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LEGISLATION ON THE INDOCHINA WAR

TUESDAY, JUNE 22, 1971

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON ASIAN AND PACIFIC AFFAIRS,
Washington, D.C.

The subcommittee met at 2:15 p.m., in room 2172, Rayburn House Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will come to order.

I want to welcome you here this afternoon as the Asian and Pacific Affairs Subcommittee opens the first comprehensive House hearings into bills and resolutions relating to ending the war in Indochina.

Today, we are hearing arguments of national security advanced over the publication of documents relating to the beginning and escalation of our involvement in the region. As important as national security may be, perhaps even more important to America is that the problems of Indochina are threatening national security. Mistrust of our leaders past and present and disgust over the results of our policies are ripping apart the fragile fabric of our society and poisoning much of our national life.

As but one brief example which distresses me immensely this afternoon, the war in Indochina has so clouded our view of Asian affairs that we seem virtually immobilized in the face of the unprecedented human tragedy of East Pakistan.

The purpose of our hearing is not to perform a divisive exercise in name calling or guilt-assigning over our past Indochina actions. I know of no people, inside or outside of the Congress, who want this war to continue. Who among us wants the killing of either Americans or Asians to continue? We are united in our desire to see our prisoners of war released from their cruel confinement.

So there are areas of agreement and positions around which men of good will can unite.

The question before us is not whether the war should end. The questions we are considering are when the war will end and how best to bring it about. What will the United States leave behind in Indochina as we conclude our combat role?

In light of the recent confirmation of our involvement in the overthrow of the Diem regime which disturbed the existing natural political balance, we created an inescapable moral commitment to the governments in Saigon which have followed. I opposed that decision at the time and we must now ask ourselves hard questions about America's legitimate interest in governments or the personalities in power in Saigon. I believe we must consider whether our current or postcombat policy in Vietnam and in all of Indochina should concern itself with
matters which, in my judgment, stimulated the first fatal steps into the quagmire.

The distinguished chairman of the Committee on Foreign Affairs, the Honorable Thomas E. Morgan, has referred some 70 bills and resolutions to this subcommittee. We intend to begin our considerations with at least 4 days of testimony from Members of Congress. We invited not only those colleagues who are cosponsors of the various legislative proposals, but also those who have not, as yet, affixed their names to congressional initiatives.

We want to hear all views. If there are alternatives to the policies of this administration, let us hear rational debate. If there is a functional role for legislative solutions or legislative assistance, let it be discussed responsibly and with a tolerance of the obvious differences of opinion and attitudes which exist in the Congress and in the country.

I believe that President Nixon has already made the basic decision to end our military role in Indochina. Thus the basic issue at stake in these hearings is whether a fixed date resolution to force a conclusion will have a meaningful effect in carrying out that policy, or whether the reverse is true.

One final word: It is in the spirit of democracy and not in the spirit of dogmatism that I open these hearings today. It is a search for areas of agreement and not the search for cataracts of controversy that is the basic goal of the subcommittee’s endeavors.

At this point, I would like to submit for the record a statement by the ranking minority member of the subcommittee, the Honorable William S. Broomfield, of Michigan.

(The statement follows:)

STATEMENT OF HON. WILLIAM S. BROOMFIELD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

I commend the distinguished Chairman for calling these hearings before the Asian and Pacific Affairs Subcommittee, and I offer to him any assistance he may find necessary in their conduct. I believe that, in arranging these discussions, he has done a major service to the House of Representatives, the Congress and the nation as a whole.

By far the dominant impression I have received from my reading of the published accounts of our entry into Vietnam is the feeling that the policy-makers of those years regarded the entire problem as little more than an exercise in cold war strategy—a very important exercise, to be sure, but an exercise nonetheless. It seems that, in their fascination with the unique character of the war in Vietnam, these men were careless of one crucial consideration: that individual Americans would be asked to carry the burden of those strategic objectives and that many thousands of them would lose their lives in the process. There was a common failure of those who govern, but, if Vietnam has taught us anything, it is that such failures can be tolerated no longer; that individual lives cannot be so needlessly sacrificed.

That is the approach I hope will be brought to these hearings. We can consider international strategy or national pride only after we have understood the feelings of those 500 men who will be asked to die in the next six months and those 15,000 men who have already lost years of their lives in enemy prison camps. These men must be foremost in our thoughts; their withdrawal from Vietnam and their release from enemy prisons our sole objective.

Perhaps I have oversimplified the problem, but if that serves to better focus our discussions, I willingly take the risk. There are human lives at stake here: no strategic consideration, whether it be the stabilization of the South Vietnamese regime or the maintenance of American influence around the world, can override that one basic fact.
Mr. GALLAGHER. Our first witness this afternoon is a distinguished member of the Committee on Foreign Affairs, Congressman Rosenthal. Mr. Rosenthal is chairman of the Subcommittee on Europe. He was among the first House Members to speak against our involvement in fighting in Vietnam.

It is a great pleasure to have you with us this afternoon, Mr. Rosenthal. Please proceed.

STATEMENT OF HON. BENJAMIN S. ROSENTHAL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. ROSENTHAL. Mr. Chairman, I am very grateful for the opportunity you afford me to be the first witness before this very significant series of hearings.

For Members of the House of Representatives, it is a privilege, long delayed, to participate in hearings on the Vietnam war.

American resources have been committed to this war since the early 1950's; American military forces, since the early 1960's. At the peak, in 1969, our country placed over 500,000 American servicemen in South Vietnam. The annual cost to Americans reached $30 billion a year at that time. A steady stream of American dead and wounded returned home. Yet the House of Representatives begins only today, 10 and 20 years after the decisive commitments, to hold its first public hearings on the war.

As one Congressman who has spent most of the past 10 years in this House, I am ashamed to cite this history. I am ashamed that our sense of priorities placed us in the rear guard of those questioning this war. This accusation is not personal for it is not made against individual men by an individual. Each man in this House has arrived or will arrive at a decision about this war by his own personal calculus. Mine happened to register doubt in 1965 and outright opposition to our role in the war by late 1966. Others came before and many others after. But the mood and spirit of this House has been to allow others to question, to doubt, to criticize, and even to wonder while a war raged. This has been our tragedy.

I commend our chairman who finally brought us to this hearing. I do not think it too late to begin this task. Despair is the sign of the defeated. Rather it is our task, late as it is, to renew the questioning, to reflect on the mood of our constituents, and to bring the House of Representatives to a rightful view of its responsibilities.

This war is the history of a series of blunders, most of them by Western intervenors who failed to understand its nature.

The French, who intervened in 1945 to attempt a reconstruction of their prewar influence in Indochina, made the first series of errors. Nine years later after thousands of Frenchmen died and after the French suffered their most ignoble defeat in battle since 1940, they withdrew. The French eventually recovered their prestige and self-respect; they never recovered their losses nor did we for we financed a large part of the French war in its last years.

It was both more and less forgiveable for America to take up the discredited war the French lost. More forgiveable, because we thought our motives purer; less forgiveable, for we failed to understand why the French lost. We proceeded to repeat their errors.
Our errors are unfortunately not only of the past. We have created a word "Vietnamization" and called it a policy. But it is no policy. It is a crystallization of all that preceded it. Every error of previous American policy lies within Vietnamization.

Let us recall what Vietnamization does not mean: It does not mean that we recognize that we, and the French, intervened in a civil war; it does not mean the war is winding down; it does not mean that we recognize that there is a limit to American power, and that American power, too, should be limited; it does not mean, finally, that we are ready to stop killing Asians for their own good.

Rather, Vietnamization means continued killing, with the United States substituting more Vietnamese deaths for American casualties: the casualty rate for 1969, 1970 and the first 3 months of 1971 show that casualties have not really dropped at all if we count all allied casualties and all enemy casualties.

A continued commitment to maintaining the South Vietnamese Government and its military forces in action cannot bring peace to Vietnam. Nor can it bring an end to American responsibility for continuing the war.

An air war, financed and manned by Americans, is, by every estimate I have seen, an essential part of the policy of Vietnamization. Massive military and economic aid to South Vietnam is another part of that policy. The music is still American for we pay the piper.

One year ago I thought it unbelievable that Congress, and particularly, the House of Representatives, would set a termination date for the war. I was wrong. It is indeed possible today. If it is not possible, I would despair for our country.

The revelations this past week of the documents involving our escalation of the war were serious enough to cause a change in the congressional view that the President alone could lead us out of this war. But the frenzied attack on those disclosures by the present administration must confirm that revised view that Congress must act.

An administration afraid to face the past cannot be trusted with the future. An administration unwilling to disassociate itself from the past, becomes part of those past errors.

I support the December 31, 1971 withdrawal date specified in H.R. 4102 which I sponsored. Prompt action by this committee and the House would mean a 6-month notice to the administration and to the South Vietnamese Government for the termination of our military role in Vietnam. I can think of no other step which will prod the Thieu government to the understanding that American props to his unrepresentative government are ending.

Congress must act in this unusual exercise of its powers because the administration shows no determination to take this difficult but absolutely necessary step of ending support for the South Vietnam regime. To the charge that there is no precedent for Congress to demand such action, one must reply that there has been no such war before in our history. We have supported dictators and repressive governments before but never have we committed so many lives—Americans and non-Americans—to such a commitment.

In no other conflict have we presented a policy like Vietnamization which obliges us to keep American military forces engaged until and unless such a regime can succeed on its own. For Vietnamization is
dependent on maintaining in power the unpopular and repressive military government in South Vietnam.

With all of the military influence, President Thieu and Vice President Ky got less than 35 percent of the votes cast in 1967; over 60 percent of the votes were cast for civilian candidates who had some kind of peace plank in their platform. That election confirmed that the people of South Vietnam want peace and not a continuation, under a slick name, of the war.

I am convinced that the South Vietnamese want a coalition government which will bring them peace. They are unlikely to get it from either Thieu or Ky or from our support of them. Thieu has one political adversary in jail, deputy Taun Ngoc Chau, contrary to two rulings of the South Vietnamese Supreme Court. Thieu's rival for the presidency in 1967, Truong Dinh Dzu, is now in jail. And the new election law for this year's presidential election may have eliminated Vice President Ky and many other candidates from the race. Clearly we will not contribute to peace in Vietnam by supporting Thieu or indeed by supporting any government. The Vietnamese must establish their own political process for obtaining a representative government; Vietnamization puts American power indefinitely to one element in South Vietnam which has shown itself unable to win the allegiance of the people.

A prompt withdrawal of American troops will force President Thieu to start serious negotiations for a responsible settlement and a representative government. Such a government should then send a new negotiating team willing and able to seek a compromise settlement with the NLF.

The cynical attempt by this administration to tie the prisoner of war issue to its Vietnamization policy has already started to deteriorate. Even the families of American POW's, distressed as they are by their personal concerns, are beginning to see the futility to tying their loved ones to a withdrawal schedule. Precedent and common sense indicate that prisoners will be released when the war is over. But every time someone suggests ending the war—including by the resolutions and bills we consider today—the administration's reply is that a viable South Vietnamese Government is the other condition for ending our role in the war.

Waiting for the Thieu-Ky government, or any other government we maintain, to gain viability will mean an indefinite imprisonment of our prisoners. The realization of this fact is slowly eroding the administration's support for Vietnamization as it should.

The American role in Vietnam has, in my judgment, run its course. We have ceased to possess the power to influence the political events there, except negatively. The longer we stay in Vietnam, the more difficult will be the political rebuilding which must be the basis of peace in Southeast Asia.

If Congress was slow in realizing that our country was being drawn into this hopeless whirlpool, it should try now, late as the hour is, to lead us out.

If a mandate ever came to Congress, it arrived in the daily press last week. This American war was made by a series of foolish decisions which are becoming available for all of us to read. The mandate is to change this war policy. Here is the place to do it; the time is now.
Mr. Chairman, I bring your attention to the chart that I have appended to my statement. The next to the last line from the bottom shows total allied casualties from the beginning of 1969 through March 1971. Those figures include the United States, South Vietnamese and third country forces.

One sees that the total casualty rate is quite constant with some increase in February and March 1971. It is indeed a fact that our own casualties, gratefully enough, have been reduced but only by substituting other casualties. There is no step whatsoever toward the road to peace.

(The chart referred to appears on p. 7.)

Mr. Gallagher, thank you, Mr. Rosenthal, for a very well thought out statement. You are known in Congress as one of those who, as far as I can recall, has always opposed the war. There are just one or two questions I would like to ask you. One of the things that troubles a great many people is a point that you develop in your statement. To wait for the Thieu government or any other government to gain viability may indefinitely detain our prisoners. The question really resolves itself on that issue.

The important thing, as many of us see it, is to get out of Vietnam and the aim of our President is to end our combat role in Vietnam. There are some people who seem to put a very high priority on a coalition government in Saigon. Are those two in conflict?

Mr. Rosenthal, let me say this, I put a high priority on peace for Southeast Asia. One has to consider the measures and methods you have to follow to achieve that. The present Saigon government is more disposed to maintain itself in office than to achieve a peace. Thus, I concluded years ago that there would have to be some change in government. Call it a coalition government, call it a more representative government, call it a different kind of government, but we need a government that indicates its willingness to negotiate a peace.

Once the United States announced a firm and fixed date for withdrawal of all American forces—land, sea, and air—the present South Vietnamese Government would make such changes in its internal structure and attitude that would tend to permit it to negotiate a peace.

The POW issue is a subsidiary one, but of great importance for all Americans. In most past wars, prisoners have not been exchanged until there has been a termination of the hostilities and frequently until there has been a contractual arrangement terminating the conflict. But I am willing to accept the view that this is an unusual event, the circumstances surrounding the keeping and maintaining of the prisoners have been somewhat unusual, so I am willing to violate traditional rules on behalf of our POW’s.

I am sure Mr. Wolff can speak for himself and will at some time during these meetings, but he and I did visit on April 24, the North Vietnamese negotiating team in Paris with the approval and knowledge of Ambassador Bruce. They said to us as I think they said to Congressman Halpern 3 or 4 days later, and to Congressman Leggett some weeks later, that once the United States announced a reasonable fixed date of withdrawal—and by reasonable they meant not sometime in 1975, but a reasonable period of months—they would definitely begin discussions for the logistical release of American POW’s. They said that meant not that there was any question that the POW’s would
HOSTILE ACTION DEATHS IN VIETNAM 1969-71.

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**1971 ALLIED | ENEMY | U.S. ONLY**

|       | 1760 | 6,155 | 140 | 2794 | 11,704 | 221 | 3029 | 19,958 | 272 |

*Allied figures for 1969 only include averaged monthly figures for South Vietnamese based on quarterly totals.*

--Data obtained June 21, 1971
from Defense Department
be released but that the POW's would be released virtually forthwith, and that the only thing intervening between the actual flying away from North Vietnam and the announcement of a fixed date was a discussion on the logistics of removal.

Mr. Gallagher, Mr. Rosenthal, we are all skilled in hindsight and have the benefit of analyzing the ballgame being played on Sunday. I look back myself. I read yesterday about the proposals for the bombing halt when President Johnson questioned the intent when we responded to public opinion to halt the bombing of North Vietnam.

But I recall that before he put the bombing halt into effect, there were many people who had reported feelers. Eight or nine Senators had messages conveyed to them that if certain things happened, that if the bombing was halted, a specific kind of movement would happen and the signals would grow stronger; we would find ways to peace.

The obvious difficulty then became that none of those signals were meaningful. As you recall, the President did send Ambassadors throughout the world in those 37 days to see whether or not any of those signals was, in fact, real so the bombing could have been halted permanently.

Mr. Rosenthal, you will recall, Mr. Chairman, that the announcement of those bombing halts were also replete with threats of further escalation of the bombing if the other side did not respond to our conditions, A, B, and C.

Mr. Gallagher, I might say this was the 37 days without prior conditions.

Mr. Rosenthal, I remember the President’s announcement quite clearly and quite specifically. He said that if they didn’t respond and didn’t deal on the conditions that we chose that we would respond with a higher level of bombing and a higher level of military participation.

The point I want to make, Mr. Chairman, is that it is very difficult to negotiate with nations, as with individuals, if you say to them: Now I am going to let you have a week to straighten this out, but if you don’t straighten this out in the time that I have specified, things are going to be a lot worse for you. You can’t deal either with individuals or nations in an atmosphere of future threats. I suspect that is one of the reasons that those hoped-for negotiations never took place.

Mr. Wolff, will the gentleman yield?

Mr. Gallagher, I yield.

Mr. Wolff, one of the points that was made by Ambassador Harriman was that there was a response to the original recommendation on halting of bombing. He indicated that there was a withdrawal made at that time by the North Vietnamese forces from the DMZ and that this was a very definite response to the proposition that was offered on the halting of the bombing. He made note on this in testimony before the full committee.

Mr. Gallagher, I thank the gentleman. I will make one other observation. I find it very difficult to see how the United States could disengage, in view of our past experience, if there is not a viable government which allows us to make that military move to get out.

Mr. Rosenthal, that depends on the assumption that there is a viable government. There is not a viable government by my sense of what democracy and history means.
Mr. Gallagher. I am not talking about democracy, I am talking about a government in existence which will allow us to remove ourselves, regardless of how democratic it may be. I recall the time when the argument was made for not getting the United States out of Vietnam, it was to get Diem out of Vietnam. Now we may again disturb the balance with fellows like Minh and others we subsequently supported who obviously could only govern by an increase of American troops. Many members of this committee, I recall, violently objected to that in those days. I am troubled as we try to find a way out, whether or not we ought to be more concerned with getting out than with the kind of government which remains there.

Mr. Rosenthal. As long as we continue to support the present government, our goal of getting out is replete with obstacles. It just simply won't work. I suspect that the administration wants to keep the status quo, psychologically and with Congress, until after the elections in October in Vietnam. Assuming that government is re-elected, it might make it a little more graceful for our exit.

But you will never get peace in South Vietnam, which is really one of the considerations we ought to have after the enormous investment that we have made both in lives and treasure.

Mr. Gallagher. Mr. Rosenthal, we don't disagree on very many things, but I think we disagree on the point that a viable coalition government and peace go together. On the basis of the Diem experience, it seems to me we were far more interested in having a broad-based less repressive kind of government in Vietnam than the one which existed there at that time.

Of course, instead of advocating that kind of policy, we assumed a moral commitment to make a new broad-based government function. We had Little Minh and Big Minh and all that followed—the escalation, the American troops, and the bombing of Vietnam—just to keep those governments in existence. That troubles me and I hope is clarified during this hearing. What is our prime responsibility? It would seem to me that our prime responsibility now that we have is to find a way out of Vietnam, to get American soldiers out of Vietnam as quickly as possible.

Mr. Rosenthal. I think our prime responsibility is to the United States of America and to our own people. The way to achieve that end and the return of American prisoners of war, is to fashion this rather unusual congressional mandate to fix a date; to say that Congress will no longer support American military involvement in Southeast Asia. The result of that, in my judgment, will be an easing of the attitude of the present Government, including perhaps taking in some other elements in that Government, so that they will be in a better negotiating stance with the North Vietnamese and the NLF.

Mr. Gallagher. Mr. Broomfield.

Mr. Broomfield. First of all, I think it should be made very clear that there is no doubt that President Nixon is getting us out of the war. I think it is wrong to make the implication that the President hasn't done a tremendous job in reducing the heavy commitment he assumed when he took over the Presidency. Now I find your statement putting great reliance on the assumption that the North Vietnamese will automatically release our prisoners, once we set a withdrawal date. I am sure you listened to the debate the other day when
the resolution was before the House for consideration of a withdrawal date. The charge was made that there still are between 20,000 and 26,000 Frenchmen held prisoner in North Vietnam. What makes you think the North Vietnamese will treat the Americans differently. They haven't lived up to the Geneva accords, as far as treatment of war prisoners is concerned. We don't even know who exactly is being held prisoner in North Vietnam.

They haven't even allowed mail to get in. I am deeply concerned by all of this. Let me just point out one more thing, and then I would like to hear your comments. If we could get agreement from North Vietnam to release our prisoners, I am for getting out even sooner than the designated date. But I think we ought to get some concession. I am not willing to abandon these men in North Vietnam.

How do you feel about it?

Mr. ROSENTHAL. I think we are in fact, abandoning them by saying, "If you release the POW's, then we will get out." They say, "If you announce a date, then we will release the POW's." Somebody has to act more maturely about this. Much more could have been done on their part in terms of treatment of the POW's. That is not under discussion here.

Why would they release the POW's if we set a withdrawal date? The simple reason is that it is in their interest to do this. It is in their interest to end this and to terminate the conflagration. They, too, have paid a heavy burden, and they are tired of it. They are not going to give up, and you know why: because it is their country.

If the situation were reversed, you know you would fight until the last man on your own territory; and they know, as indeed I do, that it is not in the national interest of the United States to maintain our position over there.

As far as President Nixon is concerned, I hope my statement would not be considered partisan, because my criticism of previous administrations is pretty heavy. As the gentleman from Michigan knows well. I have never hesitated to criticize a President when he was a member of my own party.

But if these hearings are going to the meaningful, I think we have to lay all the cards on the table. The President, during the presidential campaign, did say he had a plan for peace. Many Americans supported him based on that representation. It now looks like there will not be peace during this first term of office, and that there will still be Americans in Vietnam at the conclusion of his first term of office.

In my judgment, very frankly, that is inconsistent with an announced plan for peace. If the President had a plan for peace such as General Eisenhower had when he went to Korea, he is still keeping it a secret from the rest of us.

If he would only be more forthright and have laid it on the table and said these are the conditions, it might have made many of us willing to wait some months or some years. The war still drags on, there are still American boys being killed, and the POW's are still present there.

I don't mean to suggest that all good and righteousness are on our side or on their side. For one reason or another, previous administrations and this administration have become bogged down in the mores of Vietnam politics and history. Congress has an opportunity unique
in 200 years to participate in the rescuing of the American heritage and tradition by ending this war.

The war will not end under the plan the President is following to this day. He had still not announced to the American people a time and date of termination of the American participation in Southeast Asia.

Mr. Broomfield. I think we all agree the war has to end as soon as possible. As the chairman said earlier, there is no question that the President wants this over just as quickly as you and I do. But I can't quite understand your logic that all the concessions have to be on the part of the United States. We are talking about taking all of our troops out of South Vietnam: we don't say anything about the North Vietnamese taking their troops out of South Vietnam. It seems like the concessions are all one way. What would be wrong in having the North Vietnamese return our prisoners to a neutral country, not return them to the United States but at least get them out of Vietnam? Isn't that a reasonable proposal?

Mr. Rosenthal. That is a proposal many people have made; I would be delighted if that could be achieved. My judgment of what the pragmatist possibilities are, rightly or wrongly, is that it is not an achievable objective. It cannot be done.

If we announce that we would be totally withdrawn from South Vietnam and surrounding territories by the end of this year, or even July of next year, we would have those prisoners of war back in the United States in less than 30 days.

Mr. Broomfield. What makes you think we will have Americans in Vietnam on July 4 of next year at the present rate of withdrawal?

Mr. Rosenthal. My judgment is that we will still have American military men there.

Mr. Broomfield. That doesn't answer the question. I mean with the present withdrawal program pulling out 12,000 to 15,000 per month how many are we going to have left by July 4?

Mr. Rosenthal. Based on the past timetable, I would gather 60,000 to 80,000 by next July 4, which means a high risk value. Leaving that many Americans there, subject to situations that could be provocative is very risky, and very, very dangerous.

Mr. Broomfield. I think you certainly have made a very fine presentation and I think it is consistent with what I have known to be your policy over the years.

Mr. Rosenthal. Part of my objective is to persuade some of my colleagues who have not felt the same way I do. Let me go back in history if I might for a moment.

In 1965, I heard Gen. Matthew Ridgway say that we could not succeed in Vietnam. He said there are two tests you make for intervention, do you remember?

One—is it in the national interest? and two, and these are his words, "Is it manageable?" It was his view, as it is my view today that, there could be a debate on whether it might have been in the national interest to intervene. I don't think so but maybe he did and others. But it was also his view in 1965, that we could not succeed there at a price the American people would be willing to pay including the risk of either Russian or Chinese intervention.

So General Ridgway came down against the decision for any kind of intervention in 1965. Another fellow I met within early 1965, who
has now passed to greater reward, is Bernard Fall, a very well-known French military historian who had spent 15 years there.

We met in a little room. I remember Sam Stratton was there. We were a mixed bag of colleagues at the time. Bernie Fall said you cannot succeed over there. This is a civil war. They will fight for the last inch and last man. He outlined the French disaster over there and it was his view as a military historian that no military effort could be successful.

Now these were two men who understood the terrain and the military prospects there. This is frankly what convinced me in 1965 and I would hope that the sad prognosis that they espoused in 1965, which regrettably has all come to pass, would influence some of my colleagues today in saying enough is too much.

Mr. Broomfield, I would like to say this, it would be nice if we could turn the clock back. I would like to go back to the earlier days of 1963 and 1964 when we had our hearings and what we were told about the Bay of Pigs. I think that would make very interesting reading, too.

But you know hindsight is always nice. But the point is how do we get out now the quickest way and the best way and I think these hearings will be very useful in determining that.

Mr. Gallagher. Mr. Wolff. Thank you.

Mr. Wolff. Thank you, Mr. Chairman. First, I want to compliment you for calling these hearings and secondly I would like to compliment my colleague for an excellent presentation. I would like to comment for a moment on some of the statements that have been made. First of all I think we ought to go back to Douglas MacArthur who said, "Never fight a land war in Asia, no man in his right mind would advocate sending ground forces into Asia."

Mr. Gallagher. George Washington said, "Don't get in any entangling alliances."

Mr. Wolff. However, this is directly related to the specific problem that is involved. I would like to comment as well on the question of the viability of South Vietnamese Government. I want to concur with the statement made by my colleague relative to the viability of American Government. I think it is much more important that we have a viable America than we have a viable South Vietnam. As much as I like the South Vietnamese, I like the Americans a lot better and in building a stronger America I would like to quote again from someone who has not been known to be on the side of the doves. His name is Charles B. McCoy, president of E. I. du Pont who said, "the Vietnam war is tearing at the whole fabric of our country, political and economic life. It is hard to see how we can apply adequate resources to domestic needs and restore a feeling of national unity until we reach a settlement of this conflict in Southeast Asia."

It is quite obvious that what is involved is the economic viability of this Nation.

Going to another point that was made relative to the withdrawal of our troops, I would like to comment on the fact that Mr. Rosenthal has indicated that we have about 280,000 troops left and that no one knows the exact number. The fact is that Senator Goldwater stated in March of 1970, "Personally, I would not want to be among the last 100,000 left over there in Vietnam."
Now I think that it is much safer to withdraw our troops today when we do have the amount of power that we do, than to leave us diluted as we would be when we are down to some 50,000 troops.

Mr. Rosenthal, you, I take it, were in Congress at the time of the Tonkin Gulf resolution? I take it you, among other members, voted for the Tonkin Gulf resolution? Had you had the information that is available today from outside sources do you think you would have voted for this resolution?

Mr. Rosenthal. That reminds me of my law school days; that is what is known as a leading question which the judge would usually rule out of order.

You know the answer to that. The answer is obvious. I would not and I suspect many, many Members of Congress would not, relying on the rule in law known as a mutual mistake of fact. I don’t know what kind of wording I can discretely use. We were misled. We were deceived. We were not told the facts. The stories in the first 3 days in the New York Times series indicates that there was an awful lot of official U.S. involvement in the Gulf of Tonkin.

I know time does not permit an exposition of that subject. But I certainly would not have voted for it if I had those facts.

Mr. Wolff. As a member of the Foreign Affairs Committee, were you made privy to any of the facts that have been revealed in the papers in recent days?

Mr. Rosenthal. Absolutely not.

Mr. Wolff. I thank the gentleman. Thank you, Mr. Chairman.

Mr. du Pont. Thank you, Mr. Chairman. Mr. Rosenthal, I have questions in two different areas and let us take first the question of negotiations. It is very easy to go to Paris and to talk to the North Vietnamese and large numbers of Congressmen have done it. Mr. Leggett has most recently and all the Congressmen who have done it seem to come home kind of with the feeling that they have the magic solution. You commented that you had talked with the North Vietnamese and they had assured you that this and that would take place and so forth.

These things never seem to be confirmed by our official negotiations. Do you suggest that when you talked to the North Vietnamese that you got a truer or more believable reading on them than our official negotiators could have?

Mr. Rosenthal. This is a question that we asked ourselves. It is quite a proper question. Why should they tell us something they would not tell our Government either openly or privately? We asked Ambassador Harriman and Ambassador Bruce that. We asked many people. The basic conclusion that I came to, which was also given in response to Mr. Broomfield, is that it is in their interest to terminate the conflict and they would do these things. Going more specifically to your question, from what we learned in Paris not only speaking to them but to all of our own people in the Embassy the Paris meetings are nothing more than a reading of statements.

One might label them propaganda, one might label them positions. They never get to a legitimate discussion. They never get to an informal bargaining atmosphere. Will you do this if I do this. That has never happened. There is just a constant rhetoric that goes on. Its al-
ways the same thing. I don’t think it is anybody else’s fault, as such, the negotiations have become a burden.

They are so formalized. They are almost unrealistic as to how you accomplish anything. Individual Members of Congress could get down to a hard-nosed and even unfriendly question and answer period where brother Wolff and I were raising our voices in a highly undiplomatic fashion.

All the questions Mr. Broomfield put to me we put to them in a very vigorous fashion. I think that the give and take of an informal question period gave us more insight into what they would do. If we do this, will you do this?

In other words, you really ask if we were taken in? Were we deceived? We are pretty big boys. All four of us and even the fifth one, Senator Hartke, have been there. We know that they would not tell us something outrageously untrue or outrageously true, they would tell us something that was in their interest.

They know we would come back and make these statements. They knew when we left them we would go back to the American Embassy and dictate a long memorandum of what took place. They knew all this.

Mr. de Pont. What you are suggesting, Mr. Rosenthal, is exactly the question I asked. You are suggesting that as a result of the informal contact that you are indeed getting a better reading than our negotiators?

Mr. Rosenthal. I think that is true.

Mr. de Pont. My conclusion is directly opposite to yours. I think you are getting propagandized. You are being useful to them and they respond by propagandizing a couple of Members of Congress who have come along and take the message back home.

Mr. Rosenthal. But see how easy it is to test these fellows. We say all American troops will be withdrawn by December 31, contingent on the return of American POW’s 2 weeks from today. If they are not on a plane 2 weeks from today all bets are off. Then the ball is on the other side of the tennis court. Then what are they going to do? We give up nothing.

Mr. de Pont. Mr. Rosenthal, perhaps you possess the magic powers that I don’t, but if I were to go to Paris and talk I would not feel that I was getting as good a story as our official negotiators are because I would not be an official negotiator.

Mr. Rosenthal. You really can’t say that until you have been there. Let me repeat what I just said. We make the announcements of troop withdrawal. If they don’t deliver the POW’s, no deal.

Mr. de Pont. I wish I had the confidence that you apparently have.

I would like to move to another area before the gavel is smashed down on my time. That is the question of possible withdrawal plans for Southeast Asia. You have been very critical in your testimony about the present government, the feeling is that it is not responsive, and not representative. Do you oppose continued aid, both economic and/or military, to South Vietnam after our troops are withdrawn and does the granting of that aid in any way in your mind depend on what government might be in power there?

Mr. Rosenthal. Not necessarily. I do think that after the role we have played in the destruction of that land we have some respon-
sibility to help rebuild that land. Frankly, I think that kind of aid situation can be tied in with peace talks and can be part of the whole big picture. I think we could use our aid as kind of a leverage in developing a viable peace there. I suspect that all of the people of Vietnam want peace. Most people don’t want to live in war-torn conditions.

Sometimes I think any government stands in the way of the real goals of the people around this earth. So I think aid could be a useful thing and I think it could be an integral element of the peace talks and negotiations.

Mr. du Pont. Does that aid depend, in your view, on what government might be in power? Would you be equally willing to supply aid were it a coalition government, a totally Communist government or a Fascist government in South Vietnam?

Mr. Rosenthal. I would think that my inclination is to supply aid to Vietnam and I am not prepared to speculate what kind of government will come out of there. You know I would like to have a government that is my style of government if I had a free choice.

I didn’t have a free choice in Czechoslovakia which I felt was a very sad day in world history. I may not have a choice as to what kind of government is there. I am willing to live, frankly, with whatever government the people of South Vietnam choose for themselves in legitimate elections.

Mr. du Pont. But if the Ky-Thieu government or the Thieu-Ky government were elected in legitimate elections would you be willing to continue aid to that government?

Mr. Rosenthal. Yes.

Mr. Halpern. Thank you, Mr. Chairman.

First I wish to compliment the chairman for holding these hearings which I believe provide a much needed, long overdue and certainly a healthy dialog on the most pressing issue facing our Nation today.

I also wish to commend our very distinguished and able gentleman on his superb testimony.

Our leadoff witness, Mr. Chairman, the enormously capable gentleman from New York, from the district adjacent to my own, has been a pioneer, a pillar of strength in the West for peace.

His credentials, to bring testimony to this subcommittee, are unequaled in this House. I would like to pursue, if I might, a point raised by our distinguished colleague, Mr. du Pont, and ask the witness, isn’t it a question of diplomatic strategy, strategy on the part of both sides, that at the table both sides take rigid stands? I am talking at the peace talk tables, awaiting the other side to make the first move and so forth and so on.

Now the purpose of talking to us, I believe, was to extend the signal to open the door, to make their position clear that they will release the prisoners once an appropriate withdrawal date was established, knowing we would go back and report our findings and anticipate that our negotiators would pick it up from there. Isn’t that a fact?

Mr. Rosenthal. That is absolutely a fact.

Mr. Halpern. I certainly want to associate my own views with those expressed by our witness and I wish to commend him on his eloquent presentation.
He has argued a good case, Mr. Chairman, and I have no questions to ask him.

Mr. Rosenthal. The point I would like to make reminds me of my days in the Queens County Supreme Court where we tried a lot of cases. Frequently a lawyer would come in on a negligence case and he would say I want $100,000 and I won’t take a nickel less. The lawyer for the defendant would say I will pay $10,000 and that is all the company will pay.

And the judge would say, go out and somewhere out in the corner would come Alvin du Pont and he would say: “I am a friend of both of you fellows.” He would get a meeting going. He would say to one guy, “Would you take $35,000?” and he would say, “Well if it was in hard cash, I might.”

And he would go to the other fellow and say, “Would you pay $10,000.” “Well, if I could get a signed release, I might.” At that point, this third party, Mr. Al du Pont, who had no status in negotiation whatsoever, who was not even a party to these proceedings, did an enormous public service. Both sides went back in court and they were delighted that this third fellow came in that afternoon and settled a very difficult situation.

Sometimes governmental negotiators, representatives of government, simply can’t together take that step, because of the embarrassment and difficulties.

One point I got out of the North Vietnamese, from a nation of 15 million, is that they have a psychological problem dealing with the United States, a nation of 210 million. Here is this little nation, and this big nation, and they are trying to maintain their own dignity and equality among nations. It is very difficult to negotiate in that situation.

So what the big fellow has to do, sometimes, is to be a little easier than he would if he were really dealing with an equal.

Mr. du Pont. Would the gentleman yield?

Mr. Halpern. I will be pleased to yield.

Mr. du Pont. Mr. Rosenthal, my namesakes seem to keep coming into this testimony from all sides here. But the difference between your little analogy and the present situation is that Al du Pont in the Queens Court House in New York was an independent third party.

You as a traveling Congressman to Paris, are not, by any stretch of the imagination, an independent third party, you are part of the negotiating party team, you are part of the same government that is at the table.

I think instead of a true third party situation you have in effect a whipsaw situation.

Mr. Halpern. If I may add, I think it is significant to note a statement you made earlier and that is that these visits not only have had the blessings but also the encouragement of our negotiators at the Paris talks.

Mr. Rosenthal. That, too, is a fact.

Mr. Halpern. I have no further questions.

Mr. Gallagher. Mr. Walley?

Mr. Walley. Thank you, Mr. Chairman.

Mr. Congressman, I am certainly glad to see you here today. I want to thank our chairman for holding this series of meetings.
The newspapers the past few days have been telling us some of the things that have happened in the past and, of course, we have hindsight now to know some of the things that have gone about this U.S. entry.

I think all of us are just as anxious to bring all of our boys home just as quickly as possible. It is interesting to note that in 1954 the French were defeated and President Eisenhower was asked to send U.S. troops to replace the French and on the advice of General Ridgeway, refused.

It is true that President Eisenhower did have 600 U.S. advisers in Vietnam when he left office. President Kennedy thought it best to escalate so he increased the U.S. forces 30 times.

President Johnson believed it necessary to send more U.S. troops so he escalated apparently 30 times, 30 times 18,000 to 540,000.

Now when President Nixon took office he was asked by General Westmoreland for 200,000 more troops. But he rejected it but started to bring boys home.

To date, 300,000 boys have been brought home and currently he is bringing home 19,000 a month.

Now they claim it will be 131,000 U.S. boys in Vietnam by December 1. But some people claim that after the October 3 elections that maybe President Nixon's request might greatly accelerate.

President Nixon has been very firm that the U.S. prisoners of war must be protected.

Now it would seem to me that if Vietnam was really smart they would release U.S. prisoners immediately which would practically enable President Nixon to bring our troops home and turn the war over to the Vietnamese.

I don't know too much about this business, the administration has had information that we haven't had, but I think all of us are just as hopeful as you are that we get out of this war just as quickly as possible even though the fatalities have been dropped from about 500 to 600 a week to about an average of 25, 35 a week now, even one is too many.

I think we should all work together and stop criticizing, try to work together and do the best job we know how and get out of Vietnam just as quickly as we can.

Thank you, Mr. Chairman.

Mr. Gallagher. Thank you, Mr. Walley.

Thank you very much, Mr. Rosenthal.

Mr. Rosenthal. Thank you very much, Mr. Chairman. I am enormously grateful to you for holding these hearings. I think you deserve great credit. Congress and the House is in your debt for doing it.

I also would like to suggest this, that you really take a careful, slow, deliberate look at the past, and at what Congress can do.

I think that this subcommittee has the chance to make genuine history that will go down in the books for a long period of time and to do it on the side of decency and justice and fairness and equity to every one.

I would hope that with all deliberate speed you achieve a goal of making a congressional contribution to terminate the longest war that the United States has ever been involved in.
Mr. GALLAGHER. Thank you, Congressman Rosenthal, for your fine contribution here today.

Our next witness is Congressman Robert McClory, Republican of Illinois.

He was first elected to Congress in 1962 and appointed to the Committee on the Judiciary. Congressman McClory is the primary sponsor of House Concurrent Resolution 334 and we will be pleased to hear you testify on the resolution at this time.

I might say to the other members that are here, that we apologize for the delay. We will try to speed it along.

We welcome you here.

STATEMENT OF HON. ROBERT McCLORY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. McClory, Mr. Chairman, may I make an inquiry?

I note that the proceedings are being recorded and I assume that is with your permission. I would like to have the agency or the individual identified so I would know who was making the record.

Mr. GALLAGHER. Who is recording? That is in violation of the rules.

Mr. McClory. As I walked in I asked the man at the door and he said it wasn’t.

Mr. GALLAGHER. It is a violation of the rules and I ask you to stop.

Mr. McClory. I might say that I am in strong support of the right of privacy, and I am particularly opposed to private eavesdropping. That is why I made the inquiry.

Mr. GALLAGHER. I agree with you.

Mr. McClory. I greatly appreciate this opportunity to appear before you to testify on behalf of House Concurrent Resolution 334 on which 20 of our colleagues have joined with the hope of providing some impetus for our President and negotiators in Paris to bring an early and complete termination of our military involvement in South Vietnam.

These hearings are very timely, Mr. Chairman. We have just concluded debate on several attempts to cut off funds for American troops in Indo-China after the end of this calendar year.

In discussing the Nedzi-Whalen and other such amendments, I stated my opinion that while Congress shares responsibility for finding ways to end this tragic war, it is preferable at this time to meet the problem directly and deliberately.

Mr. Chairman, House Concurrent Resolution 334 provides for withdrawal of American forces from South Vietnam by November 30, 1971. It expresses our opinion that American involvement in Vietnam can indeed be ended before Christmas of this year, and that in order to bring this about, three preconditions must be met.

First, it goes without saying that a cease-fire is a sine qua non to the ending of any form of hostilities.

Second, by agreeing to withdraw all U.S. forces by November, we might hope to convince the Government of North Vietnam to release all American prisoners by September 1.

I am not persuaded that precedent is on the side of those who insist that all military involvement must cease before prisoners of war can be returned. As a matter of fact, history has shown that in previous
conflicts involving American forces prisoners of war have, in fact, been exchanged while the hostilities have gone on.

Furthermore, what better way for North Vietnam to insure that all American forces depart on schedule than by returning those prisoners we are morally obligated to redeem.

Third, Mr. Chairman, in view of the fact that many people throughout the world would have the President of the United States name the date by which all American forces will be withdrawn, it seemed reasonable to me to suggest that all other belligerents—North Vietnam included—likewise agree to withdraw their troops by the same date. It goes without saying that the greatest burden would be on the United States from the sheer force of logistics.

Section 2 of House Concurrent Resolution 334 expresses the sense of Congress that, once all prisoners have been returned, all U.S. forces are to withdraw to the perimeters of those cities and military installations to be designated by the President. The purpose of this proviso is to establish a withdrawal cease-fire—in contrast to an in-place cease-fire. Furthermore, also, it is intended to avoid cease-fire violations. This confinement to certain specified enclaves would also demonstrate our good faith and our sincere intention to remove American forces from combat in South Vietnam.

In section 3, my cosponsors and I are suggesting that many of the substantive questions which are an inevitable outgrowth of this war should be referred to the United Nations. I would emphasize, however, that by passing this resolution Congress would only be expressing its corporate opinion that such a disposition of responsibility would be desirable.

Also, Mr. Chairman, it is important to note that section 4 of House Concurrent Resolution 334 is merely a restatement of a constitutional truth that the President’s duties as Commander-in-Chief and his power to make treaties with the advice and consent of the Senate cannot be abridged.

Mr. Chairman, to be totally withdrawn from South Vietnam by the end of November would certainly be a monumental task, but I am convinced that such speedy withdrawal from that bloody conflict is within the realm of possibility.

Mr. Chairman, one of the revealing disclosures to come out of the recent printing of classified documents relating to the war in Southeast Asia was the ranking of American objectives in that part of the world. First, on the list was the assertion by an Assistant Secretary of Defense that our goal was “70 percent—to avoid a humiliating U.S. defeat.” Mr. Chairman, I was not aware that this was so, but now that it has been made public I am powerfully convinced that we have more than fulfilled our obligation.

Mr. Chairman and fellow colleagues, it is my opinion that a nation as great as America might better survive a humiliating defeat than a shameful victory; however, my cosponsors and I are not suggesting that we subject ourselves to a humiliating defeat. We are saying, though, that to continue this war with all the military might it would take to win it would lead to a shameful victory—and we cannot stand that.

In order for the people of South Vietnam to remain independent of the tyranny and inhumanity of a Communist dictatorship, the people of South Vietnam—themselves—will have to win the victory.
It is my hope and expectation that South Vietnam will, indeed, continue the struggle to remain free of those who would oppress and subjugate her.

Mr. Chairman, the American people are a peace-loving people, and they have become offended by this war which has cost so many human lives and shattered so many more. Therefore, I ask you to report favorably on House Concurrent Resolution 334, and thereby lend the authority of your voices to the proposition that this war has persisted long enough, and that the provisions of this measure offer a reasonable, honorable and possible method for effecting a final termination of U.S. military involvement in the Vietnam war.

Mr. Chairman, I ask unanimous consent that at this point in the record, the statement of the Honorable Albert H. Quie, Representative from the First District of Minnesota may be inserted.

Mr. GALLAGHER. Without objection that will be done. Thank you very much, Mr. MeClory.

(\textit{The statement referred to follows:})

\textit{STATEMENT OF HON. ALBERT H. QUIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA}

Mr. Chairman, I am happy to submit a statement on behalf of H. Con. Res. 334 which proposes a November 30, 1971, date for total withdrawal from South Vietnam provided that three conditions are met which are of the utmost importance to the complete resolution of the Vietnam war and the future peace of the whole of Indochina.

Many people of my home district have written to me and spoken to me of their great anxiety with regard to the unending duration of this war in South Vietnam. The people of my district and this nation want Congress to act to help bring this war to an early end.

Mr. Chairman, this resolution is designed so that it does not remove incentives for Hanoi to negotiate seriously; it does not tie the President’s hands; it does not eclipse the possibilities of a favorable outcome in Vietnam; and it should not imperil the future of the South Vietnamese government or state.

The importance of this resolution is not just in the fact that it provides a sense of Congress which will coalesce public sentiment divided over the issue of the Vietnam war, but in the fact that it allows the Congress to unite with the President for the one purpose of ending the Vietnam war swiftly, justly, and safely.

The President has announced his intention to end the Vietnam war at the earliest possible date, and he has been working toward this goal. From a troop level of 543,000 men when he took office, President Nixon will have reduced American troop numbers in Vietnam to 384,000 by December 1 of this year. And he has continued this withdrawal in spite of the lack of progress in Paris.

The President proposed in October of 1970: (1) an internationally-supervised cease-fire throughout Indochina; (2) the establishment of an Indochina Peace Conference; (3) negotiation for an agreed timetable for complete withdrawal of all United States forces on the basis of North Vietnamese reciprocity and international verification; (4) a fair political settlement reflecting the will of the South Vietnamese people and all political parties in South Vietnam; and (5) the immediate and unconditional release of all prisoners of war by both sides.

The President has made withdrawal from South Vietnam contingent upon the release of American prisoners of war; yet, Hanoi has yet to release a complete list of names of these prisoners of war.

This situation is all too reminiscent of the situation in Korea in 1951-1953. We would do well to remember the tactics of the North Koreans and Chinese. They were all too ready to take back their men from the prisoner-of-war camps of the South, even if these men did not wish to return to them. And on the other hand, they took delight in a game of not releasing news of Allied prisoners of war in the North.

Hanoi has at least been honest when speaking about the prisoners of war. It has told us that even if we fix a date for \textit{total} withdrawal (meaning, according to the proposals they set forth in September of 1970), that South Vietnam be left
defenseless and virtually in Hanoi's control), they will then only begin to discuss the question of prisoners of war.

Using these facts as preface, this resolution sets about not to condemn the President or to usurp his Constitutional authority, but to aid him by providing him with the consensus necessary in order to represent American objectives honestly and American public opinion in its broadest scope.

It is quite obvious that Hanoi is not at the present negotiating seriously, and one reason is because of the vituperation and invective which flow against the President from the floors of the House and Senate and from the public platforms. It is not that Congress and its Members should be yes-men to this or to any other Administration, but the issue of the Vietnam war is an American problem. It is a problem that is common to us all—one that can only be solved by working as a unit. As long as Hanoi expects that the Congress will go contrary to the President as the chief executor of foreign affairs, it will never deal seriously. This resolution is of the nature of what the President has stated as his objective—a just peace—and what the Congress has shown as its desire—an imminent peace and total withdrawal.

This resolution proposes that American troops be withdrawn on November 30 of this year, provided that (1) a total cease-fire be established between the parties involved, to commence no later than August 15, 1971, under the supervision of a United Nations military observer group; (2) all American prisoners of a United Nations military observer group; (2) all American prisoners held in Indochina are returned no later than September 1, 1971, under the supervision of the United Nations Commission on Human Rights; and (3) the Government of North Vietnam and all other governments with military forces in South Vietnam likewise commit themselves to withdrawing their forces to the date certain of November 30, 1971, this mutual withdrawal to be supervised by a United Nations military observer group.

Hanoi stated that there had to be a date of American withdrawal. This resolution proposes November 30 of this year, but only on the condition that the provisions enumerated in the resolution are met. This proposal places on Hanoi the burden for action to bring about peace. It provides the President with the necessary tools of initiative on our part and Congressional support to facilitate and encourage negotiations and gain the release of American prisoners of war.

This proposal takes the form of a resolution so that it does not on the one hand clear up the uncertainties of Congressional opinion only to propagate the uncertainties of proper Legislative-Executive balance on the other. This resolution neither snatches from the President's hands his prerogative which emanates from the Constitution as chief executor of foreign affairs nor attempts to tie his hands with regard to the negotiations in Paris. Nor does the resolution limit American initiative in the light of future developments in Southeast Asia or Paris.

This resolution will not undermine the freedom of choice for South Vietnam, and, in its full effect, this resolution could eliminate any pending considerations as to why a residual force might have to be kept in that area of the globe.

Mr. Chairman, this resolution is an expression of the desire of the American people, a record of Congressional feelings and objectives, and a message to the President of what these are. This resolution gives the President the backing he needs to deal successfully with Hanoi and provides that synthesis of Congressional and public opinion necessary to do this and to end the war in Vietnam quickly.

Mr. du Pont?

Mr. du Pont. Thank you, Mr. Chairman.

I have two points, Mr. McClory.

First of all in your resolution, subsection (2), beginning at line 2 on page 2, you talk about one of the preconditions of provisos being the return of all American prisoners of war.

Nowhere in your resolution does it appear to say that we shall have an obligation or the South Vietnamese shall have an obligation to return their prisoners of war; also, and I assume that you mean that there would be an exchange because you refer to it down on line 21 as an exchange.

Mr. McClory. You are talking about the United States returning North Vietnamese prisoners?
Mr. du Pont. The United States does not hold any North Vietnamese prisoners but the South Vietnamese do hold them.

Mr. McClory. I assume that we can express ourselves, however, to the extent that we can bind some other nation to perform some act I don't know. Certainly, we could enter into an agreement that they should return our prisoners.

I might say that an earlier draft of the resolution provided for the exchange of all prisoners, and then it was considered that it was beyond our authority to do more than to ask that American prisoners be returned to us. South Vietnamese prisoners would have to be returned under an agreement with South Vietnam.

Mr. du Pont. But is your intention that they be exchanged?

Mr. McClory. Yes, it certainly is intended and desirable that that would occur.

Mr. du Pont. Mr. McClory, one of the problems that we have in this country today is this enormous sense of turmoil over this war and the problem of the credibility gap is developed which has been spurred on in the last 10 days by the articles in the New York Times.

One of the problems that I have with resolutions such as yours, generally, is that it looks to me like they are going to set up increased possibilities for discord in the United States.

For example, when a prisoner exchange occurs we have a long list of prisoners, MIA men, and if this exchange in your resolution actually took place don't you suppose we would get into an enormous argument in this country as to whether all the prisoners had been released? I mean there would presumably be some men on the list of MIA's who don't show up when they come across the line of exchange.

Don't you see an opportunity here for mischief, and we agree to the cease fire if all of these things happen, the prisoner exchange is made, some of the prisoners don't come back and there is immediately an argument in this country shall we go ahead with the cease fire or shall we not, have they fulfilled the conditions or have they not?

I wonder if we won't get the same kind of haranguing and discord that we have today by trying to fix these conditions.

Mr. McClory. I don't see that there would be any difference under this resolution than the situation that would exist under the President's irreversible policy of withdrawal.

I have provided that this return of prisoners should be under the supervision of the United Nations Commission on Human Rights. Perhaps we could include the International Red Cross or some agency like that, but I think it is quite likely that we will never get a complete agreement as to whether or not all prisoners of war have been returned.

I understand there is a question as to whether or not all prisoners of war have been returned from North Korea. But if we provide an agency which would supervise this I think that is the best we can do.

Mr. du Pont. I wonder that a better solution to the problem, and in my mind it is not fixed, I am groping for answers just as other members of the subcommittee are, but wouldn't we be better off to continue withdrawing troops as fast as we can, hopefully faster than we have been withdrawing them now and just keep withdrawing them until they are all gone and instead of setting up conditions such as this that conceivably might prolong operations, if we have a lot of conditions that somehow don't work?
Mr. McCloy. Of course, as we know there is a strong demand not only on the part of the representatives of North Vietnam but a great many representatives of the American public who are saying that if we fix a date this is going to enable us to achieve other things such as the return of prisoners and an accelerated termination of hostilities. It seems to me that there is no point in being obstinate about a fixed date—particularly if a fixed date applies to both sides, which my resolution does. And I have no reason to believe that the North Vietnamese would not agree to a fixed date for withdrawal of their forces. They started out in Paris by denying that they have had any forces there, and I think that if mutual withdrawal was a condition—as far as their regular forces are concerned—they might agree to that.

As far as I know, this proposition of a fixed date for mutual withdrawal is only set forth in this resolution. Perhaps some others have been filed now more recently. But the idea of a fixed date for mutual withdrawal seems to me to be something that should be explored fully. I would not feel right, myself, as a Representative in Congress having this view and not projecting it in the form of a concurrent resolution, and I believe that is the same general feeling of the more than 20 other persons who have joined in this approach.

Mr. Du Pont. Thank you, Mr. Chairman.

Mr. Gallagher. Before the resolution became operative, would it require the acceptance by the North Vietnamese and the Vietcong as a condition?

Mr. McCloy. Just the North Vietnamese Government and that would be all.

Mr. Gallagher. But it would not be binding on the U.S. Government unless they agreed, is that the thrust of it?

Mr. McCloy. It is a sense of the Congress resolution, of course, that the North Vietnamese Government and the U.S. Government agree on a fixed date for mutual withdrawal, for that matter, it would include all foreign forces that are there, but it would have no effect on the South Vietnamese, or, for that matter, on the Vietcong which is an indigenous force. It is not a foreign force.

Mr. Gallagher. And this resolution applies basically to the foreign troops in South Vietnam?

Mr. McCloy. Entirely to foreign forces; yes.

Mr. Gallagher. Thank you.

Mr. Wolff. Mr. McCloy, I thank you for your well thought out statement and resolution.

On page 3 of your testimony you refer to this resolution as expressing the corporate opinion of the Congress and on page 8 you talk about the President's duties as Commander in Chief.

I think that one thing that these hearings should provide is a resolution of the powers of the President as Commander in Chief.

I would like to pose to you some prior history on this. The President's power as Commander in Chief does not free him from enacted restrictions. The Commander in Chief clause merely entitles the President to the supreme command of the Armed Forces within limits established by the legislation which created the forces.

The Supreme Court spoke most directly to this issue in the steel seizure case, including that the powers of the President both as Com-
mander in Chief and in his executive capacity were not unlimited and could be restrained by another branch of the Government. On that Justice Black wrote:

The Constitution is neither silent or equivocal about those who shall make the laws which the President is to execute.

The Constitution does not subject this law making power of the Congress to Presidential or military supervision or control.

He went on further saying:

The power of Congress to raise and support armies is clear and undisputable, the language used in the Constitution making this grant of power is so plain, precise, and comprehensive as to leave no room for doubt or controversy as to where the supreme control over the military force of this country resides.

I think there has been too much said and relied upon in the statement that the President as Commander in Chief shall have the final word as to the disposition of this Nation regarding our position in Vietnam. Mr. McCloy, Could I inject something at that point? I might say that it seems to me that the action which we are contemplating through this resolution and which would result from these hearings is action similar to that which has been initiated in prior Congresses. Following World War I, for instance, when American forces were in Russia at a time when they were having a revolution, the Congress adopted a resolution directing the President to withdraw American forces from Russia.

It was never finally passed, but as it got close to the passage stage the American forces were withdrawn. Something similar happened with regard to withdrawal of American forces from Nicaragua in 1928. Congress initiated action requiring that American forces be withdrawn, although final action was never taken.

Mr. Wolff, On the question of your resolution which proposes mutual withdrawal, hasn’t the President already offered this?

Mr. McCloy, I think in substance it is consistent with the President’s position. It seems to me it does support the President’s position.

I think with regard to the cease-fire, the President recommended an immediate in-place cease-fire. This is a withdrawal-to-enclave type of cease-fire, so it would vary in that respect.

I don’t think the President has fixed any particular date, but in general the exchange of prisoners, the cease-fire, and the agreement to final withdrawal are generally consistent with the President’s position. As a matter of fact I am offering this resolution to help the President accelerate what I think he is endeavoring to do.

Mr. Wolff, How does that square with the statements that the President and the State Department have made relative to sustaining the viability of the South Vietnamese Government?

In other words, “we would maintain forces long enough in Vietnam to sustain a viable South Vietnamese Government.”

Mr. McCloy, I think that is an interpretation you are putting on the President’s position.

Mr. Wolff, That is the third condition that was added recently.

Mr. McCloy, It is certainly the hope that the South Vietnamese people can defend themselves, but as I interpret the Nixon doctrine, while we may help people to become liberated and independent, we will not use our forces to guarantee that any particular regime or administration will survive.
Mr. Wolff. In other words, then you are supporting that portion of the President's program that would, No. 1, provide for the release of our prisoners of war, and No. 2, the withdrawal of our forces, but I take it then you do not support the idea of our maintaining our position until a viable force is able to be maintained by the South Vietnamese Government?

Mr. McCloy. I am recommending the fixed date of November 30. That is a very early date, and I think that the South Vietnamese are going to have to determine for themselves what government they will have.

Mr. Wolff. I thank you.

Mr. Gallagher. Mr. Whalley?

Mr. Whalley. Thank you, Mr. Chairman.

It is good to see you Congressman McCloy.

On page 2 you state that in view of the fact that many people throughout the world would have the President of the United States name the day on which all American forces will be withdrawn it seems reasonable to me to suggest that North Vietnam be included likewise on the same date.

Peace negotiations started in Paris when the United States had its top number of troops here. One would have thought that it was to North Vietnamese advantage to negotiate.

Now that President Nixon has brought 200,000 boys home, plus 18,000 a month, it would seem I would expect less from the peace negotiation in Paris since about all they have to do is wait.

What are you suggesting, can we get other nations interested or what do we do to get some action from North Vietnam?

Mr. McCloy. As I understand it, their negotiators have demanded that we fix a date and this resolution fixes a date, it fixes a very early date. It also of course states that they should withdraw their Armed Forces.

Mr. Whalley. You are fixing a date for December 1?

Mr. McCloy. Yes.

Mr. Whalley. What would happen if the date was fixed on December 1 to bring all of our troops home but they still haven't done anything about the U.S. war prisoners?

Mr. McCloy. The resolution provides that these things occur first. Our forces are not to be withdrawn until there is first a cease fire. This is the first step and it seems to me that it could take place almost immediately; however I fixed a date there of August 15. As far as the release of prisoners is concerned there is no reason why that could not be carried out by the first of September.

This resolution requires an agreement that these preconditions should be fulfilled, and there is provision for the United Nations to supervise the fulfillment of these preconditions.

Mr. Whalley. Don't they say we must withdraw all troops first before we discuss anything?

Mr. McCloy. I don't understand it that way. No, as I understand the North Vietnamese they say fix a date and then we will discuss return of prisoners of war.

Mr. Whalley. Suppose a resolution were passed that December 1 was the date, how fast could you expect action on their part on the release of prisoners, what would be reasonable?
Mr. McClorey. I really don't think there is any obstacle in terms of time that is barring a release of prisoners. I think the prisoners could be released—all of them—in the course of a week. I don't think there is any problem there at all.

Mr. Whalley. Thank you, Mr. Chairman.

Mr. Gallagher. Thank you very much, Mr. McClorey.

Our next witness is a colleague on the Subcommittee on Asian and Pacific Affairs, Mr. Lester Wolff, Democrat, of New York.

Mr. Wolff has led several study missions to Asia and has an informed interest in the nations of that troubled region. He also was among the original Congressmen to question our policy in Indochina. Congressman Wolff is the author of a proposal to send an American observation team to carefully scrutinize the election for a President in Vietnam this October. This contribution has caused much helpful discussion over our continuing role in Vietnam, and it will be a pleasure to hear your testimony.

STATEMENT OF HON. LESTER L. WOLFF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Wolff. I thank you very much, Mr. Chairman, and I thank you for the opportunity to appear before the subcommittee. Perhaps today's Washington Post lends emphasis to what I am about to say, headlines from today's Washington Post, "Viet Politicking: U.S. Plane, U.S. Adviser and Thieu's Man." I would like to enter this into the record as a preface to my remarks.

Mr. Gallagher. Without objection, it will be placed in the record.

[The article follows:]

VIET POLITICKING: U.S. PLANE, U.S. ADVISER AND THIEU'S MAN

(By Peter A. Jay)

DUCHPHONG, SOUTH VIETNAM, June 21.—It was old politics with a new Vietnamese twist.

Col. Luu Yem, the portly cigar puffing chief of Phuoc Long Province, was out beating the bushes for support for his boss, President Thieu.

The presidential election is of some importance to Yem, who was appointed province chief by Thieu two years ago and who enjoys his job as the military governor of Phuoc Long's 45,000 residents.

"If President Thieu doesn't win, I might end up in jail," he said—and chuckled. The colonel had dropped into Duong Phong to help celebrate the opening of a new Catholic Church.

Most of the residents of the area, a thinly populated district in the red-earth hill country near the Cambodian border, are Montagnard tribesmen whose gods are those of the forest and mountains. But there is a prosperous and influential Vietnamese minority, many of whom are Catholics, and these were the constituents the colonel had come to see.

He brought 50,000 piasters (about $190) to help the church along, half a dozen black-robed priests from the provincial capital of Songhe, and his American adviser, Lt. Col. Carl G. Smith.

Actually, it was Smith who got everyone to Duong Phong, by ordering up the Air America plane that brought them there, but he took pains to emphasize that the project was Col. Yem's.

After landing on the little Duong Phong airstrip—after a steep descent through the clouds that turned the faces of some of the priests a faint green—the group was whisked to the new church by jeep. Montagnards working in the fields watched the party as it sped by.
At the church, where the Duong power structure was having a social hour before lunch, Col. Yem found the first sign of another political force at work. National Assemblyman Nguyen Dan Dan, who recently won the attention of the Saigon press by brandishing a hand grenade during a legislative debate, was comfortably seated in the midst of a group of dignitaries and chatting up a storm. Dan, who wears a mustache like Vice President Nguyen Cao Ky's, said he was campaigning both for the vice president and for himself.

Though he was elected to the assembly from Ba Xuayen Province in the Mekong Delta, Dan has decided to run in Phuoc Long (there are no residency requirements for Assembly candidates) in an effort to oust the aging pro-government speaker of the lower house, Nguyen Ba Luang.

Luong, 69, was also present, sitting in a corner and looking rather miffed. "You know why Dan wants to run here, don't you?" Col. Yem asked a reporter later. "Everyone hated him so much in Baxuyen he couldn't win there again, so he came up here where nobody knows him."

Despite this confrontation of conflicting political forces, the splendid lunch laid on by the church proceeded smoothly, with Yem in the place of honor cracking jokes that made the priests giggle.

Midway through the last course, a helicopter passed overhead and landed in the churchyard. "That must be my chopper," said Smith, the U.S. adviser, frowning and looking at his watch.

But it wasn't his chopper. Into the church strode two dapper young Vietnamese Air Force pilots. They would be glad to have some food and a can of beer, they said when the priests offered them refreshment, but then they had to pick up Assemblyman Dan and take him to his next appointment.

Col. Yem looked at Dan, who smiled back. Luong was nowhere to be seen.

"How is it you get a helicopter whenever you want one?" a reporter asked Dan. "I have a friend in the air force," he said.

Interestingly, no one said a word about the Vietnamese election law that forbids any candidate for the assembly to campaign before mid-August, and bars all campaigning for presidential contenders until early September.

Who is to say what this little incident illustrates? Perhaps that the Vietnamese are beginning to enjoy, or at least to practice, the new system of politics that was imposed on them four years ago.

To say any more would be to venture out on thin ice; even to say that, in Phuoc Long Province at least, presidential sentiment seems divided between Thieu and Ky would be rash.

A Vietnamese-speaking reporter asked the South Vietnamese soldier who chauffeured an American official's car in the provincial capital who he thought would win the election.

"Well, don't tell (the official)," he said, "but 80 per cent of us in my militia unit are going to vote for Gen. Duong Van (Big) Minh. We think he's the one who will bring peace."

Mr. Wolff, I very much appreciate this opportunity to testify in support of House Concurrent Resolutions 192 and 193, identical resolutions I authored to provide for the appointment of a study team to observe the presidential election in Vietnam in October 1971; 48 of my colleagues, including three other members of this subcommittee, are cosponsors of the resolutions.

Whether or not one supports our involvement in Southeast Asia, one of the avowed purposes of that involvement has always been to provide the people of Vietnam with basic freedoms, including the freedom to choose their leaders in open elections. The forthcoming elections should provide a fair test of that freedom, and I feel that the Members of Congress and the American people are entitled to know whether free elections are an actuality in Vietnam. The importance of these elections is written in the blood of the 40,000 Americans who have given their lives for a supposedly free Vietnam, and in the more than $100 billion we have expended on this war.
Prior to the last presidential election in Vietnam, in September 1967, I proposed that Members of the Congress be appointed to go to Vietnam to observe the election. Ultimately President Johnson accepted my suggestion and appointed an observation team, but he did so at the last minute.

Because of this there was not time for adequate study by the team members during the pre-election period; and because all the appointments to the team were made by the President, many people felt the team was not balanced in outlook. I myself, therefore, went to Vietnam in 1967 as an independent observer. On the basis of that experience I propose that we begin now to prepare for a nonpartisan American observation team to be present prior to and during the 1971 elections.

Under the terms of my resolution the study team to go to Vietnam would consist of 15 members—four members of the House Committee on Foreign Affairs, appointed by the Speaker; four members of the Senate Committee on Foreign Relations, appointed by the President of the Senate; and seven other public officials and/or private citizens, appointed by the President.

In view of the recommendations of many interested parties, I now propose that the resolution be amended to reduce the number of presidential appointees to four, in order to provide more balanced representation and to require that the appointees of the Speaker, the President of the Senate and the President, respectively, be representative of varying viewpoints.

I do not feel that the Congress and the American people would support our sending a commission to Vietnam to whitewash the elections or to gather evidence to support any preconceived view. If an American observation team is to be effective in fostering the atmosphere necessary for free elections, that team must be bipartisan both in terms of politics and in terms of the team members' positions on our policy in Vietnam.

Under House Concurrent Resolution 192 the study team would be present in Vietnam for the week preceding the election and as long thereafter as necessary to complete its investigations. To insure adequate briefing and background information for the team members when they arrive in Vietnam, I suggest that staff members leave for Vietnam as quickly as possible. Judging from my own experience, this provision of a staff for the observation team is vitally important, for I found my lack of staff a great handicap in 1967.

In addition, there have already been indications that questionable political practices—including misuse of U.S.-financed surveys, the linking of peace candidates with Communists, and limitations on the number of candidates—are already occurring in the campaign. I believe that the American people have a right to learn of these occurrences directly and not just through occasional press reports. If our observation team is to be aware of these practices and monitor the elections effectively, the persons appointed to serve as staff members must go to Vietnam and begin to lay the groundwork now.

Following their return to the United States, the study team authorized by my resolution would make a report on the conduct of the election to the Congress and the American people as soon as possible. For purposes of their observation and report, the team members would
be authorized to look into all facets of the election, including—but not limited to—the degree of citizen participation, procedures for determining candidates' and voters' eligibility, procedures for preventing election irregularities and insuring the secrecy of balloting, the role of the media, procedures for investigating election irregularities, and validation procedures.

As the members of the subcommittee know, Senator Stevenson and several other members of the other body have also introduced a resolution providing for congressional observation of the Vietnamese elections. While that resolution differs from mine in some particulars, I do not feel that there would be any problem in working out the differences during a House-Senate conference following passage of the two resolutions.

It is vital that the Congress and the American people have representatives on hand to observe the Vietnamese elections, as we did in 1967. If our observation team is to achieve its purpose of being more effective than the 1967 official team, and more effective than were my own individual efforts, the team members and staff should be appointed and begin briefings soon. I therefore hope there will be early action on this resolution, and that those responsible for appointing the team members will do so at an early date. Both the Congress and the American people deserve a more thorough job of observation and reporting than was possible in 1967.

I would like to emphasize my feeling that the observation team must be dissociated from the American Embassy in Saigon and from administration policy. It would be short-sighted to commit the United States to the election of any particular candidate. It would also be contradictory to our stated commitment to free elections.

The purpose of any observation team observing the Vietnamese elections, whether that team is international or American in composition, must be to encourage the free operation of the will of the Vietnamese people, and not to perpetuate any regime or promote any candidate.

I would, therefore, hope that the administration will cease its support of the Thienny regime and join us in our efforts to foster truly free elections in Vietnam.

A fairly recent development has been the passage by the Vietnam National Assembly of an electoral bill requiring each presidential candidate to be nominated by at least 40 of the 197 National Assemblymen or 100 of the country's 554 provincial and city counselors.

It is possible that as a result of this law there will be only one candidate on the ballot in October. In that case, the people of Vietnam will clearly not be offered a free choice. If that is the case, the Government of South Vietnam will be following closely the recent example of the Communists to the North, and we may find that we have united Vietnam much more quickly, and much more closely, than we anticipated—but under the umbrella of tyranny instead of the freedom we have been fighting to defend.

If the new Vietnamese election law is pursued to its logical end and there is only one candidate this fall, then I recommend that we not send a commission to observe an election having a foregone conclusion. But I hope that the Congress will pass the resolution I have introduced and begin now to make preparations to send an observa-
tion team. This is exactly the kind of pressure that must be applied to persuade the Vietnamese Government to offer the people a truly free choice in a fair election.

We must work to assure that free choice which is demanded by the loss of 40,000 young Americans who have died to provide freedom and more than 300,000 of our people maimed in Indochina.


I read the opening paragraphs of General Lansdale’s letter:

Dear Congressman Wolff: Thank you for your letter of May 6, the copy of your resolution, H. Con. Res. 192, proposing that a U.S. study team observe and analyze the October 1971 election in South Vietnam, and your invitation that I comment. The commenting will be a genuine pleasure.

First of all, congratulations to you and to the Congressmen who joined you in sponsoring the resolution! It is heartening to know that there are Americans who remain alert to the basic issue at stake in South Vietnam and who recognize the real significance of what the 1971 elections will mean to everyone involved in the struggle. The measurement you propose of how our fundamental purpose is being fulfilled in protecting the right of the Vietnamese in determining their future, will have far more reality to it than do other counts of enemy dead or the numbers and decibel ratings of demonstrations in the streets of the United States. Such clear thinking deserves a cheer. You have mine!

I would like to offer the letter for the record.

Mr. GALLAGHER. Without objection it will be inserted.

HON. LESTER L. WOLFF,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WOLFF: Thank you for your letter of 6 May, the copy of your resolution, H. Con. Res. 192, proposing that a U.S. study team observe and analyze the October 1971 election in South Vietnam, and your invitation that I comment. The commenting will be a genuine pleasure.

First of all, congratulations to you and to the Congressmen who joined you in sponsoring the resolution! It is heartening to know that there are Americans who remain alert to the basic issue at stake in South Vietnam and who recognize the real significance of what the 1971 elections will mean to everyone involved in the struggle. The measurement you propose of how our fundamental purpose is being fulfilled in protecting the right of the Vietnamese in determining their future, will have far more reality to it than do other measurements being used in the war, such as body counts of enemy dead or the numbers and decibel ratings of demonstrations in the streets of the United States. Such clear thinking deserves a cheer. You have mine!

There are several elements pertinent to U.S. interest in the Vietnamese elections which weren’t mentioned in your introductory remarks or the resolution. I call them to your attention for serious consideration, not only in the wording of the resolution but also in the implementation by the U.S. study team. These elements are: enemy attempts by military and terrorist forces to disrupt the electoral process, the extent of non-partisan encouragement and help by the United States in assuring a free election, the importance of Lower House and village elections as well as the October Presidential race, an awareness of the newness of electoral procedures to Vietnamese who will stake their lives, fortunes, and sacred honor on the outcome, and an acknowledgement that other nations have joined with us in South Vietnam for the same purpose as we.

Enemy disruption. Your resolution notes that the avowed purpose of United States involvement in Viet Nam is to provide the people with freedom of choice. That means that we Americans are willing to place our trust in the decisions of the Vietnamese, made via secret balloting in this year’s elections in their
country. Our trust in the people is the opposite of the practices of the Communist enemy in Viet Nam. Since this conflict between trust and distrust of the Vietnamese people is taking place on a battleground, it can be expected that the Communists will make use of military force and terror to disrupt and discredit an electoral procedure which permits the citizenry to freely create a government by, by, and for the people.

In saying that the Communist enemy distrusts the people, I am not resorting to idle rhetoric. Elections were held in Communist North Viet Nam on 11 April 1971 for membership in Hanoi’s National Assembly. It was the first election held in North Viet Nam since 1964, the year the leaders in Hanoi decided to send North Vietnamese troops into South Viet Nam. Unlike elections known to us or to other free people, including the South Vietnamese, the people of North Viet Nam were given no real choice.

Out of some 500 candidates for the 450 seats in Hanoi’s Assembly, all but 4 or 5 candidates were hand-picked Communist Party members, subject to the iron discipline of that Party. Thus, to begin with, the “people’s choice” actually was made by an elite behind closed doors in Hanoi. Even so, this elite took no chances with the people. According to the reports of observers, North Vietnamese voters were confronted by police and other officials at the polling places, handed ballots by the police, who then observed which ballot each voter cast. In a police state, with its savage reprisals against individuals, this open procedure made the electorate merely a rubber stamp. Surely such patent rigging of an election is plain and current evidence of distrust of the people by an elite which is attempting a conquest of South Viet Nam.

The Communist Leadership of the National Liberation Front in South Viet Nam claims to speak for “the people”. Yet, they are self-appointed spokesmen, not even bothering with any pretense of elections. It seems logical to conclude that these Southern leaders also fear to put their trust in being chosen by the people through a secret ballot, particularly since they have lesser means to enforce their will.

So, given the presence in South Viet Nam of an enemy opposed to letting the people have a free choice, any honest observation and reporting of an election there must pay due attention to that enemy’s disruptive actions. Your proposed U.S. study team should be charged with getting the facts about Communist attempts at disruption—the propaganda campaigns to discredit the elections, the acts of terror to spoil the proceedings—and exposing them fully in subsequent reporting. Such exposure will help put the Vietnamese elections into truer perspective.

I emphasize this need to give proper heed to the enemy mostly because I realize that we Americans are all too human. We take the easy route of gathering information readily available to us from our friends among the Vietnamese, including the scandals they tell about each other. It is harder work finding out about Communist coercion, since some of it is done so secretly. However, if we recognize the importance of the 1971 elections in South Viet Nam to the future of that country and to U.S. involvement there, then it is worth putting in extra work to add facts about enemy actions to give a properly balanced report of what happens when the Vietnamese practice self-determination.

U.S. role. Although I am among those who believe strongly that the United States should show no favoritism for individual candidates or political groups in South Viet Nam, I am equally a strong believer that the United States should openly encourage and help the free electoral process there. Given our primary purposes for being in South Viet Nam; it would be mean folly if we were to remain mute and unhelpful at the very moment that the Vietnamese were putting into practice one of our most cherished precepts.

There are American civilians and military men stationed in every district of every province in South Viet Nam. Each has some influence with the Vietnamese locally. Thus, the U.S. Mission in Viet Nam should instruct all Americans in contact with the Vietnamese to promote the concept of a free election and to furnish available U.S. help to that end—on a non-partisan basis. It is very much in the interests of the United States that Vietnamese citizens get a full exposure to the issues at stake and have ample opportunity to make their decisions at the polls, quietly, safely. When we see some fruition in Viet Nam of our principled beliefs, then we will start finding some meaning in the sacrifices we have made there. Our national conscience needs this.

It also is very much in the best interests of South Viet Nam that this be done. Whomever is elected is going to need to know, for sure, that he carries the honest
mandate of the people. It will give him a solid foundation for his decisions and performance in the months ahead, perhaps making a vital difference in the trend of Viet Nam's history and even that of the world's.

What help can the Americans give other than speaking up plainly about free elections? Well, South Viet Nam is a battleground, with an active enemy threatening the free movement of candidates, the citizenry, election materials, and ballots. American military men can assist the Vietnamese in the physical protection of electoral procedures from the armed enemy. Americans can help transport candidates on an equal basis, as well as ballots and other election materials to areas where transport is hazardous or otherwise unavailable from Vietnamese resources. Such physical help by Americans is worthy of at least as high a status as the U.S. help given to recent Vietnamese operations in Laos and Cambodia.

The presence of a U.S. Congressional study team might inhibit the U.S. Mission and U.S. personnel on the ground from giving full expression to helping the Vietnamese exercise their free electoral rights—unless the U.S. Congressional study team takes positive steps to assure the U.S. Mission and Americans in Viet Nam that it wants such U.S. help given actively and generously. Ideally, your resolution should include some statement about this. At the least, instructions towards this end should be given to the U.S. study team.

Other 1971 elections. Your resolution mentions only the October 1971 election as the subject for U.S. observation and analysis. However, there are other elections taking place in South Viet Nam this year deserving a similar attention by Americans. One of them might even prove to be of more interest to you and your colleagues in the House.

The October election, of course, is for the President and Vice-President. In August 1971, it is expected that South Viet Nam will hold elections for seats in the Lower House. These Lower House Representatives are the only members of Saigon's National Assembly who have definite constituencies, since each is elected to represent a single district. In contrast, the Senators in South Viet Nam's Upper House are elected from the nation at-large, as is the President. It is my belief that the Lower House elections do more to generate political parties and institutions in South Viet Nam than any other single event. Thus, if one wants to get a real feeling for the growth and trend of political self-determination in South Viet Nam, the Lower House elections offer much of real significance and are worth the study.

Elections also are scheduled to be held in 1,000 villages of South Viet Nam, starting this month and continuing through the summer. The elections are for village officials and are held on Sundays. They take place progressively, one group of villages this Sunday, another group the following Sunday, and so on, to permit new equipment and certifying inspectors to be moved from village to village to assure the sanctity of the ballot. It takes some time to cover the entire country.

It is in these village elections that the rice-roots reality of the Vietnamese political scene comes right up to the surface. Many of the candidates for village office feel that they are putting their lives at stake, since it is the murder, kidnapping, and torture of these village officials that swell the long list of crimes prescribed by the Communist enemy. The number of candidates and the intensity make a meaningful index of how the Vietnamese people on the actual battleground truly assess their future.

I don't know the problem of timing that you face in getting your resolution through the U.S. Congress and its implementation organized correctly. I trust that the resolution in hand to permit observation of the Lower House elections in August and at least part of the village elections. If so, I would urge that the scope of your resolution be expanded to include these other elections. In any event, it would be of value to task the U.S. study team with obtaining some findings on these other elections, even if the team cannot get to Viet Nam until the October elections. While they are at it, I recommend that the U.S. study team include a finding on the current status of Colonel Tran-Ngo-Chau, the member of the Lower House who was imprisoned for expressing opposition to some of the Vietnamese government's practices and for consorting with his brother, a Communist, while keeping Americans informed of these latter dealings. His arrest and trial were judged to be unconstitutional by Viet Nam's Supreme Court, yet he is held today in ChI Hien Prison. His case is hardly a bright and shining example to beckon others to become candidates for the Lower House.

Necessity. It took Americans in the midst of a war and its aftermath from July 1776 until March 1789, 13 years, to start a nation, to form a Constitutional gov-
ernment, and to have it commence functioning. It seems as though it has taken us ever since to learn how to live with it and to make it more or less serve our needs as citizens. The present form of Vietnamese Constitutional government got its start in 1967, just 4 years ago. There is much in learning how to make it work well and beneficially that the Vietnamese are still learning—just as we had to do.

So, it is with a bit of a shudder that I contemplate the sending of one more study team to Viet Nam—if that study team is made up of Americans who expect the Vietnamese to do things even more perfectly than we do at home and who become irritated, impatient, and unduly critical when this doesn't happen. Over the past several years, successive waves of eager, take-charge-type, do-it-now Americans have come close to flattening and numbing our Vietnamese friends. They may have meant well, but they were lacking in compassion in a very real sense—and compassion is the sine qua non in our system of politics, a system that the Vietnamese are trying to adopt to their own ways.

I enter a plea that definite care be taken with the selection of the members of the proposed U.S. team and with the staff to weight it in favor of compassion—so that some empathy will show through in the team's dealings with people in South Viet Nam and in their reports of their findings. This will have a most constructive effect on the Vietnamese, who are still finding their way in perfecting representative government and who would welcome friendly Americans with whom they could afford to be candid about their problems, and also will increase the value of the team's findings by helping it come closer to the truth of the state of political affairs in South Viet Nam.

As a help toward acquiring some empathy for the Vietnamese, the members and staff of the U.S. study team might pause and reflect upon the sort of Hell on earth in which practically every Vietnamese with whom they will deal has had to exist for all of his mature life. There has been war in Viet Nam as an almost daily fare for 30 years! It started when Japanese troops appeared in 1941 and various maquis were formed to start guerrilla warfare against the French, against the Japanese, or against both. There was an armed overthrow of the Vichy French colonial government. Then the entry of British and Chinese troops. Then came the long and bloody Franco-Viet Minh War. Now it's another long, savage war. In 30 years think of the destruction of the promising men who could make a political system work, the tearing up of the country's social fabric, its very ethos, along with the wreckage of its artifacts, public works, and economy. It has taken a tough and courageous people to come through that Hell and now begin again to construct a political system of, by, and for the people while a war is still ravaging their country.

Please keep the self-righteous folks off your proposed U.S. study team, if humanly possible! We are capable of absorbing their ways here at home. They make lousy export items for the U.S. Allies. The Australians, New Zealanders, Koreans, Filipinos, and Thai thought enough of the avowed purpose of the United States in protecting the Vietnamese right to have freedom of choice that they sent troops to serve alongside the Vietnamese and the Americans. Such a pledge gives them a very special and precious stake in what happens in South Viet Nam. Their action is deserving of recognition, one of higher merit than what we give to nations who pay lip service to the ideals that brought us into the conflict, but who have been content to stay on the sidelines and be sharply, bitterly critical of the manner in which we have conducted ourselves during this cruel passage of history.

Your resolution could give some recognition of the stake of these allies. I suggest something along these lines: "The U.S. study team will extend friendly cooperation to any similar group formed by the elected legislature and government of a nation that joined the United States in sending troops to South Viet Nam to preserve the right of self-determination by the Vietnamese people."

Copies of your resolution, sent to the proper parties in these countries, might not only surprise them happily over the thoughtfulness of the Americans, but might even prompt them into forming a study team of their own and sending it to South Viet Nam to work alongside yours. It would be a grand contrast to some of the abuse that has come their way from Washington.

When I started this letter to you yesterday, 10 May, I had no intent of saying so much to you. The evident sincerity with which you made your proposal and its importance caused me to add details which I hope will be of help to you. As a citizen, I want you to succeed in getting your resolution passed into active being and then be implemented in the fair and full manner that we Americans need so desperately these days.
With every good wish for your success in this grand and meaningful undertaking.

Sincerely,


Mr. Wolff, I also ask you to include the statement of W. Averell Harriman. He said:

I urge this committee to support legislation by the Congress: (1) to use its power over the purse to compel a responsible withdrawal of all our forces from Vietnam, preferably by the end of this year; and (2) to send a mission to observe the forthcoming South Vietnam elections and to report on whether the South Vietnamese are, in fact, being given an opportunity to freely determine their own future.

Thank you.

Mr. Gallagher, I thank you very much, Mr. Wolff, for your very interesting presentation.

I yield to the distinguished chairman of the Foreign Affairs Committee, Dr. Morgan.

Chairman Morgan. Thank you, Mr. Chairman. I have no questions. I just dropped by to see what progress the subcommittee was making with these resolutions.

I know the gentleman from New York, the distinguished member of this committee, has been in contact with me almost daily in behalf of this resolution. I know of his great interest dating back to 1967 at least, when he made a trip to Southeast Asia on his own when the last elections were held.

I want to assure the gentleman that his resolution has a great deal of merit. We have a report from the Department and I feel that whatever action this subcommittee may take on the gentleman's resolution, it will receive sympathetic consideration when it comes before the full committee.

Mr. Gallagher, I think I have the message, Mr. Chairman.

However, Mr. Wolff, obviously this is a worthwhile resolution. However, I find sometimes that this sort of thinking conflicts with the basic purpose of disengaging in Vietnam: for instance, someone sent me a copy of an advertisement that appeared in the New York Times Sunday.

*You can do something for Vietnam by enclosing a contribution to the Vietnam Election Project Coordinator.*

I find it very curious that among other things that the ideas are set down, there is a question here:

You can help, write or wire your Senators and Congressmen, ask them to support legislation that prohibits U.S. involvement in Vietnam's elections.

And the other thing is to help the election project by getting involved, so teams such as your resolution advocates, are sent to Vietnam. They ask to "continue our efforts, and also send your contribution to keep this good work going."

Mr. Wolff and Mr. Chairman, how could such a team possibly avoid being regarded as interfering in the election process in Vietnam? Does it not demonstrate the arrogance on our part that originally stirred up all the trouble? We thought Mr. Diem was not a very good fellow and we started interfering at that point. Would not Mr. Thieu, should he emerge as a victor, be in even a more difficult position to continue
stability in Saigon if the election project observers went about America criticizing his election?

Assuming that will be answered very intelligently one way or the other, I then would ask this: How will this help bring American fighting forces home, something we are all united in, which is the most significant task confronting this Congress? This is much more important than creating Jeffersonian-type democracy in Saigon.

Mr. Wolfe. This ad supports the Stevenson resolution in the Senate, if you will look to it.

Mr. Gallagher. Yes; it does, but I see you do also.

Mr. Wolfe. I have supported the Stevenson resolution but it is not my resolution which differs vastly. The important element here is the fact that the Stevenson resolution addresses itself to our participation in the Vietnamese elections, my resolution addresses itself to the entire electoral process in Vietnam.

The very basis of our commitment in Vietnam was to seek the free exercise of the will of the people of South Vietnam.

Mr. Gallagher. I might say this to my beloved colleague: If that were the purpose of our being in Vietnam, to me that is not the purpose now. The purpose is to get out of Vietnam.

Mr. Wolfe. What is the purpose now? Our purpose in Vietnam?

Mr. Gallagher. To get out of Vietnam. To get our soldiers and our troops out of Vietnam is the chief purpose of our policy now, whatever the reasons were that allowed us to engage in Vietnam in the first place.

I find your resolution in conflict with that.

Mr. Wolfe. It hardly is in conflict because of the stated fact that we will maintain a residual force in Vietnam. It has been concluded that we would maintain a residual force in Vietnam on an open-end basis. The President has not indicated that we are going to get out of Vietnam.

All that has been said is the fact that our combat forces are going to leave Vietnam and the support force will remain.

The second point that I think is very important is the fact that I don't think we could have sacrificed as many lives as we have in support of a basic principle and just totally disregard that principle. I agree with you that our purposes should be to get out of Vietnam and I have supported every effort, that is responsible, in order to get out of Vietnam. However, I think we do have a very high purpose in seeing to it that the free exercise of the will of the people is achieved.

If the people are not able to express their free will in a free election—then we do not belong in Vietnam at all and we should back boats up to the shore, if we possibly could, and load the boats.

Mr. Gallagher. Precisely what I advocated when these arguments were made against Mr. Diem. It is the pursuit of that illusive principle that became the basis of our escalation in Vietnam. We are now searching for the real priority: an orderly democratic process in Vietnam, truly representative of the people, if that is possible, or the reduction of the American profile in Vietnam.

Mr. Wolfe. Do you not feel that if we provide for the free exercise of the will of the people, that we have accomplished our mission?

Mr. Gallagher. I am not sure that is our mission. I think now, for instance, no matter how difficult were the times when Diem, Madame
Nhu, and Mr. Nhu were there, that many of our friends in the ADA, for instance, would give a political endorsement to Madam Nhu if she went back and we left.

Mr. Wolff. Do I understand the chairman, then, to say that he supports the idea that we should have immediate unilateral withdrawal from Vietnam?

Mr. Gallagher. No: you don't understand the chairman to say that. You understand the chairman to say that I am wondering whether or not it is our duty to unite Vietnam by a truly democratic process, as your statement advocates, and how this can be done while we attempt to disengage the American forces in Vietnam.

If we find the elections are not totally honest or totally free, what can we do about it?

Mr. Wolff. We don't have totally honest elections here in our own country sometimes, you know, Mr. Chairman.

Mr. Gallagher. That is why it is hard to see how we can impose that on Vietnam.

Mr. Wolff. I think you have indicated that we should not impose ourselves upon the Vietnamese and yet we still have about 280,000 men in Vietnam today. I think that one of the points that I, and many people, have made for many years is the fact that a political solution is the only solution to the problems of Vietnam.

If we had attempted a military solution at the time a military solution was possible, then perhaps we would have a different result today. But it is no longer possible and therefore the only possibility that we do have is truly a political solution and I am attempting to help find a political solution.

Mr. Gallagher. Thank you, Mr. du Pont.

Mr. du Pont. Thank you, Mr. Chairman.

I thought for a moment there we were going to get a revelation from the hustings on this issue, but that perhaps has to wait for another day.

Mr. Wolff. are you suggesting that if somehow the elections in South Vietnam are not fair or are somehow rigged, that you would prolong our presence in South Vietnam until they straightened themselves out?

Mr. Wolff. Oh, to the contrary. No, I would say we do not belong there at all if they do not permit the free exercise of the will of the people. I would say we should summarily withdraw from Vietnam, at the first possible date we should get out of there, if the elections are not free. We don't belong there at all if they are not free.

Whether or not we belong there today is questionable, but certainly we don't belong there at all if the people's will is thwarted.

Mr. du Pont. Yet we went there originally at a time when I wasn't in the Congress then and didn't have the information actually until last Monday that I have today, but it had been my impression that political conditions in South Vietnam were considerably worse in 1964 and 1965 than they are today.

Mr. Wolff. It doesn't say the decisions we made in 1964 or 1965 were the right decisions.

Mr. du Pont. Maybe that is true, but I gather that some Members of Congress anyhow felt that we were moving in the right direction then. Today we are insisting on free elections. Back in the beginning, no-
body seemed to care much about free elections, and we were pursuing a policy in a government that was much tougher then it is now in terms of civil liberties.

Mr. Wolff, I think those people you referred to, under Mr. Eisenhower's term of office, indicated that free elections should not be held, that elections should not be held.

Mr. Du Pont. I believe that is correct.

Mr. Wolff. To get off on another subject for a moment, your particular interest in having started off the day with quotations on your behalf, I feel that it is all I can do to return the favor, and I have some quotations here about the withdrawal from Vietnam being unacceptable. It would mean rejecting the plea of the Vietnamese to help them maintain a free and independent nation.

Mr. Wolff. That was my quote.

Mr. Du Pont. That is my point, February 10, 1965, and you are one of the people who is kind of fascinating to me because you seem to have come 180 degrees on this issue. You started out very much on the hawkish side, and I am not sure just where you are today, but somewhere other than there.

Mr. Wolff. If you would read the full statement—

Mr. Du Pont. I did.

Mr. Wolff. You would also find in that full statement, not quoting out of context, a recommendation that we attempt to find a political solution—the only solution. I don't remember the exact quote, since I did make it back in 1965, some 6 years ago. Reading the full statement, you will find that I did recommend that a political solution was the only solution that I felt could solve the problem in Vietnam.

Mr. Du Pont. You ran through a number of things and rejected them and so forth, and the purpose of reciting it is not to quote out of context or try to confuse your words, but you seemed to have the feeling in the beginning that Vietnam was worth saving.

Mr. Wolff. I still feel that Vietnam is worth saving, but I question the price that has to be paid for it.

Mr. Du Pont. In other words, it is your feeling that the price has been paid! What I am after is your thinking process in having changed from one to the other.

Mr. Wolff. I feel the price has been paid and paid many times over with more than 40,000 killed and 350,000 wounded—plus $120 billion. I think we have long since passed the point where if there is fighting to be done, the Vietnamese should be able to stand on their own and do their own fighting; I think they should be the ones to be doing it and not us.

I do not reject the idea of assistance to the South Vietnamese. I have said this all along. I have supported the Nixon doctrine. I still support this in other areas of Asia, but I support the doctrine in its full intent—that we are to help people who will help themselves—and I reject the idea that the Vietnamese have done very much to help themselves.

Mr. Du Pont. To ask you finally the same question I asked Mr. Rosenthal, and I think this is a very important point because there are some who not only want our withdrawal from South Vietnam to be complete militarily, but they also want an economic withdrawal, just a complete severing of the ties, and I personally happen to feel that is very wrong.
But as I asked Mr. Rosenthal, do you feel that after our combat troops are out, that we should continue military aid and economic aid to South Vietnam, regardless of what regime might be in power?

Mr. WOLFF. I think we certainly have to assess what Vietnam has received already. In 1970, in addition to all other aid, $2.3 billion worth of equipment went to Vietnam in the way of transfer of equipment. In 1971, $2.7 billion worth of equipment is to go in the way of transfer of equipment. During our full committee hearings, it was developed that we have no idea of the amount of excess or surplus equipment that has already been transferred to them—given to them over and above our regular military assistance.

I think if they get very much more, Vietnam is going to sink beneath the sea from the weight of equipment that we have given them. I think in certain aspects they probably do need a certain amount of additional military assistance. I would render this to them if they felt they needed it and put it to good use instead of selling it on the black market. I am not for cutting our ties to South Vietnam unless they do not permit the free exercise of the will of the people, and then I would definitely cut my ties.

If they do not provide the opportunity for people to determine their own future, then I would not support them.

Mr. DUPONT. Thank you, Mr. Chairman.

Mr. GALLAGHER. Thank you very much, Mr. Wolff, for giving us your presentation and your views.

Our next witness today will be John Dow from New York. Mr. Dow is one of those who has long been dubious of American policy in Indochina. He is the prime author of one of the many bills before this subcommittee. The bill, H.R. 8955, calls for immediate cease-fire to begin our withdrawal.

We will be pleased to hear Mr. Dow at this point.

I might say, Mr. Dow, that the Chair apologizes for keeping you waiting and thanks you for your patience. Perhaps something your colleagues have learned from you in the 5 years we have had an opportunity to know you, is that your position has been consistent. You have been one of those who has consistently pointed out we should not be in Vietnam, and we are very pleased today to listen to your thoughts.

STATEMENT OF HON. JOHN J. DOW, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Dow. Thank you, Mr. Chairman, for your kind words.

Since I do have a different view of the Vietnam situation from most of the others, I had hoped that more of your subcommittee would be here when I was testifying and that is why I waited and I would make an appeal to you that you might allow me to testify at the beginning tomorrow. I don’t know that I want to wait all afternoon again tomorrow.

Mr. GALLAGHER. I would say this, Mr. Dow. If you would rather do that, the Chair can assure you that you will be the first witness tomorrow.

Mr. Dow. That will be splendid, and I am most grateful to you, Mr. Chairman.
Mr. Gallagher. Thank you very much. We will do that tomorrow afternoon.

Our next witness is Congressman Sonny Montgomery, Democrat of Mississippi. Mr. Montgomery led a special House of Representatives study of Vietnam, and he has been to Vietnam several times. He is extremely knowledgeable of that area and on the matters of concern before the subcommittee this afternoon.

We greatly appreciate hearing your testimony, Mr. Montgomery, and we apologize for the delay.

STATEMENT OF HON. G. V. MONTGOMERY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. Montgomery. Thank you, Mr. Chairman and other members of this subcommittee.

Thank you for providing me this opportunity to present my personal views on the current situation in Indochina. Since I realize you and the subcommittee members are pressed for time due to the importance of these hearings, I will keep my remarks as brief as possible.

I am certainly no expert on Southeast Asia, but I have tried to familiarize myself with the situation in that part of the world by making five trips there for a personal firsthand inspection during the recess.

I feel the inspection trips—more numerous than for any other Member of Congress—have provided me with some insights that might not be available to all my colleagues.

My public position since January 1969, has been for a phased troop withdrawal. In fact, I believe I was among the first to suggest that we should reduce our forces in South Vietnam because the South Vietnamese needed to shoulder more of the responsibility. I felt then as I do now that Vietnamization is working.

I would be quick to point out that I have never favored and do not favor the announcement of a withdrawal timetable. I do not believe making public a date certain for troop withdrawal would be in the best interest of this Nation from the standpoint of securing the release of our prisoners or from the standpoint of military strategy to protect those troops which will be the last to leave.

Nor do I believe a date certain would be in the best interest of those nations of Southeast Asia who are struggling to maintain free and democratic governments through self-determination.

Mr. Chairman, the most important benefit of my trips has been the opportunity to observe the changes that have taken place since my first trip in December 1967. I have been in South Vietnam for the last four Christmases and I would point out that being with our troops in Vietnam is of tremendous benefit.

The most encouraging change I have observed has been to see the South Vietnamese Armed Forces progress from what some would describe as a ragtag army into an efficient and trained army fighting in defense of their homeland.

We have provided the South Vietnamese the training and know-how to repel the aggressors from North Vietnam and the Vietcong from within. Mr. Nixon's troop withdrawal program has also been helpful in that it has put pressure on the South Vietnamese to prepare
for the day that they must shoulder the entire burden of defending their country.

In essence, I believe America has done about all she can do to assist the countries of Southeast Asia from the standpoint of manpower. It is now up to the individual countries to provide the armed forces to defend their boundaries. I believe equally as firmly that we must continue to provide financial assistance to Indochina, including military equipment. This is especially true in the case of Cambodia.

I might say I have been to Cambodia three times. These people have a fierce determination to be free from Communist domination. I believe they can accomplish their goal of freedom with their own Armed Forces and with help from South Vietnam as long as we provide them needed financial assistance.

It would be a shame and a black mark on our Nation's proud history of honoring her commitments if we don't continue to provide the financial support for these nations that are trying to help themselves. We will never be able to forget or forgive ourselves for copulating at a time and place when so many Americans have given so much in good faith.

In closing, I would point out that I am discouraged about the release of Americans held as prisoners of war. I have met with the North Vietnamese three times in Vientiane, Laos, to discuss the release of our POW's and haven't had any success.

I quite frankly don't believe the Hanoi government has decided on the fate of our captured Americans. I am sure the North Vietnamese are going to use them as a trump card. We should not allow ourselves to be misled by so-called commitments by the North Vietnamese until we see some affirmative action to release the prisoners.

Mr. Gallagher. Thank you, Mr. Montgomery. You say you do not favor a withdrawal timetable. Would you state some of your reasons, why you find this objectionable and not in our national interest?

Mr. Montgomery. I think it would be of more interest and well being for the enemy to announce a timetable. I also stated in my testimony that it would not be in the best interest of our allies, the Cambodians, the Laotians, and the South Vietnamese, to make any type of timetable statement.

I guess the main reason is that there is no reason to have a timetable. President Nixon has committed himself to the American people to bring the American troops home. I was there on the first of January and other than some American troops near the DMZ, we just don't have many ground combat troops over there now, Mr. Chairman, we are bringing them out.

I still think we are going to have to give the South Vietnamese financial aid, military equipment, technical advice, and some air support for the next 12 months. Other than that the South Vietnamese should be able to make it.

If they can't make it with that, they can't ever make it.

Mr. Gallagher. Mr. Montgomery, some of our colleagues feel that a date certain for withdrawal would stimulate the South Vietnamese Government to accelerate its part and its responsibility in Vietnamization. How do you view that?

Mr. Montgomery. I don't know if you can instill that in any people. They have to want freedom.
Mr. Gallagher. I am not talking solely about freedom. What I am talking about is if we should announce a withdrawal date the proponents feel that will serve notice on the Saigon government that they must accept total responsibility when that fixed date arrives. Therefore, this would accelerate their conditioning to accept this, which would allow us to leave Vietnam.

Mr. Montgomery. I don’t think it is necessary to put a time certain as far as the South Vietnamese are concerned. We have given them the know-how, we have given them the equipment, and other than a few more helicopter pilots being trained, they should be completely trained within 6 months.

I don’t think a date certain would have any effect on the South Vietnamese. I think they are just going to have to buckle down and get with it. They have enough training to make it.

Mr. Gallagher. Based on your own personal observations, is it your contention as a supporter of Vietnamization that the government now in power shows the will to continue the struggle against the Vietcong after our forces have been withdrawn?

Mr. Montgomery. If the South Vietnamese will have the will?

Mr. Gallagher. Yes.

Mr. Montgomery. Mr. Chairman, I think that is the big question, whether the South Vietnamese will tough it out and make it. I think they can make it, with what we have given them. I would say they have a 65/35 chance of making it.

Mr. Gallagher. Thank you, Mr. Montgomery.

Mr. du Pont?

Mr. du Pont. Thank you, Mr. Chairman. Just one question, Mr. Montgomery. Some of our colleagues have from time to time met with the North Vietnamese in Paris and had informal “negotiating” sessions with them. Some of those gentlemen are of the opinion that they are getting the correct North Vietnamese position whereas our official negotiators are receiving some different kind of information.

In your contact with the negotiators that you mentioned in your testimony, have you had the feeling that you are getting in any way a different feeling than what you gather our negotiators are getting?

Mr. Montgomery. I met with the Charge d’Affaires in Vientiane, Laos. He really wasn’t a negotiator. He was given permission to see me, which rather surprised me. In the past, I guess you could say I have been rather hawkish on the war. But I did talk to him.

He did give me some information that we did not have. He gave me the information that pictures would be released in the near future showing Americans playing basketball, participating in sports, and as you recall, these pictures were released.

Other than that, I don’t think I gathered much more. I made three specific requests, and I will renew my requests with the North Vietnamese when I return in August. I don’t even know whether they will see me this time or not. I requested that they give me complete information on the Americans held in Hanoi. I wish all 1,600 of them are alive, but I really have a feeling less than 500 of the Americans are still alive.

I requested the complete information on what they could tell us on the men listed as missing in action. I requested to go to Hanoi myself
or with a delegation to talk to a representative group of prisoners of war and have the opportunity to look at the prison camps.

And lastly, I requested that some Americans be released to my custody, especially those that might be sick or wounded. This request seemed to interest them more than any other things I asked. They assured me several times that the Americans were getting as fine a medical treatment as you could anywhere. Of course, as somebody said earlier today, part of it may be truthful and part of it is not.

Mr. Du Pont. Thank you, Mr. Chairman.

Mr. Gallager. Mr. Wolf?

Mr. Wolf. I just want to say that I know our colleague has been to Vietnam a great number of times. I would say that the concern that he has evidenced for the prisoners of war is a very noble one. I would say as well, a great many of the families of prisoners of war have come forth with the recommendation however, that we do set a date certain to test the sincerity of our enemy. I think it is about time we called the bluff of the North Vietnamese and I believe that a date certain would at least give us the opportunity, as has been indicated, putting the monkey on their back.

Mr. Montgomery. The only thing that concerns me or one of the things that concerns me about a date certain is that actually the North Vietnamese have always said they will discuss POW's if a timetable is announced and not that they would release the POW's.

Plus really, we can't withdraw all American military might out of South Vietnam. That would include the Marine guards at our Embassy. It just does not make sense.

Mr. Wolf. What do we have to lose by offering the date. If they do not respond, move the date to some other time or withdraw the offer.

Mr. Montgomery. What you are saying is we take out all military personnel and anybody that has a social security or military serial number could not go to South Vietnam, is that what you are saying?

Mr. Wolf. No, I am saying that we set a date for the withdrawal of our military forces from Vietnam and if the North Vietnamese do not respond by returning our prisoners, then we withdraw the offer. I am asking you what would be wrong in doing something like that. I think that we are jeopardizing the lives of these men who are now captive of the North, the VC, the Cambodians and the Laotians. I don't think that we should jeopardize the lives of these young men.

Mr. Montgomery. What you are saying is then they are not going to agree to this. The only thing they are going to agree to is that we see that President Thieu is completely run out of the Government.

Mr. Wolf. Why?

Mr. Montgomery. That is what they are going to come back and say. They have already said it once. What you are saying is that no military man, American, can ever go back to South Vietnam. That is what you are saying.

Mr. Wolf. I am saying that we withdraw our troops. The President has said this. The President has stated that our policy is for the ultimate withdrawal of all of our men. I am saying that you are jeopardizing the lives and the safety of the men wasting away in prison camps. We are jeopardizing their lives by failing to put on the record that we will even attempt to get them back by setting a date for the withdrawal of all of our people.
Mr. Montgomery. As I said, in my testimony, the North Vietnamese are looking for a trump card. They have not made up their minds, in my opinion, and certainly I am entitled to my opinion as everyone else is in this peculiar situation.

In my opinion, they haven’t even decided what they are going to do with the Americans, they hold captive.

Mr. Gallagher. The Chair would like to say that we have a roll call coming up. If you could, please finish your statement, Mr. Montgomery.

Mr. Montgomery. I don’t care anything about them either. It seems if you announce a date certain you line up with the North Vietnamese more by doing what they want to do. Let’s get tough with them. Let’s get rough with them. This is what I would like to do. I would like to set a date and not tell them what we will do. That is what we ought to do. We ought to set a date and say, “We will make up our minds, we will give you to October 13, and if you haven’t released these Americans then we will let you know what we will do.

Mr. Wolff. That is all we are saying.

Mr. Montgomery. No; you are saying you are bringing all the Americans out of there.

Mr. Wolff. You have said you don’t want to line up with the North Vietnamese, I want to line up with the prisoners of war and with the MIA’s and I think that is where we should be lining up.

Mr. Gallagher. Mr. Montgomery, we thank you very much for giving us your thoughts reflecting the experience you have had in Vietnam. I know of no one who has made a greater more personal sacrifice of his time than you have in this terribly agonizing question.

The subcommittee stands adjourned until tomorrow at 2 o’clock.

(Whereupon, at 5:10 p.m. the subcommittee adjourned, to reconvene at 2 p.m., Wednesday, June 28, 1971.)