution of this tragic war. You will find us forthcoming and open-minded in a common effort to bring the blessings of peace to the brave people of Vietnam. Let history record that at this critical juncture, both sides turned their face toward peace rather than toward conflict and war."

I received Ho Chi Minh's reply on August 30, three days before his death. It simply reiterated the public position North Vietnam had taken in the Paris talks and flatly rejected my initiative.

The full text of both letters is being released to the press.

In addition to the public meetings I referred to, Ambassador Lodge has met with Vietnam's chief negotiator in Paris in 11 private meetings.

We have taken other significant initiatives which must remain secret to keep open some channels of communication which may still prove to be productive.

But the effect of all the public, private and secret negotiations which have been undertaken since the bombing halt a year ago and since this Administration came into office on January 20, can be summed up in one sentence—

No progress whatever has been made except agreement on the shape of the bargaining table. Now who is at fault?

It has become clear that the obstacle in negotiating an end to the war is not the President of the United States. And it is not the South Vietnamese.

The obstacle is the other side's absolute refusal to show the least willingness to join us in seeking a just peace. It will not do so while it is convinced that all it has to do is to wait for our next concession, and the next, until it gets everything it wants.

There can now be no longer any question that progress in negotiation depends only on Hanoi's deciding to negotiate, to negotiate seriously.

I realize that this report on our efforts on the diplomatic fronts is discouraging to the American people, but the American people are entitled to know the truth—the bad news as well as the good news, where the lives of our young men are involved.

Now let me turn, however, to a more encouraging report on another front.

At the time we launched our search for peace I recognized we might not succeed in bringing an end to the war through negotiation. I, therefore, put into effect another plan to bring peace—a plan which will bring the war to an end regardless of what happens on the negotiating front.

It is in line with a major shift in US foreign policy which I described in my press conference at Guam on July 25. Let me briefly explain what has been described as the Nixon Doctrine—a policy which not only will help end the war in Vietnam, but which is an essential element of our program to prevent future Vietnams.

We Americans are a do-it-yourself people. We are an impatient people. Instead of teaching someone else to do a job, we like to do it ourselves. And this trait has been carried over into our foreign policy.

In Korea and again in Vietnam, the United States furnished most of the money, most of the arms, and most of the men to help the people of those countries defend their freedom against the Communist aggression.

Before any American troops were committed to Vietnam, a leader of another Asian country expressed this opinion to me when I was traveling in Asia as a private citizen. He said, "When you are trying to assist another nation defend its freedom, U.S. policy should be to help them fight the war but not to fight the war for them."

Well, in accordance with this wise counsel, I laid down in Guam three principles as guidelines for future American policy toward Asia:

First, the United States will keep all of its treaty commitments.

Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security.

Third, in cases involving other types of aggression, we shall furnish military and economic assistance when requested in accordance with our treaty commitments. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

After I announced this policy, I found that the leaders of the Philippines, Thailand, Vietnam, South Korea, and other nations which might be threatened by Communist aggression, welcomed this new direction in American foreign policy.

The defense of freedom is everybody's business—not just America's business. And it is particularly the responsibility of the people whose freedom is threatened. In the previous Administration, we Americanized the war in Vietnam. In this Administration, we are Vietnamizing the search for peace.

The policy of the previous Administration not only resulted in our assuming the primary responsibility for fighting the war but even more significantly did not adequately stress the goal of strengthening the South Vietnamese so that they could defend themselves when we left.

The Vietnamization Plan was launched following Secretary Laird's visit to Vietnam in March. Under the plan, I ordered first a substantial increase in the training and equipment of South Vietnamese forces.

In July, on my visit to Vietnam, I changed General Abrams' orders so that they were consistent with the objectives of our new policies. Under the new orders, the primary mission of our troops is to enable the South Vietnamese forces to assume the full responsibility for the security of South Vietnam.

Our air operations have been reduced by over 20 percent.

And now we have begun to see the results of this long overdue change in American policy in Vietnam.

After five years of Americans going into Vietnam, we are finally bringing American men home. By December 15, over 60,000 men will have been withdrawn from South Vietnam—including 20 percent of all of our combat forces.

The South Vietnamese have continued to gain in strength. As a result they have been able to take over combat responsibilities from our American troops.

Two other significant developments have occurred since this Administration took office.

Enemy infiltration, infiltration which is essential if they are to launch a major attack, over the last three months is less than 20 percent of what it was over the same period last year.

Most important—United States casualties have declined during the last two months to the lowest point in three years.

Let me now turn to our program for the future.

We have adopted a plan which we have worked out in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat ground forces, and their replacement by South Vietnamese forces on an orderly scheduled timetable. This withdrawal will be made from strength and not from weakness. As South Vietnamese forces become stronger, the rate of American withdrawal can become greater.

I have not and do not intend to announce the timetable for our program. There are obvious reasons for this decision which I am sure you will understand. As I have indicated on several occasions, the rate of withdrawal will depend on developments on three fronts.

One of these is the progress which can be or might be made in the Paris talks. An announcement of a fixed timetable for our withdrawal would completely remove any incentive for the enemy to negotiate an agreement. They would simply wait until our forces had withdrawn and then move in.

The other two factors on which we will base our withdrawal decisions are the level of enemy activity and the progress of the training program of the South Vietnamese forces. I am glad to be able to report tonight progress on both of these fronts has been greater than we anticipated when we started the program in June for withdrawal. As a result, our timetable for withdrawal is more optimistic now than when we made our first estimates in June. This clearly demonstrates why it is not wise to be frozen in on a fixed timetable.

We must retain the flexibility to base each withdrawal decision on the situation as it is at that time rather than on estimates that are no longer valid.

Along with this optimistic estimate, I must—in all candor—leave one note of caution.

If the level of enemy activity significantly increases we might have to adjust our timetable accordingly.

However, I want the record to be completely clear on one point.

At the time of the bombing halt just a year ago, there was some confusion as to whether there was an understanding on the part of the enemy that if we stopped the bombing of North Vietnam they would stop the shelling of cities in South Vietnam. I want to be sure that there is no misunderstanding on the part of the enemy with regard to our withdrawal program.

We have noted the reduced level of infiltration, the reduction of our casualties, and are basing our withdrawal decisions partially on those factors.

If the level of infiltration or our casualties increase while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy.

Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

This is not a threat. This is a statement of policy which as Commander-in-Chief of our Armed Forces I am making in meeting my responsibility for the protection of American fighting men wherever they may be.

My fellow Americans, I am sure you recognize from what I have said that we really only have two choices open to us if we want to end this war.

I can order an immediate, precipitate withdrawal of all Americans from Vietnam without regard to the effects of that action.

Or we can persist in our search for a just peace through a negotiated settlement if possible, or through continued implementation of our plan for Vietnamization if necessary—a plan in which we will withdraw all of our forecs from Vietnam on a schedule in accordance with our program, as the South Vietnamese become strong enough to defend their own freedom.

I have chosen the second course.

It is not the easy way.

It is the right way.

It is a plan which will end the war and serve the cause of peace—not just in Vietnam but in the Pacific and in the world.

In speaking of the consequences of a precipitate withdrawal, I mentioned that our allies would lose confidence in America.

Far more dangerous, we would lose confidence in ourselves. The immediate reaction would be a sense of relief that our men were coming home. But as we saw the consequences of what he had done, inevitable remorse and divisive recrimination would scar our spirit as a people.

We have faced other crises in our history and have become stronger by rejecting the easy way out and taking the right way in meeting our challenges. Our greatness as a nation has been our capacity to do what had to be done when we knew our course was right.

I recognize that some of my fellow citizens disagree with the plan for peace I have chosen. Honest and patriotic Americans have reached different conclusions as to how peace should be achieved.

In San Francisco a few weeks ago, I saw demonstrators carrying signs reading: "Lose in Vietnam, bring the boys home."

Well one of the strengths of our free society is that any American has a right to reach that conclusion and to advocate that point of view. But as President of the United States, I would be untrue to my oath of office if I allowed the policy of this nation to be dictated by the minority who hold that point of view and who try to impose it on the nation by mounting demonstrations in the street.

For almost 200 years, the policy of this nation has been made under our Constitution by those leaders in the Congress and in the White House selected by all of the people. If a vocal minority, however fervent its cause, prevails over reason and the will of the majority this nation has no future as a free society.

And now I would like to address a word if I may to the young people of this nation who are particularly concerned, and I understand why they are concerned about this war.

I respect your idealism.

I share your concern for peace.

I want peace as much as you do.

There are powerful personal reasons I want to end this war. This week I will have to sign 83 letters to mothers, fathers, wives and loved ones of men who have given their lives for America in Vietnam. It is very little satisfaction to me that this is only one-third as many letters as I signed the first week in my office. There is nothing I want more than to see the day come when I do not have to write any of those letters.

—I want to end the war to save the lives of those brave young men in Vietnam.

—But I want to end it in a way which will increase the chance that their younger brothers and their sons will not have to fight in some future Vietnam someplace in the world.

—And I want to end the war for another reason. I want to end it so that the energy and dedication of you, our young people, now too often directed into bitter hatred against those responsible for the war, can be turned to the great challenges of peace, a better life for all Americans, a better life for all people on this earth.

I have chosen a plan for peace. I believe it will succeed.

If it does not succeed, what the critics say now won't matter. Or, if it does succeed, what the critics say now won't matter. If it does not succeed, anything I say then won't matter.

I know it may not be fashionable to speak of patriotism or national destiny these days. But I feel it is appropriate to do so on this occasion.

Two hundred years ago this nation was weak and poor. But even then, America was the hope of millions in the world. Today we have become the strongest and richest nation in the world. The wheel of destiny has turned so that any hope the world has for the survival of peace and freedom will be determined by whether the American people have the moral stamina and the courage to meet the challenge of free world leadership.

Let historians not record that when America was the most powerful nation in the world we passed on the other side of the road and allowed the last hopes for peace and freedom of millions of people to be suffocated by the forces of totalitarianism.

And so tonight—to you, the great silent majority of my fellow Americans—I ask for your support.

I pledged in my campaign for the Presidency to end the war in a way that we could win the peace. I have initiated a plan of action which will enable me to keep that pledge.

The more support I can have from the American people, the sooner that pledge can be redeemed; for the more divided we are at home, the less likely the enemy is to negotiate at Paris.

Let us be united for peace. Let us also be united against defeat. Because let us understand: North Vietnam cannot defeat or humiliate the United States. Only Americans can do that.

Fifty years ago, in this room and at this very desk, President Woodrow Wilson spoke words which caught the imagination of a war-weary world. He said, "This is the war to end wars." His dream for peace after World War I was shattered on the hard realities of great power politics and Woodrow Wilson died a broken man.

Tonight I do not tell you that the war in Vietnam is the war to end wars. But I do say this:

I have initiated a plan which will end this war in a way that will bring us closer to that great goal to which Woodrow Wilson and every American President in our history has been dedicated—the goal of a just and lasting peace.

As President I hold the responsibility for choosing the best path to that goal and then leading the nation along it.

I pledge to you tonight that I shall meet this responsibility with all of the strength and wisdom I can command in accordance with your hopes, mindful of your concerns, sustained by your prayers.

Thank you and good night.

THE WHITE HOUSE

In the President's address to the Nation, he refers to an exchange of correspondence he had with President Ho Chi Minh of the Democratic Republic of Vietnam. For your information and use, this exchange of correspondence follows:

July 15, 1969
His Excellency Ho CHI MINH,
President, Democratic Republic of Vietnam,
Hanoi.

DEAR MR. PRESIDENT: I realize that it is difficult to communicate meaningfully across the gulf of four years of war. But precisely because of this gulf, I wanted to take this opportunity to reaffirm in all solemnity my desire to work for a just peace. I deeply believe that the war in Vietnam has gone on too long and delay in bringing it to an end can benefit no one—least of all the people of Vietnam. My speech on May 14 laid out a proposal which I believe is fair to all parties. Other proposals have been made which attempt to give the people of South Vietnam an opportunity to choose their own future. These proposals take into account the reasonable conditions of all sides. But we stand ready to discuss other programs as well, specifically the 10-point program of the NLF.

As I have said repeatedly, there is nothing to be gained by waiting. Delay can only increase the dangers and multiply the suffering.

The time has come to move forward at the conference table toward an early resolution of this tragic war. You will find us forthcoming and open-minded in a common effort to bring the blessings of peace to the brave people of Vietnam. Let history record that at this critical juncture, both sides turned their face toward peace rather than toward conflict and war.

Sincerely,

RICHARD NIXON.

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25 August 1969
His Excellency Richard Milhous Nixon,
President of the United States,
Washington.

MR. PRESIDENT: I have the honor to acknowledge receipt of your letter.

The war of aggression of the United States against our people, violating our fundamental national rights, still continues in South Vietnam. The United States continues to intensify military operations, the B–52 bombings and the use of

toxic chemical products multiply the crimes against the Vietnamese people. The longer the war goes on, the more it accumulates the mourning and burdens of the American people. I am extremely indignant at the losses and destructions caused by the American troops to our people and our country. I am also deeply touched at the rising toll of death of young Americans who have fallen in Vietnam by reason of the policy of American governing circles.

Our Vietnamese people are deeply devoted to peace, a real peace with independence and real freedom. They are determined to fight to the end, without fearing the sacrifices and difficulties in order to defend their country and their sacred national rights. The overall solution in 10 points of the National Liberation Front of South Vietnam and of the Provisional Revolutionary Government of the Republic of South Vietnam is a logical and reasonable basis for the settlement of the Vietnamese problem. It has earned the sympathy and support of the peoples of the world.

In your letter you have expressed the desire to act for a just peace. For this the United States must cease the war of aggression and withdraw their troops from South Vietnam, respect the right of the population of the South and of the Vietnamese nation to dispose of themselves, without foreign influence. This is the correct manner of solving the Vietnamese problem in conformity with the national rights of the Vietnamese people, the interests of the United States and the hopes for peace of the peoples of the world. This is the path that will allow the United States to get out of the war with honor.

With good will on both sides we might arrive at common efforts in view of finding a correct solution of the Vietnamese problem.

Sincerely,

HO CHI MINH.

A PROGRESS REPORT ON OUR PLAN FOR PEACE IN VIET-NAM

ADDRESS BY PRESIDENT NIXON[1] (DECEMBER 15, 1969)

Good evening, my fellow Americans. I have asked for this television time tonight to give you a progress report on our plan to bring a just peace in Viet-Nam, which I described in my television address on November 3.

As you will recall, I said then that we were proceeding in our pursuit for peace on two fronts: a peace settlement through negotiation or, if that fails, ending the war through Vietnamization, a plan we have developed with the South Vietnamese for the complete withdrawal, first, of all U.S. combat ground forces and eventually of other forces and their replacement by South Vietnamese forces on an orderly scheduled timetable.

I must report to you tonight with regret that there has been no progress whatever on the negotiating front since November 3. The enemy still insists on a unilateral, precipitate withdrawal of American forces and on a political settlement which would mean the imposition of a Communist government on the people of South Viet-Nam against their will and defeat and humiliation for the United States.

This we cannot and will not accept.

Typical of their attitude is their absolute refusal to talk about the fate of the American prisoners they hold and their refusal even to supply their names so as to ease the anguish of their loved ones in the United States. This cruel, indefensible action is a shocking demonstration of the inflexible attitude they have taken on all issues at the negotiating table in Paris.

But despite their attitude, we shall continue to participate in the Paris talks and to seek a negotiated peace—one which is fair, fair to North Viet-Nam, fair to the United States, but most important, fair to the people of South Viet-Nam. Because as I have indicated, anything is negotiable except the right of the people of South Viet-Nam to determine their own fate.

As you know, Ambassador Lodge has had to leave his assignment in Paris because of personal reasons. I have designated Philip Habib, one of our most experienced Foreign Service officers, who has been participating in the negotiations for over 18 months, as the acting head of our delegation with the personal rank of Ambassador. He has been given full authority to discuss any proposal that will contribute to a just peace.

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[1] Made to the Nation on television and radio on Dec. 15 (White House press release).

Let me turn now to the progress of our plan for Vietnamization and our troop withdrawal program.

When I announced this program in June, I said that the rate of withdrawal would depend on three criteria: progress in the Paris negotiations, progress in the training of South Vietnamese forces, and the level of enemy activity.

Now, while there has been no progress on the negotiating front, I have a much more favorable report to give to you tonight with regard to the training of South Vietnamese forces.

First, let me share with you how I reached this conclusion. In making decisions, I believe a President should listen not only to those who tell him what he wants to hear but to those who tell him what he needs to hear. It is most important to get independent judgments from individuals who are expert on the factors to be considered but who are not directly involved in the operations themselves. This is particularly essential when the lives of American men are involved.

Several months ago I read a book by Sir Robert Thompson, a British expert who was one of the major architects of the victory over the Communist guerrillas who attempted to take over Malaya in the 1950's. In his book which was published just as this administration took office, he was very pessimistic about the conduct of the war in Viet-Nam. He particularly noted the failure to prepare the South Vietnamese to take over the responsibilities for their own defense.

On October 7 I met with Mr. Thompson and asked him to go to Viet-Nam and to give me a firsthand, candid, and completely independent report on the situation there. After 5 weeks of intensive investigation he gave me his report on December 3.

His full report, which makes several very constructive recommendations, must remain confidential since it bears on the security of our men. But let me read to you from his summary of his findings:

"I was very impressed by the improvement in the military and political situation in Vietnam as compared with all previous visits and especially in the security situation, both in Saigon and the rural areas.

"A winning position in the sense of obtaining a just peace (whether negotiated or not) and of maintaining an independent, non-Communist South Vietnam has been achieved but we are not yet through. We are in a psychological period where the greatest need is confidence, a steady application of the 'do it yourself' concept with continuing U.S. support in the background will increase the confidence already shown by many South Vietnam leaders."

Mr. Thompson's report, which I would describe as cautiously optimistic, is in line with my own attitude and with reports I have received from other observers and from our own civilian and military leaders in Viet-Nam.

There is one disturbing new development, however, with regard to enemy activity. Enemy infiltration has increased substantially. It has not yet reached the point where our military leaders believe the enemy has developed the capability to mount a major offensive, but we are watching the situation closely to see whether it could develop to that extent.

Now for the decision. Taking all these developments into consideration, I am announcing tonight a reduction in our troop ceiling of 50,000 more U.S. troops by April 15 next year. This means that the ceiling which existed when I took office on January 20 has now been reduced by 115,500 men. This reduction has been made with the approval of the Government of South Viet-Nam and in consultation with the other nations which have combat forces in Viet-Nam.

Now, there are some who believe that to continue our withdrawals at a time when enemy infiltration is increasing is a risk we should not take. However, I have consistently said we must take risks for peace.

And in that connection, let me remind the leaders in Hanoi that if their infiltration and the level of enemy activity increases while we are reducing our forces they also will be running a risk. I repeat the statement I made in my speech on November 3:

"Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Viet-Nam, I shall not hesitate to take strong and effective measures to deal with that situation."

This reduction in our forces is another orderly step in our plan for peace in Viet-Nam.

It marks further progress toward turning over the defense of South Viet-Nam to the South Vietnamese.

And it is another clear sign of our readiness to bring an end to the war and to achieve a just peace.

Before concluding this report, I wish to express my appreciation to the great number of people from all over this nation who have indicated their support for our program for a just peace since my speech on November 3.

This support was particularly underlined by the action of the House of Representatives and the Congress in which a majority of both Democrats and Republicans voted overwhelmingly 334 to 55 for a resolution supporting the plan for peace which I announced on November 3.

The leaders in Hanoi have declared on a number of occasions that division in the United States would eventually bring them the victory they cannot win over our fighting men in Viet-Nam. This demonstration of support by the American people for our plan to bring a just peace has dashed those hopes.

Hanoi should abandon its dream of military victory.

It is time for them to join us in serious negotiations.

There is nothing to be gained by delay.

If Hanoi is willing to talk seriously they will find us flexible and forthcoming.

I am glad that I was able to report tonight some progress in reaching our goal of a just peace in Viet-Nam. After 5 years of increasing the number of Americans in Viet-Nam, we are bringing American men home.

Our casualties continue to be at the lowest rate in 3 years.

But I want you to know that despite this progress, I shall not be satisfied until we achieve the goal we all want, an end to the war on a just and lasting basis.

This is the fifth Christmas when Americans will be fighting in a war far away from home.

I know that there is nothing the American people want more and there is nothing I want more than to see the day come when the Christmas message of "peace on earth, good will to men" will be not just an eloquent idea but a reality for Americans and for all others who cherish peace and freedom throughout the world.

Your continued support of our plan for peace will greatly strengthen our hopes that we can achieve that great goal.

Thank you and goodnight.

INTERVIEW WITH HON. WILLIAM P. ROGERS, SECRETARY OF STATE, FOR NATIONAL EDUCATIONAL TELEVISION NETWORK, WEDNESDAY, NOVEMBER 26, 1969

Mr. PAUL NIVEN. Mr. Secretary, some of your predecessors have been moral crusaders in one cause or another, some have had previous experience in the Department in regard to the secretaryship, as the culmination of a career, and enjoyed being part of the foreign ministers' club. I gather that coming in from another field that you have a somewhat different attitude toward your job. Could you describe your approach?

Secretary ROGERS. Yes, I think my approach could be described by saying that I try to carry out this assignment in accordance with the President's wishes, which is to enter an era of negotiations rather than confrontations. Secondly, to sort of lower our voice, because as a nation we have at times appeared to be loud and strident and too dominant in our attitudes. So I would hope that as we go along in this Administration we can have somewhat a new approach of lowering our voices and projecting the American personality and policies as they really are.

Mr. NIVEN. This may be why Senator Fulbright looks upon you so approvingly. This has been his theme for some years—a part of it.

Secretary ROGERS. Yes, I think that our policy is so sound that we don't have to be too strident, too loud in projecting it.

Mr. NIVEN. You said that our power is so great that only the weak need make noise.

Secretary ROGERS. Yes, we don't have to speak with a loud voice. We are the strongest nation in the world by far, both militarily and economically. And so when we say something it carries a great weight in and of itself. So it doesn't have to be shouted, it doesn't have to be said in an arrogant or egotistical manner, it just carries weight because of the prominence and the prestige and importance of the United States.

Mr. NIVEN. I know that you and Mr. Kissinger are sick of being asked about each other and I won't labor the point, but let me ask you: institutionally, Mr. Acheson was asked in a recent interview how he would have coped with an

office of international security affairs in the White House and he replied quite simply, "I would have ceased to be Secretary of State." Now you and Mr. Rusk seem to have taken a different view. How do you divide up the load? Is it generically? Are there some problems that go to the President directly from the State Department and others that go through the Kissinger office? Is it long-term planning and long-term policy from here and immediate reaction through that office, or what?

Secretary ROGERS. Well, it will require sort of a long answer. But let me say this. Mr. Acheson, of course, was talking about his experience. If he were here today he would have to create something like the National Security Council. He couldn't operate without it.

Mr. NIVEN. Why? What's happened?

Secretary ROGERS. Well, because the volume of business is so much greater. What happens now is that we have a great many problems that cut across many departments and agencies of government. We had one this morning, for example, involving bacteriological and chemical warfare. Now that involves the Defense Department, the State Department, the Science adviser and other departments of government. We couldn't decide that just in the State Department; it is a very important matter for the Defense Department. So that is done through the National Security Council. They collect the opinions of different departments, we present them to the President and the President makes his decision. Furthermore, there is so much paper work these days, so many recommendations that we send to the President that someone has to collect those papers, present them to him when he has an opportunity to look at them and so forth. So that you couldn't get along without the National Security Council and you couldn't get along without some staff assistance in the White House. I think the relationships that now exist are excellent. There is no problem.

Mr. NIVEN. President Kennedy used to cast aspersions on the Department of State in private. Are presidents perhaps unduly critical of the State Department? Do they fail to appreciate the vast volume of work a department like this has to do quite apart from policy in an immediate reaction to crisis?

Secretary ROGERS. Yes, and I think there is another reason. That is because so many of the problems are insoluble and the president feels that he wants to solve problems and he expects the people in his administration to solve them. Now in a lot of the Departments, for example, the Department of Justice that I headed for awhile, we could solve problems. We had them under our control. In the foreign affairs field, quite often they are well beyond your control. And I think the President has the feeling, not knowing about all of the ramifications, that maybe something could have been done to prevent a difficult situation from arising. But the fact of the matter is, and quite often so, it is not possible to anticipate trouble. It is not possible to prevent it.

Mr. NIVEN. During the campaign I think many people were disposed to believe that a new administration with whatever problems it ran into with the war in Viet-Nam would at least have the great advantage that it would not be saddled with pride of authorship. It might make it's own mistakes but it would not be concerned with defending the policies of the immediate past. After 10 months do you still feel that you have an independence in Viet-Nam that a previous administration did not or do you find yourself increasingly the prisoner of the same circumstances, the same facts and the same attitudes on the other side that the other administration had?

Secretary ROGERS. Not at all. I think we have independence and we are going to assert it. I mean we have changed the war from an escalatory situation to a deescalation and we are going to continue. And when I hear people talk about the fact that our policy has not changed I don't understand what they mean. We have reversed the policy. We are withdrawing troops. We are going to Vietnamize the war. We are going to get American soldiers out of combat. And that's irreversible.

Mr. NIVEN. Is progress in Viet-Nam in the 10 months you have been in office about what you expected or less or more?

Secretary ROGERS. Well, I think progress in the negotiations has been disappointing. We hoped that there would be greater progress in Paris. Insofar as the war itself and the pacification program is concerned, I think it has gone somewhat better, possibly, than I had expected, because the war has been considerably deescalated, as you know. Casualties are down well over 50 percent. The combat activity is down and so I think, on the whole, the war has gone better than I would have anticipated.

Mr. NIVEN. Do you interpret Mr. Thuy's *New York Times* interview as a reaction to the resignation of Mr. Lodge and an effort on the communist part to keep the talks going for whatever purpose with whatever substance?

Secretary ROGERS. Are you speaking of Mr. Thieu?

Mr. NIVEN. No, Mr. Thuy, in Paris, his interview with Harrison Salisbury.

Secretary ROGERS. Well, I don't know how to interpret it. He wasn't telling the truth. Ambassador Lodge has been willing, for sometime, and clearly indicated to the North Vietnamese, that we were willing to talk to them about military and political matters at the same time. We always did say, though, that in the final analysis a political solution had to be decided upon and determined by the people in South Viet-Nam. But we were perfectly willing to talk about it. In fact, we did have private talks about both military and political matters in private sessions.

Mr. NIVEN. I was wondering if Mr. Thuy's initiative in granting this interview was an effort to keep the talks going at a time he felt the American Administration was more or less giving up on them.

Secretary ROGERS. It's possible. We don't exactly know.

Mr. NIVEN. Why? Does that mean they want to talk substantively, or do they just want to keep them going for some other purpose?

Secretary ROGERS. Well, I think that they are getting some benefits from the talks. For example, they have ready access to the American press, for example, that they wouldn't have if they were in Hanoi. So from that standpoint they are able to get across their point of view on a daily basis which they couldn't otherwise do.

Mr. NIVEN. Mr. Thuy stressed that if we—if a settlement were reached and we pulled out, there would be no blood bath, no mass slaughter of South Vietnamese friendly to us and he invoked Vietnamese tradition in this connection. Did you regard this as an effort to answer one of our principal fears about precipitate withdrawal?

Secretary ROGERS. I don't regard those public statements as anything except propaganda. If they are serious about talking to us about negotiating peaceful settlement why don't they discuss it in private session? Why is it necessary to go out and talk to the press about it? We are perfectly willing to meet them at any time and talk about all phases of this war.

Mr. NIVEN. What about that famous controversial last letter—the Ho Chi Minh letter to the President, which Mr. Nixon, in his broadcast, interpreted as a rejection? Some students of Soviet correspondence have said, well, it was more or less open, it didn't close the door. Have you and the President taken these——

Secretary ROGERS. Yes, we have talked about these things. Of course it is pretty clear from the letter that it is a rejection, but on the other hand if it is not a rejection, all they have to do is pick up the phone and tell us. I am having trouble understanding all of the esoteric interpretations that are put upon these little signs by the media. It's a perfectly simple thing to do. We are in contact every day, almost, so if they have any thoughts why don't they express them to us? If there is anything in the Ho Chi Minh letter that we have overlooked all they have to do is suggest it to us.

Mr. NIVEN. The President said that the rate of our withdrawal will be determined by progress in the talks, the lowering level of the battle and the progress of Vietnamization. As some of his political opponents have suggested, doesn't this put the initiative in all three cases upon the other side? Doesn't this give away the power to decide our rate of withdrawal?

Secretary ROGERS. No, I don't think so, because we are pretty confident about the ability of the South to take over the combat responsibilities. President Nixon has a plan which he has thought through very carefully and he is going to put that plan into effect. He hasn't announced the timetable, but he has it clearly in mind. Now the timetable may be affected slightly from month to month.

Mr. NIVEN. Only slightly?

Secretary ROGERS. Only slightly. Because we are quite convinced that the South Vietnamese are going to be able to take over the combat responsibilities. So far it has worked quite well.

Mr. NIVEN. If the level of battle suddenly increased significantly, if there were another Tet offensive, would not that affect the speed of Vietnamization? And of American withdrawal more than slightly?

Secretary ROGERS. Well, slightly in terms of a month or two, possibly. But I don't think the enemy can—I hope I am not wrong—I don't think the enemy can launch a major offensive. They can launch offensives. I don't have any doubt about

that, but I think their ability to launch that kind of an offensive is somewhat limited.

Mr. NIVEN. Senator Scott made a striking statement a month or two ago that the enemy might have one more offensive in him, but that if he did that that would be his last and he would be a defeated enemy. Well, now, the soldiers and certain columnists have been telling us that for four years. What reason is there to believe it now when it has been wrong so many times in the past?

Secretary ROGERS. Well, I wouldn't want to make that prediction, that they couldn't launch several offensives. But I mean at the present time I don't believe they are in a position to launch a very large major offensive that would last a long time. Now they might be able to if they sent more men into the South. But at the present time, as you know, they have not been replacing their troops with infiltration, so that there has been a net reduction of their forces in the South.

Mr. NIVEN. I think enough has been said in the press in the last two or three days about the alleged massacre of Vietnamese civilians, that probably enough has been done to prejudice the court martial proceedings more than they should be, but in general these things have come and gone before, there was the Green Beret case which was dropped and others. Isn't one of the worst things about this kind of a dirty, jungle war that it brutalizes large numbers of young Americans?

Secretary ROGERS. Yes, I don't think there is any way to deny that. I think that if the allegations are true, it is a shocking, shocking incident and all we can do is to court martial any responsible persons and to show the world that we don't condone this. Obviously, if anything of this kind happened, it is in direct contradiction of the orders.

Mr. NIVEN. As you know, it is big news in Europe, almost bigger than here. Are you getting much heat diplomatically about it?

Secretary ROGERS. Well, we haven't gotten much heat diplomatically. We don't need much heat. It is a tragic event, if it is true. And certainly there is indication of some truth at least. So we are highly concerned; it is a shocking thing.

Mr. NIVEN. In your own conversations with more than twenty foreign ministers, you stress that we will uphold our present commitments but we are going to take a long, careful look at new commitments. Do you think we are overcommitted now?

Secretary ROGERS. No, I don't think that we are overcommitted. I think that we have to live up to our commitments. I think that our commitments are sound commitments. I think they should be lived up to. I don't think that we should make further commitments. I think we have enough. I think the commitments we have made have contributed greatly to the stability of the world. After all we have avoided a world war now for twenty-five years and our NATO commitments certainly are sound and should be continued, and I think our commitments in Southeast Asia on the whole have contributed to the stability of the area.

Mr. NIVEN. Well, it has been alleged during past administrations by some people on the hill that we sometimes slide into commitments, sort of willy-nilly and imperceptively, without a conscious decision by the President in consultation with the Congress and the nation, and the public. Is there any validity to this charge, do you think?

Secretary ROGERS. Well, I think we have to be careful to avoid that, I think Congress is performing its constitutional function when it takes this position. We are going to do what we can to work with the Congress to see that that doesn't happen. We have no interest or desire to have anything of that kind happen, so I think Congress is doing its job.

Mr. NIVEN. Well some people for instance are seizing on the President's statement that we are furnishing some aid and training to Laos. As many have said "Oh, here we go again. This may end up another Viet-Nam." Now why won't that happen?

Secretary ROGERS. Well, the President won't let it happen, that is why. I mean we have learned one lesson and that is we are not going to fight any major wars in the mainland of Asia again and we are not going to send American troops there, and we certainly aren't going to do it unless we have the American public and the Congress behind us. But in any event we have no such plan, we don't intend to.

Mr. NIVEN. Is it conceivable as Professor Reischauer has suggested that our experience in Viet-Nam has so embittered the Congress and the public, that there might be sometime in the future when the communists challenge us somewhere in the world very suddenly as in Korea in a way that demanded a response and the administration would want to go in, thought we should, and furthermore the time was of the essence, but we couldn't because Viet-Nam has so dissipated pub-

lic and Congressional support for overseas adventures. Is this a problem about the legislature?

Secretary ROGERS. I don't think so. I don't believe that Congress would ever be reluctant to meet our commitments, our treaty obligation if we had to, and I think Congress would react very favorably if the President ever got to that point, God forbid. We certainly, I think, would have difficulty if we as you suggested earlier tried to use troops in Laos for example, I mean I think Congress will be very careful about approving anything of that kind, and that so are we. I mean the President and I and the rest of us are not going to get involved in anything of that kind.

Mr. NIVEN. Well treaty obligations don't cover every part of the world now. If the Chinese invaded Thailand, we are both members of SEATO and we would go to Thailand's aid. It is in the treaty. But say very hypothetically, that the Chinese army, in force crossed the border of the Union of Burma. Burma is a neutral country. Burma called on us for aid. Wouldn't our response be affected by the knowledge that public support and Congressional support would be affected by the experience of Viet-Nam?

Secretary ROGERS. Yes, undoubtedly, and I think it should. I think under those circumstances it should be very much affected by Congressional attitudes and public attitudes, if we are talking about invasion of Burma.

Mr. NIVEN. As a lawyer and civil libertarian, you have often upheld the right of people to demonstrate against our foreign policy, yet as Secretary of State you have been compelled to say from time to time that some of this must encourage Hanoi. Do you find yourself constantly in a dilemma every time one of these demonstrations occurs?

Secretary ROGERS. Well, yes, to some extent. There is nothing more sacred to our system of government than the right of free speech and the right of assembly and for that reason I am very sympathetic to young people who use those means to voice their dissent. On the other hand it reaches a point sometimes where it is more than just voicing dissent. It gets to the point where it is so insistent, it almost sounds as if they are saying that if you don't do what we tell you, why we are going to cause more severe trouble for you. I think at that point it becomes a problem. On the whole I think that the dissent that has been manifested in this country is a very sincere one. I think those of us in the government have an obligation to take it seriously, listen to it, which we have done. I of course criticize the violence that has been used on some occasions but by and large this last moratorium, 250,000 people, consisted of a lot of people that are very seriously concerned about the war and they want their government to know how deeply they feel about it and I think we have an obligation to listen to them and to respect their views.

Mr. NIVEN. Without naming names, it sounds as if you were more tolerant of them than some of your colleagues in the administration.

Secretary ROGERS. Well, I don't want to get involved in that. I certainly am not tolerant of the radical element, those who use violence and obscenities and all of these other things, but I think we certainly have an obligation in the government to respect the views of people who disagree with us.

Mr. NIVEN. On October 12th on "Meet the Press", you were asked about progress in Paris and when there might be some, and you said there might be some if Hanoi became convinced that we meant business but that entailed a diminution in this protest at home. Three days later there was the moratorium, now we have had a mobilization of a quarter of a million. We are not making any progress in curbing dissent or persuading the dissenters to stop dissenting publicly, are we?

Secretary ROGERS. Well, I don't know about that. You see they haven't announced another march and it may well be that they will decide that they have made their point. And certainly the sum attitude, and it's the attitude of some members of the Congress that that is the case, and if their dissent is unsuccessful in causing the public to change its attitude toward the President, then it could well be that it will be counter-productive. In other words as you notice, the President's popularity has gone up since the moratorium and I think Hanoi is going to be quite conscious of that. They watch these things, and they know that the President's November 3rd speech was very effective and then they will see that the public is supporting the President, so it may well be that it will have some effect on their attitudes in Paris.

Mr. NIVEN. When, before the moratorium, the President said that he would not be influenced in any way whatever and when during the mobilization he

said it was a good day to watch a ball game, some of the kids took this as gratuitously insulting to them. My own feeling was that he wasn't speaking to them at all, but he was trying to speak above them to Hanoi to make it clear that he and not they were running the foreign policy of this country. Is that a fair assessment?

Secretary ROGERS. Yes, I think that is a fair assessment. I think what he was saying is that you can't really make decisions based on who is complaining the most. As President, you have to make a decision based on what you think is in the national interest and what he was saying is that he was going to do that. He was not saying that he wasn't going to listen or pay attention to the views.

Mr. NIVEN. Mr. Secretary, the SALT talks in Helsinki are still in the early stages of the preliminary phase but do you have any impressions out of them yet?

Secretary ROGERS. Yes, we do. The impression we have is that the Soviet Union is quite serious about these talks and I have talked to some of those who are in Helsinki and they tell me that the nature of the talks, the manner of dialogue is the best of any discussion they have had with the Soviet Union. They are serious, they are not polemical and we were very encouraged by the general atmosphere.

Mr. NIVEN. Is this a surprise?

Secretary ROGERS. No, but we are pleased.

Mr. NIVEN. Why did they put them off so long, if they were ready to be forthcoming? Do you have any idea?

Secretary ROGERS. No, I suppose they asked that question about us because we delayed from the beginning of our administration until June. I think probably the reason was they were having problems with the Chinese. I think they wanted to get those talks started—the talks started with the Chinese, Red Chinese—before they went to Helsinki.

Mr. NIVEN. Is it true the Department of State wanted to go into these preliminary talks with some substantive proposals but that other agencies of our government did not and prevailed?

Secretary ROGERS. No, I don't think that is true. We thought all along that these talks would be useful to try to really probe to see what we could do in the final talks and I think the Soviet Union took the same attitude.

Mr. NIVEN. What does the Soviet Union want?

Secretary ROGERS. Well, I think it is a little early to tell. I think what they want is the same thing that we want, at least that is what we hope. And that is that we can curb the arms race and maintain the same relative position so that each of us does not have to spend so much money on arms.

Mr. NIVEN. Do they admit this by the way that they would like to divert some of their resources to domestic affairs?

Secretary ROGERS. Well I don't know as I have ever had that exact discussion with them but that clearly is the implication.

Mr. NIVEN. Well we are going to—by Pentagon testimony—we are going to conclude our MIRV testing and more or less perfect it by May or June, isn't this going to make any agreement much more difficult to enforce?

Secretary ROGERS. Yes, I think there is a lot to that but it is just one of those facts of life we will have to face up to.

Mr. NIVEN. Did you see any possibility of getting an agreement before May or June?

Secretary ROGERS. I doubt it very much because it is very difficult to imagine that it could happen. We are not sure what stage they are in and they are not sure what stage we are in and if we proposed it too aggressively, they would think that we had completed our tests to the point where we didn't need any additional tests, and they would be naturally suspicious.

Mr. NIVEN. Right.

Secretary ROGERS. And vice versa.

Mr. NIVEN. But if it does go to May or June and our MIRV is operational, doesn't any agreement entail vast detailed inspection, and isn't this a stumbling block that The Soviet-American Arms Talks have run up against for twenty years?

Secretary ROGERS. Yes, but your question suggests an incorrect premise and that is there is something magic about May or June.

Mr. NIVEN. Well, once we have finished the MIRV tests and it is operational. . . .

Secretary ROGERS. What I am saying is that it isn't necessarily the finish of the tests that counts.

Mr. NIVEN. Why is that sir?

Secretary ROGERS. Because you don't necessarily have to finish the tests in order to deploy them.

Mr. NIVEN. Oh, we could deploy before . . . ?

Secretary ROGERS. Well, as I say, the tests that run for a long period of time are designed to give you the maximum out of testing. Now neither side quite knows whether the other side has tested enough so that they would be able to deploy them now.

Mr. NIVEN. Mr. Secretary, finally, your predecessor served for eight years, one of the longest tenures of Secretary of State in American history. You made it clear the other day that this is one example of his you were not going to follow, that four years would be enough. Why do you feel that way ?

Secretary ROGERS. Well, I think it is a very difficult job and I think you can do a good deal in four years and I think maybe after that it is better to have a new man in the job. I think he may have some other ideas. Furthermore, in view of Dean Acheson's success as an author, I noticed he is charging fifteen dollars for his book, I might think about selling books.

Mr. NIVEN. Thank you, Mr. Secretary.

ADDRESS BY HON. WILLIAM P. ROGERS, SECRETARY OF STATE, BEFORE CONFERENCE FOR EDITORS AND BROADCASTERS, JANUARY 15, 1970

I.

In this first year the Nixon Administration has put its own stamp on United States foreign policy. It is a mix of continuity and change.

There is a necessity for continuity in our foreign policy which derives from the fact that we are the world's greatest power. Nothing can relieve us of the inescapable responsibilities that go with that status. Certainly one of the most stabilizing influences in world affairs today is that other nations, friendly and not so friendly, take it for granted that the United States will live up to its obligations. Without the element of continuity in basic United States foreign policy, world affairs would be much more unstable and dangerous.

Yet there must be change, too, because world events require a dynamic foreign policy. When this Administration took office our participation in the war in Viet-Nam had come to pervade and color the whole of our foreign policy. In fact it consumed much of the time and energy of our top leaders. The alternatives seemed to be either to negotiate a settlement or to go on fighting indefinitely. It was clear that we needed another approach. President Nixon decided that our policy should be to negotiate a settlement *or*, if that were not possible, to transfer the responsibility for combat activities to the South Vienamese in a way which would assist them to achieve self-determination. As you know that has come to be known as Vietnamization and we are cautiously optimistic about its success. It will be carried out until all combat forces, and ultimately other forces, have been withdrawn, or until Hanoi decides to work out a peace through negotiation which will give the people of South Viet-Nam the right of free choice.

President Nixon's program to end American participation in combat in Viet-Nam is irreversible. We are training and equipping the forces of the Republic of Viet-Nam to take care of themselves as we transfer to them the whole of the combat role. There is a growing confidence in South Viet-Nam that this can be done. Assuming its success—and our policy makes this assumption—the result will be valuable for the future security of the area—a feeling of independence and self-reliance, not just in South Viet-Nam but in Southeast Asia as a whole.

We believe we are on the right track toward national release from total preoccupation with this one area of foreign affairs.

If United States foreign policy a year ago was overly concentrated on Viet-Nam, the foreign policy of the Soviet Union was equally preoccupied with the quarrel with Communist China. As far as we can see this is still the case and there is no reason to believe that it is likely to change dramatically in the near future.

It therefore seemed wise to us to make known what our position was with respect to the Sino-Soviet border dispute and the general tensions between those governments. This we have done.

We have made it clear that we have no intention of attempting to exploit their differences.

We intend to negotiate with the Soviet Union—hopefully in a meaningful way—in pursuit of common ground and mutual advantage.

We also intend to seek ways to have better relations with Communist China. Consequently we are pleased that we now have an agreement to meet in Warsaw on January 20.

To have better relations with the Soviet Union and with Communist China, we believe, would be in our national interest and our policy is to seek sensible ways to accomplish this. The fact that a Sino-Soviet conflict exists is strictly their affair but it should not be a restraint on our efforts to improve relations with both.

II.

I think I should mention two other powerful nations in the world which are making new contributions to the dynamics of world affairs.

The first is Japan. Japan has become the third industrial power of the world. She is ready to play a part in the affairs of the Asian and Pacific community of nations more commensurate with that status. In recognition of this fact our Administration decided to return Okinawa to Japan in 1972. This historic decision should be looked upon as the closing act of the post-war period of United States-Japanese relations. Our relations with Japan now enter a new stage of close and friendly cooperation at the beginning of a new decade.

The Pacific community provides a bright picture. The highest rates of sustained economic growth in the world are found today in Japan, Korea, Taiwan, and Thailand. The picture in Indonesia is most encouraging. Cooperative regional organizations in the Pacific area have come into being; and, as I have indicated, the new strength and energy of Japan is an outstanding factor in that regional picture.

The fourth most productive economy in the world is the Federal Republic of Germany. There is a new government in Bonn with which we have excellent relations both bilaterally and within NATO.

The German government is seeking in every practical way to reduce the tensions that made German question the most dangerous of the Cold War issues. The North Atlantic Council serves as a good forum for close consultation on policies and methods of improving relationships with the countries of Eastern Europe. But if East-West relations are to return to a more normal state, Germany obviously must play a major role in that process. The present German government is engaged in an effort to do this in consultation with and with the support of its allies, including, of course, the United States.

III.

These brief remarks serve to highlight the fact that in this next decade glacial changes will undoubtedly occur. The Nixon Administration's general approach to foreign policy as we enter the decade of the 70's is:

First, to try to move from stalemated confrontations to active negotiations on outstanding issues with the Soviet Union and others.

Second, to encourage other more developed nations, and especially in the framework of regional organizations, to assume greater responsibility for leadership and initiative in the affairs of the major regions of the world;

Third, to lower our voice and our visibility on the world stage to accord with what we intend to be a more moderate dialogue and a greater degree of partnership with our friends and allies; and

Fourth, to make it clear that the United States has no intention of renouncing its treaty obligations, of withdrawing from the international scene or of failing to play a proper and active role in the constant search for security and for a better life for all of mankind.

On the negotiating front, we have successfully launched the Strategic Arms Limitations Talks; we have agreed with the Soviet Union on a draft treaty banning the emplacement of weapons of mass destruction on the ocean floors; we are seeking to discuss arrangements to normalize access to Berlin; we have negotiated intensively, but with disappointing results so far, to find a framework on which the parties may negotiate a lasting settlement in the Middle East, and we have indicated a willingness to negotiate with the Warsaw Pact nations on mutual and balanced reduction of forces in Europe.

We shall make some proposals next week to the Communist Chinese in Warsaw in the hope we can improve relations with them.

On the second point—encouraging greater responsibility for regional leadership by the nations of the area—we have moved forward in Europe, Asia and Latin America.

To our NATO allies, President Nixon has offered to consult more on subjects of mutual concern. This has eliminated the fear of unilateral action and our Western Allies are appreciative.

In Asia, our friends and allies have agreed that henceforth, if it should be required, they will provide the necessary military forces to cope with subversion—both internally and externally-promoted—with the United States providing appropriate support by way of equipment and training, etc. We have agreed, too, that the proper role of the United States is that of partner and participant in regional activities, for which Pacific and Asian countries will undertake initiatives and provide leadership. This is the way we want it and the way the Asians want it.

In Latin America a comparable development has taken place. In accord with our neighbors to the south, we are proceeding on the basis of a more mature and a more equal partnership. Our Hemisphere friends have accepted responsibility for providing a leading voice in inter-American affairs and in setting their own course in the struggle for economic development and social reform.

I have not mentioned Africa but next month I shall visit Africa. I will in particular discuss with African leaders their views of how best to find a steady, long-term basis for relating our interest in helping them raise standards of living to their own efforts.

Overall I believe that the United States, under the leadership of President Nixon, has had a successful year in the conduct of its foreign affairs.

IV.

Finally, I want to underscore that the foreign policy of this Administration cannot be characterized as tending toward isolationism—as a curtailment of interests or a shedding of responsibility in world affairs. We cannot retreat from a world in which we will increasingly be involved—however longingly some might glance in that direction.

What we *can* do and what we propose to do is alter the character of our involvement—to make that involvement more consistent with present day realities—to give it a sound footing for the long term. We can be less intrusive and less domineering. We can have a lower profile. We can speak with a less strident voice. By working more effectively with other nations—by conducting our international affairs with a bit more modesty—we hope that we may become more successful and effective partners in the search for peace and security in the world during this last third of the twentieth century.

INTERVIEW WITH HON. WILLIAM P. ROGERS, SECRETARY OF STATE, ON ABC'S "ISSUES AND ANSWERS," SUNDAY, JANUARY 18, 1970

Mr. SCALI. Mr. Secretary, welcome to ISSUES AND ANSWERS.

The Viet Cong radio has just broadcast new instructions to its troops, calling on them to intensify attacks on major population centers and indeed urging them to continue assassinating South Vietnamese leaders.

Do you regard this as signaling perhaps an end to the comparative lull in the ground fighting of the past few months?

Secretary ROGERS. Well, of course we don't know yet, Mr. Scali, what they mean by that. We would hope that it does not indicate that. President Nixon, of course, in his recent speech on Viet-Nam indicated that if such events occurred that he would take appropriate action to deal with it, because he has no intention of endangering the lives and safety of our men in Viet Nam while this Vietnamization program is going on.

Mr. SCALI. Mr. Secretary, are you confident that regardless of what the Viet Cong and the North Vietnamese may throw against allied forces, that allied forces can repulse them and that thereby we can continue the withdrawals of American troops that had been tentatively scheduled?

Secretary ROGERS. Well, we are confident that the policy of President Nixon will be carried out. By that I mean getting American troops out of the combat role. Of course it is always possible, as it is in any war, that there may be minor setbacks along the way as the South Vietnamese take over the fighting,

but we do not expect that the policy of the President to get American troops out of combat is going to be endangered by anything the North Vietnamese do.

Mr. CLARK. Well, Mr. Secretary, you have said repeatedly that this policy of withdrawing American troops from Viet-Nam is irreversible. How can you be so sure of that without knowing how successful a renewed Viet Cong terror campaign might be?

Secretary ROGERS. Well, as I have just said, of course those terror campaigns might affect the time table to some extent but we feel sure, based on the experience we have had recently in equipping the troops of South Viet-Nam and in the experience that they have had in combat, that they can handle the combat role. So that the first phase of President Nixon's program is to phase American troops out of the combat role and then we will have combat forces there to support the forces that remain, but will not be in the combat role itself.

Mr. CLARK. Well, doesn't this time table also have to be tied very closely to the rate of infiltration down the Ho Chi Minh Trail?

Secretary ROGERS. Yes. As President Nixon has indicated, the exact timing of his policy will be controlled by three criteria. One, the negotiations in Paris which so far have not been successful. Two, the ability of the South Vietnamese to take over the combat role, and three, the level of the enemy's offensive, so those three criteria will be considered by the President, then he will put the time table into effect. So there may be some variations about the time table, but the policy itself is not going to change.

Mr. SCALI. Mr. Secretary, you have said in the past enemy infiltration during the past year went down something like 60 percent compared to the year before.

Secretary ROGERS. Yes.

Mr. SCALI. There have been reports of late it has increased again. What is the actual picture now of the infiltration rate?

Secretary ROGERS. Well it is always a little risky to talk about these things because they are always comparative. The fact is that the infiltration in 1969 as you said was considerably below 1968, about 60 percent less. In January, so far it has been about at the same rate it was in 1969, so we expect, based on what has happened for the last two or three months, that the infiltration rate will continue about the same. Now this can always change, of course. We recognize that.

Mr. SCALI. President Thieu said at a news conference some days ago that all American troops cannot be withdrawn—all American combat troops cannot be withdrawn by the end of 1970 and that indeed American troops will have to stay in South Viet-Nam for many years.

Do you agree with that?

Secretary ROGERS. Well, let me see if I can explain that because there is a great deal of confusion in the public mind and maybe I can help explain it. The first phase of President Nixon's policy to get troops out of combat, the first phase of the program is to get American troops out of the combat role, to have the South Vietnamese take over the combat role. Put them in areas where the fighting is taking place.

Now, there will be—when that is finished, there will be American support forces there, and obviously we will have to have some combat troops with the support forces to protect them in the event of an attack. But we would hope that the first phase of the program will get the American troops out of the combat role, and the second phase will be to get the remaining troops out over a period of time.

Mr. SCALI. Well, Mr. Secretary, do you envision——

Secretary ROGERS. What I want to say is, there is a difference between a combat role and combat troops.

Mr. SCALI. I understand, but do you envision American troops no longer being called upon to perform a combat role in South Viet-Nam by the end of 1970 even though there might be some American combat forces there to provide security?

Secretary ROGERS. Well, I don't want to predict when that is going to occur. That is going to be something the President will have to decide and he will make the announcements about troop withdrawals from time to time and those announcements will be, of course, calculated to bring about the end of our combat role in South Viet-Nam, but that will depend upon events.

Mr. CLARK. Mr. Secretary, if we do succeed in successfully disengaging from the Viet-Nam War, will we still have a continuing obligation to protect South Viet-Nam against renewed external aggression?

Secretary ROGERS. Well, I am not sure that I quite understand your question.

We are going to continue to support South Viet-Nam until they can have an

elective process, which will occur down the road a bit, and we will continue to support them until they have the ability to take over the combat role.

Mr. CLARK. I mean, in effect, if all this comes to pass as we hope, and then there is a renewal of the war by an outside aggressor, what is our obligation to South Viet-Nam at that time.

Secretary ROGERS. Which outside aggressor do you have in mind?

Mr. CLARK. Well, it might be North Viet-Nam or it might be a nuclear power. I suppose there would be a difference in our obligation?

Secretary ROGERS. Yes. I think you have just indicated why it is difficult to make any predictions about that kind of a situation. We do have treaty obligations in that area and if a super power made a nuclear attack, it would be one thing. If it was an attack by North Vietnamese, it would be quite another thing. So I would not want to give any answers about what might happen in that event, but we are going to continue to give the South Vietnamese support so that they can take over the combat role and they can protect their country and they can provide for self-determination by the people of South Viet-Nam.

Mr. SCALI. Secretary Rogers, Israeli forces seem to be striking deeper and deeper in recent days into Egypt. Within the past few days, for example, Israeli commandos are reported to have cut power and telephone lines only 36 miles from Cairo itself. Are you disturbed or alarmed at these new tactics?

Secretary ROGERS. Well, we are disturbed about the general situation in the Middle East. We had hoped at the beginning of this Administration that we could play a more successful role in bringing a permanent peace in the area. So these things are disturbing. Of course, they have been going on now for some time. In fact, to some extent ever since the war in 1967. We have counselled with both sides urging them not to engage in these attacks and counterattacks. We are not strictly satisfied with the results so far. We would hope some efforts can be successful in the future to bring about a permanent peace.

Mr. SCALI. Former Vice President Humphrey, in talking about the proposals that you have put forward for peace, claims that you are sacrificing Israel for the sake of agreement with Russia. What do you have to say to that?

Secretary ROGERS. Well, there is nothing to that. I read what he said and I noticed he only made one comment about it and I think he at that time may not have read the proposal that we made because our proposal had nothing like that in it at all.

We continue our fundamental support for Israel. There is no question about that. Israel knows it. What we are trying to do is to see if it is possible to bring the parties together in a negotiating stance. Since the war in 1967, the parties have not negotiated at all and we are doing what we can and we think we have an obligation, a responsibility to do all we can, to bring about a permanent peace and the only way that is going to come about is if the parties negotiate.

Mr. CLARK. Mr. Secretary, we have not been very successful since the end of the war between Nigeria and Biafra in getting new supplies of food into Biafra. Are you satisfied with reports from the scene that indicate there is no immediate evidence of mass starvation in Biafra?

Secretary ROGERS. Well, you are never satisfied in this kind of a situation, but I think we are pleased about the attitude of General Gowon and the Government of the Federal Republic of Nigeria. They have, as you know, declared a general amnesty. General Gowon has instructed his troops to deal with the Biafrans with great consideration. The Nigerian Red Cross has been very active. I notice the Pope made a statement this morning which was somewhat encouraging on what he had found so, on the whole, I think we feel by working through the Federal Government in Nigeria that the United States can do the best possible job in providing food and medicine to those in need.

Mr. CLARK. Would you expect to include Nigeria on your forthcoming tour of Africa?

Secretary ROGERS. Yes, Mr. Clark. I am going to announce tomorrow a trip which will start on February 7th. I will visit ten countries in Africa, including Nigeria.

Mr. SCALI. Your Nigerian stop is a new one, is it not, Mr. Secretary?

Secretary ROGERS. No, it isn't as a matter of fact. I am going to visit—start in Morocco, Tunisia, Ethiopia, Kenya, Congo, Zambia, Cameroon, Nigeria, Liberia and Ghana. We have had under consideration from the very first consideration of a stop in Nigeria and we were asked by the Ambassador from Nigeria to stop there—he made the request two or three months ago, so it is not an add-on. We were not sure, of course, what the condition would be when we arrived, but now that the war is over, there is no doubt about it.

I visited Nigeria in 1960 and have a tremendous interest in the country. It is, as you know, the most populous country in Africa and has great potential.

Mr. CLARK. Would you hope, while in Nigeria, to get a first-hand look at conditions in Biafra in the wake of the war?

Secretary ROGERS. No, I wouldn't imagine I would do that. I don't think it is desirable, really, for those from the outside to get involved in that.

The reconciliation process in Nigeria has to be effected by the people in Nigeria. I think Americans have to keep in mind that the Nigerians are proud people and Gowon says he has the ability and his government has the ability to effect a reconciliation, and to provide the food and medicine and I think we should recognize that he is their leader and they obviously have pride in their country, so I think it is important for us to work through them. I think they would resent any attempt by any United States official to go to Biafra. I do think it is important for us to show that we have good will toward the people of Nigeria, that we want to do everything we can to help the people in need and I think we have done that over the last two years. In fact, in the last year we have provided about $80 million worth of food and medicine for the people in Nigeria; more than any other country in the world.

Mr. SCALI. Mr. Secretary, if we can move to a new area for a moment, Senator Fulbright has been highly critical of some of the things that Vice President Agnew has said during his recent Asian tour. He has charged that Mr. Agnew has promised far more than the United States can deliver to our allies. Do you share any such concern?

Secretary ROGERS. No, I don't at all. I think that the Vice President's trip has been a most successful trip. I have read the cables from our career Ambassadors in that area about the conversations that the Vice President has had with the Asian leaders and they have all been very complimentary.

As you know, the American press has been complimentary, and the foreign press has. So I would say that the statements that the Vice President has made, the private conversations he has had, have accurately portrayed the policies of President Nixon. I think he has done so very successfully.

Mr. SCALI. The Senate Foreign Relations Committee, headed by Senator Fulbright, is going to open a new round of hearings, as you know, into Viet-Nam, and resolutions involving Viet-Nam. Do you have any misgivings about more hearings on Viet-Nam at this stage?

Secretary ROGERS. I am rather careful about advising the Senate what to do. I don't think it is probable—I think it is counter-productive. I will say that we have been cooperative with both committees, both in the Senate and the House, and we are very happy to give them all the information that we have about the situation in Viet-Nam. I must say that, as you know, Secretary Laird and I have testified recently before Senator Fulbright's Foreign Relations Committee, and there is very little we could add now, and I am not sure that further public hearings would serve any useful purpose, but that is a decision that the Senate has to make.

Mr. CLARK. Of course, these hearings are going to be public. That would be the plan. You don't feel that the new round of hearings would serve any useful purpose?

Secretary ROGERS. It depends, of course, on what the hearings are about. There are some resolutions up there which would normally require some hearings, and I am not talking about that, but I am talking about another major public hearing about Viet-Nam. I am not sure that any useful purpose would be served by that.

Mr. CLARK. Does that mean that you personally would be reluctant to testify publicly at these new hearings?

Secretary ROGERS. No.

Mr. CLARK. If they ask you, you will testify?

Secretary ROGERS. No, I have indicated to the committee that I will not refuse to testify. We are not going to have that situation repeated, but I think the Congress is made up of responsible individuals and I think they will want to ask themselves what is the point of further hearings. No war in the history of the United States has ever been publicized the way this one has been, so I just wonder whether it is useful or not.

Mr. SCALI. Mr. Secretary, in reshaping our Asian policy, President Nixon has decided that henceforth, learning from Viet-Nam, Asian nations must supply the manpower to fight subversion, both external and internal, and that we will supply the equipment and the advice.

Mr. Secretary, what happens if the Asians, despite all their best efforts, despite all of their determination, do not succeed in checking whatever subversion is involved? Doesn't this then confront us with the same kind of decision that confronted Mr. Kennedy and President Johnson?

Secretary ROGERS. Well, I suppose it might in some situations although we have learned, I believe, that we can't control every situation in the world and if those nations are not able to handle subversions, we probably can't. We certainly can't with using American troops, and I think the more we let them know that it is their responsibility, the less we will be called on for help.

Mr. SCALI. Mr. Secretary, in outlining the new Nixon doctrine in Asia, we have also said repeatedly this does not mean that we will back away from the existing commitments which we have to defend key allies, but what puzzles me is whether such assurances are as believable as they used to be because at the same time we are starting withdrawal of American forces from the area.

Secretary ROGERS. I think that is a good question and I think that is a question in the minds of many Asians. I believe though, as a result of the trips by President Nixon, Vice President Agnew and myself, that we have tended to put their minds at ease. We can live up to our treaty responsibilities and still reduce our presence in Asia, and we are reducing our presence in Asia and I think we have assured them to their satisfaction that we mean it. We are going to live up to our treaty obligations.

Mr. CLARK. One of the question marks about the Asian doctrine, Mr. Secretary, is what it means in relation to our present military commitments in Asia. Would you, for instance envision that the Asian doctrine will eventually result in withdrawal of the 50,000 American troops in South Korea?

Secretary ROGERS. Well, we don't have any present plans to reduce our troops in South Korea, but undoubtedly the troops will be gradually reduced over a period of years. Now that will be a decision the President has to make down the road a bit. But of course it does, it means we will gradually reduce our troop strength in some of these areas depending on the circumstances.

Mr. CLARK. So you would envision a day under the Asian Doctrine where we would no longer maintain American military forces in South Korea?

Secretary ROGERS. I wouldn't necessarily say all of our forces. You asked the question about reducing our forces. I don't know. We certainly have no intention of forever having troops in South Korea, but I wouldn't want to suggest we are going to take all of our troops out of South Korea in the foreseeable future as long as North Korea behaves the way they do.

Mr. SCALI. What about Western Europe, Mr. Secretary? You have said we would maintain our existing troop strength until about July 1971, but after that, what happens? Can you envision our withdrawing a substantial number of these American troops?

Secretary ROGERS. There again it will be up to the President, of course. He will consider at that time the advisability of a slight reduction in our troop strength in Europe and it will depend on the events there. It is possible of course that we can have some reduction of troop strength. We don't ever intend for these situations to be permanent, but whether he will feel at that time it is advisable to have some reduction or not will depend on events.

Mr. CLARK. Why just a slight reduction, in your words, Mr. Secretary, in Europe? We are still maintaining something over 250,000 troops there, in a bustling economy in Western Europe. Why can't Western Europe carry a greater share of the burden?

Secretary ROGERS. All of these things have to be related to the situation that exists at the time. Now NATO has provided a security shield that has been very effective for a long time and we don't want to do anything to affect the stability of that area. That has certainly been a very, very wise investment. It is the security shield that has protected Europe and in effect protected the United States for the last 20 years.

Mr. SCALI. We have something like 30 seconds left, Mr. Secretary. Do you have high hopes for resumption of the talks with the Chinese which begin Tuesday in Warsaw?

Secretary ROGERS. I wouldn't say high hopes. We are pleased that they are talking in Warsaw. We hope there will be some slight progress made. We are not particularly optimistic, but we are hopeful. If we could make some progress, I think it would be very much in the public interest.

Mr. CLARK. In 15 seconds, Mr. Secretary, just what would you like to see come out of those talks?

Secretary ROGERS. Well, I would like to see some exchanges of people, students, doctors, journalists. I would like to see some slight improvement in our trade relations and so forth.

Mr. SCALI. Mr. Secretary, isn't there a danger that the mere fact that we are talking with the Chinese will cause the Soviets to hold back on potential agreements with us in such fields as limiting nuclear missiles, for example?

Secretary ROGERS. I don't think so. I know that is the conventional wisdom in Washington, but I don't believe it. I don't see any reason why we can't have better relations with both the Soviet Union and Communist China. We have relations with a lot of other nations in the world that don't get along very well, and I don't see any reason why we can't in this situation.

Now, if the Soviet Union had an idea that we were involved in some major breakthrough, that we were going to work out some major agreement that might affect the power balance of the world, that would be different, but as time goes on they are going to see that that is not the case, and I think if we can improve relations with Communist China it will be a good thing for the whole world.

Mr. SCALI. You do detect, do you not, Mr. Secretary, some degree of nervousness and apprehension in Moscow over the fact that we are beginning to talk with the Chinese?

Secretary ROGERS. Yes, that is a fact and also we detect some nervousness on the part of the Chinese Communists that we are talking with the Soviet Union on arms limitations and other talks.

Mr. CLARK. There are some Senators, as you know, Secretary Rogers, who, in an effort to restore the Senate's historic advice and consent role in making foreign policy, are suggesting repeal of all the emergency resolutions passed in recent years, and that would include the Tonkin Gulf Resolution and the Middle East Resolution and almost everything else on the books. What would be your feelings about this sort of approach?

Secretary ROGERS. Well, we are conducting a study of that to deal with those questions. We haven't completed it yet. We will let the Congress know a bit later about our conclusions. I would say this: I think you have to be careful when you repeal those resolutions that they don't create an implication that you don't desire around the world. After all, they are all dealing with situations that have long since passed. And whether it is desirable to change them all now or not is I think somewhat debatable.

Mr. CLARK. One of the Republican Members of the Senate Foreign Relations Committee, Senator Javits, has suggested in the current edition of Foreign Affairs that cabinet officers appear every now and then before closed sessions of the Senate where they would be questioned by Members about various issues. Something similar to the British parliamentary system. Would you see anything useful in this sort of approach?

Secretary ROGERS. There again that is a matter for Congress to decide. In effect that is what you do with Committees of Congress. You appear at their request, you set forth the things that you think they should know about or that they want to know about. I am not sure it would help to have the whole body involved, I am not sure that all would attend. I think the Committee system works pretty much that same way.

Mr. CLARK. Would you be concerned about such an approach swinging the balance of control over foreign policy too sharply back toward the Senate?

Secretary ROGERS. No, not at all.

Mr. SCALI. Mr. Secretary, another question on the Middle East. The French Government apparently has gone ahead and negotiated for the sale of some fifty Mirage jets to the New Revolutionary Government of Libya. Two points here: Are you concerned at all that this may upset the power balance in the Middle East, and do you think the French Government adequately informed the American Embassy in advance when questioned about this deal?

Secretary ROGERS. On the first part of the question, I don't want to answer that at the moment, that there is no concern.

On the second part of the question, we have been in consultation with the French Government about phases of it. They have told us that they will give us further information in the future, so we are not totally familiar with what the agreement is going to consist of, and until we know I wouldn't want to make any further comment.

Mr. CLARK. As a former Attorney General, Secretary Rogers, you are mentioned every time there is a vacancy on the Supreme Court as a possible

appointee to the high court. There is, of course, a vacancy at the moment. Are you available?

Secretary ROGERS. Every time there is a vacancy, my name is mentioned and, of course, I am flattered that it is mentioned, but each time I point out I am not interested in a Supreme Court appointment. I am very happy in the job I have. I think it is one of the most interesting jobs in the world, and I have no interest or desire to leave it.

Mr. CLARK. There are reports this weekend in Washington that the President has made up his mind on his nominee to the Supreme Court. If he has, I think you would probably know. Has he?

Secretary ROGERS. If I knew, I wouldn't say, but I am pleased to say that quite a few of the names that are under consideration according to the press are men that I at least had a hand in getting on the court. In my role as Attorney General, I did recommend the appointment of a good many of the men who are now actively under consideration and, of course, the Chief Justice worked with me in the Justice Department when I was there in the Eisenhower Administration.

Mr. CLARK. Mr. Secretary, I am sorry our time is up. It has been a great pleasure having you with us on Issues and Answers.

Secretary ROGERS. Thank you very much, Mr. Clark.

Senator DOLE. Mr. Chairman, I also have a statement from Senator Hansen to submit for the record to follow my statement, if I may. He is a sponsor of Senate Resolution 271.

The CHAIRMAN. Yes.

(The information referred to follows:)

STATEMENT OF HON. CLIFFORD P. HANSEN, U.S. SENATOR FROM WYOMING

It is a privilege to testify before the distinguished members of the Committee on Foreign Relations, regarding Senate Resolution 271.

This resolution is a reasonable position for the Senate to present to the American people. And I believe it is a reasonable position for America to present to the other nations of the world.

Thirty-five Senators joined as original cosponsors of this resolution, including two members of the Foreign Relations Committee, Senators McGee and Mundt. I am hopeful that the committee will see fit to give the resolution careful consideration and ultimate endorsement.

I believe that as nearly as possible, a unanimous endorsement by the Foreign Relations Committee would be most helpful in persuading unanimous endorsement of the resolution by all one hundred members of the Senate. And I believe that such an endorsement by the Senate will make this a meaningful resolution—one that will set forth clearly and simply the reason for United States involvement in Viet Nam.

The resolution sets down peace in Viet Nam as a fundamental goal of the United States at this time. That should be a statement acceptable to all Americans who pray for peace in Viet Nam, regardless of the particular procedures they have advocated for bringing about that peace.

I recognize that some Americans are not interested in whether there is peace in Viet Nam. This is not to say that those who lack this interest object to there being peace in Viet Nam. They feel it is crucial that American involvement in Viet Nam cease immediately and that the Vietnamese people be left alone to pursue their destiny—whether it be peace or continued war, with continued maiming and killing of Vietnamese people for many more years.

Even in the event of unilateral withdrawal of American forces, we know, of course, that Viet Nam would not be left alone. The United States is not the only major power involved in Viet Nam. The Soviet Union and mainland China have a large materiel political investment in Viet Nam, and there has been no indication that those two communist giants have even considered lessening their involvement and their international chess game in Viet Nam.

Nevertheless, Americans who feel that the United States should extricate itself from Viet Nam immediately and without regard to consequences to the world balance of power, or to the Vietnamese people, are entitled to their strong opinions in this matter and I do not criticize them for their beliefs.

But this resolution would define the reason for American involvement in that unfortunate Asian nation, and I believe that Americans committed to a defined goal will work united to attain that goal in the most expeditious manner.

Once the American people know that this nation is committed to achieving peace in Viet Nam, with self-determination for the South Vietnamese people, the American people will see that that commitment is honored.

Mr. Chairman and members of the committee, I thank you.

PRESIDENT THIEU'S PLAN FOR ELECTIONS

Senator DOLE. If it would not burden the record, there has been some criticism of the South Vietnamese Government, and I would like to have in the record a five-page statement on President Thieu's present plan for elections, made a part of my testimony.

The CHAIRMAN. Yes, it will be received.

(The information referred to follows:)

PRESIDENT THIEU PRESENTS PLAN FOR ELECTIONS

(Saigon Domestic Service, in Vietnamese. July 11 message by President Thieu on restoration of peace in Vietnam—recorded)

Dear compatriots, today I wish to expound once more to the compatriots the problem of restoring peace in our beloved country.

Dear compatriots, at the ceremony held when I took office, I pledged to the compatriots that I would devote all my efforts, heart, and mind to restoring peace. After years of devastating war, our Vietnamese people from north to south are eager for peace, which they have not enoyed for more than 20 years. Twenty-five years after the end of World War II and 15 years after the signing of the Geneva accords, today our Vietnam still suffers from war and death. In today's world, war cannot solve any problem. Our Republic of Vietnam people and government advocate peace, independence, freedom, sovereignty, unity, and territorial integrity. The northern authorities have stated that they advocate the same objectives. But what must be done to achieve these objectives in the most efficient way? This is the main problem. We do not believe that all differences can be settled through aggression. After causing sufferings and waging war for years, the North Vietnamese authorities must relaize that they cannot rule through violence. On the contrary, the violence which they have used in their attempt to impose slavery upon this country has brought only devastation and suffering to all the Vietnamese people in both zones. If aggression continues, no one can foretell how the situation will evolve.

God has endowed our Vietnam with many natural resources. Our Vietnamese people are active, courageous, and diligent. A bright future is awaiting all our people, if the hostilities among the Vietnamese people are stopped. Only if peace is restored in our country can the basic objectives of peace, independence, sovereignty, unification, and territorial integrity—which North Vietnam has repeatedly mentioned—be achieved in the balance of power of today's world.

In order to achieve these objectives, as President, I have made constant efforts and carried out many acts of goodwill. Today, I can reveal to you, compatriots, that prior to the start of the preliminary Paris conference, I sought the mediation of important international personalities and nonbelligerent governments in order to get peace talks between South and North Vietnam. But these efforts brought no concrete results because of Hanoi's passive attitude. On 31 March 1968, we agreed with the U.S. Government on the cessation of the bombing of the major part of North Vietnam in order to advance toward the preliminary Paris talks. Later, in November 1968, we agreed with the U.S. Government on the total cessation of the bombing of North Vietnam with the tacit agreement that North Vietnam would start serious negotiations with the Government of the Republic of Vietnam. At the same time, we also informed North Vietnam that the peace talks would be futile if the cities continued to be shelled and if the demilitarized zone continued to be violated. The next good-will gesture of our Vietnamese Government was the approval of Hanoi's having the Liberation Front sit beside it at the Paris conference table.

Although Hanoi has not respected the tacit accords on ceasing its bombardments throughout South Vietnam, we have continued to participate in the talks to

demonstrate once more our good will and eagerness for peace. We have accepted the formula of simultaneous withdrawal of communist aggressor troops and allied troops. This is another manifestation of our good will for peace. On 25 March of this year we proposed to hold, without prerequisites, secret talks with the Liberation Front in order to solve South Vietnam's internal political problems in a spirit of brotherhood.

To date, we have maintained this proposal. On 7 April, we set forth a quite complete six-point peace program which could possibly be used as a basis for discussions leading to a peace solution. Then at Midway of 8 June, along with President Nixon, I manifested the desire to seek a rational solution to this war in a spirit of patience and good will. President Nixon and I also agreed to reduce U.S. strength in Vietnam and study other future reductions of U.S. troops in accordance with a set time table. But the communists have perfidiously engaged in a progaganda campaign to distort the truth and interchange the roles of both sides, giving themselves the role of liberators and dubbing the allied troops in Vietnam as aggressors. But the truth exposed to everyone is quite the contrary. The communists started their aggression several years ago, prior to the active participation of the allied nations in the common struggle to defend freedom in this country.

A few days ago, the allied forces began reducing their strength. Everyone knows that the allied forces arrived in Vietnam after the communists had launched their aggression against the south. And today, they are reducing their strength prior to a communist agreement to withdraw from the battlefield. This is a fact which clearly shows to everyone which of the participants in this conflict is actually eager for peace. It is certainly not the communists. And in response to our repeated acts full of good will for peace, the northern communists have continued to introduce troops and weapons into the south, to violate the dimilitarized zone, and to infringe upon the neutrality and territorial integrity of Laos and Cambodia. They have continued to pound indiscriminately on innocent people and to terrorize and massacre civilians. Recently, their hopeless attacks against Tay Ninh, Ben Het, Muong Suoi in Laos, and the repeated violations of Cambodian territory have proved that they still advocate continuing the aggression and still nurture a crazy ambition for a military victory rather than desiring a peaceful solution. They continue firmly refusing to talk seriously in Paris, maintaining their unreasonable requests for the overthrow of the legal Government of the Republic of Vietnam and the unconditional withdrawal of allied forces.

Compatriots, despite this communist attitude, the war cannot go on indefinitely. It must be ended one way or another. As peace-loving nationalists, we primarily want to settle this war by adopting a conciliatory solution. Therefore, to accelerate the negotiations aimed at restoring peace, today I further prove our good will be setting forth a new, important initiative: a concrete, peaceful political solution to the war.

For a long time now, we have advocated—and the communist side has allegedly advocated—letting the southern people settle the internal affairs of the south freely and democratically. The only way in which the southern people can exercise their right to self-determination, participate in national affairs, and determine the future of the country is through elections in which they can freely manifest their choice, free from any intimidation or pressure. In this spirit, free elections can be held in conformity with the following basic principles:

1. All political forces, including the organization called the NFLSV, which is holding weapons to oppose us, can participate in the elections, provided that they renounce violence and pledge to recognize the election results.

2. To insure that the elections are correctly held, an electoral committee, in which various political forces, including the organization called the NFLSV, are represented, can be set up. The electoral committee will insure that equal opportunity is provided for every candidate in the electoral campaign.

The electoral committee will be entitled to observe the polling and the counting of ballots in order to see that the voters enjoy full freedom to vote and that the counting of ballots is completely genuine.

3. An international organization will be set up to observe the elections and (to insure) that the elections are duly held for everyone.

4. We are ready to discuss with the other side the schedule and procedures for holding elections.

5. There will be no reprisals or discrimination in the post-electoral period.

6. The Republic of Vietnam Government pledges to respect the election results, no matter how they turn out. We challenge the other side to pledge likewise.

The communist side has boastfully claimed that it controls 80 percent of the southern population. In our view, the communists only dominate, thorough violence and terrorism, a very small minority of the population. Therefore, let the communists join us in agreeing to hold elections in order to verify the truth. If the communists are really confident in their boastful statements and if they really advocate respecting the southern people's right to self-determination, they have no reason to refuse to hold free elections.

The communists can participate, free from discrimination, not only in the polling, but also in the counting of ballots under international observation. In addition, the elections are only valid when they are held under circumstances under which the southern people can exercise their right to free choice, free from any intimidation or pressure. Therefore, the problem of holding elections must be associated with the cessation of violence and terrorism and with the withdrawal, under international control, of non-South Vietnamese forces.

Today, we reassert that we are ready to hold secret talks with the so-called Liberation Front without any prerequisite conditions in order to discuss with it these problems and other problems with the aim of restoring peace and achieving national reconciliation. I hope that the other side will clearly understand that it should not misinterpret our good will for peace as a sign of weakness. The other side should not hope absurdly that it can go on being passive and stubborn and that finally we will surrender to it. We fight for the just cause and self-defense and we will be increasingly stronger. We will never tire of our struggle. Conversely, at a certain time, we will tire of always making unilateral good-will gestures. At that time, Hanoi must bear all the consequences of a protracted war, for which it must be held entirely responsible because of the sufferings it has forced our people to endure in south and north.

Dear compatriots, our present as well as previous peace initiatives have demonstrated to the world that our Republic of Vietnam holds not only good will for peace but, in contrast to the stubborn communists, has grasped every opportunity and undertaken every move to contribute toward restoring peace to Vietnam and the world. In my opinion, this is a correct action and also a duty of peace-loving nationalists. Although we are victims of aggression, we will continue our resolute struggle until the aggressors end their aggression. Moreover, our peace initiatives have proved our real strength. In fact, everyone realizes that at present the communists cannot triumph over us militarily, because they have become increasingly weakened and disintegrated, while we have become stronger and can shoulder more responsibilities in the protection of our country.

On the political plane, we challenge them to accept the test under the form of a free choice by all people. We can do so because we are confident in ourselves. We are convinced that in genuinely free and democratic choices, our Vietnamese always choose freedom. Moreover, we peace-loving nationalists have set forth the policy of national conciliation, elimination of hatred, and great national unity. We have properly carried out this policy, and today we still advocate proper enforcement of this policy. That is why we do not demand surrender from those who are opposing us. On the contrary, if they renounce violence and cruelty and accept democratic ways of life, all we want is that they—enjoying all the citizens' rights and duties—collaborate with us in reconstructing this country.

As for me, dear compatriots, with a leader's responsibility and conscience, faced with the fact that our country has been torn by war for more than 20 years, faced with sufferings and death caused to our compatriots by the cruel communists, faced with the great sacrifices of the combatants and cadres, faced with the death of innocent women and children who are massacred every day by the communists, faced with the acts of destruction endured by the nation, and faced with no choice other than continuing our heroic and persevering resistance for the defense of independence and freedom, I am constantly trying to find means to solve the war, to restore a fair and just peace, thus saving many lives for all people, avoiding suffering and mourning for the country, and preventing beloved South Vietnam from being lost to the communists.

For the sake of peace in the country, for the sake of building a powerful and prosperous south pending the reunification of the country, I cannot go against the earnest aspiration of all our people—that is, peace. Therefore, I have always devoted all my heart and mind to serving the compatriots' aspiration for peace. The communists have always boasted about peace, but they have not shown the least sign of their good will for peace. The compatriots thus realize how stubborn the communists are. They have one single objective: to take over South

Vietnam and to place the yoke of communist bondage on the South Vietnamese people's heads. Therefore, they have tried by every means possible, direct or indirect, immediate or protracted, to achieve this purpose.

The communists have boastfully called for a so-called peace cabinet in the south to talk with them. I have told them, and today I remind them, that the present government headed by myself is a peace government. The present administration, representing the peaceful people of South Vietnam, is a peace administration. We have proved this through our words and deeds and through our many initiatives which we have carried out. We want them to negotiate with us in a serious and fruitful manner so that we may advance quickly toward peace.

Today, I put forth another peace initiative, because I feel it my duty and my responsibility to the compatriots to do so, because I must put national requirements and the compatriots' aspirations above all. Between our beloved country's continued endurance of war and our compatriots' continued endurance of suffering and mourning and a just, genuine peace—which can be restored by peaceful means, insuring that the country will not fall into communist hands, as I have just said—I find it my responsibility to the fatherland and the compatriots to take the road of peace whenever I can, without harming the fatherland or betraying the compatriots.

Compared with the fatherland's supreme interests and the compatriots' aspirations, my personal position or interests are meaningless. Therefore, I hope that the peace initiative I put forth today will be approved by the compatriots of every stratum and by all brother and sister combatants and cadres. This is a way of settling the war by peaceful, sensible, and reasonable means which we can accept in order to restore peace.

I am convinced that whenever concrete conditions have been created for the southern people to actually exercise their right to self-determination through really free, democratic elections conducive to the restoration of a just, genuine, and guaranteed peace in the country, the compatriots will approve and support the restoration of peace.

I am firmly convinced that when the right to self-determination and to free choice is exercised, all our freedom- and democracy-loving southern people will emerge victorious, and that all our southern people, 17 million as one, will then choose freedom and democracy.

With patriotism and the spirit of self-reliance, I am determined not to submit to violence. The just cause will triumph over fallacy. We, nationalists, will defeat the communists. At that time, I think, I will have realized my personal aspiration and the compatriots' aspiration for a just, genuine peace in this beloved south.

Compatriots, my affectionate salutations.

Senator AIKEN. You have not got our plans for the next election?

Senator DOLE. I do not have those plans.

WHY IS U.S. INTEREST IN SELF-DETERMINATION LIMITED TO SOUTH VIETNAM?

The CHAIRMAN. You prompt me, Senator, to ask you a question that has always puzzled me. It is my understanding now from the President's most recent statements that our present objective in Vietnam is to procure what I believe they call the opportunity for self-determination for the people of South Vietnam. Is that the proper way to put it?

Senator DOLE. That is, as I understand it generally, yes.

The CHAIRMAN. What has always interested me is, if we are willing to go to this tremendous expense in lives and money and disruption of our country for Vietnam, why aren't we more interested in self-determination, say, in Taiwan or in Spain, Portugal or Brazil, all of which we helped materially with goods and support.

It has always puzzled me why this particular aspect of our purpose is so critical in South Vietnam, a relatively small country, and is not critical, say, in Brazil in this hemisphere.

How do you explain that?

Senator DOLE. Well, I would not know how to explain that, except that we are not involved militarily in those countries.

The CHAIRMAN. We could get involved if we wanted to, I suppose.

Senator DOLE. Well, I hope we do not become involved.

The CHAIRMAN. I hope we do not, too. I just wondered why, if this is the objective, it is of such overwhelming importance that it would require all that we are doing. Do you agree that is the objective?

Senator DOLE. I agree that is probably a basic objective. I am not certain what the objective was when we went into South Vietnam, but that appears to be the objective now.

The CHAIRMAN. I think it was just a plain miscalculation and mistake, but other people have different views about that. But as of the moment, as I understand it, within just weeks, the Administration has stated that the objective now for continuing the war is to give the South Vietnamese the opportunity for self-determination.

It puzzles me every time I hear that, why we are not more concerned about this right in other countries to whom we are giving substantial assistance. It is not as if we were not doing anything for them. We are in the process of actively giving very large grants of money to the Spanish Government to support it. We have given it hundreds of millions of dollars, and yet I do not know of anyone who maintains that it has self-determination.

Senator AIKEN. Mr. Chairman, I think that that statement, to give Vietnam self-determination, was made several years ago. I do not know that there has been anything recently about it, although I believe everybody hopes they will have self-determination.

Senator DOLE. I think about 1950.

Senator AIKEN. And then we sent 55,000 troops to make sure they had self-determination.

Senator DOLE. We started economic aid in May of 1950, and there has been a buildup since that time.

The CHAIRMAN. The aid in 1950 was not to the people of South Vietnam as much as it was to the French. The whole rationale for it, and the purpose, was to enable France to maintain its control of its colony. Is that not a fact?

Senator DOLE. I would assume that is true. They did not have much success.

The CHAIRMAN. No, but that was its purpose. I mean that was the whole incentive. It was sold to the country for that purpose.

STATEMENTS OF REPUBLICAN CONGRESSMEN ON VIETNAM WAR

Senator DOLE. I would like to make another brief insertion in the record of a statement made by certain Republican members of the House of Representatives, including Charles E. Goodell, who was at that time Chairman of the Committee on Planning and Research, with reference to the war in Vietnam, a brief excerpt from a booklet published by the Research and Planning Conference of the House in 1965 and 1966.

The CHAIRMAN. Yes, that will be received.

(The information referred to appears in the apuendix on p. 363.)

Senator AIKEN. I think the record will show that our military leadership, or most of it, recommended our sending in military personnel to help the French in 1953–1954, but President Eisenhower said, no. He disagreed with his military leadership.

Senator DOLE. I think in 1960 there were fewer than 700 advisers, American military advisers, in that country.

Senator AIKEN. That is right.

Senator DOLE. And no deaths.

Senator AIKEN. And in 1963 the number rose to about 35,000, I think, when President Diem was assassinated. Then it went up from there.

Senator DOLE. But the crisis, of course, worsened in those years, and was probably the reason for the buildup.

The CHAIRMAN. I do not wish to make any point of it, but you are quite right. As I recall, the figures when President Kennedy took office were less than 800. I forget the exact number. When President Kennedy died, I believe the closest figure I remember was 16,000. He had, after his encounter with Khrushchev and his disaster at the Bay of Pigs, sent troops both to Germany and to Vietnam as kind of an overreaction to that disaster.

Our support of the French in Vietnam was the only time I know of in our history that we supported a colonial power in order to keep it in control of a colony. The French had a very well-known plan called the Navarre Plan, which they described to this Committee, as I recall. I believe it was General Navarre, one of the Generals, who described how they were Vietnamizing the war under a plan very similar to ours.

RADIO OF FREE ASIA

I have just been handed your letter, Senator Dole, about the soliciting of funds for ROFA, and I just want to clear the record. An attachment to the letter says, "A project of the Korean Cultural and Freedom Foundation, Incorporated," and your letter says contributions are tax-deductible.

This is the first time I have ever heard of this organization, and it aroused my curiosity. In order that there be no misunderstanding of my comments, I will put the letter and attachments in the record just to clarify it.

(The information referred to follows:)

U.S. SENATE,
Washington, D.C., January 16, 1970.

Mr. S. P. TILLMAN,
Washington, D.C.

DEAR MR. TILLMAN: I am writing to you because I'm certain you share my conviction that the fight against Communism is the responsibility of all Americans.

It is now time for the Directors of Radio of Free Asia (ROFA) to prepare the budget for 1970. But not until they know how much you, Mr. Tillman, can contribute, will they know how many broadcasts they can send into Red China and North Korea.

These are the broadcasts that tell of freedom, of God, and of life in America. But these programs cannot be scheduled for 1970 until they hear from you.

I am happy to report to you that Radio of Free Asia made impressive progress in 1969. ROFA broadcast a total of 1,930 hours and 30 minutes in 1969, a substantial gain of 639 hours more than the 1,291 hours broadcast in 1968, and a remarkable increase of over 32 times more hours broadcast since 1966.

As you well know, Communism is an international conspiracy. The foundation

of that conspiracy is to bring about a Communist takeover in the United States and to capture the hearts and minds of our young people.

Many of the campus riots, the seizure of buildings, the looting and burning of offices, and the holding of school authorities as hostages, are engineered by Communists, many of whom follow and implement the teachings of Mao Tse-Tung.

One of the weapons used in the destruction of the moral fibre of our youth is drug addiction. A U.S. Bureau of Narcotics report states that in the first six months of 1969, the number of known drug addicts under age 21 increased by 41% over the year 1968.

Nor should we ever forget that one of the deadliest drugs of all—heroin—isn't grown in our back yards. Much of it is smuggled into this country from Red China.

The Chinese Communist effort to destroy America is not limited to drugs. It includes hard core pornography and Communist writings that are widely distributed on college campuses to our children.

They broadcast their propaganda to lonesome and homesick American soldiers in South Vietnam and South Korea.

The only way to eliminate Communism is to stop it at its source. If Communism can be defeated in Red China and North Korea, it will have suffered a devastating and probably fatal blow to its goal of world conquest.

The fight against Communism means the fight to stop the flow of drugs to our youth, the flood of pornography and to stop the Black Panthers who look to Red China for their leadership.

No one likes to be told what he could or should give. Your friendship or assistance is too valuable to do this. But I do know that whatever you can do to help ROFA will be deeply appreciated. This is the reason why I am writing to you now. I feel just as strongly about ROFA and its goals as do my many colleagues who are members of its Advisory Council.

Enclosed is a contribution card and return envelope. Please send ROFA your maximum contribution, as much as you feel you can possibly afford. Radio of Free Asia is depending solely on your generous support to meet the great Challenge for Freedom in 1970.

Radio of Free Asia, in turn, will record your name in its 1970 Broadcast Sponsorship Honor Roll as part of a permanent file in the archives of ROFA's headquarters in Seoul, Korea.

It is my duty to remind you that ROFA receives no subsidy or financial assistance from the U.S. Government or any other government. Your donation to ROFA is completely tax-deductible and your company or foundation can also make tax-deductible contributions to ROFA.

May I close with this thought. Your contribution is a double edged sword, striking out at Communism both at its source and at its attempts to gain ground in America.

Sincerely yours,

ROBERT DOLE, *U.S. Senator.*

P.S. If there is any way that you possibly can, please respond by return mail, today. ROFA's budget meeting will be held very soon. To know that they can count on your maximum support will be most helpful.

RADIO OF FREE ASIA,
Washington, D.C.

DEAR SENATOR DOLE: I share your concern for the vital need to strike at the roots of Communism in Red China and North Korea.

To help Radio of Free Asia in 1970 in the fight to stop Communism at its source, I am enclosing my maximum ☐ Personal ☐ Company or (Foundation) contribution for:

$1,000_____	$500_____	$250_____	$100_____
$50_____	$25_____	$10_____	Other $_____

(Please make checks payable to: Radio of Free Asia)

Mr. ☐
Mrs. ☐
Miss ☐
Other ☐ _____
Street Address_____
City_____ State_____ Zip Code_____

Radio of Free Asia is a project of the Korean Cultural & Freedom Foundation, a non-profit organization. All contributions are tax-deductible.

RADIO OF FREE ASIA—A PROJECT OF THE KOREAN CULTURAL AND FREEDOM FOUNDATION, INC.

HONORARY PRESIDENTS

Honorable Harry S. Truman
General Dwight D. Eisenhower
(1964–1969)

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His Excellency You Chan Yang, *Ambassador at Large, Republic of Korea*

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Col. Bo Hi Pak, *Executive Director*
Mr. Chong Hoon Kim, *Operations Director*
Mrs. Sylvia R. Reiter, *Secretary*
Mr. Charles M. Fairchild, *Treasurer*

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Desi Arnaz
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Robert Considine
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Mr. Mark Evans, Vice President and Director
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Mrs. Mary Dorr, President
American Women in Radio & Television

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[1] Partial listings.

RADIO OF FREE ASIA—THE FREE WORLD'S WEDGE AGAINST THE SEALED WORLD OF COMMUNISM!

TO BREAK THE CHAINS OF IGNORANCE AND SLAVERY . . . SPECIAL PROGRAMS . . . SPECIAL EVENTS . . . THAT INFORM AND INSPIRE

Lt. Kim Shin-jo, sole survivor of a 31-man North Korean Communist Commando team, sent on a mission to assassinate the President of South Korea, exposed in a ROFA interview how he had been deceived by his Red Masters. Lt. Kim said that he was grateful to his former Red Premier who selected him for this awful mission, because through this, he obtained "a one-in-a-million chance for freedom."

A special memorial series of broadcasts based on the inspiring life story of General Dwight David Eisenhower brought truth about America's fight for freedom by describing how General Eisenhower commanded history's largest military force in World War II—and yet he and America did not keep one foot of territory or enslave one single person.

One billion people in Red China and North Korea were denied the news of Apollo 11 and man's first moon landing, but ROFA took the chance of a lifetime—the chance to broadcast every detail of the moon shot and moon landing to the blacked out millions. Over 450 special programs spotlighted the news of man's landing on the moon, the "great leap for mankind" that could only have been made in the free world.

And there will be many more special projects. ROFA is ready. When the free world achieves extraordinary greatness . . . when the slave world of Red Asia makes a disastrous mistake . . . when the call to freedom can be made loud and clear . . . the powerful transmitters of ROFA are ready, the dedicated workers of ROFA are ready, ROFA asks you to be ready, too. Make your contribution to the most effective weapon now working against Red Asia—the truth broadcast by ROFA . . . the truth ROFA broadcasts every day.

EVIDENCE OF RADIO OF FREE ASIA "BREAKTHROUGH"

Recently, the South Korean government was startled by the sudden, unexpected surrender of Red North Korean espionage agent Hong Sa Chang. He gave up his Red Spy mission and sought freedom.

It was a triumphant day for Radio of Free Asia. This Red Spy testified that his motivation for defection came long before he left the Red capital. He had been a listener to ROFA and the broadcasts gave him the motivation to defect. This former Red Spy came to the ROFA microphone and gave splendid testimony to millions of captive people.

He said: "I first heard ROFA in the capital of North Korea through my secret radio at night. I could not believe my ears. I was hesitating as to whether I should accept the program as truth. It was a matter of life or death. But when I kept on listening, I knew ROFA was telling the truth and I accepted it. Then I planned my defection. Now, I have freedom and my life is deeply indebted to Radio of Free Asia."

What do the people hear that is worth risking their lives for? They hear the news. Real news. Not slanted or rewritten.

They hear the eye-witness interviews of ex-Communists who have found their way to freedom.

They hear stories of Great Advancement, dramatic readings of man's ceaseless search for liberty even under the tyranny of Communism.

They hear about the heroes of Freedom, prominent Freedom-fighters against the Communists.

They hear about the Irrationality of Communism—discussions of communist theory and ideology analyzed and criticized by specialists.

They hear about the superiority of Democracy—democracy is explained and extolled by experts in reaching and informing the Asian people.

They hear how it really happened—the truth behind the news which reveals conspiracies and lies of the Communists.

A GENERATION TAUGHT TO DENY AND REVILE GOD . . . NOW HEAR HIS WORD

To the Asians, with their deep religious feelings, the denial of God is one of the most terrible Communist doctrines. ROFA's religious programs bring the Word of God to some who have almost forgotten Him . . . to many who have

known Him . . . to those who turn in prayerful Thanksgiving to the goodness, the wisdom, the glory of God.

IN THREE SHORT YEARS ROFA HAS BECOME A POWERFUL VOICE FOR FREEDOM IN ASIA . . . TRUTH TO ONE BILLION ENSLAVED MINDS

In August of 1966, a dedicated band of anti-Communists . . . men who knew Asia . . . who believed in the future of a Free Asia . . . who had fought their way out of the total oppression of the Communist way of life . . . joined together.

They worked around the clock to produce timely broadcasts of the truth. They still do. And that work has paid off in freedom!

When the ROFA staff first started broadcasting, they could only send a message four hours a week. They had makeshift equipment, that was begged or borrowed. And yet, even in the beginning, people listened, and acted. Defectors from the Communists credited ROFA with awakening them to the belief in freedom. Time and again references were made to ROFA by Freedom seekers. The Red hierarchy began to denounce ROFA more and more fiercely as it became a greater threat.

NOW IN THREE SHORT YEARS—LOOK AT THE ROFA VICTORIES.

• Broadcasts have increased from 4 hours to 44 hours a week, eleven times more broadcasting time than ROFA's initial commencement of operations.

• In the last year, the powerful 500,000 watt transmitters located in Seoul, South Korea broadcast a total of 2,920 programs into Red China and North Korea.

NOW AMERICANS EVERYWHERE ARE UNITING IN SUPPORT OF ROFA

"We are retired with not too much income now, but wish to help Radio of Free Asia even just a little."—Mr. A. T.—Sodus, New York.

"Enclosed is my check to help ROFA fight Communism in Asia."—Mr. V. H.—Pottersville, New Jersey.

"I will most certainly send a contribution. I have been donating from time to time to ROFA and think it is a very worthwhile cause. I will continue to do so on a regular basis."—Mrs. D. C.—Fairfax, Virginia.

"Communism has stifled spiritual development, initiative, responsibility and brotherhood. Thank God for organizations like ROFA."—Mrs. H. M. C.—Villa Park, Illinois.

"I am living on a small pension, but please accept my contribution, as I think it will go to a good cause."—Mr. S. R. G.—Harrisburg, Pennsylvania.

"Radio of Free Asia is a valuable and worthwhile means through which communism can effectively be fought and anti-communism effectively nurtured."—Adm. ARLEIGH BURKE (Ret.).

"Radio of Free Asia's programs, in my opinion, are sound and will accomplish its mission. I urge you to give your wholeheartened support."—ROBERT CONSIDINE.

"I urge all Americans to support Radio of Free Asia. I know the effect broadcasting can have over man's mind and action."—BING CROSBY.

"ROFA is to be congratulated for building a bridge of truth between the free world and the captive millions behind the Bamboo Curtain."—DWIGHT D. EISENHOWER (1890–1969).

"The Free World must penetrate the Bamboo Curtain with a message of truth for the millions locked behind it or the hearts and minds of those millions will perish in servitude."—Congressman GERALD R. FORD.

"The work by Radio of Free Asia is tremendous and I wholeheartedly endorse it."—SAMMY KAYE.

"The willing contributions of fine Americans in support of Radio of Free Asia are a vital sign to millions of the real meaning of freedom and justice."—Senator KARL MUNDT.

"Liberty's foundation rests on truth. Radio of Free Asia's ability to broadcast the truth to the Asian people makes it an invaluable service for America."—Senator GEORGE MURPHY.

"Our support of Radio of Free Asia is vital in telling the Korean people that they are not alone in their fight against Communist aggression. I urge all Americans to help ROFA!"—Gen. MATTHEW B. RIDGWAY (Ret.).

"ROFA deserves the enthusiastic support of all of us who are lucky enough to live in the free world. I for one heartily endorse the campaign it has been conducting."—LOWELL THOMAS.

"ROFA plays a major role in containing the communist advance in Asia. I'm convinced ROFA's work is in the very best interests of America and the World."—Senator JOHN TOWER.

"ROFA is one of the most effective weapons now working against world communism."—JOHN WAYNE.

(The following information was later supplied by Senator Dole:)

THE KOREAN CULTURAL AND FREEDOM FOUNDATION, INC.,
Washington, D.C.

To Senator ROBERT DOLE.
From Bo Hi Pak.
Re the Korean Cultural and Freedom Foundation: Radio Free Asia.

ROFA is a project of the Korean Cultural and Freedom Foundation, Inc., and is a non-profit American corporation devoted to patriotic, educational and charitable causes. This corporation was founded in 1964 in the District of Columbia. The Treasury Department issued a Tax Exemption certificate on September 17th, 1964 under which voluntary contributions are made tax deductible. This organization is non-governmental, therefore in no way affiliates either directly or indirectly with the U.S. government or with any other government. The source of fund is solely coming from the voluntary contributions of the supporters of the Foundation.

This Foundation now has approximately 50,000 standing supporters primarily from the U.S. and some from other citizens of the free world. This number of supporters are daily increasing. During 1964 when this Foundation was founded, there were only a handful of supporters and now it has reached 50,000 with a further projection that by the end of 1971, supporters of this organization will be well over 100,000 freedom loving Americans.

This Foundation was primarily organized by good friends of Korea and strong anti-Communists who are not only sympathetic to the Republic of Korea but feel deeply about the important role of this country for the containment of Communism in Asia.

General Dwight D. Eisenhower was a moving spirit for this Foundation. He assumed the first Honorary Presidency of this Foundation and stressed the importance of it from his philosophy on the people-to-people movement. (See statement attached.) Later, former President Harry S. Truman joined him as Honorary President and is still serving.

The first Chairman of the Board was the well known Navy Admiral, Ret., Arleigh Burke. Now, Mr. L. William Horning, retired business executive is serving as Chairman of the Board. Members of the Board of Directors are to be found here on this stationary—primarily Americans and a few Korean citizens.

The first project of this Foundation was not Radio of Free Asia: it was the cultural exchange program between Korea and the United States, known as the Little Angels of Korea which is a children's folk dancing troupe organized by this Foundation who already made their fourth U.S. and world tour.

This September, 1970, the troupe is returning to the U.S. on their 5th triumphant tour. It was this cultural program which was acclaimed by the New York Times as being a "phenomenal company." The Korean Little Angels served to increase American understanding of the Korean culture and also to enhance tremendously the good will of the two countries.

Shortly thereafter, on August 15th, 1966, as the freedom project of the Foundation, we launched the project Radio of Free Asia. This program is a broadcasting service designed to provide the truth about the free world for the isolated masses of Asians behind the Bamboo Curtain. It is strictly a private and non-profit endeavor, not speaking as the official voice of any government. It is rather a "free press in exile" for the less fortunate people to whom information service is blocked, grossly distorted and absolutely lacking.

This project was launched from Seoul, Korea on August 15, 1966 when Korea celebrated their Liberation Day, in order to give more significance to the project. The first programs were 4 hours weekly broadcasts in Chinese and Korean, aired from the leased station KBS located in Seoul, Korea. This station is equipped with 500 kilowatt transmitters, one of the foremost facilities in Asia. The broadcasts were initiated in medium wave as well as short wave in several different frequencies. Maximum impact was the aim.

This project was enthusiastically given public support here in America and

in Korea and the programs have been steadily developed and expanded. The following figures are the statistics of ROFA's accomplishment:

		Hours
1966	120 Programs	60
1967	819 Programs	409½
1968	2,583 Programs	1,291½
1969	2,920 Programs	1,930½

These ROFA programs were pursuing four objectives:

(1) Freedom on the offensive
(2) Broadcasting of the truth about the free world
(3) Enhancing the spiritual values
(4) Companionship to millions

ROFA programs cover five major areas:

(A) News . . . happenings in the free world as well as news about the listener's own country.
(B) Commentary and press reviews
(C) Religious Programs
(D) Educational Programs
(E) Cultural Programs

The unique quality of ROFA has been demonstrated by its special feature programs. ROFA interviewed numbers of Red defectors to freedom, and broadcast it. In more recent days, dramatic special programs featuring the Apollo 11 Moon Landing was aired. (This news was totally denied by Red Asia's news media.) Thus, we truly demonstrated how we served as the "Bridge of Truth" between freedom and tyranny. Incidentally, this slogan came from General Eisenhower's message to the American people which complete text is attached for your information.

In addition to the above mentioned Board of Directors, ROFA has distinguished Americans on its Advisory Council. This consists of United States Senators, Congressmen, Governors and other distinguished Americans. From Senators alone, we have received many testimonials expressing their enthusiastic support for ROFA. Their names are:

SENATORS

Gordon Allott	Jack Miller	Clifford P. Case
Birch Bayh	Karl E. Mundt	Peter H. Dominick
Carl T. Curtis	William W. Proxmire	James G. Eastland
Thomas J. Dodd	Winston E. Prouty	Jacob K. Javits
Paul J. Fannin	Hugh Scott	George Murphy
Hiram L. Fong	John G. Tower	Warren C. Magnuson
Charles E. Goodell		

and more recently, we have received testimonials from:

SENATORS

Alan Bible	Robert P. Griffin	John Sparkman
Harry F. Byrd, Jr.	Richard B. Russell	Milton R. Young
Barry Goldwater	Herman E. Talmadge	

Except for several of these, all the above Senators are now members of the ROFA Advisory Council. We have more than 50 House of Representative members serving as Advisory Council, including Speaker McCormick and Minority Leader Gerald Ford and more than 10 governors. Among Hollywood celebrities are Bing Crosby, John Wayne, Don Defore and Robert Stack.

For your information, I copied other Senators' letters of acceptance to serve as Advisory Council members and am enclosing some testimonials.

Annual audits of the financial status have been made since its inception in 1964 by notable CPA's and the proper reports to IRS have been annually filed. The Foundation has undertaken various programs (attached herewith find financial statement for year ending June 30th, 1969 for your reference). However, since the Foundation has undertaken many projects, all figures in this report do not correspond to ROFA necessarily. But the Foundation handles ROFA as one project and all expenses for this program are shown clearly in the statement.

Two major sources of fund for the Foundation are (1) voluntary contributions of supporters and (2) the Little Angels performance fees. The Foundation does

not receive any subsidy from any individual agencies, openly or secretly. Our books are open to the public on this matter.

I hope the above information will help you to understand our program better.

With warmest personal regards,

Very truly yours,

BO HI PAK, *President.*

P.S. President Nixon was one of the members of the Board of Directors of this Foundation before he was elected President of the United States. You may be interested to see President Nixon's letter of endorsement and statement so I enclose herewith a copy.

Of course, as soon as he was elected President, this organization voluntarily deleted his name from the organizational structure, not using any of his statement in our promotional material because we thought it was the proper thing to do.

THE KOREAN CULTURAL AND FREEDOM FOUNDATION, INC., WASHINGTON, D.C.

HONORARY PRESIDENTS

Harry S. Truman
Dwight D. Eisenhower (1964–1969)

HONORARY CHAIRMAN

His Exc. You Chan Yang, *Ambassador at Large, Korea*

OFFICERS

L. William Horning, *Chairman of the Board*
Bo Hi Pak, *President*
Chong Hoon Kim, *Vice President for Operations*
Mrs. Sylvia R. Reiter, *Secretary*
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Miss Morna H. Yoon, *Assistant Treasurer*

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Gen. Isaac D. White, USA (Ret)
Hon. Clement J. Zablocki

U. S. TREASURY DEPARTMENT
INTERNAL REVENUE SERVICE
WASHINGTON 25, D. C.

IN REPLY REFER TO
T:E:EO:4
SMLo

SEP 17 1964

The Korean Cultural and Freedom
Foundation, Inc.
1026 Connecticut Avenue, N. W.
Washington, D. C. 20036

PURPOSE	
Charitable and Educational	
ADDRESS INQUIRIES & FILE RETURNS WITH DISTRICT DIRECTOR OF INTERNAL REVENUE	
Baltimore, Maryland	
FORM 990-A REQUIRED	ACCOUNTING PERIOD ENDING
☒ YES ☐ NO	June 30

Gentlemen:

Based upon the evidence submitted, it is held that you are exempt from Federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code, as it is shown that you are organized and operated exclusively for the purpose shown above. Any questions concerning excise, employment or other Federal taxes should be submitted to your District Director.

You are not required to file Federal income tax returns so long as you retain an exempt status, unless you are subject to the tax on unrelated business income imposed by section 511 of the Code and are required to file Form 990-T for the purpose of reporting unrelated business taxable income. Any changes in your organization's character, purposes or method of operation should be reported immediately to your District Director for consideration of their effect upon your exempt status. You should also report any change in your name or address. Your liability for filing the annual information return, Form 990-A, is set forth above. That return, if required, must be filed after the close of your annual accounting period indicated above.

Contributions made to you are deductible by donors as provided in section 170 of the Code. Bequests, legacies, devises, transfers or gifts to or for your use are deductible for Federal estate and gift tax purposes under the provisions of sections 2055, 2106 and 2522 of the Code.

You are not liable for the taxes imposed under the Federal Insurance Contributions Act (social security taxes) unless you file a waiver of exemption certificate as provided in such act. You are not liable for the tax imposed under the Federal Unemployment Tax Act. Inquiries about the waiver of exemption certificate for social security taxes should be addressed to your District Director.

Your District Director is being advised of this action.

If distributions are made to individuals, case histories regarding the recipients should be kept showing names, addresses, purposes of awards, manner of selection, relationship if any to members, officers, trustees or donors of funds to you, in order that any and all distributions made to individuals can be substantiated upon request by the Internal Revenue Service. (Revenue Ruling 56-304, Cumulative Bulletin 1956-2, page 306.)

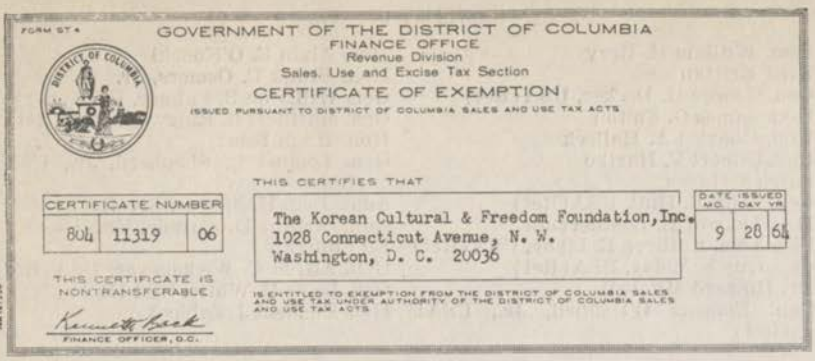
Since your operations have been limited, this ruling is based on the understanding that your continuing operations will conform to those proposed and evidenced to date.

Very truly yours,

Acting John R. Barlow
Chief, Exempt Organizations Branch

Every exempt organization is required to have an Employer Identification Number, regardless of whether it has any employees. If your organization does not have such a number, your District Director will take steps to see that one is issued to you at an early date.

FORM 6977 (REV. 8-62)



FORM ST-4

GOVERNMENT OF THE DISTRICT OF COLUMBIA
FINANCE OFFICE
Revenue Division
Sales, Use and Excise Tax Section

CERTIFICATE OF EXEMPTION

ISSUED PURSUANT TO DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

CERTIFICATE NUMBER: 804 | 11319 | 06

THIS CERTIFIES THAT

The Korean Cultural & Freedom Foundation, Inc.
1028 Connecticut Avenue, N. W.
Washington, D. C. 20036

DATE ISSUED: MO. 9 | DAY 28 | YR 64

THIS CERTIFICATE IS NONTRANSFERABLE

IS ENTITLED TO EXEMPTION FROM THE DISTRICT OF COLUMBIA SALES AND USE TAX UNDER AUTHORITY OF THE DISTRICT OF COLUMBIA SALES AND USE TAX ACTS

Kenneth Peck
FINANCE OFFICER, D.C.

The Korean Cultural and Freedom Foundation, Inc.

FINANCIAL STATEMENTS

YEAR ENDED JUNE 30, 1969

with

REPORT OF CERTIFIED PUBLIC ACCOUNTANT

Richard J. Harrington, CPA

CONTENTS

Report of Certified Public Accountant

Financial Statements (Cash Basis)

Statement of assets, liabilities and equity

Statement of income and expenses

Note to Financial Statements

RICHARD J. HARRINGTON
CERTIFIED PUBLIC ACCOUNTANT
6705 22ND PLACE
HYATTSVILLE, MARYLAND 20782

The Board of Directors
The Korean Cultural and Freedom Foundation, Inc.

I have examined the accompanying statement of assets, liabilities and equity of the Korean Cultural and Freedom Foundation, Inc., at June 30th, 1969, and the related statement of income and expenses for the year then ended, both prepared on the cash basis of accounting. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as I considered necessary in the circumstances.

In my opinion, the above statements present fairly the assets, liabilities and equity of the Korean Cultural and Freedom Foundation, Inc., at June 30th, 1969 and its income and expenses for the year then ended on the cash basis of accounting applied consistently with that of the preceding year.

Richard J. Harrington

November 7, 1969

Richard J. Harrington

The Korean Cultural and Freedom Foundation, Inc.

STATEMENT OF ASSETS, LIABILITIES AND EQUITY

(Cash Basis)

June 30, 1969 and 1968

	1969	1968
ASSETS		
Cash:		
Checking Accounts	$29,272	$52,425
Savings accounts ($10,000 pledged in 1968)	25,794	12,193
On hand	413	1,373
Total Cash	55,479	65,991
Accounts receivable	2,456	—
Securities on hand	1,191	—
Property and equipment, at cost:		
Furniture and equipment	37,713	18,050
Leasehold improvements	3,048	1,360
	40,761	19,410
Less accumulated depreciation and amortization	8,135	4,111
Net property and equipment	32,626	15,299
Deposits	418	127
	$92,170	$81,417
LIABILITIES AND EQUITY		
Liabilities:		
Accounts payable	$ 7,001	$ 4,161
6½% demand note payable to bank (secured by saving account)	10,000	10,000
Withholding taxes payable	997	484
Total liabilities	17,998	14,645
Equity:		
At beginning of year	66,772	97
Income over expenses	7,400	66,675
At end of year	74,172	66,772
	$92,170	$81,417

The Korean Cultural and Freedom Foundation, Inc.

STATEMENT OF INCOME AND EXPENSES

(Cash Basis)

Years ended June 30, 1969 and 1968

	1969	1968
INCOME		
Contributions	$521,519	$326,015
Performances by Little Angels	63,169	34,014
Other	3,946	50
Total Income	588,634	360,079
OPERATING COSTS AND EXPENSES		
DIRECT EXPENSES		
Radio of Free Asia		
Program research and development	7,966	1,737
Broadcast operation (Seoul, Korea)	70,433	59,238
Total—*Radio of Free Asia*	78,399	60,975
Cultural Project		
Little Angels performances	108,826	67,886
Training Center operations (Seoul, Korea)	6,874	1,545
Total—*Cultural Project*	115,700	69,431
Anti-Communist educational brochure, publication and distribution	176,804	48,396
Educational and scholarship grants	5,643	4,000
Direct mail appeal expense	127,621	60,272
Total—*Direct Expenses*	504,167	243,074
GENERAL ADMINISTRATIVE EXPENSES		
Salaries	47,322	28,503
Headquarters operations	27,906	20,782
Depreciation and amortization	1,839	1,045
Total—*General Administrative Expenses*	77,067	50,330
Total—*Operating Costs and Expenses*	581,234	293,404
INCOME OVER EXPENSES	$ 7,400	$ 66,675

The Korean Cultural and Freedom Foundation, Inc.

NOTE TO FINANCIAL STATEMENTS

June 30, 1969

Foreign Branch

Since one of the Foundation's primary interests and operations is in Korea, during the fiscal year of 1967, the Foundation established a branch in Seoul, Korea. This branch office, or Operation Headquarters of the Foundation initiated its function with the Foundation's project Radio of Free Asia, which was installed on the 15th of August, 1966. During the fiscal year 1969, this branch office has been given the additional mission of the operation of the Little Angels' Training Center which was formally installed as a Foundation project during this fiscal year. Total assets of this branch included in the accompanying statement of assets, liabilities and equity were $40,222 at June 30, 1969 ($13,563 in 1968). Expenses of $77,307 ($59,238 in 1968) and income of $2267 ($67 in 1968) for the branch are included in the accompanying statement of income and expenses.

The CHAIRMAN. Do you have anything further?

Senator DOLE. No, except just to say, Mr. Chairman, I have appreciated this opportunity. I certainly agree with the announced intention of these hearings to determine if you can help the President in some solution in Vietnam.

The CHAIRMAN. Thank you very much. I appreciate your taking the trouble to come here and to give us the benefit of your thinking on this problem.

The next witness is the distinguished Senior Senator from Ohio, Senator Young.

Senator, we are very pleased to have you. You have a written statement, I believe?

STATEMENT OF HON. STEPHEN M. YOUNG, U.S. SENATOR FROM OHIO

Senator YOUNG. Mr. Chairman, you have my gratitude for inviting me to express my views before you today.

In March of 1964 I first spoke out in the Senate denouncing our involvement in a civil war in Vietnam which had become an American ground and air war. Following that, I received an avalanche of denunciatory letters and telegrams from Ohio citizens. Many even accused me of being a Communist sympathizer or a traitor. Now, nearly 6 years later I know from personal talks with Ohio citizens and from the increasing volume of highly commendatory mail and telegrams that come in to me, that the great silent majority of Ohio citizens support the position I took at that time and maintain today.

COST OF THE VIETNAM WAR TO UNITED STATES

They want our combat troops withdrawn from Vietnam without delay. The Vietnam war is a national disgrace. When General Eisenhower left the White House in January 1961 we had 685 military advisers in Vietnam—no combat troops. On the day President Kennedy was assassinated we had 16,120 military advisers in Vietnam—no combat troops.

More than 47,000 young Americans have been killed in combat; 9,000 additional men of our Armed Forces have been killed in what the Pentagon terms accidents and incidents. I assert most of these should be termed combat deaths, and would have been in World War II when there was no credibility gap.

More than 265,000 Americans have been wounded, many maimed for life, and 1,483 missing, either killed or prisoners of war. Also, more than 20,000 of our wounded have been saved by almost immediate evacuation by helicopter and superior medical attention, who in previous wars would have died of their wounds.

More than that total number will be maimed invalids for the remainder of their lives. What is this miserable war costing us in addition? Thirty billion dollars per year, spiraling inflation, soaring interest rates, higher taxes, skyrocketing disability payments, and increasing veterans hospitalization costs, more poverty, more crime, and racism. Also, urban development, education, air and water pollution have necessarily been tragically neglected. Our national prestige throughout Asia is lowest in our history. We have been buying the support of the Saigon regime and our Asian allies, the Philippine Republic and South Korea.

Nothing in the history of the Republic, Mr. Chairman and my colleagues, has gnawed so horribly on us as Vietnam. Never in our entire history has the reckless expenditure of so much in blood and treasure yielded so little. The statistics of lives and more than a hundred billion dollars wasted are only part of the tragedy. Americans are more deeply divided over Vietnam than at any time since the Civil War.

This undeclared, unpopular war has helped turn a generation of young Americans against their Government. They are disillusioned and in revolt. The war has swept away precious resources needed to

feed and house the poor, educate the young, and clean up our polluted environment. We have spent tremendously and recklessly in places like My Lai and Ben Tre, the city we destroyed in order to save. We have so little left for our own in the Hough area of Cleveland, my home city; in Watts, in Harlem, and in all areas of our Nation where families live in miserable poverty and undernourished children go to bed hungry night after night. Vietnam is tearing apart the moral, social and economic fabric of our Nation.

REPEAL OF GULF OF TONKIN RESOLUTION URGED

I urge that Senate Concurrent Resolution 42, which I introduced last October and which proposes to repeal the Gulf of Tonkin resolution, be favorably reported by this committee. In humility and with a feeling of personal blame, I admit I was deceived and deluded by President Johnson backed by the generals of our Joint Chiefs of Staff, and CIA, misrepresenting and distorting facts, when on August 7, 1964, I voted for passage of this infamous resolution subsequently used in a dictatorial manner by the President as his justification for waging an undeclared war.

Mr. Chairman, on March 1, 1966, almost 4 years ago, you, Senators McCarthy, Morse, Gruening, and I were five Senators who voted to repeal the Tonkin Gulf resolution.

As time marches on the Tonkin Gulf incident seems preposterous and incredible. President Johnson and other executive department officials, and members of the National Security Council claimed that our destroyers on routine patrol in the Gulf of Tonkin were attacked by a few Vietnamese gunships.

The destroyers *Maddox* and *Turner Joy* were, in fact, on an intelligence collecting mission. In looking at this event through the lighted prism of time, the falsity and absurdity stands out. The *Maddox* alone could have blasted and destroyed in short order all gunships in the North Vietnam Navy. Also, false, or at the very least unproved, allegations were made that our destroyers were attacked. This murky, misrepresented incident was used by President Johnson to obtain congressional support of the Tonkin Gulf resolution.

U.S. ACTIONS IN VIETNAM

Since its adoption more than 2,500,000 American combat soldiers, marines, airmen and sailors have participated in the undeclared war and in bombing both North and South Vietnam, defoliating and poisoning approximately 5 million acres of land, an area, Mr. Chairman, about the size of Massachusetts, being 12 percent of the entire area of South Vietnam, killing and maiming many thousands of civilians—women, children and babies in a little country in Southeast Asia of no strategic or economic importance to the defense of the United States.

We take pride that ours is a great and powerful nation. Can we really have any feeling of pride knowing that in South Vietnam during the past 7 years we have sprayed or dumped defoliants on the countryside, on villages and on the homes of peasant families in staggering amounts. Pregnant Vietnamese women have been ingesting

drinking water as much as 600 times the rate of concentration of pesticide poisons officially considered safe for Americans.

It may seem unimportant that one-twelfth of the land of South Vietnam has been poisoned for perhaps the coming 50 years by our defoliating. What is terrifying is that horribly deformed infants are being born due to this inhumanity.

It is a false claim that we are fighting a land war in Southeast Asia because of commitments made by Presidents Eisenhower and Kennedy. In fact, all President Eisenhower stated in 1954 in a letter to the President of South Vietnam was that he was "instructing the American Ambassador to examine how an intelligent program of American aid could assist Vietnam in its hour of trial." "The purpose of his offer," he stated, "was to assist the South Vietnamese Government in developing and maintaining a strong viable state capable of resisting attempted subversion or aggression through military means." Can anyone claim General Thieu and Air Marshal Ky have a strong viable government?

The late John F. Kennedy, shortly before he was assassinated, said, "Transforming Vietnam into a Western redoubt is ridiculous. We can help them, we can give them equipment, we can send our men out there as advisers, but they have to win it—the people of Vietnam."

NEED FOR REPEAL OF GULF OF TONKIN RESOLUTION

Unfortunately, we cannot change the past. We can, however, learn from the past and not be doomed to repeat our previous errors. Indeed, it is because of the potential future significance of the Tonkin resolution, and its serious implications for the future conduct of American foreign policy, that there is a pressing need, Mr. Chairman, to repeal that resolution during this session of Congress.

Its continued existence constitutes a virtual abdication by the Congress of its constitutional power to declare war. It effectively removes any restraint on the executive department from involving young Americans in future wars without the consent of Congress.

It should be made impossible hereafter for any President to yield to the military-industrial complex and to squander the priceless lives of American youngsters in any foreign adventures without the explicit consent of Congress.

We must put an end to warmaking by the executive department. The Congress should reassert its rightful role in the conduct of foreign policy. We should begin by repealing this ill-begotten resolution.

President Nixon, after more than a year in office, is continuing to wage a major war in Vietnam. His actions are a great disappointment to those of us who believe an end must be made without delay to indiscriminate warmaking as a Presidential prerogative.

President Nixon should withdraw altogether from combat all of our ground forces before next August 1. He should keep his promise that there will be no more Vietnams. He owes it to the American people to bring the boys home, to withdraw all our combat troops in the same manner that we sent them over to Vietnam—by ships and by planes.

It is unfortunate that the President continues to defend the Tonkin Gulf resolution while at the same time asserting that he intends to end our involvement in Vietnam.

In that regard, I distinctly recall Mr. Chairman, that in October 1964 in Akron, Ohio, I was seated within 10 feet of President Johnson. I heard him say, as did thousands of others, and as was reported to millions of Americans who believed him, "We are not about to send American boys 9,000 or 10,000 miles away from home to do what Asian boys should be doing for themselves."

Mr. Chairman, I was in every area of South Vietnam in 1965 and again in 1968. General Westmoreland told me that the bulk of the Vietcong fighting us in South Vietnam were born and reared in the Mekong Delta. His chief deputy, Gen. Richard Stillwell, later in Thailand told me that 80 percent of the Vietcong fighting us in the Mekong Delta south of Saigon were born and reared in that area.

When I said to General Westmoreland, "Well, from what you say, we are involved in a civil war in Vietnam," he looked startled and displeased, and he said, "Well, it could be termed an insurrection."

UNITED STATES MUST ACCELERATE WITHDRAWAL FROM VIETNAM

Mr. Chairman, if it is claimed by President Nixon that it would be impossible to withdraw all of our ground troops from Vietnam by August, we should at the very least disengage immediately from all offensive action and withdraw all of our ground troops to coastal bases where they would have the protection of our airpower and 7th Fleet.

That great silent majority of Americans must not be denied their determination that we withdraw all support from the militarist Saigon regime of Thieu and Ky. As Walter Lippmann bluntly put it, "We are fighting to save face."

From 1961 to this hour American military advisers have been training the so-called friendly forces of the Saigon regime. Will it take another 10 years before the Saigon regime's army is fit to fight? Or 20 years? We must not continue to maintain the Thieu-Ky militarist regime which represents at most but a small percentage, perhaps 20 percent, of the people of South Vietnam.

The desire of those Saigon militarist leaders to remain in power is totally inconsistent with President Nixon's statement, "what is important is what the people of South Vietnam want." These incompatible policies hold out the prospect not of peace but of a prolonged military occupation which will continue indefinitely to drain American treasure and lives.

The fact is that while professing a desire for peace, the Administration has failed to create political conditions in Vietnam under which peace is possible.

Reducing the troop level in Vietnam from 535,000 men to 475,000 or to 200,000 or 300,000 fighting men this year is not what Americans had in mind when they elected Richard Nixon. In October 1968 candidate Nixon said he had a secret plan to end the war in Vietnam. This is still his secret. Unless he brings most, or all, of our fighting men home this year and withdraws the remaining thousands to our coastal bases such as Da Nang, Cam Ranh Bay and Saigon on a purely defensive status, Americans will be fighting and dying in Vietnam 15 years from

now. Is it the policy of this Administration to seek an end to this immoral, unpopular, undeclared war or merely to reduce the casualties and the troop commitment to what it supposes to be politically tolerable levels?

Until the President begins to make a real effort to solve the central task of forming a coalition government in Saigon, he cannot begin to make good the pledge on which he was elected.

My colleagues, in the capitals of Asia, and Europe topmost officials now regard Americans as they did the French, as aggressors seeking to crush the aspirations of patriots fighting for national liberation.

Gentlemen, unless President Nixon drastically alters his current bush league program of withdrawing some ground troops from Southeast Asia, Americans will be fighting and dying in Vietnam and in Laos 15 years from now. Your grandsons and granddaughters will suffer because of this unparalleled national insanity. They will support over the years in hundreds of veterans' hospitals the wrecked and maimed hulks of what were once our bravest and finest young men.

May I conclude, Mr. Chairman, by stating this: that 500 years before the birth of our Savior, the Chinese sage Confucius wrote, "A man who makes a mistake and does not correct it makes another mistake."

A nation which has made a mistake and does not correct it likewise makes another mistake. The repeal of Gulf of Tonkin Resolution would be a first step toward rectifying a terrible mistake.

PASSAGE OF THE GULF OF TONKIN RESOLUTION

The CHAIRMAN. Thank you, Senator Young.

You probably heard that one of your predecessor witnesses agrees with you that the resolution ought to be repealed. Certainly I agree with you.

There is one, I think, misstatement, at least in my memory. In the misrepresentation, deception associated with the passage of the Gulf of Tonkin Resolution, I do not recall that any representative of the CIA came before the committee. Only representatives of the State Department and Defense Department spoke on that occasion. I do not think the CIA ought to be blamed for that particular incident.

Senator YOUNG. I do not think so, either, Mr. Chairman. But I think is was the war hawks of the military-industrial complex in the White House, and, unfortunately, there are too many of them there at the present time.

The CHAIRMAN. It originated with the Department of Defense. The State Department, in its comment on your resolution, states, and I quote:

> The existence of the Tonkin Gulf Resolution also has consequences for Southeast Asia which go beyond the war in Vietnam.

Leaving aside for the moment the reasons we were given, do you think the Congress in passing that resolution intended to give a blank check to the President to wage war anywhere in Southeast Asia?

Senator YOUNG. Absolutely not, Mr. Chairman.

The CHAIRMAN. Senator Aiken.

COMMENDATION OF THE WITNESS

Senator AIKEN. No, but I have enjoyed the statement of the Senator from Ohio, which has been delivered in typical Steve Young manner.

I find it quite refreshing to have any witness, whether I agree with him or not, speak frankly and in language which everybody can understand. I have heard the Senator from Ohio does not intend to stand for reelection, and I would like to say that when he leaves the Senate the country will miss him. They will miss him because of his frank, pointed and frequently barbed statements in his own manner of telling the truth as he sees it.

Senator YOUNG. Thank you very much, Senator. I am very grateful for that, and it is a fact that last October I announced to the people of Ohio, who have been very good to me, that following 20 years in the Congress, 12 in the Senate and 8 years in the House of Representatives as Congressman-at-large, and 5 years in the Army in both World Wars, that I was not concerned about the coming election. I announced my retirement from the Senate due to my age, but not my retirement from activity in the political and public life in Ohio, and in the Nation.

TREATMENT OF PRISONERS OF WAR

May I say in this connection that in North Africa and in Italy and, by the way, I was never more than a civilian in uniform—but on many occasions I saw Germans of the Afrika Corps, directly after they had been captured. In fact, on one occasion out of a dark alley in the early morning, six Germans emerged, and I was so terrified I did not even have time to take the safety off my .45, but they wanted to surrender to me, and I took them to jail.

But in North Africa and elsewhere the worst I ever saw was a captured German soldier with his hands on his head.

Let me say that I never in my life saw a prisoner of war directly after combat with his head completely covered, and his arms tied behind him. Such a thing was unknown to those of us who served in World War II. Unfortunately, I think this war has brutalized all Americans; all of us.

The CHAIRMAN. Senator Cooper.

COMMENDATION OF THE WITNESS

Senator COOPER. I will just echo Senator Aiken.

Senator AIKEN. I thought it was a good time to tell him what we think about him.

Senator COOPER. Right. I think no one has been more consistent in his position than Senator Young, certainly no one more courageous and fearless.

You have a quality, too, when you speak, when you have anything to say, you make it interesting and understandable. I, too, would like to say I know you are going to be missed in the Senate.

U.S. COMBAT DEATHS IN VIETNAM

Senator YOUNG. I want to thank you very much. When they talk about commitments of three Presidents, that is a lot of horse radish. When on the date of President Eisenhower's leaving the White House, as I said, there were in South Vietnam 685 military advisers, not one combat soldier. As the Chairman stated, I can give the exact figure, it was 16,120 military advisers, and not one combat soldier at the time President Kennedy was assassinated. Then, the ground swell became an avalanche of our finest young men. We now have in addition to combat deaths these accidents and incidents which in every situation in World War II would have been considered combat deaths. When you read in the newspapers that so many thousand American soldiers have been killed in combat, just add one-fifth to that, what the Pentagon terms accidents and incidents. You will be amazed to know that the top-ranking soldier in the area, where there is a fire fight going on—he is usually a second or first lieutenant, sometimes a sergeant decides then whether that is a combat death or due to accident and incidents.

Of course, the line separating the two when a fire fight is going on, or a truck rolls off the road and kills its occupants, even though they are not shells falling right at that place, is indistinguishable, it cannot be distinguished. General officers have testified to that. I would consider such deaths to be due to combat.

COMMENDATION OF THE WITNESS

The CHAIRMAN. Well, Senator Young, I want to join in what Senator Aiken said. You have been one of the most courageous and outspoken Members of the Senate, and we certainly will miss you. You have lent a great deal of interest to the Senate, and in most of these affairs your judgment has been well-informed and correct.

Well, it might be in view of your long experience. I know of no one in the Senate who has had as long an experience both in military affairs and in political affairs as you have. I guess at the moment you are about the senior Senator.

Senator YOUNG. According to the calendar.

The CHAIRMAN. According to the calendar, that is right. We wish you well and we thank you very much for coming this morning.

Senator YOUNG. My colleague from Vermont, who is over 70 years of age, I believe, I assert he is one of the youngest Members of the U.S. Senate.

The CHAIRMAN. Well, he is. He is a farmer, you know. He conserves his strength. He is a conservationist.

SCHEDULE FOR FUTURE COMMITTEE HEARINGS ON VIETNAM

I wish to make an announcement. On February 16 the committee will begin a series of public hearings on the U.S. assistance and advisory operations in Vietnam.

The hearings will concentrate on the pacification program, the activities of U.S. military advisers, the economic aid program, and operations of the U.S. Information Agency. They will not deal with military combat operations.

Throughout the war in Vietnam public attention has naturally focused on U.S. military operations. As a consequence, too little is known about the multitude of other activities in which U.S. civilian and military personnel are involved in that country.

The purpose of the hearings will be to enlighten the committee and the public on the nature and extent of that involvement and what it means in terms of the prospects for U.S. disengagement. In order to obtain the best information available, arrangements are being made to bring back from Vietnam the personnel who administer and work directly in these programs.

During the week of February 16 the committee will consider the Civil Operations and Revolutionary Development Support program, so-called CORDS, beginning with testimony from Ambassador William Colby, the director of that program.

The committee will also receive testimony from representative civilian advisers at the Corps, province, and district level. Personnel working with the refugee, Chieu Hoi, and other CORDS programs are also being called to testify.

By agreement with the State Department, testimony concerning some aspects of the Phoenix program and the CORDS military advisory program will be heard in executive session and released to the public after deletion of sensitive material.

Beginning in early March additional hearings will be held to consider the economic aid program, USIA operations, and the overall military advisory effort.

I may say that there are one or two Senators since arrangements were made for these hearings who have indicated that they may wish to testify. If they do, arrangements will be made at the most convenient time we can possibly find.

Thank you very much, Senator Young.

The meeting is adjourned.

(Whereupon, at 12:35 p.m., the committee adjourned, subject to the call of the Chair.)

* * * * *

VIETNAM POLICY PROPOSALS

MONDAY, MARCH 16, 1970

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 4221, New Senate Office Building, Hon. J. W. Fulbright (chairman) presiding.

Present: Senators Fulbright, Sparkman, Symington, Aiken, Case, Cooper, Williams and Javits.

Also present: Senator Mathias.

The CHAIRMAN. The committee will come to order.

OPENING STATEMENT

Continuing its consideration of possible congressional action to help bring an end to the war in Vietnam, the committee will hear testimony today by Administration representatives on the joint resolution introduced by Senator Mathias and Senator Mansfield. Representing the Administration's viewpoint, the witness today will be Under Secretary of State Elliot L. Richardson, accompanied by Mr. Michael Hornblow.

The Mathias-Mansfield resolution calls for the repeal of the Taiwan, Middle East, Cuba, and Gulf of Tonkin resolutions. It also provides for the creation of a Joint Congressional Committee to consider methods and the possible consequences of termination of the National Emergency Proclamation by President Truman in 1950. The resolution would also have the Congress declare its support for the President's "efforts to achieve a political solution in Vietnam and his plan for accelerated withdrawal of all United States forces," urge all South Vietnamese to work together to establish a viable government, and call on the President to work for initiation of a multilateral reconstruction program for Vietnam.

This hearing is part of the committee's continuing effort to make use of the legislative process in order to assist the President in his efforts to bring an early and satisfactory conclusion to the war in Vietnam. To this end, the committee has already heard testimony by several Senators on behalf of various resolutions and legislative proposals, all of which remain under active consideration. The committee has also heard extensive testimony by civilian and military officials of the pacification program in Vietnam. In the near future we hope to hear further testimony by well qualified individuals on the relationship of the war to major social and economic problems within the United States. All of these hearings are designed to provide the committee with in-

formation pertinent to its consideration of effective legislative means of helping the President to bring an end to the war in Vietnam.

Mr. Richardson, we are pleased to have you with us today. Before you start, I want to say again that I thought your letter in response to the committee's inquiry regarding the Department's attitude toward the Mathias resolution was a very good statement. I thought it showed a proper and useful attitude towards discussing these very important constitutional matters. I was very pleased with it.

STATEMENT OF UNDER SECRETARY OF STATE ELLIOT L. RICHARDSON; ACCOMPANIED BY MICHAEL HORNBLOW

Mr. RICHARDSON. Thank you, Mr. Chairman, and members of the committee. I am very pleased to have the opportunity this morning on behalf of the Department of State and the Administration to appear and testify on this joint resolution, and, of course, I will be very pleased to try to respond to any questions you may have. Since our letter in itself does constitute quite a full statement of our views on the pending resolution, it would seem to me that we might usefully proceed directly, Mr. Chairman, to any questions you may have. Just the one added point that perhaps should receive some emphasis; namely, that while our position is as stated in the letter, we are concerned lest there be misunderstanding or adverse repercussions in any of the affected areas that could follow from the adoption of the resolution.

DEPARTMENT OF STATE COMMENTS ON S.J. RES. 166

The CHAIRMAN. Mr. Secretary, I think it is a very fine way to proceed. The complete letter will be made a part of the record at this point.

(The information referred to follows.)

DEPARTMENT OF STATE,
Washington, D.C., March 12, 1970.

HON. J. WILLIAM FULBRIGHT,
Chairman, Committee on Foreign Relations,
United States Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with your letter of December 11, 1969, the Department of State has carefully reviewed Senate Joint Resolution 166 and is pleased to comment upon it.

Section 1 of Senate Joint Resolution 166 would repeal the Formosa Resolution (69 Stat. 7), the Resolution on the Middle East (71 Stat. 5), the Cuba Resolution (65 Stat. 697), and the Tonkin Gulf Resolution (78 Stat. 384). Section 2 would establish a joint committee of the Congress to study termination of the national emergency proclaimed by the President on December 16, 1950. Sections 3, 4 and 5 would express the sense of the Congress on certain matters relating to Viet-Nam and reconstruction of war-ravaged areas in Southeast Asia.

For reasons discussed in detail below, the Department believes that repeal of the Resolutions specified in Section 1 is a matter within the discretion of the Congress. We neither advocate nor oppose Congressional action. Similarly, the Department has no objection to a study of the consequences of terminating the 1950 proclamation of a state of national emergency, although we consider it would be unwise for the proposed joint committee to work with a pre-ordained position. Finally, while the Department agrees with certain of the principles stated in Sections 3, 4, and 5 and considers that they reflect a sound view of Viet-Nam policy and reconstruction in Southeast Asia, we believe that other parts of those sections would have unfortunate implications.

SECTION 1—THE CONTINUING SIGNIFICANCE OF THE JOINT RESOLUTIONS

Each of the Resolutions specified in Section 1 was passed in response to a crisis situation in the affected area. Thus, the Formosa Straits Resolutions dealt with a direct military threat against the off-shore islands; the Mid-East Resolution arose from the threat of Soviet expansionism in the area and the situation following the 1956 Suez/Sinai war; the Cuba Resolution was passed in the context of adventuristic Soviet military policies directly threatening our security; and the Tonkin Gulf Resolution responded to an assault upon our naval forces in international waters.

In these moments of crisis, the use of these Resolutions as a highly visible means of executive-legislative consultation was instrumental in demonstrating unified support for our policies to the world and the American public and in indicating Congressional approval for the possible employment of United States military forces in support of those policies.

The crisis circumstances giving rise to these Resolutions have long since passed. As indicated by the specific analyses below, the Administration is not depending on any of these Resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans.

Equally important, the Administration does not consider the continued existence of these Resolutions as evidence of Congressional authorization for or acquiescence in any new military efforts or as a substitute for the policy of appropriate and timely Congressional consultation to which the Administration is firmly committed.

Should a situation arise calling into play our treaty commitments or otherwise seriously and immediately affecting vital United States interests in the areas affected by these Resolutions, we would wish to see Congress at that time fulfill its proper role under the Constitution in the decision-making process. We would keep the appropriate committees and the Congressional leadership fully informed and would cooperate to the maximum in Congress' fulfillment of its responsibilities. Should circumstances warrant, and after consultation with appropriate committees and the Congressional leadership, we might indeed ask further Resolutions in fresh crises.

In short, as a functional matter, these Resolutions have no continuing significance in the foreign policy formulation process, and it is for Congress to determine whether they should be terminated or simply allowed to fade away.

At the same time, the Department would call to the Committee's attention that these Resolutions contain significant recitals of basic principles of our policies in the affected areas. Repeal of these Resolutions would raise questions about current United States policy in the areas concerned and thus inevitably would entail certain adverse political consequences abroad. On the other hand, we believe the Administration has stated its policy clearly with respect to the questions dealt with by those Resolutions. As the President made clear in his recent State of the Union message and on numerous prior occasions, the United States intends to keep its defense commitments. Thus, to foreclose any possible misunderstanding, we analyze below the current legal significance of the Resolutions involved in Section 1 and we restate the relation between the policy principles stated in these Resolutions and the policies of this Administration as spelled out by the President and the Secretary of State.

The Cuban Resolution

The Cuban Resolution of October 3, 1962, was above all a statement of United States policy toward Cuba. It was not intended to add to the President's powers or to authorize any particular action he might take in the future. Consequently, we do not consider that the Cuban Resolution in any way affects the powers of the Executive and Legislative Branches. It has never been relied upon by the Executive as the legal basis for any action. President Kennedy's 1962 order for the interdiction of the delivery of offensive missiles to Cuba cited as authority only the Constitution and statutes of the United States, while adding that the President was acting "in accordance" with the Cuban Resolution as well as the resolutions of the Organization of American States on the subject.

The Cuban Resolution does, however, reflect United States policy toward Cuba. That policy conforms to the hemisphere-wide policy adopted by the Organization of American States. It expresses the United States determination to prevent the Castro regime from extending its aggressive or subversive activities to any part of the Western Hemisphere. It states that the United States is determined to

prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States. Finally, it expresses United States determination to work in support of self-determination for the Cuban people. This policy remains the policy of this Administration. We believe the success of this policy will be enhanced by the success of the broad program of Action for Progress for the Americas, which the President set forth in his address before the Inter-American Press Association on October 31, 1969. In that address the President also said:

> I would stress one other point. We cannot have a peaceful community of nations if one nation sponsors armed subversion in another's territory.
>
> The Ninth Meeting of American Foreign Ministers clearly enunciated this principle. The export of revolution is an intervention which our system cannot condone, and a nation like Cuba which seeks to practice it can hardly expect to share in the benefits of this community.

The Formosa Resolution

The Formosa Resolution of January 29, 1955, expressed Congressional approval for the President "to employ the Armed Forces of the United States as he determines necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores."

This Resolution is now 15 years old. In the event of a new crisis in the Formosa Strait, this Administration would not view the continued existence of the Formosa Resolution as a source of Congressional authority.

Our defense commitment to the Republic of China is clearly set forth in our Mutual Defense Treaty, which entered into force several months after the Resolution was adopted. Repeal of the Resolution would not affect our commitment to the defense of the treaty area or our ability to meet it.

The Middle East Resolution

Much of the Middle East Resolution of March 9, 1957, is no longer relevant. That portion of Section 2 of the Resolution giving Congressional approval for the President to undertake military assistance programs has now been overtaken by the Foreign Assistance Act. Similarly, Section 3 of the Resolution, authorizing the President to expend funds during fiscal year 1957 is no longer relevant. Section 4, authorizing the President to furnish assistance to the United Nations Emergency Force, has no current applicability since UNEF no longer exists.

The Resolution's statement, in Section 2, that "the United States is prepared to use armed forces to assist any nation or group of such nations requesting assistance against armed aggression from any country controlled by international communism" plays a role in United States bilateral agreements with Iran, Pakistan and Turkey. Article 1 of those agreements, which is common to all three of them, says that "in cases of aggression against [Iran/Pakistan/Turkey], the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to promote peace and stability in the Middle East, in order to assist the Government of [Iran/Pakistan/Turkey] at its request." Repeal of the Resolution would in no way affect the continuing validity of these bilateral agreements. On the other hand, if the Resolution is not repealed, the Administration would not construe it as a source of authority for any decisions which might involve the United States in a conflict in that area.

Perhaps the most important statement of the Middle East Resolution is the sentence in Section 2 which states that ". . . the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East." The policy expressed by this statement has continued, throughout the years, to be the cornerstone of United States policy in the Middle East. It remains the policy of this Administration. Repeal of the Middle East Resolution would not affect our continued commitment to the preservation of independence and integrity of the nations in that area.

The Tonkin Gulf Resolution

As noted above, this Administration has not relied on or referred to the Tonkin Gulf Resolution of August 10, 1964 as support for its Viet-Nam policy.

Repeal at this time, however, may well create the wrong impression abroad about U.S. policy.

The President has made our policy on Viet-Nam clear on numerous occasions. We seek a negotiated settlement and are proceeding with efforts to bring the war to an end even if such negotiated settlement proves unobtainable. The Congress could, of course, draft and adopt a new Resolution to complement and support that policy.

TERMINATION OF THE NATIONAL EMERGENCY—SECTION 2

Section 2 of Senate Joint Resolution 166 would establish a "Joint Committee on the Termination of the National Emergency." The Department has no objection to the creation of such a study committee and would be pleased to cooperate in any way possible with the committee's work. However, we should like to suggest that if such a study is to be undertaken its conclusions ought not be prejudged either by the title of the committee or by its terms of reference.

The first specific function of the Committee would be to "consult and confer with the President and his advisers regarding the most effective method of terminating such national emergency;" this language assumes that the national emergency should be terminated and that the only question is how. In fact, the Proclamation of 1950 makes operative some 170 statutes that provide a set of authority the continuation of which is important under present world conditions. If the national emergency were to be terminated we believe that substantially similar authority would have to be provided in its stead. Thus, the first question which the Committee might study is not how the national emergency should be terminated but what purposes it serves. With respect to those purposes it found to be substantial, it could then ask whether these were best provided for by continuation of the present Proclamation or by some other means.

VIET-NAM SETTLEMENT—SECTION 3

We welcome the expression of support in this Section for the President's efforts to achieve a political solution in Viet-Nam. Section 3 goes on to support the President's plan for withdrawal of U.S. forces and urges the creation of an international peacekeeping force for Viet-Nam, a proposal that is consistent with the President's call for international supervision of a cease-fire. For the sake of accuracy Section 3 might be revised to state our fundamental objective of self-determination for the South Vietnamese people and to avoid the possible implication that the continued implementation of the program of troop withdrawals will result in a situation in which the people of South Viet-Nam will be dependent on an outside force to assure their security or protect them from reprisals.

FORMATION OF A NEW GOVERNMENT IN SOUTH VIET-NAM—SECTION 4

Section 4 of the Senate Joint Resolution 166 urges South Vietnamese leaders of "all political, religious and ethnic groups in South Viet-Nam to initiate serious discussions designed to lead to the creation of a government capable of gaining popular support and sustaining a durable political order after the departure of U.S. forces." It is the policy of this Administration to support and encourage as broadly representative a government as possible in South Viet-Nam.

Unfortunately, the language of Section 4 is misleading in its implication that the present government is incapable of "gaining public support and sustaining a durable political order." In addition, the language of Section 4 may connote an American effort to impose a coalition government on South Viet-Nam. The President has indicated that he would not favor any political settlement imposed on South Viet-Nam from outside, the form and composition of their government being a matter for the South Vietnamese to decide.

SOUTH ASIA RECONSTRUCTION—SECTION 5

The Department concurs in the aims of Section 5 of the Mathias Resolution; that is, multilateral cooperation in the reconstruction of the areas in Southeast Asia damaged by the war. The Administration intends to submit to the Congress its recommendation for post-war reconstruction and development and to request appropriate actions for a U.S. contribution to a multilateral effort at an appropriate time.

In light of the above comments, the Department of State is prepared to cooperate fully with the Committee on Foreign Relations in examining the questions raised by the draft Resolution.

Sincerely,

H. G. TORBERT, Jr.,
Acting Assistant Secretary for Congressional Relations.

The CHAIRMAN. With your permission, we would be very glad to proceed with questions based on the letter.

Mr. RICHARDSON. Yes. That would be certainly very satisfactory to me, Mr. Chairman.

LEGAL AUTHORITY FOR U.S. INVOLVEMENT IN VIETNAM WAR

The CHAIRMAN. Mr. Secretary, I am very pleased that the Department does not oppose repeal of the Tonkin Gulf and other resolutions, but there are questions that arise from this letter.

Specifically, your reply states as follows: "The Administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations or its contingency plans."

I wonder if you could tell us on what legal authority then does the Administration base its conduct of the Vietnam war?

Mr. RICHARDSON. Well, Mr. Chairman, this Administration, of course, took office just over a year ago when the war was in full progress and as, of course, you know, we began to undertake steps to reduce our involvement in the war. We never had occasion therefore to reach the question of what original constitutional authority may have been relied upon by the previous Administration.

The important thing is that we are now doing the best we can to bring the war to an end.

Regardless, in any case of the extent of the President's general constitutional authority to employ troops abroad, he certainly does have in our view the authority as Commander-in-Chief to take all reasonable measures to protect those troops once they are engaged and to secure the conditions that make possible their orderly withdrawal under circumstances that contribute to a durable peace.

I might simply add that these activities, of course, have been widely known to the general public, to the whole world, and, of course, the Congress itself, and the Congress has supported the President in his current efforts, including its position in the appropriations without which our military efforts could not be continued.

ACTION BY MASSACHUSETTS LEGISLATURE

The CHAIRMAN. You are quite right, Mr. Secretary, of course, in your point that the war was in progress and you didn't have to find a justification for the original entry, but you are a distinguished attorney, formerly an attorney general of the State of Massachusetts. Incidentally, I know of an action of your State legislature a few days ago, which I thought extremely enlightened. Do you know of it?

Mr. RICHARDSON. I noticed that, Mr. Chairman. I would not have used the same words to characterize it.

The CHAIRMAN. I thought perhaps this reflected the influence that you exerted while you were there, that these people had been educated as to the constitutional verities of that case.

Mr. RICHARDSON. Quite possibly to the contrary, Mr. Chairman, that my departure from the State had encouraged action that might not have taken place had I remained.

The CHAIRMAN. I would have been happy to take credit for the action of the Massachusetts legislature.

CONSTITUTIONAL AUTHORITY TO EMPLOY TROOPS ABROAD

Coming back to this immediate question, you started out by saying the "general constitutional authority to employ troops abroad." Is this a different way of saying, as was referred to by Under Secretary Katzenbach, the inherent powers of the Presidency in foreign relations? Is that what you had in mind? What do you mean by general constitutional authority to employ troops abroad?

Mr. RICHARDSON. Well, Mr. Chairman, the precise scope of that authority, of course, is one of those not clearly defined areas which perhaps it will never be possible to define with complete clarity. I think certainly the President in given situations does have authority as Commander-in-Chief to deploy troops abroad, but exactly what those circumstances are and the circumstances under which they can constitutionally be committed to combat are questions to which I think it is impossible to give precise answers.

The CHAIRMAN. It may not be possible to give general rules that are easy to follow. I think it is possible to develop some clearer understanding of what is involved. Don't you think the language of the Constitution regarding a declaration of war is quite clear? There is no specific language in the Constitution saying the President may send troops abroad, is there?

Mr. RICHARDSON. No.

CONGRESSIONAL PARTICIPATION IN DECISIONS TO USE ARMED FORCES

The CHAIRMAN. There is none. There have been precedents with regard to using our armed forces to repel pirates and to protect citizens' rights. These are far short of waging war. I don't know that we can generalize to the point of saying all questions are solved. I do think there is a certain principle at which we can arrive. That is that in a major operation involving a substantial number of troops and prosecuting a war as against an emergency action and protection of property in a riot or something of this sort we can agree that Congress will be consulted. The matter will be subjected to debate and there will be requested of Congress a declaration of war, which, I would say, is the proper and constitutional procedure. I have difficulty in saying that a declaration of war in such form is very different from a joint resolution by the Congress. This is a distinction that is difficult for me. It depends, of course, upon the form of the joint resolution and how it is explained. If such a joint resolution is disguised as a reaction to an unprovoked attack upon us and obtained by what I believe to have been deceptive and misstated fact, then that presents another matter, but these matters I think are subject to some clarification. The Senate in passing the commitments resolution was seeking to begin to draw some lines of understanding between the legislative and executive branches in the hope of preventing in the future precipitate action even by the Senate itself in this area. In other words, we would have a debate, a national consideration, of anything involving troops in any substantial amount.

This is, I think, a very crucial matter and I was inviting you to help us draw some lines or come to some understanding.

Mr. RICHARDSON. Mr. Chairman, it seems to me that past history and conjectural future possibilities help to underscore the difficulty

of drawing any precise lines. Under the United Nations Charter, for example, we can be called upon to assist in the situation in which aggressive action has been involved without necessarily implying that we are going to war but rather contributing armed forces together with other nations pursuant to the charter.

There may be other cases in which our assistance is requested to protect the national integrity of another country which is threatened by external forces, again in which if we were to declare war we might be triggering a series of consequences which we aren't quite prepared to undertake, and these are situations in which certainly this Administration believes it would be exceedingly important to engage in full consultation with the Congress but the consequences of that consultation could well be the conclusion that a formal declaration of war might not be a wise course.

Indeed, the conclusion of such consultation might be that no joint resolution was called for either. But nonetheless, the President was acting within the scope of his constitutional authority or proposed so to act.

The CHAIRMAN. This is very interesting. Do you think this can arise from a request of a country to whom we have no treaty obligations and have made no formal commitment?

Mr. RICHARDSON. I think so far as a country with which we have no treaty obligations is concerned that the obligation might arise in a given instance conceivably under the United Nations Charter or as a result of joint action determined upon in the United Nations.

The CHAIRMAN. Of course, the United Nations Charter is for all practical purposes a treaty. In taking action in response to such action I think it would go very far to meet the situation. There would be, I think, open and aboveboard discussion, debates, about a matter presented in such fashion in contrast to the Tonkin Gulf. To me this is a classic example of precipitate action taken with a minimum of debate, a minimum of revelation of facts and involvement.

Senator CASE. Mr. Chairman, would you yield just for a second?

The CHAIRMAN. Yes.

CONGRESSIONAL ACTION ON GULF OF TONKIN RESOLUTION

Senator CASE. Precipitate on the part of the Administration or the Congress?

The CHAIRMAN. I was thinking particularly of the Congress.

Senator CASE. There had been suggestions that the Administration had been considering such a matter.

The CHAIRMAN. I was thinking of the Senate and the public together, the country. It is the country's men and money that are involved in a war. I was thinking of the role the Senate played. It consisted, after the joint meeting of this committee and Armed Services of about an hour and 40 minutes, of total debate on the floor of 5 or 6 hours at most. This was under the impact of an extremely provocative presentation of alleged facts, which I do not believe to have been true, about our having been attacked on the high seas. I won't relate all of that, but the circumstances were such that the emotions of the Senate as well as the House were aroused. The House passed this resolution just as rapidly with practically no debate and unanimously which is

most unusual. Obviously we were carried away by an alleged insult to the honor of the country.

WHAT CONSTITUTES CONSULTATION WITH CONGRESS?

This is what I am talking about. You say you will have consultation. Does that mean in such a way that the Senate is involved in an opportunity for debate and the full revelation of the facts? Or does it mean the kind of consultation that has been used by the previous Administration, private consultation of the so-called leadership and then saying Congress was consulted and knew all about it?

There was, I think, a very successful series of meetings which were designed to and did properly subvert the Congress from the open and aboveboard discussion of such issues in such meetings as this. I want to avoid a repetition of that. I thought your letter was forthcoming. At least it opens it up.

EXECUTIVE WAR POWERS

I am trying to pinpoint the Administration's position. Does this Administration believe it has the power to engage in war abroad without the authorization of Congress? I do not mean in defense of our own country, nor in defense of lives, nor in a riot situation, but to wage a war against an organized community? I think a good example was Wilson's attack upon Mexico. Originally it seems to have been just to repel an attack by a bandit. That I think they admit, but then when it goes further to attack the established government, there begins to be a point where it becomes a war against the government. This is where I am trying to draw you out a bit.

Mr. RICHARDSON. Well, Mr. Chairman, I don't think I can say more than that. As we have pointed out in our letter, and I quote:

> Should a situation arise calling into play our treaty commitments or otherwise seriously and immediately affecting vital United States' interests.

And I can skip the next phrase in order to broaden the point.

> We would wish to see Congress at that time fulfill its proper role under the Constitution in the decision-making process. We would keep the appropriate committees and the Congressional leadership fully informed and would cooperate to the maximum in Congress' fulfillment of its responsibilities.
>
> Should circumstances warrant, and after consultation with appropriate committees and the Congressional leadership, we might indeed seek further resolutions in fresh crises.

In any case, Mr. Chairman, it seems to me, to go back to the example you gave of United States' involvement in the Mexican border under the Administration of President Wilson, I imagine that in the first instance it didn't appear likely, certainly we didn't have the intention of engaging in significant hostilities against the Mexican Government. If the Congress is kept fully informed, in the first instance through its leadership and the committees having jurisdiction in the matter, then it should be possible at a given time for the leadership to conclude in consultation with the Administration that the time had come for some broader action which could include hearings and debate.

In any event, given the possibilities that one could visualize in the future of a situation that had small beginnings and no very clear lines of demarcation, as it grew in scale, we could only say that we would undertake to keep in such close touch with the Congress that a joint

determination could be made by the Congress and the executive branch together of the point at which some broader or more formal action was appropriate.

CONGRESSIONAL CONSULTATION RE USE OF TROOPS

The CHAIRMAN. Of course, if you follow that procedure, I accept that as being my own view. In that connection, do you think the executive has an option as to whether or not it would seek authority to use troops in what I would call a substantial operation as distinguished from repelling a raid by a bandit? It seems to me that isn't quite clear. You say you might do this. I don't think consulting the leadership is enough. I think the Congress should be informed and have an opportunity to debate.

Laos is a current example. We have not been fully informed. We are becoming more fully informed primarily by news articles. When the Administration is confronted with the articles, they usually admit to them, but we have not been fully informed about Laos in my view. I think this is what has been uppermost in the minds of Senator Symington and the committee about being fully informed so that we can consider it. He hasn't concluded in advance that you shouldn't be doing it, but we have concluded certainly that we ought to be informed.

You know what I am talking about—the transcript of the subcommittee hearings. What bothers Senator Symington, the other members of that subcommittee, and I think the whole committee, is the Administration's disposition not to take the Congress and the country into its confidence in a matter involving very serious use of vast amounts of the country's armed forces, either in the form of our air force or ground troops. In this case not very many troops, not many personnel are involved. I know somebody attacked me in one of the newspaper columns for saying we didn't know about it. I forget who it was. We knew something was going on, but I certainly didn't know anything like the extent of what was going on. There is a story in the morning paper about the secret radar station. I didn't know anything about that. Senator Symington has been out there a number of times. He didn't know about these things and he didn't know about the extent of the Army organized by the CIA. These things have all come out in the press. All we knew is that there was something going on in Laos and I thought and most of us thought it was far less important than it actually turned out to be.

I think this is a fair example of keeping in touch and revealing what goes on to the Congress before it degenerates into major warfare. When that happens it is usually too late for the Congress or the people to have any voice in the matter really. I think this feeling of frustration is at the root of a lot of the so-called alienation in the country.

IMPORTANCE OF PUBLICATION OF LAOS TRANSCRIPT

Mr. RICHARDSON. Well, I can only say on this score, Mr. Chairman, that whatever may have been the situation at any given time in the past, the committee through the subcommittee chaired by Senator Symington certainly now does have full information on the situation in Laos, leaving only the question of some points as to which there is

continuing discussion of the question of publication of the full transcript.

The CHAIRMAN. Of course, the publication is very important. The transcript has to be released in order to discuss this in public. When I say in public, I mean with the committee in public and with the Senate in public. I think this is very important. It is bad enough to invite or require citizens to go and fight and lose their lives and spend their money and bankrupt the country. They ought not to do it without being aware of why they are doing it and having voted on it.

I think the one thing democracy surely should provide is a full and free discussion of these involvements. We can't have that without the release of such testimony as that in the subcommittee.

Senator SYMINGTON. Will the Chair yield for an observation? Mr. Secretary, in support of the chairman's position, this episode, as now written in detail in the paper this morning, the dateline out of Vientiane, is in the testimony we would like to see released. It is one of the stories in our hearings that is still classified.

Thank you, Mr. Chairman.

Mr. RICHARDSON. I would just add that while there are some questions still in issue with respect to disclosure which I believe are going to be the subject of further discussion with the committee and its staff, still all the essential elements of the general picture have either already been disclosed in the President's statements or I believe are agreed to be the appropriate subject of publication in the transcript itself.

The CHAIRMAN. That transcript was taken in October and it is now March. This kind of delay does not make for a very useful discussion. Other things intervene and there are many new developments that make it obsolete. This makes it very difficult for us to function. I know the Senator from Missouri has put a great deal of time into this matter and it is very frustrating to operate under these conditions.

CONSTITUTIONAL PROCESSES CONTEMPLATED BY TREATIES

You are familiar with the so-called national commitment resolution, aren't you?

Mr. RICHARDSON. Yes, sir.

The CHAIRMAN. The second part of the resolution states the sense of the Senate that a national commitment results only from affirmative action taken by the executive and legislative branches of the U.S. Government by means of a treaty, statute or concurrent resolution of both houses of Congress specifically providing for such commitment.

Most of our security treaties, both multilateral and bilateral, specify that any action taken will be in accordance with the constitutional process. I would like to know what in your view are the constitutional processes contemplated by this language in our treaties?

Mr. RICHARDSON. Well, Mr. Chairman, this is a question, of course, which arises in connection with many situations in which this phrase is used. I think that the only possible answer one can give is that the constitutional processes referred to are whatever constitutional processes are required by the situation. The phrase ordinarily as used in treaties as I understand it is used essentially as a saving clause in order to make clear that the treaty does not by its own force override these processes.

This really takes us back to the question we were discussing earlier this morning, namely, what are the situations in which the President has authority to send U.S. troops abroad without specific and affirmative congressional action? I don't think—unless we say that there must be affirmative action by the Congress in each such case, under our Constitution, we can deny that there are some such situations and if there are, then they are situations in which the President is acting constitutionally and thus in accordance with our constitutional processes as the phrase is used in the resolution.

The CHAIRMAN. Do you or do you not believe that the authority to take military action derives directly from the treaties? Isn't their language supposed to negate that assumption?

Mr. RICHARDSON. Yes. Wherever it is so used in a treaty as I understand it, it is intended to negate what otherwise might be the inference that such action could be taken with reliance on the treaty alone. And——

The CHAIRMAN. So further action is contemplated, isn't it?

Mr. RICHARDSON. Yes.

The CHAIRMAN. It seems to me the logical action would be either a concurrent resolution, a statute, or any one of the processes which we have used involving both Houses. I am inclined to agree with you to the extent that there may be occasions when the least formal joint resolution is more appropriate than a formal declaration of war. I guess this is the difference that inheres in the distinction between a treaty and an executive agreement. I have never been able to find any difference other than really one of degree. You might say the significance of the action. If it is quite important and involves the Executive of the country, it would be done by a treaty. If it is an insignificant and minor matter, then it can be done by executive agreement. Yet the line to draw between those two is very difficult. However, in the involvement of troops and the use of them in any substantial way, it seems to me we ought to have an understanding with regard to the nature of the consultation and action and, what I think is most important, the opportunity for debate.

VALUE OF CONGRESSIONAL DEBATE

I don't say this because I think the debaters are so superior, but I do think there is some value in simply having debated these matters on the floor of the Congress. It does tend to cause the Members themselves and even the Executive to exercise better judgments. I think it has great value and in recent years, not this Administration but the preceding one, there was a tendency to resort to consultation of a very restricted kind as a substitute for debate. This is one of the things I think that grew out of that experience and I would like to read into your statement that that is not what you mean by consultation. You mean consultation and an opportunity to debate, in revelation of the facts. This is what disturbs us about the tendency to hold back the information about Laos because it is a current and very dangerous situation.

Senator Sparkman? I have a number of questions, but I will reserve them because I want the other members to have an opportunity to question.

Senator SPARKMAN. Mr. Chairman, I was interested in the discussion that you and Mr. Richardson were having.

STATE DEPARTMENT VIEWS ON REPEAL OF AREA RESOLUTIONS

Mr. Secretary, I have read the letter addressed to the chairman on March 12, in which the pending resolution is discussed. Am I correct that the only resolutions concerned are the Gulf of Tonkin, the Formosa, the Cuban, and the Near East?

Mr. RICHARDSON. Yes, sir. Those are the only resolutions that would be affected.

Senator SPARKMAN. As I understand it, the Department has no particular objection to their repeal.

Mr. RICHARDSON. This is true, Senator, in the sense that we have tried to make clear, namely, that we do not presently, nor do we expect to, rely on any legal authority which is conveyed, or purports to be conveyed, by these resolutions. On the other hand, it is important to make clear that the resolutions do contain recitals that remain valid as expressions of current Administration policy. And so we do think it important to ask the committee to consider carefully the question whether it is wise to repeal them insofar as their repeal could give rise to questions in the areas affected as to whether or not our policies do remain constant in these respects.

Now, we are, of course, able to make clear what our policies are through other means and the President and Secretary of State and others in the Department of State have taken appropriate occasions to do this and will undoubtedly do so in the future. On the other hand, there is some reason for concern on this score insofar as, for example, the Governments of Taiwan or Thailand may be concerned, and so it would be important and will be if the Congress should see fit to repeal the resolutions for us to take appropriate action to make sure that the repeal is not misunderstood.

Senator SPARKMAN. Do you not believe that language could be necessarily incorporated in the resolution itself to the effect that it does not affect this Government's pronounced public policies?

Mr. RICHARDSON. This could be done and I think might be helpful.

Senator SPARKMAN. Surely in the report we could make that very clear.

Mr. RICHARDSON. Yes.

Senator SPARKMAN. In other words, it seems to me that present statements of policy and the action part of these previous resolutions are not necessarily inseparable.

Mr. RICHARDSON. No, they aren't, and our only concern really is in the avoidance of misunderstanding and insofar as the resolutions can be seen as having emerged out of a particular crisis situation, long since passed, or insofar as they may purport to convey authority, they do not have from the standpoint of the Administration any present force or effect. But it is only in this latter respect as I have said and as you have recognized that we do have any concern and we do need to be sensitive to the possible repercussions or misinterpretations that could attach to the repeal and as you suggested, this could be guarded against in either or both of the ways you mentioned.

SECURITY TREATY WITH NATIONALIST CHINA

Senator SPARKMAN. I agree with you fully in that statement. In the case of the Formosa Straits resolution, of course, we have a security agreement with the Nationalist Government of China, do we not?

Mr. RICHARDSON. Yes, we do, Senator, entered into force in 1955, just shortly after the enactment of the Formosa Straits resolution itself.

Senator SPARKMAN. I was under the impression that the treaty with Nationalist China preceded——

Mr. RICHARDSON. I think not, Senator. I think it entered into force within a matter of months after the adoption of the resolution.

One of the reasons for the resolution arose out of the fact that we didn't then have a treaty in effect and one of the reasons now why the Administration does not in any sense rely upon the resolution is because the treaty has, from the standpoint of any commitment or obligation to the Republic of China, superseded the resolution.

Senator SPARKMAN. This is the only one of the areas affected with which we have a treaty.

Mr. RICHARDSON. Yes, that is correct.

Senator SPARKMAN. I believe that is all.

The CHAIRMAN. Senator Aiken.

COMMENDATION OF THE WITNESS

Senator AIKEN. Mr. Chairman, first let me say it is refreshing to have an Under Secretary of State with us who seems to have respect for this committee and who is willing to talk with us on level ground.

As a Member of the Senate and a member of this committee, I also am appreciative of the fact that we are now receiving a great deal of information which was withheld from us for quite a long time.

I have about three questions which won't take very long.

POPULAR SUPPORT OF SOUTH VIETNAMESE GOVERNMENT

Section IV of S.J. Res. 166 reads as follows:

"The Congress hereby urges South Vietnamese leaders representative of all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed to lead to the creation of a government capable of gaining popular support and sustaining a durable political order after the departure of the United States forces."

This section clearly carries a suggestion that the current government in Saigon is not capable of gaining popular support once the U.S. troops leave. Do you agree with this suggestion?

Mr. RICHARDSON. No, Senator, I don't, and as we pointed out in our report on the resolution, we believe that if the Congress, this committee, should see fit to report the resolution favorably, that this portion of it does give rise to an unfortunate implication and we think that it should be modified accordingly.

U.S. POSTWAR PLANNING FOR VIETNAM, LAOS AND CAMBODIA

Senator AIKEN. Now, the second question: Section V of the resolution urges the United States Government to start formulating plans

for reconstruction work in South Vietnam after the war is over. I understand the State Department has created a special postwar planning committee to look into postwar planning efforts. Would you comment on the State Department's postwar planning efforts.

Mr. RICHARDSON. Yes, Senator. I would be glad to. We have recognized for some time that it is insufficient to simply be thinking about the withdrawal of U.S. forces and the termination of hostilities without also anticipating the problems that will then exist in terms of rehabilitation, reconstruction, and economic development not only within South Vietnam itself but within the entire area.

Senator AIKEN. Including North Vietnam?

Mr. RICHARDSON. Including.

Senator AIKEN. Laos, Cambodia?

Mr. RICHARDSON. Including North Vietnam, Laos and Cambodia, yes. And so we did accordingly set up a working group under the planning and coordination staff in the Department headed by Mr. David Osborne who, until he was brought back to head this group, had been for the last several years Deputy Chief of Mission in Tokyo.

The group includes representatives of, in addition to the Bureau of Asian-Pacific Affairs, the Bureau of Economic Affairs, Bureau of International Organization Affairs, and the Division of AID charged with AID programs in Asia. And they are hard at work on the development of recommendations on this general subject.

RECENT PRIVATE INVESTMENT IN SOUTH VIETNAM

Senator AIKEN. I have been advised lately that there has been very heavy private investment in South Vietnam over recent months and that this investment is made by South Vietnamese investors themselves rather than U.S. investors. Does this indicate that our participation in the war has been very profitable for South Vietnamese investors? Or where would they get the money?

Mr. RICHARDSON. I have no doubt that there are South Vietnamese individuals who have profited economically from our involvement there. On the other hand, I think it is also true that despite the war, there has been some significant general progress in the growth of the economy and I would hope that the existence of these investments at least in part reflects the confidence that the economic future of South Vietnam is hopeful and positive.

Senator AIKEN. It expresses confidence in the government and any future governments.

Mr. RICHARDSON. I believe that is one inference that can fairly be drawn from the fact that these individuals are investing their money in South Vietnam rather than somewhere else.

Senator AIKEN. Rather than sending it to Switzerland, perhaps. I thought that was quite significant.

That is all, Mr. Chairman.

The CHAIRMAN. The Senator from Missouri.

Senator SYMINGTON. Thank you, Mr. Chairman.

First let me express my appreciation to Under Secretary Richardson for his cooperation when we were working together on these transcripts. If we had gone on with him, we might have them out by now,

but several people have been cut into the responsibility since that time; and progress has been rough.

ACCURACY OF INFORMATION RECEIVED BY HIGH ADMINISTRATION OFFICIALS

Mr. Secretary, as a high Administration official, are you satisfied that you are consistently getting accurate and reliable information from lower echelons in the State Department?

Mr. RICHARDSON. Yes, I am.

Senator SYMINGTON. There was a book written recently by a former Assistant Secretary of Defense, which in effect is a narrative of many instances when high officials in that Department in recent years were fairly consistently misinformed; but you don't think anything like that goes on in State?

Mr. RICHARDSON. Well, of course, Senator, to say that it never goes on, you know, would be perhaps only to open myself up to the possibility that somebody could find an instance in which the contrary was true, but generally as far as I know, the information we get is full and accurately presented.

Our only problem really is the problem of time required to assimilate it, but the people in the Department with whom I have worked and who I know and know about have been very conscientious in the full and fair presentation of information.

Senator SYMINGTON. So if there is any misinformation, it is relatively inconsequential?

Mr. RICHARDSON. Yes, I am sure of that.

ADMINISTRATION VIEWS ON REPEAL OF AREA RESOLUTIONS

Senator SYMINGTON. I read this bipartisan Mansfield-Mathias resolution with interest. These wars we are in now are not the result of any creation of policy or programing on the part of this Administration. That fact is often emphasized by various representatives of this Administration. It is difficult for me to understand why this Administration would not be willing to see these resolutions repealed, so we could get back to what I would think would be a more normal relationship, that which existed prior to their passage. Would you comment?

Mr. RICHARDSON. Senator, I think I have indicated that the Administration's only concern with respect to their repeal arises not out of any conceivable legal authority they convey but rather out of any repercussions the repeal might have in terms of an impression thereby created that we have changed policies that in fact we haven't changed. But essentially we regard the question of whether or not they are repealed as a question for the discretion of Congress.

Senator SYMINGTON. Wouldn't you say the Guam position of the President was a major change in policy?

Mr. RICHARDSON. Yes, I think it is a big and important change and, of course, from the standpoint of the Administration, his articulation of that policy in his report on foreign policy and his explanation of the general thrust and direction of Administration policies in other respects also serves as the primary form of policy communication on which we rely and on which we in the Department of State and our

missions abroad are guided. But nonetheless, there is some reason for concern as I have suggested that can arise with respect to the question of whether the repeal of a resolution means more than we think it would in fact mean in terms of Administration policy.

BASIS FOR PRESIDENT'S POWER TO SEND MILITARY FORCES ABROAD

Senator SYMINGTON. In your comments on Senate Resolution 85, you have this sentence: "As Commander-in-Chief the President has the sole authority to command our armed forces whether they are within or outside the United States and although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send United States military forces abroad without specific congressional approval."

Without getting into the merits or demerits of that position, could I ask if you believe any of this authority is based on these resolutions, or whether it is based on his constitutional prerogatives?

Mr. RICHARDSON. Well, I am not sure, Senator, whether this authority is based on——

Senator SYMINGTON. In other words, do you make that statement based on one or more of the resolutions in question, or do you make it based on his constitutional authority?

Mr. RICHARDSON. Well, based on—you are referring to the Department's comments on Resolution 85?

Senator SYMINGTON. Yes, that is right.

Mr. RICHARDSON. Submitted in March of last year?

Senator SYMINGTON. I believe that is right.

Let me reread the sentence: "As Commander-in-Chief, the President has the sole authority to command our armed forces whether they are within or outside of the United States, and although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send United States military forces abroad without specific congressional approval."

Is this position based on one or more of these resolutions, or is it within the constitutional authority of the President to handle our military forces in accordance with those two sentences?

Mr. RICHARDSON. Solely the latter, Senator. That sentence has no reference to the resolutions at all. It does take us back to the questions which I was discussing earlier with the Chairman.

Senator SYMINGTON. I appreciate that answer.

VIETNAMIZATION AND PARIS NEGOTIATIONS

There is one more question I would ask you about. We talk about 550,000 Americans in Vietnam. The implication in past years has been that that was the total of Americans prosecuting the war against North Vietnam. That figure has been cut down by some 100,000, but actually the 550,000 figure was fictitious in the beginning. There were some 65,000 added people in Thailand, Americans, and 60,000 to 70,000 in the fleet; and then there were many thousand Americans in Japan whose sole effort had to do with the war in Vietnam. The same thing is true of many in the Philippines and Okinawa and Guam.

So it was closer to 800,000 than 700,000. Nor does this count the many thousands of people who were back here producing arms and ammuni-

tion and equipment for the war in Vietnam. I remember one figure which startled me when the budget originally came up a year ago last January. It specified a request for ammunition per estimated enemy in Vietnam, that is, North Vietnamese, Vietcong regular and Vietcong guerrilla, in ammunition alone, for Vietnam alone, per enemy, $21,600. It seems to me the President's position has emphasized two major facets.

One is Vietnamization so-called, designed to give the necessary billions of dollars in equipment to the South Vietnamese in order that they can handle this war by themselves. On that there has been much testimony recently before the Armed Services Committee. The other facet is to negotiate out of this war on some basis we consider right.

If some 800,000 Americans can't do this job with the Thieu-Ky government—as we have tried for 5 years— and we understand that if we put up the money the same rules and regulations and restrictions against our military will apply to the South Vietnamese forces as have been applied to our forces, if we cannot get any more success than we have to date with this tremendous number of Americans, why is it felt that we have any better chance of success without all those superb young Americans?

Secondly, why don't we put somebody of the stature of Ambassador Lodge in Paris, and really try to get somewhere with these negotiations?

The background of these two questions is what this war is obviously doing to the economy of the United States.

PROSPECTS FOR VIETNAMIZATION

Mr. RICHARDSON. Well, Senator, these are certainly vital and searching questions. Responding briefly I would say that under the first heading, if the forecasts of future action in South Vietnam were as discouraging as they were for a long time, particularly at the period of peak engagement of U.S. forces, I think we would have to question seriously the viability of the policy of Vietnamization. But actually since Tet 1968 and especially over the last 12 months the gains in control of the countryside, both through military action and through the pacification program, have been quite substantial and the result is, therefore, that the chances that the Government of South Vietnam and the South Vietnamese armed forces properly trained and equipped can maintain their position after U.S. forces have been radically reduced or withdrawn, is much greater than it would have looked a year or more ago.

And so we think that the prognosis for Vietnamization is quite good and to the extent that this is so, this fact in turn should, we believe, convince the other side that the opportunity to negotiate is a wasting opportunity.

By that I mean that their chances of a favorable deal from their point of view through the negotiating process are not going to be as good a month from now or a year from now as they were last month or last year. In this sense the Vietnamization process and the negotiating process have always in this Administration seemed to be inseparably related.

U.S. REPRESENTATION AT PEACE NEGOTIATIONS

Now, so far as our representation in Paris is concerned, the point essentially is that we have sought by every means we can conceive of to engage the other side in serious negotiations. The U.S. part in the negotiations necessarily involves primarily the mutual withdrawal of external forces. The other major heading for negotiations is a political settlement. And here it has been our position that a political settlement can only be negotiated among the Vietnamese. The key parties in any such settlement obviously are the Government of South Vietnam and the so-called Provisional Revolutionary Government of the Viet Cong. And so far the other side has persistently refused to permit that type of negotiation to take place.

And so what we are saying in substance is that we and the Government of South Vietnam stand ready to enter into serious negotiations at any time. We have made clear that no proposition that we have advanced has been advanced on a take it or leave it basis, that the only fundamental to which we adhere is that any political solution should be a political solution arrived at freely among the South Vietnamese through the process of negotiation and elections. And so in effect at this stage we are awaiting an indication of the other side's willingness to engage in serious negotiations, and, of course, at that point if it seemed desirable, we would be prepared to send another delegation head to Paris, but in the meanwhile, we have made clear that Ambassador Habib has full power to negotiate. He has the full confidence of the Administration. And he is a very experienced and resourceful, fair-minded diplomatic representative.

Senator SYMINGTON. Let me say I have the highest respect for Ambassador Habib. My point is that he is not as well known nationally and internationally, as his predecessors. That is a point that has been developed by many people in many countries. If we are sincere about these negotiations, I would think we would want to carry them out in more practical and customary fashion.

Mr. RICHARDSON. Well, Senator, I can only really add that the point has been made primarily, and it is made often, by the spokesmen for the Government of North Vietnam and the People's Revolutionary Government in Paris, but we think this is an excuse on their part, a smokescreen, designed to mask their own unwillingness to negotiate. They have plenty of ways available to them at any time to signal their readiness to enter into serious negotiation and if at that point it became significant to substitute a new delegation head in Paris, we would certainly do it. But so far there really appears to be nothing in this point beyond the attempt by the other side to divert responsibility or attention from their own intransigence.

Senator SYMINGTON. Thank you, Mr. Secretary.

DISENGAGEMENT AND WITHDRAWAL FROM VIETNAM

By any chance did you read an article by former Gen. Matthew Ridgway, former Chief of Staff of the Army, former head of our forces in Korea, which was written in The New York Times as of March 14, entitled "Topics: Settlement, Not Victory, in Vietnam."

Mr. RICHARDSON. No, Senator, I didn't.

Senator SYMINGTON. Well, there is a strange development in this town. Those of us who believe that we must do something more in effort to control the economy, and therefore protest heavy cost overruns on planes, or torpedos, or tanks, now realize that things have gotten to a point where just a protest in itself of any policy incident to any military activity makes you a dove, you might say, using that pretty hackneyed word. Nobody could criticize as a dove as great a soldier, with the record he has, as General Ridgway for being one not for what is best for the security of the United States.

Mr. Chairman, I would ask that this article be inserted in the record.

The CHAIRMAN. Without objection, so ordered.

(The information referred to follows.)

[New York Times, Mar. 14, 1970]

TOPICS: SETTLEMENT—NOT VICTORY—IN VIETNAM

(By Matthew B. Ridgway)

General Ridgway, now retired, was U.N. and U.S. commander in Japan, Korea and the Far East and later Army Chief of Staff. He points out that these are personal views without access to classified official studies.

Many continue to argue that a military solution, or "victory," in Vietnam has all along been within our reach, that nothing less would serve our interests. I believe such a solution is not now and never has been possible under conditions consistent with our interests.

That would have required, and would still require, resort to military measures unacceptable to most of our people. But regardless of past policy decisions, were such a course to be pursued now the divisive influences throughout our land, comparatively quiescent, would be intensified.

The basic decision, which I believe is irrevocable and which was made and announced long ago, was to reduce our operations and to initiate disengagement and withdrawal according to a plan merely outlined.

Whether or not it includes an ancillary decision to complete withdrawal by a fixed date, I do not know, though I assume it does. For reasons of its own—and reasonable ones are not lacking—the Administration has not seen fit to announce it.

Last Nov. 3 the President set forth three conditions that would, he said, determine the rate of our withdrawal: progress in the Paris talks; the character of enemy operations; and the rapidity with which the South Vietnamese Army can assume full responsibility for ground operations. He warned that "if increased enemy action jeopardized our remaining forces," he would "not hesitate to take strong and effective measures," not spelled out but alluded to again in his Jan. 30 press conference.

Adherence to these conditions could result in relinquishing the initiative. Hanoi's stalling in Paris, or Saigon's unwillingness or inability to bring its army up to the requisite level of combat effectiveness, or an escalation of enemy action would then compel a choice between resort to "strong measures"—a reversion, it would seem to me, to the search for a military solution already publicly eschewed—or suspending and even reversing our withdrawal.

NONMILITARY OPTIONS

If this reasoning is sound, then it is relevant to examine our options, should events seem to demand dealing "strongly" with the situation.

We could decide: to halt and subsequently reverse the disengagement process; to resume bombing in North Vietnam on the same scale and against the same target systems as before; to widen the bombing to include key points in power grids, port facilities and utilities, even though located in population centers; to impose a sea blockade of North Vietnamese and Cambodian ports; to invade North Vietnam with ARVN or U.S. ground forces, or both; to use nuclear weapons.

Putting any of these measures into effect could result in: ending hopes for arms control; raising U.S.S.R.-U.S. tensions; causing heavy loss of life among non-

combatant North Vietnamese; raising U.S. casualty rates and dollar costs; impairing our capability for quickly responding to other challenges elsewhere; seriously accentuating domestic criticism of Government policy. If there was a land invasion of North Vietnam by U.S. ground forces, the possibility, if not the probability, would follow of massive Chinese ground force intervention as occurred under similar conditions in Korea in 1950; and, if nuclear weapons were employed, world and domestic opinion would revolt.

I question that the execution of any of these options would serve our interests. Most of them, I believe, should be rejected. Certainly we should repudiate once and for all the search for a military solution and move resolutely along the path of disengagement and eventual complete withdrawal.

This will present painful problems, but they must be faced. It raises serious military questions: How long will it take to increase the combat effectiveness of the South Vietnamese Army to a necessary level? If a long time, how much U.S. combat and logistic support will be needed, and for how long? If chiefly U.S. Air Force and Navy combat elements are needed, who is to provide security for their bases? And if reliance is to be placed on South Vietnamese forces, who will command them? How will U.S. base commanders and their troops react to such arrangements? These are a few of the military problems, quite apart from the political ones.

FOR A POLITICAL SOLUTION

A negotiated political settlement, which I think we would all prefer, and which I believe we must ultimately reach, will be unattainable unless we retain the initiative and face up to these problems now.

Regardless of how much this may tax the wisdom and determination of our Government and the patience of our people, our decision is, I believe, the prudent one, and we should channel its execution into the mainstream of our long-range national interests.

Senator CASE. Would the Senator yield for a comment on that? I read it with great interest and I think it is one of the soundest and most comprehensive statements about our policy and about the policy that we ought to pursue that I have ever seen.

Senator SYMINGTON. I thank the Senator and believe it particularly pertinent to remember that General Ridgway when Chief of Staff led those who opposed our going into Vietnam in 1954, at the time discussion was rife as to whether we should or should not support the French, just prior to the fall of Dienbienphu.

OPTIMISM ABOUT VIETNAMIZATION QUESTIONED

The other question has to do with your optimism about Vietnamization. I can remember at the time of the start of the great depression Black Friday, October 29, 1929, everything was going to get better soon. Then some person said, everybody assumes a better time is just around the corner, but nobody seems to be able to find the street. Isn't it logical, after we announced that we would not attack by air north of the DMZ on the 31st of October, 1968, just north of the DMZ now looks like a great ammunition and materials and supply depot characteristic of large ones in this country. Isn't it logical for the North Vietnamese to take their divisions and put them into Laos rather than let them sit at home and eat off the Government without anything to do?

ADMINISTRATION PLANS CONCERNING LAOS

If you were in Hanoi, wouldn't you use these troops in Laos? Have we made any decisions incident to what we plan to do in resisting this further invasion of Laos? I ask that because it is my understanding you all say now we will not put ground troops into Laos. What is your

plan with respect to air? Do you plan to continue, or increase, the heavy airstrikes, or do you plan not to despite the offensive currently being carried on by the North Vietnamese and the Pathet Lao against Souvanna Phouma's Government?

Mr. RICHARDSON. Senator, I really can't go beyond the President's statement on this score in which he said that we had no plans to involve ground combat forces, and the question of what else we might do I can only say is the sort of thing that is explored in the process of contingency planning, but our principle emphasis at this point is not military but rather on the restoration of the Geneva Accords, and this, of course, was the objective of the President's letters to the Co-Chairmen.

We hope that there can be progress through the discussions between Prince Souvanna Phouma and Souphanovong leading towards some restoration of a stable government there and this remains our principle hope and emphasis at the present time.

SECRECY OF U.S. ACTIVITIES IN LAOS QUESTIONED

Senator SYMINGTON. We are operating in Laos to protect the Geneva Accords? Is that correct? And with the premise that the North Vietnamese first broke said Accords of 1962.

Mr. RICHARDSON. This is true in North Vietnam, yes. Although the government's operations there do have a relationship to hostilities in South Vietnam also.

Senator SYMINGTON. I understand. But the Laos agreement was 1962. The Vietnam agreement was earlier, wasn't it?

Mr. RICHARDSON. 1954.

Senator SYMINGTON. So we are in Laos because of violation of the 1962 agreement, correct?

Mr. RICHARDSON. This is correct of North Laos, yes.

Senator SYMINGTON. Then why do we keep secret what we do in there, if it is known that the reason we are there is because the North Vietnamese have violated the 1962 agreement? Why does it have to be kept secret, all the details of our operation, if the reason we are there is, as we say constantly, because the North Vietnamese first violated the 1962 agreement?

Mr. RICHARDSON. Of course, the fact of our engagement there is now known and has been stated by the President and will appear more fully in the transcripts of testimony before your subcommittee. Such details as it may be agreed still to withhold would be withheld essentially for either reasons of the protection of the military operations themselves or in part perhaps because of the circumstances reinforced today by the statement by Kosygin which appears in the newspaper which in effect rejects any collaborative efforts to restore the Geneva Accords and makes no reference at all to the presence and activity of North Vietnamese forces in North Laos and of the North Vietnamese violation.

The problem essentially is one of the one-sidedness of the process of disclosure and this, of course, has been an element in the problem from the beginning.

Senator SYMINGTON. Thank you, Mr. Secretary. I want to thank you for the facts that have been released about Laos.

The CHAIRMAN. The Senator from New Jersey.

COMMENDATION OF THE WITNESS

Senator CASE. Thank you, Mr. Chairman. It is a pleasure to have you appear before this committee any time and it is refreshing and your preciseness and care in expression are things that we very much appreciate.

Mr. RICHARDSON. Thank you.

LEGISLATIVE AND EXECUTIVE POWERS

Senator CASE. I am not going to engage in any exercise of attempting to get you to make any concessions about the limits of Presidential power. It is ridiculous that one branch of the Government should try and get the other branch at any time to concede that it has less power than any of its predecessors at any time. I have my own views about these limits and they do not go as far as has been suggested even with regard to moving troops around as Commander-in-Chief. There are, I think, limits that we ought to exercise here. I am not sure that any great advantage is to be gained by attempting ahead of time to pick out the line of demarcation. As a matter of fact, I don't know that there is a precise line of demarcation. I think there is a good deal of overlap, rather, and to a certain extent I think a lot of this discussion therefore is really irrelevant.

I don't think, for example, that even if Congress by one vote passed a declaration of war, if this represented as close a division among the people, that we could go to war in such circumstances or that we would try. It has to be somehow or other—a matter as serious as this—an action of the people expressed and exercised by the Government, and so I will not pursue any efforts to get you to say the President can't do this or that or the other thing or embarrass you or your proper representation of the executive branch here.

I think it is proper to say, though, that this leads me to a question. If I am not concerned about what the President could do, I think I am very right in expressing a concern and raising a few questions as to what the President intends to do and I think that is very much in point.

CONGRESSIONAL APPROVAL PRIOR TO INTRODUCTION OF GROUND TROOPS INTO LAOS

For example, it is my impression that we have an understanding, we have an assurance from the Administration, that without congressional approval, our ground combat troops will not be introduced into Laos. Is that correct?

Mr. RICHARDSON. Yes, that is correct, Senator, except to the extent that I suppose I should——

Senator CASE. We are not talking about some new situation that might arise and involve the exercise de novo of some admitted press——

Mr. RICHARDSON. There are no plans under present circumstances to do this.

Senator CASE. Right. And we do have this assurance that congressional approval before such action is taken will be sought?

Mr. RICHARDSON. Yes, you do.

Senator CASE. Thank you. That is of very great importance and I think the country is entitled to know it and I appreciate very much your very frank answer.

The CHAIRMAN. Will the Senator yield? I didn't understand that before. I thought the assurance was only that we would be notified and consulted. I welcome the idea that you will not do it unless we approve.

Senator CASE. There was some—I think there has been some misunderstanding about this, Mr. Chairman.

The CHAIRMAN. I didn't know that he had ever said he would not do it without our approval. I am very glad to have that.

Senator CASE. I had felt that this was at least implied if not expressed and I felt it was therefore justified to bring it into the open.

The CHAIRMAN. Certainly it is justified. I congratulate the Senator on the way he obtained the right answer. I had never read such an answer before.

Senator CASE. I am sure you realize I wasn't trying, nor am I capable of exercising, any unusual trickery or skill in leading this man to say anything he doesn't want to say.

The CHAIRMAN. No, I didn't mean that.

Senator CASE. I just say that only because I don't want it to appear that he ever had any intention of saying anything else or not saying that. And I think——

DISTINCTION BETWEEN USE OF AIR AND GROUND FORCES IN LAOS

The CHAIRMAN. Will the Senator yield? If that is true about ground combat troops, why isn't it true about air power?

Senator CASE. The Chairman took the words right out of my mouth.

The CHAIRMAN. I am sorry. I withdraw the question.

Senator CASE. No, please do. I was going to ask you because I think it is a logical thing. There may be reasons why the Government doesn't want to answer the question at this time, but I think it would be very helpful, Mr. Secretary, if you would explain that proposition and that whole situation just a little bit. Where do we stand on air power?

Mr. RICHARDSON. Well, Mr. Chairman, and Senator Case, I think the distinction certainly between ground combat forces and air power in Laos is that for us to introduce ground combat forces would represent a significant departure——

Senator CASE. A change.

Mr. RICHARDSON. —— from what has been going on in the past whereas the continuation of air strikes is simply more of the same, more of what was being done when the Administration took office.

I think I should—I am looking at the question of approval—I suppose I should indicate some qualification with respect to what the President might ultimately decide in the light of the process of consultation. I think it does require some qualification as to what is meant by approval in the sense of formal action as distinguished from some general understanding——

Senator CASE. Mr. Secretary, I would want you to continue with what you are now beginning to talk about and in any way you want to make any qualification or fuller explanation of what you said before

about congressional approval. But I wouldn't want you to get off the matter of Air Force unless you exhausted it to your satisfaction.

Mr. RICHARDSON. No, I really have said all that I can on that score.

Senator CASE. I understand, which isn't very much.

Mr. RICHARDSON. I thought I had answered the question as to how we distinguish between consultation with Congress on the use of ground forces and the approval of Congress on whatever is done through air power. The distinction I made was between new action in this first instance and continuation of present action in the second.

DISTINCTION BETWEEN AIR AND GROUND FORCES IN LAOS QUESTIONED

Senator CASE. I wonder if that is a real distinction. Your suggestion was that this kind of activity already was going on when this Administration took office. I raise a question as to the possibility of a difference in degree being a difference in kind. Was it going to be with B–52's bombing not along the Ho Chi Minh trail but up near the Plain of Jars? Is that not a change? I wish you would talk a little bit more—if you can't, all right. We will have to go into it in some other fashion in executive session, but in this matter you can commit aggression on another nation as much with the use of air power as by the introduction of combat troops; is that not true?

Mr. RICHARDSON. Excuse me, Senator, what was the——

The CHAIRMAN. You can commit aggression against another nation or another people outside your own borders just as surely by use of air power as by the use of ground troops. Can you not?

Mr. RICHARDSON. Yes, certainly.

The CHAIRMAN. Against that background, is there anything more you feel you can say because the people are concerned about our getting involved not just intentionally but in the nature of things by reason of our very heavy activity in Laos?

Mr. RICHARDSON. Well, I don't think I can add very much, Senator, to what I have already said. The character of the activities in which we are currently engaged both in North Laos and the Ho Chi Minh Trail is of a kind which has been going on for quite a long time, since, I believe, 1963, and I wouldn't wish to try to show here today what has been the extent of congressional awareness of this. Certainly there has been a substantial amount of awareness of it and there has been——

Senator CASE. May I say as a Member of Congress, the first I was aware of it at all was when we had some testimony in secret session late last fall. Is that about the time?

The CHAIRMAN. October. That is when we had the hearings.

Mr. RICHARDSON. Well, as I say, I wouldn't want to try to account for whatever degree of congressional awareness there may have been or communication to Congress but there certainly has been a significant amount of it, and it seems to me that there really is a difference in kind between the continuation of the type of activity that has been carried on for a considerable amount of time and the introduction of U.S. forces to engage in a new kind of combat activity.

By the way, I also——

Senator CASE. No question about that. We agree on that proposition. If this were the first time we were bombing Laos, this would be a new kind of thing, just as significant as the introduction of a battalion of

ground troops. I think it does make some difference. But the amount of bombing and the intensity of the activities that we have been doing is what we really come down to now and I think therefore it may be not improper to raise the question—whether it can be answered or not—how much further do we intend to go?

Mr. RICHARDSON. Well, I can't really add to my answer on that, Senator. I said that we have no plans to introduce ground forces which means that under present circumstances we would not introduce them. But obviously I can't foreclose options which the President might choose to exercise under different circumstances. In that case there would be consultation with the Congress.

WHAT CONSTITUTES CONGRESSIONAL APPROVAL?

On the score of approval, I can only stand on the qualification of my answer that I entered a moment ago.

Senator CASE. I am sorry. Would you repeat that because I didn't hear your qualification.

Mr. RICHARDSON. Well, I said that the word "approval" might seem to call for some affirmative action and insofar as that is true, I didn't mean to imply that this will be necessary. So there is presumably left open the question of possible ambiguity.

Senator CASE. I will say there is. There surely is.

Mr. RICHARDSON. Consult with the Congress and then——

Senator CASE. You mean acquiescence? You mean notification and failure to take affirmative action to opposition? Is that what you mean by approval?

Mr. RICHARDSON. I would have to, I think, rather than appear to be speaking here in limitation of the President's authority, under the Constitution, to say that is what I do mean, yes.

Senator CASE. That is what you mean?

Mr. RICHARDSON. Yes.

CONGRESSIONAL AUTHORITY CONCERNING INTRODUCTION OF GROUND COMBAT TROOPS INTO LAOS

Senator CASE. Would you concede getting around to the other issue again, and I don't mean to be tricky at all except this is a very difficult area to be precise about, do you mean or do you concede that Congress might negate a presidential decision to introduce combat troops into Laos? And if so, would it have to be done by a law passed by both Houses, signed by the President, or if vetoed, passed over its veto by a two-thirds vote.

Mr. RICHARDSON. I am not sure, Senator, I should try to give the Congress advice in the exercise of its own constitutional powers.

Senator CASE. Now, but the President has given some assurance through his agencies, through his officers, to the Congress and to the public. Now, what is that assurance? It isn't a question of what Congress will do. It is a question of what the President will do.

Mr. RICHARDSON. Well, I can only go back to my colloquy with the chairman earlier which in effect dealt with the point that when the President or the executive branch engages in consultation with representatives of the Congress there presumably needs to be some give and

take as to the processes that should be pursued in order to create the kind of base of public understanding and support that you referred to. But there are a lot of ways of doing this and I would expect that whatever conclusions were reached, were reached through the process of consultation.

CONGRESSIONAL CONSULTATION

Senator CASE. That is a very fair statement. May I interject at this point to say that I do think that this rules out calling down to the White House the chairmen of two or three committees and the titular heads of the parties and saying that constitutes consultation with Congress, does it not?

Mr. RICHARDSON. I think certainly it is more than that.

Senator CASE. It is a general knowledge by the membership, at least a general knowledge or general availability of information that is talked about here. I assume you mean that.

Mr. RICHARDSON. Yes. I think that is a fair statement.

Senator CASE. Mr. Chairman, I think I will leave the matter there.

The CHAIRMAN. I want to say to the Senator he has made very clear a point I have often tried to make. We were consulted in the sense, of a few people being brought in and given a briefing. This was considered to be consultation with Congress in substitution apparently for a declaration of war or joint resolution.

Senator CASE. Was it not done on the basis that you would not confide to other people what you learned there?

The CHAIRMAN. The Senator is correct and I think the point he makes is very good.

ADMINISTRATION'S VIEW OF EXECUTIVE AND CONGRESSIONAL WAR POWERS

Relevant to the first thing the Senator said about trying to get you to concede anything, we are not trying to get you to concede anything. We are trying to understand what this Administration's view is of the Constitution and the relationship between the legislative and executive branch.

In view of the fact that this President was Vice President under President Eisenhower, and also in view of the very great reputation of President Eisenhower, I think it is appropriate to read two paragraphs of what he said about this matter. It wasn't too long ago. This was a press conference on March 10, 1954. I quote:

> There is going to be no involvement of America in war unless it is the result of the constitutional process that is placed upon Congress to declare it. Now, let us have that clear.

In connection with the Formosa Resolution he stated:

> Authority for some of the actions which might be required would be inherent in the authority of the Commander-in-Chief. Until Congress can act I would not hesitate, so far as my constitutional powers extend, to take whatever emergency action might be forced upon us in order to protect the rights and security of the United States. However, a suitable congressional resolution would clearly and publicly establish the authority of the President as Commander-in-Chief to employ the armed forces of this nation promptly and effectively for the purposes indicated if in his judgment it became necessary.

I subscribe to that. All along there has been this theory of presidential authority in an emergency, under certain circumstances, to protect

life and property, citizens, and the national security and economy. When it comes to using it in a substantial way and in waging war, then he doesn't have it.

I am not trying to get you to concede anything. You can't concede it any more than I can. The Constitution is there and it is a question of how we implement it. It is legitimate for the committee and country to understand how this Administration views this relationship. I approve of the way President Eisenhower viewed it and all I am really trying to clarify is that, hopefully, this Administration would agree with that view. You have no authority to concede anything, but you do have authority to speak on this view for the Administration.

If the Administration's view is that they don't need any approval from the Congress, then we have a difference to talk about so the country will understand it. I don't personally accept the view that the President has the inherent power to wage war. I do think he has a power to take emergency action as President Eisenhower said.

The Senator from Delaware.

ADVANCE CONGRESSIONAL APPROVAL FOR GROUND TROOPS IN LAOS

Senator WILLIAMS. Mr. Secretary, I can understand the caution and concern that you have in answering the questions of Senator Case about the consultation that the President will have with the Congress prior to any truce, but it was my understanding based upon the President's statement and also the testimony that we received from the Secretary of State in answer to the questions, I believe, from the chairman of this committee, that the President would not only consult but get prior approval before there was a commitment.

I wish that we had a clear understanding on this about the initiation of ground troops.

The CHAIRMAN. May I say to the Senator I thought so, too, but this witness has not gone as far. The Secretary of State in executive session did explicitly say this. Since it has been brought up, I don't think this involves a matter of security. It involves only the effort to try to understand the relationship between the Congress and Executive and how this Administration views the relationship. I think it is proper under these circumstances to quote from that hearing.

The Secretary of State had said that "we have no present plans, if it [Laos] is overrun, to use combat troops. Now, whether we would, I do not want to say that we would never think about it but there are no present plans of that kind."

Then I said, "You say you will seek the approval?" We were speaking of the approval of Congress. "Does this mean the explicit approval of Congress or just a general approval of bringing up another resolution that in effect sort of confirms," that is, "the Tonkin Gulf approved primarily what he had already done"—referring to the President—"by his sorties against North Vietnam."

The Secretary of State said "No. I am talking about advance approval."

This, I think, is the origin of this idea as to what is the proper relationship between Congress and the Executive. We are not talking about major situations. We recognize the distinction, the same distinction as President Eisenhower made. I think it is very healthy to

have this understanding. That is all it is. I don't think you are conceding or giving away anything; nor was the Secretary.

Senator WILLIAMS. I thank the chairman because it was definitely my understanding that prior to any initiation of ground troops or new steps being taken, the President would not only consult with the Congress but would not proceed until he obtained congressional approval. I think the statement of the Secretary of State certainly clears up this point. It was also my understanding, based upon the statement of the President, that he concurred in this and this was based upon his understanding. In fact, we were told that in the committee meeting.

I have no further questions.

DISTINCTION BETWEEN USE OF AIR AND GROUND FORCES IN LAOS

The CHAIRMAN. Before we leave this, the fact that you are doing it and the previous Administration was doing it constituted in no way an authority to do it, was brought out in another line of questioning.

I confess that your first answer, when you said you felt having our troops in Vietnam, that the President had a right to take measures to protect them and bring them home, is very appealing because he is liquidating a situation which may or may not have been authorized. Isn't there a distinction between that and the situation now in Laos, in escalating a war, using B–52's that never had been used before? What is the authority for it? Shouldn't this be presented as a new undertaking?

I think this raises the very interesting point of the distinction between B–52's and combat troops.

Could you comment on that a little further?

Mr. RICHARDSON. Mr. Chairman, may I first comment very briefly on Senator Williams' point? My original response to Senator Case was based on an awareness of what the Secretary of State had said to this committee in executive session. I simply felt that I should in the interests of caution and accuracy qualify somewhat what might be pursued as the means of obtaining approval.

Turning to the question of B–52's, of course, B–52's have been employed in the bombing of Ho Chi Minh Trail for a long time and in that sense have been used to——

The CHAIRMAN. That comes within your first idea, but not the second.

Mr. RICHARDSON. There has only been one strike by B–52's in Laos outside of the Ho Chi Minh Trail area and in this it certainly has not seemed to us that a difference of degree of the kind that we have been discussing would obtain as if, for instance, combat troops, ground combat troops, were introduced—were involved.

It is, you might say, a different delivery system for bombs but the activity itself is not otherwise different.

May I, Mr. Chairman, while I have a moment, also go back briefly to one other earlier point. Senator Case asked me whether I would agree that it was no less aggression to drop bombs than it was to use ground combat forces, or a question to that effect. I said I agreed that one could be aggressive just as much as the other. However, I wouldn't want to leave the record with any possible implication that we consider our activities in Laos as involving aggression, since they have been

undertaken at the request of the legally constituted Government of Laos.

Senator CASE. It was an unfortunate word that I used. If I may be permitted to interject here, if it were against any other nation it would be, of course, aggression.

Mr. RICHARDSON. Yes. I think the general question——

CONGRESSIONAL APPROVAL REQUIRED FOR WAGING WAR

Senator CASE. I think probably if we could get at it, we would say waging war, in effect, and even that can be done at the request of a nation as we have had that request here. That is the kind of thing I meant. It is just as much a warlike act.

Mr. RICHARDSON. I understood that. I just wanted to remove any possible misinterpretation in my answer.

The CHAIRMAN. These things are not cleared up easily. I am not at all sure I would let it pass without an observation about a request from a foreign government giving the President the authority to wage war that he doesn't have if the Congress hasn't approved it. You get into an endless kind of game here. Just because some head of a small state says, "we would like your help," I don't think automatically the President has the power to do that.

He ought still to have congressional approval if he wishes to do what amounts to waging war.

Senator CASE. I fully agree with that, and in agreeing with the Secretary I was agreeing entirely in his correction of my use of the word "aggression." I think it requires congressional approval to wage war at the request of an ally as it is without that request?

The CHAIRMAN. Senator Cooper?

RELATIONSHIP BETWEEN U.S. ENGAGEMENT IN LAOS AND VIETNAM

Senator COOPER. I do not want to engage in abstractions about the constitutional power except in this way, because I think the questions of the members of the committee, I know mine are, are based upon what I believe is the attitude of many in the Congress and many in our country, that we should not become involved in a large war, or any war in Laos.

At the beginning of the questioning, you were asked by the chairman what was the basis of the constitutional authority of this Administration to be in Vietnam, and I think you said that since we are engaged in a war there, the President has the authority, as I believe he has, to protect our troops and particularly when we are trying to disengage in Vietnam.

Now, is that reasoning applicable to Laos? Are we engaged in a war in Laos?

Mr. RICHARDSON. Senator, I think that the situation in Laos is certainly analogous to the extent that the activities in which we are engaged in Laos are of the kind that were already being conducted when the Administration took office, so that in a sense the question of original authority may be superseded by events in both cases. The two are similar. Beyond that I can only add that there are two other aspects of the situation in Laos which are at least relevant.

One is that to a substantial degree our activities there are related to and inseparable from the—inseparable in the military sense—from our activities in South Vietnam itself.

The other is that it is at least pertinent that we were requested as a signatory of the Geneva Accords of 1962 to assist the duly constituted government in preserving its own integrity. But I would say that the justification of our continued activity in Laos has to rest upon a combination of these things, the relationship of that activity to what we are doing in South Vietnam, to the fact that it is in effect more of the same from the standpoint of this Administration, and that it does have at least this relationship to our obligations under the Geneva Accords.

But I would prefer not to try to justify it under any one of those grounds alone.

Senator Cooper. Well, I think everyone understands that the bombing of the Ho Chi Minh Trail certainly has been related to the war in Vietnam. But to extend that bombing beyond the Ho Chi Minh Trail, or introducing troops into Laos, do you see a relation to the war in Vietnam?

Mr. Richardson. Well, it does have one very direct relationship which is—well, two, really.

One is that we have never been able to visualize any settlement of the war in Vietnam that did not include the restoration into full force and effect of the 1962 Geneva Accords as applied to Laos. We have said this many times in Paris and the President has made this clear in his statements about our negotiating objectives.

Another relationship to the war in Vietnam is that a reason undoubtedly why the North Vietnamese have stepped up the number of their troops in North Laos is probably to create a situation in which pressure could be exerted on us to stop the bombing of the Ho Chi Minh Trail and, again, this is a relationship, too.

PRIOR CONGRESSIONAL APPROVAL FOR U.S. GROUND TROOPS IN LAOS

Senator Cooper. I asked this primarily to emphasize what others have said here, the belief that before any ground troops should be sent in, or any other military factors, in fact, any continuance of what we are doing now, I think ought to be brought to the Congress for approval unless the Administration contends what it is doing there is wholly related to the war in Vietnam.

I do not see any other constitutional authority it could have, do you?

Mr. Richardson. Well, beyond what I have said, Senator, I can't really add very much. I think that it is related to the war in Vietnam for the reasons I have stated, and it does have the aspect of our participation in the Geneva Accords, and finally, perhaps as important as any of these points, is the continuation of an activity of which there has been an assertion of authority by the previous Administration and some awareness on the part of the Congress as to what was going on.

I might say that in regard to the resolution which you and Senator Church joined in sponsoring as an amendment to the current appropriation bill, one could conclude from its legislative history that it was adopted on a basis which was not designed to roll back or to——

Senator Case. To stop what was being done.

Mr. Richardson. Yes. What was currently being done.

CONGRESSIONAL OPPOSITION TO U.S. ACTIVITY IN LAOS

Senator COOPER. My attitude is certainly one of wanting to support what the Administration is doing in Vietnam, to get out of the war, but I do not understand what is being done to broaden the war into Laos. This creates another theater of war separate from the Vietnam war. I think the Administration did have notice of the Senate's resolve not to become engaged in a war in Laos. You brought the subject up yourself about the amendment to the appropriations bill. Earlier in the year I offered an amendment to use the full constitutional authority to deny any activity in Laos. You recall that?

Mr. RICHARDSON. Yes, Senator, I do.

Senator COOPER. It was opposed by some on curious grounds. One ground was that it was—the language was ineffective to do what it was designed to do, to prevent any use of money for any kind of military activity in Laos. And then it passed the Senate, went to the conference, was deleted in conference. Following that conference action, I asked the Chairman of the Armed Services Committee the reason for its deletion, whether it was the same plea of ambiguity or whether the Administration didn't want it.

He told me both. To him it was somewhat ambiguous, but it wasn't wanted by the Administration. So the Administration did have notice earlier in the year that the Congress, at least the Senate, was trying to exercise its constitutional authority, an authority which cannot be questioned, to deny the use of any funds for any kind of combat operations in Laos.

Would you agree with me on that?

Mr. RICHARDSON. Yes, I would agree that the Administration was on notice. I would also think that it is relevant to the amendment—that the amendment did not pass in that form.

The CHAIRMAN. Would the Senator yield in that connection?

I would like to mention that Senate Resolution 368 bears exactly on that question. It expresses the sense of the Senate, which carries out the legislative form I think, on the same idea the Senator from Kentucky had with regard to the appropriations.

Senator JAVITS. What is 368?

Senator CASE. This is the chairman's recent resolution.

The CHAIRMAN. Yes. It requires approval of the Congress if the United States continues to engage in combat in Laos. The witness has justified the continuation of the Vietnamese war on the ground that the President has the responsibility and duty to protect our troops who were put there by previous Administrations, but, Mr. Secretary, isn't obviously the best way to protect those troops to bring them home and not to leave them there and expose them for years to a continuation of these attacks?

JUSTIFICATION FOR CONTINUING SOUTHEAST ASIA INVOLVEMENT

Is it enough to say that the President is authorized because they were there to carry on? I would grant he certainly is authorized and directed and required to try to protect them from destruction by any enemy, but I wonder if it isn't quite clear that a reasonable time to bring them home is all that kind of authority would justify. If he goes beyond that, he must seek some other authority.

Mr. RICHARDSON. Well, Senator, I didn't think my answer to your question originally was addressed exclusively to the protection of the forces.

The CHAIRMAN. What was it? Maybe your answer should be enlarged. What else is the justification and authority?

Mr. RICHARDSON. Well, I think the point is that under some actual or asserted basis of authority, the troops were introduced there in the first instance for various objectives which have been repeatedly stated to the Congress and to the American people by President Johnson.

The CHAIRMAN. That was the Gulf of Tonkin resolution. President Johnson pulled it out of his pocket every time the matter came up. Now you have said the Gulf of Tonkin resolution may be repealed and you are not relying on that at all. What are you relying on if it isn't just protecting troops and not the Gulf of Tonkin resolution?

Mr. RICHARDSON. It is a combination of the protection of the troops there and their withdrawal under circumstances which contribute to a durable peace. We do have to have, we think, concern with the fundamental objective which we say justified their introduction in the first place and which justifies their being withdrawn over time rather than immediately, and that is as far as possible to assure the opportunity for self-determination by the people of South Vietnam.

And so we are in effect trying to combine the process of withdrawal with the process of Vietnamization so as to optimally at least assure that opportunity for the people of South Vietnam; and in any event, it doesn't seem to us that that combination of activity and these objectives require any new basis of authority beyond that which we found upon taking office, and certainly does not require any reliance on the Tonkin Gulf resolution itself.

The CHAIRMAN. I don't want to take the Senator's time, but this leaves me a little up in the air. Go ahead.

Senator COOPER. I think the desire of most of us is to help the Administration if we can. I know that is my desire. And I can understand the constitutional claim of authority to be in Vietnam. But I cannot see any authority to be in Laos unless the Administration says that it is an integral part of the war in Vietnam and relies upon that. We do not want to get involved in any larger war. Why not withdraw the few troops we have in Laos? I know the Administration hasn't increased the number that has been involved there for several years. Those American forces that are there could not stand against an attack from North Vietnam. Why not withdraw them? What good——

Mr. RICHARDSON. Well, Senator, as I emphasized earlier, our primary objective and certainly our hope with respect to Laos is that there can be a full restoration of the Geneva Accords which would result in the end of fighting and the restoration of respect for the jurisdiction of the Government—the Government set up under the Accords.

And since that is our objective and we are pursuing it through diplomatic means at the very moment, I think that for us to withdraw right now or to stop right now the activities in which we have been engaged could prejudice that effort by in effect, hastening or even bringing about the collapse of the neutralist government.

POLITICAL SETTLEMENT OF SOUTHEAST ASIA SITUATION

Senator COOPER. I read in the paper this morning Mr. Kosygin's statement. Does the Administration consider asking for reconvening of the Geneva Conference to deal politically with the whole Southeast Asia situation—not just the Laos settlement? Is it possible to have a political settlement with North Vietnam, South Vietnam, Laos, and Thailand involved? And China?

Mr. RICHARDSON. We hope so.

Senator COOPER. And China, without having a conference?

Mr. RICHARDSON. Well, we think that the first step should be, first of all, a meeting between the cochairmen designed to discuss and decide upon measures that could bring about the restoration of the Accords. Such a meeting might well decide that the only way to do it would be a reconvening of the Conference itself, including all the countries that were signatories.

The other concurrent step which appears to have a better chance at the moment is discussions between the neutralist prime minister, Souvanna Phouma, and Souphanovong, head of the Pathet Lao, and this also we think is a course that should be pursued.

Senator COOPER. I wish you success.

Mr. RICHARDSON. Thank you, Senator.

The CHAIRMAN. The Senator from New York.

Senator JAVITS. Thank you, Mr. Chairman.

CONSTITUTIONAL POWERS OF CONGRESS

Mr. Secretary, you are a fine lawyer and I think you can help us and help the country more than we have been helped in the past. I would like to see if we can try to do that.

Is there any question in your mind that the power of Congress granted by the Constitution is to declare war, to raise and support and regulate the armies, to approve treaties, and approve the appointment of diplomatic officers?

Mr. RICHARDSON. These are the only explicit——

The CHAIRMAN. How about the regulation of the Armed Forces?

Senator JAVITS. That is included.

The CHAIRMAN. That is very important.

Senator JAVITS. To raise and support armies and "to make rules for the Government and regulation of the land and naval forces." I will include that. Those are the five powers, including that specified by the chairman.

EFFECT OF NATIONAL COMMITMENTS RESOLUTION

Now, we tried to add another specific one and that is expressed in the commitments resolution, Senate Resolution 85. That resolution says, "It is the sense of the Senate." Would you like to have that before you, Mr. Secretary? I think it would be a good idea.

Mr. RICHARDSON. Yes. Thank you, Senator. I have it right here.

Senator JAVITS. Line seven, "It is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the U.S. Government by means of a treaty, statute, or concurrent resolu-

tion of both Houses of Congress specifically providing for such commitment."

Now, insofar as we said treaty or statute, we have the power under the Constitution to make that. But insofar as we said concurrent resolution of both Houses of Congress specifically providing for such commitment, we were trying something new.

Now, does the Administration accept the fact that there is now another way in which the Congress can agree to the utilization of the use of Armed Forces or financial resources of the United States as specified in this resolution, to wit, by a concurrent resolution of both Houses of Congress specifically providing for such commitment?

Mr. RICHARDSON. Well, I think, Senator, the question needs to be considered in two aspects. One, insofar as it purports, as your question implies, to deal with the way in which the Congress may act.

The other, insofar as it might be interpreted as limiting the way in which the executive branch may act.

Under the first heading, I would not have said that it undertook to add any new form of procedure or expression of congressional will to what it has previously understood that it could do.

In the very beginning of the hearing the chairman touched on this with respect to situations involving some use of military forces short of a situation amounting to all-out war, situations which might not call for a declaration of war but which could nonetheless make it appropriate or desirable for the Congress in some manner affirmatively to have given its approval. And a joint resolution certainly is a means of the Congress doing this.

So far as the other aspect of the commitments resolution is concerned, I think quite clearly it cannot and I take it, does not, purport to limit the constitutional powers of the President.

Senator JAVITS. So you really think we have accomplished nothing by the commitments resolution. We always have the power to pass a joint or concurrent resolution and if we haven't in any way affected the President's powers as Commander-in-Chief, even to the extent of defining it, defining its perimeters, what have we done, in your judgment?

Does the commitments resolution do anything?

Mr. RICHARDSON. Well, we have quite fully expressed our views on this in the communications we submitted to the Committee on March 10 a year ago. I think that basically we recognize the potential value or actual value from the standpoint of the Congress and the executive branch, as well as the general public, of an effort to affirm and to qualify constitutional prerogatives and responsibilities in the area of national commitments, but I think we would have to say, and I think it is quite obvious on its face, that a Senate resolution, I should say not even a Senate resolution can enlarge the constitutional powers of the Congress, nor can it diminish the constitutional powers of the President.

Senator JAVITS. However, you will agree, will you not, Mr. Secretary, that this does involve a deep constitutional confrontation between the Congress and the President. Suppose the Congress tomorrow passed a resolution telling the President to get out of Vietnam. Wouldn't that present us with an enormous constitutional question if the President should decide he didn't want to?

Mr. RICHARDSON. I would say it would present us with a congressional relations problem, Senator.

Senator JAVITS. It couldn't present us with a constitutional problem?

Mr. RICHARDSON. No.

APPROPRIATIONS AS SOLE LIMIT ON PRESIDENTIAL ACTIONS IN VIETNAM

Senator JAVITS. In other words, is the contention of the Administration that notwithstanding the actions of the Congress, the President of the United States can continue present operations in Vietnam unless we deprive him of the money?

Mr. RICHARDSON. I think this is true. I think it would require action to deprive him of the money.

Senator JAVITS. Now, I would like to submit to the Administration that that is most inadvisable to compel us to take so drastic a remedy in order to correct the situation which the Constitution leaves loosely defined and yet in which the Congress feels strongly enough to ask the Administration or the President to desist, to make us under those circumstances do so drastic a thing as to cut off the money.

I think that represents a very rigid attitude which is not good for the country. I just submit that to the Administration. I think that the Administration ought to make it possible for the Congress to manifest its will in an effective way without so drastic a remedy as cutting off money.

I have been personally opposed to legislation of my own colleague from New York because I considered it too drastic, but if the Administration gives Congress no other choice, then he may be right, that the only way Congress can act with effect is to cut off appropriations.

Mr. RICHARDSON. Senator, I didn't mean to suggest—I don't think my suggestion did imply that the Administration would ignore the resolution, which is what I mean, in effect, by saying we would have a congressional relations problem, but your question, I thought, was directed toward an answer with respect to the legal effect of the resolution.

Senator JAVITS. It was.

EFFECT OF CONGRESSIONAL RESOLUTIONS

Mr. RICHARDSON. And I can only say on that score that the resolution would not be self-executing.

Senator JAVITS. Would not have legal effect. Now, would you agree——

Mr. RICHARDSON. It would have legal effect insofar as it did what it purported to do and that is to express the sense of the Congress that we ought to get out.

Senator JAVITS. But it would be the sense of the Congress, and the Congress has important powers under the Constitution with regard to warmaking—powers more clearly specific than the President's.

Mr. RICHARDSON. But it couldn't have legal effect on its face, it seems to me, and I doubt if it could be argued that it would by its very operation make unlawful or unconstitutional the continued presence of U.S. forces in Vietnam.

Senator JAVITS. Now, is that the same also with respect to the commitments resolution which—you say—if we are negative, then the

President can disregard us? It is only a sense of the Congress resolution? Suppose we are positive, to wit, we pass a concurrent resolution of both Houses of Congress specifically providing for such commitment, to wit, to put in troops. Now, is that legally operative; does the President then have a power which he may not have had before?

Mr. RICHARDSON. I think there may be situations in which an express grant of authority can be operative insofar as it removes doubt, but I think that we really are dealing here in an area as I think Senator Case suggested earlier, in which there is probably some constitutional overlap between the powers of the Congress on one side and the executive branch on the other.

At any rate, whether or not there is overlap, there is certainly no clear line, and I think quite clearly our system can work effectively only where there is a substantial degree of understanding and communication between the executive branch and the Congress. I think that if we are in a situation or ever reach one in which these issues will become matters of constitutional adjudication, as distinguished from mutual understanding, we are in deep trouble and in this sense, therefore, congressional expressions, whether of approval or disapproval, should and do carry great weight with the executive branch, as well as with the people.

Of course, they are expressing the views of the American people or they wouldn't be enacted in the first place.

In this sense, I don't wish to seem to be expressing a position that is in any sense lacking in respect for such a congressional expression of views. I was dealing solely with the bare bones of the constitutional issues themselves.

Senator JAVITS. Mr. Secretary, I respect that and you have been very helpful. I think it is very important to our whole Nation and our future that this be as clear as possible. So I ask you this question.

CRITERIA FOR CONGRESSIONAL ACTION CONCERNING HOSTILITIES ABROAD

Isn't it a fact that you, yourself, and the Department of State advise against any declaration of war in these situations as, for example, in Vietnam and Laos?

Mr. RICHARDSON. We haven't had to render such advice since I have been in the Department, but I think certainly there are situations, of which those may have been in the first instance appropriate examples, where to declare war could tend to trigger a series of consequences under the terms of a mutual defense treaty that may be more far-reaching than it is desirable to do under the circumstances. In other words, if what is hoped for through the use of American forces is to prevent a situation from deteriorating badly, it may be desirable then to rely on the constitutional authority of the executive branch in consultation with the Congress, falling short of a declaration of war.

Senator JAVITS. Well, I agree with that, but then don't we have to have some way in which the Congress can manifest its concurrence and aren't we leaving too much to the executive if we let him judge when he has had enough consultation with the leadership and committees and he has the support of Congress, with its own authority? Don't we have to have some concrete way in which the Congress says yes or no?

Mr. RICHARDSON. Well, certainly in many instances this would be desirable and as our report on the pending resolution states, we can visualize the possibility of fresh crises in which it would be desirable to seek resolutions of the kind that it is now proposed to be repealed.

This goes back to the question of approval of Congress as it applies to the introduction of ground combat forces in Laos. I am not in a position to say that we would consider that the adoption of a joint resolution or concurrent resolution was a necessary and indispensable means of obtaining congressional approval.

Senator JAVITS. And even if you sought one, you would still not say it was either necessary or indispensable?

Mr. RICHARDSON. I would think that from a constitutional point of view this would be true. Whether there might be involved the exercise or the granting of some authority which the President or the executive branch wouldn't otherwise have I think is a matter that could only be judged in the circumstances.

Senator JAVITS. Well now, are the circumstances to which you referred in your letter, to wit, "should circumstances warrant," circumstances which are connected with the size, intensity, cost and time duration of hostilities? The words "significant hostilities", for example, were used. The words "broader action" were used. The words "small beginnings", and then as it grew in scale, all these words were used in the colloquy between yourself and Senator Fulbright.

Now, is that the constitutional question? If you have hostilities it is the criteria based on duration, intensity, cost and significance, that is, order of magnitude, that determines whether or not you do or don't go to the Congress?

Mr. RICHARDSON. Well, I think you fairly stated or listed major factors that would and should be taken into account in reaching that decision.

ADVERSE IMPLICATIONS OF REPEALING AREA RESOLUTIONS

Senator JAVITS. Now, I notice with great interest that your letter itself is not unqualified and I don't think you have testified to this question. If you have, the Chair will please help me by telling me so. But I notice in the letter you say:

> Repeal of these resolutions would raise questions about current United States policy in the areas concerned and thus inevitably would entail certain adverse political consequences abroad.

Now, do you wish to tell us what those are, because that seems to be not entirely consistent with your apparent neutrality on the question of "We neither advocate nor oppose congressional action", of repealing.

Are we to take that as being some modification of that view and, if so, what is it? I think we ought to know before we are moved to act that you do have a reason for one position or another.

Mr. RICHARDSON. Senator, I think you are quite correct in identifying the passage in question as being a qualification of our neutrality on the issue of repeal. Indeed, were it otherwise, the Administration might well have proposed repeal.

Our position basically is that we don't rely on the resolutions as a basis for carrying out any present action or any contemplated action,

but that they nonetheless do in certain instances contain recitals of policy which remain valid and that to repeal them, therefore, would undoubtedly give rise to questions in the areas affected as to whether or not the repeal means more than we think it really would in terms of the shift in policies.

I have testified already today to this general effect. I have not, however, up to this point, beyond mentioning Thailand and Taiwan, gone into any detail as to the kind of repercussions which we think could result from the repeal.

I would be glad to do this if you and the committee would care to have me do so.

Senator JAVITS. Well, I would certainly like it. I must appeal to the Chair and we certainly don't want you to divulge anything you don't want to divulge publicly.

Mr. RICHARDSON. Well. I don't need to go into great detail, simply to make the point that, for example, in the case of the Cuban resolution there is language which is still declaratory of the present policies of the Administration, indeed, of policies adopted by the Organization of American States as a whole.

President Nixon in his address to the Inter-American Press Association on October 31, as our letter pointed out, restated this position as it applies to Cuba.

Now, to repeal the resolution could give the impression in Latin America that we had changed our policy toward Cuba. A quick reading of a headline might give rise, therefore, to questions which leaving the resolution, in effect, does not give rise to.

In the case of Taiwan, there is involved the commitment of the United States under the Mutual Defense Treaty of 1954. These, incidentally, are commitments which we would carry out only in accordance with our constitutional processes. But in any event, the resolution having been enacted in the first instance in the light of the then serious threat of all-out attack against the offshore islands, its repeal could give rise to the question whether the United States had in some manner redefined its commitments under the Mutual Defense Treaty of 1954, and we want to make very clear that if the Congress should see fit to repeal the resolution, that this would not reflect any change in our interpretation of our obligations under that treaty.

In the case of Thailand, there is involved a vaguer kind of possible connotation which has to do generally with whether or not the United States is prepared to carry out its commitments in Southeast Asia, in the case of Thailand under the SEATO Treaty, and we would want to make very clear that there was no impact on our commitments in the area as a consequence of the repeal of the Tonkin Gulf Resolution or of these resolutions taken as a whole.

From that standpoint, it is more helpful than otherwise that they are brought together as a group because it becomes then more easily possible for us to make clear that no implications are to be attached with respect to our policies in the areas concerned.

STATE DEPARTMENT POLICY CHANGE TOWARD TERMINATION OF GULF OF TONKIN RESOLUTION

Senator JAVITS. Mr. Secretary, I notice a very interesting point which I wish you would enlighten us on. Together with Senator Pell

of Rhode Island, I introduced a resolution on October 14, 1969, calling for termination of the Gulf of Tonkin Resolution. The Mathias Resolution was not introduced until December of 1969. Therefore, on December 4, 1969, which is prior to the introduction of the Mathias Resolution, the Department commented on the resolution introduced by myself with Senator Pell and that comment—I will read the following sentence:

> Further, we oppose the repeal of the Tonkin Gulf Resolution at this time.

Now, in your letter to us of March 12, 1970, you take another attitude and you say:

> We neither advocate nor oppose Congressional action.

Question: Has there been a change of policy on the part of the Department with respect to the termination of the Gulf of Tonkin Resolution and, if so, why?

Mr. RICHARDSON. The answer is there has been a change and this change of position has been communicated, as you know, with respect to the resolution filed by yourself and Senator Pell on the same date as our letter addressed to the Mathias Resolution.

The CHAIRMAN. I didn't understand that, Mr. Secretary. You say you sent a letter to the committee other than the main letter?

Mr. RICHARDSON. We had filed the earlier letter from which Senator Javits quotes in December, which said we opposed the repeal of the Tonkin Gulf Resolution, and so since his resolution dealt with the repeal of the Tonkin Gulf Resolution and had been filed earlier than the Mathias Resolution, we thought that in responding to the committee on the subject of the Mathias Resolution, we should also file a report on the other resolutions which undertook to repeal the Tonkin Gulf Resolution.

And so our letter on that score contains the substance on this subject of the letter on the Mathias Resolution.

As to why we changed our position, the most significant reason, Senator, is that on careful examination of the issue, we came to the conclusion that there was no reason from the standpoint of any legal authority presently being exercised by the Administration for reliance on the resolution and that for us to fight for its preservation, in effect, could give rise to the misleading impression that we were relying on it or intended to rely on it.

This left as the only reason for opposing it, that is, opposing the repeal, the one I mentioned, that it could give rise to the question on the part of Thailand or other countries with whom we are on friendly terms in Southeast Asia, whether the Administration was, in effect, pulling out, or the United States was pulling out; and, as I have said, we think we can make clear that we do not have that intention, that we do intend to carry out our commitments in the area by other means than through the continued presence of this resolution on the books.

It was the combination of these two things which led us to feel that we should move away from the position taken in the earlier letter.

Senator JAVITS. Mr. Secretary, I have just one other question, with the Chair's permission. I am sorry I have taken so long.

I hope it has been useful.

The CHAIRMAN. Very useful.

SUBSTITUTE RESOLUTION ON VIETNAM

Senator JAVITS. I have this other question. Should we repeal, and incidentally for the information of the record, because I think we want to be precise, the European, the Formosa, the Cuba and Berlin Resolutions will have to be applied and I would assume that would require the signature of the President. The Middle East and Vietnam Resolutions, according to their terms, could be terminated by concurrent resolution of both Houses according to their terms. That is just for legal distinction involved, but a concurrent resolution, I believe, does not require Presidential signature.

I was going to ask you this question: If we should repeal these resolutions or should we terminate the Gulf of Tonkin pursuant to the now revised letter, would the Administration think it either necessary or desirable that we substitute some other resolution as to the policy of the Congress on the war in Vietnam? We have quite a few pending, and we could act affirmatively at the same time that we act negatively?

Question: Is it necessary or desirable?

Mr. RICHARDSON. I would say that it was certainly not necessary. Whether or not it would be desirable, Senator, is a question I would have to reserve until I saw the terms of the resolution because obviously we would not consider it desirable if the language of the resolution were inconsistent with the policies which the President has declared.

Senator JAVITS. Well, assuming the latter, would it be desirable?

Mr. RICHARDSON. If it were consistent?

Senator JAVITS. Consistent.

Mr. RICHARDSON. I think it would be desirable.

Senator JAVITS. And the Administration would count that as an affirmative aspect of the foreign policy of the Nation?

Mr. RICHARDSON. Yes. I think in this connection it would be important insofar as, of course, part of the possibility of negotiation, or, to put it slightly differently, the possibility of negotiation depends in part upon the other side's reading of the resolve of the American people and their support of the Administration.

CONGRESSIONAL RESOLUTION ON LAOS

Senator JAVITS. Now, with respect to Laos, on which opinions have been voiced with which I concur, especially by Senator Cooper, would you consider it necessary or desirable that there be a Congressional resolution considering the present state of hostilities?

Mr. RICHARDSON. I would think in the case of Laos that it would be, again, certainly not necessary and probably not desirable for the reason primarily of the existence of a situation in which our role is quite limited.

In the light of the problems that I have already touched upon, this hearing and the Geneva Accords, and because a resolution might seem to be enacted as a basis for doing more than we currently are intending to do.

Senator JAVITS. Well now, that last is very important—"than we currently are intending to do." You would feel free to say that—I don't know that you are and I don't want to entrap you into any answers that are inimical to our interests in the world—but is one of

the reasons why you wouldn't consider it desirable because you don't contemplate any major involvement?

Mr. RICHARDSON. That is one of the reasons. To put it the other way around, I think so far as Laos is concerned, that any resolution should await a situation, which I trust does not arise, in which we might seek Congressional approval for doing substantially more than we are now doing.

Senator JAVITS. And could you tell us that you would, if you planned to do substantially more?

Mr. RICHARDSON. Well, this brings us back to the question of the form of approval on which we had a bit of discussion earlier, and I just don't feel in a position to give any clear-cut answer to that question because the possible circumstances and the degree of activity, and so on, are such as to make a categorical answer impossible. I can only repeat that we would engage in consultation in a meaningful sense of that term which means more than a merely nominal representation of the Congress would be involved in the constitutional process and that the answers we got would make a difference to the course we then followed. Among the questions on which consultation presumably would take place would be the question of the form of any further action that might then seem to be appropriate.

Senator JAVITS. Well, are we to assume if we didn't approve what you propose to do, you would then tell us we shouldn't pass any resolutions?

Mr. RICHARDSON. I can't say what the response of the President or the Administration would be in a situation where the reaction of the Congress was negative, but I think I can say that when we use the word "consultation", we don't mean merely notice to the Congress of what we intend to do anyway. To take another example in another part of the world, the reason that the President's assurances of consultation with our NATO allies have been so warmly received is that when he uses the word "consultation", he means a discussion on a basis in which we really want to know what you, in that case, our NATO allies, think and will weigh it seriously in reaching any decision.

Senator JAVITS. Mr. Chairman, as I am the last in line I would like to say that I think we have heard historic testimony as to a major constitutional issue and I think we all owe a debt of gratitude to the Under Secretary for his frankness and his highly professional skill.

Mr. RICHARDSON. Thank you.

The CHAIRMAN. Thank you, Senator.

PRESIDENT'S AUTHORITY TO COMMIT FORCES TO VIETNAM

Before I call on the Senator from Maryland, I have one question for the record that is prompted by this last exchange.

In March of 1966 the legal adviser of the Department of State wrote to the Committee as follows:

> There can be no question in present circumstances of the President's authority to commit U.S. Forces to the defense of South Vietnam. The grant of authority to the President in Article II of the Constitution extends to the actions of the United States currently undertaken in Vietnam.

And then speaking of the Gulf of Tonkin Resolution in his news conference of August 18, 1967, President Johnson said:

We stated then and we repeat now, we did not think the resolution was necessary to do what we did and what we're doing. But we thought it was desirable, and we thought if we were going to ask them to stay the whole route and if we expected them to be there on the landing we ought to ask them to be there on the takeoff.

Would you comment on that? Do you agree or disagree with the legal adviser's statement and the President's, which is consistent with it?

Mr. RICHARDSON. Well, I can't really comment very intelligently on the first point—the view of the legal adviser with respect to what he believed to be the constitutional powers of the President as of the beginnings of our involvement in Vietnam. I haven't attempted to reach a personal conclusion, nor has the Department attempted officially to reach one——

The CHAIRMAN. I know.

Mr. RICHARDSON. ——since this Administration came in. So I really can't comment on that aspect of it.

I think at the time the President was speaking he could very well take the position that the resolution was not necessary. I certainly agree with him that it was desirable.

PRESIDENTIAL POWERS UNDER ARTICLE II OF THE CONSTITUTION

The CHAIRMAN. I agree with you that it isn't exactly your situation, but for the record, I wish to put in at this point, a description of the powers of the President as Commander-in-Chief by Alexander Hamilton in 1769 and Thomas Jefferson's comments in a letter of 1789. I won't take the time to read them, but I commend both Hamilton and Jefferson to you as good authorities as to what Article II means. I am glad that you didn't in a casual manner line up with the legal adviser of the Department of State in 1966.

(The information referred to follows.)

COMMENTS OF PRESIDENT ALEXANDER HAMILTON

The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.[1]

COMMENTS OF THOMAS JEFFERSON

We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.[2]

I want to ask the Senator from Maryland, who introduced this resolution, if he would care to either ask some questions or make a comment.

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[1] *The Federalist* (Henry Cabot Lodge, editor, New York and London: G. P. Putnam's Sons, 1908), pp. 430–431.

[2] *The Papers of Thomas Jefferson*, 17 volumes (Julian P. Boyd, ed., Princeton: Princeton University Press, 1955), vol. 15, p. 397.

STATEMENT OF HON. CHARLES McC. MATHIAS, JR., U.S. SENATOR FROM MARYLAND

Senator MATHIAS. Thank you very much, Mr. Chairman.

First of all, I would like to thank you and the members of the committee for giving me the opportunity and great privilege of sitting with the committee this morning and listening to this very interesting colloquy.

I would like to express my personal thanks to Under Secretary Richardson, not only for his thoughtful presentation of the Administration's views today, but for what I know have been many hours of study and consideration and discussion on the subject of the resolution that I have cosponsored with Senator Mansfield.

I think that as the distinguished senior Senator from New York has pointed out, the Department has been moving and I am sure that this motion reflects the thoughts of so many people but on none more than Secretary Richardson himself, and I am very grateful for that.

I have been enlightened on the constitutional issues here and I would just like to ask the Secretary if he doesn't feel that the colloquy that we have had today which has dealt so largely with the constitutional issues involved in these matters of war and peace doesn't allay the fears of the Department to some extent that other parts of the world will misunderstand the thrust of the resolution; whether or not this hearing won't emphasize the point that you make on page two of your letter, that there will be misunderstanding abroad as to what we are about.

Mr. RICHARDSON. Well, I thank you, Senator, for your preliminary remarks, and on this question I think quite clearly that the colloquy in this hearing will help to allay any such concern should the Congress see fit to adopt a resolution. I can only hope that commentators on the action of the Congress will have seen the transcript of the hearings or at least reports of it sufficiently complete so as to remove any misunderstanding.

Senator MATHIAS. I think, Mr. Chairman, that the hearings conducted at this level in this direction can be of very great value; and as we were earlier discussing, on the question of where power lies, where it has lain in the past, I am reminded a little of a letter I once saw by Queen Victoria at the end of her long reign in which she claimed she had never conceded an ounce of executive prerogative.

Of course, this was sheer fantasy and I think that it is much more important to seek the reality of where power lies; and I think that as Thomas Bailey pointed out in the book "Presidential Greatness," a great President is not necessarily one who does everything possible to strengthen the powers of the Presidency but one who does everything possible to strengthen constitutional government, and I think that the Secretary's testimony has reflected that philosophy.

QUESTIONS TO BE SUBMITTED FOR THE RECORD

Mr. Chairman, rather than ask the Secretary to comment at length on several questions on horseback, although he has been as eloquent on horseback this morning as his compatriot Paul Revere was many years ago, I do have several questions he might like to consider and if the

committee agrees, I think it would be useful for him to comment on them later in a supplementary letter.

The CHAIRMAN. I will say to the Senator, I have a number of questions which are written out. Many of them are technical and in the interest of time I will also submit them. I think that is a very proper way to do it.

Senator MATHIAS. If the Chairman would like me to state them now——

The CHAIRMAN. Yes. If you care to state them now, I think that would be very useful.

PRESIDENTIAL DECLARATION OF STATE OF NATIONAL EMERGENCY

Senator MATHIAS. There has been little discussion this morning on the question of the resolution or the portion of the resolution which deals with the emergency originating with the Truman proclamation of 1950 during the Korean war and so for the record, let me just ask the Secretary, let me say that when we drafted the resolution I was thinking totally of emergency powers which might have derived from the act of 1917 as amended by the act of 1933.

But I am asking the Secretary on what authority does the President base his declaration of a state of national emergency? Is it by such explicit authorization of law or is it considered to be one of the prerogatives that is inherent in the Presidency?

(The information referred to appears in pp. 360–61.)

Secondly, aside from laws that are triggered by such a proclamation of emergency, what authority does the President feel he acquires by the act of proclaiming a state of national emergency?

(The information referred to appears on p. 361.)

Thirdly, since we are now in a state of national emergency which is of 20 years' duration, is it the Administration's view that the current situation in fact is such an emergency, and if so, what is the nature of that emergency?

(The information referred to appears on p. 361.)

And, finally, Mr. Chairman, I think it might be useful to have a breakdown of the effect of a declaration of war by the Congress and of the effect of the proclamation of national emergency, both directed at what such acts do to the powers of the Presidency. Or, put it another way, what is the State Department's understanding of the powers which are conferred upon the executive by a declaration of war or a declaration of national emergency?

(The information referred to appears on p. 361.)

Once again, Mr. Chairman, I am very grateful to you and to the committee, and particularly to Secretary Richardson for an opportunity to participate today.

The CHAIRMAN. Thank you very much.

Do you wish to comment on those questions at all at this time?

Mr. RICHARDSON. No, thank you. I am relieved that the lateness of the hour has spared me.

ADMINISTRATION'S ACTIONS IN SUPPORT OF CUBAN SELF-DETERMINATION

The CHAIRMAN. I want to join Senator Javits in saying I think you have been very helpful this morning and the discussion has been very

useful. I regret the lateness of the hour. I have a number of questions, which I will submit. One example is the Cuban resolution and your comment in your letter:

> The resolution expresses a determination to work in support of self-determination of the Cuban people. This policy remains the policy of this administration.

What exactly is the Administration doing now in support of self-determination of the Cuban people? I didn't know you were doing anything. I wondered what you have in mind there that you would not like to see the Cuban resolution repealed. Are you doing anything on self-determination of the Cuban people?

Mr. RICHARDSON. Well, we think that the general policies adopted by the Organization of American States work in the sense—in one sense of the word, in that direction, insofar as they encourage the evolution of the government there in a less authoritarian direction and in a direction less given to intervention in other people's affairs.

The CHAIRMAN. Didn't I notice within the month a movement sponsored by two members of the OAS to change the relation with Cuba? The idea, as I read it in the newspaper, was that one way to bring them back to a more amiable relationship with anyone would be to readmit them to OAS? I think Colombia was one of the countries.

Mr. RICHARDSON. Yes, I think they did.

The CHAIRMAN. I thought that was a rather useful movement, if you could bring them back.

I don't want to pursue it. It is too late. I will submit additional questions along with the Senator from Maryland. The staff will get together with your staff for comments. There are some questions about the bilateral agreements with Iran, Pakistan, Turkey, among others. There are a number of incidental questions that arise out of this that are very interesting.

ACTION OF MASSACHUSETTS LEGISLATURE

I also wish to put in the record a reference to the bill on undeclared war in Massachusetts, which was mentioned in the early part of the hearing. I want to put a short statement from the newspaper in in order to make my reference intelligible.

I want my compliments to the great Commonweath of Massachusetts to have some significance. I think they are showing great leadership and I hope other States will follow.

(The information referred to follows.)

[From the Washington Evening Star, Mar. 13, 1970]

BILL ON UNDECLARED WAR GAINS IN MASSACHUSETTS

BOSTON—The Massachusetts House has given preliminary approval to a bill which would prevent the state's citizens from fighting in undeclared wars such as Vietnam.

The measure was approved on a tight 116–110 vote yesterday at the end of more than three hours of dramatic debate. It was expected to come before the chamber for final passage Monday.

Under the legislation, the state attorney general would be required to represent Massachusetts citizens in court if they refuse to serve in combat zones during undeclared wars. Supporters of the measure say the U.S. Supreme Court would be forced to decide if the President can commit troops without a formal declaration of war.

Gov. Francis W. Sargent, a Republican who participated in the Vietnam Moratorium in October, is withholding a decision on signing the bill until it passes the Senate and reaches his desk.

The packed House visitor's gallery watched quitely during the long and often heated debate on the measure. It exploded into applause when the vote was announced, but was silenced by Speaker David M. Bartly, D-Holyoke, a staunch supporter of the measure.

"Today's vote again places Massachusetts in the forefront of the fight for personal liberty and the fight for government run under the rules laid down by the Constitution," Bartley said.

"I must stress that this is a constitutional issue which has never yet been answered by the highest court, and it is an issue which the Congress itself has declined to pursue."

Opponents of the measure said it was unconstitutional and an improper means of raising a constitutional issue.

Rep. Peter C. McCarthy, D-Peabody, a freshman legislator, said sponsors of the bill were perpetrating "a cruel hoax on the younger generation."

The CHAIRMAN. There is a very good article in this morning's Post by Mr. Chalmers Roberts, entitled "Administration Shuns Tonkin-Type Position," which I think is interesting and appropriate for the record.

(The information referred to, follows.)

[From the Washington Post, Mar. 16, 1970]

ADMINISTRATION SHUNS TONKIN-TYPE POSITION

(By Chalmers M. Roberts)

It's been more than 2½ years since Lyndon Johnson's Under Secretary of State Nicholas deB. Katzenbach sat down at the Senate Foreign Relations Committee witness table and called the Tonkin Gulf resolution "the functional equivalent" of a declaration of war.

When Richard Nixon's Under Secretary of State Elliot L. Richardson sits down at the same table this morning he won't make that mistake.

The State Department's report last week on Sen. Charles McC. Mathias's proposal to repeal the Tonkin Gulf, Middle East, Formosa (Taiwan) and Cuban resolutions rests squarely on the premise that "the administration is not depending on any of these resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans."

The Katzenbach declaration raised a storm in the Senate. Indeed, Sen. Eugene McCarthy later was to say that it impelled him to go after the Democratic presidential nomination. Senators repeatedly threw the remark back at the Johnson administration as they sought to reassert Congress' legislative prerogatives in the realm of foreign affairs.

NO SUBSTITUTE

The statement on which Richardson's testimony will be based disavows any intention of depending on any of the four resolutions "as evidence of congressional authorization for or acquiescence in any new military efforts or as a substitute for the policy of appropriate and timely congressional consultation to which the administration is firmly committed." Richardson was prime architect of the statement.

At the time of Katzenbach's declaration, his boss, Secretary Dean Rusk, was at total odds with Senate Foreign Relations Committee Chairman J. W. Fulbright and his fellow Vietnam doves. Today Richardson's boss, Secretary William P. Rogers, is on such excellent personal terms with Fulbright that they play golf together at the Burning Tree Club.

The change in the executive branch's tone toward the legislative branch thus is evident and it is important. But it also is evident that Messrs. Nixon, Rogers and Richardson are no more prepared to surrender the vague though historic inherent powers of the presidency in foreign affairs than were Messrs. Johnson, Rusk and Katzenbach.

The new administration's memorandum to Fulbright on the repeal of the resolutions states:

"Should a situation arise calling into play our treaty commitments or otherwise seriously and immediately affecting vital United States interests in the areas

affected by these resolutions, we would wish to see Congress at that time fulfill its proper role under the Constitution in the decisionmaking process.

"We would keep the appropriate committees and the congressional leadership fully informed and would cooperate to the maximum in Congress' fulfillment of its responsibilities. Should circumstances warrant, and after consultation with appropriate committees and the congressional leadership, we might indeed seek further resolutions in fresh crises."

NOTHING SURRENDERED

These carefully worded sentences give an aura of willing executive cooperation with the legislative branch. But in fact they surrender nothing of the claims made by one President after another of his dominant role in foreign affairs, including the right to send troops into combat without a congressional declaration of war.

The net result is to give Congress no commitment that in another Korea or another Vietnam—and "fresh crises" are conceded to be at least possible if not probable—the administration will ask for a declaration of war. The most that is promised is that another resolution might "indeed" be sought from Congress.

A Foreign Relations Committee staff report issued in January declared that "while the Constitution states that the President 'shall be Commander in Chief of the Army and Navy of the United States' . . . this broad grant of power is not defined. On the other hand, the Constitution gives Congress authority which, in a number of respects, bears upon the President's power" such as the power "to make rules" for the armed forces, to declare war and to "lay and collect taxes" and disburse the revenue to support the armed forces.

The fact is, as the report added, that "the exact line of authority between the President and the Congress" has been "in doubt for the past 160 years."

Katzenbach's "functional equivalent" remarks was one of the spurs which led the Senate to pass the so-called national commitments resolution last year, declaring that such a commitment can result only from affirmative acts by both the legislative and executive branches.

That resolution and the current Mathias repealer of the Tonkin and other resolutions in large part reflect congressional efforts to recapture authority that Congress has granted to the President—or let flow to him—in the past quarter century.

The Mathias repealer also contains language designed to shove the administration in the doves' direction on Vietnam policy. And, as its House sponsor, Rep. Bradford Morse (R-Mass.), put it last week, it also is a device to clear away "the debris of the Cold War." But these are ancillary concerns.

The thrust of the State Department response makes it clear that what most concerns the administration is that Congress not diminish those vague but powerful prerogatives of a President.

The CHAIRMAN. Is there anything else?

Do you have anything further, Mr. Secretary?

Mr. RICHARDSON. No. Thank you very much, Mr. Chairman and members of the committee, and Senator Mathias. I appreciate the opportunity to be here and I hope and believe that this discussion has been useful.

The CHAIRMAN. I think it has been useful and I think this resolution is a very useful one. I think it will deserve and will receive very sympathetic treatment by the committee and I hope by the Senate.

Thank you very much, sir.

(Whereupon, at 12:50 p.m., the committee adjourned.)

(The following letter containing additional questions and answers was subsequently submitted for the record.)

DEPARTMENT OF STATE,
Washington, D.C., April 14, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to provide responses for a series of questions that you and Senator Mathias raised concerning the Department's position on S.J. Res. 166.

There follows the questions together with our answers.

1. The Department's reply states on page 4 that President Kennedy's 1962 order to interdict Soviet missile deliveries to Cuba "cited as authority only the Constitution and Statutes of the United States. . . ."

Do you believe that President Kennedy was acting within his Constitutional authority?

This Administration has not undertaken a review of the determination made by President Kennedy as to the scope of his powers under the Constitution to respond to the Cuban missile crisis of 1962, but we know of no reason to question the Constitutionality of the measures taken by the United States Government in that emergency.

2. The letter states on page 6 that "perhaps the most important statement of the Middle East Resolution is the sentence in Section 2 which states that '. . . the United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East.'" The letter goes on to say that repeal of the Middle East Resolution "would not affect our continued commitment to the preservation of independence and integrity of the nations in that area."

What is the source of this commitment? I am unaware of any mutual security treaty between the United States and any country in the Middle East. I am, in fact, unaware of any treaty obligations to Middle East countries except for our common obligations under the U.N. Charter, Article 2, Paragraph 5 which obligates all members to "give the U.N. any assistance in any action it takes in accordance with its present Charter. . . ."

If, however, the United States is in some way committed to the "preservation of independance and integrity" of Middle East nations, is it the Administration's view that the United States is in some way committed to compel Israel to restore the Arab states the territories seized in the 1967 war?

Greece and Turkey are members of NATO. The Department's letter of March 12, 1970 was not intended to imply that the United States has a mutual security treaty with any other country in the Middle East.

Our commitment to the preservation of independence and integrity of the nations in the Middle East is a continuation of long-standing United States foreign policy.[1] It expresses continuing United States interest and concern for the independence and integrity of the countries in the area. It is not a formal obligation to take particular actions in particular circumstances.

In addition to our treaty obligation to support Article 2, Paragraph 5 of the U.N. Charter, we are also bound to support other basic U.N. principles stated in Article 2 of the Charter including the sovereign equality of all its members (paragraph 1), the obligation of all members to settle international disputes by peaceful means (paragraph 3), and the obligation of all members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state (paragraph 4).

With respect to the Middle East, the United States voted for and has continued to give strong support to all parts of Security Council resolution 242 of November 22, 1967. This resolution makes clear the need for "guaranteeing the territorial inviolability and political independence of every state in the area" as essential to the establishment of a just and lasting peace in the Middle East.

The President and the Secretary of State have made clear that in fulfilling our obligations as a permanent member of the Security Council, the United States will continue to work for a just and lasting peace in the Middle East in accordance with Security Council resolution 242. The Secretary's speech of December 9, 1969, made the following specific references to our position on territorial integrity:

> "Our policy is . . . to urge the Israelis to withdraw from occupied territory when their territorial integrity is assured as envisaged by the Security Council resolution.

[1] Executive Branch statements embodying this policy are listed at page 26 of the Senate Report 91–129.

"Any changes in the preexisting lines should not reflect the weight of conquest and should be confined to insubstantial alternations required for mutual security.

"We support Israel's security and the security of the Arab states as well."

Our objective is to work with other U.N. Members, including the parties to the conflict, for a just and lasting peace which will enable withdrawal to take place in accordance with the Security Council's resolution. The United States has no obligation to act unilaterally to compel Israeli withdrawal.

3. References are made on page 6 to bilateral agreements with Iran, Pakistan and Turkey under which, in the event of aggression, the United States would take "appropriate action, including the use of our armed forces. . . ."

Are these agreements, treaties or executive agreements?

The bilateral agreements with Iran, Pakistan and Turkey were entered into as executive agreements. At the time they were entered into, the agreements were based on the legislative authority of the Middle East Resolution and the Mutual Security Act of 1954, as amended. The latter act has been succeeded by the Foreign Assistance Act of 1961 as amended.

The principal U.S. obligation in Article I of each agreement is to take "in accordance with the Constitution of the United States of America . . . *such appropriate action*, including the use of armed forces, *as may be mutually agreed upon*. . . ." Since this undertaking is clearly within the President's Constitutional authority, reference to the Middle East resolution was not essential to the validity of the executive agreements. (Emphasis added)

4. On page 5 of its comments the Department states that, "in the event of a new crisis in the Formosa Strait, this Administration would not view the continued existence of the Formosa Resolution as a source of Congressional authority." The letter goes on to cite the Mutual Defense Treaty between the United States and Taiwan as the basis of our commitment and goes on to assert that repeal of the resolution would not alter this commitment.

The pertinent provision of the Treaty of December 2, 1954 reads as follows:

"Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

How, in the event of a crisis, would you propose to implement that language?

It is not possible to predict in advance just what actions might be necessary in the event of a new crisis in the Formosa Strait. The relevant consideration, so far as our Treaty Commitment is concerned, would be whether hostile actions amounted to an armed attack "directed against" Taiwan or the Pescadores. In the event it was determined that our Treaty Commitment was involved there would probably be a wide range of actions that would be considered depending on the precise circumstances of the situation. The Administration would wish to consult the Congress as fully as circumstances would permit in considering these actions.

5. Referring to Section 4 of the Mathias-Mansfield resolution, which would call on the South Vietnamese leaders of various sections to form a government capable of gaining popular support, the Department states on page 8 of its comments that "It is the policy of this Administration to support and encourage as broadly representative a government as possible in South Viet-Nam."

How if at all can this statement be reconciled with the refusal of the United States Embassy in Saigon to make any effort to restrain the Thieu Government from its persecution of Tran Ngoc Chau? Chau, as you know, was a deputy who was sentenced to 10 years imprisonment in a kangaroo trial after being illegally stripped of his parliamentary immunity for the offense of meeting with his brother, who was a North Vietnamese agent. The Embassy refused to assist Chau, although it is known on both sides that his meetings with his brother were reported to the CIA and the U.S. Embassy.

How under these circumstances can it be said that this Administration is "supporting" and "encouraging" a broadly representative government in South Viet-Nam?

There should be no doubt that it is our policy to support and encourage as broadly representative a government as possible in South Viet-Nam. We have made our general views on this subject known to the Vietnamese authorities in an appropriate manner. We also support specific efforts the Vietnamese government is making to broaden its base of popular support, such as the new land reform program and the effort to strengthen locally-elected village and hamlet

government. We will continue to take whatever action we properly can to carry out this policy.

In the particular case of Deputy Tran Ngoc Chau, Ambassador Bunker has discussed this with President Thieu. These discussions have, of course, been on a private basis. We consider that our actions in the matter have been entirely consistent with the policy noted above.

6. Discussing Section 4 of the Mathias-Mansfield resolution, the State Department letter says on pages 8 and 9 that the language is ". . . misleading in its implication that the present government is incapable of 'gaining public support and sustaining a durable political order.'"

The Department says that this is "misleading". What precise evidence is there of the capability of the Thieu Government to gain public support and form a stable government?

The present Government of Viet-Nam is an elected one, chosen in an election in which nearly 60% of the country's entire adult population voted. Since its inauguration in October 1967, it has handled a number of difficult problems and undertaken needed reforms in several fields despite adverse wartime circumstances. It has restored security, property, and local elected self-government to a large part of the countryside. It has mobilized the population in their self-defense and upgraded the armed forces to enable them to take on an increasing share of the fighting. It has handled quite effectively such war-related problems as post-Tet 1968 reconstruction and the resettlement or return of hundreds of thousands of refugees. It recently launched a revolutionary new land reform program designed to abolish tenant farming and make every rice farmer a landowner. And it has accomplished this within the framework of new and still somewhat unfamiliar democratic institutions.

There are undoubtedly shortcomings and imperfections in the government's performance. Nevertheless, we believe that, on balance, the government's record so far is an encouraging one and indicates that it is capable of gaining public support and sustaining a durable political order in South Viet-Nam. On the basis of this evidence, we reiterate that it would be misleading to claim that it was not capable of doing so.

7. In its comments on the Tonkin Resolution on page 7 the State Department says that the Administration is proceeding with efforts to end the war either by negotiation or by other means and that Congress "could, of course, draft and adopt a new resolution to complement and support that policy."

In lieu of a reference to "complement" and "support" the Administration's policy, would the Department welcome a resolution designed to *improve* and *alter* the Administration's policy?

The Department, of course, always welcomes any resolution which would be designed to improve the Administration's policy. However, since we believe that the present policy is sound, we would presume, as we stated in the original letter, that such a resolution would "complement", rather than "alter" that policy.

8. The State Department says on page 3 of its comments that in another crisis involving our "treaty commitments", the Department "would wish to see Congress at that time fulfill its proper role under the Coustitution in the decision-making process." It is further stated that you would keep the "appropriate committees" and the Congressional leadership "fully informed." It was then asserted, if circumstances warranted, "we might indeed seek further Resolutions in fresh crises."

Am I correct in inferring from these statements that you regard it as a matter of option on the Executive's part as to whether it would or would not seek authority from Congress before undertaking new military actions abroad?

The President must determine in a particular situation what action he believes necessary and whether the pressure of events permits him to take no action while the matter is before Congress. This does not mean, however, that the President has an unfettered option in the matter. The Constitutional relation between the Executive and Legislative branches of Government is involved, as well as the practical effectiveness of major actions taken without Congressional approval. A judgment about the precise nature of Congressional participation would be based essentially on the nature of the action contemplated in the light of all the facts and circumstances and after taking into consideration the views of the Congressional leadership and appropriate committees. We cannot predict in advance of a situation the decisions that might be reached.

9. The Department's reply states on page 3 that "as a functional matter" the resolutions have "no continuing significance in the foreign policy formulation process."

Is it correct to infer from this statement that the Department no longer holds the view expressed by former Under Secretary Katzenbach that the Tonkin resolution and SEATO Treaty, taken together, constituted the "functional equivalent" of a declaration of war?

The Administration has made clear that it has not relied and will not rely on the Tonkin Gulf Resolution for any decisions that it has made or will make with respect to Viet-Nam or Southeast Asia. However, the Department does not wish to comment on the views expressed by former Under Secretary Katzenbach in 1967.

10. I welcome the fact that the Department does not oppose repeal of the Tonkin Gulf and other resolutions, but I am disturbed by the apparent reason for this lack of opposition. Specifically, the Department states on page 2 of its reply that:

> ". . . the Administration is not depending on any of these Resolutions as legal or constitutional authority for its present conduct of foreign relations, or its contingency plans."

On what legal authority then does the Administration base its conduct of the Viet-Nam war? Is it the Administration's contention that it has the power to engage in war without authorization by Congress?

The central fact, so far as the President's legal authority is concerned, is that the war in Viet-Nam was long underway when this Administration took office. The President has been doing his best to bring it to an end.

Putting aside the question of the President's general authority under the Constitution to deploy troops abroad, we consider that the President certainly has the constitutional authority to take all reasonable efforts to protect the troops once they have been committed and to bring about their withdrawal under circumstances that contribute to a durable peace. This, in essence, is the policy of the Administration. The Congress, for its part, has appropriated funds for the military operations involved. The President's policy does not depend upon any contention of general authority to engage in war without Congressional authorization.

11. Discussing the possible termination of the State of National Emergency, the State Department letter says on page 7 that the 1950 Proclamation makes operative some 170 statutes providing authority for "the continuation of which is important under present world conditions."

Can you at this time provide the Committee with any examples of the particular statutes and the particular authority which the Department regards as "important under present world conditions"?

Examples of the authority made available pursuant to the 1950 Proclamation are the following:

> The President is given special powers over transactions in foreign exchange and communication; he may relax or suspend, *inter alia*, provisions concerning Government contracts, hours of work, and inspection of plants and books; special provisions relating to security and the protection of defense information become effective; various properties may be retaken and used by the United States; special provisions for facilitating defense transportation become effective; and several laws governing merchant shipping and the use of vessels become operative. In addition, a number of special provisions relating to the Armed Forces, the Reserves, and the National Guard come into effect. Other provisions governing appointments, promotions, enlistments, authorized strength and procurement of materials and services are relaxed.

Although the importance of different emergency powers may vary with time and circumstances, we believe this set of authority, in general, is important to the security of the United States. As we stated in our letter of March 12, 1970, commenting on Senate Joint Resolution 166 we have no objection to the creation of a committee to study the national emergency, and we would be pleased to cooperate with such a committee's work. We said: "If the national emergency were to be terminated we believe that substantially similar authority would have to be provided in its stead. Thus, the first question which the Committee might study is not how the national emergency should be terminated but what purposes it serves. With respect to those purposes it found to be substantial, it could then ask whether these were best provided for by continuation of the present Proclamation or by some other means."

12. On what authority does the President base his declaration of a state of national emergency? Is it by such explicit authorization of law, or is it considered to be one of the prerogatives that is inherent in the Presidency?

The proclamation of national emergency issued by President Truman on December 16, 1950, which is still in effect, was based on the powers of the President under the Constitution. That had also been the basis for proclamation of national emergency in 1939 and 1941.

13. Aside from laws that are triggered by such a proclamation of emergency, what authority does the President feel he acquires by the Act of proclaiming a state of national emergency?

The Department of State would not wish to speculate about the powers of the President under the Constitution to deal with national emergencies. However, we understand that the basic purpose of the 1950 proclamation was to make available to the Executive those statutory authorities expressly available only during a state of national emergency.

14. Since we are now in a state of national emergency which is of 20 years duration, is it the Administration's view that the current situation in fact is such an emergency, and if so, what is the nature of that emergency?

(We believe the set of authority made available by virtue of the 1950 proclamation has been needed during the past two decades and is still needed. This continuing need results from the varied acts and threats of aggression which the United States and its allies have faced since 1950. This authority is required if the United States is to be able to deter and, if necessary, to respond adequately and promptly to such aggression in accordance with our commitments and national interests.

15. What is the State Department's understanding of the powers which are conferred upon the Executive by a declaration of war or a declaration of national emergency?

There are a great many statutes providing emergency powers. Most, by their terms, are available during a national emergency. A few are available only during time of war. A report to the Committee on the Judiciary of the House of Representatives, dated January 25, 1967 (87th Congress, Second Session) contains a summary of more than three hundred provisions of Federal statutes effective during time of war or emergency. Some examples of authority available pursuant to the 1950 proclamation are given in the answer to question 11 above.

If you have any further questions, please do not hesitate to let me know.

Sincerely yours,

H. G. TORBERT,
Acting Assistant Secretary for Congressional Relations.

APPENDIX

STATEMENT OF REPUBLICAN MEMBERS OF CONGRESS SUBMITTED BY SENATOR ROBERT DOLE

STATEMENT BY SENATOR BOB DOLE, KANSAS

On August 25, 1965, Congressman Charles E. Goodell, now Senator Charles E. Goodell, as Chairman of the Committee on Planning and Research, joined Congressman Gerald R. Ford, Republican House Leader, and Chairman of the Republican Conference, Congressman Melvin R. Laird, in issuing a report entitled "Vietnam: Some Neglected Aspects of the Historical Record".

Because of Senator Goodell's recent statement before this Committee, it would be well to include the "Summary and Conclusions" of that report.

In a second report issued by the same persons on September 20, 1966, a somewhat different "Summary and Conclusions" was reached and should, in my opinion, be made a part of the record.

It is noteworthy that in neither document are any of the conclusions similar to those reached by Senator Goodell in his statement on Tuesday, February 3, 1970. The 1965 report does state, "There should be no doubt that the American people will support the administration in the actions needed to establish the freedom and the security of South Vietnam."

THE UNITED STATES AND THE WAR IN VIETNAM, AUGUST 25, 1965

SUMMARY AND CONCLUSIONS

The involvement of the United States in Vietnam after World War II began with the decision of the Truman administration to provide economic and military aid in May 1950.

A fragile peace was brought to Vietnam by the Geneva Agreements of 1954, partitioning Vietnam into a Communist north and a non-Communist south. Contrary to most expectations, South Vietnam survived. Indeed, with generous aid from the United States, it achieved what the late President John F. Kennedy called a near miracle between 1954 and 1960. Secretary McNamara spoke of the history of South Vietnam in this period as "a success story."

When President Eisenhower left office, there was no crisis in South Vietnam. There were problems, arising particularly from a renewal of sporadic guerrilla activity by the Vietcong. The dimensions of the problems then compared with the present situation can be gauged from these facts:

1. In 1960, there were fewer than 700 American military personnel stationed in South Vietnam to train South Vietnamese; today, 125,000 troops are there or on their way there to fight.

2. In 1960, there were 5,000–6,000 Vietcong regulars in South Vietnam; today there are 70,000 regulars and 100,000 other Vietcong troops.[1]

3. In 1960, the cost of aiding South Vietnam to the United States was $250 million—72 percent of it economic aid; as of April 26, 1965, it was $1.5 billion on an annual basis, of which 25 percent was economic aid.[2]

4. In 1960, 2,000 South Vietnamese were killed or kidnapped by the Vietcong; in 1964, 11,349 were the victims of a similar fate.[3]

5. In 1960, exports from South Vietnam (a good barometer of economic activity) amounted to $86 million; in 1964, exports had dropped to $48 million.[4]

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[1] Vietcong strength in 1960 extrapolated from figures given in "A Threat," pp. 9–10. Present strength reported by McNamara, CBS News Special Report—Vietnam Perspectives, Aug. 9, 1965.

[2] "Background," p. 231; McNamara, "Background," p. 218; $800,000,000 of the current expenditure is for the support of U.S. forces in Vietnam.

[3] "A Threat," p. 13; "Aggression," p. 62.

[4] "International Financial Statistics," vol. XVIII, No. 7 (July 1965). International Monetary Fund, pp. 296–297.

6. In 1960, and in 1962, more than 80 percent of the land area of South Vietnam was under the control of the South Vietnamese Government; today, it is 30 percent or less.

7. In 1960, two Americans had been killed by Vietcong action; as of August 19, 1965, 561 have been killed and more than 3,000 have been wounded, taken prisoner or are missing.[5]

The policy of the Democratic administration has too often been uncertain, providing a basis for miscalculation by the Communists. The State Department has issued three useful documents on Vietnam:

A Threat to Peace (Dept. of State Publication 7308, December 1961) referred to herein as *A Threat.*

Aggression from the North (Dept. of State Publication 7839, February 1961) referred to herein as *Aggression.*

Why Vietnam (August 1965).

A handy compilation of speeches and documents has been prepared by the Senate Committee on Foreign Relations, *Background Information Relating to Southeast Asia and Vietnam* (Revised Edition, June 16, 1965), herein referred to as *Background.*

Policy has been altered abruptly. Conflicting statements have been issued. Deeds have not matched words. Among the specific features of policy subject to this criticism have been the whole handling of the problem of Laos, the reversal of the position of the United States toward the Diem regime, the cover-up of the gravity of the desperate dangers of the situation in Vietnam, President Johnson's campaign oratory of 1964, and the progressive dilution of the Nation's objective in Vietnam in official statements. The most generous recognition of the need for flexibility and change of policy in some circumstances cannot justify making a habit of inconstancy.

Both because it invites miscalculation and because it confuses the American public, the administration's lack of candor about the situation in Vietnam and about its own plans and actions is regrettable.

There should be no doubt that the American people will support the administration in the actions needed to establish the freedom and the security of South Vietnam. There will be greater national unity when the administration abandons the defects of substance and style noted in this report.

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[5] New York Times, Aug. 20, 1965.

The United States
and
The War In Vietnam

CONGRESS OF THE UNITED STATES

REPUBLICAN CONFERENCE
HOUSE OF REPRESENTATIVES



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Research Director

Foreword

One year ago the Committee on Planning and Research of the Republican Conference of the House of Representatives issued a study entitled *Vietnam: Some Neglected Aspects of the Historical Record.*

This revised and updated edition of the study has been prepared to take account of the drastic change in the role of the United States in the conflict in the past year. It is being issued at the time when the size of the American troop commitment to Vietnam has reached the maximum level of American troop strength committed in Korea in the 1950's, when the war in Vietnam is on the verge of becoming the third biggest war in our nation's history, and as the flames of war are spreading ominously into Thailand.

The study has been revised to take into account these significant developments as well as the Administration's revision during the past year of its explanation of American involvement in Vietnam, emphasizing the SEATO Agreement as the reason for its present actions in Vietnam.

The purpose of this new edition is the same as that of the original report—to show how the nation arrived at the present crisis and to evaluate past policy. A clear perspective on the past helps toward making the right decisions in the future.

September 20, 1966

Gerald R. Ford
Minority Leader

Melvin R. Laird
Chairman, Republican Conference

Charles E. Goodell
Chairman, Committee on Planning and Research

Printed as it appears in the Congressional Record of Sept. 20, 1966

SUMMARY AND CONCLUSIONS

The involvement of the United States in Vietnam after World War II began with the decision of the Truman Administration to provide economic and military aid in May 1950.[1]

A fragile peace was brought to Vietnam by the Geneva Agreements of 1954, partitioning Vietnam into a Communist North and a non-Communist South. Contrary to most expectations, South Vietnam survived. Indeed, with generous aid from the United States, it achieved what the late President John F. Kennedy called a near miracle between 1954 and 1960. Secretary McNamara spoke of the history of South Vietnam in this period as a "success story."

When President Eisenhower left office, there was no crisis in South Vietnam. There were problems, arising particularly from a renewal of sporadic guerrilla activity by the Vietcong. The dimensions of the problems then compared with the present situation can be gauged from these facts:

1. In 1960, there were fewer than 700 American military personnel stationed in South Vietnam to train South Vietnamese; today (late August 1966) 300,000 American troops are there to fight.

2. In 1960, there were 5,000-6,000 Vietcong regulars in South Vietnam; today 282,000 enemy troops are there.[2]

3. In 1960, no Americans had been killed in combat; as of August 20, 1966, 4,832 have been killed and almost 27,000 have been wounded, taken prisoner or are missing.

4. In 1960, and in 1962, more than 80 per cent of the land area of South Vietnam was under the control of the South Vietnamese Government; today it is about 30 per cent or less.

5. In 1960, the cost of aiding South Vietnam to the United States was $250 million—72 per cent of it economic aid; as of the spring of 1966, it was more than $13 billion on an annual basis, of which less than 3 per cent was economic aid.[3]

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[1] The State Department has issued three useful documents on Vietnam:
A Threat to Peace (Dept. of State Publication 7308, December 1961) referred to herein as *A Threat*
Aggression from the North (Dept. of State Publication 7839, February 1961) referred to herein as *Aggression*
Why Vietnam (August 1965)
A handy compilation of speeches and documents has been prepared by the Senate Committee on Foreign Relations, *Background Information Relating to Southeast Asia and Vietnam* (2d Revised Edition, March 1966) herein referred to as *Background*.

[2] Vietcong strength in 1960 extrapolated from figures given in *A Threat*, pp. 9-10. Present strength reported by Department of Defense, *New York Times*, August 10, 1966.

[3] *Background*, p. 289. Determining the cost of the war in Vietnam involves difficult accounting problems. In using the figure of more than $13 billion, we rely on Secretary McNamara's estimate of May 11, 1966 that "the incremental costs of the war are on the order of $12 billion a year at the present time," and that military aid to South Vietnam amounts to "about $795 million in the current fiscal year." (Senate Foreign Relations Committee, Hearings, Foreign Assistance 1966, p. 672.) Economic aid to South Vietnam came to $590 million in fiscal year 1966. McNamara's estimate is close to the $13.7 billion estimate of military costs by expert accountants outside the Defense Department. (William Bowen, *"The Vietnam War: A Cost Accounting," Fortune*, April 1966.) This article predicts a cost of $19.3 billion annually when American forces in Vietnam increase to 400,000.

6. In 1960, 2,000 South Vietnamese civilians were killed or kidnapped by the Viet Cong; in 1965, 14,673 were the victims of a similar fate.[4]

7. In 1960, the physical volume of exports from South Vietnam (a good barometer of economic activity) had dropped to 46 per cent of the 1960 level of exports.[5]

President Truman and President Eisenhower sent American military personnel to Vietnam solely as advisors. During the Kennedy Administration, American airmen began to participate in combat. In 1965, American ground forces began to fight. This commitment of American troops to combat was the decision of President Johnson. It was not forced upon him by the SEATO Treaty or by any other obligation entered into by an earlier administration. Under the Johnson Administration, American forces have begun to assume the major part of the burden of fighting the Communists in Vietnam.

The policy of the current Administration has been uncertain and subject to abrupt change. The objective of the United States in Vietnam has become clouded. By proposing the Geneva Agreements as a basis for peace and by refusing to reveal its attitude toward the proposed coalition government including Communists for South Vietnam, the Administration leaves dangerously obscure the minimum peace terms which it will insist on. Is it willing to accept in Vietnam the kind of settlement reached after World War II for the satellite states of Eastern Europe and in 1962 for Laos?

To what degree miscalculation on the part of the enemy brought about the present war, no one can be sure. Miscalculation must have been encouraged by the failure to match words with deeds throughout the Geneva negotiations of 1961-62 over Laos, by the withdrawal of support from the Diem regime, by the 1964 campaign oratory of President Johnson promising that American boys would not be sent to do the job that Asian boys should do.

The Administration has consistently held off needed military action until the situation in South Vietnam reached a state of acute deterioration. It has failed to use the economic power of the nation in the conflict.

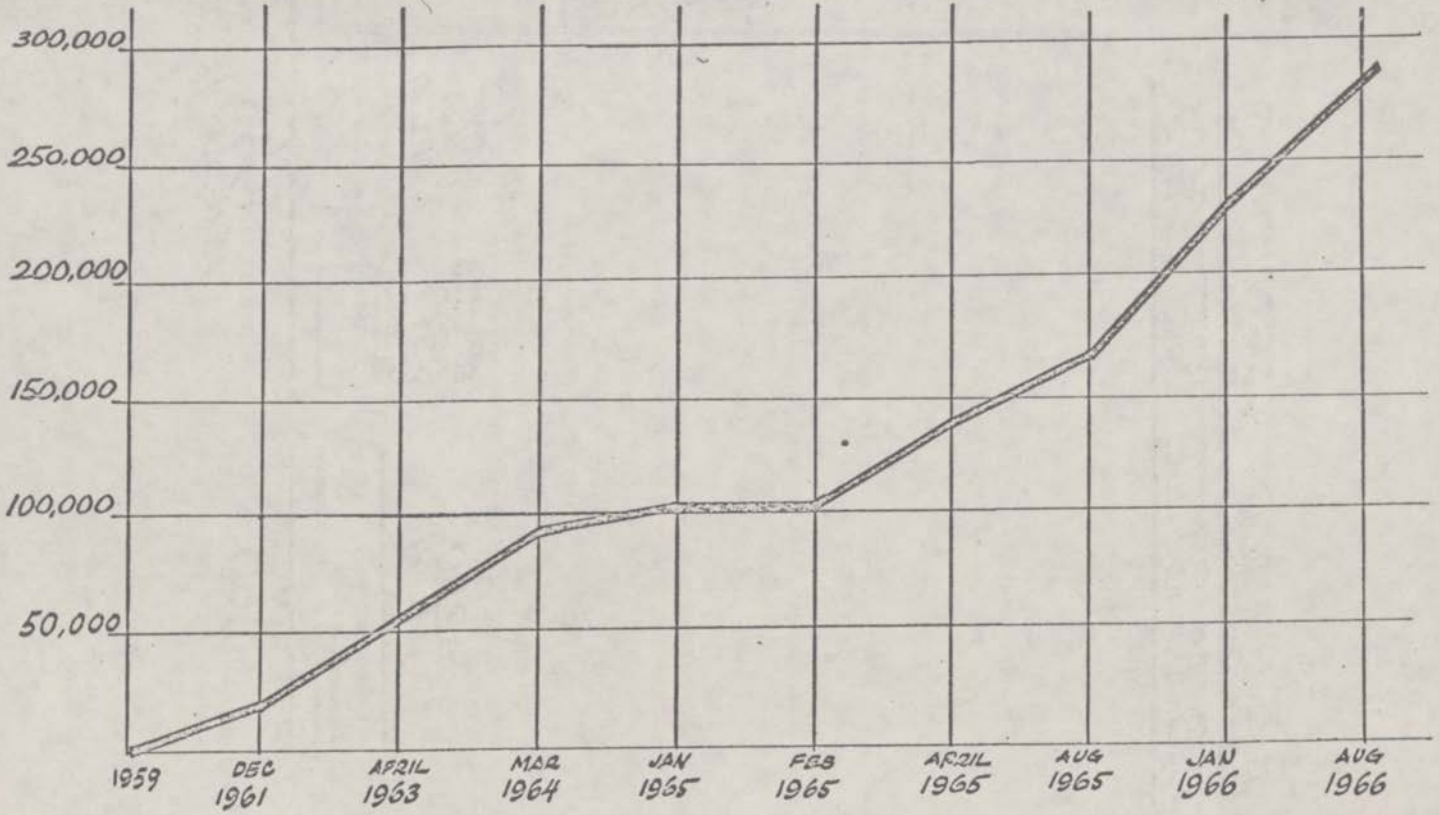
The Administration has not told the American people the truth about the military situation in Vietnam, about the mission of American troops, about war costs, about casualties, about peace feelers. This studied deception strikes at the vitals of the system of popular government.

The result of President Johnson's policies in Vietnam, according to leading administration spokesmen, has been a stalemate with neither victory nor a satisfactory peace in prospect. Secretary McNamara, usually the optimist, assesses the present situation in the words, "We have stopped losing the war," and David Bell, until recently AID Director, says there has not been "significant progress for the last

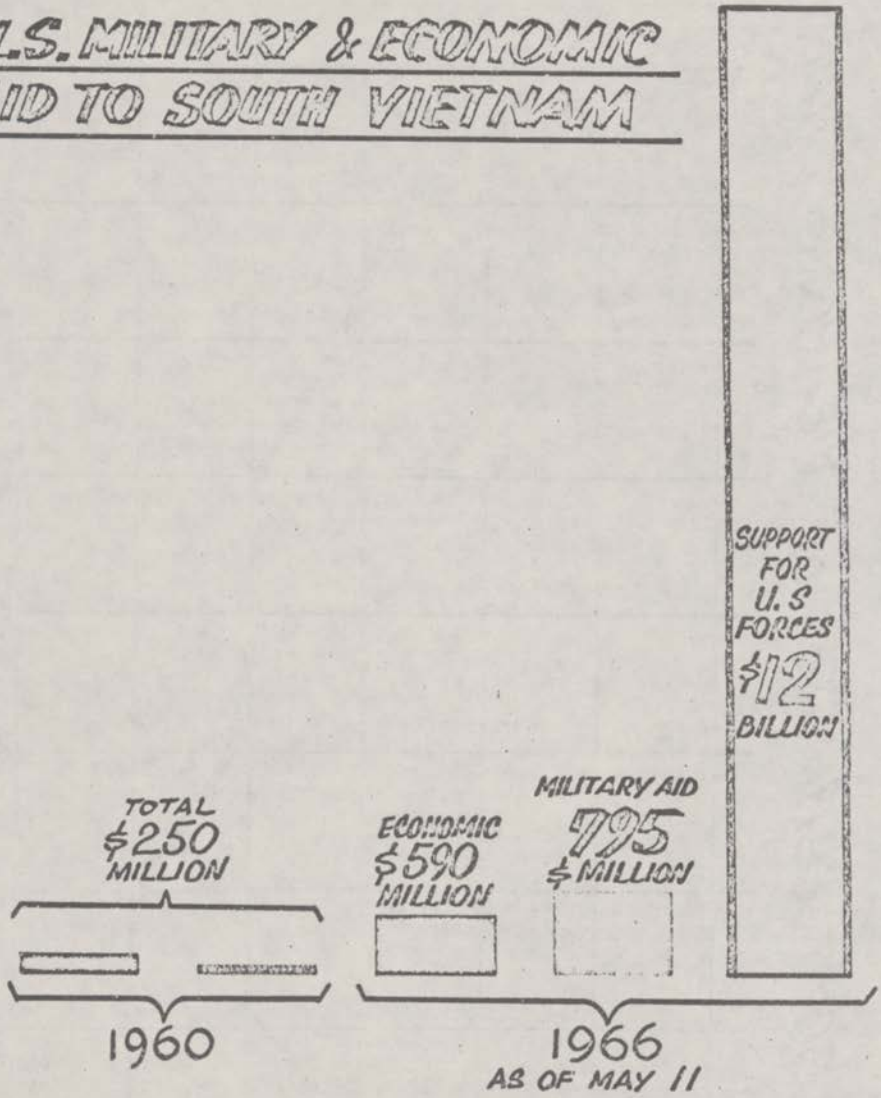
[4] *A Threat*, p. 13; Senate Foreign Relations Committee, Hearings Supplemental Foreign Assistance, January 28-February 6, 1966, p. 128.

[5] International Monetary Fund, *International Financial Statistics*, Vol. XIX, no. 8 (August 1966), p. 308.

U.S. GOV'T ESTIMATE of VIET CONG STRENGTH



U.S. MILITARY & ECONOMIC AID TO SOUTH VIETNAM



3 or 4 years" in establishing security and economic progress in the areas in which the Vietcong exercise some influence.

I. THE TRUMAN ADMINISTRATION

The involvement of the United States in the struggle in Vietnam that followed World War II dates from the Truman administration. It began with a decision announced by Secretary Acheson on May 8, 1950, to send "economic and military equipment to the Associated States of Indochina and to France in order to assist them in restoring stability and permitting these states to pursue their peaceful and democratic development."

The decision to aid the French in Vietnam was taken after the fall of China to the Communists when the Truman administration moved tardily to apply a policy of containment to some parts of Asia.

Aid to Vietnam under that policy implied no commitment to put more than arms and equipment and dollars into the conflict. This was clear from the authoritative statement of the Truman administration's Asiaic policy given by Secretary Acheson on January 12, 1950. The mild and equivocal warning which Mr. Acheson gave to the Asiatic aggressors in that speech drew a line in the Pacific Ocean marking the outermost limits of the defense perimeter of the United States. The islands east of that line were said to be vital to the security of this country and, Mr. Acheson implied, would be defended by the United States by force. The Asiatic mainland, including Indochina (and Korea) lay beyond the defense perimeter where, according to Secretary Acheson, an attack should be met by action of the United Nations.[6]

Although the policy enunciated in January was reversed in Korea 6 months later by the commitment of American forces in warfare, the Truman administration never considered providing manpower in Indochina. In fact, it twice rebuffed appeals from the French for a pledge of air and naval support in the event that the Chinese Communists provided manpower for the conflict in Indochina.[7] In response to such appeals, the Government of the United States said only that Chinese Communist aggression in southeast Asia "would require the most urgent and earnest consideration by the United Nations."

Involvement in a costly war in Korea did not, however, prevent the Truman administration from supplying substantial aid to save Indochina from Communist conquest. Approximately $375 million of military and economic assistance was channeled to southeast Asia by the American taxpayer through fiscal year 1953.

In August of 1950, an American military assistance advisory group of 35 personnel was sent to Indochina to advise on the use of American equipment.

Despite this assistance, the situation of the French and their native forces continued to deteriorate. When President Truman left the White House, all of Vietnam above the 17th parallel except Hanoi, a narrow corridor connecting to a coastal strip around Haiphong,

[6] *Department of State Bulletin*, January 23 and March 27, 1950.

[7] *New York Times*, September 14, 1951; January 14, January 29, 1952.

and a part of the northeastern T'ai Highlands were under control of the Communist Viet Minh. In addition, Viet Minh forces were in effective control of large areas south of the 17th parallel—the central highlands and the tip of the Camau Peninsula, the southernmost part of the country.

II. THE EISENHOWER ADMINISTRATION

President Eisenhower continued the program of military and economic aid to France and the Associated States of Indochina at levels set by the previous administration until the fall of 1953.[8] In September 1953, increased aid of $385 million through 1954 was promised by the United States after two modifications of French policy had been decided on—both of them measures designed to avert impending disaster.

Under the twin pressures of military reverses in Indochina and the prodding of the United States, France agreed on July 3, 1953, to take steps "to complete the independence and sovereignty of the Associated States • • • within the French Union." Although France, in 1949, by the Elysee Agreement had conferred a measure of self-government on the Associated States of Vietnam, Laos, and Cambodia, too little was given to satisfy the thirst for independence. Secretary Dulles, hailing the belated French decision of July 1953, said, "The peoples of these countries needed something of their own for which to fight."[9] There was hope that the war, even at this late date, could be cleansed of the appearance of colonialism and would no longer seem to Asiatics to be an effort by France to hold on to her possessions.

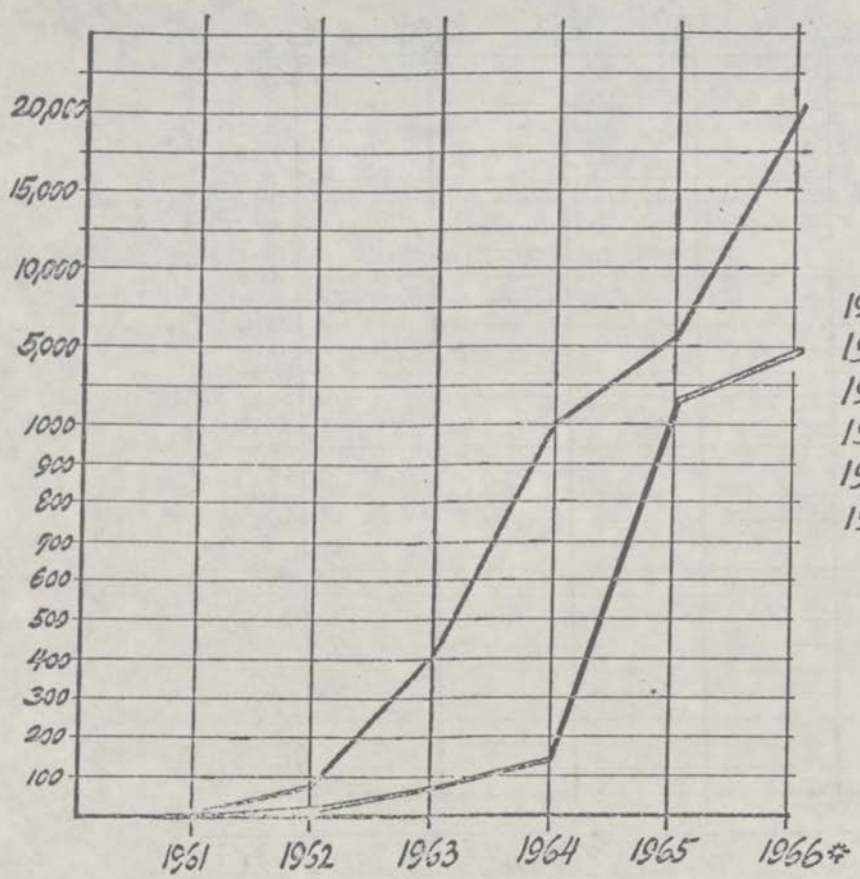
The second significant decision was incorporated in the Navarre plan—a plan of aggressive military action with increased French and native forces.

With these two conditions realized—a promise of independence for Indochina and the decision to intensify the military effort—the Eisenhower administration increased American assistance.

After the conclusion of the Korean armistice on July 27, 1953, keeping the Chinese Communists from active military participation in Indochina became one of the concerns of American policymakers. On the day of the armistice, the 16 members of the United Nations that had helped to defend South Korea issued a joint warning against Chinese Communist action in southeast Asia.[10] On September 2, Secretary Dulles warned that such aggression in Indochina "could not occur without grave consequences which might not be confined to Indochina."[11]

In the spring of 1954, as the French situation became desperate, the Eisenhower administration sought to persuade other nations with interests in southeast Asia to engage in a joint undertaking to stave off collapse. On April 4, President Eisenhower sent a letter to Winston Churchill suggesting "united action" on the part of the United States, England, France, the Associated States, Australia, New Zealand, Thai-

[8] *Background*, p. 34.
[9] *New York Times*, July 18, 1953.
[10] *New York Times*, August 8, 1953.
[11] *New York Times*, September 3, 1953.

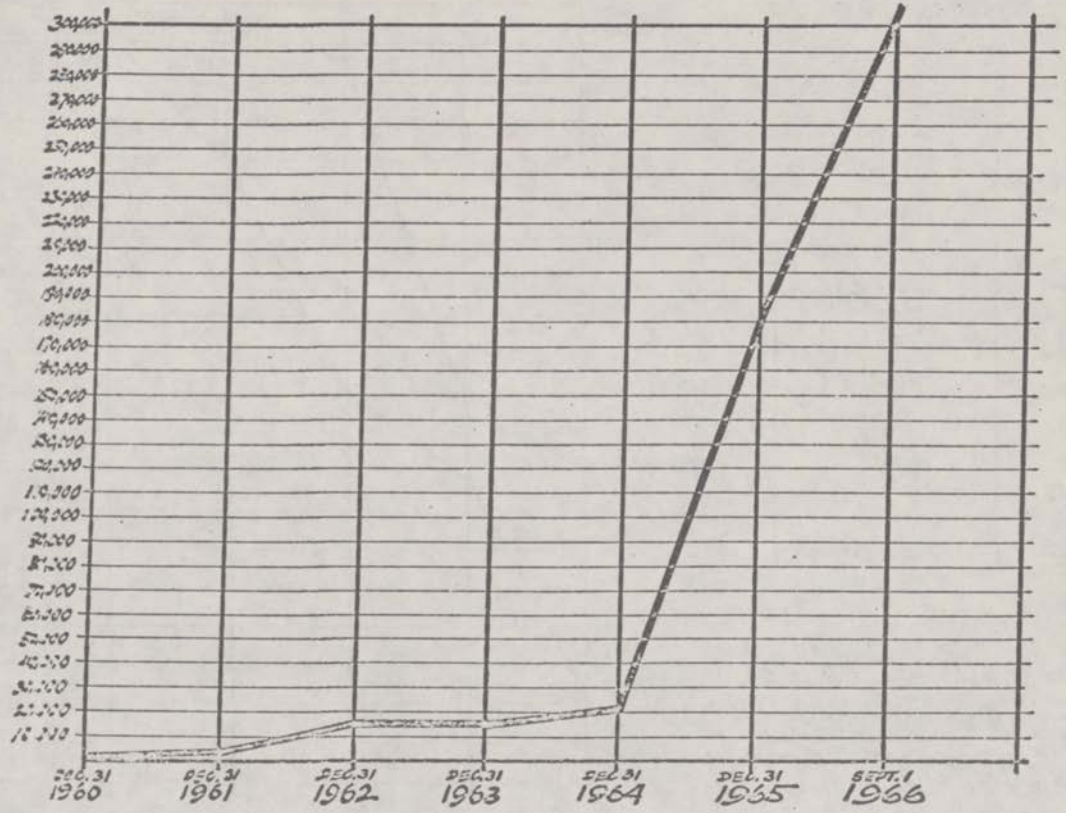


U.S. COMBAT CASUALITIES IN VIET NAM

	WOUNDED	DEATHS
1961	1	1
1962	74	31
1963	411	77
1964	1,038	142
1965	5,300	1,363
1966*	19,976	3,218

* As of August 20

TOTAL U.S. MILITARY PERSONNEL IN VIETNAM BY YEAR



land, and the Philippines. "The coalition," Mr. Eisenhower wrote, "must be strong and must be willing to join the fight if necessary."

If the forces of the United States were sent to southeast Asia, the President made it clear that they would go principally for purposes other than ground warfare. He told Churchill, "I do not envisage the need of any appreciable ground forces on your or our part." Shortly thereafter, in a letter to General Gruenther at NATO, President Eisenhower reaffirmed his intention to avoid commitment of American forces to ground warfare, writing, "Additional ground forces should come from Asiatic and European troops already in the region." [12]

On June 11, 1954, Secretary Dulles, in a speech delivered at Los Angeles, detailed the conditions under which the United States would have considered additional help to the French: (1) a request for assistance from the states fighting the Communists; (2) clear assurance (from France) of complete independence to Laos, Cambodia, and Vietnam; (3) an indication of concern and support on the part of the United Nations; (4) assurance of collective action by other nations along with the United States; and (5) a guarantee that France would not withdraw from the conflict once a further commitment was extended by others.

The last two conditions laid down by Secretary Dulles were the decisive obstacles to the formulation of any plan for intervention. Negotiations to bring about the formation of a coalition of nations to support the French failed because England was unwilling to participate and because France was unwilling to continue a fight which had cost more than 140,000 French casualties.

The Geneva Conference of 1954

In these circumstances the Geneva Conference opened. On May 6—the eve of the negotiations on Indochina and of the fall of Dien Bien Phu—Lyndon B. Johnson, Harry S. Truman, and other leading Democrats issued ill-timed statements condemning administration policy in Southeast Asia on vague grounds. The *New York Times* on May 7, under the headline, "Democrats Open All-out Assault on Administration Foreign Policy," reported:

"An all-out Democratic attack on the Eisenhower administration's foreign policy, the first such attack since the President took office, was opened tonight.

"The effect was to put the administration on dual notice (1) that the bipartisanship of the last 16 months was breaking up and (2) that the congressional Democrats could not be counted upon for unquestioning general support in the field of world affairs."

The article quoted Mr. Johnson as saying:

"It is apparent only that American foreign policy has never in all its history suffered such a stunning reversal.

"We have been caught bluffing by our enemies. Our friends and allies are frightened and wondering, as we do, where we are headed.

"We stand in clear danger of being left naked and alone in a hostile world."

[12] Eisenhower, *Mandate for Change*, (1963) pp. 346, 347, 353.

Despite this effort by the loyal opposition to pull the rug out from under the Eisenhower administration as the critical Geneva Conference opened, the United States attempted to salvage what could be saved.

Representatives of nine governments assembled at Geneva to ring down the curtain on the French empire in Asia—Great Britain, the Soviet Union, France, Communist China, the United States, the Democratic Republic of Vietnam (north), the State of Vietnam (south), Cambodia, and Laos. Three similar armistice agreements were concluded relating to Vietnam, Laos, and Cambodia, and a declaration was issued.

Besides stipulations on the cessation of hostilities and pledges against resumption, the armistice agreements provided for withdrawal of foreign troops and prohibited Laos, Cambodia, and the two parts of Vietnam from joining any military alliance or granting military bases to foreign powers.

The Geneva Agreements in effect recognized as Communist territory Vietnam north of the 17th parallel and two provinces in northeastern Laos—Phongsaly and Sam-Neua.

Presenting the agreements to the French Parliament, Premier Mendes-France characterized them as "cruel because they sanction cruel facts." They reflected, he declared, "losses already suffered or made inevitable by the military situation." [13]

If anything, the territorial settlement reached at Geneva was better than the non-Communist nations deserved on the basis of the existing military situation.

Vietnam, north of the 17th parallel, had already been almost totally occupied by the Viet Minh forces. The treaty provisions formalized this conquest, but they also required the Viet Minh to withdraw from South Vietnam, vast areas of which were under their control. Some 80,000 to 90,000 Viet Minh troops were moved out of South Vietnam in the execution of the agreement.[14] Perhaps 5,000 to 6,000 melted into the civilian population and remained in violation of the Geneva Agreement.[15]

The territorial arrangements contained in the agreements were, on their face, temporary. North and South Vietnam were ostensibly established for primarily military reasons as zones for the orderly liquidation of hostilities and the beginning of peaceful reconstruction.

The armistice agreement relating to Vietnam reads that the 17th parallel "should not in any way be interpreted as constituting a political or territorial boundary." The conference declaration envisaged the reunification of Vietnam, providing for the selection of a government for the entire country by free general elections to be held in 1956.

Similarly, the assignment of two northeastern provinces of Laos as sanctuaries for troops of the Communist Pathet Lao not wishing to

[13] *New York Times*, July 23, 1954.
[14] *Aggression*, p. 26.
[15] Bernard B. Fall, "How the French Got Out of Vietnam," *New York Times Magazine*, May 5, 1965, p. 113.

be demobilized was, by the terms of the agreement, temporary—"pending a political settlement."

The United States did not sign any of the three treaties concluded at Geneva nor the conference declaration. Nor did South Vietnam.

At Geneva the United States issued a unilateral declaration pledging not to use force to disturb the agreements and warning that renewed aggression in violation of the agreements would be viewed as a threat to international peace and security. At the same time President Eisenhower announced that steps would be taken to establish collective defense against Communist aggression in southeast Asia.

The attitude of the U.S. Government toward Geneva was summarized by the President, "The agreement contains features which we do not like, but a great deal depends on how they work in practice." [16]

The chief flaw of the Geneva settlement lay in provisions relating to the International Control Commissions, set up to supervise the execution of the agreements. The Commissions, composed of representatives of Canada, India, and Poland, could act only by unanimous vote in cases involving violations of the territory covered by the agreements. A veto in the hands of a Communist representative was an instrument for sabotage.

Reaction to Geneva

The negotiations at Geneva produced a flood of criticism of the Eisenhower administration's foreign policy.

Yet all of the critics flatly opposed the only step which remained to undo the Communist conquest in Indochina — the commitment of American troops to a long and costly war. General Ridgway estimated that 5 to 10 American combat divisions would have been required at the outset to win such a war.[17]

Critic Mike Mansfield said, "Almost all opinions converged on one point: The United States should not become involved alone in a shooting war in Indochina." At another time, he said:

"No, I was never in favor of intervention and I am opposed to it now. I think it would be suicidal. I believe the worst thing that could happen to the United States would be to have our forces intervene in Indochina and then bog down in the jungles there." [18]

Senator John F. Kennedy said:

"I am frankly of the belief that no amount of American military assistance in Indochina can conquer an enemy which is everywhere and at the same time nowhere, an enemy of the people which has the sympathy and covert support of the people * * *. I do not think Indochina can be saved unless the other Asiatic nations * * * are willing to take their fair part in the struggle * * *. For the United States to intervene unilaterally and to send troops into the most difficult terrain in the world, with the Chinese able to pour in unlimited manpower, would mean that we would face a situation which would be more

[16] *Background*, p. 68.
[17] Congressional Record, July 8, 1954, p. 9999.
[18] Congressional Record, loc. cit. and p. 10007.

difficult than even that encountered in Korea. It seems to me it would be a hopeless situation." [19]

Senator Estes Kefauver had this to say:

"But if the decision is to be made to intervene, I say this Nation needs more than the help of Great Britain, of Australia, of New Zealand, and of France. It must have the moral and physical support, in addition to the Philippines and Thailand, of Burma, Indonesia, Ceylon, Pakistan, and if not the help, at least the understanding of India." [20]

Senator Hubert Humphrey said, "We have had our bluff called two or three times in the last month. We have been defeated at Geneva." Somewhat illogically, since he opposed military intervention by the United States, Senator Humphrey attributed the defeat at Geneva to cuts made by the Eisenhower administration in the defense budget.[21]

The critics were not in agreement on the basis for their attacks on the administration. Adlai Stevenson thought the United States was too rigid and inflexible in negotiations.[22] Mike Mansfield thought the United States should not have negotiated at all but should have stayed away from the Geneva Conference,[23] ignoring the fact that such provisions as that permitting Vietnamese who wished to escape Communist control to move to South Vietnam were the result of the bargaining effort of the representatives of this Nation.

Finally, the critics undermined their case by conceding that the war in Indochina was lost because of French colonialism and not because of anything the United States did or failed to do. Adlai Stevenson made the point when he declared, "Had France * * * granted genuine independence in orderly, sincere stages to Vietnam, there very likely would have been no war in Indochina."

The disputed election of 1956

The final declaration issued at Geneva in 1954 (subscribed to by neither the United States nor South Vietnam) called for free elections to unify all of Vietnam in 1956. Recently Senator Fulbright and others have deplored the fact that the election was not held.

At Geneva the representatives of what was to be South Vietnam "vainly protested against the partition of the country and against the principle of general elections being agreed upon when more than half of the voters would be north of the 17th parallel. It vainly asked that the whole territory and population be placed under the control of the United Nations until the re-establishment of peace and security would permit the holding of really free general elections." [24]

The reasons for the refusal of South Vietnam to acquiesce in the holding of the election were stated by Prime Minister Diem on July 16, 1955:

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[19] Congressional Record, April 6, 1954, p. 4673.
[20] Congressional Record, June 9, 1954, p. 7919.
[21] Congressional Record, June 16, 1954, p. 8342.
[22] *New York Times*, October 17, 1954.
[23] Congressional Record, July 8, 1954, p. 9997.
[24] "Vietnam at the Crossroads of Asia," Embassy of Vietnam, Washington, D.C. (1960) p. 17.

"We did not sign the Geneva agreements. We are not bound in any way by these agreements entered into against the will of the Vietnamese people. Our policy is a policy of peace, but nothing will divert us from our goal: the unity of our country—a unity in freedom and not in slavery.

"We do not reject the principle of elections as a peaceful and democratic means to achieve unity. But elections can be one of the foundations of true democracy only on the condition that they are absolutely free. And we shall be skeptical about the possibility of achieving the conditions of free elections in the north under the regime of oppression carried on by the Vietminh." [25]

There was clearly no legal obligation on the Government of South Vietnam to abide by the terms of the final declaration. The position of South Vietnam on this point was sustained by the United Kingdom, one of the co-chairmen of the Geneva Conference, in the following statement:

"Her Majesty's government has always regarded it as desirable that these elections should be held and has advised the Government of the Republic of Vietnam to enter into consultations with the Vietminh authorities in order to insure that all the necessary conditions obtained for a free expression of the national will as a preliminary to holding free general elections by secret ballot. Nevertheless, Her Majesty's government does not agree that (South Vietnam) is legally obliged to follow the course. * * * It may be recalled that at the final session of the Geneva Conference on Indochina * * * the Vietnamese Government formally protested 'against the hasty conclusion of the Armistice Agreements by the French and Vietminh high commands only' * * * and 'against the fact that the French high command was pleased to take the right, without a preliminary agreement of the delegation of (South Vietnam), to set the date of future elections.'" [26]

Among the staunchest opponents of the holding of the 1956 election was Senator John F. Kennedy, of Massachusetts. He issued "a plea that the United States never give its approval to the early nationwide elections called for by the Geneva Agreement of 1954. Neither the United States nor free Vietnam was a party to that agreement—and neither the United States nor free Vietnam is ever going to be a party to an election obviously stacked and subverted in advance, urged upon us by those who have already broken their own pledges under the agreement they now seek to enforce." [27]

Even Hans Morgenthau spoke against action to carry out the provisions of the Geneva declaration relating to elections:

"Free elections are very subtle instruments which require a dedication to certain moral values and the existence of certain moral conditions which are by no means prevalent throughout the world, and certainly not prevalent in either North or South Vietnam." [28]

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[25] Francis J. Corley, "Vietnam Since Geneva," *Thought*, vol. 33, No. 131 (winter 1958-59), p. 564.

[26] "Vietnam and the Geneva Agreements," London, May 1956, p. 9.

[27] "A Symposium on America's Stake in Vietnam," American Friends of Vietnam, New York, 1956.

[28] Ibid.

Conditions in South Vietnam, 1954-60

As South Vietnam began its existence, the prospects for its survival were minimal. Independence was thrust upon a people without political experience and without political leadership. It had no sense of nationhood. It had no industry. And, by the Geneva declaration, it seemed doomed to being swallowed up by the Communist rulers of North Vietnam in 2 years.

Some of the difficulties facing the newly selected Prime Minister Ngo Dinh Diem were outlined by one observer in these words:

"The circumstances under which the man came to power were unbelievable. He faced the opposition of the Communists * * * he also had to deal with the open hostility of French military men and the remnants of the French colonial service, who regarded him as anti-French, and who expected him to last only a few weeks at the most. Then, as a consequence of a provision of the Geneva accords, authorizing free movement between the north and south zones for a limited period, more than 850,000 refugees came into South Vietnam from the Communist North Vietnam during the next 300 days, to be fed, clothed, and housed. In addition, he found that his 'full powers, civil and military,' an extraordinary grant which Bao Dai had conceded him as a condition of his acceptance of office, existed principally on paper." [29]

Yet when the Eisenhower administration left office, South Vietnam had a stable and established government.

Senator John F. Kennedy called the development "a near miracle." In his book, *Strategy of Peace*, published in 1960, he said:

"In what everyone thought was the hour of total Communist triumph, we saw a near miracle take place . . . Today that brave little state (South Vietnam) is working in free and friendly association with the United States, whose economic and military aid has, in conditions of independence, proved effective." [30]

Senator Mike Mansfield, on February 26, 1960, reported as chairman of the Subcommittee on State Department Organization and Public Affairs of the Senate Committee on Foreign Relations:

"By any measure Vietnam has made great progress under President Ngo Dinh Diem in the improvement of internal security, in the creation of the forms and institutions of popularly responsible government where before few existed, and in the advancement of the welfare of the people of Vietnam. The U.S. aid program has been an important factor in that progress. It is still an important factor." [31]

The State Department's white paper of December 1961, "A Threat to the Peace," contains the following analysis of progress in South Vietnam:

"The years 1956 to 1960 produced something close to an economic miracle in South Vietnam. Food production rose an average of 7 per-

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[29] Wesley R. Fishel, "Free Vietnam Since Geneva," *Yale Review* (autumn 1959), p. 70.

[30] *Strategy of Peace*, pp. 61-62.

[31] U.S. Aid Program in Vietnam, report of the Subcommittee on State Department Organization and Public Affairs, Senate Foreign Relations Committee, February 26, 1960, p. 1.

cent a year and prewar levels were achieved and passed. While per capita food production in the north was 10 percent lower in 1960 than it had been in 1956, it was 20 percent higher in the south. The output of textiles in the south jumped in only 1 year from 68 million meters (in 1958) to 83 million meters. Sugar production in the same 1-year span increased more than 100 percent, from 25,000 metric tons to 58,000 metric tons.

"Despite the vastly larger industrial plant inherited by the north when Vietnam was partitioned, gross national product is considerably larger in the south. In 1960 it was estimated at $110 per person in the south and $70 in the north. Foreigners who have visited both north and south testify to the higher living standards and much greater availability of consumer goods in the latter.

"The record of South Vietnam in these recent years is written in services and in improved welfare as well as in cold economic indexes. A massive resettlement program effectively integrated the 900,000 refugees from the north into the economic and social fabric of the south. An agrarian reform program was designed to give 300,000 tenant farmers a chance to buy the land they work for a modest price. Under the Government's agricultural credit program aimed at freeing the farmers from the hands of usurers, loans to peasant families increased fivefold between 1957 and 1959.

"Thousands of new schoolrooms were built and the elementary school population in South Vietnam increased from 400,000 in 1956 to 1,500,000 in 1960. A rural health program installed simple dispensaries in half of South Vietnam's 6,000 villages and hamlets. An elaborate malaria eradication program was launched to rid Vietnam of its most important infectious disease. Doctors and nurses went into training in South Vietnam and abroad to serve their people's health needs.

"This is a part, a very small part, of the setting against which the Viet Cong launched their campaign of armed action, subversion, and terror against South Vietnam. It is a record of progress over a few brief years equaled by few young countries." [32]

Secretary McNamara added his testimony on March 26, 1964:

"The United States * * * provided help—largely economic.

"On the basis of this assistance and the brave, sustained efforts of the Vietnamese people, the 5 years from 1954 to 1959 gave concrete evidence that South Vietnam was becoming a success story. By the end of this period, 140,000 landless peasant families had been given land under an agrarian reform program; the transportation system had been almost entirely rebuilt; rice production had reached the prewar annual average of 3.5 million metric tons—and leaped to over 5 million in 1960; rubber production had exceeded prewar totals; and construction was underway on several medium-size manufacturing plants, thus beginning the development of a base for industrial growth.

"In addition to such economic progress, school enrollments had tripled, the number of primary school teachers had increased from 30,000 to 90,000, and almost 3,000 medical aid stations and maternity

[32] *A Threat*, pp. 5-6.

clinics had been established throughout the country. And the South Vietnamese Government had gone far toward creating an effective apparatus for the administration of the nation. A National Institute of Administration had been established with our technical and financial assistance—a center for the training of a new generation of civil servants oriented toward careers of public service as opposed to the colonial concept of public rule." [33]

The progress which, by all this testimony, was made in South Vietnam between 1955 and 1960, was due in no small part to the assistance of the United States.

Without the support of the United States, South Vietnam would have been stillborn. During fiscal years 1955 through 1961, $2.3 billion—63 percent of it for economic purposes—was provided by the Eisenhower administration. Technical assistance was given on a large scale to increase and diversify the output of the country's economy and to spur the achievement of far-reaching social reforms, notably in the fields of education and diffusion of land ownership.

But a viable Vietnam also required security from outside aggression and from terrorism and guerrilla activities within the country. To increase security, the Eisenhower administration proceeded promptly to form a regional defense organization, the Southeast Asia Treaty Organization, and to bring South Vietnam, as well as Laos and Cambodia, within its protective cover.

Specifically to meet the threat of infiltration from North Vietnam and the depredations of guerrillas in the South, the United States provided military equipment and training to the forces of South Vietnam.

There can be no question that only the help of the United States made possible the survival of South Vietnam. Without it, everything south of the 17th parallel would have fallen to the Communists a decade ago.

No commitment of troops by Eisenhower

There is no merit in President Johnson's repeated explanation of the Nation's present military involvement in Vietnam as the result of President Eisenhower's letter of October 1, 1954, to Prime Minister Diem. The letter, as Secretary McNamara admitted on March 26, 1964, was in response to a request for "economic assistance." [34] It promised American help for the resettlement of refugees from North Vietnam and an exploration of "ways and means to permit our aid * * * to make a greater contribution to the welfare and stability of the Government of Vietnam." "* * * In the event such aid were supplied," President Eisenhower wrote, the United States would expect "assurances as to the standards of performance." The purpose of this conditional offer, he said, was "* * * to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means." This was the extent of the commitment made in this letter.[35]

[33] Department of State Bulletin, April 13, 1964, pp. 563-564.

[34] Ibid.

[35] *Background*, pp. 75-76.

More recently, the administration has deemphasized the Eisenhower letter to Diem and has argued that the present military involvement in Vietnam results from the Southeast Asia Collective Defense Treaty signed at Manila on September 8, 1954.

This Treaty contained no advance commitment to send American troops to fight in Southeast Asia. It carefully avoided the kind of automatic response to aggression embodied in the NATO agreement, summarized in the principle, "An attack upon one is an attack upon all."

Section 1 of Article IV of the SEATO Agreement reads:

> "1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes."

Secretary Dulles, testifying before the Senate Foreign Relations Committee on the SEATO Treaty, declared,

> "The agreement of each of the parties to act to meet the common danger 'in accordance with its constitutional processes' leaves to the judgment of each country the type of action to be taken in the event an armed attack occurs."

Further, Mr. Dulles said, the treaty "does not attempt to get into the difficult question as to precisely how we act . . ." [36]

In the Senate debate on ratification of the SEATO agreement, on February 1, 1955, Senator H. Alexander Smith, a delegate to the Manila Conference who signed the agreement on behalf of the United States, clearly explained the nature of the commitment in these words,

> "Some of the participants came to Manila with the intention of establishing an organization modeled on the lines of the North Atlantic Treaty arrangements. That would have been a compulsory arrangement for our military participation in case of any attack. Such an organization might have required the commitment of American ground forces to the Asian mainland. We carefully avoided any possible implication regarding an arrangement of that kind.
>
> "We have no purpose of following any such policy as that of having our forces involved in a ground war.
>
> "Under this treaty, each party recognizes that an armed attack on any country within the treaty area would endanger its own peace and safety. Each party, therefore, agrees to act to meet the common danger in accordance with its constitutional processes. That means, by implication, that if any such emergency as is contemplated by the treaty should arise in that area it will be brought before the Congress by the President and the administration, and will be considered under our constitutional processes. We are not committed to the principle of NATO, namely,

[36] Hearings before Senate Committee on Foreign Relations concerning Southeast Asia Collective Defense Treaty, 83d Congress, 2d Session, November 11, 1954, Part I, p. 4.

that an attack on one is an attack on all, calling for immediate military action without further consideration by Congress.

"For ourselves, the arrangement means that we will have avoided the impracticable overcommitment which would have been involved if we attempted to place American ground forces around the perimeter of the area of potential Chinese ingress into southeast Asia. Nothing in this treaty calls for the use of American ground forces in that fashion." [37]

One academic authority, W. McMahon Ball, has written, "The treaty does not oblige the United States either legally or morally to take any course in Southeast Asia than the course it might be expected to take if the treaty did not exist." [38]

Article IV of the Southeast Asia Collective Defense Treaty clearly reserves to each signatory the right to determine the nature of its response to armed aggression and does not obligate any signatory to use its armed forces to deal with the aggressor.

Recognizing this fact, the Kennedy administration did not use American forces to repel Communist aggression in Laos. The legal commitment of the United States to Laos was the same as its commitment to Vietnam. Both of these countries of southeast Asia were brought under the protection of SEATO.

Lyndon Johnson as Vice President made it clear in 1961 that the United States had not up to that time made a commitment that obligated it to employ its military forces in Southeast Asia. In a memorandum to President Kennedy dated May 23, 1961, right after his return from a tour of Asia, Johnson wrote:

"The fundamental decision required of the United States—and time is of the greatest importance—is whether we are to attempt to meet the challenge of Communist expansion now in Southeast Asia by a major effort in support of the forces of freedom in the area or throw in the towel. This decision must be made in a full realization of the very heavy and continuing costs involved in terms of money, of effort, and of U.S. prestige. It must be made with the knowledge that *at some point we may be faced with the further decision of whether we commit major U.S. forces to the area or cut our losses and withdraw* should our efforts fail. *We must remain master of this decision.*" [39] (Emphasis added)

Finally, General Maxwell Taylor in testimony before the Senate Foreign Relations Committee on February 17, 1966, demolished the argument that the Eisenhower administration made any commitment to employ American troops in combat in Southeast Asia:

Senator Hickenlooper: . . . "Now, up until the end of the Eisenhower administration, we had only about 750 military personnel in South Vietnam, did we not?"

General Taylor: "It was very small, something like that."

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[37] Congressional Record, February 1, 1955, p. 1053.

[38] "A Political Reexamination of SEATO," *International Organization* (winter 1958), p. 20.

[39] Johnson memorandum appears in William S. White's *The Professional: Lyndon B. Johnson* (1964), p. 243.

Senator Hickenlooper: "I think that is within 25 or 30 of the number, either way, and they were entirely devoted to giving technical advice on training to the South Vietnamese troops."

General Taylor: "That is correct."

Senator Hickenlooper: "To your knowledge, did we have any commitment or agreement with the South Vietnamese up to that time that we would put in active field military forces to conduct a war along with them?"

General Taylor: "No, sir. *Very clearly we made no such commitment. We didn't want such a commitment. This was the last thing we had in mind.*" (Emphasis added)

Senator Hickenlooper: "When was the commitment made for us to actively participate in the military operations of the war as American personnel?"

General Taylor:". . . insofar as the use of our combat ground forces are concerned, that took place, of course, only in the spring of 1965."[40]

The New York *Times* of August 19, 1965, correctly stated the case when it said, "The shift from military assistance and combat advice to direct participation by American combat troops in the Vietnamese war has . . . been a unilateral American decision . . . by President Johnson."

The beginnings of the Communist offensive

Although the Government of South Vietnam never established unchallenged authority in the entire countryside, a period of relative peace and stability extended from 1955 to 1959. Late in the latter year the tempo of guerrilla attacks began to assume significant proportions.

During 1960 the armed forces of the Vietcong began to increase from the level of 3,000 at the beginning of the year. During this year the Vietcong assassinated or kidnapped more than 2,000 civilians. Acts of terrorism were directed particularly against local officials in rural areas to leave the countryside leaderless.

The signal from North Vietnam for intensification of the conflict came on September 10, 1960, at the Third Congress of the Communist Party of North Vietnam with a call for the liberation of the south from the "rule of the U.S. imperialists and their henchmen." In December the National Front for Liberation of South Vietnam was formed by Hanoi.

III. THE KENNEDY ADMINISTRATION

The Democratic administration which took office in January of 1961 was confronted not only with problems in South Vietnam but with far more acute difficulties in the neighboring nation of Laos. In Vietnam sporadic guerrilla attacks were going on. In Laos, Communist Pathet Lao forces were engaged in a full-scale offensive that threatened the government of Premier Boun Oum.

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[40] Hearings before Senate Committee on Foreign Relations concerning Supplemental Foreign Assistance bill (S. 2793), 89th Congress, 2d Session, February 17, 1966, Part I, p. 450.

Laos

Recognizing the seriousness of the situation in Laos, President Kennedy addressed himself to this subject in a news conference on March 15, 1961. The President said:

"Recent attacks by rebel forces indicate that a small minority backed by personnel and supplies from outside is seeking to prevent the establishment of a neutral and independent country (of Laos). We are determined to support the government and the people of Laos in resisting this attempt." [41]

On March 23 the President warned, "° ° ° if there is to be a peaceful solution, there must be a cessation of the present armed attacks by externally supported Communists ° ° °. No one should doubt our resolution on this point ° ° ° all members of SEATO have undertaken special treaty responsibilities toward an aggression in Laos." [42]

Sixteen months later the Government of the United States acquiesced in a settlement which terminated any responsibility which the SEATO powers had toward Laos and imposed on that country a coalition government including Communist representation. Acceptance of this settlement by the government of Laos recognized by the United States was brought about by suspension of American aid.

Although American spokesmen said that the United States would not negotiate on the subject of Laos until a cease-fire was in effect, on May 16, 1961, Secretary Rusk appeared at the opening of the Geneva Conference ready to negotiate. A cease-fire had, it is true, been proclaimed on May 3 but the Communists kept on fighting. How spurious the announced cessation of hostilities was can be judged from the fact that the United States on May 30 submitted to the conferees at Geneva a list of 38 Communist breaches of the cease-fire agreement. Throughout the 14 months of the Geneva Conference, violations continued. On May 7, 1962, the Pathet Lao captured the city of Nam Tha after a siege of 4 months. By May 12, the Communist forces completed the occupation of northwest Laos in a 100-mile advance beyond the cease-fire line that compelled the United States to send 5,000 military personnel to Thailand because of the "grave threat" to that country.

The United States continued to negotiate at Geneva. It no longer even protested violations of the cease-fire.

At the outset of the Geneva Conference on May 17, 1961, Secretary Rusk said that the United States would insist on "effective controls, effectively applied to maintain a genuinely independent Laos." As a "yardstick which will influence the attitude of the United States toward the work of this conference," he laid down five principles dealing with the operation of the body which would supervise the execution of the agreement.[43] They were inspired by unhappy experience with the international control commissions established to police the Geneva agreements of 1954.

In summary, Secretary Rusk's principles boiled down to these: that

[41] *Public Papers of the Presidents, John F. Kennedy*, 1961, p. 185.

[42] Ibid., p. 214.

[43] *Documents on American Foreign Relations 1961*, Council on Foreign Relations, 1962, pp. 311-318.

no member of the supervisory commission should possess a veto power by which it might prevent the execution of decisions of the majority of the commission and that the commission must enjoy full freedom of action and of movement throughout the territory in which it was to function.

The Declaration and Protocol on Neutrality in Laos, signed July 21, 1962 (the anniversary of the 1954 Geneva Agreement) proclaimed the neutrality of Laos, required the withdrawal of foreign troops, established a control commission composed of Poland, India, and Canada, but it showed no trace of the principles laid down by Secretary Rusk when the Conference opened. Each member of the Control Commission was to possess the power to veto any decision except a decision to initiate an investigation.

Six months before the Geneva Agreement of 1962 was signed, the State Department issued an anguished complaint about the failure of the Control Commission in Vietnam to function in dealing with 1,200 incidents of alleged Communist violations of the 1954 agreement.[44]

Nevertheless, Averell Harriman called the 1962 agreement "a good agreement—better than I thought we would work out."[45]

Mr. Harriman's appraisal makes interesting reading in the light of the following remarks of Secretary Rusk two years later on June 14, 1964:

"What happened? The non-Communist nations complied with the agreements. North Vietnam and its Pathet Lao puppets did not. We promptly withdrew our 600-man military aid mission. North Vietnam kept several thousand troops and military technicians in Laos. North Vietnamese cadres are the backbone of almost every Pathet Lao battalion. This was, and is, of course, a major violation of the Geneva accords.

"Later, North Vietnam sent additional forces back into Laos—some of them in organized battalions—a second major violation.

"The North Vietnamese have continued to use, and improve, the corridor through Laos to reinforce and supply the Vietcong in South Vietnam—a third major violation.

"The Communists have continued to ship arms into Laos as well as through it—another major violation.

"The Pathet Lao and the North Vietnamese Communists have compounded these international felonies by denials that they were committing them.

"But there was another major violation which they could not deny. They barred freedom of access to the areas under their control, both to the Lao Government and to the International Control Commission. The Royal Lao Government, on the other hand, opened the areas under its control to access not only by the ICC but by all Lao factions.

"The Communists repeatedly fired at personnel and aircraft on legitimate missions under the authority of the Royal Lao Government. They even fired on ICC helicopters. They repeatedly violated the cease-fire agreement. And this spring they launched an assault on the

[44] *A Threat*, p. 24.
[45] *Washington Post*, July 25, 1962.

neutralist forces of General Kong Le, driving them off the Plaine des Jarres, where they had been since early 1961.

"This, in bare summary, is the Communist record of aggression, bad faith, and deception in Laos." [46]

Laos today is ripe for picking by the Communists whenever they choose to use the force necessary to take over the entire country.

Communist control of large areas of Laos has had a direct bearing on military operations in South Vietnam. The State Department noted that Laos "provides not only a route into South Vietnam but also a safe haven from which Vietcong units operate." It also asserted that "the pace of infiltration of officers and men has jumped markedly since Pathet Lao victories in Laos have assured a relatively safe corridor through that country into western South Vietnam." [47]

The importance of Laos arises less from its military significance, however, than from the fact that it tested the resoluteness of the Government of the United States. When the administration retreated repeatedly from its announced positions in the case of Laos, the Communists might well have concluded that the United States would in time back down in South Vietnam.

Averell Harriman drew a distinction between the two nations, pointing out that Laos was landlocked and could be defended only by ground forces. "In Vietnam, on the other hand," he said in a statement that has an ironic ring today, "a decision to assist the Republic of Vietnam to defend itself against the sort of attack being waged in that country would not involve the deployment of U.S. combat forces and would not require the occupation of foreign territory by the United States or other Western forces." [48]

Vietnam

In May of 1961 Vice President Johnson was sent to Vietnam. There he lavished praise on Prime Minister Diem, comparing his host to Washington, Jackson, Wilson, Franklin D. Roosevelt, and Winston Churchill. He assured Diem that the United States was with him "all the way." [49]

The result of the Vice President's trip was a substantial increase in American aid for military, economic, and social purposes. American manpower, the Vice President reported, was not needed.

The Vice President's trip to Vietnam was the first of several by important administration figures. It set a pattern which was to be followed without variation by the others—a rash of optimistic statements on the status and future prospects of the military struggle and an extension of American involvement either in the form of aid or manpower or both.

The year 1961 saw the development of the conflict in Vietnam from covert guerrilla action to open, if still small-scale, war. In that year for the first time the Vietcong committed forces of battalion size to com-

[46] Department of State Bulletin, July 6, 1964, pp. 4-5.
[47] *A Threat*, p. 10.
[48] "What We Are Doing in Southeast Asia," *New York Times* Magazine, May 27, 1962, p. 54.
[49] *Saigon Times*, May 11-14, 1961.

bat. For the first time they launched an attack on a community as important as a provincial capital. The infiltration of Communist troops from the north, facilitated by unchallenged Communist control of eastern Laos, increased. By the end of 1961, the State Department estimated that between 8,000 and 12,000 regular Vietcong troops were in South Vietnam—at least double the number present there 1 year earlier. The United States doubled its forces of military advisers in South Vietnam from fewer than 700 stationed there when President Eisenhower left office to 1,364.

In the period 1961 to 1963 the number of American troops in South Vietnam grew from 1,364 to 16,575. The amount of aid, military and economic, was increased substantially, although the exact figures for military aid are classified after fiscal year 1962.

In the late summer and fall of 1963, the internal crisis in South Vietnam arising from conflict between the Diem regime and the Buddhists produced a deterioration of the military situation and a decision by the U.S. Government to encourage a change of horses. American aid was cut back. Official statements indicating lack of confidence in the Diem government and calling for a change of personnel and policy were issued. Diem was removed in a military coup and was assassinated along with his brother Ngo Dinh Nhu.

There is general agreement now that the coup of November 1963 led to chaos in South Vietnam and resulted in substantial Vietcong gains.

Strangely, the setbacks that occurred at the end of 1963 and the beginning of 1964 began only 1 month after Secretary McNamara and General Taylor returned from South Vietnam with an optimistic report. So strong was their optimism that an immediate reduction of the American force in South Vietnam by 1,000 men was announced and the prediction was made that virtually all American troops would be withdrawn by the end of 1965.

The text of the White House announcement of October 2, 1963, follows:

"Major U.S. assistance in support of this military effort is needed only until the insurgency has been suppressed or until the national security forces of the Government of South Vietnam are capable of suppressing it. Secretary McNamara and General Taylor reported their judgment that the major part of the U.S. military task can be completed by the end of 1965, although there may be a continuing requirement for a limited number of U.S. training personnel. They reported that by the end of this year, the U.S. program for training Vietnamese should have progressed to the point where 1,000 U.S. military personnel assigned to South Vietnam can be withdrawn." [50]

IV. THE JOHNSON ADMINISTRATION

During the administration of President Johnson the United States has become a full-fledged combatant in a conflict that is becoming bigger than the Korean War.

[50] *Background*, p. 110.

President Johnson has raised American troop strength in Vietnam from 16,000 at the end of 1963 to approximately 300,000 in late August 1966.

Today at least 85,000 other American service personnel are offshore or in bases in nearby countries supporting the military effort in Vietnam, making total troop strength in the area approximately 385,000.

Reliable estimates indicate that the nation's forces in Vietnam will increase to between 375,000 and 400,000 by the end of 1966 and will continue growing thereafter.

The maximum number of American ground forces at any time in Korea in the last Asiatic war in which this country was involved was 302,483.

Thus far in 1966, American casualties are running at a rate of 35,000 a year—still below the annual rate of 46,000 in the Korean War.

More and more, under President Johnson, the United States has assumed the major responsibility for the war despite the President's pledge not to commit American troops. In Akron, Ohio, on October 21, 1964, Mr. Johnson promised ". . . we are not about to send American boys nine or ten thousand miles away from home to do what Asian boys ought to be doing for themselves." [51]

Since President Johnson assumed his present office, the fringes of the war have spread in Laos and into Thailand.

Sporadic ground fighting goes on in Laos as Communist forces push toward Thailand where 25,000 American servicemen are stationed, most of whom are engaged in air operations in Laos and North Vietnam.

Thailand has been subject over the past year to small-scale but growing Communist infiltration and subversion. In the words of a top U.S. official on the scene, it "could be another Vietnam." [52] The subversion, which increasingly takes the terroristic form used in Vietnam—murder of village officials, school teachers, and police—is confined mainly to two areas—the Northeast, along the extended Laotian border, and the South, along the short border with Malaysia.

The more ominous Communist activity is carried on in the Northeast by Pathet Lao from Laos and infiltrators from North Vietnam. They seek support not only among the ten million peasants in the area, for whom Lao rather than Thai is the predominant language, but also from among 40,000 North Vietnamese refugees who migrated across Laos in the early 1950's to escape the war with the French.

Besides the commitment of a large force to ground warfare, the Johnson administration has escalated the activity of the Air Force. In February 1965 it began sustained bombing of large areas of North Vietnam. In late June 1966 it began to attack oil storage facilities in areas around Hanoi and Haiphong which had been off limits to American bombers before that time.

Along with intensification and expansion of its military activity,

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[51] *Public Papers of the Presidents, Lyndon B. Johnson*, 1963-64, Vol. II, p. 1391.

[52] *Baltimore Sun*, August 8, 1966. The American official quoted was Tracy S. Park, Director, U.S. Operations Mission in Thailand.

the Johnson administration has taken extraordinary steps to bring about negotiations to end the fighting. In March 1965 the President announced willingness to enter unconditional negotiations, reversing the policy proclaimed by Secretary Rusk two weeks earlier barring negotiations until Hanoi showed readiness to cease aggression.[53]

The Johnson administration suspended bombing of North Vietnam for 6 days in May of 1965 and again for 37 days from December 24, 1965 to January 31, 1966. With a flamboyance rarely used in diplomacy, it then unleashed a "peace offensive," sending several emissaries on a whirlwind tour of non-Communist world capitals to advertise the administration's desire for peace. It has blessed the efforts of other nations and of public and private intermediaries to bring about a conference to discuss peace. As the bombing of North Vietnam was resumed, it turned to the Security Council of the United Nations on January 31, 1966, requesting that it call a conference.

The administration has dangled a carrot before the enemy by offering "a billion dollar American investment" for the regional development of Southeast Asia, including the development of the Mekong River—a plan similar, except for the cost, to one proposed by the Eisenhower administration 10 years earlier. At the Honolulu Conference of February 1966, the administration pledged American aid in creating a new social and economic order in South Vietnam—a pledge which Vice President Humphrey expanded into "realizing the dream of the great society in the great area of Asia . . ." [54]

While promising lavish use of American economic resources for Asian development, the administration has been strangely unwilling to use American economic power in support of America's fighting men. It has moved slowly to restrict the trade of North Vietnam with other nations, to end the use of free world shipping to North Vietnam, and to prevent the scandalous diversion of a substantial part of its own economic aid into illicit and hostile hands in South Vietnam.

Deescalation of the Objective of the United States

As the military effort of the United States in Vietnam has burgeoned and as peace offensives have waxed and waned, the pronouncements of President Johnson defining the objective of the United States have been progressively watered down.

On December 31, 1963, the President, in a letter to Gen. Duong Van Minh, said the objective was "achieving victory." [55] On July 28, 1965, the President said "our goal . . . [is] . . . to convince the Communists that we cannot be defeated by force of arms." [56]

In more specific terms, the President on April 20, 1964, expressed willingness to accept "any settlement which assures the independence

[52] Rusk, News Conference, February 25, 1965, Department of State Bulletin, Vol. LII, No. 1342, March 15, 1965, p. 370.

[54] *New York Times*, April 20, 1966.

[55] *Public Papers of the Presidents, Lyndon B. Johnson*, 1963-64, Vol. I, p. 106.

[56] *Weekly Compilation of Presidential Documents*, August 2, 1965, Vol. I, No. 1, p. 15.

of South Vietnam and its freedom to seek help for its protection." [57] His speech of April 7, 1965, at Johns Hopkins University seemed to discard the freedom of South Vietnam to seek help for its protection, for on that occasion the President defined the objective in contradictory terms as "an independent South Vietnam—securely guaranteed and able to shape its own relationships to all others—free from outside interference—tied to no alliance—a military base for no other country." [58] Clearly South Vietnam would not have freedom to shape its relationship to other countries if it were barred from ties with alliances or from providing a military base to another country. Experience suggests that without an ally South Vietnam would not be securely guaranteed.

On July 28, 1965, the President seemed to discard the independence of South Vietnam as an objective. Declaring that the "purposes" of the 1954 Geneva agreements "are still our own," he asserted that "the people of South Vietnam shall have the right to shape their own destiny in free elections—in the South or throughout all Vietnam under international supervision. * * * " [59]

Again, in January 1966, the State Department, outlining American peace terms in Fourteen Points, called the Geneva Agreements "an adequate basis for peace in Southeast Asia." There is room for doubt that a third Geneva Agreement would succeed in bringing peace when two such agreements have failed.

The point here, however, is that to propose a third Geneva Agreement is to water down the announced objective in Vietnam. The Geneva Agreement of 1954 did not provide for "an independent South Vietnam," which President Johnson earlier declared to be the objective of his policy. It envisaged the unification of North and South Vietnam and its effect, through an election which, in the words of John F. Kennedy, would have been "stacked and subverted in advance," would have been Communist control of all of Vietnam.

The call for a return to the Geneva Agreements raises the disquieting possibility that the present administration is ready to accept in Vietnam the type of election which the United States rejected a decade ago.

Further, the arrangements for supervising the execution of the Geneva Agreements of 1954 and 1962 do not meet the standards set by the President that South Vietnam must be "securely guaranteed." A supervisory commission including a Communist member armed with the power to veto decisions of the majority will never provide a secure guarantee.

In early 1966 the objective of the administration in Vietnam became murkier. Senator Robert Kennedy then proposed a settlement of the war which would admit the Viet Cong to "a share of power and responsibility" in South Vietnam. This proposal in effect looked toward settling the problem of Vietnam as the problems of Poland,

[57] *Public Papers of the Presidents, Lyndon B. Johnson*, 1963-64, Vol. I, p. 498.

[58] *Background*, p. 207.

[59] *Background*, p. 241.

Rumania, Bulgaria, and Czechoslovakia were settled after World War II and as the problem of Laos was settled in 1962.

Although Hubert Humphrey denounced the Kennedy proposal as ". . . putting a fox in the chicken coop . . . an arsonist in a fire department," President Johnson refused to endorse his Vice President's stand, and White House Press Secretary Moyers declined to rule out as unacceptable the inclusion of Vietcong in a South Vietnamese government selected at a peace conference.[60]

If placing Communists in a South Vietnamese government as part of a peace settlement is acceptable to the President—as it is to many influential members of his party, all the fighting in Vietnam—all the sacrifices—all the bloodshed—make no sense.

The silence of the President on the issue in the Humphrey-Kennedy disagreement suggests abandonment of the objective stated by Secretary Rusk on January 21, 1966, "the government of South Vietnam is a matter which should be determined by the people of South Vietnam themselves. We ourselves have supported and continue to support the idea of free elections in which the South Vietnamese people can make these decisions rather than have these decisions made for them by imposition from the outside." [61]

Miscalculation

The President has told the Nation, "This is really war."

To what degree miscalculation on the part of the enemy has brought about this state of affairs, no one can be sure. It is clear, however, that many of the words and deeds of the past few years could only have encouraged underestimation of the constancy and firmness of the Nation in the pursuit of its foreign goals.

The whole handling of the problem of Laos could have no result other than the conclusion that the United States would not match its words with deeds.

The administration said that it would not permit aggression against Laos to succeed, but it did.

The administration said that it would not begin negotiating about Laos until a cease-fire had been put into effect, but it did.

The administration indicated that it would not accept a peace settlement in Laos which granted a veto to any member of the Commission esablished to supervise the peace, but it did.

Miscalculation was the natural result of the withdrawal of American backing for the Diem government. For the United States had pledged its support to Diem "all the way," in Lyndon Johnson's phrase in 1961. Abrupt reversal of policy leading to the overthrow of the leader whom the Government of the United States had been ardently supporting and whose downfall was a major Vietcong objective could appear only as evidence of weakening of the resolve of this Nation. Whether the error was the commitment to support Diem "all the way" or con-

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[60] Presidential News Conference of Feb. 26, 1966, *New York Times*, Feb. 27. Moyers comment: *New York Times*, Feb. 23, 1966, pp. 1, 12.

[61] Rusk News Conference, Department of State Bulletin, February 7, 1966, Vol. LIV, No. 1389, p. 190.

nivance in Diem's downfall, the net effect was to cast doubt on the value and durability of a pledge of support by the United States.

Miscalculation was encouraged by President Johnson's campaign oratory of 1964. In order to make his opponent appear reckless and trigger happy, the President in several statements set limits to American participation in the Vietnamese conflict which were to be exceeded after the election.

Philip L. Geyelin, foreign affairs expert of the *Wall Street Journal*, summarized the President's campaign theme in these words, ". . . it was not his [Johnson's] commitment to Vietnam, it was Dwight Eisenhower's; while he intended to honor it, he also intended to avoid a deeper U.S. involvement in the fighting." [62]

For example, on August 12, 1964, the President said:

"Some others are eager to enlarge the conflict. They call upon us to supply American boys to do the job that Asian boys should do." [63]

Again, on August 29, the President declared:

"I have had advice to load our planes with bombs and to drop them on certain areas that I think would enlarge the war, and result in our committing a good many American boys to fighting a war that I think ought to be fought by the boys of Asia to help protect their own land. And for that reason, I haven't chosen to enlarge the war." [64]

On September 25, the President said,

"There are those that say you ought to go north and drop bombs, to try to wipe out the supply lines, and they think that would escalate the war. We don't want our American boys to do the fighting for Asian boys. We don't want to get involved in a nation with 700 million people and get tied down in a land war in Asia." [65]

On September 28, the President said,

"Some of our people—Mr. Nixon, Mr. Rockefeller, Mr. Scranton, and Mr. Goldwater—have all, at some time or other, suggested the possible wisdom of going north in Viet-Nam.

". . . We are not going north and we are not going south; we are going to continue to try to get them to save their own freedom with their own men, with our leadership, and our officer direction, and such equipment as we can furnish them." [66]

On October 21, the President said,

"We are not about to send American boys 9 or 10,000 miles away from home to do what Asian boys ought to be doing for themselves." [67]

Two days before the 1964 election, as though to put the President's campaign promises to the acid test, the Vietcong directly attacked the U.S. airbase in Bien Hoa, killing five Americans, wounding 76 and destroying several aircraft. This was a more serious challenge than the attack in Tonkin Gulf, which caused no American losses but which

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[62] Geyelin, Philip L., *Lyndon B. Johnson and the World.* New York 1966, p. 195.

[63] *Public Papers of the Presidents, Lyndon B. Johnson,* 1963-64, Vol. II, p. 952.

[64] Ibid., p. 1022.

[65] Ibid., p. 1126.

[66] Ibid., p. 1164.

[67] Ibid., p. 1391.

was met by an aerial attack on North Vietnam. This time, however, there was no response from the United States.

". . . the failure of the United States to respond to the Bien Hoa provocation," Philip Geyelin wrote, "coming on the heels of a conciliatory Vietnam line in the campaign, in which Lyndon Johnson plainly made manifest his profound disinclination to widen the war, must certainly have encouraged Hanoi and Peking in the belief that Tonkin had been a special case, and that U.S. installations could be attacked with impunity." [68]

"Perhaps," Secretary Rusk was quoted in the New York Times as saying, "the Communist world misunderstood our Presidential campaign." [69] Perhaps, indeed, it did. Perhaps the Communist world expected the President's policy after the election to conform to his campaign speeches.

One respected White House correspondent, Charles Roberts of *Newsweek*, has written, ". . . The President . . . told me in May 1965, that he had made the decision to bomb [North Vietnam] . . . four months before Pleiku." [70] The time of decision, then, would have been October 1964 at the height of the Presidential campaign.

Whether the decision to strike at the North was made then or not, it is clear that throughout the campaign South Vietnam was perilously close to collapse. The President must have known, even as he offered assurances of no further involvement that South Vietnam would go down the drain unless the military effort of the United States was drastically augmented.

Describing the campaign, Philip Geyelin has written, "What developed was a deadly race against time; increasingly the question agonizing the war-planners in Washington and Saigon was whether South Vietnam could be kept from crumbling without a much more vigorous U.S. effort before November 3."

. . . "Meanwhile, there were clear signs of growing anxiety, if not at the highest official level, at least at the lower working levels of the government; the experts could read the signs in the increased political shambles in Saigon, in the increased rate of infiltration, in the tide of war that was running unmistakably against the South Vietnamese. 'It is going to be close,' said one of the State Department's most reliable authorities as the U.S. election day approached." [71]

It is impossible to measure the cost of the President's deceptive campaign oratory of 1964 and the postponement until after the election of a step-up in the military activity of the United States in Vietnam. How many American casualties and how much expenditure of American economic resources might have been avoided by telling the truth in 1964 and by earlier use of American air power against important military targets will never be known.

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[68] Geyelin, Philip L., *Lyndon B. Johnson and the World.* New York 1966, pp. 200, 201.

[69] Henry F. Graff, "How Johnson Makes Foreign Policy," *New York Times Magazine*, July 4, 1965, p. 16.

[70] Roberts' *LBJ's Inner Circle*, New York 1965, p. 21.

[71] Philip L. Geyelin, *Lyndon B. Johnson and the World.* New York 1966, pp. 193, 198.

Lack of candor on the part of the Administration

The lack of candor of the administration encourages the enemy to miscalculate. It also misleads and confuses the American public. Thus it strikes at the vitals of our system of government, for, without reliable information, public opinion cannot wisely guide and restrain public policy.

The examples of lack of candor about Vietnam are legion.

The administration, for example, has consistently concealed difficulties and dangers with optimistic pronouncements and predictions.

Consider such statements as the following by Secretary McNamara:

"Actions taken there [in Vietnam] have proved effective and will prove more effective as time goes on." (Jan. 17, 1962.)

"Progress in the last 8 to 10 weeks has been great. . . . The Government has asked only for logistical support. . . . Nothing but progress and hopeful indications of further progress in the future." (May 12, 1962.)

"Our military assistance to Vietnam is paying off. I continue to be encouraged. There are many signs indicating progress." (July 25, 1962).

"There is a new feeling of confidence that victory is possible in South Vietnam." (Jan. 31, 1963.)

"The major part of the U.S. military task can be completed by the end of 1965, although there may be continuing requirement for a limited number of U.S. training personnel." (Oct. 2, 1963.)

"We have every reason to believe that [U.S. military] plans will be successful in 1964." (Dec. 12, 1963.)

"With these further measures, we felt that a start could be made in reducing the number of U.S. military personnel in Vietnam as their training missions were completed. Accordingly, we announced that about 1,000 men were to be withdrawn by the end of 1963, and expressed the hope that the major part of the U.S. military task could be completed by the end of 1965, although we recognized that there might be a continuing requirement for a limited number of U.S. advisory personnel." (Jan. 30, 1964.)

"We are confident these plans point the way to victory." (March 1964.)[72]

It would be tedious to detail the facts that showed how remote each of these pronouncements was from grim reality. Two examples will suffice.

Secretary Rusk declared in the course of a visit to Vietnam on April 20, 1964, that things were showing "steady improvement." The headline in the New York Times 2 days later read, "Reds inflict heaviest toll on South Vietnam Army." It had been the bloodiest week of the war, the Times reported, with 1,000 Vietnamese Government and 23 American casualties.

On November 29, 1965, Secretary McNamara said "we have stopped

[72] McNamara's statements were reported in the *New York Times* on the dates indicated in the above text.

losing the war." [73] Yet, during the period when, according to the Secretary, we were losing the war, he made statements acclaiming "progress" and exuding optimism on no less than 14 separate occasions.

Neither the Congress nor the public has been accurately and fully informed about the Nation's involvement in Vietnam. American military personnel were called advisers long after they became combatants.

As American ground forces were introduced into Vietnam, the Nation was told that their "primary mission . . . is to secure and safeguard important installations like the airbase at Da Nang . . ." [74] Secretary McNamara added assurances that "they should not tangle with the Vietcong." [75]

The President announced on July 28, 1965 that the movement of 125,000 American troops to Vietnam did "not imply any change in policy whatever." [76]

The able Saigon correspondent of the Los Angeles Times, Jack Foisie, wrote:

> "Although the decision to commit large-scale American combat units in Vietnam is apparent, and is obvious to the enemy through the buildup of logistical bases on the central coast, authorities in Washington try to pretend that we really are not committed to land warfare in Asia, to casualties as large or larger than suffered during the Korean war." [77]

There has been a lack of candor about the casualties in Vietnam. The figures fed to the public by the Administration contradict each other and surpass belief. In June of 1965, Secretary Rusk gave a figure for South Vietnamese casualties since 1960 that was 50 per cent higher than the figure General Wheeler gave 1 month earlier. It is hard to believe that casualties in 1 month in 1965 increased so dramatically.[78]

On May 5, 1966, Representative Otis Pike, Democrat of New York, charged that the Department of Defense had "surreptitiously" reduced the total of Viet Cong wounded claimed since 1961 in the Vietnam war. The enemy casualty claim was cut by about half, he asserted.

Representative Pike said the figure of 365,000 wounded was replaced with one of 182,000 in figures given the House Armed Services Committee at a secret briefing. He said the lower figure was "slipped in" because, apparently, the old one was growing so large as to be unrealistic.[79]

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[73] Hearings of House Committee on Foreign Affairs concerning Foreign Assistance Act of 1966, Part II, March 30, 1966, p. 313.

[74] White House statement, *Background Information Relating to Southeast Asia and Vietnam* (first revision, June 16, 1965) Senate Committee on Foreign Relations, p. 230.

[75] *Wall Street Journal*, June 17, 1965.

[76] "President's News Conference of July 28," *Washington Post*, July 29, 1965.

[77] *Los Angeles Times*, July 25, 1965.

[78] Rusk speech, American Foreign Service Association, Washington, D.C., June 23, 1965—"From 1961 to the present * * * South Vietnamese armed forces have lost some 25,000 dead and 51,000 wounded." Wheeler speech, San Francisco, May 7, 1965, "More than 50,000 South Vietnamese soldiers have been killed or wounded in battle since 1960."

[79] *Washington Post*, May 6, 1966.

On April 4, 1966, President Johnson gave the startling figure of 50,000 as the number of enemy dead in Vietnam since the beginning of the year.[80] It is impossible to reconcile this figure with Defense Department estimates of changes in enemy strength. As of July 1, 1966, the Defense Department reported there were 271,000 enemy troops in Vietnam, up 41,000 from January 1. If the President's figure on deaths is accepted, the enemy's strength on July 1 could have been achieved if the enemy added 15,000 men a month to its forces and if not a single enemy soldier died in the second quarter of 1966. Secretary McNamara, however, has testified that the enemy is capable of adding no more than 9000 troops a month to its forces in South Vietnam.[81]

A correspondent of the Washington Post, Howard Margolis, after surveying casualty figures released by the administration, concluded:

> "The impression all this leaves is that the publicly released statistics are more a selection of numbers intended to paint a picture that supports whatever the official view is at the moment than a realistic indication of how things are going." [82]

There has been a lack of candor about the cost of the war in Vietnam. In 1965 and again in 1966 the Administration's initial request for defense appropriations was based on outdated estimates of military needs. Congress, in January of 1966, thus had to appropriate an additional $13 billion needed for defense in fiscal year 1966. As it acted on defense appropriations for fiscal 1967, informed Members of the Congress predicted a supplementary request for $5 to $15 billion in defense funds in January 1967—after the 1966 election.

When State Department spokesmen asserted that the widespread civil disorders in South Vietnam following the Honolulu Conference had no effect on military operations, they were less than candid.

How false this was is clear from the ominous statistics released two days after such a statement was made [83]—statistics indicating that American troops sustained more than twice as many casualties during the preceding week as did the South Vietnamese.

Secretary McNamara on April 20, 1966, gave the Senate Foreign Relations Committee an appraisal of the military situation during the civil disturbances that flatly contradicted that of the State Department. The Secretary of Defense tesified:

> ". . . The military operations have been at a lower level because of the political disorders in the last approximately 2 weeks . . . the number of Vietcong killed is off 40%, the number of Vietcong killed per week last week was 600, it averaged a thousand and five for the first three months of the year. The number of weapons lost by Vietnamese forces, the number of weapons captured is also off by substantial amounts.

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[80] *Weekly Compilation of Presidential Documents*, Vol. 2, No. 13, p. 483.

[81] *Washington Post*, March 4, 1966, p. A-12.

[82] *Washington Post*, August 16, 1965.

[83] Despite "the political turbulence in South Vietnam," Undersecretary of State George W. Ball said, "there has been no particular reduction in" military operations. "Face the Nation," CBS, April 10, 1966.

"This reduction in military activity is customary under conditions of political disorder. It has happened every other time we have had political disorders. . . ." [84]

There has been an inexplicable lack of candor about peace feelers. On May 7, 1965, President Johnson said:

"For months now we have waited for a sign, a signal, even a whisper, but our offer of unconditional discussions has fallen on unreceptive ears. Not a sound has been heard. Not a signal has been sighted." [85]

Again on July 13, 1965 the President declared:

"I must say that candor compels me to tell you that there has not been the slightest indication that the other side is interested in negotiation or in unconditional discussions although the U.S. has made some dozen separate attempts to bring them about." [86]

But in November, 1965, the respected reporter Eric Sevareid in a Look magazine article [87] recalled an interview with the late Adlai Stevenson on August 12, two days before his death in London. Ambassador Stevenson told Sevareid that U.N. General Secretary U Thant had secured the agreement of North Vietnamese authorities to meet with a representative of the United States in Rangoon in late 1964. After the election, Sevareid wrote, U Thant renewed the offer, and this time it was Secretary McNamara who reportedly vetoed it.

The greatest shortage which the Vietnamese war has so far produced is a shortage of candor and accuracy and purpose.

RESULTS OF THE JOHNSON ADMINISTRATION'S EFFORTS

The measurable result of 300,000 American troops, 30,000 American casualties, and several billion American dollars since 1961 in Vietnam is a stalemate.

The administration's own assessment of the result is expressed in such phrases as "We have stopped losing the war" and "Our forces and those of our allies will not be defeated by the Communists in Vietnam."

The amount of territory controlled by Saigon today is far less than it was when Diem was overthrown. No marked progress has been made in extending the control of the Saigon government in the past two years. Estimates of the percentage of land area of South Vietnam under government control given in 1966 by Members of Congress with access to classified information range from 20 to 40 per cent.

The shrinkage in control of the population is apparent in the turnout in the two most recent national elections. 6,300,000 voted in 1963 under the Diem regime. 4,200,000 are reported to have cast ballots in the election of September 11, 1966 for the Constituent Assembly. The offi-

[84] Hearings before the Senate Committee on Foreign Relations on S. 2859 and S. 2861, Foreign Assistance, 1966, April 20, 1966, p. 202.

[85] *Washington Post*, May 8, 1965.

[86] *Washington Post*, July 14, 1965, p. A-18.

[87] "The Final Troubled Hours of Adlai Stevenson," *Look*, November 30, 1965.

cial estimate claims that 54 per cent of the population is under control of the Ky government.[88]

Enemy forces, despite reports of heavy casualties, have increased in South Vietnam at a rate of one half that of the American buildup. In the first 7 months of 1966, enemy forces grew by 52,000; American forces by 100,000. In August 1966, the Defense Department estimates put enemy forces at 282,000 or 177 combat battalions—far in excess of the prediction Secretary McNamara made on March 3, 1966, when he said that 155 enemy battalions "could be in South Vietnam by the end of 1966."[89]

South Vietnamese forces have been plagued by a high rate of desertion. In 1965 there were 113,000 deserters in a military force in the neighborhood of 600,000. In the first six months of 1966—a period of internal disorder—the number of desertions was 67,000, an increase of 20 percent.

The incidence of terroristic activity by the Vietcong has risen steadily. In 1964, the Vietcong killed or kidnaped 11,349 civilians in South Vietnam. In 1965, the comparable figure was 14,673.

The lack of progress in wresting territory from the Vietcong has meant lack of progress in economic development. David Bell, AID Director, testified on January 28, 1966:

> "It has been evident to us, to the AID people, who have been living and working in the countryside these past several years, that the problem of establishing security and economic progress in areas which are either contested or under Vietcong control is the heart of the effort to bring about a successful solution in South Vietnam, and that that effort has not made significant progress for the last three or four years."[90]

A good indicator of economic activity in South Vietnam is its export trade. In terms of physical volume, exports in 1965 were 40 per cent of the level of 1960. The index of exports (based on 1958 as 100), which reached its high point of 163 in 1960, declined from 156 in 1963 to 75 in 1965. This nation, until recently a major exporter of rice, now has to import rice to feed its people. Inflation is rampant. In one year the cost of living has risen almost 60 per cent.[91]

In the fight in South Vietnam the United States receives no military help from its allies except for 22,000 troops from South Korea, and smaller forces from Australia, New Zealand, and the Philippines. In the Korean War, by contrast, Belgium, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, Turkey, South Africa, and the United Kingdom all sent forces to fight side by side with

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[88] Richard Wilson, *Washington Star*, Sept. 12, 1966.

[89] Hearings before Senate Foreign Relations Committee, March 3, 1966 reported in *Washington Post*, March 4, 1966, p. A-12.

[90] Senate Foreign Relations Committee, Hearings Supplemental Foreign Assistance, January 28-February 6, 1966, p. 99.

[91] International Monetary Fund, *International Financial Statistics*, Vol. XIX, No. 8, August 1966, p. 308. The cost of living index was 131 in the second quarter of 1965 and 203 in May 1966 (1958=100).

American troops. None of these nations has sent a single soldier to South Vietnam.

Again, unlike the Korean War, the United States does not command the open support and confidence of most of the non-Communist world. In the Korean War the United Nations overwhelmingly condemned Communist aggression, placed its moral influence on the side of resistance to aggression, called on its members to cease trade with the aggressors. By contrast, the effort of the United States to secure United Nations support for its call for peace talks (not for approval of its resistance to aggression) failed miserably. The nine votes needed to place the subject on the agenda of the Security Council were barely attained. Having placed the subject on its agenda, the Security Council found itself unable to proceed further with even a formal discussion of the resolution offered by Ambassador Goldberg.

Today a satisfactory peace in Vietnam is not in sight. A member of the Joint Chiefs of Staff in August 1966 revealed in a background briefing for the press in Saigon that some in the Pentagon believe that the war will go on for eight years if American forces in South Vietnam remain at a level of 300,000 and could be shortened to five years if the United States put 750,000 men in the conflict.[92] Without significant aid from its major allies, the United States is moving toward a conflict that in terms of time and casualties will exceed the American effort in the Korean War.

QUESTIONS ABOUT THE FUTURE

Administration policy has prevented Communist conquest of South Vietnam. However, peace or victory or stability there are still remote. Faced with a prospect of war for five to seven years, of the spread of conflict to Thailand and perhaps other parts of Southeast Asia, of Communist China equipped with nuclear weapons, the United States must give attention to basic questions about its future political and military strategy in Asia.

A five-year war in Vietnam would, at the present rate, involve the frightful cost of 125,000 American casualties. This high cost is dwarfed by the catastrophic losses which South Vietnam would suffer in five more years of fighting. To the South Vietnamese and other threatened people of Asia, this type of limitless war may come to be an unattractive alternative to Communist domination.

The urgent immediate question facing the nation is how to end this war more speedily and at smaller cost while safeguarding the independence and freedom of South Vietnam.

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[92] *New York Times*, August 8, 1966. Marine Corps Commandant General Wallace M. Greene held a background news conference in Saigon August 7, 1966 which led to stories in several major newspapers. Although later denied, "the stories written from the session . . ." the *Washington Post* observed (August 15, 1966) "generally agreed that peace studies made in the Pentagon forecast a long war in Vietnam—perhaps eight years. Another study, it was said, estimated it would take 750,000 U.S. troops in Vietnam to end the war in five years." The *Post* also reported, ". . . some observers here suggest that the Marine Commandant spoke with Administration knowledge to pave the way for heavy troop movements there after the election."

Simultaneously, the nation must give sober thought to the means of preventing the spread of this war and the eruption of similar wars in other places in Asia.

Among the many specific questions that need to be considered are the following:

1) How can effective agencies for the peaceful settlement of disputes be developed.

2) How can the talents and resources needed for stability and progress in Asia be mustered.

3) How can the economic power of the United States and other advanced free nations be used in a strategy designed to deter and defeat aggression.

4) How can an effective collective security system be fashioned for Asia which will increase the power of non-Communist nations and include the support of the United States and major free nations of Europe.

5) What mix of military forces and weapons should the United States develop to do its part to deter or defeat aggression.

6) Where and in what circumstances should the United States use military measures to turn back aggression.

7) What military measures—what weapons, against what targets—should the United States be prepared to use in order to deter or defeat aggression.

Many of these questions could be considered by the Blue Ribbon Commission proposed by the Republican Coordinating Committee on June 28, 1966 to evaluate the defense posture of the nation.

The nation needs a clear and consistent policy toward Asia to guide it through a turbulent period. Improvisation from crisis to crisis will not do. There are stormy seas ahead in Asia, and there are dangers in any policy the United States may pursue in that part of the world. But the greatest danger is to drift on without a policy.

STATEMENT OF HON. WALTER F. MONDALE, U.S. SENATOR FROM MINNESOTA IN SUPPORT OF SENATE RESOLUTION 351

Mr. Chairman, I have submitted a resolution, S.R. 351, which urges the United States government to offer formally for negotiation at Paris a comprehensive proposal for an internationally supervised standstill cease-fire by all sides, and urging designation of a permanent head of the United States delegation to the Paris peace talks to effect such a proposal.

I would like to offer the following comments for inclusion in the current record of hearings dealing with the various Vietnam resolutions which have been proposed.

Particularly in light of the uncertainty surrounding our present policy, the ambiguities inherent in a policy of "military Vietnamization" even as we officially disavow a "military solution," and the understandable fears of what might follow our total withdrawal from Vietnam, I think that the United States might again begin to think in terms not simply of our own disengagement, but also of a way to end all hostilities.

I do not offer this resolution as a substitute for any other; nor do I wish in any way to detract from the current attention being given the need to disengage and withdraw our troops. Rather, I urge a cease-fire as a policy which should be pursued along with disengagement, and as one which could well facilitate the ultimate total withdrawal of United States forces from Vietnam.

In April, 1967, nearly two years, the United States and the North Vietnamese began formal talks at Paris. At that time, most of us allowed ourselves the luxury of a ray of hope that the end might at least have begun.

Since that time, other steps have been taken which should have built upon this hope. The President a year ago publically and explicitly disavowed a "military solution." A process of American withdrawal was begun, and there seemed, at long last, to be general agreement that no real permanent objectives could be gained through the American military presence.

Yet, the hope for an end to the killing and the ravage of Vietnam remains almost as faint as ever.

The Peace talks are at a total impasse. The other side has not given any indication of seriously seeking an accord, and the United States has downgraded the talks by failing to provide, for the last three months, a permanent head of the American negotiating team.

The killing continues, with over 17,000 Americans and countless Vietnamese killed since the start of the talks.

There is absolutely no military victory in sight, even if the other side has shown signs of moving away from direct confrontation toward a more standard guerrilla strategy.

The essentially internal, political problems which have torn this land since the end of World War II are as great as ever and will continue regardless of the military strength of the Saigon government.

It is perfectly evident that nothing will come of the Peace talks until something—not a "concession," but a new idea—is put forth to break the stalemate and upgrade the talks.

It is in light of these facts that I introduced my resolution which calls for: a mutual, standstill cease-fire; a program of political Vietnamization; and a renewed effort at the Paris negotiations, beginning with the naming of a permanent head of the United States delegation.

Within the comprehensive proposal for the mutual cease-fire would be provisions regarding: international peacekeeping machinery, protection of all people and groups against terrorism and oppression, prompt free elections, the withdrawal of all outside military forces, the return of all military and political prisoners, and relief and aid to help begin the economic and social reconstruction of Vietnam.

I am sure that many will first hear of this resolution and ask why a proposal so reasonable and supposedly noncontroversial would need the force of a Senate Resolution. Have we not already offered such proposals to the North Vietnamese only to have them all rejected?

The answer is emphatically and unequivocally "No." In nearly two years of negotiations at the Paris talks, no such proposal for a cease-fire has ever been put on the table.

The other side will probably maintain for some time its negative facade. But they will at least know where to begin. They will have, not a speech or a press conference from which to start, but a serious, formal, bona fide offer. Only when we move our offers from the realm of publicity to the realm of true diplomacy

can we expect an equally serious response. The other side may continue to reject any such proposal. But until they have received one—in concrete terms and offered formally by a permanent ambassador to the peace talks—we cannot say with any certainty what their response will be.

Regardless of their negative public statements, there may be reasons why they would consider and eventually agree to negotiate such a proposal, even if they rejected it immediately.

Even now there may be more agreement than is apparent between the two sides. All the parties—Hanoi, the N.L.F. and Saigon, as well as neutralist political leaders in South Vietnam—have advocated elections as the basis of deciding who shall run the country.

The continuing presence of this proposal to end all the killing and give all parties fair access to the political process could create political pressures on the Communists in Vietnam and around the world which our current policy of "military Vietnamization," alone, does not. In the U.S. and around the world, all who are concerned for peace would rally in support. Widely publicized in Vietnam, such a plan would gain widespread support among the populace on both sides.

There have been recent reports of serious speculation that the other side may be contemplating a cease-fire offer to put further pressures on the Administration as the 1970 elections draw near. If they are considering such an offer—for whatever reasons—it certainly encourages speculation that they might accept the kind offer we are now proposing.

But the difference between what is contained in our resolution and what is currently happening at Paris goes far beyond diplomatic protocol or "modes of presentation." What we are urging is the adoption of a policy which, regardless of whatever arrangements we made for the substitution of the South Vietnamese Army for the American Army, is aimed first and foremost at ending the killing.

There must be no mistaking our current policies with respect to Vietnam. The "military Vietnamization" made official policy this fall is not directed toward an end to the killing. Although there have been claims that we no longer seek a military solution, the fact remains that this "military Vietnamization" has in no way abandoned the objective of securing a military solution to the grave internal problems in Vietnam. Instead of seeking an end to the hostilities and the killing, "military Vietnamization" is explicitly designed to *perpetuate* the killing—while substituting South Vietnamese boys and South Vietnamese deaths for American boys and American deaths.

I wholeheartedly support our policy of turning the war back to the South Vietnamese who as President Kennedy said over six years ago, "must ultimately win it or lose it." I support withdrawal: indeed, I believe we should be withdrawing much faster.

But, the war goes on while we withdraw, and it will go on after we withdraw.

Our current policy of "military Vietnamization" is open ended and ambiguous. On the one hand, we admit that our military presence cannot, by itself, insure freedom and self-determination for the people of South Vietnam. We say that our withdrawal, however slow, is not to be reversed, and we maintain that our ultimate goal is simply to let the people of South Vietnam choose freely and without outside interference their own form of social, economic, political society.

On the other hand, we know that the South Vietnamese cannot accomplish by themselves what they plus up to one-half million American troops failed to accomplish for over ten years. We know that the other side will never be subjected to a strictly military defeat, nor will it ever be brought to a military surrender.

So, where is the end to the war, and where is that point at which the promise of withdrawal becomes a reality? Is a war which, by all admission, could not be "won" now simply to fade away? Is the other side which would not surrender to the Americans *and* the South Vietnamese now to surrender to the South Vietnamese alone?

Again, I support withdrawal. I support the policy of turning the war back to the Vietnamese. But military Vietnamization, by itself, cannot win a war . . . will not stop the killings . . . and, for these very reasons, cannot in the long run truly get our American troops completely out of that nation.

If American troops are to be brought home, there must be a halt to the hostilities and an end of the killing. For an end to the killing, there must be negotiated cease-fire. For a cease-fire, there must be a process of "political Vietnamization." The hope that the war will just "fade away" without any kind of negotiated settlement is at best remote and at worse pure delusion.

"Political Vietnamization" seeks not only to lower United States casualty figures, but to end the war and end the killing. It seeks *directly* what all of our policies have purported to seek "ultimately"—the free self-determination of the south Vietnamese people.

"Political Vietnamization" means broadening the base of the government. It means seeking the basis for a compromise solution that gives all parties in the South a fair chance to advance their social goals by political rather than military means. It means giving access to the political process to all groups and factions in South Vietnam. It means guaranteeing freedom to all individuals and all groups—including freedom from terror and assassination as well as freedom of speech, press, assembly, and political activity.

And political Vietnamization may be the long-awaited key to securing the prompt return of all U.S. prisoners—held now by the North Vietnamese in complete violation of all Geneva Conventions with respect to human treatment and the release of names.

What we are proposing, Mr. President, is that the United States begin a new peace offensive. There are no concessions involved, no threats to our "honor" or to our "commitments." There is only the offer of peace and an end to the killing through the only possible route to this objective.

Neither should this resolution become confused with those dealing with withdrawal or the timing of withdrawal. As I said, I fully support the withdrawal of American troops as fast as possible.

But so does everyone else—within the limits of his or her idea of what constitutes . . . "as possible." The crucial question of timing gets immersed in complex questions of logistics, of what we "owe" those who have supported us, and "will there or will there not be a bloodbath if we withdraw and the Saigon government topples?"

But such questions would become simple—almost secondary—if there should be an end to all hostilities. While we debate the speed of withdrawal, let us not forget that the killing goes on . . . that no withdrawal will, by itself, get at the "causes" of the conflict . . . and that this debate could just as well be conducted within the environment of a general cease-fire as within the environment of "military Vietnamization." The cease-fire does not conflict with the present policy of "military Vietnamization." Rather than closing off options, it enhances the value and credibility of any de-escalatory measures that might be taken toward peace.

I do not claim to know at this time all the details of what could constitute an acceptable proposal. But we do know a great deal about the necessary ingredients for such a proposal. We know that the principles of free elections under some kind of fair and impartial supervision are absolutely essential to any agreement which might be acceptable to both sides. In their own proposals at Paris both sides have cited elections as the way to decide the future of South Vietnam. Finally, the principles set forth in this Resolution—the standstill cease-fire, the prompt, free elections, and the various provisions designed to guarantee security and freedom to the Vietnamese people—have been urged by Cyrus Vance, our former negotiator at the Peace talks.

The major barrier has been and will continue to be the question of who controls the country while elections are being carried out? Saigon has rejected a coalition government with representation from the other side, when there is no proof of the degree to which the National Liberation Front does, indeed, represent the uncoerced will of a significant number of South Vietnamese.

The other side—with ample historical justification—has no intention of turning the entire country over to Saigon and the Americans—something we have been unable to force them to do militarily—protected only by a vague promise by Thieu to honor "self-determination," who, at the same time threatens that he "will never yield so much as a hamlet to the enemy."

With a standstill cease-fire which stops the killing and takes into account existing realities of power and control, such an impasse could be broken. The two sides might accept an internationally controlled election, administered by an independent electoral commission. Such a commission, in rather vague terms, has already been suggested by Presidents Nixon and Thieu. A more specific proposal, coupled with the standstill cease-fire, could then open the way toward a compromise and let the people of South Vietnam themselves decide freely what coalition of interests should govern that country.

Mr. Chairman, the American and Vietnamese people have entrusted their governments and their negotiators with the responsibility to do everything possible to find a way to a just and durable peace. We must fulfill that trust. It is to this end that I have offered my resolution.

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