The subcommittee met at 2:20 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 to the subcommittee as we continue our investigation of the approximately 70 bills and resolutions which have been referred thus far to the subcommittee.

The first 2 days of our hearings have provided us with a valid opportunity to discuss the many ramifications of legislative initiatives in the area and I anticipate that a public education process which is so vitally a role for congressional hearings will also be felt by the members of our subcommittee. I know this certainly is true as regards the chairman.

Our first witness this afternoon is Congressman Robert Leggett, Democrat from California. Mr. Leggett is a member of the Armed Services Committee here in the House, and has achieved an enviable record of effective service, and certainly has long been concerned with the problem before us today.

We welcome you here today, Mr. Leggett. Please proceed.

STATEMENT OF HON. ROBERT L. LEGGETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. LEGGETT. Thank you very much, Mr. Chairman.

Mr. Chairman, I want to thank you and the other members of the subcommittee for taking the time to review the policy questions surrounding American disengagement from Southeast Asia, and particularly Vietnam.

We have come a long way from 548,000 men down to 225,000.

Our original objective as President Kennedy once said:

We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival of liberty.

These phrases after 45,000 dead Americans, 300,000-plus injured and hundreds of billions of dollars in war expenditures and future veterans benefit obligation now ring rather hollow.

The government that we have been almost paranoid about defending has only a modest amount of liberty, of freedom, and of democracy.
Many of our American and Latin American neighbors surely are more in need of the Kennedy-metaphor largess than some countries in South Asia.

Howbeit, we made the expenditure, we made the sacrifices, we built up the South Vietnam Government—perhaps substituting almost too many American contemporary habits—for the Vietnamese, and accepting in return too much of the Vietnamese familiarization with narcotics.

As an aside, one of the problems is the fact that we have got the Vietnamese convinced they ought to have 20 percent combat troops and 80 percent support troops which is like the Americans, which is something that only the Americans can afford which makes for a very difficult transformation to the Vietnamization process.

The problem now, as a practical matter, is where do we go from here. The President indicates that he plans to phase down to 181,000 after December, but that it's a secret where we go from there. The erratic deescalation dates have the United States apprehensive, rather than the North Vietnamese.

The danger is that the President really does not know where he is going. Where does he get off the Vietnam marathon?

With this in mind, I talked to the North Vietnamese and Viet cong in Paris just 3 weeks ago.

I submit for the record at this point a transcript of each of those 3-hour conferences, my conclusions in the form of a statement and a press commentary.

Mr. GALLAGHER. Without objection, it is so ordered.

Mr. LEGGETT. I believe that is attached to the statement.

(The material referred to follows:)

PRESS RELEASE FROM CONGRESSMAN ROBERT LEGGETT

WASHINGTON.—The National Liberation Front, or Viet Cong, has told a U.S. Congressman that if a date for complete withdrawal of American forces from Vietnam is agreed upon, they will release all American prisoners before that date. They also said they would release a complete list of prisoners as soon as the date was agreed upon. The statement was made to Congressman Robert L. Leggett by Nguyen Van Tien, second-ranking members of the NLF negotiating delegation, during a three-hour private meeting held in Paris May 31.

Congressman Leggett cautioned that statements made in private conversation do not constitute public commitments. However, if the NLF delegates publicly confirm their private statements, this would constitute a significant change in their position. Previously, they have said only that they will "discuss" the prisoner issue once the date were agreed upon. They have been unwilling to commit themselves to releasing the prisoners before the completion of American withdrawal, and they have been unwilling to specifically discuss the question of the list.

Mr. Tien also told Congressman Leggett that the NLF would not attack withdrawing American forces, that they would establish an immediate cease-fire once the date was agreed upon, and that the government the NLF hoped to establish in South Vietnam would like to have diplomatic relations with the United States.

Congressman Leggett also met with Nguyen Minh Vy, second-ranking member of the North Vietnamese negotiating delegation, on May 29. Mr. Vy was willing to establish a cease-fire and to refrain from attacking American troops once the date were set, but he would not promise that all prisoners would be released prior to the completion of the American withdrawal.

"It's too bad we met with the North Vietnamese first," Congressman Leggett said. "If we had seen the NLF first, we could have come to the North Vietnamese and said, "This is what your NLF colleagues told us. Do you agree with their
position? I don't think the North Vietnamese have ever failed to support a statement by the NFL."

Congressman Leggett quoted statements by President Nixon at his June 1 press conference that he would not offer to set date for total withdrawal because "we have yet no indication whatever that (the North Vietnamese) will be willing to release prisoners in the event that we took certain steps."

"We now have this indication," Congressman Leggett said, "assuming our private conversation is publicly confirmed. At least, we have it from the NLF, which may hold up to 540 American prisoners. If North Vietnam supports the position of the NLF, I urge President Nixon to respond by setting a date.

"Both the North Vietnamese and the NLF insisted Mr. Nixon is using the POW issue as a false pretext for continuing the war," he continued. "They said his real motivation is to maintain the Theu-Ky government. If the NLF position is publicly confirmed, and if the North Vietnamese support it, I hope President Nixon will give the lie to their accusations by offering to set a date for total withdrawal I believe Christmas of this year would be reasonable."

Congressman Leggett described his reception as "hospitalable and cordial throughout. Our discussions were almost entirely free from polemics." He asked if he could return in a few months for further discussions, and both the NLF and the North Vietnamese indicated this would be agreeable.

REPORT ON MEETING WITH DELEGATES OF NORTH VIETNAM AND THE NATIONAL LIBERATION FRONT

(By Hon. Robert L. Leggett)

On May 29, 1971, I met with Nguyen Minh Vy, the second-ranking member of the North Vietnamese negotiating delegation in Paris. Two days later, I met with Nguyen Van Tien, the second-ranking member of the National Liberation Front negotiating delegation. Robert Sherman of my staff was present with me during both meetings. Mr. Vy and Mr. Tien spoke through their own interpreters. Mr. Vy and Mr. Tien and their interpreters were most courteous and friendly throughout the discussions.

Our talks were long: two hours with the North Vietnamese and nearly three hours with the NLF. Much of what we said and heard was not new, and there is probably no point in repeating it in detail; our notes from the meetings are available to those who are interested. But I believe we may have made some breakthroughs, at least in our discussions with the NLF.

First, The NLF delegate, Mr. Tien, explicitly told us that if all parties agree upon a date for total withdrawal of US forces from Vietnam, the NLF will release all American prisoners before that date.

Second, Mr. Tien explicitly told us that, once this date is agreed upon, the NLF will immediately release a complete list of the prisoners it holds.

Both of these concessions came unexpectedly. When I asked Mr. Vy of the North Vietnamese delegation, "If we set a firm date for withdrawal and stopped all bombing, could we be assured our prisoners would be returned and our troops would not be attacked?", he responded by referring to the December statement by Madame Binh of the NLF. This is the one which says if we agree to get out by June 30, 1971, they will protect the safety of American troops and will discuss the release of prisoners. I said the June 30 date would have been excellent six months ago, but was now no longer feasible. I urged them to make a more specific commitment than simply agreeing to "discuss" the release of prisoners. I pressed these points repeatedly.

Their response was always polite and cordial, but invariably they wound up referring back to Madame Binh's statement. Their attitude was that this statement indicated all problems would resolve themselves once we set a date. They said, in effect, that my proposal was the same as Madame Binh's, so what were we arguing about. Every time I stated my desire for more specific guarantees, or for a date later than June 30, they just referred back to Madame Binh's statement, although they did say they would consider another date if President Nixon would offer one.

If the North Vietnamese were this rigidly tied to Madame Binh's statement, I was afraid we would just get more of the same when we met with Mr. Tien of the NLF two days later. Happily, this was not the case.
My assistant, Mr. Sherman, asked him, “If the President were to agree to complete withdrawal of all American forces by Christmas of this year, when could we count on recovering all our prisoners?”

Mr. Tien responded, “All the prisoners will be returned before Christmas.” Later, he amended this by saying, “If the parties agree on a date for withdrawal of all US forces, we will release all the American prisoners before that date.”

In order to be sure there was no misunderstanding, we came back to this point on three separate occasions, and he affirmed it each time. However, I want to caution against over-emphasizing a statement made in private conversation. This is not a public commitment. I hope the question of the guaranteed release of prisoners before final withdrawal will be put to Mr. Tien and Madame Binh at their next press conference. If they publicly stand by their statements to us, and fervently hope they will, then I believe this is one more reason why we should set a date for complete withdrawal.

At his June 1 press conference, President Nixon said he would not see a date for withdrawal because as far as the North Vietnamese are concerned, “... it always comes back to the same thing... they will agree to discuss prisoners, not release them. We have yet no indication whatever that they would be willing to release prisoners in the event that we took certain steps.”

Now we appear to have this offer to release them, subject to public confirmation of course, and I hope the President will act accordingly. It is true that the offer comes from the NLF rather than the North Vietnamese, and unfortunately we met with the North Vietnamese first, and thus did not have the opportunity to ask them if they shared the position of the NLF. I hope the press will ask this question at the next North Vietnamese press conference in Paris. Parenthetically, I believe the North Vietnamese have never failed to support an NLF statement of policy.

Their second unexpected concession was their promise that they would release a list immediately if a date were agreed upon. As we did with the promise to return the prisoners, we came back to this point several times to eliminate the possibility of a mistranslation or misunderstanding.

Now I will briefly summarize some of the other aspects of our discussions. I am, of course, merely reporting what was told to us, rather than stating my own position.

Mr. Tien promised an immediate ceasefire if the date were set. He said he had no interest in maintaining the prisoners in captivity. He said the prisoners were well-fed and received medical treatment when necessary. He complained of brutal treatment in the ARVN prison. He said the NLF wanted to form a government that would include members of the present government in Saigon, although Thieu, Ky, and Khiem must be excluded. He said he believed in one man one vote and thought a multi-party system was possible. He said when the NLF takes over South Vietnam it will want to establish diplomatic relations with the United States. He said the NLF hopes to establish a neutralist foreign policy. He also described their economic program as “neutralist,” by which I believe he means a mixture of socialism and capitalism. He said they would like to receive economic aid from anybody, as long as it came without conditions. He said the NLF forces in the Mekong Delta had more than enough food, enjoyed majority popular support, and were doing well.

We made a number of unsuccessful attempts to elicit further concession. On several occasions, I asked Mr. Tien how many prisoners the NLF held; he said they did not have a count. Mr. Sherman suggested it would be a valuable good-will gesture if the NLF were to release twenty or fifty prisoners: Mr. Tien replied that they had at various times released 30 prisoners, including journalists, and that each time the U.S. Government had dismissed it as propaganda. We asked if Christmas 1971 was a satisfactory withdrawal date for them; Mr. Tien replied, “the sooner the better.”

I think it’s worth noting that, unlike the North Vietnamese, Mr. Tien never mentioned June 30 as the withdrawal date. Moreover, his demeanor seemed to suggest that Christmas was an acceptable date, although he didn’t want to commit himself to it in the absence of any evidence that it was acceptable to our government.

I asked, “If the United States agrees to withdraw on a day certain will the North Vietnamese also agree to withdraw on a day certain?” Mr. Tien smiled and said the Vietnamese would solve this among themselves, politically, after the United States left.

Both the North Vietnamese and the NLF stated their view that President Nixon uses the prisoner issue as a false pretext to continue the war. They said his real
reason is to preserve the Thieu-Ky-Eheim government. They said he had indicated American troops would remain until the Saigon Government was stable. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability; therefore this rationale could be used to keep our troops in Vietnam more or less indefinitely.

Both were willing to pre-commit themselves to guaranteeing the safety of the withdrawing American troops, once a date was set.

Both delegations expressed cynicism toward the elections scheduled for South Vietnam this fall, saying free elections were not possible under Thieu and Ky.

Both Mr. Tien and Mr. Vy expressed interest in our plan for proportional repatriation and disengagement, although both wished to study it further before commenting. I continue to believe this plan could be the most feasible procedural vehicle for carrying out the withdrawal, once we have agreed on a date.

Both Mr. Tien and Mr. Vy received us with hospitality and friendliness, and the discussions were almost entirely free of polemics. Both asked to meet our wives, who were waiting in the car—the NLF went so far as to ask them to sit in on the last hour of our discussion.

I asked both Mr. Tien and Mr. Vy if I might return and talk with them again in a few months, and both indicated this would be agreeable.

Finally, I must add that Ambassador Bruce and our own negotiating team were most cooperative and helped me in every way they could. I was impressed by their intelligence and ability, and I regret that they continue to be burdened by our government’s refusal to set a date; they deserve to represent a workable policy.

THE HONORABLE ROBERT L. LEGGETT MEETING WITH DRV DELEGATION ON MAY 29, 1971

Together with my assistant, Robert Sherman, we just completed a two-hour conference with Nguyen Minh Vy, the Deputy Chief of the Negotiating Delegation from North Vietnam. The interpreter was a man by the name of Xuan Oanh, a gentleman who said he was at the Delegation to study music. The conference that we had was a pleasant one. It did not take the classic form of questions and answers, and in that respect sometimes it was difficult to obtain particular answers to questions that were posed. It started with a statement by myself for perhaps 20 or 25 minutes, followed by a statement from Mr. Vy for a similar period of time, and thereafter we had certain specific answers—certain specific questions.

I would generally conclude that very little new was learned from the conference. It consisted primarily of restatement of prior positions by the North Vietnamese Delegation. They appeared, however, to be very friendly and very much concerned about the opportunity to talk to ourselves. They indicated they considered that we were friends and that they were reluctant to talk to anybody about the prisoner of war issue. They knew that we came to talk about the prisoner of war issue. They were cognizant of the program which we had suggested concerning proportional repatriation. They were impressed with our sincerity in making these proposals, probably primarily because we had attached a Christmas withdrawal date in connection with the percentage of reductions; for this reason they discussed the situation with us. With respect to the percentage withdrawal proposal both for troops and prisoners of war, we really didn’t appear to have much of a problem. The North Vietnamese Delegation apparently is of the view that the prisoner of war issue is being used primarily by the Nixon Administration to justify a long-time occupation by a residual force in South Vietnam, probably for the purpose of maintaining the stability of the South Vietnamese Government.

They were much concerned that Nixon had indicated we could not withdraw until number one, their troops were withdrawn; and number two, the stability of the South Vietnamese Government was assured. It was their position that the South Vietnamese Government could never be described as stable, since there is no objective criterion for stability and therefore our troops probably would be in Vietnam more or less indefinitely. They felt, considering the fact that Nixon had put the double condition onto our withdrawal timetable, that the prisoner of war issue was strictly fraudulent, and they made that point over and over again—that prisoners of war is no problem. I asked them if we set a firm date for withdrawal, could we reasonably assure that if we did no further bombing, that cities would not be shelled and in the withdrawal period that
American troops would not be assassinated if they withdrew, and that all of the prisoners would be returned to us in advance of the withdrawal date.

I assumed a hypothetical date of Thanksgiving or Christmas, or finally Washington’s Birthday, and their attitude was that really there was no problem on any of those issues, that of course they were unable and unwilling to assume any other alternative withdrawal date other than the date that Madame Binh had suggested, to wit, June 30 (next month). I indicated that this date was today, totally unreasonable. They cited General Shoup’s testimony indicating that we could withdraw a great number of men in a very short period of time, and I assured them, while that is technically possible, certainly if you were banking on the support of American public opinion, that American public opinion would require a longer duration date, that certainly we would have to—whatever we did and whenever we totally got out—firmly give notice to the South Vietnamese Government, and I told them under no circumstances could that date be less than six months.

So, I said assuming a six-month period, assuming all these prior conditions, and assuming we announced to the press that we would get out by Washington’s Birthday—that we would withdraw totally by that period of time and that we would not conduct further bombing—could we be assured that our troops, number one, could get out without incident, that our prisoners could be returned, and that the cities would not be shelled.

The response to that was that—well, Congressman, you have Madame Binh’s proposal—that’s the same thing. This is your proposal—really there’s no problem.

So I generally concluded that they were not really interested in setting up a new possible scenario. They were concerned that whatever we set up would probably be manipulated by the President. They indicated that they had many reservations about the President’s good intentions. They also didn’t like Mr. Reagan, the Governor of my home state, whom they referred to in a jocular fashion.

[(Mr. Sherman speaking, quoting Mr. Vy): “While insisting on a date of withdrawal, we can assure you there will be no problem in solving the POW problem if the date is set. But Nixon does not do his part—that is, in setting the date. We cannot do ours, that is, in releasing the POWs. The difficulty is not from our side.”]

I further asked them two questions that were posed in an article by Scotty Reston, as reported in the Washington Star on April 9, where he indicated that President Nixon said he would not set a specific date for any American disengagement from the conflict because this might put the remaining troops in danger and interfere with the release of our prisoners of war. Reston asked two intriguing questions—one for Nixon and the other for officials of North Vietnam and the National Liberation Front. First, would Nixon set a date for the total withdrawal of all American forces from Vietnam if officials on the other side guaranteed the release of all prisoners of war and the safe evacuation of all American troops? And second, would Hanoi and the NLF agree to release the prisoners and guarantee the safe withdrawal of the American Forces if he got a guarantee that all Americans would be out of that country by a certain date? It was my general impression after hearing their answer that they feel there would be no problem in terms of their actions; that is, there appears to be no reason to withhold affirming a certain date for fear of safety of American troops. Apparently they are prepared to pre-commit the safety of withdrawing troops if a firm date for American withdrawal is set.

They finally indicated that they would be glad to talk to me again in perhaps 60 days, that they felt they learned something of American public opinion from our conference, that they wished me well, and wished me to convey my best wishes to members of the American Congress who were concerned with ending the war.

STATEMENT OF CONGRESSMAN ROBERT L. LEGGETT, CONCERNING MEETING WITH REPRESENTATIVES OF THE PROVISONAL REVOLUTIONARY GOVERNMENT, MAY 31, 1971

Congressman Leggett. On the above-mentioned date, at my request, Mr. Robert Sherman and myself met with Mr. Le Van Loc (he didn’t speak), described as expert, Le Mal, interpreter who was also described as expert, and second man on PRG negotiating team, Nguyen Van Tien. The meeting took place at the above address, a two-story home. Two French policemen were located outside.
We were invited into the home, which had French conventional furniture and draperies and appeared to be clean. We were asked to have a seat and the five of us engaged in a conversation for approximately two and three quarter hours. The PRC people appeared to be cultured and hospitable. They served a thick, carbonated orange juice, cabernet wine and delectable meat rolls as hors d'oeuvres.

I began the conversation by explaining that neither Mr. Sherman nor myself represented the Nixon Administration, that we were Democrats, that I was a member of the House Armed Services Committee, and that a number of us in the Congress and many of the people in the United States were interested in reorienting American national priorities and ending the war with peace in Southeast Asia.

We mentioned that a few days earlier we had met with the North Vietnamese, to wit, Minister Vy. We indicated that we had a program that had been now authored by approximately 10 percent of the American Congress which we called proportional disengagement, also known as proportional repatriation. I said it would be wise to be aware of our proposal through correspondence and otherwise. I emphasized that the proposal involved a number of factors that were beneficial to both sides, that it would call for a date for disengagement, would assume no bombarding or shelling would occur after the date was set, and that proportionally troops and prisoners would all be withdrawn and returned home.

I mentioned that I was aware of the proposal for disengagement suggested by Madame Binh, to wit, June 30, 1971. I indicated that at this time a more reasonable date would have to be looked to, such as next Christmas or spring. I explained to Tien that as far as I was concerned, I felt both sides had an interest in a programmed disengagement whereby the South Vietnamese government would have at least six months notice of American total withdrawal. I used the words that they could be "weaned from the United States."

I mentioned that I felt it was to our mutual advantage that we not have a long-term occupation of South Vietnam. I mentioned that the American people, I felt, were tired of the war in large part because we couldn't afford it due to inflation; that inflation was not a permanent thing, that conditions were bound to get better, that when we were in a healthier economic condition, the American people might again find it to their advantage to continue the war. I mentioned that as a result of this possibility it was to our mutual interest that we negotiate prior to the time the President's de-escalation resulted in a hard-core residual force of occupation.

Mr. Tien thanked me for my explanation. He welcomed our good will to end the war, to bring an early repatriation to troops and prisoners of war.

I had mentioned that the proposal I had made did not receive the blessing of our own administration, and I mentioned the reasons why our proposal had received a negative response, to wit, we were concerned that if the PRC and NVD did not accept a proposal like this we might find it difficult to further disengage.

The response to that by Mr. Tien was that the Nixon Administration's negative answer was easy for him to understand because he felt that President Nixon was using the prisoner of war issue merely as a camouflage to masquerade (his words) Nixon's pernicious schemes to maintain prolonged occupation. He mentioned, as Mr. Vy had mentioned, that President Nixon had conditioned his disengagement intent on two conditions. First, the return of all American prisoners of war and, second, the stabilization of the South Vietnamese government. Tien indicated that the South Vietnamese government could never be stabilized. Tien indicated that Nixon knows the PRC position on prisoners of war. "He knows that they can be returned if he would merely set a date for disengagement, but he insists on maintaining his options for a long-term occupation."" He indicated if Nixon would set a reasonable date the prisoners of war could be released soon.

My assistant, Mr. Sherman, asked, if the President were to announce withdrawal of all troops by Christmas of 1971, could the prisoners be released earlier than that date? Mr. Tien smilingly indicated that this was very possible. He indicated that humanitarian considerations would require the release of the prisoners. "When President Nixon sets a date, prisoners could be released through talks relatively soon without attacks on withdrawing troops."

At this point I asked him if we could have a list of the prisoners. He repeated that this can be solved when they receive the notice of withdrawal.

I said, "Well, how many prisoners are we talking about—350, 100, 200, 40?" He smilingly indicated that he hadn't accumulated the lists. I said, "Do you have
so many you cannot count them?" He smilingly replied that when the President
provided the notice of disengagement Tien would provide the list of prisoners
and the prisoner issue would be settled.

I asked if the prisoners were well-kept. The response was that they were. I
asked if they received medical attention. He said that they had hospitals and
doctors—many underground. He indicated again that President Nixon is not
concerned with the prisoners, only with supporting the Thieu/Ky/Khiem gov-
ernment, that President Nixon needlessly continues to waste the lives and dol-
lars of American taxpayers to support only a handful of bellicose people, to wit,
Thieu/Ky/Khiem.

Mr. Tien was concerned that the people in the United States and their other
friends around the world continue to exert pressure on the President to end the
war. He indicated that they would like to see a termination of hostilities, the
establishment of a new government, the establishment of diplomatic relations
of the new government with the United States.

I asked him at this point who he expected to win the election in October in
South Vietnam. He indicated, that depends on Nixon. If Mr. Nixon wants the
war to end, if he wants an honorable end to the war, he will have to support the
South Vietnamese people who want the withdrawal of the United States support
to the Thieu/Ky/Khiem government. He indicated that the people of Saigon
and South Vietnam, in his view, hated the government.

I asked him if Madame Binh and himself were to join in a ticket, if they were
allowed, opposing the Thieu/Ky/Khiem ticket, who would win. He indicated
that this was not allowed over there.

I asked him what percentage of support in South Vietnam he felt the PRC
had. He indicated that they had an overwhelming majority. He said he had
considerable support in the urban areas. Because people are tortured and placed
in tiger cages it is difficult to determine their allegiance.

I asked if he were a Communist. He indicated he was a neutralist. He indi-
cated that because there was no freedom of speech in South Vietnam, it was
difficult to determine the attitudes of the people.

I asked him what major changes he would like to see in South Vietnam be-
sides Thieu/Ky/Khiem and the United States getting out. He said he envisaged
a nation of concord, reconstruction, and economic development as well as
respect for independence.

He said he would accept aid from any country if they wanted to assist in
rebuilding South Vietnam.

I asked him what he thought of Big Minh's chances for the election. He indi-
cated that depended on Nixon.

I asked him how the government of South Vietnam could redevelop, how the
parties could work together. He indicated that everybody could work together,
but not Thieu/Ky/Khiem. He indicated that anybody should be allowed to
participate in the government who supported neutrality, independence, and peace.
This excluded Thieu/Ky/Khiem. But when asked who was the judge of the stan-
dards he described, he smiled and said the people will decide.

I asked him if he thought a two-party system would work in South Vietnam
or a system where the Communists were allowed, as in the United States, France,
and Italy. He thought if they had too many parties the government could not
work.

He again made clear Madame Binh's 8 points for a coalition government of
the three components: (1) the PRG; (2) the Saigon government, but not Thieu/-
Ky/Khiem; (3) persons of religious forces, all of whom were for peace, inde-
dependence, and neutrality.

I asked if he believed in one-man, one-vote. He smilingly said he did (if he
understood me)

We asked about reprisals after the war against people who supported the
Saigon government. He indicated that reprisals are useless, that the people
of Vietnam have had too much of war. They will welcome a neutralist policy.

I asked him if he planned a Communist-type system right away. He indicated
he wanted to govern in an independent, neutralist line. I asked if he planned a
private enterprise, a Communist, or a socialist economic system. He indicated
that he supported a neutralist economic system. I said if you don't plan to have
private enterprise or a Communist system, could the system you espouse be de-
scribed as socialist. He smiled and said, "No, it's a neutralist, independent line."

I said that when you write your book on a neutralist, independent economic sys-
tem, would you send me a copy. He smiled.
I asked why he was opposed to Thieu/Ky/Khiem. He said he was last in South Vietnam in 1969. He said he was opposed to the dictatorial, war-like policies and the corruption of the Thieu/Ky/Khiem government. He was opposed to its support by the United States.

He said that Vietnam was one country for 4,000 years, that there was a common desire for eventual reunification of the North and the South, that he was in no hurry. I asked if he wanted to unify the North and the South right away. He said, "Well, there's a difference in regimes. It will take a long time for reunification, maybe five to ten years."

I asked if the United States agreed to withdraw forces on a day certain, will the NVN also agree to withdraw on a day certain. He stated that the problem of the Vietnamese armed forces will be solved by the Vietnamese parties themselves. I said, "Well, armies solve problems by force." He smiled and indicated that he felt that a political solution was the way the Vietnamese would solve their problems after the United States left.

I asked again if he felt that multi-political parties could work in Vietnam and he indicated, yes.

Back to the subject of prisoners of war, we asked again about health (already covered), and what prisoners got to eat. I asked if they were given food other than rice. He said yes, New Nuong (the meat, rolls we were then consuming). He said the prisoners like it.

We asked again when we could get a list of prisoners. He said when the President sets a date we can have a list. I said how would you like to have a list of your prisoners in exchange for a list of our prisoners.

He said, "They tell us you have only three political prisoners. We asked their names and the names were not provided."

He referred to an article by Don Lee, a copy of which he provided me. The article, he said, refers to one hundred to four hundred thousand political prisoners. He said the United States admits to one hundred thousand political prisoners. I asked him where these people were. He said they were in a thousand prisons and jails, at Con Son prison, with 8,000 and he provided me with another list of prisons where he claims political prisoners are being held.

I asked, if I gave him the names of their political prisoners, will he give me the names of our prisoners? He responded that if Nixon desires to end the war and set the date for withdrawal, then all the rest of the problems can be resolved easily.

We talked again of a Christmas disengagement date. I asked him, "Since you are allied with the North Vietnamese and since they provide a list of prisoners and mail service, why don't you?" He said, "I think we have explained that. If Mr. Nixon will set a date for withdrawal, the prisoners can be returned." He stated that thirty prisoners, including civilians, have already been released from the South and that all of the releases were claimed to be merely propaganda efforts.

I asked him why he didn't talk to Madame Binh and give us the names of a few prisoners to take home. He ignored the question. Mr. Sherman then asked a series of questions to the effect that the American position of the President was that if a date were set for disengagement, that the President was concerned that a number of other conditions would have to be met that were set before prisoners could be released. At that time, Mr. Tien referred to a written statement that he had provided earlier in the negotiations which stated that if a reasonable date for disengagement were set we could have an immediate cease-fire, second, that all parties could immediately enter into a discussion insuring the security for withdrawal and release of all captured military men, that the discussion could be had on release of all prisoners of war, and he said then, that a second matter to be resolved was the disposal of the Thieu/Ky/Khiem government. He indicated that the two problems were linked together which caused us preliminarily to believe that they would require the deposing of the existing Saigon government before the prisoner issue could be resolved.

Mr. Sherman again asked if they felt Christmas was a reasonable date. The answer was the sooner the better I said, "Well, your answer indicated then that the setting of a date is totally immaterial for a solution to the problems, that the main issue is the deposing of the Saigon government which appears to be a condition not under the control of the American people." He indicated that was not correct. The position was not so rigid. I asked him to explain this. He said again that if the United States sets a date for withdrawal immediately, there
would be a cease-fire between the United States and the NLF, that the parties
could immediately enter into discussions for the return of all prisoners, captured
men and pilots and for the safe withdrawal of all American forces, and then
there would be a second question which could later be handled concerning the
Thieu/Ky/Thiem government.

I told him that the United States has good control over our troop disengage-
ment but not over the Thieu/Ky/Thiem government. He said that the United
States must be responsible. I told him that the American people were not respon-
sible for the government of Saigon, that the American people wanted the with-
drawal of American forces, but that there was not majority support in the United
States to abandon the Saigon government. I said I anticipated the United States
would supply Saigon and Hanoi would supply them (i.e., the PRG) until a polit-
ical settlement is reached.

I asked him how he thought it would be possible to get rid of the Thieu/Ky
Thiem government. Since they controlled the Army, a coup did not look likely
and they appeared to have popular support in the elections the way they were
held. He stated if the United States withdraws military support, it’s over. I asked
him to explain this. He indicated the Thieu/Ky/Thiem government survives on
U.S. aid. I asked if the ARVN didn’t have billions of dollars of supplies already.
He indicated they will need more.

I asked him when was the last time he was in South Vietnam. He stated 1969.
His home is in the Mekong Delta in a place called My Tho, 80 kilometers south
of Saigon. I asked him if he had read U.S. News and World Report last week
indicating the Mekong area was reorienting toward the Saigon government. He
said the people’s movement in the Mekong is very strong, has always been on the
offensive. He said evidence of this is the toxic spraying of chemicals by the
United States which has destroyed % of the coconut trees, much of the crops and
fruit trees. He said if there is no problem in the Mekong, why do we spray the
crops.

I asked him if his forces rely on the Mekong food supply. He said yes, that they
had plenty of food, a surplus.

I asked where his people sleep at night. He said many places. They go to bed
at 5:00 P.M. in liberated zones. This is difficult near U.S. bases where they must
live in underground shelters.

I said, “What do you do with your wounded?” He said that they have doctors
and hospitals throughout South Vietnam and in the liberated zones. I asked where
the liberated zones were and he said, all over.

I asked what percentage of support he had in Saigon, the number of people. He
said the people cannot say openly, but the PRG has majority support.

I asked him if the United States withdrew, could the South Vietnamese govern-
ment survive another Tet-type offensive. He said if there were a cease-fire, there
would be peace.

I asked if any of the written material he had given us was new. He indicated
that it was provided to negotiators last year except, he said, information on the
prisoners. I asked if he was tired negotiating. He said, “We are a patient people.”

During the conference we asked specifically if a reasonable date was set, per-
haps six months away, what would happen? He answered: No. 1—cease-fire;
No. 2—We would talk about prisoners and agreement would be reached where
prisoners were returned immediately before the disengagement date, that the
safety of all troops disengaging would be guaranteed and that a list of prisoners
would be provided also immediately.

My wife and Mrs. Sherman were present for about one hour of the conference.
They were welcomed.

Tien said he would be glad to talk to me again in sixty days.

Mr. Sherman. During the course of our discussion there were several points
they made, which were new at least to me. In all cases in order to make sure
that there was no misunderstanding, we explicitly restated what they said at
least once, sometimes three times, to be sure that they would confirm it. They
began by saying that President Nixon’s rejection of proportional repatriation was
easy to understand because he intended to keep troops in Vietnam and to con-
tinue the war indefinitely. He said that President Nixon proposed two condi-
tions for withdrawal—(1) prisoner release; (2) stabilization of Saigon and
Saigon cannot be stabilized.

We asked them if we were to withdraw by Christmas, when would the prisoners
be returned. They said the prisoners will all be returned before Christmas. This
point we reviewed three more times to make sure there was no misunderstand-
They did not insist on a June 30 deadline, which the North Vietnamese negotiators did. They did back off from their statement in one instance, this was a distinction they emphasized very strongly. They indicated by their mannerisms they felt it was an important distinction, that is that the date for withdrawal must be reasonable and it must be agreed to by all parties.

Later in the discussion, I asked him explicitly if they regarded Christmas as a reasonable date and they said, "The sooner the better."

They said they have no interest in keeping the prisoners. They have no intention to maintain them in captivity.

He said once the United States withdraws, friends of the United States who love peace will replace Thieu/Ky/Khiem. I asked him if they considered themselves friends of the United States. They laughed and said they considered themselves friends of the American people. They said they were ready to establish diplomatic relations with the U.S. Government. They said if Nixon desires an end to the war, the coming election provides an opportunity to get out of the war in an honorable way. They said the government they would establish in South Vietnam would be made up of three elements—(1) the PRG, (2) Members of the Saigon government excluding Thieu/Ky/Khiem, and (3) Other religious persons who stand for peace, neutrality, independence and democracy.

We asked who would decide who stood for peace, neutrality, independence and democracy. They said the people will be the judge when they vote. I asked them that they were saying that it will only be by a vote, the election is made not by a preselection and they said, yes.

Then they said they were ready to receive aid from anybody, as long as it came without political conditions.

We asked if they believed in one-man, one-vote. They said yes.

I asked them, "Can you assure us that there will be no blood reprisals against those who associated with Thieu/Ky/Khiem. They said reprisals are useless among their people, that they desire to unite with each other and to rebuild. They have had enough of war. The danger of reprisals is a pretext used by President Nixon to prolong the war.

We asked them if they intended to unite with North Vietnam. They said Vietnam has been one country for four thousand years, that they were not hurried. There are differences between the two regimes. They mentioned a time period of "five to ten years or longer" as the time reference for reunification. We asked them, "Will the North Vietnamese troops be withdrawn at the same time as the U.S. troops." They very emphatically said that the Vietnamese would solve this problem among themselves.

We asked them if the Vietnamese could work together with multi-political parties and they said yes.

At this point we asked them if once the date is set, will they immediately produce a list of all the prisoners they hold. The said they would. This point we subsequently restated three times and they indicated agreement with it.

I said to them that one of the reasons that President Nixon gave for rejection of proportional repatriation was his feeling that if we offer to set a date in return for releasing the prisoners of war, that then the NLF would raise their price and would ask that the deposing of the Thieu/Ky/Khiem government as an additional price for returning the prisoners of war.

They said they want economic aid only, not military aid. We asked them if we continued to supply the Thieu/Ky/Khiem government, but gave them no military personnel, would that government be able to survive, and they said, no.

We asked them if the U.S. troops withdraw would the Thieu/Ky/Khiem government be able to survive another Tet offensive. They said if the U.S. Government withdrew they would want peace, not another Tet offensive.

We said it would be a valuable good-will gesture to end the war if they were to release twenty to fifty prisoners of war. They said they had released thirty prisoners of war already, including journalists, and that each time President Nixon had dismissed it as propaganda.

We asked them if they were tired of negotiating. They said, "We are patient."

On all occasions when we discussed the list they seemed to regard that list as a relatively minor thing and they emphasized that as soon as we set a date not only would the list be given out, but there would be an immediate cease-fire and they would immediately discuss the release of all prisoners.

Congressman Luce. We generally concluded that our plan of proportional disengagement/reparation might well be the procedural vehicle which the parties could use to carry out any negotiating prior to actual total disengagement after a date is set.
Mr. Leggett. The danger as I see it is that the negotiations are now
at an impasse and are strictly polemics.

The Nixon plan presumably is to deescalate to perhaps 50,000 men—a
residual force. The military have no idea today of the composition
of that residual force. I recently asked General Westmoreland before
my committee: "What is that force going to consist of? How many
men, et cetera?" He said, "Well, it would be support forces." I asked,"
"Well, how many Air Force? How many Navy, et cetera?" "Well, we
really haven't addressed ourselves to that."

I conclude that they really haven't thought about how they are
going to carry on the game next year.

The game would then be to use the residual force to coerce the re-
lease of U.S. prisoners, an agreement for the free exit of all U.S.
forces, and an agreement for the stability of the Saigon military force.

We will be there a long time unless we recognize the incongruity of
this strategy. I don't think we should have much hope of Americans
of a small residual force bombing North Vietnam to release prison-
ers created by very similar earlier bombing activity, in the 1965 to
1968 period.

The residual force idea is not really a logical chess move.

This really means that we should bargain today and make the best of
a very unsatisfactory situation.

The President says he wants action. What Mr. Sherman of my staff
and I determined in private talks in Paris is that the President can
obtain a peace agreement on action in private talks also if negotiators
were as free to speculate on future scenarios as we were. That is, if
they were free to talk about a date for total withdrawal.

I am satisfied that these negotiators, while they do talk occasionally
in private with the other side, are so hamstrung by the no-date re-
striction that they really can't accomplish much more in private talks
than they can in public talks.

I have an invitation to return.

I frankly don't believe the matter should need to be resolved by
legislation unless the President unreasonably balks. I think he is
balking.

If he wants action, I know he can achieve agreement on:

One, an immediate cease-fire against U.S. forces.

Two, a guarantee that U.S. forces will not be fired on—that as-
sumes bombing and shelling of cities will stop by both sides.

Three, a POW list in South Vietnam of American prisoners.

Four, a guarantee that prisoners would be released proportionally
as troops are withdrawn—so that all POW's are returned before the
last of the troops are out. This could be the proportional disengage-
ment plan of Mr. Riegle of Michigan and myself, coauthored by over
10 percent of the Congress.

All this can be firmed up in private meetings. I am sure we could
arrive at a settlement where American and Communist aid, both eco-

nomic and military, could continue.

Needless to say, the future course after U.S. withdrawal is fraught
with problems that we should not now try to solve. We should try
to keep it as simple as possible.

The President is interested in a stable Saigon military. He can't
wake up some morning next year and miraculously declare—well,
they are stable today.
A better plan would be to do it in advance—to extrapolate the fine success of the Vietnamization program, the democratic elections scheduled and simply state, based on this past record, that 6 or 9 months from today the situation is going to be deemed stable and then we are going to have permanent withdrawal of American forces. I am sure that this then would satisfy the President's second condition and would lead to peace.

I was pleased to hear this point made most eloquently 2 days ago by Senator Ted Stevens of Alaska, who must be described as one of the most stalwart Republicans. He pointed out that the ARVN regular forces now number 1,100,000. In addition, there are 450,000 in the home guard, and 5 million in the people's self-defense forces. There are 1,500,000 people with automatic rifles in their homes. He said, "It is like telling one's children when to fight. Sometime we have to trust the people of Vietnam."

Mr. Chairman, I believe that time has arrived. The people of South Vietnam have received 17 years of American training, over 150 billion American dollars, and their armed forces now outnumber the other side by more than 5 to 1, even excluding the people's self-defense forces. So the people of South Vietnam now have the ability to have any government or kind of government they are willing to fight for. If they are willing to fight for the present government, they can preserve it with no help from us, other than the continuation of supplies. If they are not willing to fight for it, it will be futile for us to continue to do their fighting for them.

This 6- or 9-month notice to Saigon would put them on notice and also would be satisfying the President's second condition.

Unfortunately, the administration's position has been confused and ambivalent.

On March 9, Secretary Rogers was asked by a reporter:

"Are the prisoners the only reason we would be leaving troops there?"

He answered, "Yes."

He was then asked:

"So, if the prisoners are released or the North Vietnamese agree to release them, will we get out?"

Again, his answer was, "Yes."

But on June 16, he directly contradicted his earlier position when he held a press conference—

"* * * Obviously, the United States, although we have tremendous concern for the safety of the prisoners, can't lose sight of our national purposes, and we can't absolutely abandon our national objectives to pay ransom."

Of course, Mr. Zeigler's response to Mr. Clifford and the rest of us when we made our revelations 2 weeks ago was to say, well, the President, to paraphrase, really wanted more than just private hints. He wanted—he indicated he wanted to be sure our troops and prisoners could get out safely, which we assured him could happen, but then he said we wanted a reciprocal withdrawal of troops.

This was the White House public statement adding a third condition that we wanted the North Vietnamese also withdrawn from the South.

The present situation, the indecision and imprecision regarding our national objectives makes it impossible to have a coherent foreign
policy. It makes it impossible to develop a plan, and if continued, it will make it impossible for us to extricate ourselves from Indochina.

There are two possibilities: First, that the administration is not clear in its own mind regarding our objectives in Vietnam. I think they are like the Notre Dame football team. They never get down to brass tacks or exactly how tough the opposition is. We are just whistling in the dark, even in the White House.

Second, that the administration considers the indefinite preservation of the Thieu-Ky government as a national objective, in which case I can say without hyperbole that there is no hope for POW release or an end to the war in the foreseeable future.

As I said on the floor the other day, if the CIA is planning a Saigon police force, which they are, and that police force is perpetuating the existing government, which they are, then we have the CIA working to perpetuate the Thieu-Ky government and we ought to get out of that business and let these people level this out themselves and seek their own level and work an accommodation among the Vietnamese in Southeast Asia.

This brings me to the role I hope the Congress, the House, and this committee will play.

I believe we should act affirmatively and creatively to resolve the war. In accordance with the national interest and the will of the American people, I believe we should declare that our national objectives in Indochina are confined to the recovery of every living American serviceman from Indochina and that, while we will continue to supply material aid to some of the governments in that part of the world, we will not supply personnel; they must truly "hack it" on their own. We can give lip service to past accomplishments or Vietnamization, or anything else. Further, I believe the House should try to develop broad policies leading to the achievement of these objectives.

Two days ago, the Mansfield resolution passed the Senate by a substantial majority. As you know, this is an amendment to the draft bill which declares the sense of Congress that we should withdraw within 9 months, provided a satisfactory settlement is reached on the prisoner issue. I feel we should instruct our conferees to accept this amendment.

They talk of staged releases in that amendment, which is equivalent to the Riegle-Leggett proportional repatriation program. Of course, the draft bill is outside the purview of this committee, so I will not dwell on it.

The Cook-Stevens proposal, which is similar to the Mansfield resolution except it is mandatory rather than advisory, failed of passage by one vote. According to the press, this one vote was supplied by a Senator who apparently misunderstood the parliamentary situation, and had intended to support the proposal. So there is a strong chance this proposal will be successfully attached onto some later bill. This may be a bill that comes before this committee. If it does, I urge you to support the proposal, whether the issue arises in committee or in conference.

But beyond this, Mr. Chairman, I hope we can plan a leadership role in ending the war. For many years, the House has been secondary to the Senate in matters of foreign affairs. This is due in part to the
constitutional reservation of treatymaking powers, but in greater part to force of habit. I see no reason why this should continue, and I hope it will not. I have the greatest respect for Senator Fulbright and his colleagues, but certainly they are not more able than the members of this subcommittee.

Since last fall, a number of us have been working on a proposal which takes up where the Senate proposals leave off. It outlines a feasible and realistic mechanism whereby we can safely proceed to withdraw all forces and recover all our prisoners. We call it "Proportional Repatriation."

It is House Concurrent Resolution 317, and I ask unanimous consent that this resolution, with its countours, be inserted in the record at this time.

Mr. GALLAGHER. Without objection.

(The resolution referred to follows:)

[House Concurrent Res. 317, 92d Cong., 1st sess.]

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 1971

Mr. LEGGETT (for himself, Mr. McCloskey, Mr. Chisholm, Mr. Abourezk, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Aspin, Mr. Habelo, Mr. Balch, Mr. Bingham, Mr. Delves, Mr. Hill, Mr. Fulginiti, Mr. Werkmeister, Mr. Riehle, Mr. Farmer of Pennsylvania) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs.

CONCURRENT RESOLUTION

Whereas the Government of the United States has indicated it will not totally withdraw from Vietnam until the American prisoners held in Southeast Asia have been released; and

Whereas the National Liberation Front and the Government of the Democratic Republic of Vietnam have indicated they will discuss the return of American prisoners once a date for total American military withdrawal from Vietnam has been set; and

Whereas the Government of the United States has an obligation to secure the release of those American citizens held as prisoners in Southeast Asia; and

Whereas the American national interest would best be served by termination of the war in Vietnam; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that American troops should be withdrawn from Southeast Asia and American prisoners in Southeast Asia should be released simultaneously.

Sec. 2. It is further the sense of the Congress that the President of the United States should take such steps as may be necessary to inform the representatives of the forces holding American prisoners in Southeast Asia that the United States is prepared to—

(1) withdraw military and paramilitary personnel from Southeast Asia, including off-shore naval air and naval artillery support forces, in proportionate numbers, by stages, each stage equal in percentage to the percentage of American prisoners concurrently released by the forces holding American prisoners in Southeast Asia;

(2) accept the good offices of an intermediary, who will be a neutral nation or international agency acceptable to both the United States and to the forces holding American prisoners in Southeast Asia, whose function will be to (A) receive and hold each contingent of American prisoners as they are released, (B) verify that the appropriate number of American military and paramilitary personnel have left Vietnam, and then to (C) turn the American prisoners over to the American forces;

(3) for Senator Fulbright and his colleagues, but certainly they are not more able than the members of this subcommittee.
(3) permit the intermediary to perform whatever unannounced checks and inspections considered necessary by the intermediary to verify that withdrawn American troops are not being replaced under the guise of rotation;
(4) publish, twice monthly, a list of total number of American military and paramilitary personnel in Southeast Asia; and
(5) complete the withdrawal of all American military and paramilitary personnel including off-shore naval air and naval artillery support forces, from Southeast Asia by a specified date to be determined by negotiation, which date shall not be later than December 24, 1971.

SEC. 3. It is further the sense of the Congress that actions by the United States to implement the proposals described in section 2 of this concurrent resolution should be contingent upon an agreement on the part of the forces holding American prisoners in Southeast Asia to—

(1) publish a complete list of all Americans they hold, including a description of the physical condition of each prisoner;
(2) publish a complete list of American prisoners who died in captivity, including date and cause of death, and return the remains in those cases in which it is possible to do so;
(3) return all American prisoners in proportionate numbers, by stages, each stage equal in percentage to the percentage of American military and paramilitary personnel withdrawn from Southeast Asia;
(4) accept the good offices of an intermediary, as outlined in paragraph (2) of section 2 of this concurrent resolution;
(5) allow the intermediary to perform whatever unannounced checks and inspections considered necessary by the intermediary to verify that there are not more American prisoners than were named in the list provided under paragraph (1) of this section;
(6) repatriate American prisoners in the order of the length of their captivity with the exception that those in serious need of medical attention be returned first;
(7) refrain from initiating military action against departing American troops;
(8) send all Chinese and Soviet military advisers out of the Democratic Republic of Vietnam, and permit the intermediary to verify that this has been done; and
(9) complete the repatriation of all American prisoners on the date of completion of the withdrawal of American military and paramilitary personnel from Southeast Asia.

Mr. Leggett. I also ask unanimous consent that an explanatory magazine article I wrote, and a letter from Barbara Mullen, whose husband has been a prisoner of war in Laos for 3 years, be inserted in the record.

Mr. Gallagher. All right.

(The document referred to follows:)

[Reprint of article from The Nation, Mar. 29, 1971]

TROOPS AND PRISONERS, HOW TO BRING THEM ALL HOME

(By Representative Robert L. Leggett)

Mr. Leggett has been a member of the House of Representatives, serving the Fourth Congressional District of California, since 1962. He is a member of the House Armed Services Committee.

"As long as there are American POWs in North Vietnam we will have to maintain a residual force in South Vietnam. That is the least we can negotiate for."

—President Richard Nixon (Mar. 4, 1971)

"We are going to maintain a United States presence until a satisfactory solution can be worked out for the prisoners of war."

—Secretary of Defense Melvin Laird (Dec. 15, 1970)

"In case the United States Government declares it will withdraw from South Vietnam all its troops . . . by June 30, 1971, the people’s liberation forces will refrain from attacking the withdrawing troops of the United States . . . and the
parties will engage at once in discussions on ... the question of releasing captured military men."

—Vietcong Chief Negotiator Mrs. Nguyen Thi Binh (Sept. 17, 1970)

WASHINGTON.—We won't get out until we're sure they'll give the POWs back. They won't settle the POW question until they're sure we're getting out. So why not do both at once?

We want our prisoners back, and have no use for a permanent military presence in Southeast Asia. The other side wants us out of Southeast Asia, and has no long-term use for its American prisoners. So let us accommodate each other.

Together with my colleague Donald Riegle (R. Mich.), I have developed a plan, called "proportional repatriation," that would enable us to withdraw all of our troops and simultaneously recover all of our POWs. The plan is fair to both sides. It is feasible, and as nearly foolproof and cheatproof as a settlement of this kind of war can be. It is more favorable to our national interest than any other settlement we are likely to get, in that it brings a prompt end to our part of the war and a prompt return of the POWs.

Its basic provisions have been endorsed by twenty-five members of Congress and were sent to President Nixon on January 2. He has not responded as of the time of this writing. This article is the first public discussion of the details of the plan.

The crux of the plan is an agreement between the United States and the three forces that comprise the other side (North Vietnam, the NLF and the Pathet Lao) to repatriate all American POWs and withdraw all American troops in equal percentage installment.

Suppose, for example, that the other side holds 700 American POWs. Suppose further that at the time the plan were put into effect, 300,000 American troops were in Southeast Asia. Every time the other side returned 10 percent of the POWs it held, which would be seventy prisoners, we would withdraw 10 percent of our troops, which would be 30,000 men.

North Vietnam, the NLF, and/or the Pathet Lao would turn the seventy POWs over to an intermediary, which would be an international agency or a neutral nation that both sides found acceptable. The intermediary would hold the men until it verified that 30,000 American military personnel had actually left Vietnam. Then it would release the POWs to American hands.

This process would be repeated at regular intervals, perhaps every two weeks or every month, until all POWs were returned and all American troops were out of Southeast Asia. The exact schedule, to which both sides would make a public commitment, would be decided at the Paris negotiating table. The schedule would have to specify a date by which the last prisoner would be returned and the last soldier withdrawn. There is no reason why it should be later than Christmas Day of this year.

The first question which comes to mind regarding an agreement with a Communist power is, "Can we trust them?" We can't—any more than they trust us—but it doesn't matter. International agreements are not built on trust but on self-interest. We can be confident the other fellows will keep their part of this bargain because they know it's in their interest to do so—provided we clearly commit ourselves to getting out. The importance of a commitment to withdraw by a specified date cannot be overemphasized. The other side has repeatedly indicated that nothing less will induce it to release the POWs.

Offers to exchange North Vietnamese prisoners for American prisoners are futile, no matter how favorable the exchange ratio. The other side doesn't want its men back badly enough to trade the only bargaining card it holds. The American POWs are North Vietnam's only assurance that we won't adopt Curtis LeMays strategy of "bombing them back to the Stone Age": Hanoi has repeatedly indicated that it won't give them up unless it gets American withdrawal in return.

Letters-to-Hanoi campaigns, Ross Perot's airplane trips, and so forth, may secure better treatment and improve the mail flow for the prisoners, although the bombing halt has probably made the greatest contribution in this regard. But not all the letters and Veterans Day speeches in the world will get the men back.

Nor should we deceive ourselves that partial withdrawal will get us anywhere. The other side is most unlikely to trade half the POWs for a 50 per cent withdrawal, or even 95 per cent of the POWs for a 95 per cent withdrawal: a partial withdrawal does not alter our basic commitment to determine who will govern South Vietnam. The American military presence in Vietnam is an all-or-nothing
proposition. If we leave even 1,000 men there, concern for their safety commits us to support them. In the event of an ARVN collapse, with whatever reinforcements would be necessary to prevent their being overrun by enemy troops. Recent experience in Cambodia suggests that such reinforcements would be used to save not only the American troops but the Saigon government as well.

In the eyes of North Vietnam and the NLF, a withdrawal capable of being reversed would probably constitute no significant change from our present policy. The North Vietnamese and the NLF consider themselves to have been badly burned by the 1973 settlement. As they see it, they allowed themselves at that time to be negotiated out of their battle-won right to rid Vietnam of foreign control. They have repeatedly demonstrated their determination not to let this happen again, but to fight on—indefinitely, if need be—until all foreign forces have gone home.

So the only meaningful withdrawal is complete withdrawal. We can continue to supply Saigon with military aid, just as China and the Soviet Union supply the other side; but if we are serious about getting the POWs back, we must withdraw all American military personnel of all kinds from Southeast Asia. No more combat troops, no more support troops, no more advisers, no more air or artillery strikes, no more looking toward a "Korean solution." In short, we must put the Saigon government on a sink-or-swim basis.

There seems no reason why this shouldn't be done at once. The Saigon government has had the benefit of sixteen years of American training, more than 130 billion American dollars, and more than 45,000 American lives. Its army outnumbers the combined forces of the NLF and North Vietnam by more than 5 to 1, and the ratio of dollar value of military equipment is even more favorable. If we are to believe the advocates of Vietnamization, the other side is debilitated, demoralized, and decimated, its fighting forces consisting primarily of pre-teenagers and old men. If, after we have done so much for it, the Saigon government enjoys so little popular support that it is unable to hold its own, further effort on our part would be wasted.

But above all, we are faced with a choice between saving our POWs and continuing to protect Thieu and Ky from their moment of truth. We cannot do both.

In order to demonstrate good faith, and to safeguard against the possibility of cheating, each side would have to take certain steps, openly and publicly, before proportional repatriation could begin.

The other side would:

1. Publish a complete list of all the prisoners it held, including a description of each man's physical condition. (The list the North Vietnamese recently gave Senator Kennedy did not include descriptions of conditions, there is some doubt as to its completeness, and of course it could not include men captured after the list was compiled. No lists at all have been released by the NLF or the Pathet Lao.)

2. Publish a list of men who died in captivity, including date and cause of death.

3. Agree to repatriate prisoners in order of the length of their captivity, with the exception that those in serious need of medical attention would be returned first.

4. Agree to send all Chinese and Russian military advisers out of North Vietnam, and to permit the intermediary to verify that this had been done. If the Saigon army is to carry on without outside advisers, it is fair that the other side do the same.

5. Agree to refrain from initiating military action against departing American troops. (This calls merely for a reaffirmation of Madame Binh's statement of September 17.)

In return, the United States would:

1. Agree to continue to publicize the number of its troops remaining in Vietnam, as we have done in the past.

2. Agree to publicize the number of American troops in all of Southeast Asia, in order that they could be included in the proportional withdrawal schedules.

3. Agree to allow the intermediary to inspect our books and run whatever other checks it felt were necessary to verify that we did not have more troops in Southeast Asia than publicly admitted, and that we were not rotating in more men than we were taking out.
Both sides would agree to accept the intermediary as final judge of alleged violations of the agreement.

Certain questions naturally come to mind with respect to proportional repatriation:

What do we do if they offer to release all the POWs immediately? We accept. We get our men out as fast as we can load them onto planes. Meanwhile, the POWs will have been turned over to the intermediary, and we'll have no further worries about their medical care or living conditions. It might take us a month to fly all the troops out of Southeast Asia; the difference between this and a year of continued fighting will be more than 2,500 American lives. We'll have to abandon several billion dollars worth of equipment that we'd prefer to dismantle and evacuate, but lives are more important than computers and aluminum runways.

What do we do if they don't offer to release any POWs? If they reject proportional repatriation because of a specific detail, such as the date for total withdrawal, we'll at least have a basis for meaningful negotiations. It's inconceivable to me that they would reject the plan out of hand, but if they did we'd simply be back where we are now.

Isn't it possible that the other side could keep unacknowledged prisoners hidden in remote camps where the inspectors might never find them? That is possible no matter what course we follow. Even if we were to invade and occupy all of Southeast Asia, the opposition might still keep a number of American prisoners hidden away deep in the jungle. Proportional repatriation minimizes the possibility by providing the strongest possible incentive not to cheat.

The Vietnamese who hold our men prisoners have been fighting almost continuously for thirty years to drive foreigners out of their country. Agreement on proportional repatriation would set the date of final success only months away. No matter how carefully they hid the prisoners, the possibility of being found out could never be completely eliminated. The last thing in the world they would want to do would be to jeopardize the withdrawal of American troops by violating the agreement.

What do we do if they attack us as we're leaving, creating another Dunkirk? Attacks on withdrawing American troops would violate the proportional repatriation agreement, as well as the present stated policy of North Vietnam and the NLF. It is always implicit that we shall do whatever is necessary to protect our troops. It would be incredibly stupid of the North Vietnamese or the Vietcong to hamper our withdrawal in this way, and they know it.

How do we know they won't play along with us for a while, then abrogate the agreement before they've returned all the POWs? We know they won't do so because if they did we'd come out ahead. Partial repatriation is of considerable value to us but, to reiterate, partial American withdrawal is of very little value to them.

How do they know we won't play along with them for a while, then abrogate the agreement before we've pulled out all our troops? They know that the domestic political penalties falling upon a President who did this would be prohibitive. Current polls show the American people favoring, by margins ranging between 2 to 1 and 3 to 1, legislation to compel total withdrawal within one year—even if we don't get the POWs back. Once the withdrawal date was set, public support for ending the war would become even greater. Nothing could persuade the American people to re-elect a President who then reversed course and plunged us back into the quagmire we had almost escaped.

Don't we have an obligation to stay in order to prevent the blood bath that might follow a Communist victory? First the behavior of the Thieu-Ky government has given no reason for confidence that the blood bath which might follow a Communist victory would be any greater than that which might follow an anti-Communist victory. The post-civil-war blood bath in Asia is hardly peculiar to communism, as the victorious Indonesian anti-Communists demonstrated a few years ago, when they put nearly half a million Communists and alleged Communists to the sword.

Second, the worst blood bath of all is that which we create by staying and prolonging a war which the Vietnamese would have settled among themselves years ago.

Third, the South Vietnamese people themselves expressed their feelings on this matter last summer in a poll, conducted by the Pentagon East, which found 65 per cent wanting all Americans out of their country, 5 per cent wanting the Americans to stay, and 30 per cent undecided. (Despite attempts to suppress the
poll, the irrepressible Sen. Stephen Young of Ohio, now unfortunately retired, found it out and read the results into the Congressional Record.)

We don't recognize either the National Liberation Front or the Pathet Lao as independent agents. What do we do if they refuse to negotiate through the North Vietnamese, and instead insist on separate settlements? If we can get our men back by separate settlements, then let's make separate settlements. Between them, the XLF and the Pathet Lao hold eighty-two known American prisoners, and may hold up to 700 more. The freedom of even eighty-two men is more important than whatever debating points can be gained by refusing to concede the independence of these groups.

How about a military solution to the POW problem? Why don't we resume heavy bombing, or perhaps conduct more raids such as the one on Sontay? The North Vietnamese have already proved that they respond to heavy bombing in the same way as did the citizens of London and Berlin during World War II. Bombing doesn't make them give in; it makes them dig in and fight harder. As for the Sontay raid, its results speak for themselves. We can expect similar operations to meet with similar success in the future.

If we can get our men back by separate settlements, then let's make separate settlements. Between them, the XLF and the Pathet Lao hold eighty-two known American prisoners, and may hold up to 700 more. The freedom of even eighty-two men is more important than whatever debating points can be gained by refusing to concede the independence of these groups.

How about a military solution to the POW problem? Why don't we resume heavy bombing, or perhaps conduct more raids such as the one on Sontay? The North Vietnamese have already proved that they respond to heavy bombing in the same way as did the citizens of London and Berlin during World War II. Bombing doesn't make them give in; it makes them dig in and fight harder. As for the Sontay raid, its results speak for themselves. We can expect similar operations to meet with similar success in the future.

In return of the POWs a fair price for withdrawal? Shouldn't we ask for more? To ask a stiff price for withdrawing from Vietnam would be like demanding that a surgeon pay us a stiff price for taking out our inflamed appendix. The war is not an asset to us; it is a colossal liability. It has torn our country in two, plunged our economy into recession, forced us to neglect urgent domestic needs, and exacerbated the cold war. It has cost us the position of world moral leadership we once held. Nothing could serve our national interest more than a simple, quick and total withdrawal, even if we received no concession from the other side in return. If we can get out and at the same time get the POWs back, as it appears we can, we're fools if we don't seize the opportunity.

LETTER FROM MRS. BARBARA R. MULLEN, WIFE OF PRISONER OF WAR


Dear Representative Leggett: This week marks concern for our POW's—again. Congressmen will make speeches honoring, praising and expressing sympathy for these men. Some will infer that support of current U.S. action in the war is necessary in order to support these men. Others will use it as an opportu-
nity to condemn this war. I wonder if any will really try to help us. I've had enough sympathy to drown in self-pity and enough praise to burst an ego—no more please.

If I could crawl into the conscience of each congressman I would ask him to destroy his pat speech and instead spend a solemn hour probing for a real solution to the problem.

It would be naive to expect congressmen to consider the prisoner of war issue completely separate from their own views about the war. Realizing this, I nevertheless ask them to review some elements of the problem objectively.

1. U.S. and world pressure aimed at Hanoi has not been overwhelming, but it has achieved an increase in letters from POW's in North Vietnam. It has not produced information about any of the missing men in South Vietnam or Laos (nearly 800). No POW's have been released in the past year and a half and the North Vietnamese, Viet Cong and Pathet Lao have not lived up to the provisions for POW's in the Geneva Convention. This world pressure strategy has run its course.

2. Negotiations in Paris on POW's have been fruitless. We have offered large numbers of North Vietnamese prisoners in return for ours. We have also offered a cease-fire. Both have been refused. The Communists—NLF and North Vietnamese have stated many times that they will release our POW's in return for a stated U.S. withdrawal date. The Administration has refused to do this. General Hughes, White House Military Advisor, has told me the reason for this is that the POW question must remain humanitarian, separate from political or military considerations. Senator Dole, Chairman of the Republican National Committee, told me (letter dated March 10) that on the question of negotiating for the release of POW's, "... the word of the Communists is difficult to trust." "... that since World War II there have been an endless number of agreements reached with the Soviet Union but invariably they have been broken." These and other Administration statements indicate that the intention is not to bargain for the release of these men.

3. If then the Administration is to insist this is a separate humanitarian issue, we are again left with the same strategy of pressuring the Communists to live up to the Geneva Convention—a strategy that has thus far failed. The Geneva Convention has been ignored by the North Vietnamese though they did sign it (1957). Our only shaky means of holding the Viet Cong and Pathet Lao to the Convention is by virtue of the fact the official governments of Laos and South Vietnam (1963) signed it. The document has been totally ignored by both of these groups, a fact which affects half of the Americans missing in Indo-China.

Repatriation in the Convention is covered in Article 118. It states that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." The important point to remember about the present "Vietnamization" plan is that there will be no clear cut "cessation of active hostilities." Even if we could convince the Pathet Lao and the Viet Cong to consider the Geneva Convention a valid document, when can we tell them that hostilities have ceased if American air power continues in support of ARVN and against supply routes and if U.S. equipment is still being used in combat?

I ask much more of the members of Congress this week than another "Memorial Service." I ask them to seriously consider the difficulties I have outlined and suggest a way out of the deadlock. I am not satisfied with President Nixon's "no bargaining for these men" position. I think for some heroic reason he respects their sacrifice, but has built his approach to their repatriation on wishful thinking. On the other hand Congressmen who oppose this war have allowed deep resentment toward the war to override human feelings toward fellow Americans held captive in the conflict. Not as hawks or doves, but as Representatives in the U.S. Congress, Congressmen owe a responsibility to these men.

In all of Congress only one specific plan for return of these men has emerged. The proportional repatriation withdrawal plan proposed by you, Congressman Leggett, and twenty-two other representatives takes cognizance of the only offer the communists have thus far made for the release of our prisoners. It seems realistic and has given many families a first sense of hope in years. I ask all Congressmen to consider this plan. If it is acceptable, support it. If not, please offer another concrete plan in its place. Please find a way to convince our President to bargain realistically for these men. The longer we wait, the fewer of them there will be to bring home.

I close on a personal note. If my husband ever lives through these years of internment in the jungles of Laos, he may ask why he was left there so long. What can I answer him? During his first 2½ years of captivity government officials
and Congress were silent and his sons grew from babies to little boys. During the following year the war continued the same, his oldest son started school, the President announced publicly that there were American prisoners of war and Congress passed a resolution saying they supported them. The war went on another year and Congress designated a day of prayer for my husband and other missing Americans. The following year members of Congress called a joint session and said they still supported him. In March of 1971 his sons were half grown and Congress took note of a week of concern.

Very sincerely,

BARBARA R. MULLEN.

Mr. Leggett. The basis of proportional repatriation is a trade of troop withdrawal for total prisoner release.

Proportional repatriation is consistent with and complementary to the Mansfield and Cook-Stevens proposals. The committee could combine them if it so desires. It seems clear that the final settlement of the war will be along these or similar lines, aside from any question relating to the Thieu-Ky government. But now Secretary Rogers, in the statement to which I referred a moment ago, is saying we will not go as far as they have; he is saying we have other "national objectives" that take precedence over the withdrawal and prisoner issues. I feel our policy is counter to the national interests and should be changed. I hope the House and this committee can play an active part in changing it.

Finally, I hear it said that we should leave foreign policy to the President, that he is the only one who is qualified.

This is what we heard 5 and 6 years ago, this is what we did, and we have been regretting it ever since. The present policy is fully as well intended as the Johnson policy, but it appears to be equally erroneous.

We were wrong to uncritically accept the Johnson policy. Our country has suffered grievously as a result. I hope we will not make the same mistake again.

Thank you very much.

Mr. Gallagher. Thank you, Mr. Leggett, for your statement.

Mr. Leggett, one of the things that always intrigued me and some of my colleagues is that when unofficial people such as yourselves visit the North Vietnamese negotiators, they indicate at all times that they are ready, willing and able to perform any and all functions to bring the war to a halt, if we would do just some things ourselves. Yet we do things and we never see any action on the other side. How would you explain that?

Mr. Leggett. Well, the only way I can explain it is I perhaps have already made reference to the fact that we have got a ball club which is our negotiating team under Ambassador Bruce. I might say while I was in Paris, I cooperated with that negotiating team, I fully was briefed by them immediately prior to my conferences with the Communists, and I was fully debriefed by them through their stenographers after my conferences. And my informal conferences are that really Mr. Wolff and myself, Mr. Halpern, have received more answers to more questions in our informal conferences in just a few hours than the formal conferences have been able to obtain in several years of negotiating.

Now, they might be dumb answers and they might be inaccurate, but I tend to think that in an atmosphere of informality, things can hap-
pen. Secondly, I say that—and I told the White House this—that until you free your negotiators up so that they have the same flexibility to speculate on possible scenarios of ending the war and don’t have to constantly reiterate the line of “why don’t you get your troops out and we will get our troops out,” we pretty well determined that we are not going to wait for them to get their troops out, so why go through all that? If we could free our negotiators up to speculate on what kind of hard things we can get if we get out, for instance, by Christmas, or Washington’s Birthday, or Easter time, write it out, our official people can get it laid out.

I am satisfied they can. But I am satisfied of this: That in spite of the informality of our talks and the things we came back with when they have their confrontation, formal confrontation after those meetings, and the confrontation says, well, have you changed your mind because of your Leggett-Wolff meeting or something like that, they will say, “Hell, No, our position remains exactly the same.”

What I am saying is that the things that we have firmed up in private can be firmed up officially also in private if they have the same flexibility of negotiating that we have, and apparently you don’t get the thing untrapped in public by informally and unofficially un-tracking it in private.

I say that really the things that we have done should be followed along by official administration people, and I think if that occurred, I think you would find it at a degree of consistency.

Mr. Gallagher, I certainly agree with your approach. I do know some of the things that happened at these meetings, because I have seen some of the transcripts. It is inconceivable to me that two administrations who have been now sitting with them in Paris, represented by some of our most able men, fully authorized, possessing all credentials, that they have not tried every possible avenue of approach. I think in doing that they never seem to get the kind of meaningful answers that our unofficial people get such as yourself and my distinguished colleague, Mr. Wolff.

Could that indicate that they may be talking out of both sides of their mouth?

Mr. Leggett. I think it is like an insurance adjuster. You can talk to these guys and they may be willing to settle, but they will never really admit that you have a fractured leg because they just don’t have that kind of—they don’t want to admit a single thing against the interest of the company. I tend to think that these negotiators are exactly the same way that—what they are doing, they are letting us know where they are prepared to really negotiate, but then when you try to relax them in public, they are not prepared to relax until you are prepared to make a total deal.

Mr. Gallagher. It is not a question of public talks. We are talking about private talks between people who have authority to say all troops would be out at a certain point upon authorization from the President, and that we could totally withdraw, that we could do all sorts of things. We have been telling them that for 2½ years. About the only thing we haven’t told them is that we would drag the Saigon government home with us, which is rather the essence when you get down to trying to negotiate meaningfully.
Mr. LEGGETT. Of course, we are talking now about their inconsistency. Of course, I dwelled—

Mr. GALLAGHER. No one talks about their inconsistency, but about how we are totally inconsistent.

Mr. LEGGETT. I think both sides are inconsistent, and we have come a long way as a practical matter as to what we would settle for.

Our original idea was we are not going to get out of there until you stop infiltrating. We are not going to get out of there until you stop—take your troops all the way home. We have come a long way as far as what our basic standard is that we are willing to operate from.

I believe a lot of this flows from the election of President Nixon where they were really at a complete turnaround and determined that we are turning the war over to the Vietnamese, no matter what happens.

Mr. GALLAGHER. When the first meetings were agreed to, there was no possibility of discussing very much because at that point they wouldn't talk of anything except tables.

Mr. LEGGETT. I think now, really, very frankly, disregarding all of the prior reasons why they were unable to make an agreement, I believe that the Communists really now believe that we are going to get out. They denied for a long time we were going to get out. I do believe that now they are prepared and understand that.

I believe that the real problem right now is that we think time is on our side, and they think time is on their side, so not much happens. As a practical matter, I think it is to our mutual advantage that we work out an agreement at the present time with the maximum number of people in the country, that we have our maximum bargaining power, recognize what our base line is, and our base line is cease-fire, troops out before the deadline, get it in concrete, get our list of prisoners back out and assume no bombing and no shelling, and such as that.

If we are prepared to spell that out, I think they are prepared to negotiate along those lines.

Mr. GALLAGHER. I am sure the committee, without any kind of reassurance, would be quite prepared to vote out a resolution, but there is no motion whatever on any of these things we all hope will happen. Therefore, we are left with the point of why, if they are so flexible in private conversations, are they so intractable officially?

Mr. LEGGETT. I would respond to that again, and this might sound like it is argumentative, because we are intractable officially. Why don't we say officially, gentlemen, we are prepared to set a date. Will you agree to sit down with us in private talks and tell us what reasonable date we can agree upon and tell us what we can achieve if we will set a reasonable date. We have not set—

Mr. GALLAGHER. You don't believe we ever indicated that to them?

Mr. LEGGETT. We have not said that, and we have specifically not said that. That is exactly why I think we can't get off dead center.

Mr. GALLAGHER. Having lived with this for some time, I find it difficult to conceive that the able people involved in these two administrations have not conveyed that idea to them. We were the ones who urged the meeting. We were the ones who demonstrated good faith by stopping the bombing, an action everybody felt would do
something. Yet at this point, all they keep doing is talking unofficially, and never talk officially.

Mr. Leggett. I generally get the idea from talking to our negotiators that they feel that they are limited in their discretion. They say, look, we don't make the decisions on this limitation. What limitation? The limitation that we can't bargain on a termination date for the war. They say they say that, I generally gather that it should be dissolved and I think if it were, as bright as these people are, I think they can work it out.

Mr. Gallagher. Obviously, the delegates there, the negotiators, know the President wants to end the war. That is why they give diplomats medals and ribbons and promotions. If they could in some way convey that message and get the message back—

Mr. Leggett. But unfortunately the President has to work through the Joint Chiefs of Staff. While it is obviously to the President's advantage, to the country's advantage, political advantage, to end the war, the military people whom he works through are totally insulated in that situation. They don't really have any particular target dates in mind.

Mr. Gallagher. I am really talking of the Department of State, our Diplomatic Corps, and the White House.

Mr. Leggett. These people can't act until they get ratification from the Joint Chiefs of Staff, believe me, and have never told the White House that about Easter of next year, the Saigon military force will be stable. Well, I say it doesn't take a four- or five-star general to extrapolate out about a year and figure out just about what the military situation might be. If you want to play it very, very close to the vest, as JCS has always done, then they are never going to tell the President until he virtually forces them into a decision, but the military situation as of this point is stable, and I think the tail must stop wagging the dog.

The President has to start giving leadership. If he would rely on his input and project out that his second condition, which bothers the heck out of the Communists, the stability of the Thieu-Ky government, if he would say they will be stable in 6 or 8 months, then we could set the date on the basis of that and start your negotiations, and I believe the war could be resolved to the maximum benefit as possible. But unless the President is prepared to do that, and prepared to make some rather tough decisions, the very conservative advisors that he has in the military side are just not going to take it on themselves to say it looks like Easter they will be stable, Mr. President, especially if around the horn is another Tet offensive that CIA has been developing information on. I tend to think that we just have to take the leadership. The President has to do that, and has to take it away from both the State Department and from the military departments, and tell the negotiators in Paris exactly what they want to hear, and I think we can get peace.

Mr. Gallagher. You said in your statement that it would be suicidal for us not to get things lined up before doing it.

Mr. Leggett. Exactly.

Mr. Gallagher. That seems to be the crux. How do we get things lined up?
Mr. Leggett. Pass proportional repatriation, or something similar.立法一个日期的撤军，根据囚犯的释放情况。这个日期是一个魔术般的存在，因为它可以带来各种好处，但直到囚犯可以被释放，至少在私底下，我肯定不会设定这个日期。

Mr. Gallagher. That concerns this subcommittee. I appreciate your saying it.

Mr. du Pont?

Mr. du Pont. Thank you.

Mr. Leggett, you have obviously done a great deal of work in this whole area, given a lot of thought. I would like to use my time to try to get down to bedrock a little bit and see if we can get some hard answers to what I think are some of the hard questions.

I would, first of all, take issue with the statement you just made, that setting a date is magic. There is no magic in foreign relations. There is hard work. It just isn't going to happen by waving a magic wand.

Maybe we could start by clearing up a little confusion in my mind. You stated at the beginning of your testimony that you thought we made tremendous progress in reducing our troops by approximately half. You stated a little later on that with the election of President Nixon there had been a complete change in our policy. You stated a little further on in your testimony, and I quote, "that the Communists finally believe we will get out." But you don't appear to believe we will get out, because you authored this resolution.

What do the Communists see that you don't see?

Mr. Leggett. I tend to think we are going to get out. I would like to get out as unmessy as possible, and in spite of, you know, a lot of times guys win football games, and they start losing them. Frankly, I would like to see the President as successful in this area as possible.

Very frankly, if he gets us out of Vietnam very neatly and cleanly, why, I think—and does it by election time next year, I think he earned some real supporters. But the problem is that I have seen too much—I talked to Dave Packard about not having control of maybe 10 percent of the brass that might cause some problems, and he will informally tell me that he didn't really have control of 90 percent of the brass that works for him.

This idea of civilian leadership over the brass is more a figment than an actuality. I do stand on all of those ambivalent statements. We had good success. The Communists do think we are going to get out. But we can get ourselves into a real mess unless we assert further management.

I tend to think, from kind of putting my hands on the shoulders of the negotiators that they want more latitude. I think if they had it, I think we could make some progress.

I agree with you, it may well be a date may not work magic. It may well be that we do that and then we will come on to something else. We have talked about the release of all prisoners of war on the setting of a date, and that includes ours and it includes theirs, and there might be a real problem in releasing theirs.

Do they want to go? Do you give the prisoners back to the Viet Cong? Do you give them back to the Viet Cong while that war is still going on? All kinds of things crop up.
Mr. Du Pont. It is a very difficult area and I don't mean to suggest that it is all a bed of roses. I must admit that the more you talk the more confused I get. I thought a moment ago you said if Mr. Nixon got all the troops out by election time that you would be satisfied and that is not my impression of your position here, but——

Mr. Leggett. As far as I am concerned, I would be satisfied for election day.

Mr. du Pont. I don't want to get into semantics here. Let me ask you a specific question.

If we accepted the Mansfield resolution which you urged upon us a few moments ago, and if the North Vietnamese came back to us and said, we are sorry, no prisoners until you stop economic aid to South Vietnam, would you be willing to vote on the floor of the House for a resolution to stop withdrawing troops?

Mr. Leggett. I would have to think that over for a long time. You can envision all sorts of scenarios that would present rather difficult problems.

This war has divided the North and South, and Democrats and Republicans, has ruined our aerospace business, ruined our Navy, torn this country, and laid the foundations for long-term problems. You know, if you want to get down to the real hard questions that I would have to decide confronting my conscience, I would suspect that a $3 billion economy over there, with the small degree of liberty that they have, with only one kind of party running the thing and the very limited press and such as that, it is questionable whether or not that little $3 billion country is worth destroying this trillion dollar country.

Mr. Du Pont. Doesn't this point up the problem? One of the dangers in my view of resolutions such as the Mansfield resolution is that they might make things worse, because if they are accepted and if there are conditions attached to them, we come to the awful day when one of those conditions isn't met, and as you yourself just said, you would have to search your conscience and think about it. I wonder that we wouldn't end up in a worse mess than simply pursuing a policy in which we continue to withdraw troops and one day they are gone.

Mr. Leggett. Well, I would hope that it is that simple, and certainly it is politically advantageous that it be that simple, but knowing the military infrastructure and the checks and balances that we have, I tend to think that unless we have it planned out and we know a little more about where we are going, it won't work.

Of course, like you say, rely on the leadership. We are in this mess now because we relied on leadership. Now we have to figure out: Should we assert ourselves or rely on leadership to get ourselves out? Obviously, the neat way to get out is rely on leadership.

Mr. Du Pont. We are halfway out relying on the leadership.

Mr. Leggett. Exactly.

Mr. du Pont. Maybe we are not doing too badly.

Mr. Leggett. We are not doing too bad. We are a lot better off than when we were losing the great number of people we were.

Mr. Du Pont. Could I turn to the resolution you sponsored and which I had an opportunity to study?

It has some good points to it. The central question to it, if we adopted this resolution, report it out of committee, and it passed the House, is in the last section of it, section 3. This section has a long list of
requirements imposed on the North Vietnamese: that they allow inspection in their camps to see how many prisoners are left; that they specifically send "all Chinese and Soviet military advisors out of the Democratic Republic of Vietnam" and allow certification that it has been accomplished.

Why do you feel any hope if they won't discuss any more than they have discussed to date, if they won't let the Red Cross come in, if they won't let Christmas presents come in, if they won't supply a list, why do you think they would ever conceivably agree to these conditions which admittedly would be very helpful?

Mr. Leggett. It is to our mutual advantage to do so, if by doing this they can get us out of there. I think they have plenty of benefits on that.

As a practical matter, I was a little bit amazed in talking with them to find out that they weren't asking, well, if you set a date to get out, how do we know you are really going to get out? The reason we developed the proportional repatriation program was we assumed that that would be the hard question to resolve. If you set a date to get out, how do you make sure you get the prisoners? We had the proportional way made sense.

We had a lot of coauthors on that resolution. They tacked a lot of things on that weren't in the original concept. It went both ways. Originally, we had no disengagement date and the doves didn't like it. So, we put that date on it, and it has been substantially modified. The North Vietnamese can see some benefit in getting rid of these prisoners, but they are going to use them, whether you can or not. They are going to use them.

I tend to think that we ought to go ahead and bargain. There is a way to do it.

Mr. du Pont. Your feeling is, then, that the setting of a date, while obviously important, is less important than the date be publicly set. In other words, one alternative might be to have a date in an envelope here in the committee room and you and I would know for an actual fact that that was the end. But you feel that that wouldn't be good enough. That it has to be a public date or we won't make any progress with it.

Mr. Leggett. That little note in the committee room might be very consoling to the chairman of the committee and the leadership of the committee, but it is not going to do a prayer as far as getting the prisoners back, is it?

Mr. du Pont. Well, now we are getting somewhere.

Mr. Leggett. We are going to have to bargain over prisoners prior to the time you get out, right?

Mr. du Pont. Are you suggesting that—-

Mr. Leggett. I don't mean to ask you questions.

Mr. du Pont. Are you suggesting that the residual force concept is an important one that we cling to?

Mr. Leggett. What I am saying is that the President has said that we are not going to get out until we get the prisoners back. That means that as long as he is President or anybody is President, I am for that. I don't think we ought to get out until we get the prisoners back. But
at the same time, we must realize we aren't going to get the prisoners unless we get out.

Mr. du Pont. Mr. Leggett, I am going to quit while I guess I am ahead. I thought that your position was that you were in favor of a fixed date and setting it by resolution, but the more we talk—the more your position seems foggy to me.

Mr. LEGETT. Well, it is complicated, and it is a complicated subject. I am sorry I confuse you.

Mr. du Pont. Let me say I appreciate all the work that you have put in, and you have obviously thought through it very carefully, and I will continue to give your thoughts our thought as we debate on these various resolutions.

Thank you, Mr. Chairman.

Mr. GALLAGHER. Mr. Wolff?

Mr. WOLFF. Thank you, Mr. Chairman.

First of all, I would like to compliment our colleague who has appeared before us here today on the initiatives he has taken over a long period.

I would also like to clear up a couple of misconceptions that seem to be developing during these hearings. That is the fact that we are trying to do an awful lot of thinking for the Communists. I don't think anybody can do the thinking for them. It is time we thought for ourselves. What is in the best interests of this Nation? That is what should precondition our actions.

I think it is well that we ought to give some consideration to the fact: Is the glass half empty or half full? Have we gotten half out of Vietnam or half in? That is one of the basic considerations involved.

I think also we ought to consider the intent of our policy. I, for one, don't believe that it is the basic intent of the present administration to get out of Vietnam. I think however the present indications seem to evidence the fact that we are prepared to stay in Vietnam for some time to come. What that some time is, nobody knows. But the mere fact that we will condone the idea of permitting elections to go through as they are forecast with the possibility of one candidate being the only choice that remains for the people of South Vietnam is indicative to me that what we seek to do is to perpetuate a regime rather than attempting to provide a climate for the free exercise of the will of the people of South Vietnam.

I think it is very important that we do provide the climate for free elections, and the exercise of the will of the people of South Vietnam. That is the reason for any commitment in the first place.

I would like to answer also some of the statements made by our colleague about his talks with the North Vietnamese. I had some talks as Congressman Leggett has. I don't believe the North Vietnamese. But I must say that after speaking to them, they have indicated that there have been no substantive talks for at least a year and a half now.

As a result, I think that there has been really no progress made in Paris other than the unilateral propaganda by both sides.

I think another point must be cleared up—on the cessation of the bombing of North Vietnam. We stopped the bombing because it was ineffectual as has been revealed in a number of military papers. It was not worth the cost and we could gain bargaining points to stop the bombing.
Now, one aspect of this entire situation that has been revealed by a
colonel, one of the most decorated officers in Vietnam, who stated re-
cently that the major problem that has developed is the fact that we
have tried to fight a guerrilla war with conventional means, and we
are still doing that. It seems that that policy can never either win or
get us out of Vietnam.

I would like to ask the gentleman one basic question. You are a mem-
er of the Armed Services Committee? As such, you are responsible
for the basic authorizations for funds for Vietnam. What has been
given to the Armed Services Committee as to the explanation of Viet-
namization, how long will Vietnamization take, and how much do we
expect to spend on this process?

Mr. Leggett. We have been given no estimates of money and no esti-
mates of time.

Mr. Wolff. Do you happen to know how much there is in the way of
transfers of equipment in addition to appropriated funds for the South
Vietnamese?

Mr. Leggett. Well, you have been in Vietnam, as I have. We have
massive permanent structures, buildings, equipment, et cetera, and
massive amounts of that are just more expensive to move than they are
to leave right there. I am sure all of that has been turned over.

Mr. Wolff. Has the Committee of the Armed Services been
informed as to the amounts involved that we are transferring as we
are moving our troops out and turning over to the South Vietnamese,
the ARVN? Have you not been informed as to the amount of equip-
ment that is being turned over to them?

Mr. Leggett. I am sure we have it in generalities. I don't know
whether we have it itemized.

Mr. Wolff. I thank the gentleman.

Mr. Gallagher. Thank you very much, Mr. Leggett. I certainly
want to compliment you as one of our distinguished colleagues who
has done such energetic work in this important matter.

The subcommittee will stand recessed for 10 minutes so we can vote.

(A short recess was taken.)

Mr. Gallagher. The subcommittee will come to order.

We now have the pleasure of hearing from Congressman John
Anderson, Republican, of Illinois.

Mr. Anderson is chairman of the Republican conference in the
House of Representatives and my fellow Democrats hold him also in
very high regard.

I have had the opportunity to review your statement, and find that
as usual you speak perceptively and persuasively, and directly to the
concerns of this subcommittee.

I would be pleased if you would begin and we welcome you here
this afternoon.

STATEMENT OF HON. JOHN B. ANDERSON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ILLINOIS

Mr. Anderson. In addition to speaking hopefully persuasively and
succinctly, I am going to try to speak briefly and defer to my dis-
tinguished colleague from Florida, Mr. Pepper, who was kind enough
to allow me to proceed.
I am most grateful for this opportunity to appear before you today to discuss the issue of the Indochina war, and more specifically, American policy and the role of the Congress.

I want to commend you on calling these most valuable hearings, not only to hear testimony on the many resolutions and bills pending before you, but to further educate the American public, and hopefully, to give this Congress the guidance it needs to redefine and reassert its legitimate role in the foreign policy process.

At the outset, let me say that the views I present here today are my own, and not those of the Republican conference of which I am chairman, nor of the administration.

Last week the House of Representatives rejected what had been billed by some as an "end to the war amendment." I cast my vote against that amendment because I felt it would only serve to mislead the American people and raise false hopes. For while the authors of that amendment took pains to point out that their amendment would not, in fact, do what it said it would do—that is, cut off funds for the further deployment of American forces in or over Indochina after December 31st of this year—the fact remains that to a large segment of the American public this was an end the war amendment that was supposed to do just that. My mail reflected that perception as I am sure much of yours did.

I think we all have to be especially mindful at this time of what Max Weber has called the "ethic of responsibility" which has to do with the consequences of our moral actions; for it is every bit as important as the other ethic mentioned by Weber—the "ethic of ultimate values and ends." I do not see how I, as a legislator, could discharge my ethic of responsibility by voting for an amendment wrapped only symbolically in the ethic of ultimate values and ends. It seems to me it would only be compounding the tragedy to mislead the American public on our disengagement from Vietnam after our experience of being misled into that tragic war in the first place.

I think brief mention should be made here of how we were misled into South Vietnam. I do not do so for the purpose of pointing the finger, but rather for the purpose of pointing the way—the way out, and the way to conduct ourselves in the future with respect to our foreign commitments.

As I mentioned during the debate on Nedzi-Whalen last week, I think part of the tragedy of Vietnam was the manner in which, by calculated deception and deliberate withholding of information in a prior administration, Congress was not even in possession of the operative facts so that it could share in an intelligent way in the responsibility of our involvement in Southeast Asia. This process of gradual attrition to the point of emasculation of legislative influence in matters of foreign policy began long ago, and I believe it is neither constitutionally warranted nor wise.

I think there is widespread consensus among hawks and doves alike in the Congress that the legislative branch must play a larger role in decisions of war and peace, in accordance with the powers delegated to us by the Constitution. Last summer I was privileged to testify before the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments on the war powers of the President and Congress. And without specifically endorsing any of the pending war
powers bills, I made several suggestions for strengthening the hand of Congress in this area.

While I realize that this subcommittee does not have jurisdiction in this area, your full committee does, and I think it does have at least an indirect bearing on the subject you are considering today—the Indochina war.

First, there should be prior consultation between the Congress and the Executive in all situations involving the deployment or possible deployment of American military forces. This does not necessarily mean the entire Congress would have to be consulted in all situations. Obviously, for the purposes of secrecy and expedition in a crisis, this may have to be confined to the key congressional leaders. By consultation, I mean to imply more than just presenting these leaders with a fait accompli; there should be some opportunity for prior congressional input in the decision itself, as limited as this might be in a crisis or emergency situation.

Second, once the President has committed American forces on an emergency basis, he should be required to deliver a full and formal report to the Congress conveying all the essential facts and rationale for his actions. This should be submitted within a specified period of time. Congress should be fully informed in such situations so that it can proceed to make intelligent and responsible judgments and decisions based on all the facts.

Third, if the Executive deployment of forces in a crisis situation threatens to balloon into a major national commitment, the Congress must have the decisive role in making the extended commitment. I suggested as a working rule of thumb that if, 30 days after the deployment of these forces they have not been withdrawn, then it should be assumed prima facie that a major commitment is in the making, and Congress should then step in to make a clear determination of the policy course to be pursued.

Finally, if the Congress does decide to extend the commitment, its authorization should be very precise and circumspect, and not of the open-ended, blank check Tonkin Gulf variety.

I think it is especially important that the President have a wide range of options and flexibility with which to respond in a crisis situation. Our new posture of relative nuclear parity coupled with the Nixon doctrine of low profile and regional self-sufficiency is bound to be tested by the two Communist powers to determine whether these new doctrines will give them an additional margin for expansionist activities.

It would therefore be a grave mistake, in my opinion, to limit the options of the Commander in Chief during this delicate transition period when our initial response to provocative probes is of critical importance. I think we can retain this necessary element of flexibility for the Executive while at the same time ensuring a larger role for the Congress through prior consultation, full information, and final determination with regard to sustained commitments.

It is my hope that the committee will report out a responsible war powers resolution which incorporates guidelines and requirements similar to those I have suggested.

Let me move to a matter of more immediate and direct concern to this subcommittee, the subject of this war, our current policy with respect
to that war, and what initiatives this Congress might take to influence that policy. I know this subcommittee has a large number of bills and resolutions pending before it on this subject, and I have today introduced my own concurrent resolution for your consideration.

I strongly feel that what is needed at this time is a clear congressional declaration of national policy in Indochina to fill the vacuum left by the repeal of the Gulf of Tonkin resolution. And the proper vehicle for this, it seems to me, is a sense of Congress resolution as opposed to a meaningless funds limitation rider like Nedzi-Whalen or an actual funds cutoff amendment that would tie the hands of the Commander in Chief.

When I suggested such a sense-of-Congress resolution during the debate on Nedzi-Whalen last week, one of my good friends and colleagues got up on the House floor and mildly rebuked me by saying, and I quote:

I have had one of those "sense of Congress" resolutions about ending the war. One which I introduced last year and another which I introduced this year. And all they have been good for so far is to gather dust on the shelves of the Committee on Foreign Affairs.

I think his point is well-taken. Such resolutions are meaningless so long as they go nowhere. So, it is my earnest hope that this subcommittee will not only provide a valuable forum for discussing our policy and the various resolutions, but that it will report out a meaningful measure and give the full House an opportunity to officially offer its policy guidance on Indochina.

Some say that even if a sense of Congress resolution is reported and passed by both Houses, it will be virtually meaningless. I cannot agree with that view. Granted, such a resolution would not have the force of law or in any way bind the President. At the same time, it must be conceded that a forceful and substantive congressional declaration of policy would have a profound influence on the Executive, to be ignored at his own peril.

I would now like to discuss the specific provisions of the resolution which I introduced today, a copy of which is appended to this testimony. (See p. 128.)

The "resolved" sections are prefaced by three "whereas" clauses which recognize the President's policy to bring an end to the war through the withdrawal of our troops, through a reduction in the level of hostilities, and through negotiations. It further recognizes that he has already withdrawn over half our troops since taking office and will have withdrawn over two-thirds by this December 1. Finally, it recognizes that the President has stated our goal to be "a total American withdrawal from Vietnam."

At the heart of my resolution are three congressional declarations of national policy on Indochina.

First:

That it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such troops at the earliest practicable date.

Second, that it is the national policy:

To accelerate and complete such withdrawal by a date certain.
Provided there is a negotiated agreement to release and repatriate all American prisoners of war being held in Indochina 60 days prior to that date certain, and to guarantee the safe and orderly withdrawal of our remaining forces from South Vietnam.

And third, that it is the national policy:

To provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July, 1969, and to arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

Let me make several points about this resolution and how it relates to our present policy, and then answer any questions you might have.

First, I think it is important that this Congress affirm that our primary goal in Vietnam should be to get out of Vietnam as soon as practicable, and to bring our prisoners of war home with us. I do not think this represents any radical departure from goals enunciated by the President on numerous occasions.

In his press conference of March 4, 1971, the President said, and I quote:

As far as our goal is concerned, our goal is to get all Americans out of Vietnam as soon as we can by negotiation if possible and through our withdrawal program and Vietnamization program if necessary.

Again, April 7, 1971, he said:

Our goal is a total American withdrawal from Vietnam. We can and will reach that goal through our program of Vietnamization if necessary. But we would infinitely prefer to reach it even sooner—through negotiations.

Now, in the past, our negotiating position has centered on the possibility of an all-Indochina settlement. In his report of October 7, 1970, the President outlined a five-point peace initiative to include an Indochina cease-fire, an all-Indochina peace conference, a mutual withdrawal of all outside forces from South Vietnam on a 12-month timetable, a release of all POW's in Indochina, and a political settlement in South Vietnam.

While we have not completely abandoned hope, I think it has become increasingly apparent that the chance for such a comprehensive settlement has grown more remote with the passage of time.

In his press conference of February 17, 1971, the President expressed disappointment that no progress had been made at the Paris peace table, but added, and I quote:

We will continue to pursue the diplomacy for a primary reason, the primary reason being to negotiate some settlement of the POW issue. As we have to realize as far as a negotiation affecting a political settlement for South Vietnam is concerned, time is running out for the North Vietnamese if they expect to negotiate with the United States. Because as our forces come out of South Vietnam, it means that the responsibility for the negotiation, increasingly, then becomes that of South Vietnam.

Again, on April 16, 1971, the President said:

We have not given up on the Paris talks. I would suggest that the moment of truth is arriving with regard to the Paris talks because time will soon run out. As the number of our forces goes down, our stroke at the negotiating table recedes and the South Vietnamese's greatly increases. So, if they want to negotiate with the United States, the time for negotiation, except for the prisoner of war issue, of course, is rapidly drawing to a close.
I will skip the next references I make to statements on this point by the President, because I think to some extent they are repetitive, and I would ask leave that my entire statement appear in the record.

Mr. Gallager. Without objection, so ordered.

(The statement referred to follows:) STATEMENT OF HON. JOHN B. ANDERSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman and members of the subcommittee, I am most grateful for this opportunity to appear before you today to discuss the issue of the Indochina War, and more specifically, American policy and the role of the Congress. I want to commend you on calling these most valuable hearings, not only to hear testimony on the many resolutions and bills pending before you, but to further educate the American public, and hopefully, to give this Congress the guidance it needs to redefine and realign its legitimate role in the foreign policy process. At the outset, let me say that the views I present here today are my own, and not those of the Republican Conference of which I am chairman, nor of the Administration.

Last week the House of Representatives rejected what had been billed by some as an "end the war amendment." I cast my vote against that amendment because I felt it would only serve to mislead the American people and raise false hopes. For while the authors of that amendment took pains to point out that their amendment would not in fact do what it said it would do—that is, cut off funds for the further deployment of American forces in or over Indochina after December 31st of this year—the fact remains that to a large segment of the American public this was an end the war amendment that was supposed to do just that. My mail reflected that perception as I'm sure much of yours did.

I think we all have to be especially mindful at this time of what Max Weber has called the "ethic of responsibility" which has to do with the consequences of our moral actions; for it is every bit as important as the other ethic mentioned by Weber—the "ethic of ultimate values and ends." I do not see how I as a legislator could discharge my ethic of responsibility by voting for an amendment wrapped only symbolically in the ethic of ultimate values and ends. It seems to me it would only be compounding the tragedy to mislead the American public on our disengagement from Vietnam after our experience of being misled into that tragic war in the first place.

And without becoming embroiled in a discussion of the historical roots of our involvement, I think brief mention should be made here of how we were misled into South Vietnam. I do not do so for the purpose of pointing the finger, but rather for the purpose of pointing the way—the way out, and the way to conduct ourselves in the future with respect to our foreign commitments.

As I mentioned during the debate on Nedd-Whalen last week, I think part of the tragedy of Vietnam was the manner in which, by calculated deception and deliberate withholding of information in a prior administration, Congress was not even in possession of the operative facts so that it could share in an intelligent way in the responsibility of our involvement in Southeast Asia. This process of gradual attrition to the point of emasculation of legislative influence in matters of foreign policy began long ago, and I believe it is neither constitutionally warranted nor wise.

I think there is widespread consensus among hawks and doves alike in the Congress that the legislative branch must play a larger role in decisions of war and peace, in accordance with the powers delegated to us by the Constitution. Last summer I was privileged to testify before the House Foreign Affairs Subcommittee on National Security Policy and Scientific Developments on the war powers of the President and Congress. And without specifically endorsing any of the pending war powers bills, I made several suggestions for strengthening the hand of Congress in this area. While I realize that this subcommittee does not have jurisdiction in this area, your full committee does, and I think it does have at least an indirect bearing on the subject you are considering today—the Indochina War.

First, there should be prior consultation between the Congress and the Executive in all situations involving the deployment or possible deployment of American military forces. By this I do not necessarily mean the entire Congress would have to be consulted in all situations. Obviously, for the purposes of
Secrecy and expedition in a crisis, this may have to be confined to the key Congressional leaders. And by consultation, I mean to imply more than just presenting these leaders with a fait accompli: there should be some opportunity for prior Congressional input in the decision itself, as limited as this might be in a crisis or emergency situation.

Secondly, once the President has committed American forces on an emergency basis, it should be required that he deliver a full and formal report to the Congress conveying all the essential facts and rationale for his actions. This report should be submitted within a specified period of time. I cannot overemphasize the need for Congress to be fully informed in such situations so that it can proceed to make intelligent and responsible judgments and decisions based on all the facts. Recent evidence which has come to light seems to indicate that we have not been so apprised in the past, and this has certainly impaired our ability to act in an informed and prudent manner.

Third, if the Executive deployment of forces in a crisis situation threatens to balloon into a major national commitment, the Congress must have the decisive role in making the extended commitment. I have suggested as a working rule of thumb that if, 30 days after the deployment of these forces they have not been withdrawn, then it should be assumed that a major commitment is in the making, and the Congress should then step in to make a clear determination of the policy course to be pursued—that is, whether to extend or terminate that commitment.

Finally, if the Congress does decide to extend that commitment by joint resolution or other means, its authorization should be very precise and circumspect, and not of the open-ended, blank-check Tonkin Gulf variety.

To quote from my concluding statement to the subcommittee last year—

“Our primary concern . . . must be to ensure that Congress plays a decisive role in any future decision to undertake major commitments of American armed forces abroad; in the process, however, we must be careful not to circumscribe the President’s capacity to respond in crisis situations.”

I think it is especially important that the President have a wide range of options and flexibility with which to respond in a crisis situation. Our new posture of relative nuclear parity coupled with the Nixon Doctrine of low profile and regional self-sufficiency is bound to be tested by the two major Communist powers to determine whether these new doctrines will give them an additional margin for expansionist activities. It would therefore be a grave mistake, in my opinion, to limit these options of the Commander-in-Chief during this delicate transition period when our initial response to provocative probes is of critical importance. I think we can retain this necessary element of flexibility for the Executive while at the same time insuring a larger role for the Congress through prior consultation, full information, and final determination with regard to sustained commitments.

So let me say in concluding this portion of my testimony that it is my hope that the House Foreign Affairs Committee will report out a responsible war powers resolution which incorporates guidelines and requirements similar to those I have suggested.

I want to move on now to a matter of more immediate and direct concern to this subcommittee, and that is the subject of the Indochina War at this point in time, our current policy with respect to that war, and what initiatives this Congress might take to influence that policy. I know this subcommittee has a large number of bills and resolutions pending before it on this subject, and I have today introduced my own concurrent resolution for your consideration. I strongly feel that what is needed at this time is a clear Congressional declaration of national policy on Indochina to fill the vacuum left by the repeal of the Gulf of Tonkin resolution.

The proper vehicle for this, it seems to me, is a sense of Congress resolution as opposed to a meaningless funds limitation rider like Nedzi-Whalen or an actual funds cut-off amendment that would tie the hands of the Commander-in-Chief.

When I suggested such a sense of Congress resolution during the debate on Nedzi-Whalen last week, one of my good friends and colleagues got up on the House floor and mildly rebuked me by saying, and I quote:

“I have had one of those ‘sense of Congress’ resolutions about ending the war, one which I introduced last year and another which I introduced this year. And all they have been good for so far is to gather dust on the shelves of the Committee on Foreign Affairs.”
I think his point is well-taken. Such resolutions are meaningless so long as they go nowhere. So it is my earnest hope that this subcommittee will not only provide a valuable forum for discussing our policy and the various resolutions, but that it will report out of a meaningful measure and give the full House an opportunity to officially offer its policy guidance on Indochina.

I know there are some who will still say that even if a sense of Congress resolution is reported and passed by both Houses, it will be virtually meaningless. I cannot agree with that view. Granted, such a resolution would not have the force of law or in any way bind the President. But at the same time, it must be conceded that a forceful and substantive Congressional declaration of policy would have a profound influence on the Executive, to be ignored at its own peril.

I would now like to discuss the specific provisions of the resolution which I introduced today, a copy of which is appended to this testimony. The “resolved” sections are prefaced by three “whereas” clauses which recognize the President’s policy to bring an end to the war through the withdrawal of our troops, through a reduction in the level of hostilities, and through negotiations. It further recognizes that he has already withdrawn over half our troops since taking office and will have withdrawn over two-thirds by this December 1st. And it finally recognizes that the President has stated our goal to be “a total American withdrawal from Vietnam.”

The heart of my resolution are three Congressional declarations of national policy on Indochina. First, “that it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such troops at the earliest practicable date.”

Second, that it is the national policy “to accelerate and complete such withdrawal by a date certain,” provided there is a negotiated agreement to release and repatriate all American prisoners of war being held in Indochina 60 days prior to that date certain, and to guarantee the safe and orderly withdrawal of our remaining forces from South Vietnam.

And third, that it is the national policy “to provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July 1969,” and to “arrange asylum or other means of protection for South Vietnamese, Cambodians and Laotians who might be physically endangered by the withdrawal of American Armed Forces.”

I want to make several points about this resolution and how it relates to our present policy, and then I will be happy to answer any questions you might have. First, I think it is important that this Congress affirm that our primary goal in Vietnam should be to get out of Vietnam as soon as practicable, and to bring our prisoners of war home with us. I do not think this represents any radical departure from the goals enunciated by the President on numerous occasions. In his press conference of March 4, 1970, the President said, and I quote:

“As far as our goal is concerned, our goal is to get all Americans out of Vietnam as soon as we can, and to bring our prisoners of war home with us. I do not think this represents any radical departure from the goals enunciated by the President on numerous occasions. In his press conference of March 4, 1970, the President said, and I quote:

“Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal through our program of Vietnamization if necessary. But we would infinitely prefer to reach it even sooner—through negotiations.”

Now, in the past, our negotiating position has centered on the possibility of an all-Indochina settlement. In his report of October 7, 1970, the President outlined a five-point peace initiative to include an Indochina cease-fire, an all-Indochina peace conference, a mutual withdrawal of all outside forces from South Vietnam, a 12-month timetable, a release of all prisoners of war being held in Indochina, and a political settlement in South Vietnam.

While we have not completely abandoned hope, I think it has become increasingly apparent that the chances for such a comprehensive settlement has grown more remote with the passage of time. In his press conference of February 17, 1971, the President expressed disappointment that no progress had been made at the Paris peace table, but added, and I quote:

“We will continue to pursue the diplomacy for a primary reason, the primary reason being to negotiate some settlement of the POW issue. As we have to realize as far as a negotiation affecting a political settlement for South Vietnam is concerned, time is running out for the North Vietnamese if they expect to negotiate with the United States. Because as our forces come out of South Vietnam,
It means that the responsibility for the negotiation, increasingly, then becomes that of South Vietnam."

Again, in his question-answer session with the American Society of Newspaper Editors on April 16, 1971, the President said:

"We haven't given up on the Paris talks. I would suggest that the moment of truth is arriving with regard to the Paris talks because time will soon run out. As the number of our forces goes down, our stroke at the negotiating table recedes and the South Vietnamese's greatly increases. So, if they want to negotiate with the United States, the time for negotiation, except for the prisoner of war issue, of course, is rapidly drawing to a close."

In his press conference of April 29, 1971, the President rejected setting a deadline or date certain for the total withdrawal of our forces, saying the North Vietnamese have only promised to "discuss" the POW question if we did so.

In his words:

"We need action on their part and a commitment on their part with regard to the prisoners. Consequently, as far as any action on our part of ending American involvement is concerned—and that means a total withdrawal—that will have to be delayed until we get not just the promise to discuss the release of our prisoners, but a commitment to release our prisoners, because a discussion promise means nothing where the North Vietnamese are concerned."

And finally, in his press conference of June 1, 1971, the President was asked the question: "What is there to lose by setting a date contingent upon release of all prisoners?" The President responded:

"According to Ambassador Bruce, the position taken by the North Vietnamese has been, 'If we end our involvement in Vietnam and set a date, they will agree to discuss prisoners, not release them.' Now, as far as we're concerned, we at this time are not going to make any kind of agreement with regard to prisoners that is not going to be followed by action or concurrent action; and from the standpoint of the North Vietnamese, we have yet no indication whatever that they would be willing to release prisoners in the event we took certain steps.

I have drawn upon these Presidential statements because I think they do point to an evolving American policy vis-a-vis the negotiations and conditions for the total withdrawal of American forces. As our force levels decrease, our bargaining "stroke" at Paris is reduced so far as an Indochina settlement is concerned, and eventually, the only point to be negotiated between us and the North Vietnamese will be the prisoner of war issue and the date of our final withdrawal. I do not mean to imply here that the President has not taken the position that the only condition for our final withdrawal is the release of our prisoners, though there are indications from the statements I have quoted that we are moving in that direction. The fact is that the President has stated another condition for the final withdrawal of American forces, and that is "the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover," in other words, the completion of the Vietnamization program.

My resolution, on the other hand, goes back to the President's statement on April 7th of this year to the effect that our goal is a total withdrawal through the Vietnamization program if necessary, "but we would infinitely prefer to reach it even sooner—through negotiations;" and the President's statement on April 26th of this year to the effect that as our force levels diminish, the only point left to be negotiated between us and Hanoi is the prisoner of war question. Under the policy suggested by my resolution, we would express to the North Vietnamese our willingness to accelerate our withdrawals and complete them by a date certain if they in turn agree to release all American prisoners being held in Indochina 60 days prior to that date, and guarantee the safe and orderly withdrawal of our remaining forces.

My resolution does not specify a date, leaving this a matter to be negotiated concurrently with the prisoner of war question. But obviously, it would have to be within a reasonable time frame to have any appeal at the bargaining table. It seems to me that the value of this approach is that rather than having each side waiting for the other to make a move on either the matter of setting a date or the matter of releasing prisoners, both would have to agree to discuss these simultaneously, and the resolution of one would be contingent upon the other.

While suggesting a specific date in such a resolution is appealing from a political standpoint, or from the standpoint of reassuring the American public, I think from a practical negotiating standpoint this is something best left to be worked out in the secret sessions at Paris and not publicly announced until an agreement has been reached.
To get back to the question of what effect an accelerated withdrawal and date certain for its completion would have on the Vietnamization program, let me say that while an earlier withdrawal date would reduce the amount of final preparation we could give the South Vietnamese to defend themselves, it would not be fair to suggest that we haven't already given them a reasonable capability for survival. You will recall that on April 7th of this year, shortly after the Laotian operations, the President announced that, "Vietnamization has succeeded."

A report released by the Department of Defense last week points out that ground combat responsibility will be completely turned over to the South Vietnamese by this summer, thus completing phase one of the Vietnamization program; and phase two—developing South Vietnamese air, naval, artillery, logistics and other support capabilities—has been proceeding concurrently with phase one, though it will take a little longer.

Over the last year, according to the DOD report, American air sorties have decreased 46% while South Vietnamese attack sorties have increased 65%. The pacification program has likewise been proceeding with marked success. Regional Forces have increased 46% since June of 1968 and have thus relieved the ARVN for combat duties, while Popular Forces have increased 51% since June of 1969, and over 96% of the Popular Force platoons are now fully trained and equipped with modern radios and armed with M-16 rifles.

And so, Mr. Chairman, I hardly think an accelerated withdrawal, contingent upon the prior release of our prisoners, could in any way be considered precipitous in terms of the Vietnamization program since the South Vietnamese have developed an impressive capacity to shoulder the burden themselves, all the way down to the hamlet level.

Finally, Mr. Chairman, I want to briefly address myself to Section 3 of my resolution which states as a further matter of national policy our intention to provide continued military and economic assistance to the nations of Indochina, in amounts approved by Congress, and consistent with the objectives of the Guam Doctrine; and to arrange asylum for those who might be endangered by our withdrawal.

As the members of this subcommittee are well aware, the United States cannot legally or morally turn its back on Southeast Asia after the last troop has been withdrawn from South Vietnam. We will continue to be a Pacific power and we will continue to have certain obligations and responsibilities to the people of that part of the world. In July of 1968, the President issued the Guam Doctrine which said in effect that the United States will honor its treaty commitments, extend its shield to any nation allied with us which is threatened by a nuclear power, and, in cases involving other types of aggression, we will furnish military and economic assistance but look to the nation directly threatened to assume the primary responsibility of providing manpower for its defense. I think the Congress should officially endorse this policy of encouraging self-sufficiency on the part of our allies, and at the same time help formulate specific programs for its implementation.

In summary, Mr. Chairman, I am interested in seeing that the Congress re-adopts its Constitutional role in matters of war and peace. I think we can and should play a role in extricating the United States from Vietnam and in preventing future Vietnam-type involvements. If this is to happen it must begin right here in this committee. I commend this committee on its war powers hearings and its Indochina hearings, and I urge you to follow through in such a way that the full House will have an opportunity to express itself on these issues of crucial importance to our country and our Constitutional form of government.


Mr. Anderson of Illinois submitted the following concurrent resolution: which was referred to the Committee on Foreign Affairs.

Whereas, the President of the United States is pursuing a policy designed to bring an honorable end to the war in Vietnam through the withdrawal of American Armed Forces from that country, through a reduction in the level of hostilities, and through negotiations; and

Whereas, the President has withdrawn over half of the American Armed Forces from Vietnam since taking office, and has further announced that two-thirds of all such forces will have been withdrawn by December 1, 1971; and
Whereas, the President has announced that, "Our goal is a total American withdrawal from Vietnam"; Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby declares that it is the national policy to continue the safe and orderly withdrawal of American Armed Forces from South Vietnam on an irreversible basis, with the objective of the total withdrawal of all such forces at the earliest practicable date.

Sec. 2. It is the national policy to accelerate and complete such withdrawal by a date certain provided that there is a negotiated agreement to: (a) release and repatriate all American prisoners of war being held in Indochina by a date 60 days prior to such date certain, under the supervision of the International Red Cross or other such organization; and (b) guarantee the safe and orderly withdrawal of all remaining American Armed Forces from South Vietnam by such date certain.

Sec. 3. It is the national policy to: (a) provide assistance to the nations of Indochina, in amounts approved by the Congress, consistent with the objectives of the Guam Doctrine of July 1969; and (b) arrange asylum or other means of protection for South Vietnamese, Cambodians, and Laotians who might be physically endangered by the withdrawal of American Armed Forces.

Mr. Anderson, I have drawn upon these Presidential statements because I think they do point to an evolving American policy vis-a-vis the negotiations and conditions for the total withdrawal of American forces.

As our force levels decrease, our bargaining "stroke" at Paris is reduced so far as an Indochina settlement is concerned, and eventually, the only point to be negotiated between us and the North Vietnamese will be the prisoner of war issue and the date of our final withdrawal. I do not mean to imply here that the President has taken the position that the only condition for our final withdrawal is the release of our prisoners, though there are indications from the statements I have quoted that we are moving in that direction.

The fact is that the President has stated another condition for the final withdrawal of American forces, and that is "the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover," in other words, the completion of the Vietnamization program.

My resolution, on the other hand, goes back to the President's statement on April 7 of this year to the effect that our goal is a total withdrawal through the Vietnamization program if necessary, "but we would infinitely prefer to reach it even sooner—through negotiations;" and the President's statement on April 26 of this year to the effect that as our force levels diminish, the only point left to be negotiated between us and Hanoi is the prisoner-of-war question. Under the policy suggested by my resolution, we would express to the North Vietnamese our willingness to accelerate our withdrawals and complete them by a date certain if they in turn agree to release all American prisoners being held in Indochina 60 days prior to that date, and guarantee the safe and orderly withdrawal of our remaining forces.

My resolution does not specify a date, leaving this a matter to be negotiated concurrently with the prisoner-of-war question. But obviously, it would have to be within a reasonable time frame to have any appeal at the bargaining table. It seems to me that the value of this approach is that rather than having each side waiting for the other to make a move on either the matter of setting a date or the matter of releasing prisoners, both would have to agree to discuss these issues simultaneously, and the resolution of one would be contingent upon the other.
While suggesting a specific date in such a resolution is appealing from a political standpoint, or from the standpoint of reassuring the American public, I think from a practical negotiating standpoint, this is something best left to be worked out in the secret sessions at Paris, and not publicly announced until an agreement has been reached.

A report released by the Department of Defense last week points out that ground combat responsibility will be completely turned over to the South Vietnamese by this summer, thus completing phase one of the Vietnamization program; and phase two—developing South Vietnamese air, naval, artillery, logistics, and other support capabilities—has been proceeding concurrently with phase one, though it will take a little longer.

Over the last year, according to the DOD report, American air sorties have decreased 46 percent, while South Vietnamese attack sorties have increased 65 percent. The pacification program has likewise been proceeding with marked success. Regional forces have increased 48 percent since June of 1968, and have thus relieved the ARVN for combat duties, while Popular Forces have increased 51 percent since June of 1969, and over 95 percent of the Popular Force platoons are now fully trained and equipped with modern radios and armed with M-16 rifles.

And so, Mr. Chairman, I hardly think an accelerated withdrawal, contingent upon the prior release of our prisoners, could in any way be considered precipitous in terms of the Vietnamization program since the South Vietnamese have developed an impressive capacity to shoulder the burden themselves, all the way down to the hamlet level.

Finally, Mr. Chairman, I want to briefly address myself to section 3 of my resolution which states as a further matter of national policy our intention to provide continued military and economic assistance to the nations of Indochina, in amounts approved by Congress, and consistent with the objectives of the Guam doctrine; and to arrange asylum for those who might be endangered by our withdrawal.

As the members of this subcommittee are well aware, the United States cannot legally or morally turn its back on Southeast Asia after the last troop has been withdrawn from South Vietnam. We will continue to be a Pacific power, and we will continue to have certain obligations and responsibilities to the people of that part of the world.

In July of 1969, the President issued the Guam doctrine which said, in effect, that the United States will honor its treaty commitments, extend its shield to any nation allied with us which is threatened by a nuclear power, and, in cases involving other types of aggression, we will furnish military and economic assistance but look to the nation directly threatened to assume the primary responsibility of providing manpower for its defense.

I think the Congress should officially endorse this policy of encouraging self-sufficiency on the part of our allies, and at the same time help formulate specific programs for its implementation.

In summary, Mr. Chairman, I am interested in seeing that the Congress reasserts its constitutional role in matters of war and peace. I think we can and should play a role in extricating the United States from Vietnam, and in preventing future Vietnam-type involvements. If this is to happen, it must begin right here in this committee.

I commend this committee on its war powers hearings and its Indochina hearings, and I urge you to follow through in such a way that
the full House will have an opportunity to express itself on these issues of crucial importance to our country and our constitutional form of government.

Thank you, Mr. Chairman.

Mr. Gallagher. Thank you, Mr. Anderson, for an extremely well reasoned statement, and for giving us the benefit of your thinking and injecting several ideas that the White House may not as yet have under consideration in this very crucial area.

We have several questions I would like to ask you to respond to, but I know you are in a hurry, so I will refrain from asking them at this time.

Mr. Whalley?

Mr. Whalley. Thank you, Mr. Chairman.

Congressman Anderson, I want to compliment you on the time and energy that you must have put into this very meaningful and complete statement. I have looked for some things I thought perhaps might have been missed, but you seem to have thought of almost everything. I, like the chairman, think you have done a tremendous job.

I want to compliment the chairman, also, for having these meetings, because I am sure that we are going to get some ideas that none of us have thought of before, and I hope we are going to be able to prepare something that will really help us to get out of Vietnam as most of us want to do.

Thank you very much.

Mr. Gallagher, Mr. du Pont?

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

I hate to be the only one to ask a question, but on the other hand, you have done such a fine job as usual in presenting your testimony that I am tempted to ask just one or two.

First, let me heartily concur in two comments you have made.

First of all, that congressional involvement in the field of execution of foreign policy is very important, and long neglected.

Secondly, that with the repeal of the Gulf of Tonkin resolution, a congressional statement of policy in this area is appropriate and also of critical importance.

One of the phrases in the Nedi-Whalen amendment that disturbs me greatly was a phrase that you have also used in section 3 of your resolution, and I wonder if it would be acceptable to you if we simply struck it. That is in the fourth line thereof, when it says, "B. Arrange asylum or other means of protection for the South Vietnamese."

In Nedi-Whalen I took that to mean fortified hamlets, increasing U.S. participation in certain areas of the war. I agree very much in providing asylum, but I am a little mystified as to what "other means" might be meant, and also a little nervous that it might indicate some room for expansion of the war.

Mr. Anderson. I think it is important in the legislative history of this resolution to make it quite clear what the author intended—I certainly didn't intend by that expression or by those words to carry with it any interpretation that we are advocating a policy of fortified hamlets or of—I forget the term used long ago—coastal readouts or something of that kind, involving the military protection in South Vietnam of those who might be out of favor with whatever government was in power.
I think what we had in mind was that either that asylum be provided by the United States or that some arrangements be made perhaps for their transportation to a third country where they could live in safety and without fear of reprisal. But I am grateful to the gentleman for allowing me this opportunity to clarify the language and to assure him and the committee that I would not wish to have that interpreted as meaning that other means of protection implies military involvement in any way in South Vietnam by the United States.

Mr. du Pont. Thank you. I think that clarification does help considerably.

My second and final question, Mr. Anderson: The preceding witness, Congressman Leggett, said he believed one of the chief problems with our negotiations in Paris was that the U.S. delegation was not free to discuss setting of a fixed withdrawal date. As I read section 2 of your resolution, that problem would be removed and this would explicitly permit our negotiators to go to work with the North Vietnamese to determine a date acceptable to both parties.

Mr. Anderson. Absolutely. When we make it a clear declaration of national policy, and as one of our objectives to promote negotiations toward that end, toward the end of fixing a date certain, then I think we make it unmistakably clear to everyone, the world and everyone within and without our Government, that we are willing to do just that, subject only to the condition that I have mentioned, that concurrently agreement be reached for the safe release of our own POW's.

Mr. du Pont. Mr. Anderson. I again would like to compliment you on doing your homework and on a fine presentation.

Thank you, Mr. Chairman.

Mr. Gallagher. Thank you, Mr. Anderson.

Our next witness is Congressman Claude Pepper, Democrat of Florida.

Mr. Pepper has made a distinguished record in the Senate, and since coming to the House of Representatives has become a valuable member of the Committee on Rules, and perhaps more important, has done important pioneering work as chairman of the Committee on Crime. Mr. Pepper is an extremely valuable Member of this House, and while as a very young Member of the U.S. Senate participated in some of the most historic decisions that this country ever made during the administrations of President Roosevelt.

It is a pleasure to warmly welcome you here this afternoon.

STATEMENT OF HON. CLAUDE PEPPER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Pepper. Mr. Chairman and members of the committee, I thank you very much for your kind introduction, especially for the privilege of being here before your distinguished committee this afternoon.

You have a very important responsibility to the Congress and to the country in the consideration of the many measures which will come before you here. I have two resolutions which I would like briefly to discuss. One is House Concurrent Resolution 307, which I introduced May 17 of this year which provides that:
Resolved by the House of Representatives, the Senate concurring, that the President shall remove all military forces of the U.S. from Indochina by December 31, 1971, and shall not deploy any U.S. armed forces whatsoever in Indochina after December 31, 1971 without the prior approval of the Congress.

This afternoon, I am reintroducing that resolution with an amendment which is a part of the amendment that I introduced in the House the other day, and which received, I believe it was, 147 votes, that would provide, at the end of the language I just read, that this resolution shall have no force or effect if North Vietnam and other adversary forces in Indochina holding American prisoners of war or Americans designated as missing in action, but held as prisoners of war, shall not have completed the release and repatriation of all such prisoners and missing in action by a date 60 days prior to December 31, 1971.

That, of course, is the resolution many of us believe should have approval by the Congress, bringing about on the part of the Congress, if possible, a complete removal of the Armed Forces of the United States from Indochina by the end of this year.

Now I will offer my other resolution and I would like briefly to discuss the matter.

I am also introducing in the House this afternoon a resolution which is the exact resolution adopted in the Senate the day before yesterday, offered by Senator Mansfield and other Senators which in substance provides that the United States should terminate at the earliest practical date all military operations of the United States in Indochina and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than 9 months after the date of adoption of this resolution, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government.

The House of Representatives hereby urges and requests the President to implement the above expressed policy by initiating immediately the following action:

One, establishing a final date for the withdrawal from Indochina of all military forces of the United States, contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government. Such date to be no later than 9 months after the date of the adoption of this resolution.

Two, negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

Three, negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph 1 hereof, or by such earlier date as may be agreed upon by the negotiating party.

Now, the only variation, Mr. Chairman and members of the committee, between that resolution, which on the advice of the legislative counsel of the House I made a "sense of the House" resolution, and the Mansfield amendment, is that in the beginning of the Senate amendment to the draft bill, which is pending over there now, it says
section 302—it is title 5. Termination of hostilities in Indochina, section 302. It is hereby declared to be the policy of the United States to terminate.

I suppose that the Senate adopted that language—57 to 42, I believe it was—with the assumption since that was an amendment to a pending bill, that the House would perhaps adopt the same language, and then the bill would go to the President for signature or for allowing it to become law without his signature, so that in that sense in the same measure there would be concurrent action of the two Houses of the Congress.

We read in the press that the House members of the Armed Services Committee, at least the chairman, whom we all esteem very highly, indicated that he didn't look with too much favor upon the adoption of that amendment in conference between the House and the Senate.

The White House, I saw in the paper, stated that that action was not binding upon the President nor upon the policy of the country, because it was just the opinion of 57 Senators and not the opinion of the Congress of the United States, not the enactment of the Congress of the United States.

I don't know what will happen to that amendment when it gets into conference. It is not quite as strong as I would like it to be, but I have offered the counterpart of it here as a sense of the House resolution, because if the House did adopt it, with all the language being the same except the first two or three lines, why, that would constitute an expression of sentiment of exactly the same words as to what should be the foreign policy of the United States, by both the Senate and the House of Representatives, and whether it was in the same bill or not it would seem to me not particularly relevant insofar as it reflected what was the sentiment of the Congress of the United States as expressed by both Houses.

Mr. Chairman, Saturday of last week I attended the Florida Bar Association convention in Miami. There was a debate among four very able representatives of the two points of view on the question: Is the war in Vietnam legal?

On the affirmative side, we had the distinguished Solicitor General of the United States, the Honorable Erwin Griswold, one of the ablest lawyers in the Nation; and associated with him was Senator Edward Gurney of Florida.

Opposed were two very able lawyers: the attorney general of Massachusetts; and a professor, former partner of mine, Mr. Neil Rutledge, professor at the law school at Duke University.

One of the very strong arguments made by the distinguished Solicitor General as to the legality of the war, is the same point that I made in reading from some cases on the floor of the House the other day when I offered my amendment to the effect that the Congress has been cooperating with the Executive in the support of, and in the conduct of, this war.

As the court cases said, it is a joint enterprise between the Congress and the Executive because Congress has provided the material and the men and the money, so if the Congress is not to be regarded as a partner to this conflict, why then, we are going to have to disassociate ourselves in some way.
This sense-of-the-Congress resolution of mine, the second one, the same one as the Mansfield resolution, is not absolutely by congressional act cutting off money, cutting off men, or cutting off materials. It is expressing the sense of the House of Representatives along with the sense of the Senate expressed in the Mansfield amendment, and that does constitute an expression of the Congress that the Executive should terminate this war upon the conditions set forth in my resolution.

Mr. Chairman, for all of the reasons that we all know that lead so many of us to feel we must terminate this war, with safety on the part of our prisoners assured, at the soonest possible time, I would be very grateful for the consideration of this resolution by your distinguished committee.

Thank you very much.

Mr. GALLAGHER. Thank you very much.

I wish we didn’t have a bell ringing, but we do. I would like to draw upon the benefit of your experience from the very dark days when you were a Member of the Senate, a time when our country was going through such difficult times, when people had no food, no jobs, no money, and it was a time of no hope. Unfortunately, sometimes these days it seems a time of no hope. I hope we can have you back.

Mr. PEPPER. Mr. Chairman, having served on the Senate Foreign Relations Committee for 12 years, I know many of the problems your distinguished committee has. Thank you very much.

Mr. GALLAGHER. Thank you.

The subcommittee stands recessed for 10 minutes.

(A short recess was taken.)

Mr. GALLAGHER. The subcommittee will come to order.

Our next witness is Congresswoman Bella Abzug, Democrat, of New York.

Mrs. Abzug certainly needs no introduction to any group concerned with the war in Indochina. Her energy, intelligence, and voice have been constant in criticism of America’s role in that tragic part of the world.

Mrs. Abzug, we welcome you here this afternoon.

STATEMENT OF HON. BELLA S. ABZUG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mrs. Abzug. Thank you very much, Mr. Chairman and members of the committee.

I want to thank you for this opportunity to appear before you today. Whatever your individual views on the war in Indochina, I think we can all agree—particularly in view of the disclosures in the Pentagon papers—that these hearings come late on the scene of history.

The interest of the American people and the interest of truth would best have been served if the House Foreign Affairs Committee, acting on its constitutional authority, had held a continuous series of public hearings on the war, beginning in the early 1960’s. I don’t want to appear ungrateful, gentlemen, but these hearings are finally taking place in the session that I have joined the Congress; we have waited both in and out of Congress for many years.

Mr. GALLAGHER. There are two interpretations. One, that you joined the Congress; two, that I finally became chairman of this subcommittee.

[Laughter.]
Mrs. ANZUG. That is what we call a personal interpretation.

Mr. GALLAGHER. OK.

Mrs. ANZUG. Instead, the responsibility to shed light on the sources, rationale, and conduct of our Nation's foreign policy was, in effect, abdicated to the academic community, which, through a series of public teach-ins, first brought the complex issues of the war before the American people. This was an educational role subsequently taken over by the Senate Foreign Relations Committee, and illuminated by one startling disclosure after another in the press and on TV.

We have come a long way since those early teach-ins, and for the American people it has been a journey of discovery from initial detachment to skepticism, questioning, disillusionment, moral outrage, and at last, repudiation of the longest war in our history.

As one who opposed America's role in the war from the beginning, perhaps I should find some moral satisfaction in this progression of understanding as to the true nature of this conflict. I cannot. There has been too much blood spilled, too many dead and wounded, too many—both Americans and Indochinese—who are still dying and suffering unnecessarily as we sit here and talk.

The war goes on long after the American people gave a mandate to this administration to end it. You have heard over and over again by now, I am certain, that 73 percent of the public favors a prompt end to the war and that among women, 78 percent want us to get out. These figures merely ratify what many of us know and sense and see as to the mood of America.

The tide began to turn against the war after the Tet offensive, and with each succeeding disclosure of the moral and political bankruptcy of America's policy in Indochina—My Lai, the case of Lieutenant Calley, the invasions of Cambodia and Laos, and now the latest shocking revelations that administration after administration has engaged in calculated deception of the American people.

The response has been successively larger waves of protests, demonstrations, and outcries by Americans from all walks of life. In recent weeks, we have seen a half million Americans gather on the Capitol grounds. We have seen thousands of Vietnam veterans baring for us their wounded bodies and consciences. We have seen thousands of young people turning, in frustration, to acts of civil disobedience. We have seen middle America and professionals, lawyers, teachers, businessmen, working people, blacks, religious groups, the legions of common cause, all pleading with the Congress to assert its responsibility, to write finis to a war that has brought inestimable torment to the people of Indochina and poisoned the soul of our own country.

It has taken 10 years for Americans to learn the truth about this war, even if it is not yet the whole story. And now that they know, they are no longer able to live with themselves, as human beings and as a nation, while this war goes on. And with innate moral courage, they see, too, the outrage of a policy that continues to ask American soldiers to give their lives for a war that has been largely discredited.

The antiwar movement has grown to encompass the vast majority of Americans. It has not failed. It has succeeded in changing the national debate from "if" we should get out of Vietnam, to "when."

But while popular support for the war has totally collapsed, apologists for a policy that has been exposed as wrong still cling to their
enclaves here in Washington in the White House, in the Pentagon, in our own House of Representatives.

Congress never declared this 10-year war, although under the Constitution it has the sole power to determine when and where this Nation goes to war. When Congress passed the Gulf of Tonkin resolution in 1964 in response to a deliberate trap set by the Johnson administration, it was abdicating its war-making power to the President. That constitutional power was reasserted in December 1970 when Congress repealed the Gulf of Tonkin resolution, but thus far it has failed to take the corollary action of terminating the President's authority and capacity to continue the war and cutting off funds to sustain it, as it should do.

Americans rightly wonder what it will take to move the Congress to act. Must we top My Lai? Must we go beyond the disclosures of the Pentagon study which, as Daniel Ellsberg pointed out in a television interview with Walter Cronkite last night, in its entire 47 volumes shows no expression of concern on the part of American policymakers as to how their decisions and escalations of the war would affect the actual lives of the people of Indochina or the American people?

A few men in high places played war games, manipulated governments and leaders, contemplated employing nuclear weapons, ordered the use of flesh-searing napalm and the destruction of the Indochinese countryside with poisonous chemicals, expanded the war in Laos, turned the skies over Southeast Asia into arsenals of terror against entire populations—and never paused to ask themselves who gave them the right to kill and mangle and displace a million people.

The House Foreign Affairs Committee can and should ask that question. It can, also, of course, conduct lengthy investigations. There is much still to find out. It should, I believe, have access to the complete 47-volume Pentagon study of the war from 1945 to 1967 which has been turned over as a still-classified document to the House Armed Services Committee. The House has the responsibility, I believe, to make that information available to the entire American people.

In a privileged resolution of inquiry presented to the House several days ago—H. Res. 489—in concert with 25 colleagues, I asked that the President be directed to provide the House with the full and complete text of the Pentagon papers. The House Armed Services Committee will hold hearings on that resolution this Monday. As representatives of the people, the House is entitled to have that report, freely and fully and in unclassified form, and to make use of it without any restrictions imposed by the executive branch.

In another resolution of inquiry—H. Res. 491—which I hope will have the full support of members of this subcommittee, I also ask that the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency be directed to furnish the House within 15 days with full and complete information on:

One, the known existing plans for a residual force of the U.S. Armed Forces in South Vietnam.

Two, the nature and capacity of the Government of the Republic of Vietnam, including but not limited to analyses of their past and present military capabilities, their capacity for military and economic self-sufficiency, including but not limited to analyses of the political base of the Republic, the scope, if any, of governmental malfunctions
and corruption, the depth of popular support and procedures in dealing with nonsupport, including but not limited to known existing studies of the economy of the Republic of South Vietnam and of the internal workings of the Government of the Republic of South Vietnam.

Three, the plans and procedures both on the part of the Republic of South Vietnam and the U.S. Government for the November 1971 election and the Republic of South Vietnam, including but not limited to analyses of the U.S. involvement, covert or not, in said election.

This is information which I believe the Members of the House must have if they are to make an accurate evaluation of the President's Vietnamization policy, a policy whose inherent weaknesses they have yet to confront. Last week, a majority of Members of the House were still implicitly adhering to support of that policy by their rejection of the Neda-Whalen amendment.

In turning aside even this mild version of a proposal that a specific date be set for a total withdrawal of American forces from Indochina, the House was going along with the two conditions set by President Nixon for withdrawal: One, the prior release of American prisoners and, two, the ability of the South Vietnamese Government to maintain itself in power militarily. Neither condition is, I believe, in the true interests of the American people, of the prisoners, or of the Vietnamese people themselves.

Americans are properly concerned with the conditions under which American prisoners are being detained and appalled by the failure of the North Vietnamese Government to observe the Geneva convention with regard to treatment of prisoners. However, there is a growing recollection that the release of prisoners customarily comes at the conclusion of a war, not prior to the end.

Furthermore, there have been enough statements and signals from the North Vietnamese as to their willingness to negotiate release of the prisoners once a withdrawal date is set for our Government to take them up on that and set a date.

The alternative is a cruel impasse in which the prisoners of war will continue to be cast in the role of political pawns and will remain incarcerated indefinitely. And the longer they remain prisoners, the more likely that the executive branch will once again resort to reckless military acts that will jeopardize even the current pace of withdrawal.

As for hinging our withdrawal on the viability of the government in Saigon, it has probably been pointed out that President Nixon thus invests President Thieu with a greater say over American foreign policy than he is willing to accord to the elected Congress of the United States.

President Thieu is wholly a creation of American power, and despite the years of coaching he has received from the American Embassy, which still persists in attempting to pass him off as a symbol of democracy, he remains impervious to the fine points of democratic election procedures. After the blatantly unfair election law which he has just forced through the Vietnamese parliament, must we still be insulted by pretext that American bombs and guns are making the world safe for democracy in Vietnam? And must we continue to sacrifice lives for this cause!
We can have no confidence in anything the government of President Thieu says, whether it is proclaiming a victory in Laos or denying its involvement in drug traffic or corruption. On the basis of the revelations in the Pentagon papers about past weaknesses of various military regimes in Saigon, we can have no confidence in any public statements made about the durability of the South Vietnamese Government by the current occupant of the White House.

It is clearly in order for the House and its Foreign Affairs Committee to demand and to get from the Executive the complete text of studies on the South Vietnamese Government which are known to have been made by the executive branch, as called for in my resolutions of inquiry.

Another resolution that I have introduced (H. Res. 342) calls for an investigation of the relationship between the prolongation of the war and the interests of private American companies in bidding for offshore oil rights off the coast of Vietnam.

We have a right to know whether there is any basis for persistent reports of long-range plans by the Nixon administration to maintain indefinitely a residual force of some 50,000 men in Vietnam as well as a bombing force stationed in or near Indochina. And we have a right to know if any commitments or even hints have been made to these companies about a continuing American presence in Indochina to protect contemplated investments.

As I said earlier, the House Foreign Affairs Committee could involve itself in lengthy hearings on the war. But I think that not even you would accuse me or other Americans of impatience if we were to state that hearings, even at this late stage, are fine, but that at the same time you have a duty, a responsibility, a commitment to conscience to act now to stop the war.

Even without the disclosures of the Pentagon papers, you had ample basis for action. But now there is once again an opportunity to act. As you know, I believe that the war can be ended immediately and that the President would have the support of the Nation if he would set a nearby date—I have proposed the Fourth of July of this year.

As my first act in Congress when I came here, the day I was sworn in, I introduced a bill which called for our withdrawal from Vietnam on the Fourth of July, with naiveté, perhaps, but with optimism and with belief—sincere belief—that the will of the American people, which I knew from my years of experience, could yet be heard in the Congress of the United States and could be acted upon.

I believe that we could withdraw our forces tomorrow if the President would just stop sending men to Vietnam and start massive, speeded-up withdrawals of our forces. In the absence of a response to the Fourth of July date, I supported the Vietnam disengagement bill which proposed the end of this year as a cutoff point. I support it for a number of reasons.

I support it because it calls for an early date and because it received a large amount of support from among the Members of Congress and also because it calls for the cutting off of funds.

I believe that it is not only important for Congress to state that it will respond to the American people, but also for it to begin, and begin immediately, to use its power to enforce its words by cutting off appropriations. The strongest power it has in the Constitution is to restrain excessive acts of the Executive.