clearly disclose our unwillingness to negotiate until we achieve a strong military victory.

Mr. Whalley. North Vietnam apparently would not negotiate in Paris even when we had 540,000 U.S. troops there. Would you believe that they would ever even consider negotiating since we have brought 300,000 troops home and are bringing another 19,000 boys home every month?

Mr. McCloskey. I cannot conceive how they would ever negotiate as long as they see the withdrawal proceeding and as long as we insist on maintaining a residual force and a permanent division in South Vietnam. It is incredible to me that anyone would buy that possibility, with one exception, and that is if internally they are so weakened and their will to resist has been so diminished that to them it is easier to negotiate than to watch us slowly withdraw and ultimately wait until public opinion forces complete withdrawal.

While there is no guarantee of negotiating success if we withdraw or by scaling down demands to the single one of return of the prisoners, it seems to me it is impossible to expect negotiations as long as we demand they leave South Vietnam alone, which is in essence what our position has been to date.

Mr. Whalley. It would seem to me if North Vietnam would say, "Here are your prisoners; go home, U.S. troops," the thing would be all over. That is just a personal opinion.

Thank you very much.

Mr. Gallagher. We have Chairman Morgan here of the full committee and the ranking Republican member, Mr. Mailliard.

Mr. Murphy. Congressman McCloskey, there is one point on which I am not clear. The problem is this business of what happens when we get down to the level of four or five battalions in Vietnam. You say we will be able to get back into enclaves and defend these by superior firepower. I am afraid we would have another Hue on our hands. I think the North Vietnamese and Vietcong are clever enough to infiltrate Saigon or Cam Ranh Bay under the guise of being coolies or workers and really catch us as we are boarding planes or ships. This has been a worry. This has been the history of this war. There has been very little major confrontation between the forces.

As an ex-marine such as yourself, I know the Oriental, and I know what they can do to us, and this is what I am afraid of. When we get down to four or five battalions remaining in Vietnam, they are going to give us a parting shot we will long remember.

Mr. McCloskey. I would say this, Mr. Murphy: I would hesitate to support a type of withdrawal which would leave signal units, engineer units, helicopter squadrons and headquarter units unguarded by American infantry battalions. When you go into a country, you try to go in with the infantry first, and then headquarters personnel go in. Apparently, according to the present plan, we are going to leave back helicopters and engineers at least in the two northern military regions.

From my understanding the only American support that will be left behind is engineers and helicopters, possibly some signalmen and troops of that kind.

I think that we would be encouraging the possibility of the loss of American lives if we left behind American headquarters service personnel unguarded by American combat infantry troops.
So, it seems to me that it is important that we withdraw in the same manner that we went in and get those Tan Son Nhut, Bien Hoa, Chu Lai, and headquarters personnel out first, and the last units to be withdrawn should be the combat infantry personnel who guarded them. I would have no fear at all for the Marines or the 101st Airborne Battalion down in the II Corps area withdrawing to the beach under the cover of American firepower. There would be no real danger, in my judgment, to those troops as long as we have those carriers standing offshore and that airbase in Thailand to furnish the air and artillery support to go with it, but I have grave reservations about leaving a helicopter squadron there with no American troops to guard it. I think we have no assurance that the South Vietnamese troops have not been infiltrated.

There have been some events in the last few months indicating that some of the local regional and popular forces have been infiltrated, and some of these events could not have happened if people did not open the gates and let them in.

Mr. Murphy. I am in favor of a withdrawal date but the only thing that bothers me about a withdrawal date is whether the North Vietnamese would follow suit with the return of our prisoners. That is what worries me. If we set a withdrawal date, things would be better because the enemy would know that we are leaving. I do not think they are going to have any trouble with the South Vietnamese, and they have not had much trouble.

However, I think back to what President John Kennedy said when interviewed in the early 1960's when he said, "When it comes down to it, it has to be their fight." We have built up their armed forces, as you mentioned, to 1,900,000. We have given them the most sophisticated equipment in the world to fight with. We see what is happening here in the United States as a result of this burden, the spasms about heroin, and so on, down the line. We can give you the litany of the troubles. I think the time is now when we have to set the date. I think the President would be more fortified in his position to the American people if we and the Congress stood behind him and said we are willing to set a date. We are elected by the people, too. I applaud your comments.

Mr. McCloskey. I am sorry to delay the committee, but I think this is worthy of consideration.

When Congressman Whalley and I were in Vietnam in April, we tried to talk with as many military advisers as we could, generally from the rank of major and below. Many of them were serving their second tour. In working in the South Vietnamese provinces, the officers told us that the South Vietnamese troops were trained well, were led well, and were equipped as well as they could ever be with American assistance. The general consensus was that the mental motivation, the engineers, the logistical support, even in that terrain, are not necessarily the decisive factors in who wins the battle.

The ultimate comment that came to us was made by a young second lieutenant of the 101st Airborne Division, who had been over there a number of months, and had observed the Vietcong and the ARVN. He said, "It is their war to win or lose. There are only two ways the South Vietnamese can achieve peace. One is if they choose to win the war and the other is if they choose to lose the war."
In the judgment of this second lieutenant, there was a substantial possibility the South Vietnamese might choose to lose it. Whether we stay there 6 months or 6 years, it would still depend, in the last analysis, on the will to fight of the South Vietnamese.

Mr. Murphy. I think the word is "zeal."

Mr. Gallagher. Mr. du Pont.

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

May I commend you on a fine statement, the last 20 pages of which we will peruse at our leisure.

I am strongly grateful that you stopped at page 7, but let me very strongly concur in your efforts to secure to the Members of the Congress the right to have the kind of information that we need to make decisions. We need the inputs if we are going to make policy as we are elected to do, and I am very much in support of the efforts you have made in that direction.

I was asked in a news conference in my home State a week ago whether I thought I was better informed in having read the Pentagon papers. I replied that, yes, indeed, I was, and I thought I was a better Congressman as a result of it.

As you pointed out in your statement, you asked the question: Would we have made the decision we made in this country had we known in 1965, 1966, and 1967 all of the facts that are in those Pentagon papers?

We were elected to make the important decisions of Government for our people, and we cannot do it unless we have the information.

I am four square with you in my belief that we must have the information.

I also believe that as a result of this first belief that we cannot have management of the news with respect to the Congress. I suppose every administration tries to manage the news. Some of them try to keep the news in. I recall one gentleman who tried to keep some of the news out by canceling a newspaper subscription once. But I think management of the news relative to the Congress will not do. But that leads us to a difficult question, I think, in regard to the general public.

Do you see any constitutional or statutory or, indeed, practical difference between making this kind of information available to the Congress and making it available to the public?

Mr. McCloskey. Yes, I do. I quoted that constitutional section about our journal because it clearly provided that we would publish most of our proceedings, except those which, in our judgment, should remain secret. It would be a relatively simple thing to require the executive branch to give us all classified information upon responsible inquiry, and to impose upon ourselves, through the rules of the House, a procedure to insure that sensitive information remains classified.

We have the power to punish our Members and, upon a two-thirds vote, to expel a Member for violation of our rules. I think the time has arrived that we refuse to allow a classification label to be used as a reason for denying information to Congress. At the same time, I think that the obligation is incumbent upon us to impose rules of secrecy until the Congress can vote in its judgment to release facts which are sensitive. I think that that is the balance that we need.

We have fallen into this pattern of conduct over the last 25 years. We started with a cold war, with the Russians allegedly stating they
were going to bury us. Understandably, with the nuclear weapons and Sputniks, we fell into a pattern of operating under the cloak of secrecy, and the bureaucracy did not want its decisions challenged. The result of this attitude is that they wanted to make everything secret from the Congress.

I think the last 20 pages of my testimony to you describes a series of incidents where the executive branch, in its arrogance, has chosen to deny Congress the facts fearing that we might vote against their policies. In fact, they are treating us as the enemy.

Mr. de Pont. I think we have kept a great deal from the enemy but a lot, too, has been kept from the Congress.

Mr. McCloskey. Everybody I talked to knew the CIA was running the Laos situation and they knew, too, of the Thai involvement and they knew the Phoenix program was serviced by the CIA. Yet, we in Congress have the need to impose reasonable rules of secrecy on ourselves. I can understand how the executive branch might worry about some of us who drink heavily, or in our dotage reveal secrets, or for the desire for publicity, rush out to hog the television cameras. I understand that. We have the professional ability, however, to impose our own rules and prevent that from happening.

I think that it is necessary to restore this balance between the two branches. Incidentally, I do not think anyone would deny that the Congress was intended to be the supreme branch of Government. We can impeach the President if he does not carry out the law as can we impeach others. The whole pattern of the Constitution indicates in history and tradition that the legislative branch was in fact the lawmaker, and we cannot make the laws without full information.

I think it is time we determined how we were going to get this information and protect the national security in the process.

Mr. de Pont. Turning now to the very difficult question that some of the other members of the subcommittee have considered, that of the prisoners, I have asked each of the sponsors of the various Vietnam disengagement acts this tough question: If we agreed to withdraw by a certain date contingent upon a prisoner release and it did not occur, would you be willing to stand up to vote to stop taking our troops out?

I concur from your comments that your answer would be yes; is that correct?

Mr. McCloskey. I have no hesitancy, and I confess to some bias in this after 23 years in the Marine Corps. I believe strongly that you don't leave prisoners behind, particularly the men who have borne the brunt of this policy, rightly or wrongly.

I would prefer to say in answer to that question that I would support whatever, at that time and place, seemed to be the best means of getting the prisoners back. I do not think it necessarily involves threatening nuclear weapons or invading the Hanoi Delta, Red River Delta, or blowing up their dikes. I think there are a lot of methods and means available to us; but I think the whole principle and tradition of this country is wrapped up in the sense that we do not leave our men behind when we make our policy. If there is anyone who should not have to bear the brunt of the mistakes this country has made, it is the families and the people involved who carried out that policy at a far greater risk than any of us sitting in the Congress.
We fought in good wars, at times when wars were appropriate and served a national function; as I think this one does not, but I don't think we can preserve this Nation if we abandon those men who fought courageously and without complaint.

Mr. du Pont. You made one statement that does concern me. I have not been much of a proponent of the fixed-date concept because of the point that the chairman made that we may be pushing the President into some kind of action that we may not want.

You commented that if the prisoner exchange did not take place that you would have to do "something far more forceful." You then mentioned the possibility of a declaration of war, and I don't know whether you were speaking as a Congressman or as a candidate for the presidency; but are you suggesting that if you were the President at that time and the exchange did not take place that you would ask the Congress for a declaration of war?

Mr. McCloskey. No; I frankly have not considered anything I have said today from the standpoint of the candidacy. I have felt that the current policies followed by President Nixon are gradually forcing us into a corner where we may be unable to either get the prisoners back or to assure that the ultimate preservation of the South Vietnamese will be achieved, but I would not urge a declaration of war.

I believe that we cannot test the validity of the assumption that the North Vietnamese will return our prisoners until we do what is right, which is end the bombing and our involvement there. At that point, it is my belief the North Vietnamese will agree to return our prisoners, since there will no longer be any danger to them from the bombing or the American presence in Vietnam; but as long as Mr. Nixon is President, with his background, the North Vietnamese are going to require an act of Congress in order to have that assurance rather than just the assurances of the executive branch. But I don't say that or any part of this as a candidate, and I do not advocate or propose a declaration of war.

It is my sincere belief that if we follow the course of action I have outlined today the prisoners will be returned and there will be no need to consider the harsher alternatives.

I just do not think that under the current policy we have any hope of reaching that point in view of the long, tortuous history that has gone on since 1948.

Mr. du Pont. I hope, Mr. McCloskey, you are right. I hope it does work out and that harsher methods, to use your term, are not necessary.

My personal feeling is that I would much rather take my chances with the residual forces as a bargaining tool than I would use any harsher methods.

I have run overtime already, but, again, I would like to thank you very much for a fine statement with regard to the congressional right to know, and I appreciate your appearing before the subcommittee.

Mr. McCloskey. I would like to say I don't think any of us can be completely certain that we are right on any of these issues. We endeavor to attain the best result for the country and hope, in our collective judgment, we will achieve the right result; but there are good men on both sides and all of the reservations expressed are attempting to predict the behavior of both the North and South and, from any observation, the track record of American attempts to pre-
dict how the Vietnamese will react is roughly 10 percent successful over the last few years.

I would like to confess the possibility that I am wrong, as I think every conscientious Member would do with respect to our present convictions. Many of us have changed radically over the last years as new facts have come to light. I just hope I am right, but I would have to concede that I may be wrong.

Mr. Du Pont. Thank you.

Mr. Gallagher. Mr. Halpern.

Mr. Halpern. Thank you, Mr. Chairman.

First, I would like to commend our distinguished colleague on his sincerity and devotion to his convictions. His testimony was eloquent and extremely welcomed by this member of the subcommittee, and I am sure each member.

I join in your efforts to win the right to know. I feel all of us who represent the American people have learned from the recent disclosures the importance to be informed, to have all of the facts before we act, before we evaluate our positions. I am convinced had we in the Congress known the true facts, the course of our actions in recent years might well have been different.

Do you feel that the course of events in South Vietnam would be the same if we got out tomorrow or 6 months from now or 9 months from now or, say, 2 years from now?

Mr. McCloskey. Yes; I do. I do not think that the issue now is how long American troops remain in Vietnam, but I am disturbed that the longer we remain there, the more hardened the attitudes become on both sides and the more entrenched we become in our negotiating position. As we get down to 50,000 troops and airpower there, I do not know what negotiating power we will retain.

Mr. Halpern. Aside from the morality and legality issue which you so strongly have stressed, would you say prolonging the war is actually pointless?

Mr. McCloskey. It seems so to me.

Mr. Halpern. I think it is important to point out, Mr. Chairman, to add to your own conceptions on the issues in this war that even if we were to meet the present withdrawal timetable at least another 7,400 Americans will be killed and possibly as many as 65,000 more young Americans will be maimed or injured. I think this is awfully important to stress.

Again, I want to emphasize my compliments, my commendation to our very distinguished witness and his valuable contributions to this subcommittee.

Mr. Gallagher. Thank you, Mr. McCloskey, for a fine contribution to the deliberations of this subcommittee.

The subcommittee will stand recessed for 10 minutes while we go over and vote.

(A short recess was taken.)

Mr. Gallagher. The subcommittee will come to order.

Our next witness is Congressman Sam Gibbons. Democrat of Florida. Congressman Gibbons came to the Congress in 1963 and is a member of the Ways and Means Committee. He has made an enviable record of sound legislative initiative.
We are pleased to welcome you here, Congressman Gibbons, and we know your testimony will be helpful to our subcommittee. On behalf of our subcommittee I want to express to you and Mr. Waldie our apology for the long delay and hope you will forgive us.

Please proceed.

STATEMENT OF HON. SAM M. GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. Gibbons, Mr. Chairman, I appreciate your courtesy and welcome your comments. As I told Mr. du Pont a while ago, I am not worried about the delay. I have been waiting for about 9 years for this occasion, so a few more minutes or a few hours or a few days will not make that much difference now.

Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you on a matter which I believe to be historic in nature. I am not here to assess blame, to call names, or to point fingers at anyone, but I do think we should have a free and frank discussion of our actions.

First, let me say I am a cosponsor of a number of resolutions on subjects now under consideration by your subcommittee.

I joined in sponsorship of House Joint Resolution 1, by Congressman Zablocki and other members of the Foreign Affairs Committee. While I am not totally satisfied with the draft of this resolution, I joined in its cosponsorship because I wanted to express my interest in reasserting the responsibility of the House of Representatives in connection with the warmaking powers. I believe that by the process of erosion, the power to make war and to commit this country to the possibility of war has been concentrated to too great an extent in the executive branch.

House Joint Resolution 1 at least puts the President on notice that he is required to consult with and report to the Congress in a more forthright manner than we have seen in recent years.

I joined with Congressman McClory of Illinois in sponsoring House Concurrent Resolution 334, which provides for a date certain for withdrawal of American forces from South Vietnam, conditioned upon the establishment of a cease-fire, return of all American prisoners, and a simultaneous withdrawal of all outside military forces from South Vietnam. Here again I think the Congress must show its willingness to accept the responsibility for bringing about a peace. Under our system of divided responsibility at our National Government level we cannot assume that the Executive must bear the whole responsibility for the final decision of withdrawal.

I joined with Congressman Chappell and others in the sponsorship of House Joint Resolution 664, which again recognizes the responsibility of the President as Commander in Chief, but also recognizes the shared responsibility that the Congress has with the Executive concerning our warmaking powers.

When I joined with Congressman Wolff and others in the introduction of House Concurrent Resolution 192, I wanted to express my desire that the people of South Vietnam be given every opportunity to express their free will in the elections to be held in October of this year. I realize it is very difficult to conduct an election in a coun-
try that is under attack from within and from without and that the
standards we impose in our country would not be realistic in South
Vietnam, but I become more concerned each day that the conduct of the
election in October in Vietnam will fail to meet even the minimal
requirements of free elections. From the sketchy reports that I have seen
concerning this election, I am led to believe that the ability to be nomi-
nated for a place on the ballot has been overly restricted.

Some members of this committee will remember I was one of the in-
troducers of a resolution in the Democratic caucus to bring this war to
an end by the end of this year. I do not see how it is reasonable to ex-
pect that prisoners of war will be returned until an agreement has been
reached concerning the end of armed hostilities.

When the history of this era is written, no fair historian can fail
to criticize the Congress, particularly the House of Representa-
tives, for its failure to give adequate consideration to our problems in Sou-
theast Asia. Here and now, after all of these years, we are finally hav-
ing open and public discussions concerning our policy in Southeast Asia.
The Gulf of Tonkin Resolution, for which I voted, originated in this
committee with only a minimal amount of discussion and was pre-
sented to the House of Representatives under a severe time limitation.

While this country has been torn apart by proponents and opponents
of the war in Southeast Asia, this Congress has not responded with
the hearings, discussions, and debate that a problem of this magnitude
deserves.

We must all recall that our country is dedicated to the proposition
that government derives all of its just powers from the consent of the
governed, and it follows from this principle that no consent can be
properly given if the government classifies as secret those matters which
should be public knowledge. Neither can consent be given when the elected representatives of the people fail to carry on official
and public discussions of vital issues, such as our involvement in
Southeast Asia.

As I said earlier in this statement, I believe that the warmaking
powers of this Government have become too highly concentrated in
the hands of the Executive. I believe it has been far too easy for the
executive branch to commit this country to paths leading us to armed
confrontation around the world. I think that it has become too easy
for our executive branch to make commitments in manpower and
other resources without the active oversight of the Congress.

I am glad that this committee has now begun to undertake what I
hope will be a searching discussion of the problems that I have out-
lined. I hope that this committee will be vigorous in its attempt to
withdraw the veil of secrecy that so often covers the conduct of our
diplomacy. I hope that this committee will report to the House of Represen-
tatives proper legislation fixing the time for the cessation
of hostilities in Southeast Asia, and will also report to the House of Represen-
tatives legislation restricting the use of warmaking powers
that have been usurped by the Executive.

Finally, I would hope that this committee would report to the
House of Representatives legislation requiring all agencies within its
jurisdiction to revise their system of classifying information. It seems
to me that the very least that can be done would be to provide for an
inventory of those documents presently classified and on an annual
report for those matters that are classified during each consecutive year. A more workable method of declassifying information is needed so that the 200 million Americans who must give their consent to be governed will have a more knowledgeable basis on which to do so.

In considering the resolutions I have introduced and other legislation in this area, I think it would be well for the committee to look into the Javits and Eagleton resolutions on the Senate side, on which I understand hearings have been held. These resolutions contain worthwhile suggestions, I believe.

Thank you again for allowing me to testify before you. I want to commend the committee for its investigation into needed legislation to assure that another Vietnam won't happen.

Mr. Gallagher. Thank you, Congressman Gibbons.

The Congress obviously deserves a great deal of criticism and anyone who lived through those days is not without his share of criticism. But I am just wondering what kind of criticism will fall on this Congress if we should pass a resolution with a date certain which events make it impossible for us to keep and, therefore, impose a very inflexible position on the President of the United States, who is seeking to extract us from Vietnam.

I wonder what your feeling on that would be.

Mr. Gibbons. Mr. Chairman, somewhere along the road we are going to have to face the process of withdrawal that is now going on and it will eventually come to an end. We will be down to a force that is so small that it can only perform perhaps a beachhead type of withdrawal from South Vietnam. I think it is better to bargain now; to put forth a solid position that we as a government are willing to make and see what kind of takers we have on it.

I think that it may well come to the fact that we will be forced to shoot our way out of South Vietnam. I hope it does not. I think we are in a better position to bargain now, and I think we have to show the initiative by stating we are going to withdraw, that we are going to withdraw at a time certain and then see what response we get from the enemy.

Mr. Gallagher. Would it not be preferable to allow the withdrawal plan to proceed as it is while there are still options to the President, while he still has some flexibility? My reservation is if we impose inflexibility, we may well be hindering this. This is a purpose of our hearing.

Mr. Gibbons. As I see it, Mr. Chairman, we have given away all of our bargaining chips. When we made the decision not to bomb North Vietnam, an important chip went down. In 1969 when we said we no longer intended this to be a military victory, we gave away another bargaining chip. When we announced our withdrawal, we gave away another bargaining chip, and when we reduced our forces, we gave away still another. There is so little left that we have to bargain with that we are in the uncomfortable position of having to put as a bargaining chip the thing we have the least control over—and that is what is going to happen to our own prisoners of war.

We have very little left to bargain with except our own good intentions and every day as we continue to withdraw, we chisel away at what little we have left. I think it is going to take some dramatic act of faith on the part of this Government to convince the other side that we do intend to withdraw.
I am sure they don't want any more casualties. I am sure we don't want any more casualties. We still do have some options, but it would take a tremendous upheaval in this country to use those options. Those options are ones that were discussed here earlier—an accelerated bombing attack against North Vietnam, the use of ultimate types of weapons against those people, but those are not on the bargaining table and I think we ought to go ahead and set a date for withdrawal, find out what is going to happen as we are going to have to face this sooner or later. I think we are in a better position to face it today, this month, than we will be a month and a half from now when we will have 25,000 fewer combat troops in South Vietnam.

Mr. Gallagher. It is those very options, Mr. Gibbons, that make me very nervous; the imposition of a fixed date and the possible incapability of our doing what we in the Congress say we must do. This may lead to the kind of extreme reactions that the President would be forced into or that the public will demand. I wonder if that kind of a position becomes counterproductive to withdrawing all of our troops, which is what Vietnam now should be all about.

Mr. Gibbons. I have tried to think of what you take with you when you go to the bargaining table in the position we are in right now.

Mr. Gallagher. We are not really talking much about going to the bargaining table. The other side is not going to bargain with us. They want us out, and when we come out, they may or may not give up our prisoners. They obviously do not want to sit sincerely at the bargaining table and, therefore, if we negate our own options, are we not going to be forced at some point to show muscle again, which is what I believe no one wants to see?

Mr. Gibbons. There are many ways the prisoners could be returned. We could try third-party options. We have prisoners of theirs we could exchange on a man-for-man basis. We have all kinds of ways we could test the bona fides of the enemy.

We are not now testing the bona fides of the enemy apparently well enough. I must assume everyone wants to see this war come to an end. If we take into account their casualty toll, no one could rationally say they want to go forward with more armed conflict. There is no doubt that our firepower is devastating and whenever they mass enough to do any damage to us, all of the firepower that we are able to concentrate deals them a cruel blow.

So I cannot believe that they want to prolong the war indefinitely. They are going to get from us a pretty awful price, no matter how we do this. I think we have made an unfortunate mistake, a tactical error. By this, I mean that in the bargaining process we told the enemy that our many bargaining positions were based upon something that was wholly in their control, that is, when we put such a high price on the release of our prisoners, we made a terrible blunder. I think the Government in escalating this and in encouraging this has made a mistake. It has always been in the conduct of warfare that prisoners of war were returned once there was a cessation of hostilities.

I have heard these assertions on the floor and the evidence has been given on the floor, yes, we have had returns of POW's prior to cessation of hostilities, but those have usually been sick or wounded or special types of prisoners.

Now, every prisoner is special to me.
Mr. Gallagher. I am not really talking about the prisoner issue, which, of course, we all agree on. By giving the date creates precisely the point that we give them another position that is solely in their control: a total inflexible date by which something must happen. If it does not happen, we are right back where we started from.

Mr. Gibbons. Somebody said a declaration of war. Fortunately weather is on our side right now. What is it—seven or eight a day killed, three or four times that many wounded every day, to say nothing of the financial expense and the social expense that we are paying for this. I think that all those are factors in this equation. Another factor is that we should be willing to risk some things and one of the things we have to be willing to risk is that we will come forward and say we are willing to set a date provided they will give us a firm assurance that they will return those POW's. We can then work out the details.

Mr. Gallagher. I don't think we are ever going to get any firm assurance at all. I think the ending of the war depends on ourselves and what we do.

Mr. Gibbons. We are in a better position, Mr. Gallagher, to know that this week than we are a year from now.

Mr. Gallagher. If that were so, if we get any manifestation at all or including even minimal conditions of prisoner return, I think this committee would jump with enforcement of a fixed-date proposition. It is precisely that gray area at the end of it that if nothing happens will we be forced to declare war, will we be forced back into the bombing that no one wants and the kind of war on a larger scale that no one wants? Or do we just continue to grind down the war regardless of what the other side does, which is about what is happening now?

This is why I direct your continued careful thought on the end-the-war resolution, the fixed-date proposition.

Mr. Gibbons. I have always considered that the fixed-date proposition was a bargaining position. You announce you are going to get out, you take the kind of action it would take to do that, a resolution by Congress pledging, in effect, that a majority of us support that position and that the President would so adopt, and then you just have to see what can be worked out about how you get those prisoners back. Then you still have the option of when you execute that fixed date or the process of executing it. If we determine that there is going to be no return of those prisoners, then we start to examine our other options and what pressure we can bear upon them to do that.

I just maintain that we are in a better position to fix a date now and say we are going to get out now than we will be when we are down to, say, 50,000 or even 100,000.

Mr. Gallagher. Let us assume we do that and nothing happens at all with regard to the prisoners, or we get forced into a very difficult position by having a lot of people killed at the end of it. What do we then do if the resolution says everything ends on December 31, 1971? Do you see any possibility of our being forced into a very extreme position which none of us want or do we just take it and go out anyhow?

Mr. Gibbons. Of course, in making that decision you just have to weigh all of the factors in light of what is actually taking place at that time.
Mr. Gallagher, frankly, I can't foresee that this thing is going to end as a bed of roses. I have never been able to foresee that. I have always foreseen either the winning of this or the losing of it or the ending of it, if you prefer to call it that, as being a climactic time. I have always felt since the beginning that if we were going to win this thing, we had to face the possibility of a confrontation with China. Fortunately we never had to do that, or unfortunately—I don't know. Somebody who has a better grasp of history and better perspective than I have is going to have to decide that question.

Mr. Gallagher. I don't see any great climactic ending to it.

Mr. GIBBONS. I mean the risks are going to be high. There is always a chance at the end some slip could occur, some blood might be shed. There could be some treachery in the return of the prisoners of war that could set off the kind of cataclysmic event that none of us want to see.

Mr. Gallagher. Accepting that, isn't there some advantage in not fixing a date if those things could happen by forcing something to happen? That is my reservation.

Mr. GIBBONS. I think we are just saying, "Put it off a little longer, withdraw a few more troops and see what happens." We have gone down to 250,000, but nothing has happened. We are still taking casualties, but at a lesser rate. Before we go much below that present figure, we ought to try to do at least do what has been suggested here. If that is not going to work, we are going to have to suggest another tactic. I don't think we have anything to lose, but by simple mathematics you can reduce our forces down to the level where they are going to be outnumbered, outgunned by the enemy.

I would much rather negotiate a withdrawal than I would to shoot one out.

Frankly, I have taken part in military operations as you have, and I know that withdrawals are very difficult to execute because you don't have the element of surprise on your side. The enemy knows where you are and they can concentrate their firepower on you. I always thought in winding this thing down, if there were still not a cease-fire, then we had a difficult military as well as a political problem on our hands.

I think we have to set a date certain, try to negotiate a cease-fire, try to get our prisoners out and I think that is the wisest course to follow at this time. I have had a little experience in planning of military operations and I don't want to see us pull a beachhead operation in reverse. It would be an event that would be very distasteful.

I have no doubt we could pull it off successfully, but we would have to use far more power than we have used now and we would have a pretty high casualty among those who would be the last ones out.

Mr. Gallagher. Mr. Whalley.

Mr. WHALLEY. Thank you, Mr. Chairman.

My compliments to our chairman for holding these hearings. I think he is sincere when he says he hopes some idea will originate to bring about the thought we all have which is to bring our boys home and bringing this war to a successful conclusion. I want to thank you and other witnesses for taking the time to prepare statements and coming here. It seems almost like a bottomless pit.
We talk about we should have a better understanding between the President of the United States and Congress and I don't think anyone tried harder to bring war to a conclusion than President Johnson. He agreed to stop the bombing because his advisers said if we did this, this would help North Vietnam release our prisoners so they could come home and they didn't do anything about it.

Mr. Gibbons. I am just speculating, but I think he realized in 1968 that winning the war would be for a price that he was unwilling to pay. I think he realized in 1968 he was going to have to take on the Chinese and I think that is the reason why he called it quits. The information that has become public since that time convinces me that that was the reason he quit, because he realized how far this would have to be escalated.

Mr. Whalley. I remember hearing that President Johnson allowed Secretary Rusk to appear before this committee and he said the Constitution gave him the right as Commander in Chief to run the war as the executive department saw fit. It was only after many, many months that he appeared. I am not sure these hearings will bring any more information to the committee if the Constitution really gives him that right.

We have to hope for the best. I asked questions this afternoon as to why wouldn't North Vietnam just stop the rockets, retreat, release the prisoners and opinion would require us to come out? He said he felt North Vietnam wanted to embarrass the United States, a strong country of the world, showing they could attack at will and create casualties at will and they are people who are pretty difficult to understand, so I think all we can do is work and hope for something peaceful as a solution.

Mr. Gibbons. There are no magic solutions to these problems. It is going to be very tough at the end as it has been all along, and I think we are just going to have to put our faith on our experience as men of affairs and that is, you just make the best deal you can get and you take what you can get when you get it.

I don't think any President that I have had the privilege of serving under has had a package solution that he could pop at any one time. I used to think at one time Mr. Johnson had one. That was wishful thinking.

Mr. Whalley. Thank you, Mr. Chairman.

Mr. Gallagher. Mr. du Pont.

Mr. du Pont. Mr. Gibbons, you commented in your testimony that we need more congressional inputs into the foreign policy area. I generally concur in that, but what about the tough question—what about the next Vietnam?

When information comes to you that one nation, be it Burma, the Philippines, Ecuador, is being infiltrated by armed forces of another nation, how do you propose to set the criterion by which you need to know whether or not you are going to help?

Mr. Gibbons. I wish I had that solution. I think you would have to know more about the people of the country than we did about the Vietnamese. I think General Taylor just testified that we didn't know enough about the people and we got in with this in the wrong way. We just kind of blundered along and I think the Executive deluded us as to what was going on.
I don't think we should use this covert kind of assault again on anyone. I really think we have to arrive at a position of moral leadership of the planet. It is now shown pretty clearly on the record, that while we have condemned others, our hands are not too clean either.

So apparently we need to have some soul searching in our country, and we need to establish some declarations of how we are going to live and convince other people of that.

Mr. du Pont. Let me ask you the other hard question. If we passed another resolution saying we were going to bring all of our troops out, contingent upon prisoner release, and the day came when the prisoners were not released, would you be willing at that point to vote on the floor of the House to stop taking our troops out of South Vietnam?

Mr. Gibbons. I would have to stop and take much more time to think about that than I took on the Gulf of Tonkin resolution. You have to ask how many more lives you are going to throw away in the process of trying to rescue somebody? I have been a military man for an impressive part of my life, and there are times when you have to make a decision whether or not you are going to take the offensive or whether you are going to take some other course of action.

Sometimes the price is too high to pay. I would not want to commit myself. I worry about the prisoners of war that are there, but I also worry about the 20, 30, or 40 that we kill every week and the thousands we may kill before we get this mess over. I think those lives are worthy of consideration as much as the lives are that are in captivity over there.

Mr. du Pont. Then you ought to be for a resolution that says we are going to pull the troops out regardless of what happens to our prisoners.

Mr. Gibbons. No.

Mr. du Pont. You have two options if you pass a resolution saying we are going to take our troops out if you give us our prisoners back.

Mr. Gibbons. You miss the gist of this as does the President. Apparently what you are doing and what the President is doing—he is going to get himself so weak over there he won't have any residual task force left in that country. He will give away all of the bargaining power we have, and then he will see what can be done.

If you take 12,000 out for a number of months, you are not going to have anyone there. Short of that time, you are not going to have any believable power left there. We may be at that point already, so what is to be lost by establishing a date on which we, in effect, say a majority of the House of Representatives, as a majority of the Senate, the President concurring, we are going to be out of there.

It is a matter of believability. They may not believe us. They may say, "Go on, we have heard that story before." At least we know where our options are. We are giving away our options and frittering away our power.

Mr. du Pont. That is a fine resolution and that resolution is not what has been discussed here. That is a straight resolution with a fixed date. If that is what you are in favor of—

Mr. Gibbons. I have given the number of them, but I cosponsored resolutions conditioned upon the return of the prisoners.

Mr. du Pont. But you said if they didn't return the prisoners, you are not sure what you would do.
Mr. Gibbons. I think you are going to have to face that when you get to it. We are in a mess and you can’t lay out a grand plan for unwinding this mess. There is nobody in this Congress or in this country who is smart enough to do it. We don’t have control of the situation unless we are willing to escalate all out of proportion.

That is the reason President Johnson did not escalate all out of proportion, because he realized he was eventually going to be taking on the Chinese, in my opinion, and he did not think it was worth it.

Mr. de Pont. I am concurring with you that we are in a mess, but I am suggesting if we pass a contingent resolution which says we are going to get out if you don’t return the prisoners—

Mr. Gibbons. We will be no worse off than we are today.

Mr. de Pont. Our Congress has made a declaration of policy and if you don’t live up to it and if you don’t go to the mat on the prisoners, your credibility is shot.

Mr. Gibbons. The credibility has always been based on the fact that we would get the prisoners back. I am sure you have been listening to this debate and you have been reading the resolutions, but that is the contingency. You ask me a hypothetical: Am I going to declare war if they don’t?

I rushed into the Gulf of Tonkin resolution, and once burned you become more cautious. I don’t think the Congress was leveled with on the Gulf of Tonkin resolution. I think we are going to have to look at the bona fides of the people who do the negotiating for us.

Mr. Gallagher. If prisoners are not released, then we have to take further action. Isn’t this exercise concerned with obviating further action regardless of what the other side does? The country wants the war to end and the people want the boys to come home.

It seems to me that is all. It seems to me if we have a hula at the end of it, whether it floats or bursts, requiring further action, big action, then we are not on a certain course.

Mr. Gibbons. We would be in a better position to find that out today than we would 6 months from now.

Mr. Gallagher. I don’t think we are ever going to find out in advance. I think all we have to do is get out. That is precisely my reservation. We have to come out regardless of what is going on and if we leave in a hula, it may bring us back in even greater force.

Then we and the President are in a terrible position which we in Congress would be responsible for.

Mr. Gibbons. We are responsible anyway.

Mr. Gallagher. Then maybe we should have learned something.

Mr. Gibbons. I share responsibility for the 45,000 who have died. I share a responsibility for the 75,000 who are prisoners now. I share responsibility for the dope addiction and for the wounded and for the maimed and for all that sorrow and misery. I share that responsibility and the responsibility is never going to get any lighter and I don’t see any other way out of it other than to say clearly and cleanly we are going to get out.

We have already said that. The President says it all the time. What we are asking for now is that we try some new initiative.

Mr. Gallagher. You are saying, “Compel it by a certain date,” but what happens after that?
Mr. Gibbons. We have not had a new initiative since we decided what the shape of the table was going to be in Paris. We have not had a new initiative at all. We have not had any original thinking. We have not done anything.

We have just sort of grudgingly said, "Well, damn it, we are going to get out."

Mr. Gallagher. But that is all we can say.

Mr. Gibbons. I think the country is crying for and I am crying for some new initiative, some new thinking, not just 12,000 men times the number of months ahead before we withdraw. I don't know what is so magic about it being somehow timed to the next election.

I think it is ridiculous to do it that way. This is not a partisan matter.

Mr. Gallagher. That is the concern of this committee to end it rather than have a good issue.

Thank you very much, Mr. Gibbons, for your contribution.

Mr. Gibbons. As I said to Mr. du Pont earlier, I have been waiting around here for almost 9 years to talk on this before an official body of the Congress. I don't profess to have all of the information or the knowledge or the ability to reason this matter out. I am convinced that the Congress has not gotten the candid information from the Executive that the Executive has.

I don't allege malice to the Executive or to the executive branch or to the military forces, but I do say there has been a lack of wisdom on their part and on our part and on the withholding of information and if we have learned one lesson from this mess, it is that we can't afford to be less than candid with each other and with the people that we represent.

That, as I see it, is the lesson to be learned from our involvement in Southeast Asia.

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

Our next witness this afternoon, to whom I express great apologies for the delay, is Congressman Jerome Waldie, Democrat, of California.

Mr. Waldie is a respected member of the Judiciary Committee. During his years in the Congress he has never been reluctant to speak out on these important issues of our times.

We welcome you.

STATEMENT OF HON. JEROME R. WALDIE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Waldie. I get the impression this subcommittee is about as weary of these hearings as it is the war.

Mr. Gallagher. We are going to consider a date certain to end the hearings.

Mr. Waldie. I intended to give you a lengthy statement on the issues, but I am too tired to do that and I know you are too tired to listen.

Let me say we ought to get out of Vietnam. We ought to get out tomorrow if we could. I see nothing to be gained by staying 24 hours longer. I see everything that we have lost so far being compounded. With that I will answer any question any member of the subcommittee has.
Mr. GALLAGHER. Mr. Waldie, we thank you for your consideration and this committee is certainly well informed on your very consistent position down through the years.

Which of these resolutions do you most favor? You have listened this afternoon. You can tell that we are clearly perplexed as to which really serves the best interests of how to bring this war to a conclusion: A continuation of the present policies which are working, though slowly, or fixing a date with the disadvantages and advantages that a fixed date would offer?

Mr. WALDIE. I think the best interests of this country will be served, Mr. Chairman, by the quickest withdrawal from Vietnam and whatever resolution provides the quickest withdrawal from Vietnam directed by the Congress of the United States, that is the resolution that I would support.

If I can't get that resolution before me, I will support the next quickest.

Mr. GALLAGHER. Do you see the disadvantage or the reservations, that you have obviously noted, of several members of the committee that if we fix a date and set conditions and those conditions cannot be met and that date passes requiring us to do other things? Do you see this as a potential danger?

Mr. WALDIE. I see potential dangers for every second we remain in Vietnam, Mr. Chairman. I see the greatest potential danger remaining in Vietnam. There is no potential danger on any condition or in any way that is greater than remaining in Vietnam for a minute longer than we should, which was 10 years ago, which is when we should have been out.

Mr. GALLAGHER. I quite agree with the conclusion. We are grappling here with the problem of how we exercise our responsibility toward reaching that earliest possible minute.

Mr. WALDIE. I exercised my responsibility in that regard by voting against all military appropriations and by voting against the continuation of the draft. This war cannot be fought unless you compel American men to fight it. There is not enough support for that war for Americans to volunteer to fight it in South Vietnam.

I voted to end the war and the draft on June 30. I voted to end all appropriations in support of the Vietnam war to end the war. The conditions on ending the war don't really concern me. I think the most important thing is to end the war.

I think we can get hung up in parliamentary technical debates as to what consequences will be for the country, given a certain set of options that are speculative and uncertain, but the one option we know is not speculative and uncertain: Every day we remain in Vietnam, the tragedy of that situation is tearing this country apart more and more and it is tearing apart Indochina.

It seems to me we should not be misled worrying about blind tunnels as conditions. I followed the President the 3 years in which he has been handling this difficult problem. I have tried to divine, if you will, what the purpose of his policy is.

At first I understood it was to permit the South Vietnamese to have the right of self-determination. It was an enunciation of the policy of his predecessor. Then I understood we went into Cambodia and Laos not to permit the right of self-determination, but to protect our with-
drawal so that the enemy would not attack our troops as they left South Vietnam.

The next thing I understood from the President was that we were really in South Vietnam to insure the return of our prisoners. The last I heard was that we were in South Vietnam to insure the release of our prisoners and to insure the ability of the South Vietnamese to defend themselves.

With that statement we come a full circle to permitting the right of self-determination of the South Vietnamese people. I don't know what the President's purpose is to stay in South Vietnam. I suspect it is to save face.

It is an oriental characteristic we have always maintained was a weakness of the orientals. The face the Americans have presented in Indochina is the ugliest face this Nation has ever presented to the world and the way to change that face is not to remain in Vietnam. You will save the ugly face if you remain there. The way to change that ugly face is to get out of Vietnam and not quibble over the ways you get out. Just leave Vietnam. It was not hard to get in there.

Mr. GALLAGHER. Do you feel we are doing that now?

Mr. WALDIE. I suppose we are doing it to the extent that I am living out the rest of my life, if that is an analogy. As I presently stand before you, I am presently living out the rest of my life. I suspect in that regard, we are getting out of Vietnam.

Mr. GALLAGHER. I hope both policies continue.

Mr. WALDIE. The thing I disagree with—the constant assurance that the President is trying to end the war. Of course, he is. President Johnson tried to end the war. President Kennedy tried to end the war. President Eisenhower tried to end the war. All Presidents have tried to end the war. I used to criticize Presidents and vehemently ever since I have been in Congress. I criticized President Johnson and I continued criticizing President Nixon.

I am no longer going to criticize Presidents. The Congress of the United States has it within its power to end this war next week. We could end it if we had the courage to do it. It is very easy to criticize Presidents for their failures and policies if you are not willing to assume the risks that formulating policy entails. We have not been willing to do that.

Mr. GALLAGHER. With regard to the resolutions, Mr. Waldie, some are entailed by a prisoner-of-war return. Do you advocate that?

Mr. WALDIE. I would advocate the resolution that calls for withdrawal from Vietnam tomorrow.

Mr. GALLAGHER. Without conditions?

Mr. WALDIE. Without any conditions. Failing to have that resolution, I would argue for each resolution calling for 24 hours beyond that.

Mr. GALLAGHER. Primarily you give testimony here to a resolution that fixes the earliest possible date to end the war without any conditions; is that correct?

Mr. WALDIE. I am not interested in conditions. I am interested in the men in Vietnam being brought home and the conditions by which they are brought home as long as they are safe. These are the only conditions that concern me.

Mr. GALLAGHER. Mr. du Pont.
Mr. du Pont. Mr. Waldie, do you feel, then, that getting our troops out of South Vietnam is more important than any consequence that might attach to their removal?

Mr. Waldie. I can think of no consequence that can attach to getting our troops out of Vietnam that are as damaging as the consequences of staying in Vietnam.

Mr. du Pont. So you would be willing to have the troops come out and essentially leave the prisoners there. You would also be willing to have the troops come out and let an armed force from North Vietnam, uniformed, come across the DMZ and invade the South?

Mr. Waldie. I would be willing to have the troops come out and I would be willing to have South Vietnam defend itself and I would be willing to have our prisoners released at the conclusion of the war. Your restatement of my position is not one I accept.

I tell you that the consequences of staying in there are these: The military reputation in America is probably as low as it has ever been. That may be one of the greatest if not the greatest loss the country has incurred. The people of America no longer have confidence in their military and it is a tragedy because the military is an essential part of America and that military is going to have to be called upon.

Mr. Gallagher. I might interject at this point that the Pentagon papers clearly indicate that a great part of the Military Establishment was against the very position we find ourselves in. These were political judgments.

Mr. Waldie. I suspect that is quite correct, but most of the blame, it seems to me, in the mind of the American public is being shared equally, if not more than equally, by the military. I think that loss of confidence of America in the military is a devastating blow to our national interests.

I think the divisions in this country that are brought about by the Vietnam war are devastating to the fabric of the country. I think the concentration of the Congress on Vietnam to the exclusion of all of the other problems of this country are damaging to this country beyond comparison.

When you suggest an immediate withdrawal may cause the South Vietnamese to fall to the North, I suggest to you that that is a minimal consequence compared to what will happen and is happening to our country by staying there. I don't want to see the prisoners remain in captivity a day longer, but neither do I want to see this country continue to undergo the travail resulting from our remaining in Vietnam.

Mr. du Pont. Are there any conditions under which you would favor the sending of American troops to defend or to assist in the defense of a nation invaded by a third nation?

Mr. Waldie. Surely; if Israel, for example, were under threat of invasion, I think our national interest is intimately involved in its preservation. If a NATO country were invaded, I think we would have to honor our commitment to NATO.

If certain armed forces were sent into South America, I think our national interest is intimately involved. I do not think our national interest is involved in Indochina.

Mr. du Pont. Africa?

Mr. Waldie. It would depend upon the nation in Africa involved and from whence the foreign troops came.
Mr. Du Pont. I am not talking about Russian or Chinese Armed Forces. I am talking about the neighboring nations.

Mr. Waldis. I would not worry about neighboring African states. I would not commit any American forces to aid one state being invaded by another neighboring state.

Mr. Du Pont. But if the Egyptian Army——

Mr. Waldis. I clearly would.

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

Mr. Gallagher. Thank you very much for being so patient and we apologize. We are delighted to have your contribution.

The Chair would now like to recognize Congressman William F. Ryan, Democrat of New York, who has sponsored several bills and resolutions directed at ending U.S. involvement in the Indochina conflict.

STATEMENT OF HON. WILLIAM F. RYAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Ryan. Mr. Chairman, I am pleased to be able to offer testimony before this distinguished subcommittee. I believe that the very fact that hearings are being held concerning the Vietnam war, and termination of the U.S. involvement in that misguided tragedy, demonstrate that the House of Representatives has, indeed, reached a point where there is a real chance that the responsibility of the Congress will finally be asserted.

I do not think it will come as any surprise to this subcommittee that I am appearing as a proponent of U.S. withdrawal from Indochina. I think it safe to say that I have already made clear my views on the war. I have voted against every appropriation for money to sustain that nightmare, and I shall continue to do so. It is my urgent hope that the actions of this subcommittee, and of the full House Foreign Affairs Committee, and then finally of the full House, will very soon bring to an end the need to even consider legislation providing such moneys.

As you know, I am a sponsor of several bills and resolution, all directed at ending U.S. involvement in the Indochina conflict. These include:

House Concurrent Resolution 50, calling for an immediate cease-fire and complete withdrawal by June 30, 1971;

House Resolution 48, barring U.S. troops in or over Laos;

House Resolution 55, calling for the President to set a date for withdrawal;

House Concurrent Resolution 246, urging the United Nations to take over responsibility for ending the war;

H.R. 1738, barring the use of funds or personnel for Cambodia;

H.R. 4102, the Vietnam Disengagement Act, calling for withdrawal by December 31, 1971;

H.R. 4126, barring U.S. involvement in Laos;

H.R. 5529, barring support for any invasion of North Vietnam; and

H.R. 8955, establishing a cease-fire and withdrawal.

I am, it is clear, prepared to sponsor, support, testify for, and vote for every piece of legislation which will end this war. It should have never begun. Once begun, it should have been ended long ago. Still continuing, it should be ended today, at this instant. If today is not
feasible, I will settle for tomorrow. If tomorrow is not practicable, I will reluctantly settle for next week. But I will not settle for the un-ending drain of American and Asia lives, waiting and waiting for this administration to end it.

Why? Why must we withdraw? We must because we have paid an incalculably high price for an incredibly wrong venture, and in doing so, we have made the devastated lands of Indochina and their hapless peoples pay an equal incalculable price.

Since January 1, 1961, more than 53,000 American lives have been lost; more than 750,000 Vietnamese. South Vietnam is ravaged, the victim of bombs, herbicides, depopulation, forced evacuation, and constant warfare. Laos and Cambodia share that fate.

The tale of this dreary debacle is a long one. Longer even than the 47 volumes of the Pentagon study authorized by then-Secretary of Defense Robert McNamara. It is a tale, we now know even more fully than we did just a few weeks ago because of the Pentagon Papers, of deception and obfuscation. It is a tale of bloodshed, stupidity, and even atrocity.

Why are we fighting?

We have been told that we were fighting to contain China. Today, Chinese influence is certainly no less in Southeast Asia. In fact, the North Vietnamese, historically the antagonists of China, now look to that nation as a source of materiel.

We have been told about the domino theory: if South Vietnam went Communist, the rest of Southeast Asia would topple. This theory declined in political currency for a while, but now it has been resurrected. As the President told us on July 2, 1970, in a televised interview:

Now I know there are those that say, well, the domino theory is obsolete. They haven't talked to the dominoes. They should talk to the Thais, Malaysians, to Singapore, to Indonesia, to the Philippines, to the Japanese, and the rest. And if the United States leaves Vietnam in a way that we are humiliated or defeated, not simply in what are jingoistic terms but in very practical terms, this will be immensely discouraging to the 300 million people from Japan, clear around to Thailand in free Asia. And even more important, it will be ominously encouraging to the leaders of Communist China and the Soviet Union who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas. The world will be much safer in which to live.

Strangely, in light of this resurrected rationalization for U.S. involvement in Southeast Asia, the "dominoes," to use the President's felicitous terminology, do not seem to hear the same bells tolling. No Malaysian troops fight in South Vietnam. Nor do Japanese soldiers or troops from Singapore. The few troops obtained from the Philippines and South Korea are paid for with American money. If the "dominoes" are running scared, their tread is a very soft one, and it is greased with American dollars, not our view of national interest.

Moreover, the Pentagon papers have revealed that the CIA long ago discredited the domino theory, yet that was ignored.

We have been told that the U.S. presence is necessary to insure freedom and self-determination for the South Vietnamese. Yet the regimes we have supported in that country have evidenced the same repressions we see in the very totalitarian states we condemn. Between 40,000 and 200,000 South Vietnamese are held as prisoners for their political beliefs. As I said on July 13, 1970, when the disclosures regarding Con Son Island prison were very much in the public eye:
Were Con Son Island Prison an isolated aspect of South Vietnam’s governmental apparatus, some might be able to dismiss it after the ritualized rhetoric of condemnation. However, the prison is, in fact, not unique. The Thieu-Ky regime is an oppressive government, countenancing no dissent. It represses those South Vietnamese who seek a negotiated settlement to the conflict which has beset their land.

Even Vice President Ky, so deeply involved in this repression, faces being barred from running for the Presidency because of restrictive election laws. What is more, the full weight of American power is at least implicitly backing Thieu.

We have been told that our continued presence is necessary to prevent a bloodbath. The President himself said on May 14, 1970, in an address to the Nation:

When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

How have we saved the helpless people of Southeast Asia from a bloodbath?

Let us look at Laos. Seven hundred thousand refugees have been produced as a result of war-related activities—one-fourth of the population. Of an estimated Meo population 400,000 in 1960, at least 40 to 50 percent of the men and 25 percent of the women and children have fallen as war casualties. Between 1966 and 1969 Laos suffered the highest per capita casualty rate in the world, and it experienced the heaviest per square mile bombing in history. The bombing last year alone on the Plain des Jarres has, in the words of one U.S. AID official, left “most villages and fields now almost completely ruined.”

Let us look at Cambodia. It, too, has been dragged into the war. Since May 1970, the U.S. invasion has produced approximately 1 million refugees. Famine threatens because agricultural production has fallen so severely.

And let us look at South Vietnam. Some one-third of her people have become refugees since 1964. Civilian war casualties since 1965 are estimated to exceed 1 million. Dissenters are imprisoned. Inflation is rampant—30 to 50 percent per year. The culture of the Vietnamese is being destroyed in a glut of American goods and money. Herbicides have destroyed a substantial portion of her forests.

In brief, the bloodbath of Southeast Asia has been going on for years. U.S. withdrawal would not be its creator, but rather the occasion for its surcease, with asylum being offered to those who might be endangered.

We have been told that we are protecting South Vietnam from aggression from the North. There is no question that the North Vietnamese have entered South Vietnam. But “aggression” is an ambiguous term at times. In fact, there is one Vietnam. The two Vietnams are the creation of international diplomacy, not a reflection of the aspirations of the Vietnamese people themselves. Ho Chi Minh, whatever our perceptions of his leadership and the methods he employed domestically and externally, was the national leader of virtually all the Vietnamese people. Thus, President Eisenhower wrote in his memoirs, “Mandate for a Change, 1953–58,” at page 372:
I have never talked or corresponded with a person knowledgeable in Indo-Chinese affairs who did not agree that had elections been held as of the time of the fighting (between the French and the Vietnamese in the 1950's), possibly 80 percent of the population would have voted for the communist Ho Chi Minh as their leader rather than Chief of State Bao Dai.

This, the "aggression" by the North Vietnamese was premised on the nationalistic Vietnamese movement which had been in existence for years, and which was spurred by the despotism of the Diem regime in South Vietnam.

Moreover, the Pentagon papers reveal that the "aggression" from the North was consistently fed and fueled by United States actions in the early days of the war, combined with a concerted attempt by the administration then in office to emphasize and magnify the extent of North Vietnamese incursion into South Vietnam, with the aim being to persuade the American public of facts which were highly disputable, to say the least.

We have been told that we are defending American honor. Yet this version of defending honor has cost more than 53,000 American lives. It has cost the Vietnamese and the indigenous Montagnards untold lives. The President told us on May 14, 1969, that what he termed "abandoning the South Vietnamese people" could not be because "a great nation cannot renege on its pledges. A great nation must be worthy of trust." Certainly, we have exacted a mighty price to maintain this concept of greatness.

We have been told, on May 18, 1970, by the President that the United States is "the peacekeeper of the Asian world." Yet, we stand caught in the morass of Southeast Asia while our legitimate world interests—disarmament under international control, rapprochement with the Soviet Union—lag, caught in the interstices of complex global interactions.

Thus, all justifications fail. Our military involvement in South Vietnam was a mistake—a conviction now shared by 60 percent of the American public, according to a recent Gallup poll. No interests of the United States are served by this war. Nor are the interests of the people of Southeast Asia—and I stress "peoples" in contradistinction to governments—in the continuation of this war.

Apart from the death and destruction suffered by the peoples of Southeast Asia and apart from the more than 53,000 American dead in Asia, what of our domestic state? The President has contended that the war was not an issue in the election last fall. I do not stop to question his political acumen. That is totally beside the point. The fact is that the war is the supreme issue for all Americans. Its taint has sullied our Nation's spirit. It has penetrated the soul of our national life.

The war has diverted some $120 billion from our urgent domestic needs—leaving our cities to decay, our schools to deteriorate, our environment to decline. On less tangible levels—but perhaps levels with even more pernicious consequences—this war has spilt our Nation. It has shown us the tragedy of myopic fear of indigenous nationalist movements; and it has demonstrated that our military complex is largely a force unto itself, caught up in a momentum almost impossible to halt.

Surely, this tragic war has been a supreme blot upon our history. And it is equally sure that unless the course of our Nation is changed, that blot will remain and grow.

Moreover, the morale of our troops is declining with frightening rapidity. No soldier wants to be the last to die, or to lose a limb in a war
from which even the administration claims we are withdrawing. And in conjunction with this malaise among the troops, there has been an enormous increase in drug usage—a development common among the dispirited and discouraged.

Where, now, does this Nation stand? The administration claims to have a policy, termed Vietnamization.

What Vietnamization really constitutes is a cosmeticizing of the war. It is a vehicle to substitute Asian blood for American—that is the simple fact of it. American casualties will decline, as in fact they have. Thereby, the war becomes more palatable to a portion of the American public. But death is not going to end. Destruction is not going to halt. The misery of the South Vietnamese and the Laotians and the Cambodians will persist. The vaunted policy of Vietnamization is the outfitting of a group of client armies, injected into the field of battle as a consequence of U.S. interests, and sustained by American air and logistical support.

Let me cite the recent words of Admiral U. S. Grant Sharp, retired former commander of the Pacific theater from 1964–68. In an article, entitled “Vietnamization Plus American Forces,” which appeared in the January 18, 1971, edition of the New York Times, Admiral Sharp assessed the future thusly:

There will be a sizable U.S. Army presence in Vietnam for some time. . . . The longer range interdiction of the supply lines in Laos and Cambodia will be a task for American aircraft for the foreseeable future in my opinion. Aircraft based in South Vietnam and in Thailand as well as carrier-based planes must be available for this mission. Thai-based planes will include the B-52’s and tactical fighter bombers . . .

Reconnaissance flights over North Vietnam must be continued in order to detect any major buildup of forces and supplies. These flights must be flown at low level to discover material that might be under camouflage. Aircraft must be ready to attack if reconnaissance planes are fixed upon. The air power should be capable of renewing the air strikes on North Vietnam if that should be required, for a mere presence of this capability has a deterrent effect on Hanoi.

All of these tasks add up to a considerable amount of air power, ground and carrier-based, that cannot be phased out soon . . .

In sum, Vietnamization is not a resolution of the war. It is, at best, the reduction of American casualty statistics to publicly acceptable levels. So far as the fate of the Vietnamese, and their Asian brethren goes, Vietnamization only promises more death, financed with American money, mechanized with American armaments, and expedited by American air and logistical support.

It has been Cambodia’s fate to be the first nation to experience the full impact of the rationales which buttress the Vietnamization policy. In Cambodia’s case, and that of Laos, the policy has been carried one step further by the South Vietnamese who, realizing that if it makes sense to substitute Asian lives for Americans, then it makes equal sense to substitute Cambodian and Laotian lives for Vietnamese. Ergo, move the battle to Cambodia and Laos.

At the time of the invasion of Cambodia, a neutral nation, on April 30, 1970, by a combined United States-South Vietnamese force, the claim was made that the invasion was intended “to protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization programs.” With that bold claim of legitimacy by the President, the United States thrust into war a nation which hitherto had managed to walk a tenuous tightrope of neutrality.
On June 3, 1970, the President delivered an interim report on the Cambodian incursion. At that time he told the American public:

The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and materiel where I find that is necessary to protect the lives and security of our men in South Vietnam.

Somehow, the interests of the Cambodians became irrelevant. No matter we bombed their fields, destroyed their villages. The security of our men was the only issue, and all else subordinate.

On June 30, 1970, the President again addressed the Nation concerning Cambodia. He then told us that there would be no United States ground personnel in Cambodia except for the regular staff of our Embassy in Cambodia. There would be no United States advisers with Cambodian units.

We (would) . . . conduct—with the approval of the Cambodian government—air interdiction missions against the enemy efforts to move supplies and personnel through Cambodia toward South Vietnam and to re-establish base areas relevant to the war in Vietnam. We (would) do this to protect our forces in Vietnam.

While South Vietnamese forces would remain ready to respond to appeals from the Cambodian Government, the President said:

There will be no United States air or logistics support. There will not be United States advisers on these operations.

The theory had come around to reality. Now all the actors were to be Asian—Cambodians and Vietnamese against Cambodians and Vietnamese. We would provide the armaments and weaponry. Let the Asians shed the blood.

Events since that made particularly relevant the President's words of June 30, as do they make particularly pointed the barrenness of the so-called policy of Vietnamization. Asian blood is flowing. That much has been assured. But U.S. assistance is necessary in the most comprehensive forms to keep the blood flowing.

The administration acknowledged in January that broadened American air support was being provided for South Vietnamese and Cambodian troops. The Secretary of Defense tells us that the President's words of June 30 had an unstated time limit, applying to withholding direct air support from the South Vietnamese as they finished their operations in Cambodian sanctuaries "prior to the rainy season." By January the times were different, and, in the words of Secretary Laird, "We will use air power"—the term "interdiction" had been conveniently abandoned as the Secretary of Defense rejected "semantics"—"and I will recommend that we use airpower to supplement the South Vietnamese forces as far as the air campaign in South Vietnam, Laos, and Cambodia" is concerned. The deployment of giant B-52 bombers and helicopter gunships, the basing of two helicopter carriers off the Cambodian coast, the ferrying of South Vietnamese forces into combat were now legitimate exercises as far as the administration was concerned.

By January 27, the Secretary of Defense had a new line. To quote him:

Under the Nixon Doctrine, we have, we will maintain, and we will use as necessary sea and air resources to supplement the efforts and the armed forces of our friends and allies who are determined to resist aggression, as the Cambodians are valiantly trying to do.
This was an echo from the past. Let me quote Dean Rusk's words as Secretary of State on March 1, 1962:

United States military and economic assistance and technical advice are being extended to the Republic of Vietnam at its request to assist the Vietnamese people to maintain their independence against this aggression . . .

And on February 17, 1965, President Johnson said:

Our purpose in Vietnam is to join in the defense and protection of a brave people who are under attack that is controlled and that is directed from outside their country.

We are hearing the same litany of disaster. The latest administration line does not even offer the spurious rationale that U.S. involvement in Cambodia is necessary to protect American lives in Vietnam and the Vietnamization program. Now, pure and simple, we have another ally—brought to its knees by a war we cast upon it—and unable to survive, according to the administration, unless we sustain it.

The claim of the Secretary of Defense that the administration was living within the guidelines enacted by Congress last year, because the Congress did not bar air support, is truly a posture out of Alice in Wonderland. It is as if the Constitution were turned upside down—rather than Congress declaring war, Congress' silence sanctions it. This despite the restrictive language enacted into law last year—language which provides in the supplemental Foreign Assistance Authorization Act, Public Law 91-652:

Sec. 6(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground combat troops into Cambodian military forces in Cambodia.

(b) Military and economic assistance provided by the United States of Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

In sum, the June 30 statements by the President were the emptiest of rhetoric. If a credibility gap existed in the past, it has now widened to gullibility gulch, and the American public is down at the bottom of it.

Where does this war end? When will the death cease? Certainly not so long as this administration pursues its course. Its exercises are aimed at making the war politically palatable, not at ending it. As Admiral Sharp says:

Thus, we see that as Vietnamization proceeds, our forces do phase down, but the American presence in the Southeast Asia area is going to be large for some time to come.

Having described the offered rationales, having described the so-called policy of Vietnamization—actually a rerun of the first year of U.S. involvement in South Vietnam, when our role was to be that of adviser and supplier—we still leave undisclosed the underlying assumptions of the American foreign policy which have led us into the quagmire of Southeast Asia.

The war is not just the product of bad judgment. Its roots lie deeper than the character of any one man, or one administration although undeniable this administration and its predecessor have set their indelible stamp on the course of our affairs in a tragically mistaken way. I think the key to beginning to understand—and to learn—lies in the words of the President on May 8, 1970. He said then:
I do know this: Now that America is there, if we do what many of our very sincere critics think we should do, if we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned.

Mark those words "peacekeeper in the Asian world." In them is the core of the mistaken assumptions which guide our foreign policy, I believe. They reflect a long standing national attitude that America is the receptacle, the protector, and the disseminator of liberty and freedom.

In 1821, on the 45th anniversary of the signing of the Declaration of Independence, John Quincy Adams told the Nation:

Wherever the standard of freedom and independence has been or shall be unfurled, there will be America's heart, her benedictions, and her prayers.

Of course, in 1821 ours was a weak Nation, and Mr. Adams continued:

But she goes not abroad in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.

Today, we have the strength to destroy monsters—and where they do not exist, we create them. We intervene in a civil conflict in Vietnam so that the South Vietnamese may have the benefit of self-determination, no matter what price they pay for what we want them to have.

Under the guise of our role as protector of freedom, much of our foreign policy is justified. The difficulty is the way in which we define that freedom and the compromises we condone in the name of stability for the sake of that same time future when the democratic process will replace the dictatorships we support today.

So whatever coloration the administration chooses to cast upon its actions, it is not peacekeeping which is afflicting the peoples of Southeast Asia. It is war, pure and simple.

In the last year, finally, significant congressional debate on the war and on foreign policy premises and implications inherent in our involvement in Southeast Asia finally began to build up. This was debate which I and a few others first opened years ago, when the deaths were still few and optimism for a quick resolution still feasible for some. At that time, when I voted against the first supplemental appropriation bill for the war, I said, on May 5, 1965:

The situation in South Vietnam is not simply a case of aggression from North Vietnam. There is no doubt that North Vietnam is aiding the guerrillas in the South. This fight, however, is also an internal struggle which has been created in part because of the social and political conditions within South Vietnam. In short, it is a political as well as a military effort. The response to the threat in Vietnam has been overwhelmingly military, as was the response of the French in Indochina and Algeria. The population in the countryside does not support the Government of South Vietnam; and it is not a stable government. We cannot bomb people into democracy, nor can we bomb people into negotiations.

At unofficial congressional hearings on Vietnam, which I held on August 12–13, 1965, in New York City, I said:

We are told that we are in the war. If it continues it is likely to be a long war, a frustrating war, and an increasingly cruel war. Gas and napalm have already been used and atrocities increased. Villages whose support is sought by both sides have become casualties.
There is no satisfaction for me that my prophecies then have come to reality since. But there is real hope in that the debate of a few of us has grown to become the debate of the majority of Americans.

So, first, this debate must be continued, and it must be conducted at every opportunity. This debate must occupy the Congress, and it must occupy the country. The voices of the public must be heard—and I would point out that the latest Gallup poll reveals that 73 percent of the American public now favors withdrawal at the latest by December 31, 1971. We have turned the rhetoric around from the early days, when the proponents of the war spoke of victory. Now even the administration disavows a military victory—at least in terms of its rhetoric. By increased public pressure, it can be made to forswear as well the actions which reveal that it continues to seek a military solution—its public statements notwithstanding.

Second, the Congress, buttressed by public pressure, must finally exercise its powers. The Constitution has placed in the Congress the authority to declare war. It has never done so. Yet, admittedly, it has approved, over the protests and votes of only a few of us, funds to fight the war in Southeast Asia. In doing so, it has abdicated its responsibilities. It has lain supine, surrendering its authority and its constitutional mandate to executive fiat.

These hearings offer an opportunity to reverse this process. This committee can report out legislation—such as the Vietnam Disengagement Act, of which I am a sponsor—brining an end to the war.

Now, I realize that the problem of prisoners of war—a very real problem—does exist. However, it just does not make sense to argue, as the administration does, that U.S. forces will remain in South Vietnam until the prisoners are released. Our continued presence only insures their continued imprisonment, as well as does it insure the addition of more men to the captured and missing in action lists.

Third, we must work to defeat every appropriation bill which provides money for the war. Sometime this fall, the fiscal year 1972 appropriations bill for the Department of Defense will be before the House. All moneys in that legislation for the war must be defeated. The affirmative support of that end by this committee can significantly help in achieving that end.

Fourth, the negotiations in Paris must be pursued vigorously. There is good reason to believe that a negotiated settlement is possible. The North Vietnamese and the National Liberation Front have, in effect, made clear that in return for setting a date of withdrawal all prisoners of war will be released. Thus far, the administration has failed to encourage or pursue such avenues. I say it must.

The final answer is so starkly simple, yet so tragically remote. We must have peace. Southeast Asia must have peace. We have fought a misguided war for mistaken ends. We have exacted a price which cannot be repaid—ever. Now—finally—we must stop. We must have peace.

Mr. GALLAGHER. The subcommittee stands adjourned until 2 p.m. tomorrow.

(Whereupon, at 5:35 p.m., the subcommittee adjourned, to reconvene at 2 p.m. of the following day, Wednesday, June 30, 1971.)
LEGISLATION ON THE INDOCHINA WAR

WEDNESDAY, JUNE 30, 1971

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

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.

Today the Asian and Pacific Affairs Subcommittee begins its fifth day of hearings into resolutions and bills relating to the war in Indochina.

I think I can speak for my colleagues on the subcommittee when I say that the hearings thus far have been very useful to us in our deliberations over ways to bring the tragic conflict in Indochina to a conclusion. There is still, I suspect, a lively disagreement among us over whether a date certain resolution passed by the Congress is the best manner to speed the end of our involvement.

But in virtually all other areas, particularly in the desire to see the war end as expeditiously as possible, we are in substantial agreement. We all want the war to end, we all want the killing of both Asians and Americans to stop, and we all want to find a way to make sure American prisoners of war return to their loved ones here in America.

We were scheduled to have five Members of Congress testify today, but Congressmen Harrington and Stratton found other engagements more pressing. Therefore, we will hear from Congressmen Fraser and Keith.

First we have our distinguished colleague, a member of the House Foreign Affairs Committee, the Honorable Donald Fraser, Democrat of Minnesota. Mr. Fraser is now chairman of the Subcommittee on International Organizations and Movements, and is doing an outstanding job on that, as he does in all his work in the Congress.

Mr. Fraser has been opposed to the war in Indochina for many years, and I am sure his testimony will be helpful to this subcommittee.

I am glad to welcome you here this afternoon.

STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. Fraser. Thank you.

First, I want to thank the chairman and the members for permitting me to testify.

Second, I want to thank you for holding these hearings. I think these are the first formal hearings held on the subject of Vietnam policy.
held by the committee or any of its subcommittees since the war began.

As you will learn shortly from my statement, I am not going to try to elaborate the reasons why I think we should get out, but simply to urge one particular proposal on you.

One of the most urgent tasks facing Congress is the reestablishment of constituent belief in a viable congressional system of oversight. Clearly, in relation to the conduct of the Indochina war, many of our constituents feel that Congress as an institution, and Congressmen as individuals, have failed to fulfill clear constitutional obligations.

At this very moment we need accurate, hard information on what is actually happening in Vietnam. We need to know whether or not Vietnamization actually has a chance of succeeding, or is simply a public relations ploy; whether or not the South Vietnamese military is capable of maintaining and using sophisticated equipment if we turn it over to them; and what the dangers are to the U.S. troops who remain while the South Vietnamese take over their own defense.

In short, we need to determine the reality of what we are asking the American people to support in the name of Vietnamization.

To this end, I am requesting that this committee bring before it as a witness Col. David H. Hackworth, a veteran with 25 years in the Army and 5 1/2 years' combat experience in Vietnam.

Colonel Hackworth has recently submitted his resignation from the Army and is in Saigon finishing his tour of duty. He is possibly one of the most decorated officers on active duty. He holds two Distinguished Service Crosses, nine Silver Stars, nine Bronze Stars for valor, four Army commendation medals for valor, eight Purple Hearts, and has commanded 11 companies and three battalions.

His last assignment was as senior adviser to the commander of the 44th Special Tactical Zone, a four-province area in the Mekong Delta, which is the richest and most heavily populated area of Vietnam. He has worked all over South Vietnam, both as an adviser to the South Vietnamese and as a U.S. troop commander, and he has stated publicly, contrary to views expressed by many senior Army officials, that the war is irredeemably lost.

Although I have no idea whether or not Colonel Hackworth's perceptions on the origins or the course of U.S. involvement in Vietnam coincide with those of us who have been critical of U.S. war policies over the past few years, I feel that we urgently need the quality of the information he can provide us. For too long, congressional analysis of the war has been based on military handouts. Congress cannot continue to make judgments on the basis of third- or fourth-hand information.

If we are asked to support the President's plan for withdrawal from Vietnam based on a policy of Vietnamization, we need to hear from those who have seen Vietnamization in operation and who feel, as Colonel Hackworth expressed it, that Vietnamization is a public relations man's dream.

He has publicly stated that the entire organization of the South Vietnamese army has been wrong, that it has not been designed to fight the guerrilla fighter, and that the United States has given the Vietnamese a lot of equipment that they are simply incapable of using and maintaining.
He has also predicted that by late 1973, "we'll see the enemy demonstrating the same power as he did in 1964-65" when government forces were losing a battalion a week.

He has also revealed that a study group from the Pentagon, of which he was a member from 1967-68, concluded that 15 to 20 percent of United States and South Vietnamese casualties were the result of friendly fire.

If we are to continue voting funds for the winding-down of the war via Vietnamiawation, it is my opinion that we need full disclosure of what the situation really is in Vietnam. I have been told that Colonel Hackworth has been instructed by the Army not to speak out further on the declining situation within the South Vietnamese military.

As a self-governing people, we need to know whether this is a war we should have fought and must now go on fighting. If the Army feels the need to prevent Colonel Hackworth from making his views public, then in the interest of the public's right to know, this committee should serve a subpoena to Colonel Hackworth so that he might appear before this congressional hearing. I appear today to request the committee to do so.

As this subcommittee knows, I have favored withdrawal of U.S. forces from Vietnam at the earliest possible date. I hope the subcommittee will report a bill or resolution which will have that as its purpose.

To the extent that the subcommittee wishes to develop a factual record with respect to the war, it is essential that this subcommittee, along with the full committee, actively seek out those who can offer views based on first-hand experience which contrasts with the official line of the U.S. Government. Only in this way can the Foreign Affairs Committee discharge its responsibilities to the American people.

Thank you.

Mr. GALLAGHER. Thank you, Mr. Fraser. I certainly concur with you that Colonel Hackworth is possibly, if not probably, the most decorated officer on active duty. From what we have read about him, he possesses outstanding credentials to discuss the point you have so ably made today.

I will be happy to instruct our staff to contact Colonel Hackworth. I think it is a splendid suggestion on an individual whose viewpoint this subcommittee should become familiar.

Mr. Fraser. You may have some problem getting him here, but you can cross that bridge when you come to it.

Mr. GALLAGHER. Right. I know your position generally, Mr. Fraser, on the point which you have made before this subcommittee. I concur that it is valid and would be useful.

Mr. du Pont?

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

Mr. Fraser, I would like to associate myself, first of all, very strongly with the second paragraph of your comments about the need that we have for hard information as to what is happening. In my brief tenure in the Congress I have been working to develop such information.

As I am sure you know, it is not easy to develop, but if we are going to have to make the decisions that we were elected to make, we have to have a lot better information than we have had.
I am hopeful that Mr. McCloskey's and Mrs. Abzug's efforts to present resolutions of inquiry will have some effect. Already they have resulted in some information forthcoming that was not available before.

I would just like to compliment you and concur in your second paragraph and the goals that you state there.

I have only one question: Recognizing that you have long felt that we should not be in South Vietnam, how would you handle the next Vietnam? What rules or limitations or courses of action would you recommend to see that we don't get in this kind of a serious situation again?

Mr. FRASER. I think there are several reasons why Vietnam has proven—that is, our involvement has proven—to be a mistaken policy. I mention that because it relates to what I think the future policies of our country ought to be.

I think it is very difficult to identify any substantial national interest of the United States in South Vietnam. It represents an area with a population of 12 to 14 million people. If one were to pick out a country in the abstract and say: What country in the world is probably least important to the security of the United States? You might well conclude it was Vietnam.

It is about as far away as you can get from the United States. It is about equidistant, whether you fly east or west. It is a poor country. It could not produce a sophisticated gunboat. It adds little or nothing to the so-called Communist world in that the population of China grows more each year than the total population of South Vietnam.

Thus, what happens in South Vietnam cannot be considered to be of importance to the security of this country. I think that is the first conclusion I have reached.

The second point is that when we insert ourselves into an indigenous struggle in which there is a high ideological content, and elements of a civil war, I think inevitably our presence is going to create as many or more difficulties than we could solve by our presence.

We don't know how to fight guerrilla wars. It may be that inherently, from the outside, we cannot acquire that capacity, although that is obviously a statement that needs to be qualified. But what is clear to me, and what became one of my first disillusionments with the war policy, was that clearly we had no feel for what it means to be fighting an enemy with a strong ideology.

Ideology in this country is almost absent from our politics. We are a very bland nation politically, very pragmatic, and we fail to understand that people do die for ideologies. We don't understand the consequences of that.

The Army apparently has no training or experience to deal with this. In fact, there is no agency in Government, outside of the CIA, that bears responsibility for that. The CIA was given responsibility for the political problems abroad. The difficulty with that is that they are covert and limited. They are very good in many ways. I think they are run down too much when in fact it is really one of our more perceptive agencies, but there is not enough learning going on on how to deal with civil or insurgency-type wars.

I might add one last factor, and that is my impression from looking at the world that revolution is not exportable. In this we have the
support of the views of Mao Tse-tung, who also agrees that revolution is not exportable.

There is no nation in the world that has gone Communist, outside of the countries in Eastern Europe where the Red Army was involved, in which the external role in either generating or supporting the insurgency was of any major or substantial consequence. That is true whether you look at the Soviet Union, China, North Vietnam, or Cuba, whatever.

The external role is virtually missing. Where there has been an external role, it has failed. Perhaps the most dramatic effort was Che Guevara in Bolivia.

So we don’t understand these efforts because we don’t live these kinds of political lives. Our understanding is quite different.

What this adds up to in my point of view is that we ought not to get involved where we don’t have an important security interest; and secondly, where there is a civil war. We need not be concerned, in my judgment, about the export of revolution. It is not an operating reality in the world today.

So if we would apply those standards to future policy decisions, I think we would successfully stay out of Vietnam.

Mr. Du Pont. I am sure you meant, in making that last statement, that we would not become involved militarily. I assume in a situation such as Pakistan and Nigeria, that you would favor, by and large, some kind of humanitarian or economic assistance where appropriate.

Mr. Fraser. Well, yes. I am really talking now about the direct intervention of U.S. military forces. Whatever kind of role we might play in economic or even military assistance or humanitarian aid are questions which I think need to be settled on a case-by-case basis. But if we know what we are doing, they needn’t pull us over the brink into direct involvement.

Mr. Du Pont. Thank you.

Mr. Gallagher. Mr. Wolff?

Mr. Wolff. Thank you, Mr. Chairman.

I want to add my words to those of our colleagues here, words of approbation for your leadership in challenging our position in Vietnam, always with great courage.

I wonder if it has reached you that Truong Dinh Dzu, who placed second in the last presidential election in Vietnam, and Congressman Chow, a member of Congress in Vietnam, have been transferred back to Conson Prison.

Mr. Fraser. I don’t recall reading that.

Mr. Wolff. It has not been in the papers yet, but I was recently availed of this information and I am trying to check it out with the State Department. It is an obvious attempt to take these people out of the political arena preparatory to the October elections.

On the question of elections, we seem to have added a new dimension to the conditions for withdrawal; that of not only the safe return of our prisoners—and I think every Member of Congress subscribes to that—and the safe withdrawal of all of our troops, but now support for the present regime in South Vietnam.

I wonder if you would comment for a moment on the new election law and what you think of the forthcoming elections in Vietnam; whether they will contribute to our speedy withdrawal from Vietnam,
whether or not you have any preconceived notions as to the elections, and whether they will have any impact at all.

Mr. Fraser. I had two opposite reactions to the change in the electoral law. One was that it seemed wrong that there should be this apparent manipulation of the requirements in order to qualify as a candidate. On the other hand, one of the reasons I thought that the present regime won was that under the electoral law of Vietnam, you only had to have a plurality.

There was no provision for a runoff, and if you had a proliferation of candidates, it seemed to me it might very well benefit the person who had command of the governmental machinery which President Thieu has.

To the extent that the change in the electoral law would prevent a proliferation, it seemed to me it might actually turn out to present a direct challenge to President Thieu, and in that sense, perhaps, a more realistic choice for the voters in Vietnam. But one perceives that possibility only in anticipation. I don’t think we know yet what the final impact of that will be.

I have had the impression of Vietnam that a lot of the Vietnamese regard the election as an American-imposed exercise which does not have a great deal of meaning for them. This is a matter, I guess, the Vietnamese themselves are going to have to work out.

Mr. Wolff. In your statement, on page 3, you said that “It is essential that this subcommittee, along with the full committee, actively seek out those with views based upon first-hand experience.”

I am leading you to a question relative to the elections, and to a resolution that I have pending to send an observer team to South Vietnam to look at the elections; not to participate in the elections, but just merely to observe and report back to the Congress. How would you feel about that?

Mr. Fraser. Well, I have to come down on the side of saying that the more facts, really hard facts, that we can get, the better judgments we can make. If we can send people to Vietnam with sufficient resources and sufficient time so that we could have some confidence in their ability to give us an honest reading, not just of the vote count but of the total context in which the election takes place, I think it would be important so long as we continue to be involved there.

So with those qualifications, I would very strongly favor it.

Mr. Wolff. One final question: Recently the President indicated in a press conference, and I quote: “Our goal is total withdrawal.” How do you feel about that statement?

Mr. Fraser. Well, I have to say that I am skeptical of it. The President has identified two additional objectives. One is to secure the release of the prisoners, and I understand that is now a subordinate objective. The other is to stay there long enough to enable Vietnamization to give the South Vietnamese a chance, whatever that means. This is what worries me. I fear that that may mean a prolongation of our involvement.

Mr. du Pont. Would the gentleman yield?

Mr. Wolff. Yes.

Mr. du Pont. Mr. Fraser, several witnesses before the subcommittee have made that comment, and I would like to say that that is not my impression. Perhaps I read it differently. My impression of the Presi-
dent's position is that the withdrawal from South Vietnam should be accomplished at such a pace and in such a fashion as to give them an opportunity to take over the reins and, thus, survive as a free people.

As I interpret the remarks that the President has made, this simply means that having gotten in, we are going to get out not precipitously so that chaos would develop, and so that there will be an opportunity for them to take over the control of their own destinies, if you will, but this would not in any way impinge on the total objective of overall withdrawal.

Mr. Fraser. Isn't the essential question the time frame? In other words, the President's policy could leave a residual force, and it has often been commented that there may be a residual force of 50,000 that may stay there quite a while.

I have the recollection, but not the certainty, that Secretary Laird has said that naval and air power may remain a factor for quite some time to come. What this all suggests to me is that certainly the President hopes ultimately to disengage totally, but only when he is satisfied that the South Vietnamese either will survive or have a reasonable prospect of survival.

I must say I would not quarrel with even that policy position, except that it is my impression that the factors that will determine whether South Vietnam survives are intrinsic to the Vietnamese society itself, and that a continuation of our presence is not likely to strengthen those qualities. They are going to have to come from the need to be self-reliant.

We have been engaged in Vietnamization since 1955, really.

Mr. Du Pont. My feeling is that they are being given a chance to survive as a free people at a withdrawal rate of 12,500 troops a month, and that is about how much time they have. The objective of giving them a fair chance of taking over the war will not be allowed to impinge on the ultimate aim of withdrawing.

I just add that as a qualifier.

Mr. Fraser. Let me say that if we totally withdraw our troops, if we continue to use airpower, sea-based or land-based, out of Thailand, I think that would not be in the interests of our country. At the moment, I must frankly say that I am in many ways more concerned about our own country and the damage that is occurring here as a result of the continuation of the war. I don't think the offsetting advantage to the South Vietnamese chances of survival are sufficient to justify that.

Mr. Du Pont. Thank you. I thank the gentleman for yielding.

Mr. Wolff. On the score, I would like to make a comment on the statements made by both the gentleman before us and Mr. du Pont as well as a comment about a statement that was made to us yesterday in another subcommittee by a commander of the Veterans of Foreign Wars, who said that he would stop the withdrawal now to insure the return of the prisoners. How he will accomplish the safe return of our POW's by that route, I do not know.

On the statement that the President is going to continue his withdrawal policy of 12,000 per month, it has been indicated that we will retain a residual force. Further on in the statement that the President made during a recent press conference, he said that the qualifications for our withdrawal are:
1. release of the prisoners of war held by North Vietnam in North Vietnam and other parts of Southeast Asia; and 2. the ability of the South Vietnamese to defend themselves against a Communist takeover.

I think that we, as a nation, are entitled to know how long he will give the people to prepare themselves against a Communist takeover. We do know that Koreanization has taken 25 years. I think Germanization has taken somewhat longer, and we still have not been able to remove the residual forces that we have had from those areas.

The question is not, I don't think, the fact that we are going to continue at a pace of 12,000 a month, but there will be some point at which this will stop to keep a residual force, according to whatever plan there has been set, to insure the safe return of the prisoners and the safety of the South Vietnamese Government.

Now, I do have faith. I feel very strongly that the South Vietnamese are not Communist, the major portion of the people there; if an election were held tomorrow, a free election, a truly free election were held tomorrow, these people would not vote for communism but would vote for freedom. I don't think they need very much urging on our part to do that.

Even though we are there protecting them, as was quoted once before, "that we had to destroy a village to save it", I think that we do not have to destroy Vietnam to save it. I think the people would like to save themselves.

I thank you, sir.

Mr. GALLAGHER. Mr. Fraser. I was fascinated, as you were, by some of the things that Colonel Hackworth said. I was just interested in what your reaction may be if I played the national game of "scenario." It seems to be a major spectator sport in this Nation now.

I would like to know your reaction. Suppose Colonel Hackworth is perfectly correct. Suppose the administration knows it. Suppose also that the administration knows and agrees with all of the criticisms of the government of Thieu-Ky.

Suppose it, under the policy of Vietnamization, cannot only not hold the country after the troops leave, but there is also real doubt in the minds of the architects of our policy that the South Vietnamese cannot even provide a shield for departing American troops.

What I have tried to do in this scenario is construct a set of conditions which most of the members of the peace groups really believe. The only difference is that I have put in the additional factor that the administration believes exactly those same points.

Given the Executive's responsibility for the lives and safety of the departing troops, do you think it is advisable to remove the only variable that now exist by publicly announcing a date for withdrawal. In addition, would you remove the only counter we have in a power crunch, which may come, by limiting American firepower, which is happening each month as we withdraw the troops. Would you look with favor upon a knowledgeable and much decorated officer such as Colonel Hackworth, if he came before this subcommittee and began really cracking the facade of confidence which may well be the only thing that could convince the troops of Thieu and Ky's government to fight sufficiently long to protect our withdrawal, which is the whole purpose of this exercise: getting the American troops out of Vietnam?

I would be interested in your comments on that.
Mr. Fraser. Let me say first of all, I don't know what Colonel Hackworth would say if he is called, and would not want to endorse everything he would say as gospel.

Mr. Gallagher. Basically, he said Vietnamization can't work and we know it can't work, and the war continues to be fought the wrong way.

Mr. Fraser. Let me touch on that. The real point I am trying to make is that I think it is essential, and I think it is true of our committee generally, not just the subcommittee, to deliberately seek out those qualified by experience who are prepared to challenge the conventional wisdom or accepted policies.

I think we have to have that kind of discipline of challenging our own beliefs. But to set that aside, I regret that we did not seek to negotiate an end to this war a long time ago. My own view is that our capacity to negotiate anything except the return of prisoners and the safe withdrawal of our troops is about all that is left; that is, we are each day in less of a position to bargain, and I think that the only thing that we can hope to bargain for realistically is the safe withdrawal of our troops and the return of our prisoners of war.

I think we can do that; that is, if the President decided that he wanted to get out by the end of this year, I have not the slightest doubt that he could find ways. Either by negotiation or just through military redeployments, he could effect the safe removal of our troops. I have never believed that to be a problem.

I don't like to impugn the President's motives. His conjecture on my part, but I must say that I have a feeling or belief that this President is doing about what the other Presidents have done. They have temporized with the choices and not faced up to them. They have temporized with them in the context of the domestic public opinion as they think it exists today, and as they think it may exist after the events.

This is one of the tragedies of the way we conduct American policy. I really think that if the President faced up to this issue and didn't worry about the 1972 election, he would then conclude that it would be well to move out.

Mr. Gallagher. Thank you very much.

Mr. Volpe. Wouldn't it seem logical that with 260,000, or whatever the number is that we have there now, it would be much easier to protect the withdrawal than when we are down to 50,000?

Mr. Gallagher. If we brought them out immediately, it probably would be easier. But at some point there will be 50,000 left, or 30,000 or 20,000.

Mr. Fraser. I don't think that North Vietnam would have an interest in attacking troops that were clearly destined to leave. I can't conceive of that serving any interest of theirs. I would, in any event, think that we could negotiate that.

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

Our next witness today is Congressman Hastings Keith, Republican, of Massachusetts.

Mr. Keith came to Congress in 1959 with many of our distinguished colleagues, and he has made a record of conscientious and dedicated service.
It is a pleasure to welcome you here this afternoon, Mr. Keith. We will be pleased to hear your testimony at this point. I might say that Mr. Keith has also gained firsthand experience in Vietnam as a member of a congressional study team that went there and came back with an excellent report.

STATEMENT OF HON. HASTINGS KEITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KEITH. Thank you. I am particularly pleased that you made reference to the report which was written upon our return from Asia about a year ago.

I have a prepared statement which I would be happy to read. It is one that has been a long time in my mind. Or, I could submit it for the record and paraphrase.

Mr. GALLAGHER. Whichever you would like.

Mr. KEITH. I would like to start, if I may, to read it. If it is helpful, I would appreciate your interposing questions from time to time.

I appreciate the opportunity to appear before this distinguished committee and to address myself to its deliberations into how we can best extricate our Nation from our involvement in and about Vietnam.

In military tactics, a withdrawal movement is generally recognized as one of the most difficult of maneuvers. Its success or failure in Southeast Asia will influence not only the fate of all Pacific nations, but of all Americans for generations to come. As a Congress, we must contribute, if we can, to the debate and help find and support a course of action that will bring peace for this generation.

Throughout my 12 years in the Congress, I have found abundant cause and precedent to support our President in Vietnam and in other matters of foreign affairs. I have done so in loyalty to our country, faith in the executive branch, and acceptance of Harry S. Truman's admonition that, in foreign affairs, politics must stop at the water's edge.

This does not mean that I have not been concerned that Congress has not involved itself more deeply in foreign affairs. Nor does this mean that I have not been concerned that the executive branch has failed to provide us with the necessary intelligence with which we might better exercise our constitutional responsibility to share in foreign policy determination and decisions.

A year ago, after participating in the factfinding mission of the Select Committee on U.S. Involvement in Southeast Asia, I wrote views supplementary to that committee's final report. Among them were these:

Complete and factual information on our overall military posture and national foreign policy strategy is essential if Congress is to vote intelligently on these matters of grave national and international concern.

The Tonkin Gulf resolution which made possible commitment of significant numbers of U.S. combat forces to the Asian mainland resulted from very brief and inadequate debate: a debate which failed to bring out what such a course of action would mean to us in the years to come.

In recent years, congressional rules and customs have inhibited extensive foreign policy debate; but that appears to be changing, with
Congress becoming more involved in foreign policy and beginning to
discuss its details in full.

Against this background, heightened by unauthorized publication
of the "Pentagon Study on the Origins of the Vietnam War," I con­
gratulate you, Mr. Chairman, for calling these hearings.

These Pentagon papers have pointedly revealed that, in connection
with the Vietnam problem, the executive branch did not provide Con­
gress with information essential to intelligent exercise of its foreign
affairs responsibility. This revelation has provided abundant cause to
speculate that, had such hearings as these been held a decade ago, we
might well have avoided the national tragedy to which our Vietnam
involvement has brought us.

It is, however, not my purpose to attempt to assign blame; to do so
would be to compound the tragedy and render a great disservice. Our
country already suffers enough division, enough distrust of leaders,
and enough disrespect for our system.

Our purpose, then, must be: How best to pick up the pieces, cement
the differences, reassure our people, restore unity, get out of Vietnam,
and assure peace abroad and tranquility at home. In short, we need
reconciliation of peoples in order that we have the reconciliation of
governments from which, hopefully, will come a world at peace.

We in the Congress must summon the bipartisanship essential to the
statesmanship required to achieve these worthy goals.

We, as Americans, must continue to be tolerant of other Americans
so that we can expect tolerance of the other nations of the world. While
maintaining the integrity of our democracy and our free enterprise
system, we must seek to understand the views and ideologies of others.
We must purposefully seek to find areas where we can work together
effectively, not only to move money and manpower, but to increase areas
of personal and national understanding.

Even while remaining in Vietnam, we are discussing joint space ven­
tures, strategic arms limitation, and Middle Eastern peace with the
Soviet Union. Even while remaining in Vietnam, we are relaxing ten­
sions with mainland China. Consider, gentlemen, what we might be
able to achieve in such critical matters once we have removed ourselves
from the Vietnam conflict.

This is not to suggest that I have altered my longstanding belief
that, in dealing with established adversaries, unilateral action is
neither the prudent nor proper course; quite the contrary, I continue to
believe that for us to withdraw from South Vietnam without provid­
ing South Vietnam with the means of self-defense would invite greater
tragedy for Southeast Asia, and I continue to believe that unilateral
disarmament would invite disaster for the world.

I am aware that, while we must forever negotiate from a position
of established strength, we do possess that strength, and we do possess
the means of monitoring sensible, workable agreements based on a
proper quid pro quo.

It is our possession of such capabilities which has made possible our
real progress in the strategic arms limitation talks with the Soviet
Union. It is our possession of such capabilities which has made possible
our real progress in President Nixon's program of planned and orderly
withdrawal of our forces from South Vietnam.

Gentlemen, the League of Nations failed, as we knew, and the United
Nations has certainly been inadequate; but I am thoroughly con-
vinced that we must keep on trying to make way for attainment of world peace through world law—the ultimate of the "parliament of man."

I am convinced that the vitality of this ultimate condition of the world increases in direct proportion to increases in improved internationalization of some of the world's resources. For example, in oceanography, satellite communications, and in science and technology in general.

It is, of course, perfectly well established that the era of international living has long since arrived. What a wonder it is, for example, that, as a Member of Congress, I can move from Capitol Hill business this evening to my assignment as a congressional adviser at a Disarmament Conference in Geneva, Switzerland, and be back in my district in Massachusetts in time to participate in Fourth of July observances on Monday.

As we commemorate our national birth in freedom, as we contemplate a world of peace, we can use the resolution of the Southeast Asian problem as a major building block in the long road to furthering the cause of freedom.

As I stated upon my return from my participation in the congressional factfinding mission to Indochina a year ago, I am convinced that the Nixon doctrine of shared responsibility is accepted by Asian leaders. I am equally convinced, however, that a major gap exists in the realistic applicability of the logic of the Nixon doctrine; the gap being that an effective regional defense organization is 5 to 10 years away. Yet, U.S. combat forces will and should be out of the area long before that period.

Some of you gentlemen may recall that on June 17, during the debate on the Nedzi-Whalen amendment, I proposed an amendment which would call for the international commission to do the following:

Supervise an agreed-upon cease-fire in Vietnam.
Supervise arrangements for release and exchange of all prisoners of war.
Supervise South Vietnamese elections that would assure participation by all South Vietnamese individuals, parties, and groups. These elections would include persons who had supported, or served with, the Vietcong provided they renounce violence and are willing to abide by the elections results.

If such elections should bring about a government other than the incumbent government, the commission, to the extent necessary, would have the responsibility of facilitating the transition period.

As some of you may also recall, I did not attempt to introduce that amendment because the Parliamentarian advised me that it would not be germane to the Nedzi-Whalen amendment. I do submit, most respectfully, that such a proposal is germane to your task of considering how best to end the war in Indochina.

I do so with the reminder that, in connection with the Nedzi-Whalen debate, our distinguished colleague from Illinois, Mr. John Anderson, made the point that the Foreign Affairs Committee would be the proper forum for consideration of my proposal.

My suggestion, gentlemen, is that peace can best come to Southeast Asia through an international sharing of the problem. This must be-
gin with recognition, by the nations of Southeast Asia themselves, that they hold prime responsibility for that peace and its potential stability that could result.

I believe that, if such a commission is not established, our moving out of Vietnam could create a vacuum into which dissident, subversive, and other hostile elements could move. Such elements, if successful, could destroy the possibility of realizing the high purposes for which, to date, more than 45,000 American servicemen have given their lives and for which more than 300,000 other American servicemen have been injured, wounded, or maimed.

If you gentlemen should ascertain that there is a possible legislative approach to realization of my proposal, I would respectfully propose that you take it. If that be impractical, I would suggest that provisions be made to note it in your report and for further discussion on the floor of the House and in the parliaments of other interested nations.

Thank you.

Mr. GALLAGHER. Thank you very much, Mr. Keith.

I am very happy to have you with us this afternoon. This subcommittee, as well as the full committee, has long been aware of the outstanding work you have done in the search for a rule of law in the international community.

In connection with your amendment calling for an international commission, who do you believe should be part of that international commission? Should it be within the United Nations, or another international commission?

Mr. Keith. I recall on an earlier trip to Vietnam discussing this with Cabot Lodge. His frustration was that the United Nations had not taken a more positive role in this. I am afraid that nothing that we can say or do here would at this time make it possible for them to take it up.

There is in existence a group called together in, I would say, about April of last year by Mr. Malik, who is the Foreign Minister of Indonesia. They had 15 or 16 nations that met in Indonesia, in that area at any rate, for the purpose of discussing their response to this problem. I think Mr. Malik sort of hoped that they might take some part. This was their response to the enunciation of the Nixon doctrine.

In my discussions with him, and with the Prime Minister in Singapore, and with people in Thailand. I found that they were unwilling to; but they nevertheless do have an organization which is now called, I believe, "the Jakarta Three." It is Malaysia, Japan, and Indonesia.

That would be the ideal, in my view. But we are not going to have that ideal because it would not be bought by the North Vietnamese. So I think in your report you might make some reference to the role that could be played, not only by the Jakarta Three and the other nations they represent, but by North Vietnam, China and Russia. The latter two who are the ones who, perhaps behind the scenes, have been sympathetic to, or at least in one way or another have supported the North Vietnamese.

The essential ingredient is that these be truly free elections, and that those who do participate agree to abide by them. We don't want to have a repetition of what took place in Warsaw in 1947 when our Ambassador there resigned in protest over the lack of free elections.
If we could have a commission made up primarily of Southeast Asia nations, but participated in as well by the big powers, I would have no qualms about the participation by the Communist countries.

Mr. Gallagher. I think it would be a fine idea if such a commission could be established. Obviously, as we look down the path, there is going to be a great need for such an international body to assume responsibilities of a referee in some of the developing states where problems exist and will continue to exist for some time.

I think it is also very sad, and one of the other tragedies of Vietnam, that the United Nations has never been able to take an active role or has refused to take an active role. Many times the various administrations have called upon them and found that the phone was never answered.

Mr. Keith. If the chairman will permit, I think that is one of the reasons why the Congress is looking less favorably upon our support for the United Nations in an international society.

Mr. Gallagher. Yes; I fully agree with you. That is a very significant point. Mr. du Pont?

Mr. du Pont. No questions.

Mr. Gallagher. Mr. Wolff?

Mr. Wolff. I just want to ask whether or not the commission that you would like to set up for the elections that are to be held in October or future elections that will be held?

Mr. Keith. I think it would be unrealistic to expect such a development in time to supervise the October elections. At the time that I first conceived this it might have been. But I would say that if we have a continuing presence there after these elections—and there appears to be a great urgency domestically and worldwide in further hastening our withdrawal—we could agree to withdraw immediately upon creation of such commission with elections to follow in a proper timespan to make the necessary preparations. I would think that, perhaps, a year would be a proper timespan.

Mr. Wolff. Certainly I feel that the recommendations that have been made by the gentleman are very valid ones and deserve very serious consideration by this committee. I thank you.

Mr. Gallagher. Mr. Whalley.

Mr. Whalley. Thank you, Mr. Chairman.

It is good to see you, Congressman Keith.

I think the international commission would be great. It has puzzled me many times why the 126 nations of the United Nations have not been able to get positive action in Vietnam. Did you have in mind stop fighting immediately on the creation of a commission? How would you do that unless you had a U.N. force step in? Is that what you had in mind?

Mr. Keith. Yes, they would have a peacemaking, peacekeeping role. Immediately upon creation of that commission and its being constituted in the way of a military government or civil affairs unit occupying a nation at conclusion of hostilities, the commander of that occupying force would publish a proclamation and the government of that country is in accordance with that proclamation from that point on.

That would be the procedure that would be followed. Immediately upon that creation, we would agree to withdraw all of our forces, including our support forces.
Mr. Whalley. I think it is a good idea, but how would you go about getting this commission immediately?

Mr. Keith. I don't think you could get it immediately, but you could get an agreement to establish it as of a particular date. There have been similar precedents. In other drawn out conflicts not resolved with a victor in the usual sense of the world, provision has been made for an immediate form of administration and government.

Mr. Whalley. The people of the country apparently were not satisfied with the buildup of from 600 in 1961 to 540,000 in 1969, nor are they apparently satisfied with the withdrawal of 300,000 troops in the past 2 years. They want fast action. Apparently the entire world is pretty much fed up with the war.

The idea is great, but how in the world do you get it started quickly? Could we have a special session of the United Nations?

Mr. Keith. If you could get some support for this in the major powers of the United Nations, I doubt that you can. You do have this Jakarta Three from this Indonesian conference. As a continuing organization it could be encouraged to take the international commission idea under advisement, perhaps with economic assistance to the area as contrasted to a unilateral role on our part.

In reading my report on our last year's Vietnam visit, you would discover that the Southeast Asian nations have not done their share in the economic assistance that must accompany the military assistance, particularly in the days that are ahead of us. Japan, which could participate in this economically, not militarily, has a great deal to gain by stabilization of this area.

I am not really optimistic that this is going to become a reality as a result of my presentation of a case here. But as we and the world become frustrated with the instability that could come to that area, it is possible that something could trigger the creation of such a commission.

As I said in my report, things may get worse before they get better and, if they begin to deteriorate, there may be more willingness by stronger nations of the area to try to save the situation.

Mr. Whalley. The situation has got so critical that we almost have to try anything. Japan, being the powerful nation it is, could be a tremendous factor if they could be persuaded.

Mr. Keith. In recent months they have been somewhat persuaded to take a much more active economic role. Of course, they cannot take a role militarily. But other nations of the area, such as Thailand, Singapore, and Malaysia, could play a more significant role.

Mr. Whalley. I think those nations would be very willing to help, but the bigger nations are again trading because of the war, and watching some of their principal competitors being torn down like we are, through resources, men, and money. These are the countries we seem to have to have. Of course, Japan and Russia could stop the whole thing overnight if they really tried.

Mr. Keith. I am inclined to agree with you on that observation.

Mr. Whalley. You deserve a lot of thanks for the time and effort you are making. I think the chairman here is hopeful that something will come of it, some thought that had not been developed up until now, that will bring about the rapid conclusion, because it certainly seems to be at a standstill.
Mr. Keith. I don't know whether or not the committee has had any witness comment about the potential role of the Geneva Convention and the possibility of its being reactivated in this area.

Mr. Gallagher. No; but that again is another one of the areas where we look for hope.

Mr. Keith. I recall that, in talking to our colleague, Mr. McCloskey, about what might happen if we should be more precipitous in our withdrawal, I asked him what he thought about the Rand report. He said, "What is that?"

I said, "Well, the Rand report was one that forecast the possible number of casualties that might occur if the situation deteriorated and the North Vietnamese moved in en masse."

He said, "Well, how many casualties were suggested in that report?"

I replied, "Somewhere in the vicinity of 100,000."

He had not even heard of this. But this committee must deliberate the long-range effects of perhaps, a hundred "Hues." Certainly some of this type of Red massacre operation could be expected if the North Vietnamese moved in. Should that happen, the attitude of other countries and of our own people might change. That, I think, is what prompts Mr. Nixon's more phased withdrawal, rather than the hasty withdrawal for which others have called.

Mr. Gallagher. This is one of the points that was discussed at some length yesterday Mr. Keith, and one of the points which gives this subcommittee great concern on the fixed withdrawal date. How we can extricate the last remaining troops there without severe casualties, other than relying on the good faith and good intentions of the North Vietnamese, intentions and faith which have not always been very apparent.

Mr. Wolf. I wonder if in talking about hasty retreat, how about Hasting's withdrawal?

Mr. Keith. Watch it, Mr. Wolf.

Mr. Wolf. Would the gentleman agree to the idea of setting up this commission, setting a date for withdrawal, asking a number of the powers to come in and oversee the transitional stage?

Mr. Keith. I hesitate to make a hasty response, but off the top of my head, I would say yes.

Mr. Wolf. I think that might make a lot of sense.

Mr. Gallagher. Thank you very much, Mr. Keith, for a very fine contribution to our deliberations.

The subcommittee stands adjourned to the call of the Chair. (Whereupon, at 3:35 p.m., the subcommittee adjourned, to reconvene at the call of the Chair.)
LEGISLATION ON THE INDOCHINA WAR

MONDAY, JULY 12, 1971

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

The subcommittee met at 2:25 p.m., in room 2255, Rayburn House Office Building, Hon. Cornelius E. Gallagher (chairman of the subcommittee) presiding.

Mr. GALLAGHER. The subcommittee will come to order.

I want to welcome you here this afternoon as the Asian and Pacific Affairs Subcommittee continues its hearings into bills and resolutions relating to the war in Indochina. The Chair wishes to apologize for the delay; we have a problem on the floor. We will begin rather than keep you waiting, Mr. Secretary and our members will be on the way over.

For the past five sessions we have heard from 20 of our fellow Members of the House of Representatives who have offered a wide range of informed opinions and legislative options for our consideration. Personally, I have learned a great deal during the informative and lively discussion with my colleagues and I believe we are reaching the point where the subcommittee can begin to draft a resolution which could fairly reflect the views given us.

Several points of agreement have emerged thus far. All of us are united in assuring the release of our prisoners of war. I believe there is a consensus in the Congress that the withdrawal process, begun by the administration, must be irreversible and that if there is a residual force it must not contain American ground troops involved in the fighting. I also sense that everyone, inside and outside the Congress believes that we must actively assert our constitutional responsibilities in a more direct partnership with the executive branch.

The remaining questions of some dispute relate to the establishment of a fixed date for total American withdrawal of ground troops, and what role American military support should play in assisting the legally elected government of Saigon in resisting the pressures exerted by the Vietcong and the North Vietnamese. In addition, how deeply should we be involved in support of the Governments of Laos and Cambodia, both of which have been used by the other side as staging areas for many years and both of which are engaged in direct armed conflict with North Vietnamese forces.

To speak to these and other points, we are very pleased to have as our main witness this afternoon the Honorable Marshall Green, Assistant Secretary of State for East Asian and Pacific Affairs. Mr. Green is highly regarded in the Department of State, and I may say...
Mr. Green. Mr. Chairman, first of all thank you for your kind remarks. I hope my obituary eventually reads that well.

I have not had the advantage and privilege of reading the transcript of the hearings held so far under your chairmanship. I look forward to it. Therefore, what I say in my prepared testimony may not address itself entirely to your concerns although I would gather that some of the things I am about to say are responsive to the points you enumerated as being of special interest.

I have a prepared statement, Mr. Chairman, which I would like to read.

Mr. Chairman, the subject of this hearing, how to end the war in Vietnam, terminate the U.S. role in the conflict, and bring our prisoners home, is a matter of deepest concern to all of us. U.S. diplomatic representatives, together with those of the Government of Vietnam, have made relentless efforts to achieve a peace settlement during years of difficult negotiations in Paris.

The United States is quite prepared to withdraw American forces totally and rapidly from Vietnam as part of an overall peace settlement. Our efforts have been met in Paris with adamant insistence by the other side that we withdraw our forces in such a way as to cripple the ability of the non-Communist South Vietnamese to defend themselves against the Communists, and that we ourselves impose political conditions on the people of Vietnam designed to lead to their domination by the Communist side. We have refused to agree to withdraw to end the war in such a manner.

In the absence of progress in Paris toward an acceptable peace settlement, we have engaged in a program for gradual and orderly unilateral withdrawal of American forces from Vietnam. We are taking our men out as fast as we believe we can consistent with our objective of leaving the South Vietnamese with a reasonable chance to defend themselves. We will speed this withdrawal if we can, but our policy must continue to be guided by this objective, together with the need to obtain the release of our men held prisoner by the other side.

As early as May 14, 1968, the President announced a comprehensive program for peace in Vietnam. He has since that time made numerous proposals and sought through a variety of channels to advance the quest for peace.

The President's most recent peace proposal was set forth in his address of October 7, 1970. At that time he called for a cease-fire in place throughout Indochina under international supervision; he pledged the withdrawal of the American forces as part of an overall settlement; he asked the Communists to join in a search for a political settlement for South Vietnam that truly meets the aspirations of South
Vietnamese people; and he pledged the United States to abide by the results of the political process agreed upon by the South Vietnamese.

Noting that the war was being waged by Hanoi in all three states of Indochina, the President called for an Indochina-wide peace conference, but committed the United States to pursue the search for peace at the Paris talks until a broader international conference could produce serious negotiations.

Finally, the President called for immediate and unconditioned release of all prisoners of war held by both sides irrespective of progress on other issues. The unwillingness of the other side to agree to the release of prisoners and even to abide by the provisions of the Geneva Convention regarding their treatment while in confinement is one of the most shocking aspects of their conduct in this war. Their obviously deliberate policy of holding prisoners for political gain is, I am sure, abhorrent to all Americans and to civilized people all over the world, no matter what their views on other aspects of the conflict.

We have constantly demonstrated through a variety of channels our desire to negotiate seriously and flexibly with the other side on the basis of their proposals as well as our own. We have made it very clear in recent days that we are giving the most careful consideration to the proposals advanced by Mme. Binh at Paris on July 1. Ambassador Bruce, in the next Paris plenary meeting on July 8, emphasized that we were attempting to find common areas of agreement in the PRG’s proposals. He sought to obtain clarification about certain aspects of the proposals. He suggested that discussions be continued in restricted meetings where the number of participants on each side would be limited, and public statements as to what transpired would be avoided except to the extent mutually agreed in the meetings themselves.

We have also repeatedly made clear our willingness to talk in private with representatives of North Vietnam and, together with representatives of the Government of Vietnam, with negotiators from the Vietcong. At the July 8 meeting the Government of Vietnam representative again stated his Government’s willingness to talk with Communist representatives from North and South Vietnam.

In the light of our inability over the past 2 years to have serious discussions with the other side of the problems at issue, let alone make any progress toward a peace settlement, the President has pursued a program of unilateral withdrawal of American forces from Vietnam. But, as the President said on April 29 of this year:

It will be necessary for us to maintain forces in South Vietnam until two important objectives are achieved: one, the release of the prisoners of war held by North Vietnam in North Vietnam and other parts of Southeast Asia, and two, the ability of the South Vietnamese to develop the capacity to defend themselves against a Communist takeover, not the sure capacity, but at least the chance.

The President has already under the Vietnamization program reduced the number of U.S. troops in Vietnam by more than 300,000. Actually, the figure is 286,000 in South Vietnam. He is proceeding with the withdrawal at an accelerated rate. He was able to announce on April 7 that:

The American involvement in Vietnam is coming to an end. The day the South Vietnamese can take over their own defense is in sight. Our goal is a total American withdrawal from Vietnam. We can and we will reach that goal...
I would like to stress, however, that Vietnamization is not simply a program of U.S. withdrawal. It has been marked by significant accomplishments by the Vietnamese in the military, political and economic fields.

The South Vietnamese Army now accounts for a growing bulk of the combat engagements. The security of the rural population has increased markedly in the last year. Local participation in self-government and self-defense has increased. Elections for village, municipal, and provincial councils and for one-half the Senate seats took place throughout the country in 1970. Lower house and presidential elections are scheduled within the next 3 months. Legislation enacting a major land reform was passed last year, and distribution of land is underway. The Government of Vietnam undertook strong fiscal and monetary actions to limit inflation in the fall and again this spring. Prices, which rose 50 percent in the 12 months up to mid-1970, have been remarkably stable since that time.

Vietnamization has thus produced positive results in terms of the President's two objectives—ending U.S. involvement in the war and providing the South Vietnamese a reasonable chance to determine their own future. The administration continues to believe that the Vietnamization program offers the best means, so long as the other side refuses to negotiate, to bring the American participation in the war in Indochina to an end in a responsible fashion.

You have before you a number of resolutions which suggest a different way to end our involvement—by announcing now a fixed date for the total withdrawal of all our forces. In the circumstances of a long and costly war, it is easy to understand the appeal of a specified date for withdrawal. Everyone in Government shares the deep concerns of the American people about Vietnam and wishes to see the conflict ended. However, the administration believes strongly that it would not be wise to announce a date now for completion of this unilateral U.S. withdrawal. To do so would deprive the President of the flexibility he needs to counter enemy actions and deal with the developing situation in Indochina over the coming months. It would remove one of the few bargaining counters we have to bring about a negotiated settlement—Hanoi's uncertainty about the precise withdrawal timetable for the considerable American force still in South Vietnam and about the size and nature of any continuing American role.

The other side has said that if agreement can be reached on a date for total and unilateral U.S. withdrawal, they would be willing to cease firing against U.S. troops. This ignores the fact that, as long as the cease-fire was not universal, our men would still be exposed to enemy fire because of their activities in advice and support for the South Vietnamese forces. The way to stop the casualties is to have a general cease-fire, as called for by the President last October. Yet that proposal has so far been refused by the other side.

In sum, the United States has sought through negotiations to bring an end to the war in Vietnam while providing the opportunity for the people of South Vietnam to determine their own future without outside interference. In conjunction with the South Vietnamese Government, we have sought an immediate end to the killing through a general cease-fire, the withdrawal of external forces from Laos, Cambodia, and South Vietnam, and the release of all prisoners of war held on both sides.
The Communist side has from the outset insisted that its fundamental demands be met before there can be any real movement toward peace, and indeed before there can be any genuine discussion of the issues. We have sought to discuss their proposals as well as our own, but they have insisted on our meeting certain preconditions to discussion and above all have refused to give up the use of force in the pursuit of their objectives. Thus, they insist on unilateral U.S. withdrawal within a fixed period and in effect they call for the United States to dismantle the present Government in Saigon.

Obviously, the proper way to settle the political arrangements for South Vietnam is through direct discussions between representatives of the Government of Vietnam and the Communist side. The Government of Vietnam has repeatedly offered to do this, but their offer has been rejected by the Communists every time. In fact, the other side insists upon removal of the head of the Government of Vietnam before they will agree to such discussions with his representatives.

In the face of these realities, the negotiations have not made any significant progress. Nevertheless, we will continue to present our own proposals for peace and to consider seriously any proposals that the other side makes. Ambassador Bruce is presently engaged in seeking the necessary clarification of the latest position taken in Paris by Hanoi and the Vietcong. It is too early for me to make any definitive judgment as to the outcome. As we have said, there are some things that may be positive and useful but other demands that are made of us appear totally unacceptable.

I believe the committee will understand that I am reluctant to go into details on the course of future negotiations while the negotiations are in current and intensive debate.

This completes my prepared statement, Mr. Chairman.

Mr. GALLAGHER. Thank you, Mr. Secretary.

Mr. Secretary, the basic issue before the subcommittee and the committee on the question of withdrawal is whether or not the fixing of a date will help or hurt the winding down of the war. Many of the proponents of these resolutions feel that the fixing of a date would serve notice to the Government of Saigon that we are on our way out as of that moment, thus allowing them to assume greater responsibility, if it is their will to continue to govern. What is your response?

Mr. GREEN. Our response to that, Mr. Chairman, is that the South Vietnamese are fully aware of our withdrawal, our determination to complete the withdrawal, not only because of what the President, the Secretary of State, and the Secretary of Defense have said but also because they can see it going on—and it is going on steadily and the monthly rate of our withdrawals recently has been stepped up. Every day there are something like 400 fewer Americans in South Vietnam. So the South Vietnamese are fully aware of the determination of the President of the United States to complete the Vietnamization process which includes the withdrawal of all our forces. I don't see how this could be made any more convincing to the South Vietnamese than through the facts themselves which they see before them every day.

Mr. GALLAGHER. Proponents of the resolutions, Mr. Secretary, point out that it becomes a matter of law that that would be a stronger notice and therefore would have greater effect than the mere withdrawal itself which could be reversed.
Mr. Green. The President has said it is an irreversible process, and
the Secretary of State has also used that language. The realities of
American political life are such that they must go through with their
pledge to continue the Vietnamization at. I would say, at least the rate
it is going ahead today. So I would say in affirmative terms that there
would be no doubt about the determination of the administration to
complete the Vietnamization process, including the withdrawal of all
American forces.

Now, conversely, if you were to set a date certain, I think this would
cause some concern for people in South Vietnam—they are anxious for
a settlement just as we are. They don't want to be left with a legacy of
a continuing war which has killed so many of their people. They want
to see it settled by a negotiated peace. They feel, as we do, the best
way to achieve that negotiated settlement is to have some bargaining
power. If you give the date certain, you are giving up, as I said in my
prepared statement, one of your most effective bargaining counters. In
other words, the South Vietnamese would have the same reason we
have, in some ways even stronger reasons than we have, for not wanting
to weaken the bargaining position that is needed for bringing peace
and not a continuing war in South Vietnam.

Mr. Gallagher. What other advantage or disadvantages do you see?
Of course the proponents see all sorts of advantages to a fixed date.
For the purpose of this record, what other disadvantages do you see
if we should establish a fixed date for withdrawal?

Mr. Green. You asked in addition to what I have already said?

Mr. Gallagher. Well, I think—

Mr. Green. Well, I think—

Mr. Gallagher. Does it affect the military posture of our troops?

Mr. Green. I have often been involved as a negotiator in my 29 years
of foreign service. I think one must understand that what Hanoi and
the Vietcong are attempting to do is to just wear us down step by step;
that if we were to set a date certain, then they would have that. They
would then raise some other issues and say, "If only you did this you
could really get that." So I feel that if we set a date certain that that
would not produce the results that many people, including no doubt
some of the witnesses before this committee, have expected. I think it
would just involve our having given up one of our bargaining powers
and that they would then come forward with further demands and
further proposals before they made any kinds of concessions.

So if we are going to negotiate with the other side, it seems to me we
have to do it the way the President has determined, through the Paris
negotiating process and getting something specific for whatever we give
up. The President is not saying that we won't take out all of our forces.
He is quite prepared to do it. But he wants to make it part of a negoti-
ating process. The other side is stonewalling any kind of real negoti-
ating process, feeling that by holding out we will just begin to cave, the
pressures will build up upon the administration to make one conces-
sion—it may not seem very big but it would be something, and that
would be taken by the other side as a signal that by putting up further
demands and meanwhile stonewalling us, they would get further
concessions.

We don't want to start down the road in that process; it is not going to
lead anywhere except to the enemy's getting all that he wants and our